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The last thing I want to do is to keep pestering members for contributions to the Journal. You're all busy folk and have lots of other things to do. But I see that it's about 18 months since I last tried to prod your conscience, so I don't feel quite so bad about doing so again now.

The response to my appeal of January 1983 was quite good, I'm happy to say; but my stock of copy "in hand" has now dwindled to the point where I'm once again writing most of it myself. That's not good for my slumber, or for your (literary) digestion! The Journal should be reflecting the diverse views, interests and styles of the membership at large; and the only way this can be achieved is if you do something about it. Share with the rest of us your elation over some success in your research - or despair at some failure. Don't be shy. We don't expect you to be a literary or academic genius (and if you do think you fall into that category, then there is simply no excuse.)

As my old Maths teacher used to say, as I furrowed my brows at some algebraic conundrum: "Be rash! Have a bash!" I'll take this opportunity to say a big thankyou to those who have helped me fill these pages over the past couple of years. I do appreciate the time and trouble you have taken to help me produce a Journal which your fellow members are still telling me they thoroughly enjoy. Don't let that stop you doing so again in the future, mind.

It must also be said that a goodly proportion of those contributions received so far have been from overseas members, so let locals look to their laurels.

Incidentally, as well as articles and other material in English, I'd be happy to publish something in Gaelic - and I know there are members "out there" who could oblige.

Of course, since I last pleaded for copy, we have been joined by many new members from all over the world - a particularly large batch just recently, by the way. We bid a warm welcome to you all, and hope you derive much pleasure and enjoyment from your membership - if not some tangible results. As newcomers, your contributions to the Journal will be especially welcome.

On a personal note, I'm proud to say I've become a Daddy for the fourth time, and the arrival of Sine Mairi at the end of September partially explains the late arrival of this issue. A lovely little excuse!

"Persecuted for Religion"

THE TRIAL OF A "POPISH PRIEST", INVERNESS, 1815.

By Duncan Ross

The Rev. John Lamont was the Parish Priest in the predominantly Roman Catholic area of Glengarry, early last century. He was "a person of respectability and exemplary life" (1) and "greatly esteemed by his own flock" (2), yet in 1815 the full majesty of the law was brought to bear against him for the mere celebration of a marriage.

As a person "not duly and legally authorised" to conduct marriage ceremonies, he was charged under a statute of 1661 with performing a "clandestine and irregular" marriage, and was brought to trial at the High Court in Inverness on September 19th, 1815. Banishment from the Kingdom, under pain of death on return, was the sentence he faced under the terms of an Act which had not been invoked against the Catholic community in this way for at least half a century.

Precisely why the Crown authorities now chose to dust off this pernicious piece of legislation to persecute a humble priest in a distant Highland glen, has so far eluded me; although there are one or two clues, of which more later. Whatever the motives behind it, the case seems to have become something of a 'cause celebre' in its day.

In what was described as a "most eloquent and impressive speech" (1), his defence counsel, Mr J.P. Grant of Rothiemurchus, lambasted the authorities for trying to stir up religious animosity. It was a "naked prosecution against a Catholic priest" under an "impolitic and antiquated law" which he deemed "a disgrace to our statute book" (1).

On the face of it, there should have been no doubt about the Crown securing a guilty verdict, but in the event the charge was found Not Proven - a result which appeared to afford much satisfaction to the crowded audience that attended' (3) in the cramped court-house beneath the steeple.

The marriage which sparked off this controversial prosecution took place between my great-great-grandparents. It was a curious match. John MacRaid, an old soldier in his 50s, was a Protestant, while his Roman Catholic bride, Isabella Macdonald, was a girl in her late 'teens or early 20s.

He was born in the parish of Duirinish, Skye, c. 1762 (possibly one of the MacRaides of Colbost), and had served in India with the 78th Highlanders, rising to the rank of Sergeant. By 1810 he was "worn out" and pensioned off, but he transferred to the 6th Royal Veteran Battalion, then stationed at Fort Augustus, and in 1812 was promoted to Barrack Sergeant. (The old Hanoverian fort did not become a Benedictine Abbey until 1876).

Army records show that MacRaid (older spelling MacRait) was 5ft 8ins tall, of dark complexion, with grey hair and grey eyes. His bride was the daughter of Alexander MacDonald, a shepherd at Glendoebeg, a few miles east of Fort Augustus. According to family tradition, she worked at an inn near the Fort and it was here that she met MacRaid, who boasted to his friends that he would ask her to marry him. They laid bets that he would never have the nerve to go through with it - so he must have won himself some cash, as well as a wife.

The couple approached the girl's Parish Priest, the Rev. John Lamont, in harvest-time, 1814, and asked him to marry them. Banns were called in his chapel, and MacRaid obtained a certificate of permission to wed from his Barrack Master.

As Fr. Lamont later explained (4), the banns had been twice proclaimed when he received a letter from the Rev. William Fraser, Minister of Boleskine and Abergarriff, intimating that they ought to be proclaimed in the Parish Church. But he did not ask the priest to refrain from marrying them and, after consulting a local Justice of the Peace, Fr. Lamont performed the ceremony in the home of the bride's father. About 30 or 40 guests were present, both Catholic and Protestant, including the J.P. whose advice he had sought - William Fraser, Borlum.

Proceedings against Fr. Lamont for this "violation committed upon the Established Church of the country" (5) were initiated in March 1815, and the Procurator Fiscal at Inverness, Mr Alexander Macdonell, wrote to him requiring his presence at Inverness to be judicially examined by the Sheriff. The letter evoked this dignified reply (5):

Aberbaldie
27 May 1815

Dr. Sir, - Yesterday I received your welcome favours. In reply, I have only to say that, please God, I will make my appearance at the Capital of the North on Thursday first at your request. For what I know not, unless we are to be persecuted for religion. If so, I am glad to suffer, hoping to be rewarded. Meantime, I am, dear sir, your most obt. servant.

(Signed) John Lamont

By the day of the trial, the case had stirred deep feelings in the district, and the court-house was packed. Accommodation for the public was limited, and the ensuing confusion caused "much complaint" (6).

Initially, the Crown had also charged the priest with celebrating the marriage without the proclamation of banns (in the parish kirk, presumably), but this part of the indictment was dropped at the start of the trial due to the absence of an essential witness. Mr Grant argued that as the indictment consisted of one, substantive charge, it should be abandoned in total; but the prosecutor, Advocate Depute Mr Samuel McCormick, said the reference to banns was merely an aggravation of the main charge - which was that Fr. Lamont had presumed to solemnize marriage at all (1).

(The 1661 Act was aimed against the Catholics, rather than against genuinely clandestine marriages, and it specifically mentioned "Jesuits, Priests or any others not authorised by this Kirk". In 1712 the Toleration Act permitted Episcopal clergymen to solemnise marriage under certain conditions, but it was not until the Marriage (Scotland) Act of 1834 that it became lawful for marriages to be celebrated by clergymen of other denominations.) (7)

Also abandoned at an early stage in the trial was an allegation that Fr. Lamont had celebrated a second clandestine marriage between a 'Protestant' Peter MacDonald, a labourer on the Caledonian Canal, and a Roman Catholic, Mary MacDonald. This charge was dropped when Peter MacDonald swore that he was and always had been a Catholic. This suggests that the authorities were prepared to turn a blind eye to "Popish Priests" conducting marriages between Catholics (although this was still illegal), but became alarmed when one of the parties was a Protestant and proper notice of his intention to marry was not proclaimed in his own church.

Despite the Crown's failure to prove the point about banns, the trial proceeded and the first witness was MacDonald himself. He told the court that, although a Protestant, he agreed to be married by the priest because his wife was a Catholic, and this was "a general practice in the Highlands". He said banns had been called "on three several Sundays" in Fr. Lamont's chapel at Aberchalder. He had a certificate from his commanding officer declaring that both parties were, to the best of his knowledge, single persons at that time. It was the practice of the Army to grant such licences to entitle soldiers to marry (2).

Isabella MacDonald could speak no English, and gave her evidence in Gaelic through an interpreter. She said she did not consider it a sin to live with a man in a state of matrimony, when the marriage had not been celebrated by a Catholic clergyman, but as she had been baptised in the "Roman faith", she thought it "more proper" that her marriage should be celebrated by a priest (2).

Witnesses for the defence put it stronger than that, however. The Rev. Evan MacEachan, the priest in Strathglass, said that according to his church, marriage was "a real great sacrament" which could not be piously administered among Catholics without the presence of a person in Holy Orders. In a mixed marriage, fault could be found with the Catholic for marrying before a Protestant minister, unless they had first been married by a priest. Such a marriage would be valid, he believed, but the Catholic party would be liable to censure. They would be "rebuked publicly or privately at the discretion of their priest". Other defence witnesses spoke of Fr. Lamont's respectable character, and pointed out that the great majority of Glengarry's inhabitants were Catholics (2).

Summing up for the Crown, Mr McCormick dismissed the defence case as being "of little importance". The issue of marriage licences by Army officers, although a proper practice, was not equivalent to proclamation of banns.

He professed to know little of the doctrines and discipline of the Catholic church, but no doctrine could be sanctioned which was contrary to the law of the land. He had proved the accused to be a Catholic priest, and to have celebrated a marriage - and he was therefore entitled to demand a conviction (1).

Then Mr Grant got to his feet to address the jury, and he did nothing to conceal his indignation. This was a "paked prosecution against a Catholic priest". The jury were being asked to declare whether it was the law of this enlightened country of Scotland, in this age of the world, that the Catholic inhabitants of this country were to marry or not to marry!

On hearing this, the Advocate Depute smiled. Mr Grant turned towards him and said: "The learned gentleman may smile, but I tell him, there is not one person who hears me that does not blush at this prosecution" (1).

Scotland seemed to be the only place where a law was to be suffered to exist to prevent the marriage of persons professing a tolerated faith. To Catholics, marriage must in Scotland be a crime. Was such an execrable proposition to be maintained? No, said Mr Grant; yet they were called upon to give effect to such a law. The statute was no doubt unrepealed, but why had no prosecution been founded on it for 50 or 60 years? Because, he maintained, no prosecutor could be found to attempt to enforce it. He could not argue that the statute was unenforceable, but he sincerely believed it had unintentionally remained unrepealed and he hoped it would not continue to disgrace the statute book for much longer. He reminded the jury that Fr. Lamont was a person of "respectability and exemplary life", and that he faced a penalty of banishment for ever from his native country - and death if he should return. No fresh proceedings would be necessary, other than to identify his person, and his life must be sacrificed.

This powerful oration was reported fully in a contemporary journal (1), and its full force can best be conveyed by quoting from it:

All this the public prosecutor might view with cold-blooded indifference, but he (Mr G) could not be cool, when, without the commission of any immoral act, without any moral turpitude and only for the violation of an impolitic and antiquated law, an useful, a respectable, and an innocent individual was exposed to such a dreadful punishment. But it would appear, that there was not even a breach of positive law. What the doctrines of the catholic church were, was proved to the jury. Were they to compel people to the commission of sin? Was that state, which, to the poor as to the rich, was of all others the greatest means of happiness, to be rendered unattainable, but by a breach of religious duty? Was the weaker sex, on whom this law was most severely to operate, to be subjected to the violation of their religious faith, when undertaking the dearest and most sacred of engagements? Were all the charities of human life to be set at naught - was religious feeling - was liberty of conscience to be destroyed? No; and the jury, thank God, were not reduced to so horrible an alternative - they were entitled to acquit, and must feel pleasure in acquitting the prisoner. The jury, in this case, were not bound to give effect to a law subversive of every thing dear to us as men and as citizens. In this country there was no invidious distinction between catholics and protestants - unity and harmony subsisted between them.

No man inquired what was the religious faith of his neighbour ... here was no distrust or jealousy among us; yet in this situation a firebrand was to be thrown among us by the hand of him whose duty, from his office, it was to secure to us the possession of peace and tranquillity. This was indeed a matter of momentous concern - a matter which not only exposed the respectable person at the bar to the utmost suffering - but agitated the breasts of every individual of his flock and was calculated to breed distrust, animosity and confusion where nothing reigns but harmony and confidence... It was creditable in the highest degree to the worthy person at the bar and to his catholic flock, that they attended in quiet, with full confidence in the verdict of a protestant jury, the result of this trial. The verdict of the jury would, he trusted, for ever prevent the recurrence of such prosecutions. He had the honour to address a jury of Scotsmen, in a country famed for its intelligence and enlightened liberality, and he could not suppose that principles so abominable would be sanctioned among the best-informed inhabitants of the British empire. He looked with confidence for a verdict of acquittal satisfactory to their consciences and to their God - and which would receive the applause of all who feel, and the approbation of all who think.

The trial judge, Lord Succoth, soon brought the gentlemen of the jury back down to earth. Whether or not they considered the Act wise or politic, was not significant, he told them. It was the business of the legislature to rectify errors of the law, and it was the province of the judge only to expound and enforce the acts of the legislature. It was a rare case - different from all others founded on this statute for a considerable number of years - and therefore merited the most deliberate consideration. It appeared that it was the custom of the Roman Catholics to be married by their own priests, and this custom appeared to have prevailed for a long time - but no usage, however long or general, could excuse the violation of the law. The question was, had the prisoner at the bar violated the statute of 1661? According to contemporary reports (1 & 2) his Lordship left no one in any doubt as to his personal view - the priest had, indeed, celebrated "an irregular and inordinarily marriage".

Despite this less-than-enthusiastic summing up from the bench, the jury returned a majority verdict of Not Proven - not quite a declaration of innocence, but an acquittal all the same - and Fr. Lamont was dismissed from the bar. They may have been genuinely perplexed by the legal complexities of the case, and gave the priest the benefit of the doubt; but the suspicion must be that Mr Grant's rhetoric carried the day, and they simply refused to persecute the man for his religion.

As for the soldier and his wife, they lived happily ever after, despite the differences in age and religion - at least, so the story goes. On Sundays, MacRaid would take his wife to chapel on his way to the kirk, and collected her afterwards in the pony and trap. He finally left the Army in 1818, and they went to live at Dalcaattail, just across the river from Invermoriston. They had four children, all of whom were apparently brought up in the Protestant tradition, although their births/baptisms are not recorded in the Church of Scotland registers.

- 1) Alexander Ramsdson (c. 1820 - 1892). Parish schoolmaster and Session Clerk, Invermoriston; Inspector of Poor, Kilmornaig and Lochalsh; Sheriff Officer, Inverness and Fort William; founder member, Gaelic Society of Inverness; "A reputed scholar of his time" (3). Married (1884) Isabella Macdonald. d.s.p.

2) Margaret (born c. 1825), of whom nothing is known.

3) John (c. 1826 - 1878). Bridge-keeper and joiner, Laggan Locks, Caledonian Canal. Married (1849) Joanna Fall; with issue - 9 sons and 4 daughters, of whom four died in infancy.

4) Mary Ann (c. 1829 - 1901). My ancestor. Married (1857) James Hunter, bobbin-turner, Invermoriston, later dairyman in King Street, Inverness; with issue - 4 daughters.

Their father was said to have been 86 years old when he died at Invermoriston on July 4th, 1848, "after an illness of only 24 hours" (9). His wife survived him by another 23 years.

Fr. Lamont was aged 34 at the time of the original trial which secured for him a small place in the ecclesiastical history of the North. He died only five years later, in January 1820, and is buried at Kilfinnan, near the north end of Loch Loochy (10)

REFERENCES

- (1) The Scots Magazine and Edinburgh Literary Miscellany, November 1815, pp 830-834.
- (2) Trial of Mr John Lamont, etc. James Beaton, Inverness, 1815; reprinted Edinburgh, 1834. (From the Fraser-Mackintosh Collection, Inverness Public Library).
- (3) Caledonian Mercury, Edinburgh, September 25th, 1815.
- (4) Judicial Declaration by John Lamont before Sheriff Thomas Gillean, Inverness, June 1st, 1815; Justiciary Court records, Scottish Record Office, Edinburgh.
- (5) Fiscal's Petition to Sheriff Gillean & John Lamont's reply to Fiscal's letter: Letters of Two Centuries, Charles Fraser-Mackintosh (Ed), Inverness, 1890.
- (6) Inverness Journal, September 22nd, 1815.
- (7) Sources for Scottish Genealogy and Family History, D.J. Steel & Mrs A.E.F. Steel, London & Chichester, 1970.
- (8) Story and Song from Loch Ness-side, Alexander Macdonald, Inverness, 1914.
- (9) Inverness Courier, July 25th, 1848.
- (10) Pre-1855 Gravestone Inscriptions in Lochaber, Lyn & Roger Tatler, 1980.

FOOTNOTE

The story of the Priest, the Soldier and the Shepherd's Daughter was handed down (at least in outline) by my great-uncle, James Hunter Robertson, who was a great-grandson of John MacRaid. However, memories of it seem to have survived in at least one other family from the district. The late Miss Mairi A. Macdonald, writer of several articles on local history and daughter of local historian Alexander Macdonald (Ref.8 above), was also the author of a novel published posthumously this month. Entitled Highland Corrumpch, the story opens in 19th century Glenmoriston - with a "clandestine marriage" between a Protestant and a Roman Catholic in the chapel of the local priest.

MICROFILM: Further progress has been made with our acquisition of the 1841 Census for the counties of Coithness, Sutherland, Ross & Cromarty, Inverness, and Nairn. As many of you will know, the information given in this Census is restricted to name, age (usually 'rounded' down in the case of adults), occupation, and whether born in the county of residence. However, it was the first nation-wide Census to give any details of individuals, and is useful for that reason. The microfilm of this Census, and that of the 1851 Census, may be borrowed for home use by members on the following basis: one reel of film plus one viewer per member, for a maximum period of one week, by arrangement with Peter Reynolds at the Reference Room, Inverness Library. After much thought, the Committee reached the conclusion that we could not take the risk of sending microfilm or viewers through the post. However, members unable to visit the Library personally may write to us and we will try to help. Contact the Secretary, David Evans, and try to make your requests as specific as possible; the time-consuming ones may end up at the back of the queue !.... We also appeal to the lucky ones in the Inverness area to spare a thought for their far-flung fellow members. Could you do one of them a favour now and again ? If so, please phone David (Inv. 230184) and let him know..... Don't breathe a word to a soul, in case they change their minds, but I hear the Library Service are planning to purchase microfilm of all the OPRs for all the Highland parishes. Things are looking up !

PUBLICATIONS: Family History as a hobby has finally "arrived" - we now have a glossy magazine! First issue of the bi-monthly "The Family Tree Magazine" is due in November, with articles on the plight of the Huguenots, the Federation's autumn conference, an American's search for his ancestors, and other features including the first in a "Guest Society" series, on the Armstrong Clan Association. Letters and queries accepted. Price 85p over the counter, £2.50 for 3 issues, or £5 for 6 issues. Details from: J.M. Armstrong (Publishing), 129 Great Whyte, Ramsey, Huntingdon, Cambs PE17 1HP, England.....Another bi-monthly magazine, launched in July, is "Local History" which promises to refer regularly to the activities of family historians" and in issue No2 carries an article called "Family History Shows The Way". Price £7.50 per year. Published by Susan & Robert Howard, 3 Devonshire Promenade, Lenton, Nottingham NG7 2DS, England.....

.....And in America, a new quarterly starts publication in January 1985. "The International Newspaper for Genealogists" is aiming to become a world-wide publication, bridging communications gaps by acting as "a clearing house for the exchange of information between countries and continents". Price \$ 10.50 within USA, \$ 11.50 beyond. Publishers: Beeson Tabor Enterprises, PO Box 68354, Portland, Oregon 97268, USA.

CONFERENCES: We can supply further details on request of: The 4th Annual Conference of the National Genealogical Society of Washington D.C., hosted by the Utah Genealogical Association at Salt Lake City, August 6th-9th 1985. The hosts offer hospitality and a charter flight to British members of the Federation of FHSs; The 4th Australasian Congress on Genealogy & Heraldry, Australian National University, Canberra, May 8th-11th 1986.

BOOKS: The Anglo-Scottish section of the Manchester & Lancashire FHS have produced the first issue of their "Dictionary of Emigrant Scots into England & Wales", price £2 plus 25p UK postage, 30p overseas postage - and have donated a copy to our library. They invite contributions about such migrants for future issues.

..... Mr David Dobson, 13 Queen Street, Carnoustie, Angus DD7 7AA, has published a 2nd volume of his "Directory of Scottish Settlers in North America 1625-1825", listing 4000 names. Price \$ 17.50 ex. postage from Genealogical Publishing Co. Inc., 1001 N. Calvert St. Baltimore, Maryland 21202, USA. Vol 1 (5000 names) available from the same address, price \$ 20 ex. postage.....Our member Mr Walter H. McIntosh, 92 Village Post Road, Danvers, Mass., 01923, USA, has published a 4th volume in his series on Mackintosh genealogies in the USA & Canada.....Bristol FHS member, Mrs Rae Collins has written a book about her search for ancestors in Norfolk; "A Journey in Ancestry", price £4.95 is published by Alan Sutton Publishing, 17A Brunswick Road, Gloucester GL1 1HQ....

... "An Inverness Miscellany" is a collection of four papers given to Inverness Field Club on the Minutes of Inverness Presbytery 1745-48; Inverness Street Names; The Heritable Jurisdictions; and Water Power in Inverness & District: write to Mrs Maclean of Dochgarroch, Hazelbrae House, Glen Urquhart, Inverness.....Our member Mr R.W. Munro is the author of "Taming the Rough Bounds: Knoydart 1745-1784", a study of this currently newsworthy West Highland estate during the period it was forfeited to the Crown after the '45 Rebellion; price £1 plus 18p postage from the Society of West Highland and Island Historical Research, Breacachadh Castle, Isle of Coll, Argyll PA78 6TB.

