

HIGHLAND
FAMILY HISTORY
SOCIETY

hìghland family history society



comunn sloinntearachd na Gàidhealtachd

JOURNAL

ISSN 0262-6659

Published by
The Highland Family History Society
Comunn Sloinntearachd na Gàidhealtach

Vol. 17 No. 4

August 1999

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The National Museums of Scotland are publishing a book next year on the cinema in Scotland. A friend of mine is a scion of a family which has entertained the Highlands for a century with fairgrounds, sideshows, circuses and for a while a mobile cinema, and I hope he will be interested to offer some of his memories to the producers of this book. Have you photos of Scottish cinemas in your area? Have you been involved with the making of films in the Highlands? Or as in my friend's case, have you been involved in the presenting of such films to the public? If so, please let Andrew Martin in the NMS, Chambers Street, Edinburgh EH1 1JF or call him on 0131-247 4045. If you can write an article suitable for the HFHS Journal, all of our members would appreciate it too.

We have something of a newspaper theme this time, with articles and spinoff tales, especially with the major story John Durham found in the Inverness Courier, after having chased it up from our last graveyard publication on Chapel Yard. Newspapers have been with us for a few centuries now and give us stories and advertisements which enhance any story we may care to tell of our families in the histories so many of us are writing. How much is there to believe in what you read in your daily or weekly paper? What makes you think that an article in the news a hundred years ago was written with any more eye to the Truth as opposed to a Good Story, or any less to raise emotional responses and fill column inches than one published yesterday? I have read the report by witnesses in a court case from the 1720s where more than once a protagonist entered a room 'with a cocked pistol in his hand and another in his breast.' The repetition suggests formula reporting. My research into a 1912 fishing-boat disaster gave me graphic and vivid word-drawings from more than one newspaper of a village in mourning with all the folk wailing and tearing their clothes or hair, again I infer some standard phrases tripping lightly off a typewriter. Another aspect of journalism is the slant or bias a writer or editor will insist upon or put in. Notice how often teenagers who throw rocks at police are 'youths' while their cousins who go to church are 'young people.' Something the paper agrees with is reported clearly, anything controversial is 'claimed' or 'admitted' by the characters involved. We who read our dailies and weeklies know how far we can accept the accuracy of reportage by dint of growing up with them, and that is the pinch of salt one must always take with the well-cooked joint in any journal's reporting. But the vividness of cliché was always (and is still) based on the words written by someone who had been to a place involved in a newsworthy event, by someone who saw the actual effects of a disaster or ceremony or celebrity visitation on real people in real homes, so the descriptions are snapshots of our then-living relatives given by others who met them. A poem written by my grandfather's grandfather of a mid-nineteenth-century evacuation of Tristian da Cunha gives an illustration of the islanders torn from their homes as seen by an outsider, and quotes words spoken by some of them. My difficulty is winnowing out the good wheat from the leftover chaff, but it *feels* real, and what more does any journalist want?

There was a MacColl Society which flourished in the 1930s, my grandfather was a member and I have got a few details from the pages of its Journal, but no relations, and even the Journal copies are hard to find. All my McColl relatives seemed to be in Canada, all of us descended from four of nine children of my ggggrandparents and I never found any fourth cousins in Scotland even after all the work I've done. Until now, when I was phoned by a lady in Argyll who claims descent from another child of the next generation back - a fifth cousin at last! And she's lent me her complete run of the journal too.

Dark Deeds in Rose Street by John Durham

During the work of transcribing the monumental inscriptions in Chapel Yard, Inverness, I was intrigued by the following inscription, as it implied that the deceased may have been murdered.

[Flat, badly eroded] 1862. To the memory of David CUMMING, house-carpenter, Inverness, aged 24 years, who was found dead in Rose Street, Inverness on the morning of the 1st December 1861, in circumstances to excite suspicion that death had been caused by violence. This monument is placed by tradesmen and by friends. He was much esteemed.

The next step was to find out if there was a newspaper report on the alleged incident. I paid a visit to the reference room in the library where microfilm copies of *The Inverness Courier* are available. In the edition dated December 5 1861 was the following article.

SUPPOSED MURDER IN INVERNESS

On Sunday morning, about seven o'clock, the police were informed that the body of a man had been found, lying naked in an outhouse at the back of No. 37 Rose Street, occupied by Mr Frank Fraser, farmer. Dr Manford was summoned at the same time, and proceeded at once to Mr Fraser's house, where the deceased was found stretched on the floor, too late to be benefited by medical assistance. Mr Superintendent Sutherland arrived about the same time, and removed the body to the Dead House.

Mrs Fraser stated that she was aroused early in the morning by her sons, who slept in a room the window of which looked upon the back-yard, and who said that they had heard such groans and sounds that they were sure there must be something dreadful in the outhouse - a wooden shed, partly occupied as a carpenter's workshop, and partly as a cow-house. Mrs Fraser rose and by the light of a candle discovered that a man was lying in the doorway of the carpenter's shed. His face was uppermost, the head in a small pool of water outside the door, and the greater part of the body inside. There was a deep cut behind the left temple, and a good deal of blood on the face. Mrs Fraser screamed loudly, but no one came to her assistance, and feeling the body still warm, and the joints of the arms still supple, she dragged it into her house in the hope of saving life. The deceased, as we have said, was naked, with the exception of having on his stockings and one boot. The body has been identified as that of David Cumming, carpenter, a young man 23 years of age, in the employment of Mr George Mackay, Margaret Street, respectably connected, a native of the town, and personally much esteemed as a young tradesman. He had been engaged at work in the neighbourhood of Tomatin, and had walked into Inverness on Saturday afternoon, a distance of about seventeen miles, to visit his parents and to spend the Sunday at home.

The alarm given by Mrs Fraser speedily attracted attention. The police searched the neighbourhood of the shed where the body was discovered, and found the coat of the deceased and his cap on a dunghill immediately adjoining. About nine o'clock it was ascertained that the rest of his clothes were locked in an outhouse,

pertaining to the dwelling of Nicol Ferguson, a working mason, residing two doors off, at No. 35, and were said to have been found in the garden behind his house, by his youngest daughter, a girl of thirteen years of age. The clothes were given up to Mrs Fraser by Ferguson's eldest daughter, Mrs Judge, residing with her father, and employed, we believe, at the Holm Mills. They were at once handed to the police, and were found to be saturated with some offensive matter, smelling strongly. On further investigation, one of the boots of the deceased, covered with filth, was found in Ferguson's garden and in a little kail-yard in the middle of the ground Superintendent Sutherland discovered, loosely covered over with earth, his watch, a broken watch-guard, a neck-tie, and one shilling and three-halfpence in money. Near the place where the body lay was found a sixpence. A large axe, such as is generally used in chopping wood, was found lying beneath the body, and on it were marks of blood.

The police naturally directed attention to the ground adjacent. At a corner of the yard near the spot where the body was found, a quantity of blood and the appearance of vomiting were noticed. In the garden behind Ferguson's house, which is of considerable size, footmarks and a devious track were discovered leading along the paling as far back as the wall which divides it from Bell's Park. In one or two places the bushes along the side of the fence were partly broken and damaged, and there the marks of the footsteps were more numerous and complicated - as if the person or persons moving along had staggered up, and tumbled on the bushes or had walked in among them. There the track was lost in harder ground, but some marks were observed beside a pig-stye, which were supposed to be marks of blood and vomiting. The track was recovered in the middle of the adjoining garden, which is partly separated by a fence of one cross rail; it crossed the garden; and in one part the footsteps were very distinct. The track returned in the second garden to the Bell's School wall, and then followed the fence back to the opposite end of the garden. Here was a filthy corner, and the footsteps were traced from it half-way back their former course. Again the footsteps turned, and this time were directed circuitously to a passage leading into the yard behind Mr Fraser's house in which the body was found. Between the exit from this passage and the shed where he lay there is a cess-pool, containing the liquid manure from a cow-house, and the refuse of the dwelling-house.

It is supposed by those who conceive that there was no murder or even homicide in the case, that the deceased, in coming out of the passage from the garden, had fallen into the cess-pool, one side of which is edged with sharp mason-work, and there received the blow on his temple; that, when he got up, he staggered to the corner where the blood and traces of vomiting were found, and, stupefied by the fall, and disgusted by the offensive smell of his clothes, threw them off and made for the carpenter's shed behind Mr Fraser's house, where he died from exposure and the injury he had received. On the other hand, serious charges are brought against Nicol Ferguson and his family, who have been apprehended and are now in jail. It is mentioned above, that the clothes of the deceased were found in the possession of Mrs Judge, Ferguson's eldest daughter, and the only effects of any value were concealed in his garden-plot.

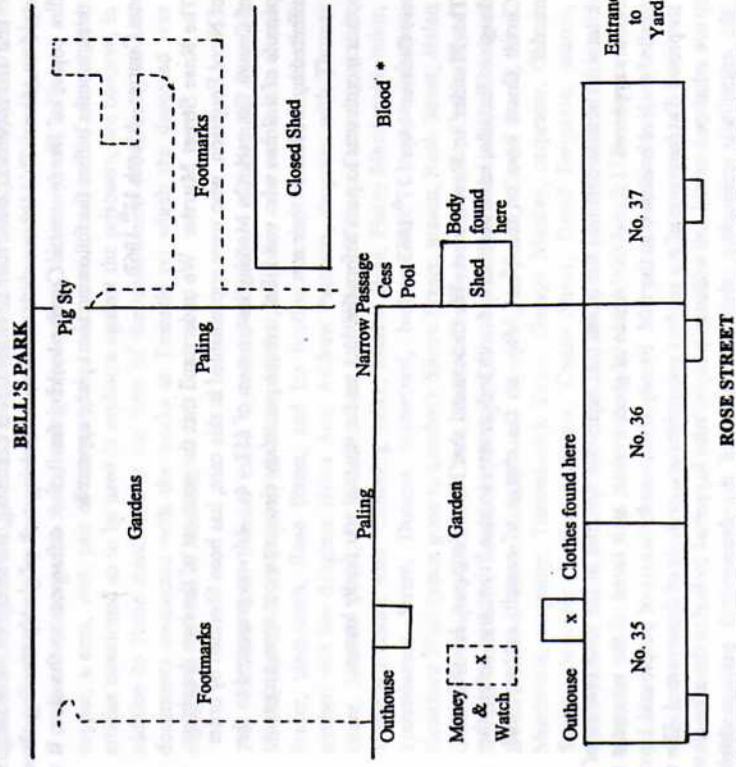
The testimony of the neighbours is unanimous to the effect that great uproar was heard in this family about three o'clock on Sunday morning. Persons living above heard two men's voices in the room below, one of them recognised as Ferguson's. A female voice, thought to be Mrs Ferguson's, was heard by one of the neighbours, and supposed to proceed from the back garden, swearing offensively, and very violent. Another neighbour also heard violent ejaculations, but conceived that they were in the voice of Mrs Judge. Among other expressions was heard, "The Lord forgive me for what I have done," followed by the words, "Whist, whist, whist," in the voice of the father. Ferguson's family seems to have been an unruly one, and the neighbours were quite accustomed to hear violence and uproar in their rooms, especially on "pay-nights." On this occasion the noise was greater than usual, and was remarked by all the neighbours. Mrs Hay, who lives next door, and a cousin from the country who that night slept with her, were so much disturbed that the former rose out of bed, and threw up the back-window, whence the noise proceeded, but the night being very dark she saw no one, and heard only the voice of Mrs Ferguson, who she supposed had been locked out of her house, and had taken refuge in a small outhouse. Later in the night she was again disturbed, and conceived that Mrs Ferguson had got hold of a ladder and was attempting to effect an entrance at some of her neighbour's windows. Her husband, sleeping in the room adjoining, was also aware of the disturbance, and at a late hour he heard in the back garden a man's voice, exclaiming "Geordie, Geordie!" This cry was also heard by Roderick Mackintosh, who lives immediately above the Ferguson's room, but he fancied that the voice proceeded from Rose Street.

The deceased was not known to have any connection with the family apprehended, but on this occasion there was a reason for his being in their house. On his way from Tomatin he had received a commission from Ferguson's brother, who was working at Daviot, to call and send the accused thither as there was work for him. It has been ascertained that before he could have gone to Rose Street the night was pretty far advanced, and though when last seen he was certainly not drunk, he had been drinking with various companions, and must have been much fatigued by his long walk from Tomatin after a day's work. He had called at his employer's house on arriving, and received a pound-note on account of his wages. Part of this had been spent - 3s. in tobacco, 2s. 6d. on a neck-tie, found by the police in Ferguson's garden, and a few shillings in treating friends whom he met in Inverness. Of the balance less than 2s. had been recovered. It was a very small sum to covet, but the Fergusons appear to have been in a state of wretched destitution. There was a family of six persons - the father and mother, three daughters, and the child of Mrs Judge. They occupied only one room and a closet, both of which were almost entirely destitute of the commonest articles of furniture, and did not contain a single blanket. There was a chaff bed in the principal room, which, we are told, was usually occupied by Ferguson, his second and third daughters, girls of about eighteen and thirteen years respectively. The closet contained a fixed bedstead, filled with shavings and straw, but not a particle of bedclothes. This was the ordinary sleeping-place of Mrs Ferguson, her daughter Mrs Judge, and her grandchild. There was no food in the house on Sunday morning, except about sixpence worth of oatmeal - no crockery, no eating utensils - nothing in fact but the two bedsteads, a table, a chair, and one or two

trunks. A more lamentable scene of squalor, wretchedness, and dirt could hardly be conceived.

There can be no doubt about the uproar and violence in the house that night, and persons who have examined the track through the gardens, say that they are satisfied they were able to trace distinctly the marks of one or more persons dragging an inanimate object over the ground. The body of the deceased, when it was found, had much more the appearance of having been dragged through garden soil than of having fallen into a cess-pool. The incidents of this unhappy affair appear in some respects inconsistent with any theory that has yet been suggested, but the case is in the hands of Messrs Stewart and Rule, and the public may feel assured that all the facts will be carefully investigated, and submitted to Crown Counsel.

The mystery hanging over the case - the extraordinary circumstances under which the body was found, and the apparent absence of any adequate motive for murder, have created a greater degree of public curiosity than any case that has occurred in this quarter for many years. To enable our country readers to follow the tracks discovered in the gardens between Rose Street and Bell's Park, and to see the relative position of Ferguson's house and the outhouse where Cumming's body was found, we subjoin a rough plan of the ground.



CASES FOR TRIAL AT THE INVERNESS CIRCUIT COURT.

The Circuit Court of Justiciary commences this year on Thursday next, 1st of May, and it is likely to extend over several days. From this county there are two cases - one of assault by a travelling hawk or tinker, named Williamson, who assaulted his wife near Grantown, and the Rose Street murder case - which is likely to occupy a large share of the attention of the court. No less than sixty-eight witnesses are called. The libel is directed to Nicol Ferguson, Catherine Macmillan or Ferguson, his wife, and Isabella Ferguson or Judge, his daughter. It is an alternative charge of murder, assault or robbery, and applies to "all and each, or one or more" of them.

The instrument of assault is said to have been an iron pinch, an axe, a hammer, or some other lethal weapon, and the murder is stated generally to have been committed in or near the house of the prisoners in Rose Street. In the libel for assault, the charge is, that the deceased, David Cumming, was severely wounded in or near the prisoners' house, and that Cumming afterwards became stupefied and unconscious, or partly conscious, and that he died in consequence of his wounds and exposure to cold and inclement weather. Thirdly, the prisoners are charged with taking by force and violence from the deceased the following articles - a silver watch, guard-chain, watch-key, a ring, thirteen pence halfpenny of copper, a coat, vest, pair of trousers, two shirts, and a neckerchief. Among the articles mentioned as to be used in evidence against the prisoners, we observe, in addition to those mentioned at the time of the unfortunate occurrence, several documents connected with the works at Tomatin on which the deceased was engaged at the time of his death.

The witnesses cited besides those concerned officially - namely, the Provost, Sheriff, Sheriff-Clerk-Depute, Mr Wormald, and the police - are as follows:- Frank Fraser, blacksmith, Rose Street, and his brother James; Barbara Fraser their mother, and her daughter Helen Ann; Andrew Paterson, shopman with Thomas Grant, Madras Street; Dr Manford and Dr Wilson; William Cumming, joiner, Turnbull's Court; Alex. Cumming, tailor, Market Brae; Finlay Macdonald, tailor, Tomnahurich Street; Duncan Sutherland, barber; Alex. Cameron, chemist, Hawthorn Walk (since gone to London); Simon Fraser, mason, Bank Street; Helen Gellion, innkeeper, Gellion's Close; Hector Charleson, innkeeper, Castle Wynd; Duncan Mackenzie, bootclosser, Haugh; Donald and Helen Macleod, children of Ewen Macleod, Shore Street; Alex. Campbell, carpenter, Castle Street; Alex. Macdonald, carpenter, Tomnahurich Street; George Mackay, carpenter, Church Street; Alexander Tolmie, carpenter, Castle Street; David Ferguson, mason, Factory Street; George Campbell, carpenter, Douglas Row; Roderick Mackintosh, labourer, Rose Street, his wife and daughter, Mrs Sewell; John Bruce Hay, plumber, Mrs Hay, and their son Duncan; Margaret Macdonald, daughter of Alexander Macdonald, farmer at Craggan, or Rhe-craggan, parish of Urquhart; Ann Grant or Fraser, widow, Rose Street; Alex. Murray, house-carpenter, Rose Street; Alex. Fraser, moulder, Rose Street, and his wife; Eliza, Catherine, and

In sharp contrast to this lengthy and detailed article, a single paragraph was all that appeared in each of the following two editions.

Inverness Courier - December 12th 1861.

The Supposed Murder in Inverness. Nothing of any consequence has transpired with regard to this unhappy affair, but a searching investigation has been instituted by the Procurator Fiscal. Every public-house keeper in Inverness has been put upon oath as to who was in his house on the night in question, and the police have been examined with regard to whom they saw on the streets after eleven o'clock. The Ferguson family still remain in prison.

Inverness Courier - December 19th 1861.

The Supposed Murder in Rose Street. We understand that the four members of the Ferguson family who were apprehended in connection with this unfortunate affair, were examined by Sheriff Thomson, and committed for trial on Saturday. Nothing new has transpired tending to throw light on the tragedy.

Surprisingly I was unable to find any reference in the card indexes for both *The Inverness Courier* and *The Inverness Advertiser* to either David Cumming, the victim or Nicol Ferguson, the alleged murderer. This left me with the time-consuming task of slowly trawling through microfilm copies of *The Inverness Courier* looking for further references to the case. It was nearly three months before the following short piece appeared.

Inverness Courier - March 13th 1862.

The Rose Street Murder. We understand that the younger of the two daughters of Nicol Ferguson, who were apprehended in this case, has been liberated by order of Crown Counsel. On Monday last, a sum of £52 - 4s - 4d was presented to the parents of the man who was killed, whose pecuniary circumstances were seriously affected by the loss of their son.

Yet another month was to pass before the date set for the trial was finally known.

Inverness Courier - April 17th 1862.

The Murder in Rose Street. We understand that Nicol Ferguson, his wife, and daughter Isabella, have been served with indictments to stand their trial before the Circuit Court here on the 1st of May, on the charge of assault, robbery, and murder.

A week later an article detailing the cases that were due for trial at the next session of the Circuit Court appeared. I found this article of great interest as it listed all the witnesses that may be called to give evidence at the trial. Family historians love lists of people and I would not be surprised if at least one of our readers recognises one or more of those named. The vast majority are what one would call ordinary people, who happened to live in the area close to where the crime was committed, were colleagues of the deceased or perhaps drinking companions in the public-houses which he visited that fateful night.

Donald Ferguson, children of the two first prisoners; Ewen Mackay, night-watchman; Mary Gillanders, Ross Place, near Church Street; P. C. Kerr, governor; A. Macdonald, gatekeeper; and Christina Mackenzie, warder, of prison; John Robison, civil engineer, Wells Street; John Sutherland, meal-dealer, Chapel Street; Jessie Shaw, daughter of Mrs Shaw, widow, Baron Taylor's Lane; Jane Fraser, wife of, and Mary Ann Welsh, daughter of, William Welsh, blacksmith, Glebe Street; Johanna Paterson, wife of Alexander Mackintosh, cooper, Glebe Street; Jane Fyfe, wife of James Cameron, flesher, Chapel Street; Mary Maclellan or Tyroney, widow, Upper Kessock Street; Mary Ann Hanlane, Upper Kessock Street; Elizabeth Davidson, daughter of Roderick Davidson, carter, Rose Street; Donald Noble, pawnbroker; George Malcolm, railway guard; Professor Ogston, of Aberdeen; and Professor J. Smith Brazier, also of Aberdeen.

The other cases coming before the Court are one from Morayshire - a charge of forgery, against Alex. Thomson, Dykeside; and three from Ross-shire, namely child murder, by Christina Graig; concealment of pregnancy, by Christina Macaulay or Campbell; and assault and robbery by Duncan Mackenzie or Macdonald.

And then to the day of the trial itself. Interestingly it was also the day on which the *Inverness Courier* was published. One must assume that the two columns given over to the report of the proceedings were kept open and that the reporter earned his salary that day.

Inverness Courier - May 1st 1862.

INVERNESS SPRING CIRCUIT COURT OF JUSTICIARY. THURSDAY, MAY 1.

The Spring Circuit Court was held here to-day, and was presided over by Lords Neaves and Macmillan. Their lordships arrived yesterday by special train at five afternoon, and were received at the Station by the Provost and Magistrates, with the town-officers; also by Captain Donaldson, the Staff, and Band of the Militia; the Superintendent and Constabulary of the Burgh, &c. The whole then proceeded, the band playing, to the Caledonian Hotel. At ten o'clock this morning, their lordships, accompanied as before, and by the officials of the Court, and followed by the Sheriffs, the members of the bar, and several gentlemen, walked in procession to the Court-house. There was a pretty large attendance of Sheriffs of Northern Counties, namely:- Sheriffs Clark, Inverness; Bell, Moray; Fordyce, Sutherland and Caithness; Cook, Ross and Cromarty; W. H. Thomson, Sheriff-Substitute, Inverness; George Cameron, Sheriff-Substitute, Dingwall.

The officers of the Court and Advocates at the Circuit were - Alexander Burns Shand, Esq., Advocate-Depute; W. H. Bell, Esq., Clerk of Court; John Miller, Esq.; Alex. Nicolson, Esq.; John Skelton, Esq.; John F. Maclellan, Esq.; W. A. Brown, Esq.; A. C. Sellar, Esq.; A. Asher, Esq.

On the bench and round the bar we noticed the following gentlemen:- The Provost and Magistrates of Inverness; Charles Stewart, Esq., Procurator-fiscal; James Macpherson, Esq., solicitor; James Anderson, Esq., do.; D. Gow, Esq., do.; J.

Colvin, Esq., do.; L. A. Inkson, Esq., do.; Malcolm Maclellan, Esq., do.; W. Grigor, Esq., Procurator-fiscal, Elgin; A. Forbes, Esq., Elgin.

Prayer was offered up by the Rev. Alexander Macgregor of the West Church.

FORGERY, FRAUD, AND UTTERING FALSE BONDS

The first case brought forward was that of *Alexander Thomson*, Dykeside, Elgin, charged with falsehood, fraud, and the wilful fabrication of false bonds. There were nine separate charges against the prisoner

MURDER, ASSAULT, AND ROBBERY

The next case was that of *Isabella Ferguson* or *Judge*, charged with the murder and robbery of David Cumming, on the night of Saturday, the 30th November last, in or near Rose Street, Inverness, the particulars of which appeared at length in our pages at the time. The prisoner's parents - Nicol and Isabella Ferguson - were named in the indictment, but were not called in Court.

The Advocate-Depute stated that it was not without very anxious and deliberate consideration that he felt it consistent with his duty to accept the plea which the prisoner had tendered. On the morning of the 1st of December last, the deceased David Cumming was found dead at some little distance from the house occupied by the prisoner and other members of her family. There was one wound only on his person, viz., on the head of the deceased, apparently inflicted by one hand, and with a lethal weapon. Certain circumstances pointed chiefly towards the prisoner as the person who had inflicted the injury; but, in the absence of any confession, it became necessary to include certain other members of the family, who were also implicated by circumstances in the charge made.

Now that the prisoner had acknowledged that she had struck the only blow found on the deceased, the Public Prosecutor felt that the evidence available to him was not such as to warrant him in pressing the charge against the other persons referred to. He further said that in the whole circumstances, he felt warranted in accepting a modified plea - a plea admitting only an assault to the effusion of blood, the serious injury of the person, and danger of life - and in not pressing the serious charge of murder. He thought it right to explain that the medical evidence would not have established that death had directly resulted from the wound on the head. It appeared that on the evening in question the deceased was for several hours, and at different places had been, drinking and was considerably intoxicated. To this circumstance, and the exposure of the deceased to an inclement night, the medical men attributed much as the cause of death. There was not evidence to explain the cause of the exposure; in that part of the case there was much that was mysterious, and which we know could not be cleared up by evidence. In the whole circumstances he felt warranted, indeed constrained, to accept the prisoner's plea. And with these observations by way of explanation of the course he had taken, he moved for sentence against the prisoner.

