

## The Poltalloch Writs

by Patricia Adams

Commentary following by Patrick Thompson, Seannachie

From 1999-2003, I was the Clan Genealogist for Clan MacTavish. I did not work with individuals on their family heritage, but rather on the heritage of Clan MacTavish and the Chiefly line, looking for anything that could be found recorded. I thought it might be interesting for you to be able to read some of the research that was done during that time. Notice the different spellings of MacTavish and Dunardry over the years. Remember that in the 1500s through the 1700s and later, the common man was not necessarily literate. Some had to make their mark "X". Also – many names were spelt as they sounded, not using specific spelling as we do today.

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### EXTRACTS FROM POLTALLOCH WRITS LANDS OF DUNARDARIE

Submitted Herbert Campbell  
Pg. 138-142

1. "At Kilmartin, 10 Dec. 1533. Feu charter 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 the 3 merk lands of Tonardare, 2 merk lands of Dunnanis, 1 merk land of Bardarroch, 1 merk land of Barinloskan and 1/2 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. Percept of sasine (Note from typist of this document: The Oxford English Dictionary: sasine is act of giving possession of feudal property - SC law) by the Earl, addressed to his beloved John Campbell of Carnassarie and Gilbert McNicol for the infeltment (Note from typist: infestment is the act of giving symbolical possession of heritable property, the legal evidence of which is an instrument of sasine.) of John McAllister McEwin VcKaviss and his son Dugald. Witnesses: Ardkinglass, Maclachlan and Pennymore, as above, and Archibald Campbell of Clauchan.
3. 16 Dec. 1533. Sasine on above (Mr. Niall Campbell, clerk of Lismore Diocese, notary public). Witnesses: Dugall McAne VcAllister VcEwin, Gilbert McNicol, Duncan McIlilandrist, Donald McInlester and Patrick McDouil VcAllister.
4. At Glenselchis, 18 June 1517. Percept of clare constat by the Master and the Earl of Argyll, addressed to their beloved Mr. Archibald Campbell of Arenafad and Donald McKay of Kilmachumaig, for the infeltment of Dugall McAne VcAlexander McEwin as son and heir of the deceased John McAllexander VcEwin, in the above 7 1/2 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 Kilmore.
5. 13 Aug. 1547. Sasine on above (Mr. Gilbert McCallum, priest of Lismore Diocese, n.p.), to the said Dougall. Witnesses: Angus McInleish, Patrick McDoule VcAne VcAllister, Ewin McCallum, Donald roye McInocader (McNoweatter) and Niall McAne VcCoule.
6. At Inveraray, 20 Oct 1517. Precept of clare constat, (Note from typist: Precept of clare constat - a deed executed by a subject's superior for the purpose of completing the title of his vassals' heir to the land held by the deceased vassal under the grantor of the precept) addressed to Lachlan McDonche VcAllan of Dunemuck<sup>1</sup>, for the infeftment of Patrick McDoule VcAne VcAllexander as lawful son and heir of Dougall McAne VcAllister VcEwin. Witnesses: Colin Campbell of Ardkinglass, John Campbell of Lochnell, Lachlan maclachlan of Strathlachlan and Mr. Niall Campbell, rector of Kilmartin.

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<sup>1</sup>See Poltalloch writs (Dunadd).

7. 2 Nov. 1547. Sasine on above (Gilbert McCallum, n.p.) given by Lachlan McDonche VcAllen to the said Patrick. Witnesses: Mr. Archibald Campbell of Arenafad, John roy McDoule VcAne, John bane<sup>2</sup> 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 baldach<sup>3</sup> McNeill VcAchin, Patrick Millar and John Watson, notary public.
9. 3 Aug. 1569. Sasine thereon (John Watson, of St. Andrew's Dioeces, n.p.) given by Lachlan McDonchie roy VcAllan of Dunemuck to 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. Witnesses: Dugall Campbell of Duntroon, Charles Campbell of Kilbride and Niall Campbell of Blair.
11. At Inveraray, 6 Nov. 1633. Percept of clare constat by Lord Lorne, addressed to his beloved John Lea<sup>4</sup> McKerreis in Barracay, for the infeltment 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 Raynish, 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. Procuratory of resignation by Archibald McCawis of Tonardarie (through his procurator, Mr. James King, advocate), appointing Archibald Campbell of Kildalvan his procurator for the resignation to Lord Lorne of the above 7 1/2 merk lands, for the purpose of a re-grant to John McCawis, eldest lawful son and apparent heir of the resignor. Witnesses: Walter Logane, John Thomson and Niall Cuik, all in Hilmichael. 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 infeltment 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"<sup>5</sup> of said Archibald. Witnesses: Archibald Campbell of Kilmun, William Stirling of Auchyll, Archibald Maclachlan of Craiginterve and Duncan Duncanson, the notary's servitor.
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 Nos. 11 and 14 respectively (same notary as in No. 13). Witnesses: Gillemartin McNokaird in Kilfuccane<sup>6</sup>, Alexander McConachie<sup>7</sup>, tailor in Tonardarie, John McNoweatter and John bane McAgowane there, John McRobert VcInzeaskane in Glenshirowe and Donald Cameron, servitor of the notary.

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<sup>2</sup> "White"

<sup>3</sup> Presumably *balach* ("youth")

<sup>4</sup> i.e., "the leach".

<sup>5</sup> I.e., grandfather

<sup>6</sup> Kiluccane is a mile east of Inveraray Castle. Barraray is a mile west.

<sup>7</sup> Probably some 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 show 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 Benderdalloch was a swindle!

16. At Inveraray, 15 May 1669. Charter by the Earl of Argyll to Donald McCawis, eldest lawful son of deceased John MacCawis of Tonardarie, of the above 7 1/2 merk lands, following on resignation; with precept of sasine addressed to John McPhaill in Tonardarie.
17. 17 Sept. 1669. Sasine on above<sup>3</sup> (Duncan Fisher, clerk of Lismore, Diocese, n.p.) given by John McPhaill. Witnesses: Dugall McNowcatter, Lachlan McPhaden and Donald McIntailzeor,<sup>8</sup> all in Tonardarie, and Duncan McOlchallum in Inveraray.
18. 18 Sept. 1700. Precept of clare constat by the Earl of Argyll to Archibald McCawis as son and heir of Donald McCawis of Tonardarie.
19. 20 Ma 1701. Sasine thereon. Registered in the Dunbarton Sasine Register, 14 June 1701.<sup>9</sup>
20. 18 Nov. 1752. Precept of clare constat by the Duke of Argyll to Dugald McTavish (*sic*) as son and heir of Archibald McCawis *alias* McTavish<sup>10</sup>.
21. 31 July 1754. Sasine thereon. Registered at Dunbarton, 18 Sept. 1754.
22. 14 Aug. 1770. Marriage contract between Lachlan McTavish eldest son of Dougald McTavish of Dunardry Esquire, and Mary, only daughter of William Loch of Halkshaw. Among the lands mentioned are the 8 merk lands 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 Nov. 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 creditors. Registered in the Books of Council and Session, 10 Dec. 1782.
25. 31 Dec. 1785. Argyll's confirmation of above Trust.
26. Same date. Sale of the property by James Ferrier to Major-General John Campbell of Barbreck. Registered in the Books of Council and Session, 2 Jan. 1786.

The General sold the lands Niall Malcolm of Poltalloch, who had sasine on 10 Aug. 1792. Argyll's confirmation of this 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 simply gyronny of Campbell, but with tinctures 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 MacIvers and MacArthurs.” \*\*\*

(Note: The Lord Lyon during the time of Lachlan MacTavish was John Hooke Campbell.)

### Commentary

Notice that that very first charter for Dunardry “At Kilmartin, 10 Dec. 1533. Feu charter by the Earl of Argyll...” is dated in the year 1533. However, Dunardry was held by the MacTavishes long before the Campbells came into Argyll. \*\*\*

Following are specific texts that show this to be a certainty. The Breemar Gathering Book of 1957, the oldest gathering of clans in Scotland, notes clans and their tartans. The publication describes the oldest and original clans in Scotland are printed in ALL CAPITAL LETTERS (includes MacTavish, pg. 229), while the later clans are printed in lower case letters.

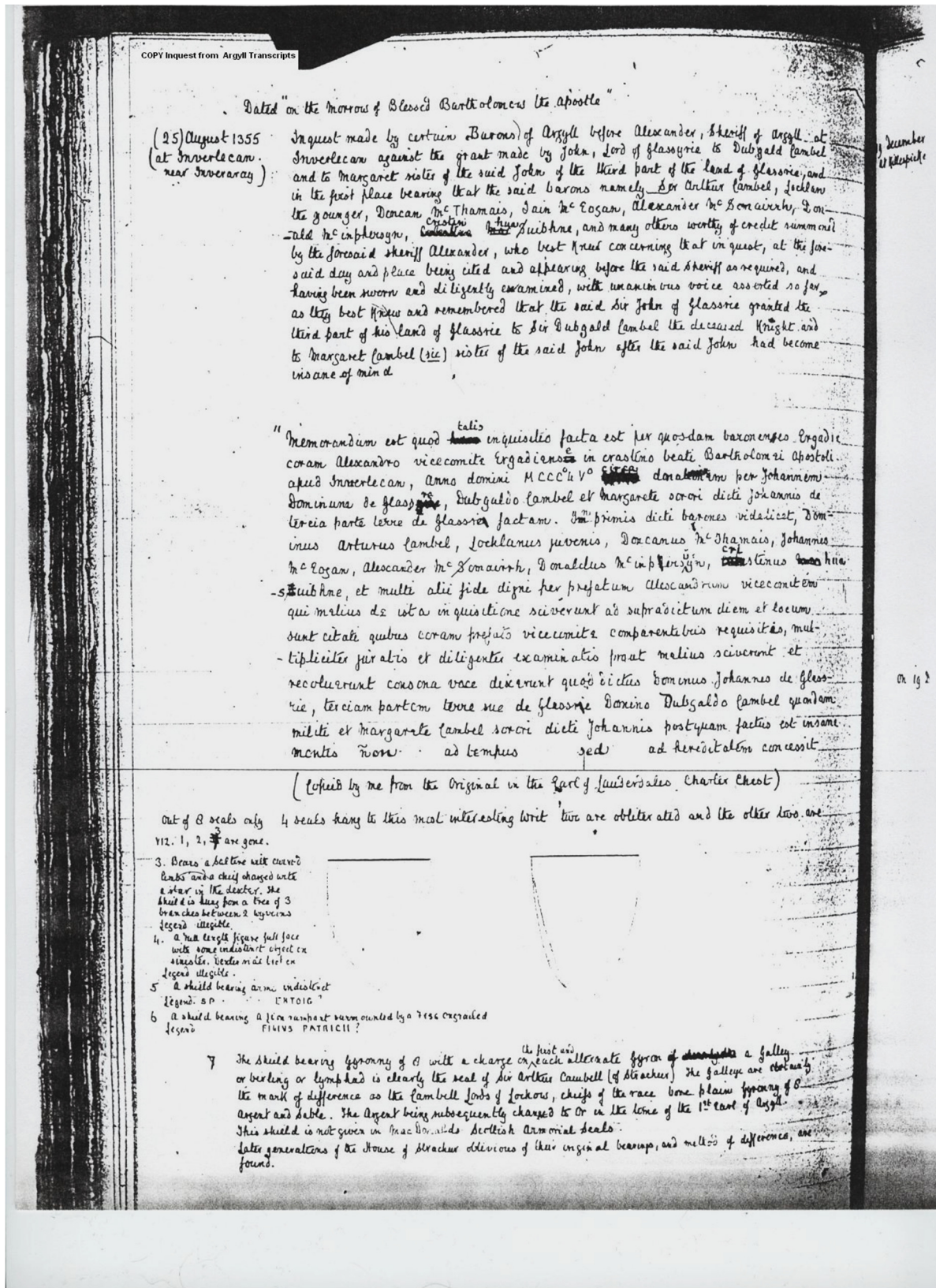
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<sup>8</sup> Possibly son of the tailor, McConnachie. (See No. 15)

<sup>9</sup> 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.

<sup>10</sup> This is interesting as showing when the modern spelling became fixed

The ARGYLL TRANSCRIPTS is a compiled manuscript from records held at Inverary Castle, Home of the Chiefs of Clan Campbell, produced by the later 10<sup>th</sup> Duke of Argyll, Chief of Clan Campbell, Niall Diarmid Campbell. The following is scan of one page from 1355 (not 1533, the year of the first Dunardry charter from the Earl of Argyll). Note: Duncan McThamais (a form of MacTavish) is a Baron of Argyll.



There is also a text from the oldest learned Society in all of Great Britain, the Philological Society of London, later, renamed the Philological Society of Great Britain. The Publication is THE EUROPEAN MAGAZINE AND LONDON



REVIEW, J. Sewell, Cornwall, 1793, p. 358, which expresses that the MacTavish held Dunardry since at least 893 AD. A scanned excerpt of that information is immediately below.

other children : our Author's father was married to a daughter of Campbel of Ashfield, and her mother was a daughter of Mac Tavish, or Tompion of Dunardary. This is a very ancient and respectable family, who have inherited the estate of Dunardary for upwards of nine hundred years. Our Author was

[The math: ( 1793 publication – 900 (years stated) = 893 AD. )]

Clan Campbell's Inverary Castle website page: <https://www.inveraray-castle.com/clan-campbell/clan-campbell-timeline> states: "1260 \_ Earliest known Campbell – Gilleasbaig of Menstrie." Menstrie is a village in the county of Clackmannanshire in Scotland. It is about 5 miles (8 kilometres) east-north-east of Stirling.<sup>1</sup> It is certainly NOT Argyllshire. From at least the year 893 AD, above noted, the MacTavish held their lands in Argyll, before the Campbells arrived. Recall the first Charter given for Dunardry by a Campbell Earl of Argyll is 1533. Hence for over 800 years before the Campbell Charter, the MacTavishes were an independent clan holding Dunardry, and not related to, or dependent on the Campbells.

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<sup>1</sup> <https://en.wikipedia.org/wiki/Menstrie>