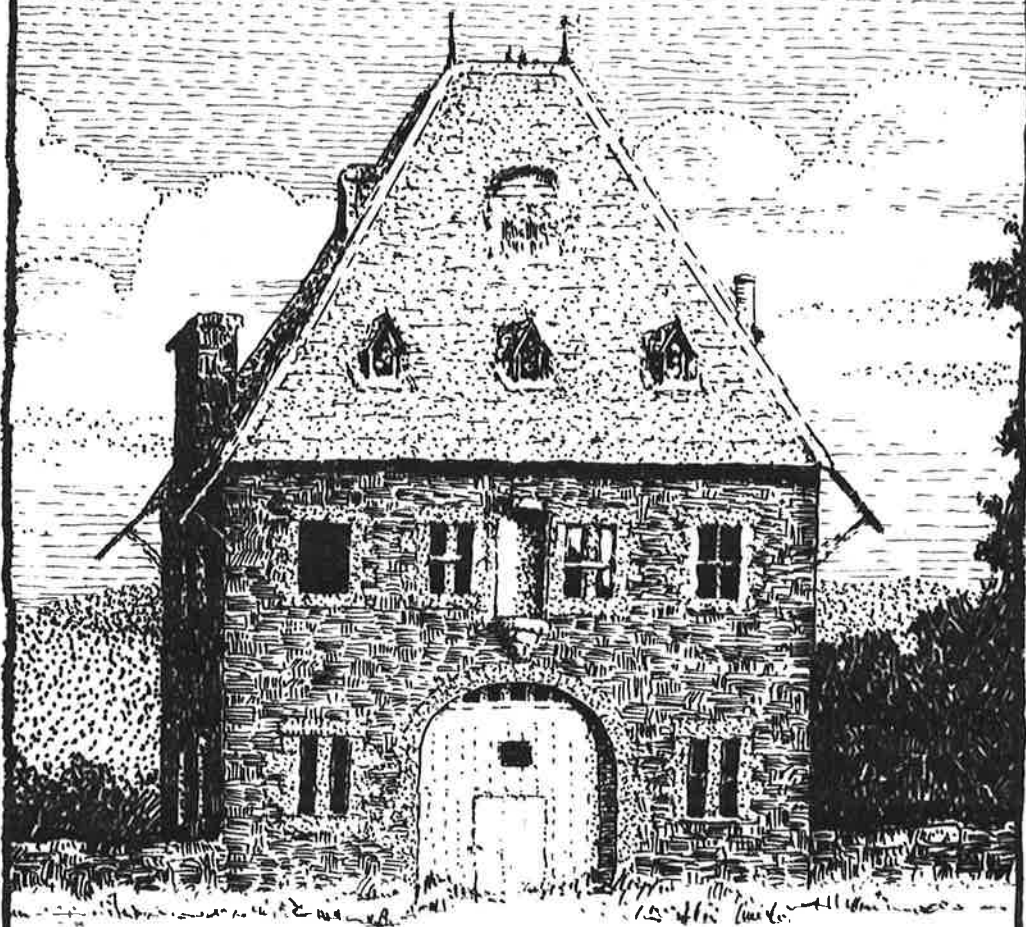


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T H E K I S T

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

President: Miss Campbell of Kilberry, FSA., FSAScot.

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Hon. Secretary for Membership and Publications

Mr E.S.Clark, Northlea, Tarbert, Argyll. (T. 793).

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SOME STONES IN KILMALIEU

Donald Mackechnie

A mile out of Inveraray on the Glasgow road is the burial ground of Kilmalieu, at the foot of Dunchuach. The oldest dated stone would seem to be 1620 but there are two and possibly three mediaeval ones, with the broken cross-shaft claiming most attention. The lay-out is irregular. Some stones are in a line: some are not. There are murals, pillars, standing stones, tables and recumbent stones many of which are below the turf. There are some 500 stones pre-1855. In the last ten years some of the inscriptions have become illegible.

The memorials preserve the names of past notables of Inveraray, men who made their mark locally, nationally and abroad such as General Charles Turner who is commemorated by Cape Turner in West Africa. Some of the flat stones follow a pattern - the surface bearing three panels and the lettering along the edge of the face - but there seems no standard design. On many the lettering is fine square Roman in relief or incised. Perhaps the latter was easier on a hard stone. One or two are written in copper-plate - surely a difficult task. Whether the stones were done by local masons or by some of the 18th century incomers is unknown; no masons' marks have been detected. On the smaller stones the inscriptions are often roughly done. Corrections abound e.g. CAPBELTOWN with the omitted letter inserted above.

There are the usual symbols of mortality - the hour glass, the skull, crossed bones, the trumpet that awakes the Dead, the scales, crossed spades, the Bible (or maybe the Book of Life).

Surprisingly there are only two Gaelic stones, one of which is notable for its information.

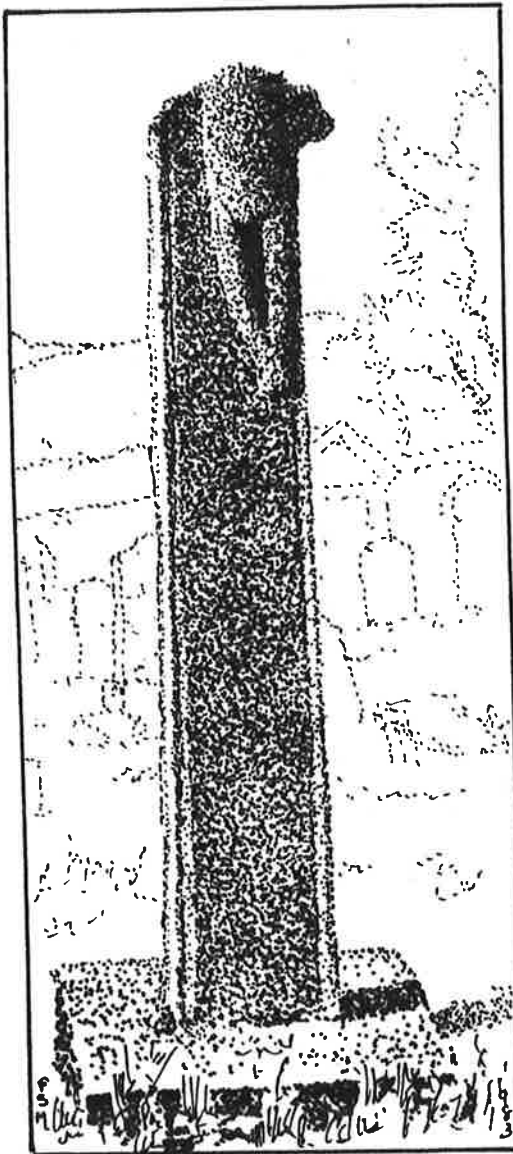
Three rhymes are worth noting

My glass is run, yours is running
Be warned in time: your day is coming.

Was death denied poor Man would live in want
Was death denied to live would not be life
Was death denied even fools would wish to die.

Mourn not for me my friends so dear
I am not dead but sleeping here

One mediaeval stone has been used as a wall ending at the opening between the old and what is described as the new cemetery. As the evening sun strikes across its curved



CROSS SHAFT, KILMAHIEU 1:12

surface a wide interwoven pattern is revealed. The sketch on the opposite page shows another mediaeval stone, 5½ feet long by approximately 1¼ inches across and very thin. From a calvary at the base rises a central shaft, the summit of which breaks into a group of 4 circles, 2 above and 2 below. Steer and Bannerman date it as 13th-14th century, of local stone but carved in the Iona School tradition. It has been re-used (as have others) for it now bears additions including a smith's pincers, the initials IE and DF and the date 1755. It lies before the standing stone of James Stewart 1907, whose forebears married into the Fletchers. Next to Stewart's is a stone erected by Hugh Fletcher bearing dates 1797, 1811 and 181-. Did Hugh use the old stone as a marker until he could provide his own?

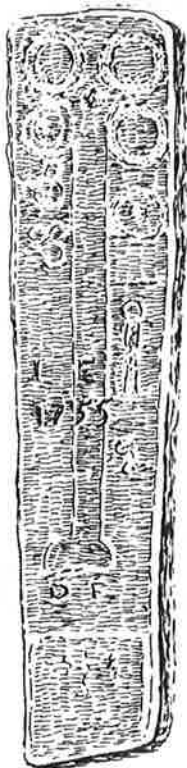
An unobtrusive stone has interesting connotations. TO THE MEMORY OF REV ALEXANDER CAMPBELL MINISTER OF GLEN-ARAY WHO DIED 3RD MAY 1735 AGED 65 AND ALSO OF ELIZABETH CAMPBELL HIS WIFE WHO DIED 3RD AUGUST 1735. HIS SON DUNCAN CAMPBELL MASTER OF KIRNAN HAS ERECTED THIS MEMORIAL. SCIPIO MACTAGGART GREAT GRANDSON OF THE ABOVE ALEXANDER REPAIRED THIS STONE. HE DIED 25TH JUNE 1886 AGED 74 AND IS HERE INTERRED.

Revd. Alexander Campbell was inducted in 1701 and after a few years had such difficulty in obtaining his stipend that he raised an action against his parishioners for non-payment of the legal maintenance and stipend in former use and wont.

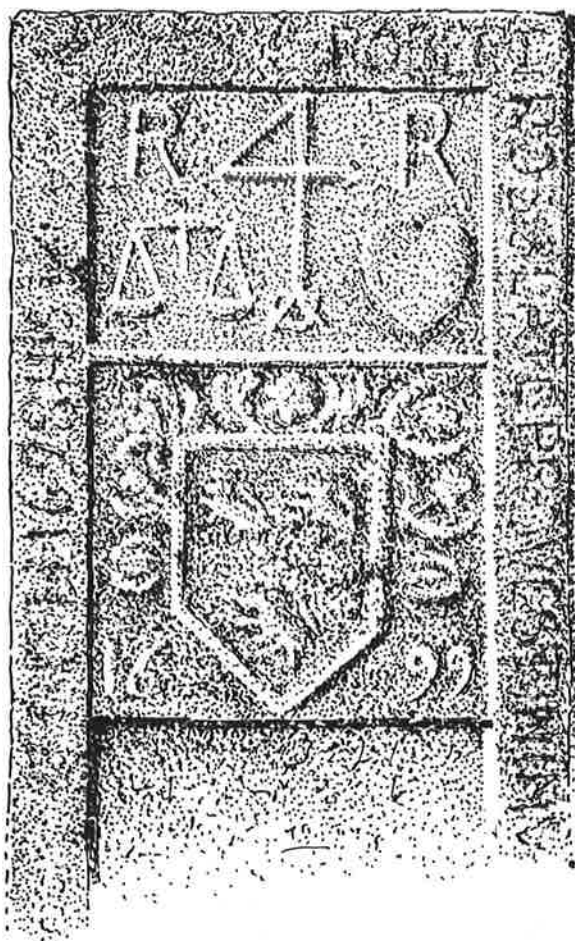
Scipio MacTaggart (1812-1886) was Provost of Inveraray and Sheriff Clerk. His father was Daniel MacTaggart of Kilkivan, Procurator Fiscal of Argyll. His unusual classical forename came from his maternal grandfather Scipio Durouri Campbell who married in Inveraray in 1765 Giles Campbell, daughter of the Chamberlain of Kintyre. Scipio lived in the tall house in the Newtown called the Old Rectory from 1848 until his death. He was an early photographer and some of his photographs of local scenes have survived. In old age he became paralysed and was wheeled in a chair by two retainers nicknamed "Scipio's Horses".

HERE LYES WILLIAM DOUGLAS LATE ARCHITECT IN INVERARAY WHO DIED FEBRY 2, 1782 AGED 82 YEARS

Douglas was Mason to the Dukes of Argyll, though described here as Architect. He has certainly left his mark for he built the Tower on Dunchuach (1748), the Doocot (1748), the Argyll Arms Hotel (1755) and the Foals' Bridge (1757). Of these the Tower is the least well preserved, its exposed position having attracted lightning more than once, to its considerable detriment. The Doocot is still in reasonable condition but cannot much longer remain so.



RE-USED
SLAB. 1:14



KILMALIEU: TABLE TOMB
OF PROVOST ROSS.

Robert Ross's table stone is a fine bit of work. It has three equal panels, two in relief and one incised. The top one has the capitals RR below which are the Scales, 4 and the conventional heart. The scales may be the mark of a Merchant or the scales in which the soul is measured. The 4 with the letter M at the base of the long arm is certainly the mark of a merchant. (The old East India Company used this sign on their tea boxes). The heart is the symbol for Love or Charity. The central panel has a shield with three (?) lions. Below it is 1699. The third panel is inscribed HERE LYES DAVID ROSS / BURGESS IN INVERARAY /

WHO DIED THE / 29 OF MARCH 1776 / AGED 82 YEARS. A plain border enclosing the panels carries the main inscription: ROBERT ROSS LATE PROVOST OF INVERARAY WHO / DEPARTED THIS LIFE / THE FIRST OF MARCH 1698 HIS

Before the new town was built David Ross took steps to stake his claim there. In 1750 he asked His Grace for a site equal to his present one on which to build a house. He asked also for £130 stg. in cash. Alternatively David

offered to build the new house himself on condition that His Grace supplied the materials and £40 for workmen's wages. The answer has not survived. Another point concerns the Ross stone. In considering that the third panel is sunk below the level of the other two, and that the inscription it carries pertains to David Ross who died in 1776, whereas the slab was obviously originally in commemoration of Robert Ross, who died in 1698, it is clear that any 17th century information which it carried about Robert was deliberately erased, causing the difference in level, in order to record David's particulars.

A tall cylinder stone of polished grey granite commemorates Rev. Gilbert Meikle (1822-1908) minister of the U.P. Church here from 1849 to 1895. His church was that Dutch-gabled building in the Newtown now used as a store. His influence in Inveraray and district was out of all proportion to the size of his tiny congregation. He kept a Sunday school attended by children of all denominations. Among his pupils was Neil Munro, the future novelist, and James Chalmers the future missionary to New Guinea. One Sunday Meikle read to his pupils a letter from a missionary in Africa. In his address Meikle suggested that one of his listeners might in days to come carry the Gospel message to the heathen. His talk so impressed young Chalmers that on his way home to Glen Aray he knelt at the Foals' Bridge and prayed that he might be the one. In the course of time his prayer was answered and he became the "strong-armed soldier of Christ" among the head-hunters of New Guinea. When the U.P. Church dissolved, its bell was sent to Chalmers in New Guinea for his church on Saguane Island. After a notable career as explorer and missionary, Chalmers met death at the hands of the savages in 1901.

HERE LYS ELIZ CAMPBELL SPOUSE TO HENDRY ROY SMITH IN
INVERARAY

Henry was smith to Argyll for some thirty years. He died in 1770. On the top of this low-standing stone is carved a crown. The blacksmiths regarded themselves as the superiors of all other craftsmen and used the crown as an indication of this status.

The Duncansons were a notable family in the 17th and 18th century here. They were Kirk Elders, Ministers, Doctors, Provosts. A standing stone has on the back A.D. 1706; on the front is a scroll with the words MENTE MANUQUE. Below this is an open gloved hand once coloured red. Underneath is a Coat of Arms showing two sheaves of corn surmounting a chevron and a trumpet. A large broad table stone at the base of the standing stone lists Magister Alexander Duncanson who died 1706 aged 58; his son Alexander Duncanson who died 1760 aged 77, James Duncanson, Collector of Campbeltown, who died 1768 aged 49; John Duncanson Medicus Practor of Inveraray who died 1780 aged 54 and Isobel Mayne his widow who died 1784. (The whole inscription is in Latin until we reach Isobel).

One of the family was Rev. Robert Duncanson (1635-1697), latterly minister of the Highland Congregation at Campbeltown. Fearing that the Restoration would destroy the Presbyterian Kirk in Argyll, and its records, he made a copy of the Synod Minutes from 1639-1651 and, with his colleagues, a summary of the Minutes from 1651-1661. It is Duncanson's copy which has come down to us. His doquet at the end of his transcription illustrates for us the character of the man

"I Mr Robert Duncanson for the present at Melaloch near Inveraray, writer hereof, having at the desire of my brethren in the Synod of Argyll, transcribed the old Synod Book for preservation of the Records thereof in case of the loss of the Registers in these dangerous times"

He has been described as a man of rare gifts and parts and "Malleus Episcopaliū".

Another of the name was Rev. John Duncanson (1630-1687). He was father of Major Robert Duncanson of the Argyll Foot, remembered for his share in the Massacre of Glencoe.

To Rev. Robert Duncanson the Synod delegated the task of seeing through the press the first fifty Psalms translated into Gaelic. 1500 copies were printed by Wm. Anderson in Glasgow in 1658-1659. 1200 copies were to be sold by Wm. Brown in Inveraray who paid the cost of the printing.

By 1694 a complete translation of the Psalms had been made and printed. They were sold by Alexander Duncanson in his shop at Inveraray. King William III bought 2000 copies to be distributed as "his free gift to the people".

Tradition describes the original Duncanson as a glove maker who finding he could not make a living in Inveraray decided to remove to Glasgow. Passing the chapel of Kilmalieu he was hailed by the Parson, the prophetic Niven MacVicar.

"O little Duncanson where are you going with your wife and children this fine morning?"

"To Glasgow, Master, for I cannot make a living here."

"Go back, go back little Duncanson. Your fortunes will change and one day your sons and grandsons will be Provosts of Inveraray."

Duncanson turned about and in course of time the Parson's prophecy was fulfilled.

Like the Duncansons the Browns were leading citizens here in the 17th and 18th centuries. Four big table stones commemorate various members of the family; three of them are of similar pattern. The lettering runs down the face of the stone parallel to the edge. The stone carries a text or texts below which is an arc. On one are the words RISE AND GO TO (William Brown's stone). On the other ARISE AND COME TO THE LORD (John Brown's stone). Below are the skull and crossed bones.

HEIR LYES WILLIAM / BROWN LATE PROVOST OF INVERARY WHO /
DIED THE 17 APRIL / 1711 OF HIS AGE 108 YEARS AND / MARG-
ARET DUNCANSON / HIS FIRST SPOUSE

Tradition remembers that Provost William Brown took part in a game of Shinty on his hundredth birthday. He was Provost in 1676 and 1677. In his shop he sold the 1200 copies of the Caogad (the first 50 metrical Psalms translated into Gaelic). Along with it was sold the second edition of the Gaelic Catechism (1659).

REV. NIEL MACPHERSON (1828-1896) MINISTER OF THE GAELIC CHURCH HERE FOR 29 YEARS

Niel is remembered as a Gaelic scholar. Among his friends was Alexander Smith (1830-1867). At the end of that charming book A Summer in Skye Smith refers to Niel who has just sent him "some excellent translations of Ossian into English".

On completing his semi-jubilee as a minister Niel was

presented with a sum of money from the people of Inveraray. He devoted the gift to setting up the fountain in the Square here. It was erected in 1893. The Gaelic inscription on it is from Psalm 104, verse 10.

CUIRIDH E MACH NA TOBRAICHEAN

AIR FEADH NAN GLAC 'S NAN GLEANN

On the facing stone is the English translation

HE TO THE VALLEYS SENDS THE SPRINGS

WHICH RUN AMONG THE HILLS

The table stone recording Lord George Granville Campbell, R.N., fourth son of the 8th Duke of Argyll, commemorates also his only son, Ivar Campbell, A&SH, who died of wounds on the Tigris in 1916 aged 25 years. Ivar is remembered as the author of the sad verses on Kenmore

The road that leads to Kenmore
Is overgrown with grass
And brambles stretch their fingers
Where rich folks used to pass.

The little crofts are falling
The fields are lying bare
And curlews calling, calling
Are the only creatures there.

At Kenmore is the cairn in memory of Evan MacColl (1808-1898) the Loch Fyne Bard. A Gaelic stone in Kilmalieu records Evan's forebears.

THOGADH AM LEAC SO / LE / DUGHAILL MACCOLLA / A CHAIDH
AS A CEANNAMHOR / A DH' AMERICA / B.S.1831 / MAR
CHUIMHNEACHAN AIR / ATHAIR / IAIN MACCOLLA / THA AN
LAIDHE 'N SO / A CHRAOIBH O'N DO / BHUAIN AM MEUR A /
SHLIOCHD B' ALUINN / NAIR SA G(H)LAS D(H)RUIM /.

The stone was set up shortly before the MacColl family emigrated to Canada from Kenmore in 1831. It was erected by Dugald MacColl (Evan's father) in memory of his father Iain MacColl. When the family removed, Evan remained behind. In 1838 he published Clarsach nam Beann. In 1839, recommended by W.F.Campbell of Islay, then M.P. for the County, Evan was appointed to a Clerkship in the Customs and Excise at Liverpool. In 1850 Evan joined his family in Canada where he obtained a similar post in Kingston. Evan was unpopular in Inveraray because of the

lampoons he wrote about some of its leading citizens.
His baptismal name was Hugh which he abandoned for the
poetic Evan. MacIntyre, the Inveraray poet, wrote

ADDRESS TO MR HUGH (NOW EVAN) MCCOLL

It matters not that thou hast chang'd thy name
Since at the font the choice was not thine own

On many stones appear names to be seen again in the
novels of Neil Munro Major Dugald MacNicol 1st Royals,
William Spencer Citizen of London, Major-General Charles
Turner, Provost Brown and especially the three veterans
of Wellington's wars - "the Cornal, the General and the
Paymaster". They were the sons of James Campbell of
Silvercraigs (1729-1810) who built that big house over
the wide pend in Inveraray's main street. In Gilian the
Dreamer the three old soldiers and sister Mary surely come
to life again.

In a corner of a fenced enclosure almost paved with
tablestones is a sandstone column. On the east face are
the significant names

SALAMANCA. VITTORIA. PENINSULA. NIAGARA. WATERLOO

Erected by the Officers of the Royal Scots and Friends
in memory of / Lieut-Colonel Colin Campbell C.B. / who
commanded the Royal Scots at the battles of Salamanca,
Vittoria and Waterloo / Died at Inveraray 5th Feb. 1833.

The brave poor soldier ne'er despise

Nor count him as a stranger

Remember he's his country's stay

In day and hour of danger.

On the north face are remembered

MAJOR-GENERAL DUGALD CAMPBELL OF THE 46th FOOT WHO DIED
IN 1824 AND CAPTAIN JOHN CAMPBELL, PAYMASTER OF THE 48th
FOOT WHO DIED 17th APRIL 1859, BROTHERS OF LIEUT-COLONEL
COLIN CAMPBELL C.B. AND OF THEIR SISTER MARY CAMPBELL.

The big house where the veterans ended their days is
still called "The Paymaster's" though he was the least
distinguished of the three. He was remembered in a
rhyme

Captain Mars, Captain Mars,

Who never saw wars.

(Note:- Peter MacIntyre FSAScot. died in 1940 and is bur-
ied in Kilmalieu. He was for many years correspondent
to the Oban Times. He wrote several booklets on local

history. In one of them he suggests that Lieut-Colonel Colin Campbell is the hero of Grant's Romance of War).

The April 1894 issue of The Thistle, the magazine of the Royal Scots has a paragraph

MONUMENT TO A PENINSULAR HERO

A monument has been erected in Kilmalieu Churchyard, Inveraray, over the grave of a distinguished officer Lieut-Colonel Colin Campbell, C.B., of the Royal Scots. The monument is of freestone 7 feet high and 2 feet 10 inches square, and is the work of Messrs Mossman & Son, Sculptors, Glasgow. The monument has been erected by the officers of the Royal Scots and relatives of the deceased viz. Mr J. Patten MacDougall, advocate, and Sheriff Johnston of Ross and Cromarty. The idea of erecting a monument to the memory of Colonel Campbell was first mooted by Mr Peter MacIntyre, Inveraray, in the columns of a local paper and he brought the matter under the notice of Colonel Campbell's old regiment and the relations. By request of the latter Mr Douglas, Sheriff Clerk of Argyll and Sheriff Shairp saw the details carried into effect".

oooOoooo

"INVENTORY OF THE PERSONAL ESTATE OF THE LATE MAJOR-GENERAL DUGALD CAMPBELL"

Duncan Beaton

Dugald Campbell was one of three surviving sons of James Campbell of Silvercraigs, Merchant and Provost of Inveraray in the 1770s, and Jean, sister of Colin Mor Campbell, 4th of Kilmartin. He was almost certainly named after his maternal grandfather, Dugald Buidhe Campbell of Cruachan, and both of his parents were members of cadet families of the Campbells of Inverawe.

Dugald and his brothers followed military careers, a common occupation in the time of the 5th Duke of Argyll who was himself a retired Lieutenant-General. Colin (1780-1833) was a lieutenant-Colonel with the Royal Scots and John (1775-1859) became a Captain and Paymaster with the 46th Regiment of Foot. The house, built by their father between 1773 and 1780 in Inveraray main street, became known as "The Paymaster's House". Today it is

MacIntyre's Highland Warehouse.

Dugald, who had been severely wounded in the head by a splinter from a shell at Waterloo, died in the family house on 11th July 1824. As he left no will an inventory of personal effects was made. This is interesting in that it gives an insight into the possessions of an officer on half-pay in the post-Napoleonic period.

1. Cash in the Deceased's repositories	£ 92. 6.7½
2. Deposit receipt of the Royal Bank of Scotland dated 27 August 1822	£100
Interest from 27 August 1822 to 11 July 1824, 1 year 318 days at 3%	£ 5.12.3
<u>Total</u>	£105.12.3
3. Deposit receipt of ditto dated 8 Dec. 1823	£ 49.18
Interest from 8 Dec. 1823 to 11 July 1824, 215 days at 3%	17. 4½
<u>Total</u>	£ 50.15.4½
4. Promissory note by Sir John Campbell of Ardnamurchan Bart.	£ 50
Interest thereon from 15 May 1824 all prior interest having been paid to 11 July same year, 57 days	7. 9
<u>Total</u>	£ 50. 7.9
5. Promissory note by John Campbell esquire late of Craignure dated 19 July 1819 for £200 but considered wholly irrecoverable	-----
6. Household furniture, plate, wine, and other liquors & wearing apparel for inventory and appraisement*	£ 48.10.3
	<u>£347.12.3</u>

* Included 7 bottles of Rum and Brandy valued at £1.1.0 and 16 bottles of Wine valued at £2.8.0 In addition there was due to the deceased the sum of £136.5 arrears of pay.

ARGYLL'S CONTRIBUTION TO SCOTS LAW

Marion Campbell

One of the entrenched clauses of the Treaty of Union guarantees the continuance of Scots Law. This clause has been luckier than some - the Royal Burghs were guaranteed, so was the Scottish Mint, so was the amount of revenue tax to be imposed on whisky (never to exceed the tax on beer) - but to the annoyance of parliamentary draftsmen we have so far managed to keep our legal system. It is sometimes said that the differences between the laws of England and of Scotland arose because Scottish students had to go abroad to study in European universities, and so they were strongly influenced both by Roman Law and by the Canon Law of the Church; but from the foundation of universities in England in the 12th and 13th centuries, Scots went to Oxford and Cambridge, as well as to Paris and Bologna and Toledo - and anyway, something recognisable as Scots Law existed before then. So where did it come from?

Scots Law is more a matter of basic principle, and less a matter of precedent, than English Law; it takes heed of the intention behind an act; it often refers to a Contract, formal or implied; and it still tries to insist that the Crown is under the law and that its officers can be sued for dereliction of duty. We have not prosecuted a king for some centuries - the English were the last to do that - but in theory it is still possible.

It has been said that English Law maintains that if something has not been permitted by Statute, it remains implicitly forbidden, whereas in Scots Law anything not yet explicitly forbidden is permissible. These divergent viewpoints may seem to be nothing more than legal quibbles, but they are in fact of fundamental importance. So where and how did these differing approaches arise? Let us consider the background to our Scots Law.

Even if you're not very interested in ancient history you probably know that there was once a little kingdom called Dalriada (or at first, Dalriada-in-Alba, because it was merely an overspill from a small kingdom in the north-east of Ireland). By about 500 AD - 1400 years ago - three princes of that Irish kingdom crossed the Dal-riadic Sea, with a ship apiece, and set themselves up as rulers of the mixed population of Irish emigrés, assorted Celts of other origins, and some pre-Celtic survivors of

far earlier settlers. Three little boats could hardly have brought an Army of Invasion; it's possible that the princes were invited to come and fill some gap in the former system of government (of which we know very little). What they did was to arrive with their trained administrative staff - or send back for them a tide or two later - and among that staff were Breitheamhain (what the English call Brehons), men of the priestly caste with a long training and an immensely long tradition behind them.

They came from a typical Indo-European society, with a caste system that set priests and learned men at the top, then warriors (which included kings and chiefs), then farmers and craftsmen, and at the foot of the heap the labourers, peasantry, working-class or what you will - some of whom were probably enslaved members of conquered tribes. It sounds highly undesirable; but in the course of centuries various escape-routes had been built into the system - artists and skilled technicians were free of it, bands of young fighting-men were set outside it. There was no sort of police force to enforce "lawranorder", apart from a king's personal bodyguard - but primitive societies don't ever go much on police forces. Their great danger, the thing that can tear them apart and leave them vulnerable to enemies, is the blood feud, the pursuit of private vengeance. This is true all over the world, and all over the world various methods of appeasing the feud have been worked out. The Irish method was to enforce a fine; and as nobody used money, the fine was assessed in cattle. By the time Dalriada in Alba was formed, there were elaborate scales of penalties worked out by ingenious formulae - if one man killed another, he paid the king so many cows for breach of the tribe's peace, and so many more in compensation to the victim's family. If he wounded, meaning to kill, he paid the murder-fines; if he injured someone, accidentally or in a minor quarrel, he paid a set proportion of the fine. If he helped a criminal he shared in the penalty (Art and Part). And there was another element in the formula; a man of high standing was worth more to his community, so he paid a larger fine if he offended against that community.

It was not all fighting - everyday life had to carry on - and no distinction was drawn between crimes and what we would call civil offences, failure to deliver goods promised, or to go through with a marriage arranged.

Everything was at first reduced to a contract, and the judge proceeded to decide if the contract had been breached. The most famous case is probably the world's first Breach of Copyright suit, when St Columba was sued for copying another lecturer's textbook without permission. The precedent that settled that case was that "the owner of the cow owns the calf"; so the owner of the book owned the copy, and Columba had stolen it and was liable in damages as well as forfeiting his copy. (His short exile from Ireland was because the quarrel had led to a tribal battle instead of being taken to court in the first place - a penalty imposed by his religious superiors).

Women had their rights in this warriors' world. If partners in a marriage were of equal social status, they must each bring the same stake to the household; and if they separated, the woman took out not only her initial stake but also a percentage for the contribution she had made to the family wealth (for it is the woman who feeds the calves and guards the crops). While the marriage lasted she could conduct business on her own account. (Women's rights suffered many setbacks under mediæval law).

A tribe's land was in its king's charge, for his main duty was to protect it and, in pagan times, to carry out ceremonies to ensure its fertility. He could give unclaimed bits of land to tenants on seven-year leases, setting them up with livestock and receiving rents in kind or in war-service, but the bulk of the land was held by groups of tribesmen who in effect had perpetual tenure, for as long as any of the group lived - their rents, which were called Cain, were paid 3-yearly to the king and went to support his household and the war-band. Each group elected its spokesman to represent it at tribal assemblies. The word tuath, which originally meant land, came to mean the people of the land, whence the saying "Is treasa tuathail na tighearn", the tenantry is stronger than the chief.

I have missed out one important feature of those fines in cattle. If the offender hadn't enough cattle of his own to pay the fine, his kinsmen out to second-cousins were liable to help him in set proportions; and compensation was payable to the kinsmen of a victim, in the same proportions, if he was not around to collect it himself. So there was every incentive to get young Dougie out of there before he started a punch-up.

If the family group was the building-brick of that society, ("Man alone is no man" says a Gaelic proverb), there was another chain that held it together as well; this was the custom of Fosterage. It didn't mean the suckling of an orphan baby, but the custom of exchanging children between households when they were five or six years old, until they were old enough to take their place again as young adults. There were formal contracts for the child's training by the foster-parent, and provision for its costs by the real parents (who provided a couple of breeding cows whose progeny were built up into a herd eventually made over to the foster-child. Fosterchildren were bound to look after their fosterers in old age, and the bond between foster-brothers and -sisters became far stronger than the bond within the immediate family. Chiefs sent their sons to grow up among farmers, while children of poorer people, if they showed an early talent, might be fostered by a skilled craftsman. With fosterage, we reach something that really did endure in Scottish society; there is the case of a foster-brother who followed his laird's son into the British army and died at Balaklava trying to protect his dalta's body; and formal bonds of fosterage were being undertaken in the eighteenth century if not later.

But when you think about it, what a lot of that primitive system passed into later Scots Law. As Dalriada spread to take in Pictland and Welsh-speaking Strathclyde, it spread into places where forms of Celtic law were already accepted. The Dalriadic system of kingship, with the king elected by a sort of "electoral college" of chiefs, later the "7 Earls of Scotland", from a short-leet of the descendants of former kings, allowed the growing nation to find the ruler it needed, and there was always the safeguard that an inefficient king could be deposed by his electors - (Malcolm IV came very close to being sacked) - as indeed at least two Lords of the Isles were deposed in medieval times. It was the Dalriadic custom to have the administrative centre of a tribe as near as possible to the physical centre of the territory, so as to be accessible to everyone - this is why the Stone of Destiny was moved from place to place as the kingdom grew, until it reached Scone. The Christian missionaries who soon followed the first Dalriadic princes took over the enthronement ceremonies to some degree, though as they were men of the same racial origins, they did not attempt

wholly to abolish the old rites.

When David I returned to Scotland with his household-guard of southern knights, most history books lead one to think that he "swept away" all the barbarous old survivals and dragged his kingdom screaming into the twelfth century; but the more you know of David I, the less likely that upheaval must seem. This was the man who had lived through the reigns of his half-brother, his uncle, and two of his own brothers, spending much of his time at his sister's court in England, managing Lothian for his brothers, Cumberland for his brother-in-law Henry I, and three English counties for his own wife. He was the despair of his household for his insistence on stopping and talking to everyone he met on the road, and in whichever language they spoke. Certainly he aimed to modernise his country - he founded trading towns and brought in Flemish merchants, and foreign monks to tackle the reclamation of wastelands; but there is nothing to show that he attacked every existing custom, and a lot to prove that he did not. One of his surviving laws states that the man who kills a guard-dog must mount guard himself in its place for a year and a day, or bear any loss sustained - and that was an ancient Irish ruling, traceable in the saga of Cuchullain. David had officials with Gaelic titles - a Rannaire or divider-of-food, for one - and judges of the old tradition served alongside the new Sheriffs until at least the 13th century. The oldest feudal charters are full of Gaelic technical terms for duties and obligations - cain, conveth (a night's lodging for the overlord), fith, a debt or obligation, and many more; and these continue in use for many centuries. The "kain hen", after all, has only recently flapped her way into the past.

The fines reckoned in cattle were on the statute-book for centuries after David I - it was as good a way as any of expressing a penalty in inflation-proof terms; and perhaps more remarkably, it was laid down in the time of Alexander II that though the king could "forgive" an offender the blood-money due to himself for breach of the peace, he could not "forgive" the penalty due to the aggrieved party and his kinsmen. This form of compensation formed the basis of a case which went through the courts as late as 1971 and caused a change in the Workmen's Compensation Acts, when the sisters and invalid brother of a man killed

by defective machinery sued his employer for "assythment" - the Acts then in force provided for compensation to a widow only, not to other relatives, and though the House of Lords threw out the final appeal they did amend the law.

Moreover, the ideas behind it all, of a Social Contract underlying all formal bargains; of elected spokesmen at every level of society; of elected kings, even - were too deeply rooted to be reformed away. When William of Orange replaced James VII, the English Parliament held that James had abdicated and William succeeded as nearest heir; but the Scots Parliament in effect voted James out of office and elected his daughter and William her husband to take his place. The knights who followed David I northwards must have found several things that surprised them - though some of them like the Stewarts and the Bruces had their own Celtic roots in Brittany - but they did not find a country without laws that were reasonable, workable, and suited to the community of the realm. And that community, and its laws, which have been our strength for as long as history can carry us, have their roots firmly embedded in Argyll, which was Dalriada. I think that Argyll's best gift to Scotland was the transmission of what became Scots Law.

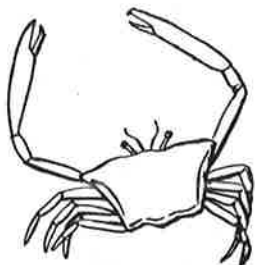
JURA NOTES - 1983

Peter Youngson

I've been looking at my notebook again, fully expecting to find it full of enthralling entries testifying to my compendious knowledge of the Natural History of Jura. Alas! The contents only go to show how shallow is my contact with this vast island. I suspect you'd need a resident team of half a dozen naturalists to do it justice.

I note a tantalising sighting of a Blackcap in January, over-wintering with us. I'm happy to take it on trust as my informant is familiar with the bird from her English home, but I never managed to see it myself.

My potato field and the corn stubble acted like a magnet right through the winter. I reckon I supported about 450 Chaffinches as a resident flock. I see there were 20 Rock Doves in the potatoes on 15th March along with the usual Jackdaws. My shore was busy in March as well, with a party of Turnstones and some Dunlin.



Goneplax angulata.

One of the prawn fishers called from the village phone box one night to offer me a crab. I turned out, and found my way down to the pier very late to see what was on offer. The little beast turned out to be the Angular or Box Crab - *Goneplax angulata*, which is an almost mythical animal to me. I gather it lives in mud at some depth, and the only specimen I've ever seen was encountered in the little museum at Campbeltown where an ancient one is on show with a label giving its location as Loch Tarbert, Jura. This one came from just off Crinan where for all I know it may be common enough.

April 5th - My note says "Close encounter of the Furred Kind" and the pun conceals a moment of unusual intimacy with my local Otter. My daughter spotted him fishing from her bedroom window (she from her window - not the otter) and we crept down the long drive to get a close look as we always do. We crouched behind the parapet of the bridge which carries the shore road over the Minister's Burn, and watched him fish his way along just offshore. He hauled out with an eel on the shingle bank, and then obviously fancying a change of diet he slipped into the mouth of the burn and began to swim upstream. He swam directly under our vantage point and we were able to watch him first from one parapet and then the other. Soon he was gone from sight upstream. I hope he had more luck with my burn's brown trout than I seem to have. Our excitement lasted for some hours; we felt we had shared something very special, and I can still see that smooth sinuous movement of the long tail and the V-shaped ripple on the surface of the burn when his head broke through.

April 17th - Snowy Owl seen again this year. That makes two years in succession and both sightings at Knockrome.

April 18th - Cuckoo calling near the Manse, but I'm alright - it was well after breakfast. The Gaelic saying here tells of the three unlucky experiences - hearing the cuckoo on an empty stomach, seeing your first lamb of the year with its back to you, and seeing a snail on a bare stone slab - any of these will result in it being an unfortunate year for you. One old man of a particularly

superstitious turn of mind used to put a morsel of oatcake beneath his pillow at night in the springtime, and with his first conscious act in the morning slipped a crumb into his mouth lest he be caught by that rascally cuckoo.

May 29th - Its happened at last - the Hedgehog Folly has finally reached Jura. It seems there is some lunatic with a private crusade to introduce hedgehogs to the Hebrides. No one appears to know who he is or what his technique is but he visited Islay a year or two back, and flattened hedgehogs are now commonplace on island roads. Today produced a very fine specimen from the road at Corran Beach, Jura. It was squashed of course and rather high, but recently dead. I suppose if you are going to make some introduction or another, the hedgehog is about as inoffensive an animal as you could find, but I still feel furious at the sheer arrogance of the Hedgehog Fancier. Alright, so we have a deficient mammal fauna because a lot of things didn't make it across the Land Bridge - but we're actually quite proud of what we have, thank you.

August - A good example of my poor sampling - Visitors chided me with a gap in my Moth List - "You don't include the Cinnabar Moth" they say. "That's because I have no evidence to include it on the Jura list", I reply. Whereupon they take me to a nearby field of ragwort which is only absolutely infested with its caterpillars - and they're so conspicuous too. "Oh dear!" I say - chastened - "They'll be included now."

I wish I understood more about why things happen - why for example did I encounter four Swallows on the 14th October when I went to open the front gate? It was very cold and wet and I was shivering slightly. I wonder what they were feeling like - where were they going, and if they made it alright? Its probably commonplace, like seeing a young stag in velvet on October 21st, and then me asking my stalker friend at his wedding the next day if it wasn't very late for them to be in velvet. "Oh, no! The young bucks get their antlers much later than the older ones and are often still in velvet at this time." Minister crushed - but reassured self by performing wedding competently. Remembered College advice - "Keep Nautical Sermon illustrations well inland!!"

...oooOooo...

GEOLOGY. The following note, sent to us by Dr Patterson, gives details of the literature which is currently available on the Geology of our area.

THE STORY OF THE ROCKS OF MID-ARGYLL

E.M.Patterson

Descriptions of the rocks of our area, or excursion guides, have not been easily available for many years. The basic information may be said to have resulted from the work of the officers of H.M.Geological Survey, which was carried out at the beginning of the present century, and was made available to the public in two forms - maps and descriptive Memoirs. Two map sheets covered Mid-Argyll: Sheet 36 (Kilmartin) and Sheet 37 (Inveraray). These sheets are obtainable from Ordnance Survey agents, or from the Institute of Geological Sciences, West Mains Road, Edinburgh.

The Kilmartin sheet has recently been reissued in the new 1:50,000 scale (about $1\frac{1}{4}$ " to 1 mile) but so far is only available in 'drift' edition, showing the superficial deposits rather than the underlying rocks. The Inveraray sheet is still sold on the 1" to 1 mile scale, and is obtainable both in 'drift' and 'solid' editions.

As regards the descriptive Memoirs the story is different, and both of them have been out of print for many years and are unlikely to be reprinted because the information contained in them is in need of extensive revision. Indeed both are now collector's items and are eagerly sought after when they appear on the secondhand market. The Memoir covering Sheet 36 was titled The Coastline of Mid-Argyll. It was published in 1909 and was priced at 2s3d, while that for Sheet 37 Mid-Argyll, went on the bookstalls in 1905 and cost 3s. Nowadays the asking price for either is 100 to 200 times its original cost.

The information contained in these two Memoirs was by no means the last word on the geology of Mid-Argyll, and a large amount of research went on during the three-quarters of a century that followed, and was published in various scientific journals. While such scientific work is thus on record, access to the journals is not easy for they are generally only shelved in the departmental libraries of Universities, or in Museums.

A useful substitute for the elusive Survey Memoirs was published in 1977 and was contained in Volume 13, part 2 of the Scottish Journal of Geology. This part of the S.J.G. comprised a series of Guides to the Dalradian rocks of the south-west Highlands - an Introduction followed by seven Guides. For public sale they have been reprinted with card covers. Their titles and prices are as follows: Introduction. 1.Rosneath and S.W.Cowal 2.Knapdale and W.Kintyre 3.West Coast of Tayvallich Peninsula 4.Jura 5.Lunga, Luing and Shuna 6.Northern Loch Awe District 7.Loch Leven. All are priced at 25p except the Introduction and Nos 2 and 7, which cost 35p. They may be obtained from the Librarian, Geological Society of Glasgow, c/o Geology Dept., Glasgow University.

AN EXPEDITION TO UPPER ACHNABA AND THE COSSACK INN

This long-deserted site had acted as a lode-stone for some time before Colin Fergusson and the Editor got round to making the expedition. Each knew fairly exactly how to get there most easily - we thought - and fundamental differences regarding the proper route were cheerfully set aside. The first attempt was an utter failure - after what seemed miles of struggling along forest rides we emerged not far from our point of departure, having agreed that success was eluding us.

A more careful attention to the relevant 6" map sheets encouraged us to make a fresh attempt a day or two later, under the mistaken impression that we knew this time. Leaving our transport at Port Ann, at the start of the old road down to Otter Ferry, we set off across the dyke and a field - the Editor reassuring a more prudent Colin that the bull grazing in it was utterly benevolent. We had spoken to a resident as we started, and had been clearly told that we should "follow the road" when we came to it. Come to it we did - a recently-made forest road - but as it seemed to be going off in the wrong direction (for we knew compass-wise where our objective lay) we set off in our wisdom and at the Editor's insistence, cross-country in the 'right' airt.

Surmounting a rise brought into view - at a distance - ruins and tell-tale old trees, but a forest plantation and a bog intervened. These obstacles having been laboriously dealt with we arrived at a ruined settlement of considerable size, though which of the buildings had been the Cossack Inn could not be determined. Photographs were taken and due inspections carried out before passing on to the next object of our search - the 'fine bridge' we had been told about. A short ford-crossing grassy track soon brought us (at last) to the old Lochgilphead-Inveraray road, still perfectly passable by a four-wheel-drive vehicle. There could be no doubt the bridge must be on the line of this road, so off we went - in the wrong direction, as became apparent after a time. Determination was our watch-word, so going into reverse we came, only a short distance past the settlement, not only to the bridge but also to the roadside ruin of what had most obviously been the Cossack Inn. We had certainly achieved success the hard way! A retracing of our outward path was not to be thought of, so, with the urge which must have motivated Columbus, we proceeded along the old road. A division soon appeared, the left fork being the main continuation towards Loch Gair, and the right one curving round to join the forest road we had crossed and ignored at the start of the day. Incidentally we learned later from our President that this curving portion encloses, as it were, a Long Cairn, apparently undisturbed; proof that our powers of observation were somewhat impaired that day.

Continuing downhill by means of this forest road we came perfectly easily to the present main road opposite Achnaba farm steading. In fact the forest road now overlies an old track from Lower to Upper Achnaba - "Auchinliea" in 1776.

So after all the exertion and uncertainty (which a more careful study of the map and a less positive attitude on the part of the Editor would have avoided) all that had been necessary was to set off from Achnaba steading until with the ruins and the bridge well in view to the left, the old track emerged from under the new one and curved round to reach the location. Experience is indeed an excellent teacher!

It is a little expedition which is well worth making and it is to form a Society outing this summer - following the correct route, not ours!

TWO 19th CENTURY DRAWINGS

Miss Campbell of Kilberry has kindly allowed us to reproduce two charming watercolours from the Kilberry archives and has furthermore provided notes for the explanatory text.

The first drawing, titled Ardpatrik, 20th January 1859, shows the arrival at Ardpatrik House of a contingent from Kilberry, the circumstances of which are set out briefly in the diary of Miss Campbell's great-grandfather (father of 'Old Kilberry').

"19 Jan, 1859: Showery day with fine breeze at W.S.W. A dance in the evening, til 3 AM next Morning at which Mifs Campbell Ardpatrik, the Bishop & his Family - the Achnandarrich Family, Mrs Wright, Mifs Campbell & others were present - very merry.

20th: Nasty wet day - two cartloads of our party left this with Mifs Campbell Ardpatrik at $\frac{1}{2}$ past Noon, to have luncheon at Ardpatrik.

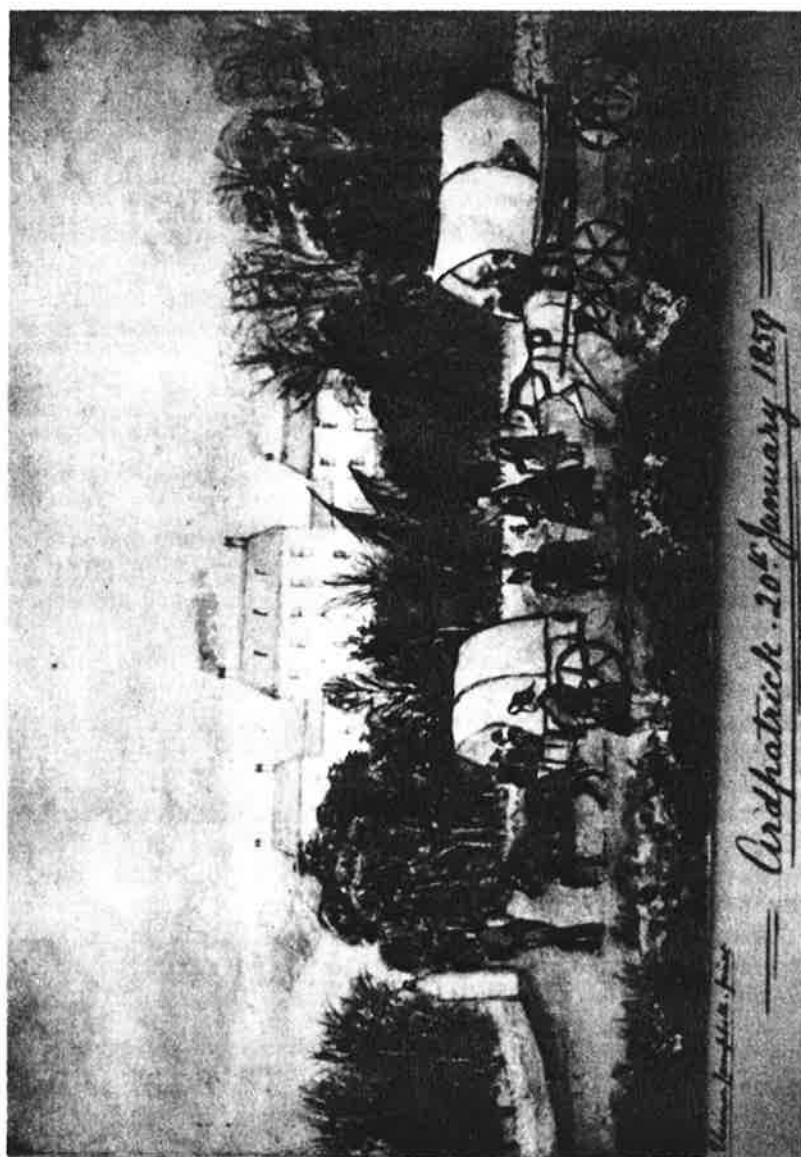
21st: the whole party left us - goodish day - stiff breeze, S.E. - with some rain."

These three entries exhibit the writer's obsession with the state of the weather, a pre-occupation which is present throughout his entries. Miss Campbell cannot make positive identification of the personages who appear in the picture as not all were of the Kilberry family. Note the two small faces peering out of the opening in the side of the second 'cart's' hood. One of the kilted figures must certainly be the future 'Old Kilberry', then aged 16.

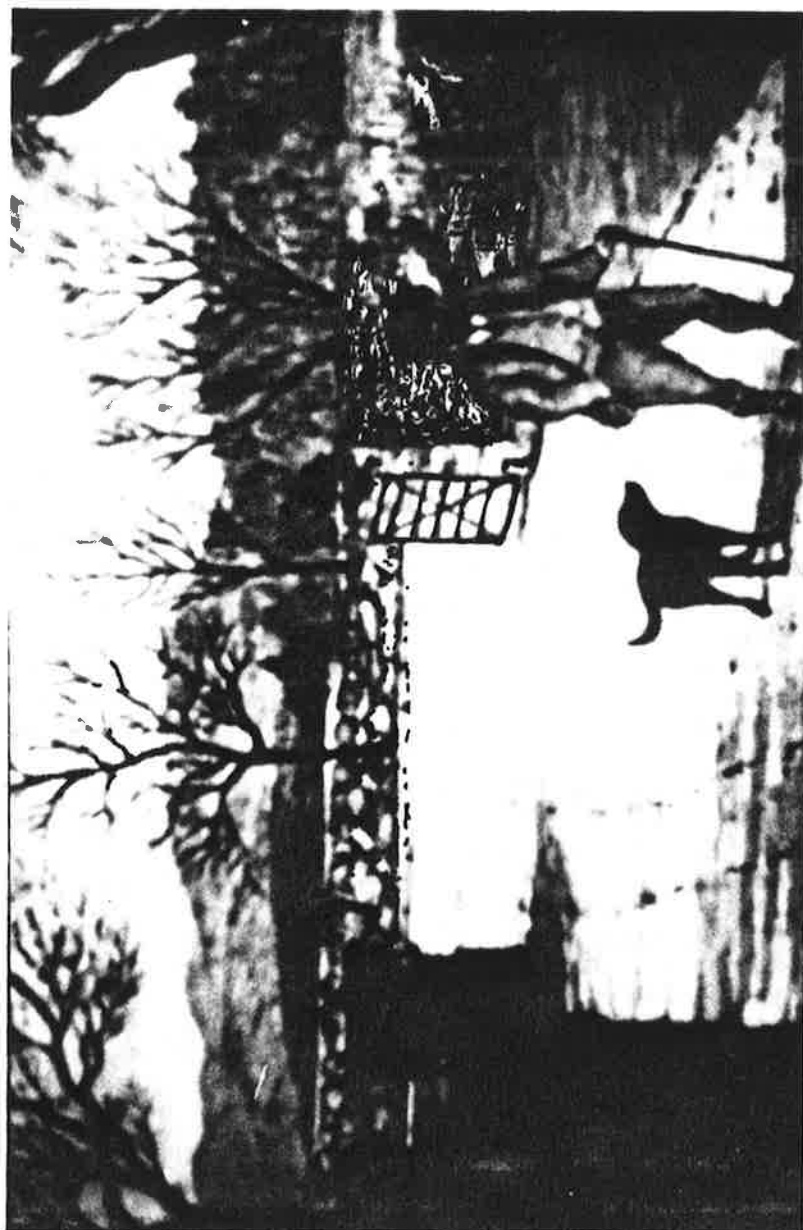
John Campbell (1803-1861), from whose diary the above entries have been taken, had married Rosa MacBean in 1841, and there were nine children. He it was who rebuilt the fire-damaged Kilberry Castle between 1842 and 1849, moving back there from Minard, which he sold. The appearance of the castle after this re-occupation is shown in Kist 9.

The re-building of the castle is referred to in Circuit Journeys by Lord Cockburn, who was a family friend of Rosa MacBean, mentioned above.

"Ardpatrik - 12th September 1843 - We reached East Tarbert about three, took a car across the mile to West Tarbert, got on board the Islay steamer there, sailed down Loch Tarbert, and were landed in about an hour at this house, presently inhabited by the Campbells of Kilberry, to whom we are consigned on a visit of three days Our host's



— Cirdpatrick. 20th January 1859 —



property of Kilberry extends from the sea opposite Islay on the west, to Loch Tarbert on the east, about 7 or 10 miles or so in all. It is at present mansionless, and he must build. Loch Tarbert tempts him by the finest possible sites yet though he admits that that is infinitely the most convenient situation, he is nearly resolved to set himself down on his western extremity, which consists of a bare, flat, featureless, half-reclaimed moor, made only the uglier by some turnips and barley. And why? Because it was the family place a castle and a religious house; of neither of which does a single organised fragment now remain.* I scarcely know greater sacrifice of sense to folly."

In the detail from the second picture 'Old Kilberry' pursues a determined way down the Castle avenue, having come through the gateway, which remains unaltered.

The first drawing was done by Miss Eleanor Campbell of Ardpatrik, but the second one is unsigned and the artist unidentified. The Ardpatrik Campbells were of the Islay family and not closely related to the Kilberry Campbells.

We are much indebted to our member, Mr Colin Fergusson, for his skilful photographs of the two pictures.

* Here Ld. Cockburn seems to exaggerate, for the destruction of the castle cannot have been so complete. Colin Campbell, styled Lord Berners, wrote in June 1773, thirteen months after the fire "...the Steps Stairs Door & window Lintiles & Soles, chimney pices & hearths, Most, or all of which, are totally destroyed ..." and "...their are no fewer than 27 large windows & 6 or 7 lesser windows now to be seen ... besides 4 large & 3 smaller ones which have fall'n in with the roof of the House...". Even by allowing for the deterioration which would take place in the next seventy years, it is impossible that "no single organised fragment" remained in 1843. Editor.

THE CRINAN CANAL IN PURPLE PROSE

The following two passages, one written by an uninhibited tourist, the other by a sensitive, poetic observer, though separated by about 50 years, exhibit well the now-derided 'purple prose' which so delighted the Victorians. The earlier, sent to us by Mrs M.J.Smith, Minard, is from a small book published in 1848 and written by Christina

Brooks Stewart with the characteristic title "The Loiterer in Argyllshire". Though much abridged in this extract, enough has been retained to show the style of the whole. The second example, written towards the end of last century, is from the pen of an aunt of the Editor's - a writer and poet of some merit even in those days of 'polite accomplishments' in young ladies.

"On landing at the Crinan Canal, we found a pretty boat waiting to receive us; and as we were so fortunate as to arrive before the mighty stream of summer passengers poured in, we had time to perceive that it was adorned with numerous sketches of some of the most romantic scenes in Argyllshire. After examining them, we sat down But in a moment a roar as of some bursting crater reached our ears - we started in amazement, when ten, twenty, thirty, rushed in one exclaiming "Is my bag there?" - "Porter, have you seen my portmanteau?" - "Take care, take care of my fowling-piece" - "Papa, I have lost my hat-box" - "Mamma, have you got the gooseberries?" - "Look, child, you will lose my dressing-case." At length all is safely stowed. All, however, seemed sport and good-humour. The scenery along the canal is not very interesting. An extensive morass forms part of it; but here and there we obtained views of several neat residences The passage through the locks is very tedious; and as the atmosphere in the boat was rapidly rising to fever heat, we would fain have made our exit. While stopping on our route to take in some stray passengers, an old woman, a merchant of her own knitted stockings, was hoisted on board At length some one inside, intending to become a purchaser, brought the old merchant within my view, and certainly she presented a perfect specimen of a tidy old Highland wife, while her shrewd answers to the rather imperious queries of the purchaser, a young English fop, entertained me much. After some delay a bargain was struck, for the good old woman was tenacious in upholding her price, and she returned outside, where prior to her quitting the track-boat, she disencumbered herself of more of her merchandise When fairly clear of the locks, we found that the canal was widening, and that we were approaching Loch Crinan; and here the scenery assumed a picturesque appearance. How solitary was the appearance of some houses, situated on

the very margin of the water! How uncomfortable they must be in winter! was the next thought suggested to our minds, having nought save rugged rocks to protect them from the fury of Jura's roaring Sound. And yet, perchance, contentment was there, and happy domestic circles surrounded their hearths At the termination of the canal we found that we must again change quarters; and, springing ashore, quickly crossed an intervening acclivity separating us from the "Dolphin" steamer, which awaited our arrival."

"Leaving busy bustling Glasgow within whose high walled tenements so many sons of the glens eat out their hearts, we sail through the Kyles and soon reach Ardrishaig where we start our journey through the Crinan Canal. While the boat is being slowly lifted through some of the locks we walk along the grassy path which winds by the side of the quiet waters. Sunburned lassies tempt us to buy their bunches of purple heather, while others regale the thirsty passenger with rich creamy milk. We wander on picking flowers, here a bluebell, there a daisy, with a bit of brown bracken to make a dainty buttonhole, till the little Linnet gets safely through and is ready to take us further on our journey. What perfect colouring is in the wooded banks, sloping to the water's edge. The mountain ash in all its glory of scarlet berry and feathery leaf, makes warm patches mid the many shades of green and the browns of the Autumn tinted beeches. The bulrushes, tall and stately in their watery beds, bend their long grasses gently to our passing breeze. Away in the distance Ben Cruachan with its twin peaks looking in the soft atmosphere of the Autumn day like grey blue clouds dropped from the Heavens. On we go round bend and turn till Crinan lies at our feet and the rugged hills of Jura come into view. We are nearing the home of the Highlander and have left the green trees behind and in their stead have hills and moors covered with purple heather and golden bracken. Here and there the play of the cloud-shadows darkens the gold to deepest bronze, and adds depth and intensity to the picture. Jura, Scarba and Lunga are at hand, and the roar of the whirlpools at Corryvreckan and the Beallach which lies between these islands, is heard above the noise of our paddles, the weird sound of their swift waters silencing the laughter on board."

NOTE on the COVER

This curious-looking building, now semi-ruinous, beside the Lochgilphead-Inveraray road, just past the town boundary, is known as the Clock Lodge. The high-pitched roof at once proclaims a French influence and the local belief is that it resulted from the imprisonment, during the Napoleonic Wars, of Sir John Orde, who owned the Kilmory estate. The Orde family tree is extremely complicated, and presents a number of uncertainties. Several 'characters' appear, their exploits being recalled in local traditions, not all by any means flattering. A turbulent feud was maintained between Kilmory and Lochgilphead, not ameliorated by the accidental killing of a child by the Kilmory carriage.

One manifestation of disharmony was the building of a causeway across the head of the loch in order to allow the Kilmory traffic to evade the risks which would attend a progress through the village. The Clock Lodge was to form a suitably impressive approach to the causeway. The plan failed in its purpose, however, for Sir John had gone too far in thus obstructing the free passage of boats on the loch, and he was forced to breach the causeway, of which the remains can be seen to this day at low water. The Lodge, thus rendered purposeless, was for a time what would now be called a Community Centre, for the teaching of handicrafts, but it has become practically derelict.

Campbell-Orde stories abound. A sample is provided by the following gem:- the coach was ordered to the door and the baronet, having packed his wife and daughters in, trundled away with them until 'poor Eliza' ventured to ask "Pray, Sir John, where do we drive today?", to be answered "Rome, Ma'am", and so it was.

Readers of Kist will recall many of the extracts from 'Old Kilberry's' Diary in which the writer's exasperation with "that confounded fellow, Orde" is voiced, so the eccentricities of the family had persisted down the generations.

A Note From The Past: Noel Hall

July 20, 1799. Pd. to Angus Campbell, Workman, Duntroon for 74 days work of his Woman, gathering stones, spreading mole heaps, making up straw, cutting and planting potatoes @ 6d. £1.17.0