

EXCERPTS FROM POLTALLOCH WRITS
Lands of Dunardarie

Research done by Patricia Adams
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(NOTE: The footnotes in red were inserted by the typist for reading clarity. The footnotes in black were in the source document.)

1. At Kilmartin, 10 Dec 1533. Feu¹ charter² by the Earl of Argyll to his beloved John McAllister VcEwin VcCaus and his son, Dougall McAne, and the lawful heirs male of Dougall's body, of he 3 merk lands of Tonardare, 2 merk lands of Dunnanis, 1 merk land of Bardarroch, 1 merk land of Barinloskan and ½ merk land of Barindaif. Witnesses: Colin Campbell of Ardkinglass, Lachlan Maclachlan of that ilk, Mr. Niall Campbell, vicar of Kilmartin and dean of Lochaw, Mr. Rolland McCawis, vicar of Inchald, and Ewer McEwir of Pennymore.

2. Same place and date. Precept of sasine by the Earl, addressed to his beloved John Campbell of Carnassarie and Gilbert McNicol for the infeftment³ of John McAllister VcEwin VcKaviss and his son Dugald. Witnesses: Ardkinglass, Maclachlan and Pennymore, as above, and Archibald Campbell of Clauchan.

3. 16 Dec 1533. Sasine⁴ on above (Mr. Niall Campbell, clerk of Lismore Diocese, notary public). Witnesses: Dugall McAne VcAllister VcEwin, Gilbert McNicol, Duncan McIllandrist, Donald McInlester and Patrick McDouil VcAllister.

¹ feu \Feu\, n. (Scots Law) A free and gratuitous right to lands made to one for service to be performed by him. Source: Webster's Revised Unabridged Dictionary, © 1996, 1998 MICRA, Inc.

² charter\ Source, Internet site of Encyclopedia Britannica, <http://www.britannica.com>: a document granting certain specified rights, powers, privileges, or functions from the sovereign power of a state to an individual, corporation, city, or other unit of local organization. (Sovereign: One that exercises supreme, permanent authority, especially in a nation or other governmental unit, as king, queen, ruler or monarch.)

³ In feudal law, the process of transfer is completed by the infeftment of the transferee. "Infeftment" (or "investiture") means to be clothed in the feu.

⁴ In high feudalism, a transfer proceeded in the following way. A could not transfer directly to B. Only the superior, S, could make B infeft. Hence a necessary first step was for A to resign the land back to S. This was a temporary resignation only (in favorem as opposed to ad remanentiam perpetuam), for the sole purpose of making a new grant to B. The new grant took the form of a charter of resignation. There then followed the ceremony of sasine. This took place on the land itself and involved the delivery of a symbol by S (or more usually an agent or "baillie" of S) to B (or B's agent) in the presence of a notary public and witnesses. The symbol to be used depended on what was being transferred. The symbol for land and buildings was earth and stone. But the feudal system was not confined to land and a number of other symbols were in use also, for example net and coble for salmon fishings and grass and corn for teinds. The whole ceremony was then recorded in a notarial deed, known as an instrument of sasine. From 1617 onwards instruments of sasine were registered in a special register, called the Register of Sasines. Information on "Sasines" and "Infeftment" taken from "Report on Abolition of the Feudal System, Scottish Law Commission (SCOT LAW COM No 68), ISBN 0-10-292-499-6. <http://www.scotland.gov.uk/library/documents-w10/afs1-00.htm>"

4. At Glenselchis, 18 June 1547. Precept⁵ of clare constat⁶ by the Master and the Earl of Argyll, addressed to their beloved Mr. Archibald Campbell of Arenafad and Donald McKay of Kilmachumaig, for the infeftment of Dugall McAne VcAlexander VcEwin as son and heir of deceased John McAlexander VcEwin, in the above 7 ½ merk lands in Knapdale. Witnesses: John Lamont of Knokdow, Dugall Campbell of Ardquhlydre (sic for Ardquholare), John Ukiltre of Kildalvan, Mr. Archibald McVicar, provost of Kilmun, and Mr. Alexander McCawis, rector of Kilmoir.
5. 13 Aug. 1547. Sasine on above (Mr. Gilbert McCallum, priest of Lismore Diocese, n.p.), to the said Dougall. Witness: Angus McInleach, Patrick McDoule VcAne VcAllister, Ewin McCallum, Donald roy McInocader (McNowcatter) and Niall McAne VcCoule.
6. At Inveraray, 20 Oct. 1547. Precept of clare constat, addressed to Lachlan McDonche VcAllan of Dunemuck, for the infeftment of Patrick McDoule VcAne VcAlexander as lawful son and heir of deceased Dougall McAne VcAllister VcEwin. Witnesses: Colin Campbell of Ardkinglass, John Campbell of Lochnell, Lachlan Maclachlan of Strathlachlan and Mr. Niall Campbell, rector of Kilmartin.
7. 2 Nov. 1547. Sasine on above (Gilbert McCallum, n.p.) given by Lachlan McDonche VcAllan to the said Patrick. Witnesses: Mr. Archibald Campbell of Arenafad, John roy McDoule VcAne, John bane⁷ McAne VcDoule, Donald McAne VcPherson and Niall McAne VcDoule.
8. At Garwie, 28 July 1569. Charter by the Earl of Argyll to his beloved Patrick McDouil VcAne VcCawis of Tonardare and his elder son, John McPatrick VcDouil, and their heirs, of the above lands, containing precept of sasine addressed to Lachlan McDonchie of Dunemuck and his son, Duncan. Witnesses: Allan McRynild, Niall Campbell of Blair, Niall Campbell, rector of Loyng, Duncan McAne more VcKellar, Duncan Campbell, apparent of Dannay, John baldach⁸ McNeill VcAchin, Patrick Millar and John Watson, notary public.
9. 3 Aug. 1569. Sasine thereon the said Patrick. Witnesses: Mr. Archibald Campbell of Dannay, Alexander McDonill VcNeill, Angus McKay in Kilmachumaig, Ewin McDonill roy and his father, Donald roy. The precept is quoted, the first witness appearing as Allan McRonnald.
10. At Carnasserie, 8 June 1580. Discharge by Colin, Earl of Argyll, to Patrick McDoule VcAne of Tonardare of payment of a composition for part of the feu-duties.⁹ Witnesses: Dugall Campbell of Auchinbreck, Duncan Campbell of Duntroon, Charles Campbell of Kilbride and Niall Campbell of Blair.

⁵ pre-cept , n. A rule or principle prescribing a particular course of action or conduct.; Law. An authorized direction or order; a writ. Source: Webster's Revised Unabridged Dictionary, © 1996, 1998 MICRA, Inc.

⁶ constat \Con"stat\, n. [L., it is evident.] (Law) A certificate showing what appears upon record touching a matter in question. Source: Webster's Revised Unabridged Dictionary, © 1996, 1998 MICRA, Inc.

⁷ White

⁸ Presumably balach ("youth")

⁹ du-ty (dt,dy-) n., pl. du-ties.

1. An act or a course of action that is required of one by position, social custom, law, or religion: Do your duty to your country. ; 1. Moral obligation: acting out of duty. ; 2. The compulsion felt to meet such obligation. See Synonyms at obligation. A service, function, or task assigned to one, especially in the armed forces: hazardous duty. Function or work; service: jury duty. See Synonyms at function. Abbr. dy. A tax charged by a government, especially on imports. Abbr. dy. ; 1. The work performed by a machine under specified conditions. 2. A measure of efficiency expressed as the amount of work done per unit of energy used. The total volume of water required to irrigate a given area in order to cultivate a specific crop until harvest.

Idioms: duty bound

Obliged: You are duty bound to help your little sister and brother.

[Middle English duete, from Anglo-Norman from due, variant of Old French deu, due; see due.] Source: Webster's Revised Unabridged Dictionary, © 1996, 1998 MICRA, Inc.

11. At Inverary, 6 Nov. 1633. Precept of clare constat by Lord Lorne, addressed to his beloved John Lea¹⁰ McKerreis in Barrary, for the infeftment of Archibald McCavis, now of Tonardarie, as son and heir of deceased John McCawis of Tonardarie. There is mention of the previous composition. Witnesses: William Stirling of Auchyll, Hector MacNeill of Taynish, Robert Shaw, servitor of the grantor, George Campbell, sheriff depute of Argyll, and his two servitors, Duncan Duncanson and Donald Cameron.

12. At Kilmichael, 6 Nov. 1633. Procuratory¹¹ of resignation by Archibald McCawis of Tonardarie (through his procurator,¹² Mr. James King, advocate¹³), appointing Archibald Campbell of Kildalvan his procurator for the resignation to Lord Lorne of the above 7 ½ merk lands, for the purpose of a re-grant to John McCawis, eldest lawful son and apparent heir of the resignor. Witnesses QLTER Logane, John Thomson and Niall Cuik, all in Kilmichael. As the resignor cannot write, Alexander Kincaid appears as co-notary.

13. At Inveraray, 7 Nov. 1633. Instrument of resignation (George Campbell, clerk of Dunkeld Diocese, n.p.) as above, made by Kildalvan as procurator, for a new infeftment in favour of the above John McCawis and the heirs male of his body, whom failing, to the heirs male of his father, Archibald, whom failing to the said Archibald's heirs lawful descending from deceased Patrick McDouill VcAne VcCawis of Tonardarie, who was "goodsir"¹⁴ of said Archibald. Witnesses: Archibald Campbell of Kilmun, William Stirling of Auchyll, Archibald Maclachlan of Craiginterve and Duncan Duncanson, the notary's servitor.¹⁵

14. Same place and date. Charter by Lord Lorne to the said John McCawis, as above. Same witnesses.

15. 12 Nov. 1633. Two sasines, on Nov. 11 and 14 respectively (same notary as in No. 13). Witnesses: Gillemartin McNokaird in Kiffuccan,¹⁶ Alexander McConachie,¹⁷ tailor in Tonardarie, John McNowcatter and John bane McAgowane there, John McRobert Vcinzeaskane in Glenshirowe and Donald Cameron, servitor of the notary.

16. At Inverary, 15 May 1669. Charter by the Earl of Argyll to Donald MacCawis, eldest lawful son of deceased John MacCawis of Tonardarie, of the above 7 ½ merk lands, following on resignation; with precept of sasine addressed to John McPhaill in Tonardarie.

¹⁰ i.e., "the leach"

¹¹ procurator, a. [L. procuratorius.] Tending to, or authorizing, procuration. Source: [*Webster's Revised Unabridged Dictionary*, © 1996, 1998 MICRA, Inc.](#)

¹² Procurator: *n.* One authorized to manage the affairs of another; an agent. An employee of the Roman emperor in civil affairs, especially in finance and taxes, in management of imperial estates and properties, and in governing minor provinces. [Middle English procuratour, from Old French from Latin *prōcūrator*, from *prōcūrare*, to take care of; see *procure*.] Source: [*Webster's Revised Unabridged Dictionary*, © 1996, 1998 MICRA, Inc.](#)

¹³ Advocate, *n.* one who argues for a cause, a lawyer. Source: [*Webster's Revised Unabridged Dictionary*, © 1996, 1998 MICRA, Inc.](#)

¹⁴ grandfather

¹⁵ Servitor, *n* One that performs the duties of a servant to another; an attendant. Source: [*Webster's Revised Unabridged Dictionary*, © 1996, 1998 MICRA, Inc.](#)

¹⁶ Kilfuccane is a mile east of Inveraray Castle. Barraray is a mile west.

¹⁷ Probably minor cadet of Inverawe. This family seldom appears under the surname of Campbell prior to about 1600. It is an exceedingly old branch of the clan, and recent investigations tend to shew that it descends from an elder son of Duncan Campbell, who was ancestor of the Loudoun line. If so, the first Earl of Loudoun's little "ramp" over Benderalloch was a swindle!

17. 17 Sept. 1669. Sasine on above (Duncan Fisher, clerk of Lismore, Diocese, n.p.), given by John McPhaill. Witnesses: Dugall McNowcatter, Lachlan McPhaden and Donald McInailzeor,¹⁸ all in Tonardarie, and Duncan McOlchallum in Inverary.

18. 18 Sept 1700. Pecept of clare constat by Earl of Argyll to Archibald McCawis as son and heir of Donald McCawis of Tonardarie.

19. 20 May 1701. Sasine thereon. Registered in the Dunbarton Sasine Register, 14 June 1701.¹⁹

20. 18 Nov. 1752. Precept of clare constat by the Duke of Argyll to Dugald McTavish (sic) as son and heir of Archibald McCzawis alias McTavish.²⁰

21. 31 July 1754. Sasine thereon. Registered at Dunbarton, 18 Sept 1754.

22. 14 Aug. 1770. Marriage contract between Lachlan McTavish, eldestson of Dougald McTavish Dunardry Esquire, and Mary, only daughter of William Loch of Halkshaw. Among the lands mentioned are he 8 merklands of Kilmichael, Inverlussay, with mill, and the 3 merk lands of Achichoise in Glassary, of which no prior mention occurs in the writs.

23. 24 Sept. 1770. Sasine on above contract. Registered at Edinburgh 21 Noc. 1770.

24. 12 Oct. 1782. Trust Disposition by Lachlan MacTavish of Tonardarie in favour of James Ferrier, W.S., as Trustee for behoof of said Lachlan and his credxitors. Registered in the Books of Council and Sessikon, 10 Dec. 1782.

25. 31 Dec. 1785. Argyll's confirmation of above Trust.

26. Same date. Sale of the property by James Ferrior to Major-General John Campbell of Bar breck. Registered in the Books of Council and Session, 2 Jan. 1786.

The General sold the lands to Niall Malcolm of Poltalloch, who had sasine on 10 Aug. 1792. Argyll's confirmation of the sale (through his Commissioner, James Ferrier) was issued on 21 June 1804, and sasine followed on 4 Sept.

I append chart pedigree as disclosed by the above writs. I understand that the family used as their arms the simple gyronny of Campbell, but with tinctures of silver and azure. There can be no doubt that they are of the same race as the Campbells, though I believe none of them ever used the name, as did the Maclvers and MacArthurs.

(NOTE: The Excerpts from the Poltalloch Writs were done by Herbert Campbell, whom is believed to be the same Herbert Campbell who edited the Craignish MS.)

¹⁸ Possibly son of the tailor, McConachie (See No. 15)

¹⁹ As details are contained in the public records, only the bare facts of this and the following writs are given, so as to avoid undue length.

²⁰ This is interesting as show when the modern spelling becomes fixed.