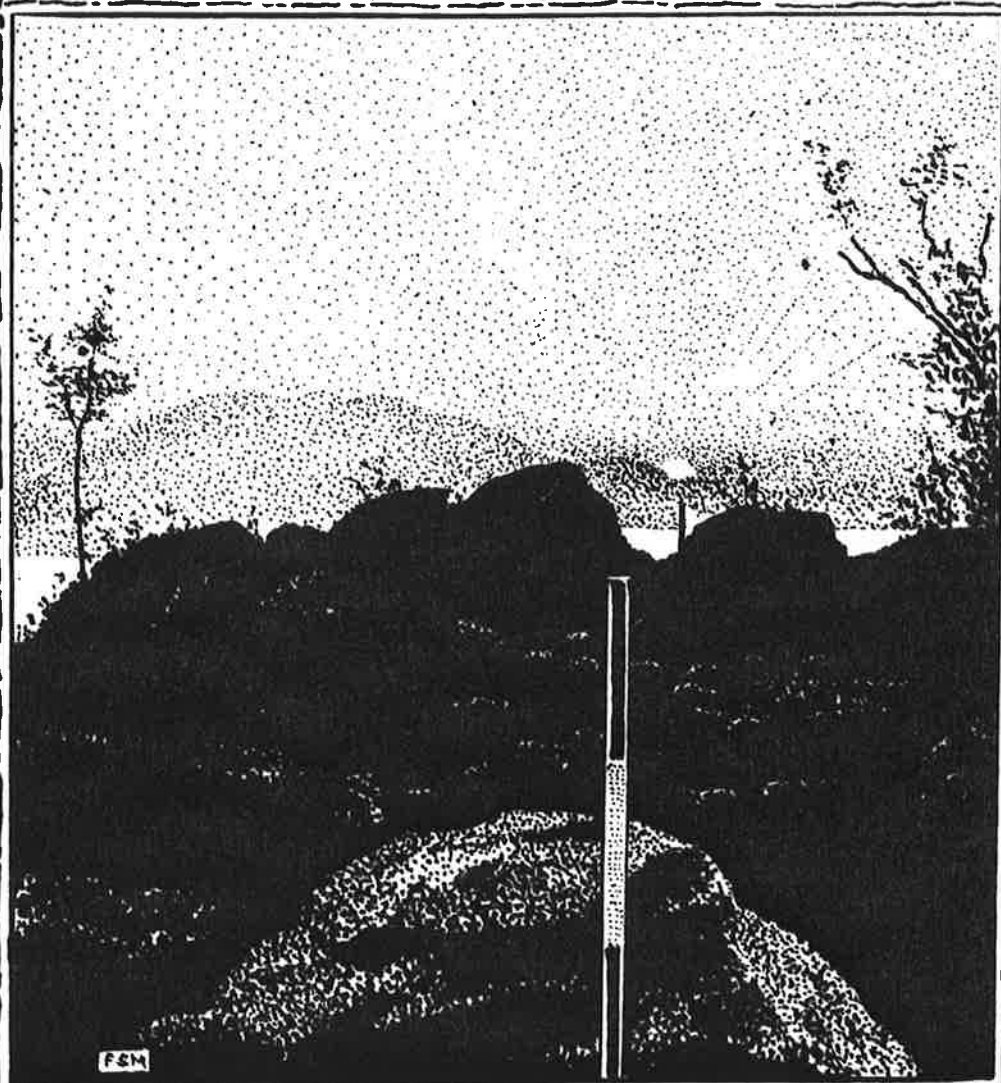


# The Brainport Alignment :-



The KIST : 16

# T H E K I S T

The Magazine of  
The Natural History & Antiquarian Society  
of Mid-Argyll

President: Miss Campbell of Kilberry, FSA. FSAScot.

.....

NUMBER SIXTEEN: Autumn 1978

Editor: F.S.Mackenna, MA, FSA, FSAScot.

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# DISCOVERIES AT BRAINPORT BAY, MINARD, ARGYLL

## An Interim Report (1)

P.F.Fane Gladwin

### GENERAL INTRODUCTION.

Brainport Bay is a sandy inlet some 400m wide, which is situated  $\frac{3}{4}$  mile South of Minard Village (see inset on Sketch Plan).

Here a thin layer of top-soil covers a typical 'raised beach' which rises towards a low ridge 300m from the present shore line. The only prominent topographical feature within the bay is a rocky outcrop towards the South side. This forms a knove 5m in height, and is an important part of the investigated site. The bay formerly contained a small settlement which was probably occupied from early times up to at least the end of the 18th Century. Apart from fishing and husbandry it is likely that the people here were engaged in the quarrying, dressing and exporting of rotary quern stones.

### COMPONENT ELEMENTS.

The various parts of the site so far uncovered indicate that from here observations could be made along 'alignments' on both the Mid-Summer Solstice Sunrise and on the two Equinoctial Sunsets. There are indications that the site was used as well for ritual religious purposes connected with the Sun and also, perhaps, with Fertility.

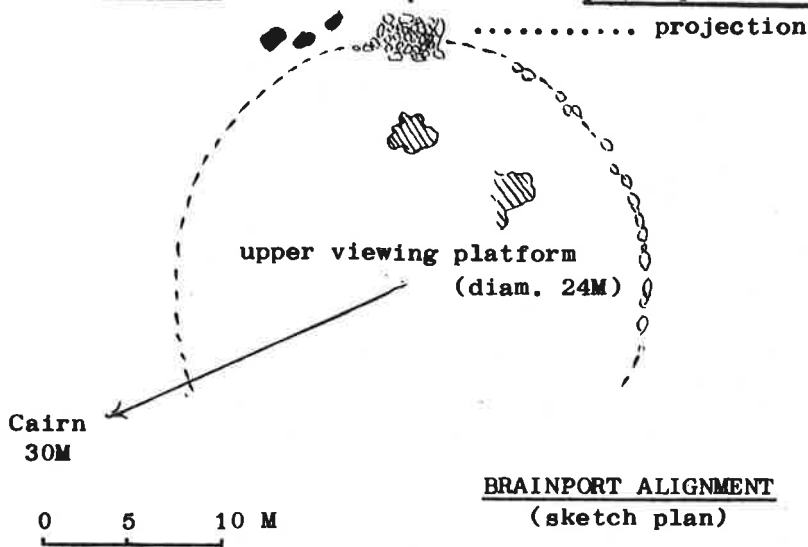
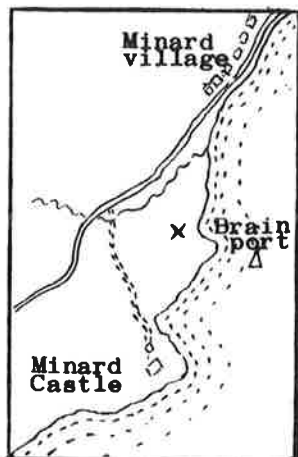
The sight-line of the main alignment on the Mid-Summer Sunrise starts from a raised viewing platform and passes over the top of the prominent rocky knove and then on over Loch Fyne and Pennymore Point to the distant skyline on the summit of Ben Dubhchraig at a distance of almost 27 miles. The general bearing of this alignment is 054°, and where the line of sight crosses a 430ft ridge West of Kenmore, a cairn 6m in diameter stood on the crestline (2). It seems possible that this cairn formed part of the alignment, providing a 'fore-sight' when the distant horizon was obscured.

The (at present) conjectural Alignment on the Equinoct-

.....  
(1) February 1978.

(2) Position recorded by Miss Campbell of Kilberry and Miss Sandeman. Site visited. Since heavily forested.

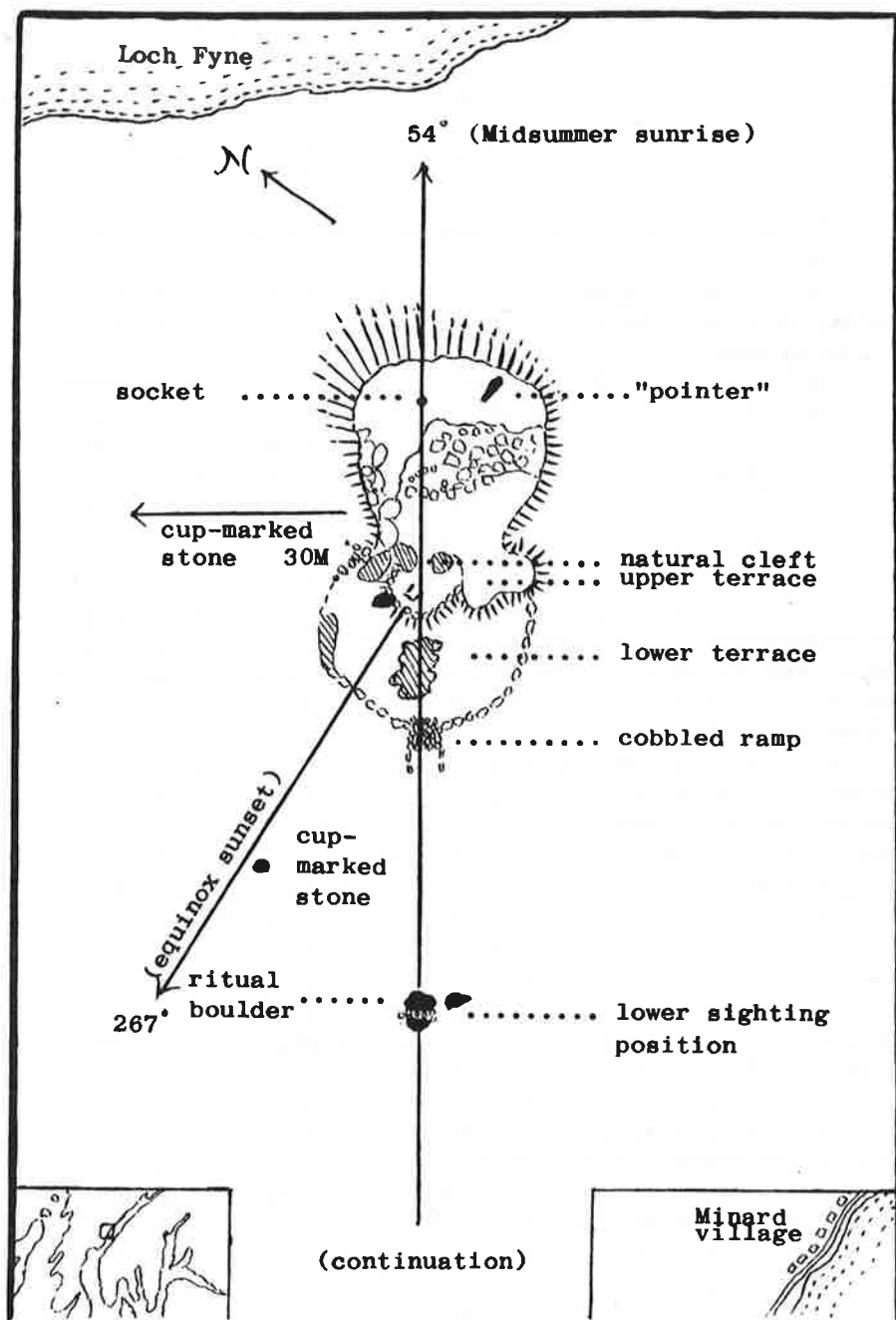
(contd. on next plan)



KEY



F.S.M.



ial Sunset(1) starts from the upper of two stone-built terraces on the SW side of the rocky outcrop, thence on a bearing of 268° it passes close to the top of a boulder-strewn hillock (now planted), and on to a deep V between prominent twin humps on the skyline at a distance of 1½ miles. .

#### ASSOCIATED SITES.

Two associated sites close to the Alignments should here be mentioned.

(a) A flat-topped schist outcrop 45m W of the main axis, on which there are 14 plain cup-marks, arranged in three groups.

(b) A largely-intact ovoid cairn 30m W of the Upper Viewing Platform. This cairn measures 8.25m x 5.5m, and is orientated NW/SE. The extent to which these closely associated sites may be connected with the Alignment or with its ritual implications cannot be assessed at present.

#### THE UPPER VIEWING PLATFORM.

This is the highest part of the site, being approximately 50ft above sea level. It has been severely damaged by ploughing on the W side and near the front, but measurements taken from the better-preserved E side to the centre indicate that it is either circular or elliptical, with a diameter of 24m.

In its NE quadrant, this platform is quite steeply embanked, the bed-rock being used to form a suitable edge, whilst in other parts it appears to be built up with an edging of stones. Some of the stonework has collapsed in the course of time, and many fallen stones are now lying at the foot of the bank. Enough remains, however, to show the curvature of the edge quite clearly.

At the NE side of this large platform, and exactly central to the Alignment, a substantial stone structure projects for a distance of just under 2m, with a width of 2.30m. The top of this rectangular structure is roughly paved with slabs of schist and a filling of small stones. It has collapsed slightly at the N corner. A considerable scatter of broken white quartz was found here, being thickest near the centre. A very large squarish stone used to form the SE corner appears to have been levered off an outcrop 12m to the N. This stone shows marks of having

.....  
(1) To be tested in March 1978.

been smoothed in one place by hammering. Two small flakes of flint (waste) were found among the Quartz scatter on this projecting structure.

To the W of the projection the platform was thoroughly ploughed some 12 years ago, and in so doing three very large slabs were displaced and pushed a short distance down the slope. It seems probable that they originally formed part of a heavy retaining edge to the platform on this side.

The purpose of this platform, with its projecting structure, was at first obscure, other than its being an ideal point from which to view the rise of the Mid-Summer Sun. However, it now appears that the small cairn on the nearer skyline, which may have been a part of the Alignment, was probably not visible from lower down. When using this cairn as a 'fore-sight' it would therefore be necessary to sight from the level of the upper platform. This could have been the purpose of the stone platform.

Almost the whole area of the platform was covered in dense rhododendrons, and although these have been cut, there are only two small areas comparatively free of heavy roots where investigation of the soil is possible. In one of these areas, near the centre, there appears to be a hard surface of earth and small stones under a 13cm layer of decayed humus. The bed-rock of grey schist also protrudes near the centre and in one place towards the E edge.

#### THE RITUAL BOULDER AND LOWER SIGHTING POSITION(1)

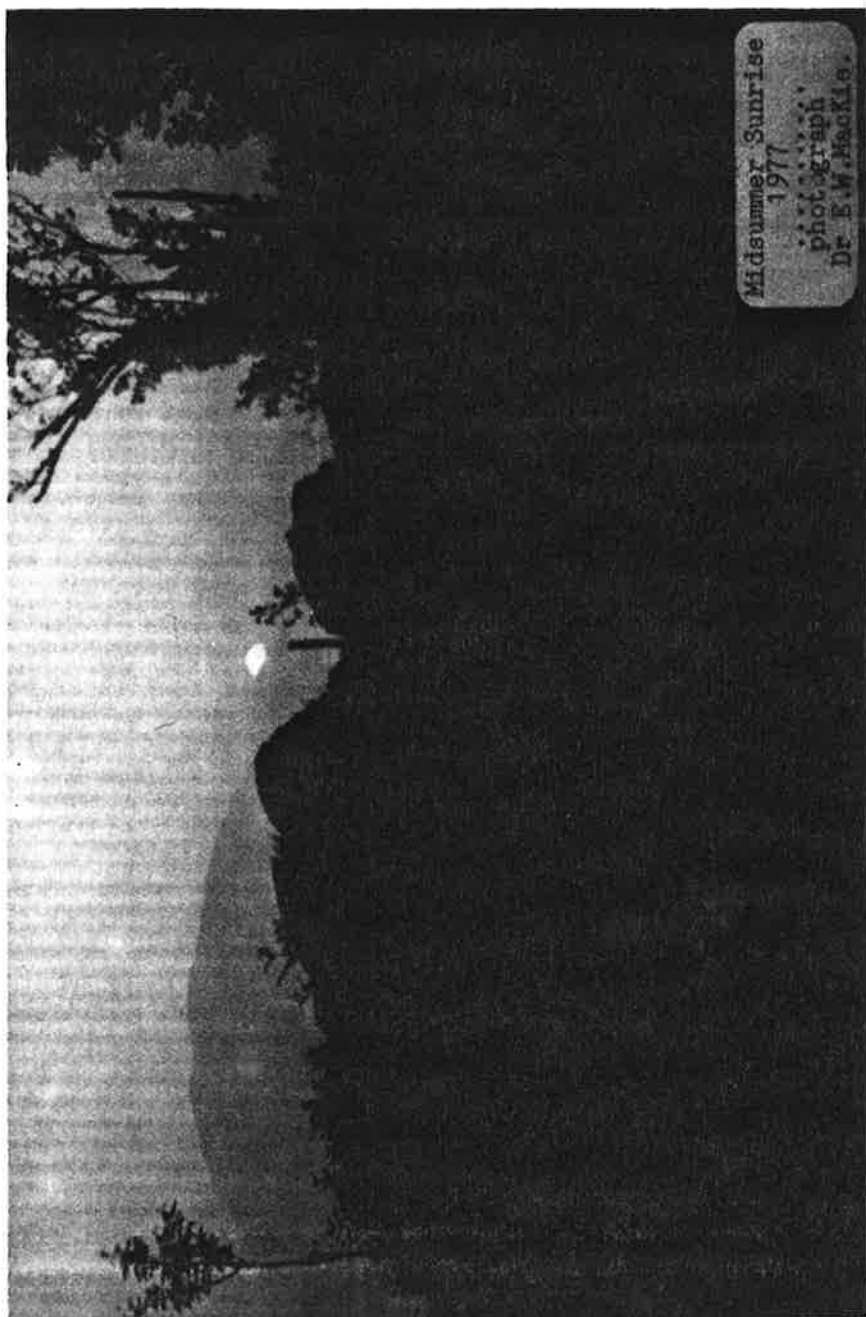
At a distance of 50m, below and to the NE of the platform described above, a very prominent lozenge-shaped boulder of fine-grained Mica-Schist(2) stands upright exactly on the Alignment.

In general appearance this boulder is very reminiscent of the so-called 'female' stones at Avebury, although rather more squat in outline. The upper portion is severely weathered, and on the NE face, near the top, is a scooped-out natural hole the interior of which appears to have been smoothed, as though by rubbing. This hole is almost exactly in the centre.

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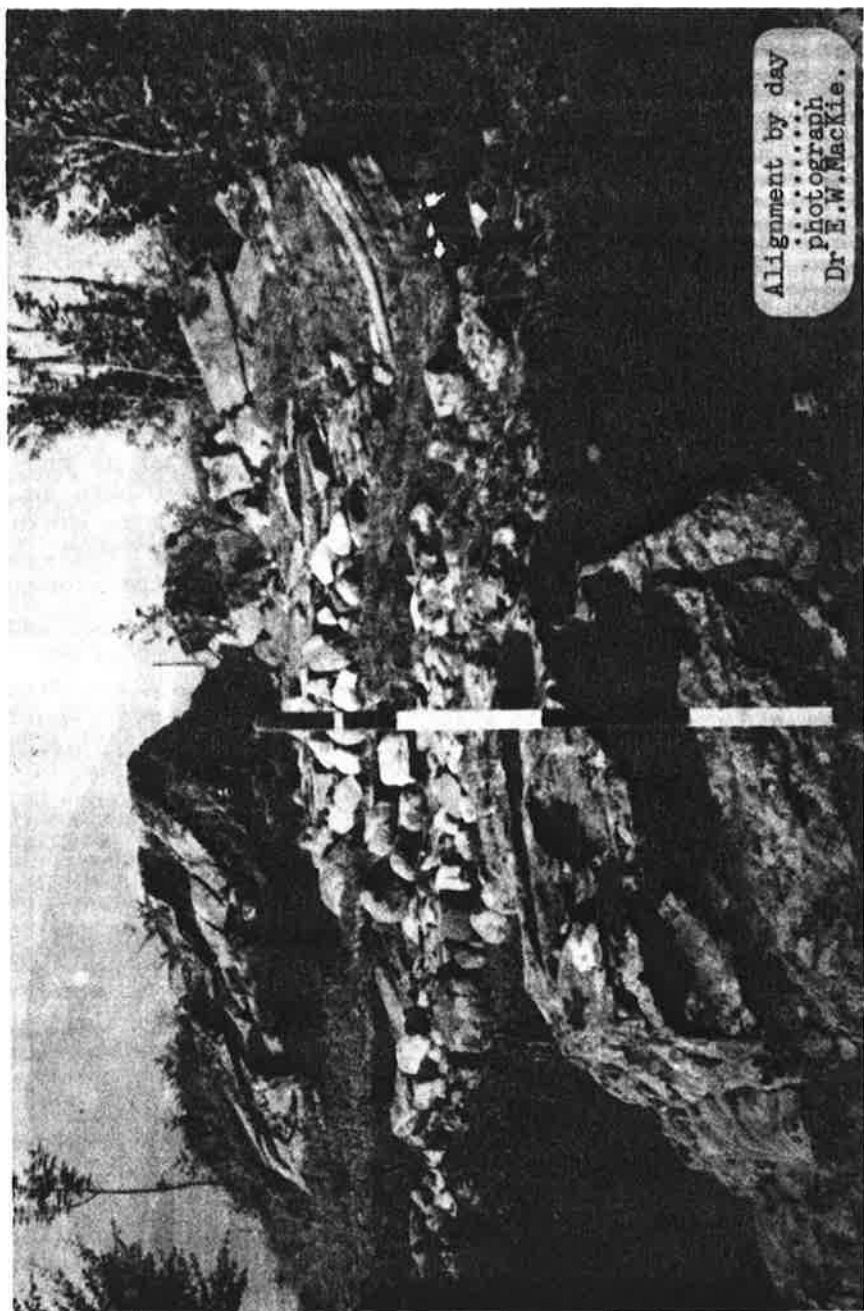
(1) Nomenclature conjectural at this stage.

(2) I am indebted to Mr S. Rankin, MA, for Geological Survey of the site.



Midsummer Sunrise  
1977  
photograph  
Dr. E.W. Mackie.





Alignment by day  
photograph  
Dr. E.W. Mackie.

Beside the upright boulder are two others at a lower level, to which it was probably once connected. However the impression is given that the upright boulder has been moved in relation to the other two; perhaps to bring it more exactly on to the axis of the Alignment.

The boulder is just over 2m in height, and about the same in breadth at its widest point. It rests on a thin layer of soft Phyllite, under which is gravel beach material. This occurs at a depth of 31cm below very wet loamy soil.

All along the front (NE side) of the boulder, under the overhanging portion, is a carefully-laid setting of stones varying between 10 and 15cm in diameter. Many of them are placed sideways. In the middle of this setting, on the centre line, is a small open area similar in appearance to a small hearth, but showing no traces of burning. This forms a type of receptacle from 35 to 45cm in width, and at a depth of 26cm below the present ground level.

Outwards for a short distance in front of the stone setting is a scatter of more than 300 pieces of broken white Quartz in an area of roughly 1.5sq.m. The pieces lie thickest near the centre.

Owing to its position in a hollow directly behind the prominent rocky outcrop, the first flash of the rising sun, during a short period at Mid-Summer, strikes the top of the large boulder through a V-shaped cleft in the rock in front. For some weeks previous to Mid-Summer this does not occur, as the rising sun is masked by part of the rock in front. This fact might well have had ritual religious significance.

At the rear (SW side) of the 'ritual' boulder, and filling the space between it and another lower stone, is a small 'made' floor of flattish stones over an in-fill of larger stones and broken pieces of Schist. This small level floor measures 1.40m x 45cm, and provides room to stand comfortably on a surface 12cm higher than the stone setting at the front of the boulder. From here, the point where the sun rises is framed in the V-shaped cleft in front, as also is the 'pointer stone' which will be referred to later.

It seems likely that this little 'floor' was intended as a sighting position, but it is hard to assess whether

sighting from here would have been of astronomical or merely ritual importance.

At a distance of 17m NW of the Ritual Boulder there are two plain cup-marks on the top surface of a small schist outcrop.

#### THE MAIN ROCK OUTCROP.

As stated previously, this large and prominent outcrop is the main topographical feature of Brainport Bay, and forms, with its two attached terraces, the largest element in the Alignment.

The upper layers of the rock are composed of a hard grey Mica-Schist, but towards the SW side successive layers of Phyllite protrude from beneath the schist. This Phyllite is hard and slate-like in its higher levels but becomes progressively softer and more flaky in its lower strata.

#### The Upper Level (1).

The E side of the outcrop has a precipitous face more than 2m in depth, but at the NE it slopes gradually towards the loch shore. The W side slopes down at an approximate angle of 45°. Along the western edge a natural 'rim' of rock has been raised here and there by the addition of large slabs levered off other parts of the site. In places these stand 1m above the lowest internal level.

In the E half of the flat top, a roughly rectangular area 4m x 6m has been paved with flat slabs of schist laid on a bed of gravel. What appears to be a narrow drainage channel runs along one side of the gravel area, but there are no signs of post holes, or other indications of any structure having stood over the paving. At the SW side is an oval hearth area 1m x 70cm, bordered by a setting of roundish stones. Here, under a 26cm mat of bracken roots, was a 3cm layer of grey-brown ash containing some charcoal. When Carbon Dated(2) this yielded a date of A.D. 855 +/- 65. This date is open to several interpretations, but in view of complete lack of evidence of permanent dwelling on the site, it could perhaps be connected with a short-term occupation or even with the

.....

(1) Indicated by hatching in the sketch.

(2) Hunterian Museum. Lab. No. G.U.1000

late survival of Mid-Summer custom(1).

At the NE end of the outcrop feature, and directly on the Alignment axis, is a hole 27cm in depth, apparently intended as a socket. When uncovered, it contained four tapered and one flat stone, varying between 18 and 22cm in length, and giving the impression that they had been used for jamming an upright object in the socket. At the bottom was a thin layer of coarse grey silt, washed off the surrounding schist, and indicating that the socket had remained open for some time after the removal of whatever it contained.

It seemed from the shape of the hole that it was intended to house an object of flat-sided section with its narrow ends orientated along the Alignment.

At the NE side of the 'socket hole' is a hard floor of rammed earth and small stones, and on this were several small areas of grey ash and a few small pieces of charcoal. A small worked core of flint lay on this floor 35cm N of the lip of the socket.

If, as seems probable, an upright stone once stood in this socket, the most likely candidate is a long flat-sided slab of schist which was found at 4m distance lying at an angle to the edge of the outcrop. It measures 1.28m in length, up to 45cm in breadth, and has a thickness at the top of 9cm.

To test the suitability of this stone, a timber post was cut to the same length and inserted in the socket. When viewed from the sighting position behind the ritual boulder and through the cleft in the rock, the top of the post just touches the level of the distant skyline. The stone here could have served as an indicator for the approaching Solstice.

#### The Lower (Large) Terrace.

This elliptical terrace, which forms three-quarters of a circle, is attached to the SW side of the main outcrop. It has a diameter of 10.40m(2). It is orientated in such a way that its axis is on the Alignment, but it has been constructed to face back towards the 'ritual'

- .....
- (1) In this connection see Circles & Standing Stones (Haddingham) quoting Revd. D. McQueen.
  - (2) Almost exactly  $12\frac{1}{2}$  Megalithic yards.

boulder rather than towards the rising sun. It seems unlikely therefore that it had any solar significance, and its purpose remains obscure.

The edge of the terrace consists of a circle of heavy boulders on which smaller stones have been piled at a fairly steep angle to a height which varies between 75cm and 85cm. This retaining edge varies in thickness between 65 and 85cm.

On the SE side the last 3m of retaining wall appears to have collapsed at some period, and has been more crudely re-built to complete the ellipse and to bring the edge back towards a junction with the bed-rock. Essentially, the floor of this terrace is formed by the flattish surface of a Phyllitic layer, mostly soft and flaky, but hard near the centre where it protrudes up to 30cm as a rough outcrop. In some places there is an infill of hard earth and stones.

The terrace slopes lower at its E side, perhaps due to the former collapse and also to the later robbing of stones from the retaining wall. At the W side of the terrace the Phyllite bed-rock gradually intrudes into the retaining wall, and here the stone-work has been tapered off to preserve the circular outline. A half-hearted attempt has been made to shape the bed-rock in one place by hammering the edges.

It is notable that to both ends of the ellipse the stone-work is turned sharply inwards to form a neat right-angled join to the bed-rock.

At the SW side, on the centre line, a cobbled incline some 2m wide leads up on to the terrace. The cobbles appear to be set directly in to the soft Phyllite. The other end of this incline disappears under a low heap of loose stones similar in appearance to cairn material but quite possibly clearance stones placed there at a later date.

There are signs of considerable burning near the centre of the terrace where the bed-rock is badly discoloured. However the thin patches of ash here and there have yielded practically no charcoal, and the impression is given that the site was probably cleaned after each burning which took place.

### The Upper (Small) Terrace.

This terrace forms a smaller ellipse on top of the Lower Terrace. It is roughly centred on the natural cleft in the rock, which forms a part of the Mid-Summer Alignment, but unlike the lower terrace, it is off-set, and is orientated due West. It stands on average 40cm above the level of the lower terrace. Diameter across the centre is 3.30m(1).

In the construction of this terrace, the exact height and orientation appear to have been very important, and its structure very exact. The kerb consists of a double tier of boulders, the upper being slightly set back as though to provide stability.

The E corner of the terrace is firmly grafted on to the bed-rock, but at the W side, where the construction is less secure and more liable to subside, a very large flat-tish boulder has been positioned against the kerb to form a strong buttress.

Most of the floor consists of broken flakes of Phyllite from the soft layer that emerges from under the Schist at this point. However there are a number of flat stones on a bed of gravel near the front of the terrace, and among these is a very noticeable setting of three straight-sided slabs at right-angles to one another. These form a hollow rectangle 83cm in width(2), and facing directly to the West.

This little terrace forms a most unusual feature of the construction, and it is hard to believe that, facing West as it does, it is not intended for observing the Equinoctial Sunsets. The skyline  $1\frac{1}{2}$  miles distant is deeply indented and suitable for observation, and the careful maintenance of the correct level for the observer could be connected with the fact that the sight line passes closely over an intervening hillock. If the rectangular setting of stones is deliberate, as it appears to be, it could have marked the exact spot where the observer was required to stand. This would be a matter of great importance when sighting on a close skyline(3).

- .....
- (1) Almost exactly 4 Megalithic Yards.
  - (2) One Megalithic Yard.
  - (3) The intervening hillock is planted with trees, making checking difficult at present.

The bed-rock 10m W of the small terrace, which is there close to the surface, shows discolouration by burning. The position would be a suitable one for screening fires during the observing of the Equinox Sunset.

#### THE FINDS.

There have been few significant finds on the site so far (to March 1978), but the following may be noted:-

##### Stone Objects.

Rubber. On upper edge of retaining wall of Lower Terrace, SW quadrant. Split boulder of crystalline lime-stone, 10cm x 7.5cm. Flat surface quite heavily patinated.

Rubber. SE quadrant of Lower Terrace. Granite, 10cm x 4cm. Flat surface patinated.

Hone. Near centre of Lower Terrace on 'floor'. Limestone, 11cm x 3cm. A well-used stone with convex working surface, used for sharpening points rather than blades.

Hone. On top of retaining wall of Lower Terrace, SW quadrant. Dolerite flake 13cm x 4.5cm. One edge used for blade sharpening.

Flint. On the made floor close to the 'pointer' socket. Core of greyish flint with sharp point, perhaps used as a perforator. 6cm x 6cm. Two very small waste flakes of flint were found amongst the quartz scatter on the projecting portion of the Upper Viewing Platform.

An interesting ovoid pebble of quartz near the edge of the Upper Viewing Platform, 8.5cm x 7.5cm. The face of the pebble has a smooth patinated surface consistent with long handling. Near the top are two 'eyes', one of which seems natural, whilst the other appears to have been enlarged and shaped by chipping. It may perhaps have been used as an Eye Talisman(1).

##### Iron Objects.

A number of small pieces of iron have been found near the surface, mostly connected with the Brainport settlement, including a file, a broken scythe blade, and a large timber nail.

.....

(1) Believed to be a symbol of fertility. cf Folkton, Yorks.

There are two significant finds however, which appear to be from an earlier date.

(a) At the back of the reconstructed area at the W side of the Lower Terrace; what appears to be the broken tip of a straight blade. 5.2cm x 3cm. At a depth of 25cm on internal floor.

(b) On floor of the Lower Sighting Position, about the centre. A flat double bar of wrought iron from which pieces appear to have been broken off by twisting and hammering. At a depth of 23cm.

### CONCLUSIONS

In an interim report of this nature, conclusions must be, at best, tentative, but enough has been learned about the site to enable some general opinions to be reached.

The main component parts are undoubtedly aligned on the Mid-Summer Sunrise, and a subsidiary alignment on the Equinoctial Sunsets seems to be at least highly probable. Furthermore there is no evidence so far that the various structures could have been intended for any other purposes.

In regard to the accuracy of the observations taken at the site it may be said from experience that any sighting on the sun with the naked eye, even at the first and last moments of rising and setting, is a very difficult and painful process, except through a heavy heat-haze or a thick smoke-screen. Given these conditions however, it is perfectly possible, and becomes easier with practice. In this context one ought perhaps to look at the evidence of the fires on the site.

On the Ritual or Religious uses of the site the evidence is less clear, but at the same time significant. The scattering of white quartz at key points on the axis of the Alignment would appear to indicate some form of ritual 'hallowing' of these spots(1), whilst the significantly-shaped boulder with the shrine-like setting of stones in front of it, seems to point towards rituals concerned with Fertility as well as with the Sun.

There remains the question of whether or not the site was enclosed or demarcated in any way, and if so, whether

.....  
(1) cf Quartz scatter within many stone circles and at the foot of significant upright stones (see Stone Circles of the British Isles - Burl.)



the main cup-marked rock and the large cairn were within such a ritual enclosure or not.

At the moment this point cannot be resolved. Traces of an earth bank exist near the W corner of the site and a number of large boulders have been located at an almost equal distance from the axis. The ground on the lower levels is largely beach material, which would have been most unsuitable for either banking or ditching; so in the circumstances it could be that boulders were used to mark out an enclosure. However, long occupation and agriculture in Brainport Bay is likely to have resulted in most of such boulders being rolled away or broken up.

In conclusion, appreciation must be expressed of the help and co-operation received from  
the Forestry Commission  
(Kilmichael Forest)

#### AN EARLY REFERENCE TO A VITRIFIED FORT

Thomas Pennant, Sept. 1st. 1769

"Rode to the castle of Tor-down, a rock two miles West of Fort Augustus: on the summit is an antient fortrefs. The face of this rock is a precipice; on the accessible side is a strong dyke of loose stones; above that a ditch, and a little higher a terrace supported by stones: on the top a small oval area, hollow in the middle: round this area, for the depth of near twelve feet, are a quantity of stones strangely cemented with almost vitrified matter, and in some places quite turned into black scoria: the stones were generally granite, mixed with a few grit-stones of a kind not found nearer the place than 40 miles. Whether this was the antient site of some forge, or whether the stones which form this fortrefs\* had been collected from some Vulcano, (for the vestiges of such are said to have been found in the Highlands) I submit to farther enquiry.

\*I was informed that at Arifaig is an old castle formed of the same materials."

A TOUR IN SCOTLAND. MDCCCLXIX. Thos. Pennant. p.201

PARENTAL TROUBLES OF SIMON, LORD LOVAT

The Editor

Parents seem to have produced problem children in times far removed from our present Delinquent Age, and some of the letters of Lord Lovat, in the 1730's and 40's give us an idea of his worries on that score. They are written to "Mr Donald Fraser, Governour to the Honourable the Master of Lovat, at Edinr.", but it is not the Master's conduct on which he dilates, although that young man indeed gave occasion for frequent exhortations regarding lack of application to his studies, and in particular to the art of writing:-

"I got no letter from my son this week, It Seems he had not time to write two letters for he wrote one to his sister, but if his next letter be not better writt than the last that I received I rather that he write none."

It was the younger son, Alexander, often called "the Brigadier" or simply "the Brig", by his father, who caused the worry. He was still at home at Beaufort Castle. In boyhood he is said to have consumed a bottle of whisky each night after going to bed.

"Beaufort 27th October 1739.

.....The Brig. is in such a bad situation every way, that I cannot Send him South Till the Spring; He is very ill as to his health and low in his body; But which is worse He is entirely lost and Debautched in his Education. he hardly speaks a word now without Swearing, Cursing, blaspheming, and Lying. So that I am resolved to keep him under my own eye this winter....."

"Beaufort, 16 Novr 1739.

.....You cannot imagine how much my poor Sandy has been ruind by going to Strathspey as much starv'd in his Learning as in his diet, Scab'd from head to foot, and singularly wicked by Swearing Lying, &c. it will be a miracle if he is not the worse of it all his life however I'll take great pains to reform him....."

"Beaufort. 6th May 1740.

.....Mr James ffraser told me he would write to you from Inverness Concerning my little Sandy and your Coming up here. That Child is in the Criticall time of gaining

him or Lossing him for ever, So that I am infinitely more Concerned about his Education than I am about his Eldest Brothers at present....."

"Edinburgh 28th Augt 1740.

.....Since you must be at Tayne the 9th of Sepbr. I willingly allow you to bring the Brig. with you and That you shoud stay for Some time wt. my Cusin Mrs McArthur till God willing I go home my self next month.....I beg of them not to indulge the Brig. for he is So Cunning that he will whedle and flatter them to Do what he has a mind if they are not upon their guard....."

"Edinr. 20th Sepr. 1740.

.....As I am fully determind to stay in this Town all winter I have written to John ffraser to Cause put my Chaise in order to bring the Brigg. south, because I am afraid the weather would be too Cold for him to ryde in, ffor I would wish to have him for six months under my own eye, To make him do his duty yt. better, for I find that his broyr who should have much more wisdom and prudence than he has much need of my eye over him....."

"Edinr. 25 Sepr 1740.

.....I yield to Mr McArthur and Mrs McArthur's proposition and I give up the Brig. to their Care and yours till That if God Spare me, I go home in the Spring. I am sorry that this will be very troublesome to Mr and Mrs McArthur, but they have drawn it upon themselves....."

"Edinr 30th October 1740.

.....As I wrote you in my last letter, That since you acquainted me, That it was not possible to Reduce the Stubborn temper of the Brig., I then fully resolved to bring him South, and I truly wish from my heart That he was here now, for I would reduce his stubborn temper or make him suffer sufficiently for it, for I really am in a great Strait what to do about him for the weather is so Cold, and the road so full of snow, That I am afraid to Risque his health.....I am resolved that he shall be an honest man and scholar otherwise I shall See his hips made Collops of, and if that does not Do I shall renounce him as my son and send him to Glenstrathfarrer to be a Cow herd with John McDougall, he may assure himself that this is good earnest

and no Joke, and that his wicked Stubborn temper will be no more a Joke to me....."

"Edinr. 23rd Octr. 1740.

.....my Resolutions about the Brig. I am sorry that you must part with him but there is no help for it. I am fully determined to be his Governour myself now till I reduce his Stubborn temper and not to trust him to any mortall but myself....."

"Edinr. 30th October 1740.

.....Tho I did fully determine to have the Brig. come South immediately, yet....it would be rysking his health and life too much....with this very Stormy weather, I have sent orders....that he should not Stir till....the weather is perfectly well Settled....."

"Edinr. 18th Decemr. 1740.

.....I am likewise glad that my dear Brig. is well...."

This surprising declaration of parental affection is the last reference to the brigadier in this batch of letters, but two further allusions occur elsewhere:-

Macleod of Macleod, writing to Ld. Lovat from Glenelg on 18th August 1745 (mainly about Charles Edward's landing) has this to say:-

"As to Sandy, I can say nothing till I know more of him, but if his figure is the only objection to his being in the army, if an Officer's head and heart be good it avails little what his Person be. Marshall luxembourg was a humpbacked dwarff of a body as ever was seen but a very Great Man and Officer for all that."

Lovat to the Earl of Stair, 21st September 1745:-

.....When I was desirous the last year that my second son should have a Company in the Earl of Loudons Regiment, he was then prosecuting his studys at the Colledge of St Andrews, and I had not seen him for several years. As he was then going 17 years, I had reason to believe that he would have a growth like other men. But to my great surprise, when he came here I found him to be an extraordinary undergrowth, the next degree to what they call a Dwarf. So that I would not wish for £5000 that my son would appear a Captain in any Regiment....."

## AN EIGHTEENTH CENTURY DISPUTE

F.S.Mackenna

Amongst the mass of early documents at Kilberry Castle is one which provides a diverting glimpse of a local rumpus nearly two hundred years ago. Miss Campbell of Kilberry has kindly allowed me to reproduce anything I choose from this manuscript, and the following pages represent the essence of the affair, shorn of legal prolixities and repetitions.

It is entitled Process. Loup & the Duke of Argyll v. Tennants of Drumnamlach 1789, and commences with setting out the legal position regarding unauthorised cutting and removing of timber. The penalties rose with each repetition of the offence; the first occasion carried a fine "not exceeding £20 with costs", (if payment was not immediate then jail for up to 12 months until the sum was handed over). A repetition entitled the offender to a fine of up to £30 with costs, plus up to 18 months in jail; and a third offence was deemed a felony and merited transportation for 7 years to America. Lesser offences involving "underwood, poles, Sticks of wood, Green Stubs or young trees" were again given a triple grading, being 40 shillings with costs, £5 with costs, and finally "they shall be deemed incorrigible rogues and be punished accordingly" (no details). Failure to pay meant firstly 1 month's hard labour and 1 whipping, secondly 3 months and 3 whippings.

These lightsome details are followed by:-

"NOTWITHSTANDING WHERE OF TRUE IT IS and verity that John Gilchrist Duncan McEachen and Gilbert McEachen his son Tenants in Drumnamlach and Duncan Galbreath Archd. McMillan & Neill McMillan Tenants in Croitseggan.... [did] CUT down and destroy and carry away with Horses & CARRS from the wood of Ardmenish belonging ....to the said Duke at least two hundred trees of Hazel Birtch & other species of Wood, of the age of eight years Old, and at the same time did break down different inclosures upon the property of the Petitioner Loup for the purpose of making passages ...."

Witnesses were produced to prove the complaint. The Duke's Woodranger went with a warrant and search party to Drumnamlach and found traces of the passage of horses and wood on the ground, and hazel trunks in the barn or

already in use on the sledges. Similar results followed inspection of the premises of the other accused.

The dispute went to Campbeltown on 6th October 1788 and the Justices "Find it incumbent upon the said Defendants to prove where they found or how they came by the" timber.

On 14th November witnesses were called who swore to having seen the defendants with the timber in question on dates preceding the alleged theft, and coming from varying directions and with statements of their innocent origin being proffered at the time.

The next episode brought to our notice opens fresh areas of interest in the drama, and explains the reason for the whole accusation. It seems that on a Sunday in August 1788 (before the alleged tree stealing) the tenants of Drumnachlach went to the Sacrament at Clachan, a distance of about 8 miles. Being a good day they all embarked in their own boats and proceeded to Clachan rather than make the overland journey "besides the trouble & delay of Crossing the Ferry of Ardpatrik belonging to Mr McAlister of Loup the pursuer." This they did "without meaning in the most distant manner to give Offence to Mr McAlister of Loup. During the time of Divine Service Mr McAlister in Stead of giving his assistance as an Elder as he usually did on such Occasions was very active in taking away the ....boats fr<sup>m</sup> Clachan & securing them upon the Opposite Side of the Ferry at Ardpatrik by this means obliging [them] and their Familys after Divine Service to Cross the ferry in his Ferry Boat & to pay smartly for their passage & to keep their Boats pointed till they paid what Ferry money Mr McAlister Chosed to Exact."

The Drumnachlach party very reasonably maintained that they had every right to use their own boats "& that they were not intitled to any blame or reflection for doing so unless they had made a practice of Ferrying people for hire which they positively denied to have done. While some people were thus Expounding the Law to Mr McAlister of Loup & while he in return was Exercising his oak stick over their Crowns [they] in the General Confusion were Enabled to slip away their boats & their Familys leaving Mr McAlister & those over whom he was Exercising his authority to settle their differences as they should think proper, but altho this retreat was agreeable in the meantime it was most unfortunhate in the sequell for [them] for had they

taken a beating quietly f<sup>m</sup> Mr McAlister at the time neither they nor Your Hon<sup>r</sup>s would have been so much harrassed with this Process of Woodcutting as has since been the case because in fact such of the people of Drumnachlach as really got a Beating are not partys to this process."

A fortnight later a search party sent by Loup arrived at Drumnachlach as already mentioned, but the presence of "a few rods of Hazell" was explained and the searchers were invited to inspect the marks of its passage from a totally different direction towards the farm. This the searchers declined to do.

It was on account of finding this timber that the whole process "commenced in the name of His Grace the Duke of Argyll & Mr McAlister of Loup, but your Honours will observe that there is no mandate from the Duke of Argyll or any of his men of business for Carrying on the Process in his name, & it is very certain if His Grace knew all the circumstances attending it he would neither give countenance or Concurrence to such measures the process being therefore only at Loups Instance in fact the [accused] will in future .. ..beg him to make such Observations upon his Lybell & the Prooff adduced in support of it, as they may judge necessary for your Honours information previous to the determination of the Cause."

The case for the defence was ably conducted by Drumnachlach's Factor, who had every incentive for establishing the innocence of his laird's tenants; as Miss Campbell puts it "on the lowest view of his motives he was ensuring that the laird would get some rents at next Term, and still have tenants on the land to pay them!".

He pointed out to their Honours that all the accusations if correct amounted to "so heinous a nature that .... if GUILTY of them [they] Aught justly to suffer every punishment that the Laws inflicts." But the accused "were not detected either in cutting Wood or breaking down his Dykes" and the accusation "proceeded from no other view than to inflame your Honours minds ag<sup>t</sup> the poor Defrs and if possible to pervert Judgement but happily..... [Loup] has made his application in the wrong quarter."

Another argument in their defence lay in the fact that the woodland in question (Ardmenish) had been "all cut down only Eight years ago" and the timber found in the accuseds' possession was manifestly at least twenty years

old. In addition it was pointed out that the tracks observed at the farms led in the direction of Ardmenish and not away from it, which it was contended "ought to remove every suspicion from the defrs.... Four of the Defrs have adduced witnesses who have distinctly proved [that they] had procured in the North End of Coalishled Birtch & Hazell being that found in their possession & were then on their way home with the said Wood to Drimnamuchlach which is situated between the North End of Coalishled & the Wood of Ardmenish. Your honours know that Ardmenish is the Southermost point of Coalishled..." Another of the defendants had produced "a Certificate from Mr Stewart of Woodside Certifying that he had settled with him for Wood....previous to the Search for the Wood Lybelled."

Pointing out the inability of the Defendants to bear the expense "of Summoning and bringing Witnesses to Campbelltown a distance of at least Forty Miles they humbly hope considering the particular circumstances attending this case & to put an End to the Oppressions thereby created that your honours will be pleased to receive the Oaths of the defrs in Supplement to the prooff already adduced for them & will appoint them to appear and Depone accordingly.

Campbelltown July 25th 1789."

The outcome is not recorded, but whatever the rights of the case one inclines to the hope that Loup was not successful in his attempted retaliation!

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#### OLD CRINAN (A Footnote)

We have received a letter from our distinguished member, Dr Leslie Rymer, in which he refers to the paper on the above subject by Mr George Campbell in our 14th issue.

"The article by Mr George Campbell in Kist 14 was of particular interest to me, and perhaps I can help clarify the diverse views of Mr Campbell and the Revd. Mr Fraser (Tayvallich and North Knapdale. 1962) as to whether the factory at Carsaig produced vinegar or wood alcohol.

Vinegar is simply a sour substance containing 4-12% acetic acid, and is produced from a wide variety of materials such as apples, grapes, malted barley, oats and industrial alcohol. Industrial alcohol = ethanol; quite



different from wood alcohol = 'meths'. In fact vinegar can be made from any liquid capable of being converted to alcohol (ethanol), which is then acted on by certain bacteria to produce acetic acid. However vinegar contains substances other than acetic acid; for example, the organic acids and esters derived from fruit and the other source material are responsible for the flavour and some variations of different vinegars.

Mr Campbell agrees with Mr Fraser that the distillery used oak and birch (but I suspect mainly birch), and he says "They extracted acetic acid....". I would agree, but acetic acid is not vinegar. In the 19th cent. many factories were set up for the distillation of birch wood to manufacture the pyroligneous acid which was needed in the print works around Glasgow. The process was as follows:-

The partially-dried wood is heated for about 30 hours up to 350°C without access of air, and decomposition sets in to produce the following substances:-

- (a) 25% Wood gas. (mainly hydrogen and methane)
- (b) 45% Pyroligneous acid. (an aqueous distillate containing acetic acid (8%), methyl alcohol (4%), acetone (0.4%), and many other compounds.)
- (c) 5% Wood tar. (a thick, black, insoluble liquid)
- (d) 25% Wood charcoal.

As a first stage in the purification of the pyroligneous acid the acetic acid is removed by conversion into calcium acetate. This, when distilled with hydrochloric or sulphuric acid, yields acetic acid - but not vinegar - although of course such a process produces a very strong smell of vinegar. The remaining solution of methyl alcohol, acetone and other substances, can then be further purified. Commercial wood spirit or wood naphtha contains up to 10-20% acetone, but more carefully rectified grades containing up to 98% methyl alcohol could be produced.

In other words, Mr Campbell and Mr Fraser are both right. The acetic acid and wood alcohol are produced together, by one and the same process.

The implication that wood alcohol was being drunk, by the Americans or anyone else, is very dangerous. It has occasioned many fatalities, and the substance was never manufactured for the purpose."

## GLOAMING

Mary Sandeman

When the sun was dipping towards the western hills, especially in autumn, was the time to be out of doors.

"Roaming in the Gloaming" was one of my favourite songs, and "Now the Day is Over" my favourite hymn. I felt I knew all about it - gloaming was my special time of magic.

Once I stood at the side of the house watching the moon rise through the trees beyond the burn and listening to an owl who was calling steadily in the big beeches. He stopped calling, and for some reason - I never knew what made me do it - I shot up my hand and it sank into soft down. The owl flew on over my head to the gnarled oak on the hill behind, where he 'too-witted' in a ruffled way. Poor owl - but that was magic.

The cows came home by the oak, past the back of our garden. I used to stand on an old garden seat and feed them cabbage leaves over the wall. Annie Ruadh, the brindled herd leader with one shiny smooth black-tipped horn coming forward and the other turning up. Fairy, yellowish as her name implies, with huge lyre-shaped spreading horns which felt dry and warm; they were so thick at the base that I couldn't get my two hands round them. Both cows were said to be "touchy" but they were always gentle to me. If I wasn't there they used to bellow for me - and that was magic.

The starlings shouted and twittered in a nearby ruin and I shouted and twittered back, and suddenly there was a star, and then star on star, on star - and that was magic.

They called me in to tea and suddenly I knew that I was cold and my hair was damp with dew, and the warm lamplight and the leaping fire made me stop and catch my breath and let the magic go.

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### ERRATUM.

Dr Rymer has pointed out that an Editorial misreading of the text of his contribution to KIST 13 may well have caused confusion. On page 22, line 1, for 'Devonian' read 'Devensian'

## EARLY SCOTTISH NATIONALISM

In his Agricultural View of Forfarshire (1813), the Revd James Headrick states:- "The green plover or peese-weep, appears early in spring and goes off in autumn. As they only come north for the purpose of incubation, and are very lean, none of them are liked for food. They return to the fenny districts of England, where they get very fat, and are killed in great numbers. In consequence of the inveteracy excited by the ambitious pretensions of Edward I to the Scottish crown, an old Scottish Parliament passed an Act ordering all the peeseweeps' nests to be demolished, and their eggs broken; assigning as a reason, that 'these birds might not go south and become a delicious repast to our unnatural enemies the English'."

## FURTHER NOTES ON MARSH AND SPOTTED ORCHIDS

Dilys M. Hooton

We have it on the very best authority that arose by any other name would smell as sweet, so we must be resigned to the modern Botanists' attitude towards these interesting and puzzling little plants, the Marsh and Spotted Orchids.

The 2nd edition of The Flora of the British Isles, by Clapham, Tutin & Warburg, has the following name-changes for four species common in Mid-Argyll:-

<u>Old Name</u>	<u>New Name</u>
ORCHIS FUCHSII	DACTYLORCHIS FUCHSII
ORCHIS ERICETORUM	DACTYLORCHIS MACULATA ERICETORUM
ORCHIS STRICTIFOLIA	DACTYLORCHIS INCARNATA
ORCHIS PURPURELLA	DACTYLORCHIS PURPURELLA

However this is not the end of the story. The Botanists have now a newer generic name for this group of plants, even more difficult to remember and to spell:

DACTYLORHIZA is being used for DACTYLORCHIS

A new book on Orchids has been published recently - British and Irish Orchids by D.M. Turner Ettlinger. It is illustrated by the most beautiful colour and black-and-white photographs. Learned scientific descriptions of the plants have been omitted, but with the pictures of every species, distribution maps and excellent habitat descriptions, it seems a most useful little book. It is particularly good in showing the different habits of growth of the species and subspecies of the Marsh and Spotted Orchids.

## FURTHER EXTRACTS FROM 'OLD KILBERRY'S' DIARIES

### 1. County Matters

1871. 16th September. (at Kilberry)

Drove over to Ardpatrik before breakfast to settle with Mr Phillipps (a P.O. official) about a daily post to Kilberry. The P.O. is to allow our postman 20 shillings a week for a daily post.

1874. 29th August. (at Kilberry)

James Gilchrist returned from Inveraray where he was tried by Sheriff & Jury yesterday on a charge of having assaulted with intent to ravish Mrs Galbraith, a woman who lives at Carse ....[who] has a very indifferent character. The accusation was I believe perfectly false and James Gilchrist was acquitted unanimously by the Jury.

1874. 9th September. (at Oban for Gathering)

When Gardyne and I went into the tent to give our decision about the dancing we found there the Princess Louise who shook hands with us & talked very sensibly about the webs and hose which were laid out there. It seems as if she were a pretty good judge of such commodities.

1874. 18th October. (at Inveraray)

County Meeting at noon at which the statue of the late Lord Colonsay for which the County imposed a voluntary assessment was unveiled by the Duke of Argyll who made a good speech in praise of Lord Colonsay. He was followed in the same strain by Lord Selbourne, who spoke well. We had a little attempt at a row about Lunacy matters but nothing much was done.

1876. 18th April. (at Inverneil)

Attended a meeting of the congregation of the Episcopal Church. This meeting was held for the purpose of getting the sanction of the congregation to changing the dwelling house (Bishopton) into the residence of the Bishop. It has actually always been the dwelling of the Bishop but the late Bishop was also the Incumbent and the house was strictly speaking bound to the incumbency. This was changed today as far as the sanction of the congregational meeting could change it. The new Bishop is not to be Incumbent.

1876. 15th September. (in Edinburgh)

Stonefield and I attended the trial of Archd. McCalman

late Agent of Union Bank at Tarbert. He was tried before the Lord Justice General for having forged bills of exchange and for having uttered them. Stonefield and I gave him the best of characters. He was let off very easy with 18 months imprisonment. I thought he would have got 5 years penal servitude at least.

1877. 5th April. (at Kilberry)

Went to a meeting at Tarbert for the purpose of considering the advisability of establishing cattle markets at Tarbert. It was decided to endeavour to have a Horse and Hiring Market in March, a Cattle Market in June and the same in November, on each occasion to be the day before Lochgilphead market.

1877. 10th April. (at Kilberry)

Went to Tarbert to a Road Meeting. Archd. McCalman late Bank Agent at Tarbert died in Perth jail today. He was sentenced to eighteen months Impt. for forgery last Sept.

1877. 14th October. (at Kilberry)

Yesterday we heard of the burning of Inveraray Castle early on Friday morning (12th October). Princess Louise, the Duchess and the other ladies had to turn out half dressed about 5 o'clock but no one was injured. Maggie and I were to have gone to the Castle on 23rd for the County Meeting but of course the fire knocks this plan on the head.

1877. 13th November. (at Kilberry)

This is the day of the first Tarbert Market (i.e. the first of the new ones) and there were a few good cattle there.

1878. 12th November. (at Kilberry)

Very little business done at the market. These new Tarbert markets seem likely to be a failure.

1879. 13th February. (at Kilberry)

As Geekie was coming home [from Achahoish] he saw a small boat containing a medical student who is attending Mr Tar-ratt at Ellary and the Tutor from Ellary rowing along the Drimdrishaig shore. Soon after that one of these men (the Tutor) came to one of the Ormsary lodges and said that the boat had capsized and that he had swum ashore while his companion (Kingston the medical student) had sunk after swimming part of the way.

1879. 21st February.

They have not yet found the body of the man who was drowned

at Ormsary on the 13th. They have had a diver walking about all over that part of the loch and he found neither body nor boat.

1885. 5th April. (at Kilberry)

....word that the house at Ardpatrik had been attacked last night and a lot of windows broken. My man Dugald McArthur soon afterwards appeared to tell me that John Dinwoodie (Kilnaish) had been at Achaglachgach yesterday at 9.30 p.m. and broken the laundry windows to bits. He also broke windows at Dunmore and other places. At Achaglachgach he told the men that he had a gun and would shoot anyone who came near him and as it was quite dark they kept clear of him. He threatened to burn the house but eventually took his departure for Ardpatrik. He went mad this time last year and was in the Asylum for a while. The policeman from Tarbert arrested him this afternoon. He was over here yesterday for some seed potatoes and no one seemed to think that there was anything wrong with him at that time.

1885. 2nd December. (at Kilberry)

Went to Tarbert to vote for the General Election for Parliament. The candidates were McCaig, McFarlane and Mr McKinnon (Ballinakill). Voted for the last named .... the other two are infernal radicals.

5th December.

Heard that McFarlane the Roman Catholic candidate had been returned as M.P. for Argyllshire. This is a fine disgrace.

1888. 17th April. (at Kilberry)

Went to Licencing Court at Lochgilphead. [Sir John] Orde made a great deal of fuss, got very angry, talked more nonsense (if possible) than usual and made himself generally obnoxious.

1888. 1st May. (at Inveraray)

Attended the Quarter Sessions where Sir John Orde presented an appeal against the decision ....granting to the proprietors of the Argyll Hotel, Lochgilphead, a licence for sale of spirits etc. There was a great deal of talk and Orde as usual made as nasty remarks as he could but no one supported him and therefore the appeal was dismissed.

## 2. Personal Matters.

1892. 24th October. (at Harrow)

Went to Mr Fox the dentist who accidentally removed the whole of the nerve of my broken tooth. He was enlarging the hole with a pedal revolving machine and the instrument wound up the nerve and pulled it out. The shock of pain was severe but only lasted for a fraction of a second.

1894. 25th January. (at Kilberry)

I am 50 years old today and I am glad to say that I feel as well and fit as I did 10 years ago and perhaps more free from gout. I have not had a twinge for several weeks ...

1896. 7th November. (at Kilberry)

The day before yesterday I began to take Russell's medicine for reducing weight and fat. I have been getting very heavy lately. On Thursday before I began I weighed 17st 5lb. Today weighed in the same clothes 17st 2½lbs..... a good beginning.

1898. 3rd May. (at Dunoon)

They gave me wet sheets on my bed and I coughed for three hours.....I took the idea of spreading my plaid above and below me but did not try this at first.

1901. 16th May. (at Largie)

Left Largie....sent luggage and Hall [Mrs Campbell's maid] on by coach. We went in a mail phaeton and my weight was too much for the hind step which collapsed.

1902. 4th March. (in London)

....went to see the Denisons. There was a tea party with a lot of women and I would have been better anywhere else.

1903. 27th July. (on way to Paris)

in future when travelling with Molly his [daughter] I must see that she is properly dressed for sea passage. She had on today a ridiculous hat which was all over the place and her appearance was anything but tidy. She has small idea of the fitness of clothes for travelling.

1903. 14th December. (at Dunoon)

Put up at that beastly hole the ..... Hotel. Damp bed as usual but I had a cashmere choga and put it on and slept well.

TO BE CONTINUED

ADDENDUM (June 1978)

The recent discovery of a second 'pointer' stone lying in the N. quadrant of the Lower Terrace seems to indicate a second and perhaps more sophisticated method of sighting on the Mid-Summer Sunrise. It appears likely that this slender stone, 146cm x 24cm, stood in a socket 35cm in depth on the Upper Terrace, where it could be aligned with the larger 'pointer' from the sighting position behind the 'Ritual' Boulder.

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CORRECTION: On p.1 & both plans the bearing 054° is 046°