



JOHN McILVRA

(c1630-c1723)



Highland Chieftan,
(Macdonell) c1660;
by John M Wright

Almost nothing is known of John's personal life. He was thought to be about 70 years of age when he became chief so it is natural that he would keep a low profile after that time. And, because he was not in direct succession to Pennyghael, his early years would have been spent as an ordinary, landless clansman.

John of Penygail was served heir to his uncle, the Rev Martin in 1701. (162v14p.197 & 58p.78 from Syn., Presby., & "Particular Register of Inhibitions; Argyll iii" SRO DI 24/1 & DI 23/3, & Acts of Ass. & Parl. vii, & Wodrow's Hist, etc) Although this change in title does not appear in the register of the Service of Heirs, a 9 Feb 1703 lawsuit (Horning & Poynd; i.e. poind - seize & sell goods of debtor) by Allan Cameron, of Glendefarie, vs John McIlvra, now of Pennyghail, does provide the details. John, as nephew, is stated to have been served & retoured (confirmed) heir to the deceased Mr Martin McIlvra, late minister of Killininian (SRO DI 23/3p.96) It goes on to say the Lords of Council & Session decreed John to be lawful heir on 29 May 1701 at Edinburgh.

On 2 Dec 1687 Hector McLean of Kinlochaline obtained a decret against Martin's nephew John, in the Lords of Council & Session. This document states that even though he was not formally heir, John was behaving as heir to Martin by intromission with the muiles & duties of his lands & heritage. (DI 23/2) However, John had delayed & refused repayment of this outstanding Dec 1649 loan on the grounds he hadn't believed he was legally heir. This reluctance to accept official recognition had kept the creditors at bay for 14 years but now John was ordered to arrange repayment or be horned. He still delayed & was horned.

And there were other debts for, on 22 Dec 1722, John received a discharge from Don, son of Dugald Campbell of Kenmore, for certain debts incurred & dated at Dowart May 10, 1694. It was written by Colin Campbell, writer at Inveraray. (34 & 219p.187)

John seems to have tried to pay off his debts through a bit of rustling in 1685/6. (2½)

- Goods taken from Alex M'avis in Nether Ordell, tenant to Campbell of Duntroon, be Jo M'gillivra of Pennigael; 24 cows. (102p.50)
- From Patrick M'goun in Fernoch, be Jon M'Ilivra of Carsaig & Fergus Beaton. (102p.70) Likely the John M'Iloray at Carsaig 1675.
- From lands of Craigmurrie, Glastrie, be Don McIlivra of Pennygael 102(p.65) If this is Martin's son he must die <1687 when John is acting as chief. Could this be the Don gorum in Pennygaill or the Don at Carsaig, listed on the 1675 Rebel list? (Appendix 1)

The great famines of the 1690's removed all thoughts of war from Highland minds & that generation had been generally peaceful. In the Lowlands everything centred on money & in 1707 the Scottish lords & businessmen literally sold the country to England under a 'Treaty of Union' in order to gain entrance to that country's trading markets. It also brought direct taxation which, for the most part, had been unknown in Scotland. The dissent of the people over this issue would have been a good cause for revolt but the exiled king in France caught the measles & the chance slipped away.

King William had died prior to this when his horse fell after stumbling on a mole-hill. The happy Jacobites quaffed toasts to "*the little gentleman in the black velvet coat*" - the mole.

When Queen Anne died, the English monarchy had no direct succession & in 1714, George of Hanover was the divided choice. Again the Jacobites rose in a futile attempt to place (the Pretender) James Edward Stuart onto the throne. The McGilvrays of Beinn-an-gaill (i.e. Pennyghael) were with the MacLeans & some Macdonalds who marched on Inveraray but they had not the strength to take it & soon withdrew to Strathfillan. It's estimated the McLeans could field 800 men in 1715 (19v1p.130) but half these would remain home. On 13 Oct 1715, 300 men from Mull & nearby isles met & marched for Glenorchy (30 miles east of Oban) where other clans were gathering. They joined the Earl of Mar & the Jacobites at Auchterarder (between Stirling & Perth) 11 Nov; two days before Sheriffmuir (six miles north of Stirling). (155v2p.95 & 152v?p.26)

As usual, they fought against their Campbell enemies &, with swords raised, they charged in a last desperate attempt to restore their lost clan fortunes. During this action the Laird of Pennyghael happened to stumble & a gentleman standing nearby, believing he was shot, exclaimed with great concern, "*God preserve you, McIlivray!*" "*God preserve yourself*" came the startling reply, "*I have at present no need of his aid*". (135pp.36/7; the first clan to be discussed) If this was John then he cannot be age 85 as believed. It is more likely to have been the next laird, Alex, who was 30 at the time.

The men of Mull routed their side but the rebel's other flank retreated. The indecisive action achieved nothing & the clans dispersed home with their last hopes dashed. It is said that Rob Roy McGregor, c1665-1750, fought on the rebel side but that he held back his troops as per an agreement with Campbell. There was also some fighting in northern Mull at this time. (221)

*"There's some say that we wan
& some say that they wan
& some say that none wan at a, man;
But, ae thing I'm sure
That at Sheriffmuir
A Battle there was, that I saw, man;
& we ran & they ran, & they ran & we ran
& we ran & they ran awa, man."*

(Description of battle in Mormon's Scottish Gazetteer)

True to form, James Stuart landed when it was too late (in 1716; this time he had caught malaria) & he soon returned to France. In the future when a Highland laird was at a party where the toast was meant for the English king he would, in order to avoid offence, raise his wine glass over a glass of water & thus toasted his exiled 'king over the water'. Considerate hosts made sure such water was present.

There was one fortunate outcome of this rebellion. In 1716 the rebels were forced to turn in their arms & the lists of these fighting men has survived (see Appendix 3). But again, the main problem is determining who exactly was counted. Because few cottars, etc could afford guns, it is likely only the rent-paying tenants were listed & not the total fencible males. The names were predetermined (likely from rent lists), along with their place of abode, & they were checked off as they appeared.

The total of 31 McGilvrays from Mull compares to the 34 in 1675. As well, there were six from Ardnamurchan, four from Morvern, two from Tyree & one from Coll. The loyal areas such as Islay, Jura & Lorne, plus Lochbuie & some other areas of Mull, were exempt so some McGilvrays were not listed. McLean of Brolass said he had disarmed the non-rebels on his lands prior to the rebellion. It is noteworthy that the McGilvray lands of Carsaig have a relatively large number of people listed which must be indicative of good land.

As mentioned, it was likely the next laird Alex who 'stumbled' at the Battle of Sheriffmuir during the 1715 Rebellion. In order to safeguard a family against total ruin it was common for one son to fight for the rebels while another son or father stayed 'loyal' at home to look after the estate. It was even known for close kinsmen to fight on opposite sides, so no matter who won, the family survived. And, even in those cases where an estate was forfeited a friend was often appointed its agent. (198p.142)

The government instituted a number of measures to further pacify the Highlands after 'the 15';

- Fort Augustus was built (Fort William had been built in 1655 by Cromwell's Gen Monk);
- steps were taken to discourage the use of the Gaelic language;
- the Disarming Act of the 1720's paid all Highlanders for their swords & guns; (198p.146) (Obviously they withheld enough to rebel again in 1745)
- after 1725 it became illegal to carry arms in public;
- new roads were built by Gen Wade & these brought in soldiers & merchants who, just 20 years before, would never have dared set foot above the Pass of Aberfoyle (north of Glasgow);
- Highland regiments were formed to fight for, rather than against, the government.

All these measures caused taxes to rise & the resentment towards these led to smuggling.



This 1715 rebellion was the last time the McGilvrays were at war. There was another, less important rebellion, in 1719. At that time Don MacLean, 3rd of Brolas, received a letter from the prince asking for his help. Don had served in the army under Queen Anne, & was out in '15 when he was wounded at Sheriffmuir. Although some arrangements seem to have been made for a gathering of the MacLeans of Mull, at the time of the Earl Marischal's landing, Brolas was warned, by James Campbell (Sheriff-depute of Argyll) of the danger of engaging in any further Jacobite movements & he does not appear to have taken any part in the affair of 1719. The only local action was in Morvern, at the MacLean Castle of Dun-an-gal, where a small band of rebels were forced to surrender. (196 & 43p.70)

Argyll knew that lasting peace in Mull depended on displacing the old area leaders. Any tacksman with McLean sympathies was replaced by a loyal Campbell follower. By 1730 the tacksmen for Iona & the Ross of Mull was Don Campbell while the rest of Argyll's Mull estate was let to five other tacksmen; three of them Campbells.

Clan loyalty towards the displaced MacLeans remained strong among the small tenants of Mull for another century, as the people steadfastly maintained their independent spirit (42) & refused to kowtow to any Campbell.

The new population of sub-tacksmen & their sub-tenants lived as loyal, privileged & envied colonists amidst the dispossessed clans. In critical times, the wilder northern districts of the ex-McLean lands were as much a handicap as an asset, while in normal times the dispossessed Camerons plundered & terrorised the tacksmen in Morvern. Campbell of Airds, when collecting the rents, never ventured into those districts without an armed posse.

By 1742/3 the tacksmen system had been replaced by direct lease to tenants. Of the Duke's 152 Mull tenants, 75% were small tenants on joint farms using $\frac{1}{4}$ of the land. The rest of the farms were occupied by 38 large tenants. Of the 18 largest tenants, who occupied about three farms each, 15 were Campbells, & more than half the Mull estate was in the hands of Campbell tenants. (42) Aros; long a MacLean possession, was also lost to them by this time.

