

stage, and in a few days breathed his last, 15th May, 1833, at the comparatively early age of 46. His career is thus summarised. "The son of an actress, he figured as Cupid in a ballet as soon as he could stand, and became when very young a strolling player. His *debut* as Shylock at Drury Lane, on 26th January, 1814, was according to Hazlitt, the first gleam of genius breaking athwart the gloom of the stage. Densely packed houses for many seasons were inspired and terrified by his Richard, Othello and Macbeth. The awful realism of his Sir Giles Overreach on one occasion sent an entire house into hysterics, Lord Byron into a convulsive fit. His fame spread with his travels and for twenty years he was the dramatic meteor of England and America."

The first occupant of Woodend after Kean was a gentleman of the name of Newman, and who in turn was followed by Nelson, the inventor of the hot-blast. Then there was a Mr Ballard, who presented the town of Rothesay with the drinking fountain which was first erected in Guildford Square, and now stands on the West Esplanade. Since 1863 the house has been occupied by the Duncan family.

The intimate association of the great tragedian with Rothesay and the Island of Bute must ever remain a bright episode in our local history as well as a source of pleasing interest to visitors from far and near.

In the course of the lecture Mr Mackenzie exhibited Kean's blunderbuss, lent for the occasion by Mrs M'Fie; also a brass dog collar which belonged to Kean, with the odd inscription: "Theatre (Kean) the World"; and the engraving of Shakespeare referred to. He also exhibited and read extracts from the auctioneer's catalogue in connection with the sale of Woodend after Kean's death, which is in possession of Mr James Kay.

THE M'CAWS OF GARRACHTY.

BY ADAM DICK MACBETH.

[Read 11th February, 1908.]

The lands of Garrachty occupy the south-western extremity of the southern part of the Island of Bute,—a part of the island which Mr Blain, with cautious enthusiasm, declares to be "upon the whole truly romantic."* The boundary of South Garrachty is indicated by a faint line on the map of Bute given in Wilson's "Guide to Rothesay and the Island of Bute," a small work published in 1848, still occasionally to be found in booksellers' catalogues, and well worthy of its half-inch on a Rothesay man's bookshelves. Having in my possession a few old parchments and papers connected with the family of M'Caws to whom South Garrachty belonged for four centuries (and possibly much longer), it occurred to me that these might furnish material for a contribution to the transactions of the Buteshire Natural History Society. Surely this, as much as anything else, is Buteshire natural history, and a not uninteresting part of it.

The earliest of these documents is not directly concerned with Garrachty. It is backed "A Seasing given to Alexander Stewart of Kerequhonlick, be King James the Fourth his Precept herein engrossit, conform to his hieness charter granted to all the inhabitants of Bute, daitit 6 May 1507. Merten Oliphand Notario."

A Sasine, or Instrument of Sasine, is the writ by which the feudal investiture used to be completed in the person of the vassal. It is a written account, signed by a notary public, of an actual deed or ceremony done before witnesses—

* Blain's History of Bute, p. 72.

in early times before many witnesses—on the ground of the lands to which it refers. There must in the ordinary case be a properly authenticated warrant for the proceedings in the form of a charter which the notary had to read and, if it was in latin, to explain to the witnesses: and then the ceremony proceeded. In this case the warrant was a charter from the King; that is to say, a writ in the form of a letter from the King, sealed with the great seal of the Kingdom, informing his subjects that he had granted certain lands to certain persons, and authorizing another person, as the King's representative in that matter, to give sasine or infeftment to the grantee. The charter was of an unusual type, if not indeed unique; for it contained grants of land to about eighty different persons, who are described as "*tenentes et inhabitantes terrarum nostrarum insulæ de But.*" The various lands were described by name, without any indication of boundaries or acreage, and without stating the old extent, the only exception being the five merk land of Barone. The sasine does not bear that the charter with the Great Seal hanging to it was produced to the notary. What was produced and read was a copy authenticated by the seal of Moricius M'Nachtan, "*nobilis vir,*" one of four persons named in the charter as having authority to act as Sheriff of Bute in giving infeftment, the others being Martinus Oliphand, Patricius Gray and Robertus Aldius,—which is probably the name "Auld" latinized. Moricius M'Nachtan is the name of the person to whom the lands of Bronoch are granted in the charter. These lands of Bronoch are not now marked on the ordnance survey maps of Bute, but as they are mentioned between Tawnich and Boloquhreg they were probably situated accordingly, that is to say, in the Kyles, a little to the south of Rhubodach.

The grants so made do not comprise the whole of the Island of Bute. Besides the Burgh, certain landholders had titles before this date. Among these were the ancestors of the noble family of Bute, who got Ardmoleish and Greenan by charter from the King in 1400 and Barone in 1419. The proprietors of Ascog, of Kames, of Kildavanan, and possibly others, had also written titles before 1506. The

Sheriff of Bute in 1506 was Ninian Stewart, grandson of John Stewart who got the grant of Ardmoleish and Greenan in 1400. By this charter he gets a title to the lands of All-morismore, now called Ambrismore. By a separate charter in favour of himself and his wife, Joneta Dunlop, of the same date, he got the half of Nether Dunallirde, the half of Dunallir de M'Gillemechell, and the lands of Largilzean.

It is natural to suppose that these tenants and inhabitants of the Island of Bute had approached the King with a humble petition for the granting of such a charter. Mr J. Eaton Reid, in his History of Bute, says that the King "tried to induce them to take leases of the lands for three or four years, but they had refused to accept such limited rights on the ground that they had already been infeft."* Mr Reid gives no authority for this statement,—a grievous and irritating omission, which, however, must be forgiven to one to whom we owe so much. There appears to be some information on the subject to be found somewhere, as Mr Blain mentions (also without referring to his authority) that the King granted commission in connection with the matter to John, Bishop of the Isles, one of his Privy Council; David Hamilton, Bishop of Argyll; and James Redhagh, Burges of Stirling, Comptroller to the King.† Assuming that Mr Reid's statement is well-founded, the King had probably something to say for his view. It is not safe to suspect at once the oppressor's wrong in these far off controversies. It is probably a better working principle in this branch of natural history to suspect, in the first place at least, some explanation consistent with ideas of justice and fairplay not in the least inferior to our own. In conjecturing how the matter stood it is doubtful if we can get much help from the phrases used to describe the tenure of land. All the old words describing land tenure are ambiguous. These Bute-men were *tenentes*. That is an ambiguous word. It is equivalent to "holders," a term which conveys little information. If we take *tenentes* as equivalent to the English word "tenants," that word does not always mean removeable tenants. For example, an Act of the first Parliament of James I. provides

* Reid's History of Bute, p. 66. † Blain's History, p. 193.

that the King "cause make trial by inquest what lands belonged to his predecessors, and he may summond his tenants to show their charters and evidents." Now persons having charters of their lands are evidently not what we would call tenants. It is generally supposed that the Bute "tenentes et inhabitantes" had held their farms as "kindly tenants," that is to say, without a written title but at a fixed rent or duty—the tenant right descending to the tenant's heir, and probably being saleable, though sales would be rare, and would be, practically if not formally, subject to the approval of their over-lord. Their lords had been the hereditary High Stewards of Scotland before the Stewart blood came to the throne of Scotland in the person of Robert II. in 1371. The Butemen had thus been tenants of a subject till the accession of Robert II., when they became tenants of the King. Probably the change was to their advantage. The feudal system has been described as "a graduated system of jurisdiction based on land tenure, in which every lord judged, taxed, and commanded the class next below him." One can well believe that to be taxed directly by the King was preferable to being taxed by one of the great vassals of the Crown, or by the vassal of a vassal of the Crown. No doubt there are indications in the statute book that Crown vassals were sometimes grievously oppressed by neighbouring lords. Perhaps this arose just because they seemed to be getting off too easily; and it is possible that the Bute tenants from their insular situation or other fortunate circumstances, did not suffer so much in this way. Certain it is on good authority that the tenants of the Crown lands tried, with considerable success, to escape taxation on the ground that their rents were all that they should be required to pay.[†] Now there is nothing to show at what date the rents of the Bute lands were fixed, but it appears from the the Exchequer Rolls (the details are to be found in the printed

[†] See Report of Cranston v. Gibson (1818), Faculty Decisions, Vol. V. p. 513; which embodies what Cosmo Innes termed "the most learned and accurate history of Scottish taxation that has ever been written," in the form of a written pleading laid before the Court of Session by Thomas Thomson, "the best and greatest of our historical lawyers" (Scottish Legal Antiquities, p. 12).

Rolls of which there is a copy in the Norman Stewart Institute, or in the Rev. Dr J. King Hewison's 'Bute in the Olden Time,' vol. ii., p. 137), that in 1450 the tenants of Bute were paying the same rents as in 1506, when they craved the King to give them written titles to their lands at this old rent or feu-duty, fixed nobody knows how long before.[§]

There was another consideration which might well have inclined the King to demur. Ever since the War of Independence the Kings of Scotland had been debasing the currency in order to make ends meet. To the shame of our ancestors they forced Robert Bruce to begin it.* It went on with accelerated speed till a pound weight of silver, which in the time of Alexander III. (1249-1286), was being coined into £1, was in the time of James VI. being coined into money of the nominal value of £36.^{||} The same process was begun in England, but was stopped when it had got the length of a pound of silver being coined into money of the nominal value of £3; so that in the time of James VI., before the coinage of the two countries was assimilated, a pound Scots was intrinsically worth one-twelfth of an English pound, or only 20 pence instead of 20 shillings. In 1506 James IV. was coining one pound weight of silver into £7 or £8. This was in some respects profitable to the crown, but it had this disadvantage that his majesty's tenants paid him his rents in his own bad coin: that is to say, the coins with which a Bute tenant paid his money rent in 1506, though they discharged his legal obligation, were really worth to the

[§] The list of Bute money rents as printed in "Bute in the Olden Time," Vol. II. pp. 137-8, contains some slight errors, and the total of the column of barley rents is unfortunately given as 40 chalders 15 bolls; the correct total being 11 chalders 15 bolls, annually, as accounted for over a long period in the Exchequer Rolls.

*On the working principle before recommended, this judgment is perhaps too harsh; but the Exchequer Rolls following 1327 seem to show that the grant to the King, for his life, of the tenth penny of all rents, made by the Parliament at Cambuskenneth in words the sincerity of which it is impossible to doubt, was but scurvily implemented. The difficulty was probably the inevitable one of getting a scattered and disconnected people to recognise new necessities and fall in with new methods: and little time was given, for in less than three years from the Parliament of Cambuskenneth the great King lay dead, a worn-out man at 54.

^{||} See Ruddiman's "Introduction to Anderson's Diplomata Scotiae" (1773), pp. 166-7, for a table of the progressive debasement.

King only one-seventh of what they were worth when the rent was fixed, if we suppose it to have been fixed 100 or 150 years earlier.

So that if the King demurred, it was perhaps excusable. But he demurred in vain, or relented; for the Bute men got their written feu title at their old rents. They contended that they were really teuars before this, and not removable tenants, and their claim is explicitly recognised in the narrative clause of the general charter of 1506, in which the King says to the *probi homines* of his realm "know ye that we, finding that those holding and inhabiting our lands of Bute have been infeft in them in the way of feu farm from of old by our progenitors, have, with the advice of the Lords of our Council, given, granted," and so on.

The instrument of sasine in the lands of Kerequhonlick does not state the annual payment to be made to the Crown for these lands, nor does the general charter state the feu duties in the case of any of the lands it includes. The reddendo clause in the charter is to the effect that the grantees and their heirs-male, are to pay "*nobis et successoribus nostris senescallis scotiæ*," "to us and to our successors the Stewards of Scotland," the due and accustomed money duties, cattle, barley and oats, payable from the said lands according to the rental book and the rolls of exchequer at the time of making the grant, besides rendering presence and service in the King's justice aires and the Court of the Sheriff of the Island of Bute. What then were these due and accustomed payments?

Apparently the earliest extant record of them is that contained in the account rendered by Neil Jamieson, Chamberlain of Bute and Arran on 11th June, 1440, printed in Vol. V. of the Exchequer Rolls (p. 81), where we find a detailed list of all the money, cattle, and barley which the King drew from Bute from the year 1436 to the date of the account. The Chamberlain debits himself for each year of the account with £141 16s of money, 40 marts (that is, fed cattle), and 11 chalders 12 bolls 2 firloths of barley. In 1444 and regularly thereafter the figures are £141 18s 6d of money, 11 chalders 15 bolls barley and 40½ marts. The list begins, as it happens,

with the lands of Garrachty, here called *Garach*. Translated it reads: "In the first place he debits himself with 50 shillings of money and four bolls of barley of the farms of the first part of the lands of Garach for the year of Our Lord 1437; and with 50s and four bolls barley of the farms of the second part of the said lands of Garach of the same year." The last item of the list is £6 from the Burgh of Rothesay. Then follows this clause:—*De quibus, excepto burgo, quinque marcate solvent annuatim unam martam pro quinque solidis allocandis in ferma supradicta*. The meaning of this clause seems to be: "Of which lands (excepting the burgh) each five merklands [that is to say, a mark being 13s 4d, each £3 6s 8d of money rent] pays annually one mart, for which five shillings is allowed off the money rent." That this is the correct translation appears to be quite certain because (1) the total money rent of £141 16s is almost exactly forty times £3 6s 8d; and (2) The Chamberlain, or the Sheriff as the case may be, in his account with the Exchequer, takes credit for sums allowed to the Bute landholders for the marts received from them, at 5s a mart. For example the entry in the account rendered 1446, translated, is this: "And allowed to him (that is, the Chamberlain) for payment made or allowed to the men of Bute [the latin is "*husbandis de But*"] for 31 mail marts taken from them for the year 1446 and delivered to the said Alexander de Narne per receipt of John Levinstoun of Balton, five shillings to be allowed for each mart, towards the King's domestic expenses, £7 15s; for which marts the said Alexander will account." Later on the returns from Bute include [in 1489] £5 for the foggage of the Island of Bute ("*pro fogagio*"), and one chalders eight bolls of oatmeal for the mill: and about 1495 there appears, in addition to the barley, 10 chalders of oats, but for these oats the *husbandi* got an allowance off their money rent of 12 pence the boll.*

*In "Bute in the Olden Time" a different translation of the clause "*de quibus*" is given. We find there (Vol. II p. 136) that the whole ferme paid to the Crown was yearly £141 18s 6d, "for every 5s of which sum every 5 marklands, except the burgh of Rothesay, paid yearly one mart." The first difficulty about this translation is to know what it means. In the recapitulation of the feuduty of the west part of South Garrachty (Vol. II. p. 171), the words "deducting three ninths on account of marts and oats from

The barley rent is not said to bear a fixed proportion to the money rent, but as a matter of fact it does; each holding, with a few exceptions, paying a firloft, or fourth part of a boll of barley for every mark of money rent. The exceptions, which pay money rent but no barley, are:

Kellisloup,	rent	£5	0	0
Ardnahowa,	,,	2	0	0
Blaredyve,	,,	1	13	4
Ascachragane,	,,	2	6	8
Kilmore,	,,	2	0	0
The Burgh,	,,	6	0	0†

It is difficult to say what sum of money of the present currency these old rents represent. If the husbandus paying three merks (£2) of annual rent was to furnish a mart annually and for it get 5s off his money rent, then at the same rate his whole money rent of 40s was equivalent to eight marts or fed cattle. Allowing £12 as the price of a fat ox out of ordinary farm stock, at the present time, this

the feuduty," should be "deducting 3s 9d on account of," &c. Five shillings from a five markland (£3 6s 8d) is equal to 2s from a 25s land; and 1½ bolls oats at 12d is 1s 9d.

The proportions of a fat ox payable from the west part of South Garrachty are there given by Dr Hewison as $\frac{1}{5}$, $\frac{1}{20}$ and $\frac{1}{30}$, in 1796. In a Charter of 1603 they are $\frac{1}{5}$, $\frac{1}{10}$, $\frac{1}{20}$ and $\frac{1}{30}$.

† "Bute in the Olden Time" has it that the Burgh of Rothesay, "which never had, properly speaking, any lands of its own, paid for the rentallers of the Crown lands within its bounds £40 annually." (Vol. II. p. 139). With regard to the burgh lands Dr Hewison's blunt negative stands in need of justification. It seems inconsistent with the plain words of the Charter of Novodamus of 1584 describing the uses to which the burgesses had been putting the burgh lands since the burgh was granted or confirmed to them and their successors by the Charter of Erection of 1400. A better opinion is that the lands of the burgh were "its own," in very much the usual sense of these words, at least after 1400, and possibly much earlier,—for the boundaries of the burgh are referred to in the Charter of Erection as its ancient boundaries. The late Professor F. W. Maitland, in "Township and Borough" (Macmillan, 1898), discusses the meaning of "its own" with special reference to a somewhat similar English charter. That Dr Hewison is under very considerable misapprehension in the matter, and does injustice to the bailies of Rothesay in the olden time, the writer attempted to show in a letter, signed X., appearing in the "Rothesay Chronicle" of 4th January, 1896. The statement that the burgh paid £40 annually to the Crown appears to have been adopted from the preface to Vol. VI. of the Exchequer Rolls, p. xcvii. It is an error, probably a misprint; for in every one of the Rolls which the volume contains the amount of the money rents from the Island of Bute is given, and it is uniformly £141 18s 6d.,—a total which, as appears from the details given in Vol. V. (p. 81), includes "vi £ de firmis dicti burgi."

gives £96; and he had also to furnish annually three bolls of barley, now equivalent to about £4, which makes a total of £100. In the same proportion the rent of a 50s land would be equivalent to £125 of our money.

Taking a different method of calculation, in 1489 a fed ox was value for 15s.* The tenant gave an ox and got 5s off his money rent of 40s, leaving 35s to pay. At 15s for an ox, 35s is equivalent to 2½ oxen, so that his rent was 3½ oxen and three bolls of barley. Three and a-third times £12 is £40. Allowing £4 for the barley gives a total of £44 for a 40s land and £55 for a 50s land. The great discrepancy between these results suggests the need for further investigation. Possibly the sum allowed for a fat ox, and the 12d a boll allowed for the oats apparently added to the rents about 1495, were much below the actual money value of the articles from the first, and the intention was to make the rent more substantial. It is noteworthy that the money rent of Garrachty was just the amount of the "old extent," as the west part of South Garrachty is described as a 25s land of old extent in a sasine of 1590.

The "tenentes et inhabitantes," in whose favour the Crown Charter of 1506 was granted, or at least their descendants, became popularly known as the Barons of Bute—Baron M'Kay, Baron Glass, and Baron M'Conachy, having been titles in ordinary use within the memory of a few of us. Whether originally given in good humoured irony, or in mere flattery, or in a high Spanish courtesy, the title was never strictly due, for a baron was one who held lands direct from the King in free barony, and had certain feudal rights and juris dictions. So far as can be judged from the abstract in the printed "Registrum Magni Sigilli," the Crown charter does not contain the words indicative of baronial rights. Nor are the Bute landholders ever called *barones* in the Exchequer Rolls, or even *liberetenentes*. They are *tenentes* or *husbandi*. *Husbandus* was, according to Cosmo Innes, the farmer of a husband-land of 26 acres, four neighbouring husbandi working a common plough. "Beyond the mains

* Ruddiman's Introduction to Anderson's Diplomata Scotiæ, p. 171.

and the hamlet, or cottar town," Prof. Innes writes, "lived, each in his separate farmstead, the husbandi or husbandmen holding each a definite quantity of land called a husbandland, and four of these united their oxen to work the common plough of the ploughgate."† The *husbandus* of Bute probably corresponded to the English yeoman—one owning and usually himself cultivating a small piece of land. At the same time the word baron had different applications, for in the ancient burgh of Prestwick those burgesses in whom the town lands were vested were called barons.

The names of the witnesses to this Sasine would have been interesting. Owing to the decaying of the parchment along a line of fold, the only name legible is "Roberto Stewart."

The notary public, Martin Oliphant, who designs himself as "clericus Glasguensis diocesis," signs his name with an ornamental or symbolical device. A closed oblong of sufficient size is made with the pen. In this the name is written, surrounded by groups of five dots, each forming a cross or quincunx. The oblong containing the signature is surmounted by a T-shaped cross about an inch in height, upon a base of three steps or stages, the uppermost of which is narrower than the upright part of the T, and is therefore like a short stalk upon which the cross stands.

This instrument of Sasine, though solely for the purpose of infefting Alexander Stewart of Kerequhonlick (now Kelwhinleck), recites the whole of the grants contained in the King's charter. The words referring to the lands of Garrachty are as follows:—"Gillenow M'Caw, terras de le North Garrochach; Gilpatrick M'Caw, dimidiatem terrarum de South Garrochach; Johanni M'Caw, alteram dimidiatem dictarum terrarum." "To Gillenow M'Caw, the lands of North Garrochach; to Gilpatrick M'Caw, the half of the lands of South Garrochach; to John M'Caw the other half of the said lands."

The form of the place name deserves notice. Here in 1507 it is "Garrochach." Earlier, in 1440, it appears in the

† Scottish Legal Antiquities, p. 244.

Exchequer Rolls as Garoch; and later, about 1600, it is sometimes "Garache" or "Garachie," and sometimes "Garachtie." In "Bute in the Olden Time" (vol i., p. 294), it is suggested that the word is a combination of the Gaelic words GARBH (rough, pronounced garrav), ACHADH (field), and TIGH (house); and "house of the rough field" is given as the equivalent in English, but the Gaelic *garadh* (garra), meaning garden, and *garadh* (the same word), meaning a copse or den, are also given, as if these words have, or might have, some connection with the name. Sir Herbert Maxwell in his "Scottish Land Names" gives three place names which he considers variants of the combination GARBH-ACHADH (rough field) namely, GARIOCH, GARVOCH, and GARWACHY. In the list of place-names which he interprets there does not appear to be any which finish with 'ty' as representing the Gaelic *tigh* (house); and it seems very doubtful if the 'ty' in Garrochty is the Gaelic *tigh*. Though Dr Hewison mentions *garadh* a garden, and also a copse or den, his equivalent "house of the rough field" does not introduce either of these substantives. If Sir Herbert Maxwell is right in his generalization that in a compound place name the stress always falls on the qualitative or on the first syllable of the qualitative word, and never on the substantive, then the accented syllable GAR must be a qualitative or adjectival term, such as *rough*, and not a substantive or generic term such as *garden*, *copse*, or *den*,—which practically shuts us up to GARBH. And, as Mr Blain observes, the term "rough" is not inappropriate to that part of Bute.†

As appears from the Charter and Sasine there were two Garrachties, South Garrachty which is sometimes called

† "Gare-achta (the rough field), Tigh-garaidh (the house of the den of either noxious or innoxious wild animals), or Gare redh (the rough or rocky end), significations which seem not inappropriate, especially when viewed from the sea" (Blain's MS as printed in 1880, p. 82).

One is sometimes tempted to make fun of Mr Blain, but this would be scarcely fair, as his History of Bute was not printed till 60 years after his death, and it contains not a few peculiarities which suggest copyist's or printer's errors. For example, on page 72, Glen Callum is termed "a puddle of North Garrachty." Doubtless Mr Blain wrote "pendicle." His handwriting was extremely neat and clear, with a few archaisms, such as turning his e with its back the other way. Probably in the passage above quoted he wrote "garv," not "gare."

Yonder Garrachtie, and North Garrachtie, which is sometimes called Garrachtymor, and is now called "the Plan." According to Mr Blain North Garrachty included Glen Callum. "The Plan" is an interesting name, the meaning of which is not doubtful. It is simply the latin word *Planum*, equivalent to 'level ground' or 'plain.' The monks, living up on the rocky hillside beside the chapel, naturally called the stretch of comparatively level ground at the foot of the hill, where the house and steading of Plan now is, 'Planum'—the smooth or level bit.

One of the three M'Caws who got a title to the lands of Garrachty in 1506 was named Gillenow. This name appears thrice in the Charter, since Gilnow M'Ilwody got half the lands of Cowane (which is probably Quien), and Gilledow M'Entir got part of the lands of Dunallirde (probably Dunalunt). The name Gilnow, Gilnef, or Gilnew reappears more than once among the M'Caws of later generations. The friend who transcribed for me all these old papers and directed me to most of the facts on which this paper is based (and whom I urged in vain to write on the subject himself) invited, in 'Notes and Queries,' an explanation of the name Gilnew. His query drew a reply from Mr John Hobson Matthews, Town Hall, Cardiff, as follows: "Gilnew.—This curious Christian name is probably Irish *GIOLLE NAOIMH*, pronounced 'gillyneev' and meaning servant of the saints or the saints' man. Compare *Giolla Phadraic*, etc." The name seems to be a relic of centuries as remote from the date of the Charter as the date of the Charter is from to-day and possibly much more remote,—centuries which were doubtless obtained with bloodshed and pillage, but not improbably included generations of peace and order during which the servants of the holy men and the holy men themselves, cultivated the *planum* and the small patches of good land which lie among the rocks of Garrachty.*

South Garrachty was a 50s land of old extent; that is, a

* In an obliging letter, written since this paper was read, Mr Matthews says that the latter half of the name Gilnew or Gilnef is as likely to be the singular "naomh" as the plural "naiomh"; and that in the Munster dialect the plural is pronounced "neev," the singular being pronounced much like "nave," or rather "nayeve."

subject valued at 50s a year in the old general valuation of the kingdom. This valuation is supposed to have been made in the reign of Alexander III. or earlier, but how and when it was made is only surmised. By the charter of 1506 Gilpatrick M'Caw gets a title to one-half of the lands of South Garrachty, and John M'Caw to the other half, without any indication being given of the relative positions of the two halves, or which got which. From later deeds it appears that South Garrachty was composed of what is called the 25s lands of the west part of South Garrachty—in one deed called the north part—and the 25s land of the south part of South Garrachty—in one deed called "Yonder Garrachty." The following are the successive owners of the two parts of South Garrachty, so far as can be made out from the writs in my possession and other sources, "Bute in the Olden Time" being one of these.

THE M'CAWS OF THE SOUTH PART OF SOUTH GARRACHTY.

In 1506, Gilpatrick or John.

1568, Gilchrist.
1603, Alexander.
Patrick.
1642, Alexander.
1649, John.
1677, Patrick.

THE M'CAWS OF THE WEST [OR NORTH] PART OF SOUTH GARRACHTY.

In 1506, Gilpatrick or John.

1568, Gilnew.
1602, Alexander, son of Gilnew [died before
succeeding].
1603, John, son of Alexander.
1647, John, son of John.
1686, Gilnew, son of John,
Daniel, son of Gilnew.
1745, James, son of Daniel.
1796, Daniel, son of James.
1845, James, son of Daniel.

By charter dated 18th May, 1568, Gilbertus M'Kaw de Yonder Garachte, who signs Gilchrist M'Kaw and was apparently called Gilbert in this deed by mistake, conveys all and whole his 12s 6d land of the lands of Yonder Garachte to Mary, daughter of Gilnef M'Kaw in Garachte and the heirs male begotten between her and Alexander M'Kaw, son of the said Gilbert or Gilchrist, whom failing to the said Gilnef M'Kaw and his heirs male, the witnesses being Alexander Stewart, son of James Stewart, Sheriff of Bute, a M'Werarche, whose christian name is illegible, Patrick M'Werarche, Malcolm M'Gilmechell, and Donald Bannatyne. The name M'Werarche appears in various spellings and is now represented by MacKirdy. In 1579 Margrat Stewart widow of Gilchrist M'Kaw, sometime heretor of the half of the Yonder Garachtie, grants a discharge and acknowledgment of debt in favour of Gilnew M'Kaw, who is not designed. Alexander M'Caw son and apparent heir of the said Gilnow M'Caw is one of the witnesses to this deed.

So far of the south part. Turning to the west part :— In 1590 14th December, Gilnew M'Kaw got sasine *propriis manibus* from John Stewart Sheriff of Bute, "potens et honorabilis vir" of the 25s lands of old extent of the western part of South Garachie. The witnesses' names are only partly legible but include a Banatyne of Lowbass, Alexander Oig M'Kaw de Garache, and Andrew M'Kaw.

In 1594 (24th June) Donald M'Caw, "sone lawful to Gilnew M'Kaw of Garache" grants a letter of Reversion in which it is narrated that Gilnew his father had infest him in an annual rent of 20 marks "out of all and haill his 25s land of the north syde of South Garache." Patrick M'Caw, son to Alexander M'Caw, not designed, is one of the witnesses.

In 1602 this Donald enters into a submission with his nephew, John M'Kaw, oy (grandson) and nearest aire to the deceased Gilnew M'Kaw of Garache, and with Alexander M'Kaw of Garache as one of two burdiners for the said John (who was then in his minority), the other being John Stewart of Kilquhonlick. It appears that Donald (who is referred to as second son to the said umquhile Gilnew) claimed to have got a nineteen years lease of the half lands of South Garachty

from his father Gilnew, and this was disputed. The question was referred to John Stewart, Sheriff of Bute, and John Stewart the younger, his son, who decided that Donald should get a tack for five years from Whit. 1602, at a rent of two bolls victual, and three bolls if his mother should die before the end of the five years. Donald had 200 merks lent by way of wadset on the lands. He was to get no interest during the five years lease, but on its expiry John was to pay him the 200 merks. The decree arbitral is signed "John Stewart Sheriff of Buit, Johne Stewart, apeirand S'eff of Buit," and also signed by Thomas Stewart, a notary, on behalf of the other parties concerned, they being unable to write.

In 1607 (23rd July), on the expiry of the tack, Donald and his spouse, Margaret M'Neill, grant a discharge to John M'Kaw of the annual rent of 20 merks for a payment of 200 merks.

Earlier in the same year (29th March, 1607) Donald is warned, on a precept by John Makcawe, heritor of half the lands of South Garachte, to remove from these lands at Whitsunday. One of the witnesses to the warning is Donald M'Kaw, son to John Garrow M'Kaw in Garachtie. "Garachtie" seems here to stand for North Garachtie.

In 1603, John M'Kaw, grandson (oy) and heir of quondam Gilnew M'Kaw de South Garache, gets a feu Charter (dated 16th May) from John Stewart of Ardmoleis, Sheriff of Bute, of all and whole his 25 shilling land of old extent of the lands of South Garache with the pertinents, to be held of the Sheriff and his heirs male in feu farm and heritage. The feu charter is in favour of John and his heirs male, whom failing the heirs male of his grandfather Gilnew M'Caw. He gets sasine on this charter on the following day (17th May, 1603), being designed in the instrument of sasine as "Johannes M'Kaw, nepos et haeres quondam Gilnew M'Kaw de Garache." Among the witnesses are Alexander M'Kaw de Garahte, Patricius M'Kaw, his son and heir, and Donaldus M'Kaw, son of quondam Gilnew.

The M'Caws are thus no longer vassals holding direct from the Crown. They hold their lands in feu from the hereditary Sheriffs of Bute, who hold them from the Crown.

It is not perfectly clear how this came about. From the Register of the Great Seal it appears that on 4th March, 1601, the King (James VI.), as administrator for Prince Henry, granted a Charter of Confirmation and Novodamus in favour of John Stewart, Sheriff of Bute, confirming *inter alias* a Charter by John Mackaw of South Garachty by which he sold to the Sheriff the 25s land of old extent of the west part of South Garachty, dated 18th December, 1590. Yet Gilnew M'Kaw got sasine of these lands from the Sheriff of Bute on 14th December, 1590; that is, four days before John, his grandson, executes a conveyance of the lands to the Sheriff. To sell lands held of the Crown and then take a feu Charter of the same lands to be held of the purchaser was one way of creating what is called a mid-superiority, a way frequently adopted in later times when the superiority of a 40s land of old extent was a voting qualification; but one would expect to find the feu charter, the granting of which would be part of the bargain, following the deed of conveyance at a short interval. Here nearly 13 years intervene before the feu-right is granted. It was what is called a bare superiority that the Sheriff got by the transaction, as the feu-duties which the M'Caws were to pay him were the same as he had to pay the Crown, viz.: 25s scots in money; one boll three firlots of oats, two bolls of barley, and the fifth, tenth, twentieth, and thirtieth parts of a lardner mart, or fat ox. The M'Caws have thus lost whatever right they ever had to be called "barons."

It adds to the difficulty to find from a receipt by the Constable of Dumbarton Castle, dated at Rothesay, 12th April, 1614, that John M'Caw in Southe Garochty was then paying beir corn "as for His Majesty's duty assignit to Dumbartun Castle."

The later years of this John M'Caw's life afford an example of the old deed (now unknown in practice) by which a person voluntarily disabled himself from disposing of his heritage on the ground that he felt himself liable to be imposed upon. The deed is dated 20th April, 1625, and is in the vernacular. It begins—"Be it kend till all men be thir presents me Johnn Mackawe, Portioner of South Garochtie,

Forasmukle and now considering with myself my urgent neid and necessitie and great poverty which presentlie I am into, In respect whereof sundrie persones for their awin advantage and my discommoditie insists daily with great persuacion and allurements to caus me sell and dispone upon my lands and heritage and knowing my awin weakness and facilitie feiring to be trappit and dissavit, Therefore and for ane certain soume of money presentlie payit and delyverit to me by Archibald Stewart of Kilquhinlick, my brother-in-lawe, to help me to go out of this country to Ireland, to have interdyket Lyke as I be their presents interdyke myself to the said Archibald Stewart and his aires, that I in naways shall sell annalie, wadset, dispone, dilapidat nor put away ony of my lands or heritage to any person or persons whilk somevir," &c., &c. The deed is signed by Donald M'Gilchrist as notary, before R. Lamount of Silvercraigs, John M'Neill, sone to umquhile — M'Neill, and John M'Gilchrist, son to the said Donald.

In 1647 John M'Cawe, son of the last mentioned John, gets from *Dominus Jacobus Stewart de Kirkcounie Miles, Vicecomes de Bute* a Precept of Clare Constat as son and heir of his father who died last vest and seised as of fee in all and haill the 25s lands of old extent of the west part of South Garochtie. Donald M'Caw, portioner of North Garochtie, is a witness. The Precept is directed to Patrick M'Cawe in North Garochtie as the superior's bailie for the purpose. On 27th April, 1647, John got sasine from the said Patrick, who is designed Patricius M'Cawe in North Garochtie, armigero. Among the witnesses are Donaldus M'Caw, Portionarius de North Garochtie, Donaldus M'Cawe, his son, and Jacobus M'Cawe, son of the said Patrick M'Cawe. On the same day and before the same witnesses the said John infefts Mariota, his wife, daughter of Donald M'Cawe, Portioner of North Garochtie, in the half of his lands.

In 1686 Gilnew M'Caw, eldest legitimate son and nearest heir male of the last mentioned John, is infeft in the 25s land. James O'Conoher, in North Garochtie is a witness. Gilnew then on the same day infefts his wife Jean, daughter of James Stewart of Largizean in the half of his lands. The same

Gilnew accepts a bill dated "At the Kirk of Kingarth, 10th June, 1729" drawn upon him by James Scot, the Session Clerk, to be payable to the Session of Kingarth at the dwelling-house of Robert Wallace, late baillie of Rothesay for 40 merks Scots "value in your hand of cash." The bill is addressed to Gilnaov M'Cay, Portioner of South Garachtie, and is signed by the acceptor with his mark before two witnesses, Robert M'Curdy and Donald M'Connachie.

This Gilnew was succeeded by his son Daniel, who was succeeded before 1743 by his son James. There is a receipt signed by the third Earl of Bute, dated Mount Stewart, 29th March 1745, bearing that James M'Caw portioner of South Garrachty "then was found to have paid his mart and small maills, tinds and few-duties for crop 1743 and preceding, and his silver fines for said crop, lykeways paid his fines, mart and small malls for crop 1744."

In 1796 (according to Dr Hewison) *Daniel* son of the last mentioned James, got a writ of Clare Constat in which he is described as son of James, son of Daniel, son of James, son of Gilnew. By this time the old form of the family name had been given up for M'Kay. *James* son of the last mentioned Daniel, married Elizabeth Barbour and died without issue. By his will, his lands of South Garrachty went to his nephew Dr John Mackechnie, son of his sister Mary who was wife of James Mackechnie, merchant in Rothesay. Dr Mackechnie's successors sold them to our distinguished Vice-President, Sir William Macewen, in 1898. James M'Kay had another sister, Euphemia, who married Alexander M'Pherson and had issue. There are probably descendants of Euphemia alive, if not of Mary also. According to Dr Hewison James M'Caw's land extended to 70 acres 2 roods in 1828. The assessed rent of the lands in 1897 was £100. In the general valuation for land tax the 50s land of South Garrochty appears to have been valued in 1655 at £62 4s 4d, scots money *plus* £37 2s 8d scots as the money equivalent of the whole feu-duty.

Mr John Blain, author of the History of Bute, must have known both James M'Kay, and his father Daniel. I am not sure to which of these he refers in the following passage from the History (p. 80). "At South Garrochty, we find the

seat of one of the barons of Bute whose possessions have remained the same since the year 1503, without being diminished or extended. His territory is so trifling that were he to let out to a tenant, it would not bring him £30 a year, yet the produce of it, aided by the industry of the proprietors has enabled them to maintain it free of debt and to live in a manner which they have deemed comfortable—at least the present baron considers himself in that desirable situation—a proof that happiness does not consist in the enjoyment of riches so much as in the good uses to which the possessor applies them, and that a man possessed of a disposition to be content, and who understands and practices economy, may live comfortably upon a very moderate income. The dignified appellation whereby this landholder, and two more now remaining in the Island are called, inspires them not with any ideas of superior importance. The title of baron was given in Bute to the smallest landholders. That of laird was a distinction conferred upon the larger proprietors, and esteemed honourable in other parts of Scotland."

It might be possible from the frequent mention of the proprietors of North Garrachty in the South Garrachty writs as witnesses and otherwise, to make a rough list of the M'CAWS of the north part till they parted with their lands, but I prefer to use this passage from Mr Blain's work as a pleasant conclusion to these notes.