

HUGH MCGILVRA

(c1730 - 1805)

Born: likely between 1726 & 1750.

Married: 1778/79

+ CATHERINE MacLAINE daughter of John of Lochbuie.

"Their daughter was as wild as any filly in Mull, at least had as little notion of good-breeding. Mr. Johnson tried to talk with her. But it would not do. The poor thing knew nothing. Though about 17 (therefore b.c1756) she had never read a play. Mr Johnson said my comparing her to a filly was not just, for she had not the friskiness of a wild animal." (12p.343)

They may have been wed by Neil MacLeod who was Minister in the Ross of Mull from 1756-1780. (246p.89) In 1779, Neil was 50 & lived in Ardchrishinish, just northeast of Bunessan.

She d.>June 1819. At that time she was in Glasgow, with her daughter Isabel.

Died: "Sat. Feb 9, 1805 at Edinburgh, Mr Hugh McGilvra, late of Pennygail". The above obituary was in the Edinburgh Advertiser on 26 Feb. (212v67p.159)

An obituary found in Lochbuie's papers, regarding a friend's rumored death, might be appropriate; "*which puts it certainly beyond doubt & leaves hope, hopeless*".

KIDS =Isobella b.1779 wed John MacKinnon; mariner; Greenock.
d.25 July'55; New Greenock #218, age 75
(see Appendix 6)

=Alexander b.1783 never wed (only son)
d.1851/54 (see his chapter)

=Una b.c1785 unmarried in 1813
(see sasine in Appendix 5)

=Catherine b.c1788 unmarried in 1813

=Mary Ann b.c1795 a minor in 1813

In 1771 "Alex'r McGillivra of Pennygaill" legally transferred his lands to "his only lawful son", Hugh. The contract was dated 12 Sept & was witnessed 19 Oct. (SRO RS10v10p.364 Deeds) A slightly earlier document, signed 9/29 June 1771 was subsequently registered 27 Aug 1795 by lawyer Chas Hay. (SRO RD2/264/784 Da1) And, a few years later Hugh stated this transfer occurred in 1770. Regardless of the exact date, this deed may have been signed over for practical financial reasons but could indicate Alex was becoming senile. There were a number of conditions. Alex reserved to himself a liferent from the lands of Pennyghael & the two Inimores, & bound Hugh to pay his two spinster sisters, Mary & Isobell, each £100 sterling. The fate of these sisters is unknown. A liferent was also given to Hugh's mother, Unna McLean, spouse to Alex. (132)

It should be recalled that this is the same Alex who was £1100 Scots (£220 Stirling) in debt to Argyll for his Tyree rents. The above munificent endowments would indicate he is very generous with money he does not have nor will ever obtain. He must realize he is placing Hugh in a financial strait jacket. Possibly he is just trying to impress people or he is dreaming of a large wedding dowry when Hugh marries. Either way, it appears Hugh came by his financial foolishness naturally.

The witnesses in Oct 1771 were: Hector Beatton, resident in Pennyghael & bailee; John McInnis, servant to Alex of Pennyghael & attorney for Hugh McGillivra younger of Pennygaill; Geo Bryce, schoolmaster at Ross; John Shaw, resident in Pennyghael (friend staying there?); Gillean MacLaine (likely Hugh's future brother-in-law); John McGillivra in Pennyghael, nephew of Alex (& cousin to Hugh); & by Duncan, son to the said John. In 1795/6 there were a John & a Dunc (as well as a Malc & an Arch) McGilvra; tenants, who were in arrears with their rents to Hugh. If John was nephew 'german', it would mean Alex had at least one younger brother & that this John's branch may lead to my John Sr. who was born c1785. My John Sr, of Glasgow, named his kids; Cath, Alex, Mary Ann & John.

The McGilvray lands transferred in 1771 were: [see map; p.188]

- Pennyghael 3 farthing land
- Glen Liddle ½ penny land (i.e. 2 farthing)
- Carsaig 1 penny land
- Finachy 3 farling (farthing?) land
- Feorline 1 farling land (Feoirinn means ¼ penny land)
- the two Innimores (valued at 2p in 1778 below)
- Honnichadgh is not mentioned

The McGilvray lands were listed again when Hugh McGilvra, esquire, of Pennygaile; signed a 1778 (exact date?) marriage contract with Catherine McLaine at Moy Castle, Lochbuie, Mull. (SRO GD174/169) The marriage was to occur prior to the next Whitsunday (seventh Sunday after Easter; 31 May 1778 or more likely 24 May 1779). Cath was the second & youngest lawful daughter of the recently deceased John McLaine of Lochbuie. She had the advice & consent of her mother Isobella, & of Gillean McLean, writer & tacksman of Scalcastle

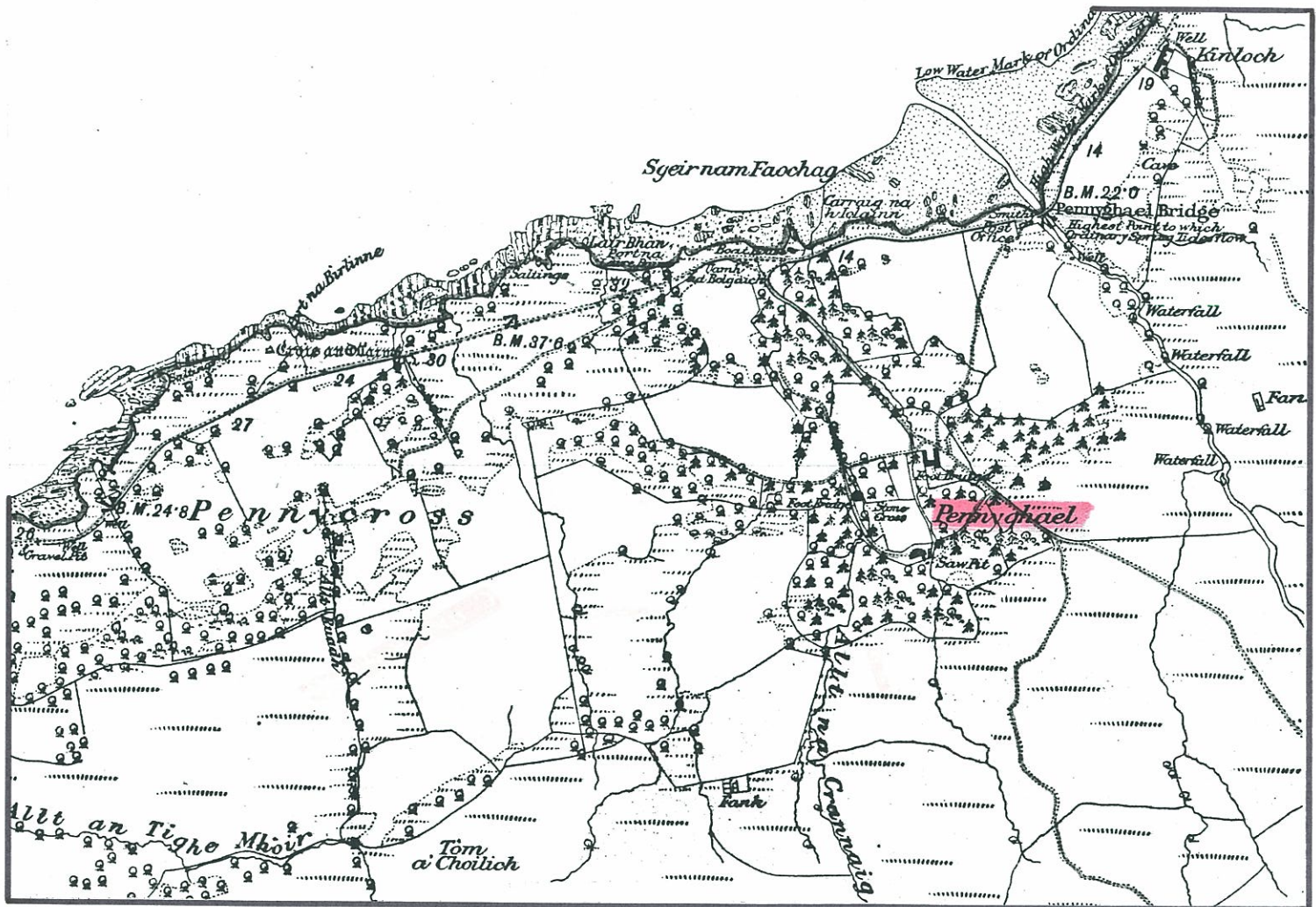
(northwest of Duart), her (illegitimate) brother. It is noteworthy that her brother Archibald, the new laird of Lochbuie, did not sign. Probably he was with the army in America. There is no mention of the marriage in the Lochbuie papers. In Dec 1781 Gillean MacLaine sent some money to Dr Alex McLean of Pennycross & hoped everything was all right between him & Pennyghael. (197a)

In this wedding contract, which in the Highlands was considered as binding as a wedding, Hugh promises Catherine a yearly liferent annuity of £40 sterling. This is secured against his lands & estates, all in Kilfinichen Parish. As above they total 5½p.

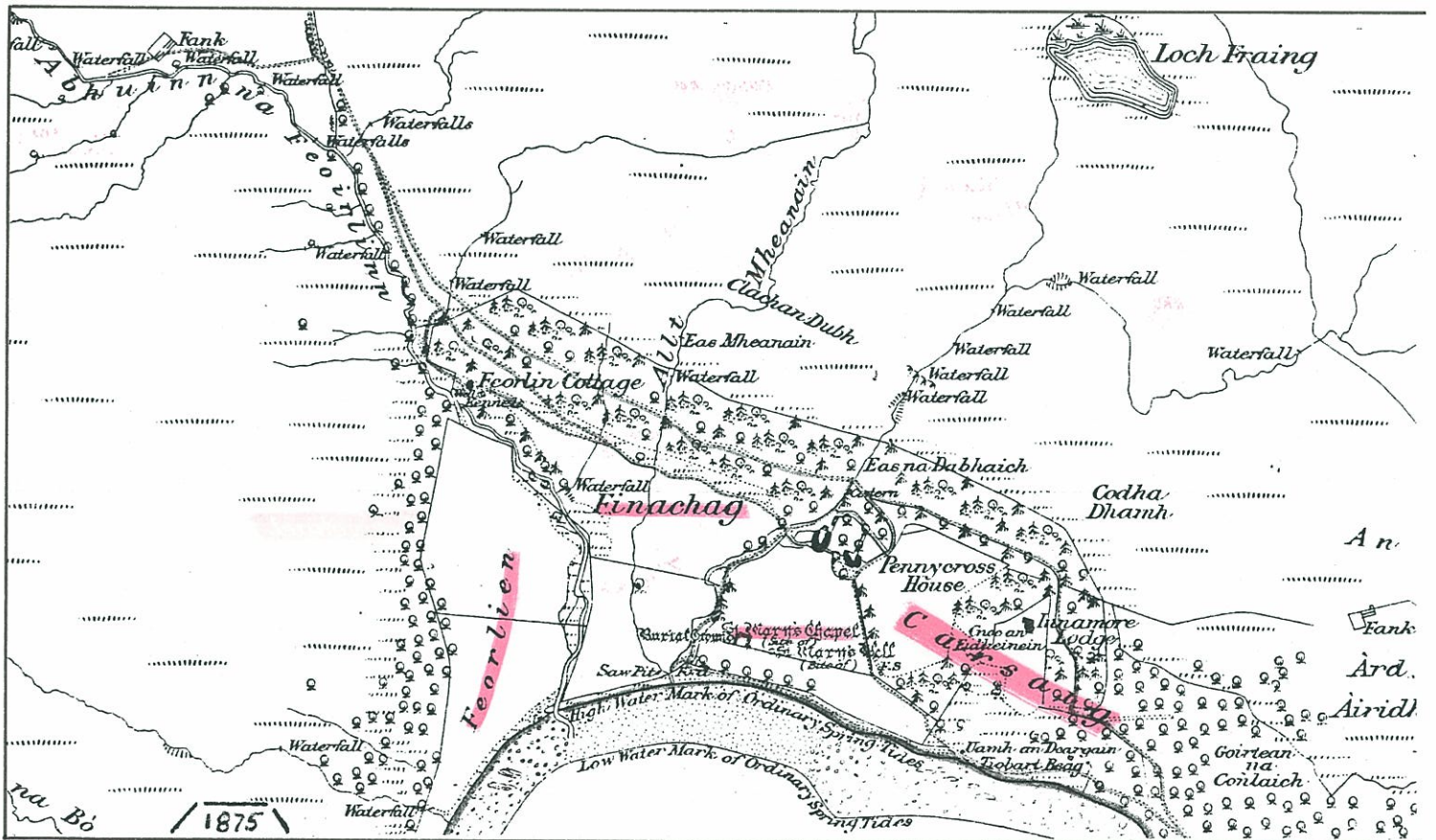
- 2 pennyland of Carsaig
- 2 pennyland of Inimore (Inna More means great precipice)
- 1 pennyland of Pennygail (& its miln)
- ¼ pennyland of Glenleudile

"with their houses, their huile part pendales & pertenants".

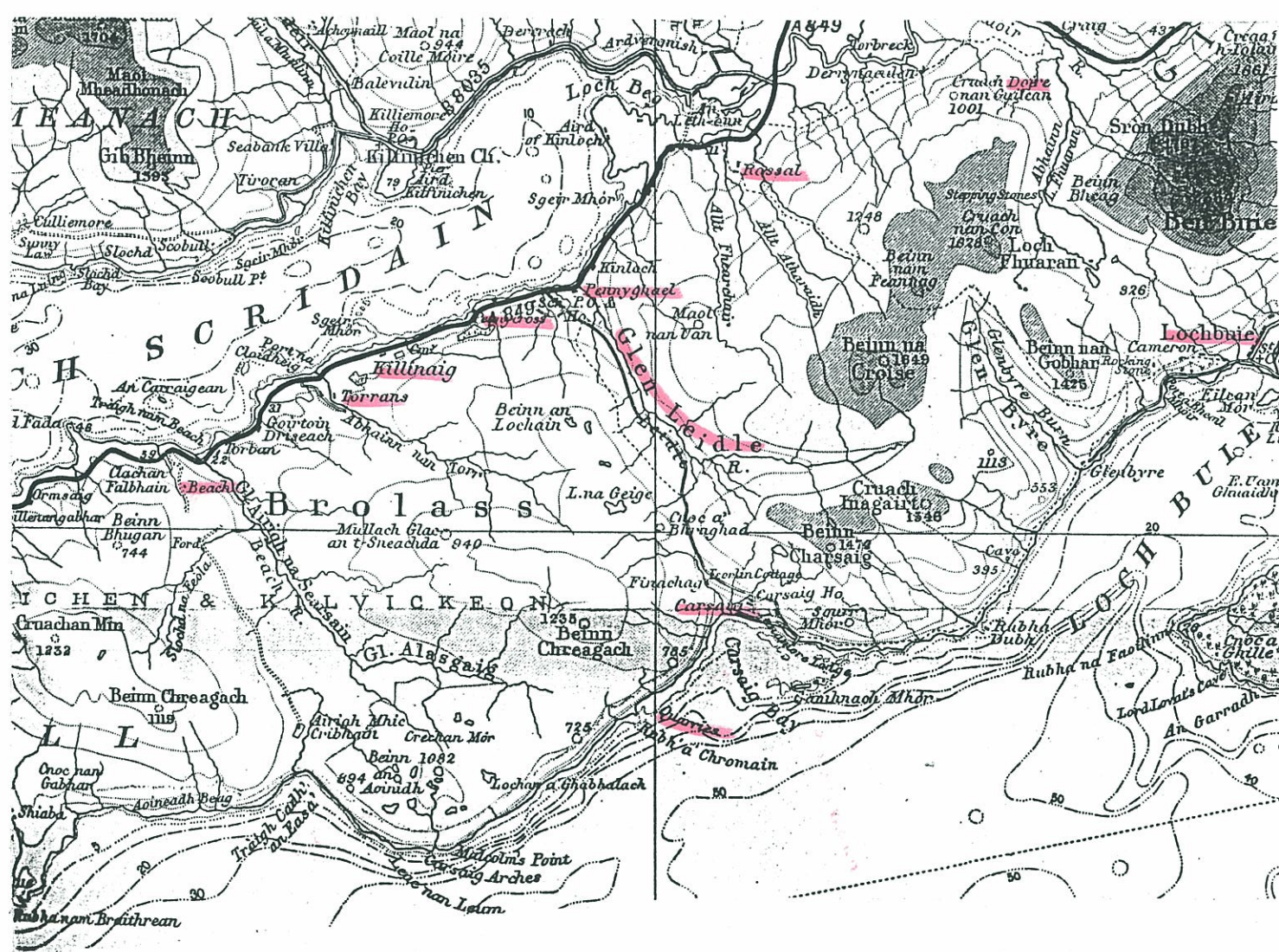
In the event of his death she is to receive £100 & half the furniture (if there are no sons), & £50 plus a third of the furniture (if there are sons). The funds for this bequest are to come out of the rents from the McGilvra tenants.



As her part of the bargain Catherine assigns her £400 inheritance to Hugh. Her father, John, had just died (1778) & the will instructed her brother Arch to pay this plus £300 to her mother, Isobel. But, the new laird ignores the debt & this never-to-be-received inheritance certainly contributes to the McGilvra's undoing. Fortunately, however, the resulting correspondence gives a unique insight into their lives & provides an explanation of this otherwise unknown & shattering period in our clan's history. Most of the information regarding Hugh's life comes from records at the Registry House in Edinburgh (SRO). GD/174 are the Lochbuie papers (with GD174/1372 pertaining to 90 letters on Pennyghael) & GD1/1003 /34 & /17 & /44 are the McGilvray papers. They cover the period 1784-1804. The McGilvray papers were purchased by the SRO via Phillips Auctioneers, in Edinburgh in June 1984, who claim they have no information regarding the papers' source.



Although Hugh's father, Alex, had died 27 June 1778, the patriarch of the clan, would have wielded considerable influence on Hugh's marriage contract if it occurred prior to this date. Possibly Alex was against this match, or at least its financial implications, & the couple waited until after he died before getting married. If this was the case then Alex had great foresight, for this marriage would indeed contribute to the loss of the McGilvra lands which had been held for many centuries. It is very likely the marriage was only attractive to Hugh after Catherine became an heiress. Subsequent information suggests this was a less-than-perfect marriage from both perspectives & may have been based on desperation & financial expediency. As well, if the date was 1779 then there might have been another factor in the decision, for their first child was born in 1779.



It has proven difficult to locate many of the farms mentioned in Hugh's documents. Even he had boundary problems. Some places had alternative names ("called Beach but really is Inchmore") & Benninch is a pendicle of Carsaig in one document & of Pennyghael in another. Many places are not on current maps. Inichmore & Inichbeg seem to be along Loch Scridain while Benninch would be the hill behind them to the south. Dailbait & Dorie are well to the east. Honnichadgh can't be located. The land descriptions do tend to confirm that ALL of Brolass was McGilvray land which is why it was considered separate from the Ross.

It was the custom, with the MacLeans of Coll, for the laird to resign the estate to his eldest son when that son came of age (age 21); with the father reserving only a liferent. (12p.322) If the McGilvra's did likewise then Hugh was born in 1750 which was 25 years after his father's marriage to Una MacLean. But, Una would then have been approaching the end of her child-bearing years & it is unlikely that no earlier son would have survived.

Hugh was called of Pennyghael (& hence at least age 16) in 1767. And, Alex sr, Esq of Pennyghael is mentioned in June 1768 & May 1769. The term 'sr' was usually used to differentiate the older laird from the new one & was likely only used after the son had reached maturity. However, Hugh's son Alex is called Alex yr of Pennyghael in 1801, when he would have been 18. (GD174/1372/83) On the other hand, if Hugh had been born early in his parents' marriage then he waited until he was over 40 to wed & produce an heir. This appears to be a common practice with families in the 1779 census, & Hugh may not have been much of a catch. Of course, Catherine could be his second wife but there is no such indication.

It was also not uncommon, according to the 1779 census, for old men of 60 to be fathering children. It appears Hugh followed this practice, possibly in an attempt to produce another son.

Hugh's expenses do seem to increase significantly after his marriage. Catherine might have been accustomed to a higher life-style & she could have been joined by her mother, Isabel, in 1784, after the young Lochbuie was killed. If Hugh's sisters & his mother were also at home then these five women could have had expensive tastes to accommodate; especially if they believed the inheritance would soon be paid.

Ne'er marry a penniless maiden that's proud o' her pedigree. (1312)

Boswell, however, (12p.343) had found Lochbuie's house in poor repair, the food meagre & the cooking all done in one pot. He said Isobel was a poor dresser & behaved like the landlady of an alehouse. If such was the conduct of the sister of Sir Allan MacLean of Brolas (now Duart) what might he have witnessed in an average home? It is possible she carried the 'facile' gene which would be passed into the McGilvray line via her daughter. Most lairds lived in one storey huts little different from those of the people except that the interiors were more lavish & comfortable. (160p.20)

When the inheritance never materialized it would have meant Hugh's debts could never be paid off by the limited income from the Pennyghael rents. Because there were always promises & considerable hope that the money would be paid, the family may not have tightened their belts until it was too late.

To be fair, however, the McGilvra debts had begun prior to Hugh's marriage. The family charge account at Lochbuie began in 1766 (GD1/1003/34) &, in 1772, Hugh McGilvray, younger (laird) of Pennyghael, is summoned to appear at Inveraray Tolbooth for a £74 debt due Arch MacLean jr of Lochbuy. (GD1/1003/18) Although this Arch MacLean's character is questionable (he ends up being shot) a person is usually taken to court only as a last resort after all efforts for reasonable repayment have failed.

A 1775 letter confirmed that Hugh was very lax regarding financial affairs. Mr Colquhoun Grant (a relative of Argyll) wrote Pennycross "*It is very time that a Decreet in Absence was obtained against young Pennyghael by Campbell of Dunstaffnage ... after Pennyghael failed to find caution. You well perceive that it is Pennyghael's own fault that matters have been carried so far against him, (for) if he had found caution in the suspension, (as) he had promised to do, the process with Dunstaffnage would have gone on more regularly. But, his inattention in suffering a decret to pass against him, in absence, has been productive of more litigation then otherwise would have happened. You & his cousin (german?) Mr MacGillivray of Glasgow (likely Malcolm, see p.195) may bring matters into shape again by becoming cautioners for him in which there can be no other hazard in any event than his paying the value of the cattle which he read (received?) from Ensign McLean.*" (the one mentioned in 1780?; p.166)

The underlying cause of the McGilvray indebtedness must remain conjecture for there is little evidence of family high living or of personal defects such as a drinking problem. The question then remains; where did their money go? Perhaps to the earlier Duart demands for help? Perhaps they lost heavily in some business venture. For example, in 1765, many MacLeans were ruined when a shady relative went broke & absconded with their investments. (160p.28) It is tempting to think Alex & Hugh might have been like some lairds who were like fathers to their clansmen, & thought nothing of indebting themselves for their clan's welfare, but the few available facts indicate the opposite.



The Story of Mull & Iona,
by Nick Hesketh p.73

It is claimed that most tenants' indebtedness did not begin until after the extremely severe winter of 1771. Johnson wrote that contrary to all experience a heavy frost had "*detained the snow eight weeks upon the ground*". He heard of one Mull tenant who had lost cattle to the value of £300. "*The consequence of a bad season*", he wrote, "*is not scarcity but emptiness*". There was a short, hard depression in 1772, & another famine in 1782/3, with frost damage in 1784 & 1800. It must be admitted Hugh certainly faced more than his share of troubles.

With all the troubles piling up on our family it can only be expected that they tried every means at their disposal to allay the future. The powers of second sight were much believed & respected in the western Highlands. Would our ancestors have neglected such aid? Could they have called in a relative who possessed this gift? Possibly it happened during Alex's time; when he, the mystic, the young Hugh, but no one else; were witness to the performance with all its awesome ritual & its awful forebodings. What impressions would have been marked indelibly onto the boy's fertile mind as the fire's ashes reflected in their faces & the wind murmured at the door? The well known tales of the past would have certainly flashed through his memory: of Druid priests sacrificing beneath knurled oak trees; of hooded priests chanting farewell to the heroes being burned in Iona. The droning words of the soothsayer would, at best, have become a guide through those overwhelming times or, at worst, a self-fulfilling prophecy.

Whether the McGilvra misfortunes could have been avoided, with foreknowledge or by strict thrift, will never be known. Alex was certainly not blameless for he contributed to the financial downfall by burdening Hugh with excessive endowments, by renting unprofitable lands & by indulging in Glasgow luxuries. The total rents of all Pennyghael lands were only £98/year. (see p.206) Unless Hugh was an extraordinarily efficient farmer & cattle dealer he would surely be driven into debt. It is uncertain if Hugh always paid these inherited obligations which placed many a Highland laird in extreme financial difficulty. They could be the "commitments" which he later states "take all his funds".

It is likely Hugh's economies were half-hearted & without method. Like many another spendthrift he probably believed the small economies, which cut into the comfort of his home, would save more than they actually did. And, they would be insignificant compared to the 'necessities' of his good life in Edinburgh each winter. If he had the true attitude of the aristocrat towards money he would never really learn to see his wants as governed by his means; it was always his means which had to be adopted to his wants. Such 'gentlemen' of his time would buy an expensive horse or a jewel that took their fancy, or dice with anyone who called. Only the best wines passed their lips & Edinburgh mistresses cost much in time & money in their pursuit. These were activities such men made little effort to curb. (75p.35) Even if these excesses were unknown to Hugh the known furniture & travel costs cast a long shadow of doubt & the latter expense can't be blamed on the women at home.

"Our family, for all its ancient lineage & good estate, lacked the solidarity of great possessions such as could maintain, without strain, the extravagant way of life which the norms of the late 1700's set for it. Although each generation tried to re-establish itself, each generation failed in greater measure than the last." (75p.12) Hugh's marriage & maybe even his trips to Edinburgh were attempts to rebuild; but, proved as fool-hardy as if he had charged, claymore swinging, against the gates of Stirling Castle.



"Casting the Runes"
(Festival Promotion Poster)

I've always wanted to picture Hugh as 'a brave man struggling with the storms of fate'; but, I'm afraid he was also a bit stupid. He never made a will despite the fact he was about 70 years old, in poor health & "*had considerable property*" when he died. He was certainly used to dealing with lawyers & knew that dying intestate always results in hassles & extra legal costs. On the other hand, he did put the family's financial affairs in order by selling the land & settling the debts, & may have arranged for a capable & honest guardian for his family; i.e. his nephew Pennycross.

Hugh is particularly witless regarding lawyers & the law, & is quite prepared to waste good money fighting lost causes. For example, he seems to have been under the impression that his father's debts would die with him. As most of them were secured to the real estate, this proved erroneous, & was certainly morally wrong. In Dec 1783 Hugh is charged with letters of horn, by John Lamont, a mason in Ross. Lamont claims the deceased Alex granted him a bill for 9 shillings in Apr 1778. In Inveraray court, Hugh explains that in 1770 his father "*executed a disposition of his small property*" (Pennyghael) & in return Hugh was to pay Alex a small liferent & assume all Alex's previous debts. As this was a later debt Hugh says he is not legally liable. This seems like a lot of effort & extra costs (horning was very expensive for the debtor; plus a trip to court) all over half the price of a cow. His lawyer was Alex Murray. (SRO Bill Chamber Processes ii 40,549) (Any relation to the Chas Murray who got part of their land c1750?)

Again in 1796, 1797, 1799 & 1801 there are a number of claims filed against Hugh for outstanding debts. The amounts are not inconsiderable (£163) & appear to be justly owed, although three of them were to lawyers who added on considerable interest charges. The fourth was to a Mull surgeon, likely regarding Hugh's ill health. His creditors have likely heard Hugh is selling his lands & want to have their claims registered. (SRO DI/14 /135p.169 & /133p.321&p.336&p.395 & /130p.599 Adjudications)

Every healthy man is a king. (131½)

Because of the disaster that Duart brought on the McLeans, by owing money to Argyll, the McGilvrays were very careful to keep up their feu duties to this overlord (132p.81); which were £53/year in the 1750's. (£Scots? - p.206 shows his total rents were £98 Stirling in 1785) These payments must have been due the ultimate overlord because even after 1778 they continued to Argyll. As mentioned, that was the year Sir Allan MacLean of Brolas successfully sued the Duke for the recovery of the lands of Brolas, which Argyll had taken over in 1689. Pennyghael is listed as £5 in arrears for Isles Feu Duties due Argyll from 1791 to 1793. (105 #826) This £4.8.11 was the yearly amount due from 1790 to 1796, which rose to £8.17.10 in 1802, but was £4.8.11 in 1803 & £13.6.8 in 1804.

Rent payments were altered with the change in overlord because 1778 is the last year Pennyghael appears in the Argyll estate rental book. Unfortunately, similar records for Broilas do not seem to have survived. Even more regrettably, Pennyghael was not included in the very thorough 1779 Argyll census.



Kilchurn Castle,
Loch Awe
(10 miles north
of Inveraray)
by Gavin Rowe

Much has been written about this period of Scottish history which followed the introduction of money into the Highlands & their increased contact with merchants. Instead of settling disputes with the sword they now had to pay court costs, legal fees, agents, policing, bonds of caution &, house & window taxes (used to pay for Britain's foreign war costs). Many lairds were discovering that it was easy to spend more than their property could produce. Glasgow, Greenock & Inverness supplied the laird's & the tacksmen's families with tea, sugar, groceries, biscuits & fancy clothes. In the county of Argyll, the 200 proprietors of 1750 had dwindled to 156 by 1800. (226p.14) *"There is scarcely an estate that isn't encumbered by debts, a large part of them due to a more lavish style of living."* Bankruptcies were particularly heavy between 1793 & 1801.

The McGilvrays did run up a considerable bill with at least one Glasgow merchant; their relative, Malcolm McGilvray & Co. Letters of 1775 & 1788 indicate this may be Hugh's cousin & in 1795 Hugh mentions "*Malcolm & Mrs McGilvray*" in a letter. Malcolm (1729-1804) was not so lenient with other overdue accounts. In July 1784 (in Edinburgh) Malc took court action against (the estate of?) Arch MacLean of Lockbuie for £51 owed since July 1783. (249) And, John MacLean received a demand for payment of a £100 bill in 1787.

The Glasgow Directories list Malcolm's woollen & drapery company on High St beginning in 1783. In 1799 the store adds furnishings & some are sent to Pennyghael. They also supply Lochbuie from 1774-1800. This firm continued to operate until at least 1811 and it is unknown if the Pennyghael bill is ever paid. In 1798 Malcolm put up a performance bond for a Don McGilvray to become a Glasgow porter. This was my John sr's occupation at least from 1818-1829.

Hugh & his family continued to buy & charge at Malcolm's until at least Apr 1805 when the total owing was £871 (\$200,000). One wonders if these large expenditures could be classified as necessities. If this type of overspending was the reason for the McGilvray bankruptcy then Dr Johnson was right when he said "*the old chief had lost his prestige as the leader of his followers, & must compensate by a larger income & grandeur of living*". (110)

Although Hugh's financial carelessness may have been the underlying cause of the calamity, the problem was brought to a head by the fact that both Arch McLean (Cath's brother) & his successor at Lochbuie (Murdoch McLean) ignored their debt to the McGilvrays - with impunity. Why Hugh didn't finalize this particular lawsuit, during the 20 year fight for the money, is not known. It is open to question whether Lochbuie himself was broke & it is very likely that the legal costs would have made it a Pyrrhic victory. But, Hugh never considered such issues in similar cases. As well, Lochbuie would have had more influence with the courts for it was well known that the more powerful adversary frequently had friends in the judiciary who would side with him no matter the facts.



Waiting for the Verdict, by Abraham Soloman

Before the Restoration, bribery was openly adopted as a means of influencing the decisions of the Bench & even at a later date the judges allowed their judgements to be tampered with by the private solicitation of powerful persons. Many times the judges in the appeal court never even read the cases & simply had them all marked 'sustained'. One saying of Scotland was "*Show me the man & I'll show you the law*"; i.e. the law of Scotland could protect no man if either his purse was empty or his adversaries were great men or were supported by the powerful. (120p.607)

At Edinburgh, "the old judges always had wine & biscuits on the bench when the business was clearly to be protracted. ... Black bottles of strong port were set down beside them on the bench with glasses, carafes of water, tumbler & biscuits; with no attempt at concealment. Nothing was touched for awhile, as if despised, & the judges seemed to be intent only on their notes. But, in a little, some water was poured & sipped quietly, as if merely to sustain nature. Then a few drops of wine were ventured upon, but only with the water; till at last patience could endure no longer & a full bumper of the pure black element was tossed over; after which the thing went on regularly & there was a comfortable munching & quaffing, to the great envy of the parched throats in the gallery."
(143p.64)

As stated, Murdoch, himself, was in bad financial shape due to living each winter in Edinburgh, "previous encumbrances on the estate", the expenses of forming military regiments in the 1790's, the extravagance of building a new house (1793), plus 11 kids. As well, Murdoch was besieged continually by relatives asking for money. In 1797 he tried to sell Lochbuie but owed £11,120 (\$2.8 million). (Lochbuie Charter Room) Rumors that he was trying to sell out resulted in his tenants trying, unsuccessfully, to secure their positions through longer leases. (GD174/964)

Despite his financial problems Murdoch had more income (& more business sense) than Hugh & somehow he survived. The MacLeans continue at Lochbuie until 1914 when, even in this modern age, the loss was typical of any old feud. The 22nd laird had become a theatre singer c1910 to earn the payments for the heavy mortgage. He was managing to make these payments until (it is claimed) inclement weather caused a payment to be received a few hours late & the pitiless creditor grabbed the estate & was upheld at law. Needless to say the present Macleans do not speak kindly of the interlopers.

Murdoch had been an Edinburgh linen merchant & an army officer before he became Laird of Lochbuie in 1784. He inherited after the troublesome Archibald (Catherine's brother) had been killed in a duel, with Daniel Munroe, while returning by ship from the American War of Independence (which began in 1775). The fatal argument had arisen over how to properly carve a duck. Just three months prior to this (spring 1784) Arch had married Barbara, the daughter of W. Lowther, Esq, of NY. Don Munroe was tried in Old Bailey, 21 June 1785, & found not guilty. (152v18p.10)

The estate of Lochbuie, as with Pennyghael, was not well situated for the production of kelp & so neither was able to reap the spectacular profits from that industry. Murdoch had recovered the shore rights from his tenants but his maximum yield was only 30 tons per year. (GD174/1012/1) Kelp had become important before 1800 & continued so until 1815.

Kelp is a type of large seaweed. Napoleon's conquest of Europe had cut the supply of Alkali Soda to Britain & it was found that kelp represented a substitute source. Its production created a unique & important industry for the ocean-fronting Highlands & in particular for those western islands favored by the Gulf Stream. Black seaweed grew on the inshore & stones in most bays & it could be re-cut every three years.

The harvesting season lasted for two months; from mid June to mid Aug. The crofters & cottars moved from their homes to shielings situated near the sea shore. Each year their first task was to repair the roof of last year's shieling & make the place as comfortable as possible, for the four to six occupiers.

The task was simple enough, but very laborious. At low tide the weed was cut from the rocks & stones with a common corn hook or coran. A heather rope was stretched outside of the work area & around it the cut seaweed was wrapped. At high tide the rope & seaweed floated & were dragged ashore. When the tide receded the weed was put into creels & carried some distance where it was spread on the grass to dry.

When enough to yield a ton was dry, a trench (or kiln) was dug. This was 12 or 24' long, 2½' wide & 2' deep. The sides & ends were formed with stones while the bottom had a layer of turf. The burning had to be watched constantly in order to keep the flames as low as possible by keeping air from the burning mass inside. When the kiln was full of burning seaweed, two or three strong men raked, mixed, & pounded the whole mass together with long-handled, iron clubs. Needless to say, the heat was intense & the labor arduous, during the four to eight hour burning. The kiln was then covered with seaweed & stones to keep the inside dry. After 24 hours, although still hot, it could be broken into large lumps & shipped, if a vessel was waiting.

Between 1770 & c1820 the annual yield in the Hebrides was about 5000 tons. As the market value was about £16/ton it must have yielded £80,000/year. Considering that the workers received <£2/ton the profits to the sea-front 'owners' were enormous; & this was independent of their land rentals. (140v9pp.14/16) Another source stated that Mull shipped 100 tons @ £3½/ton, but it is not clear who received this amount. (171p.251)

It is the general feeling, however, that only the landowners profited from kelp. Instead of this 'gift of the sea' belonging to 'everybody', the lord of the soil stepped in &, with a legal maxim at his back, claimed this sea-drift. The rapid growth, & sudden collapse, of the kelp industry had far-reaching effects on the Highlands. This extra income allowed the people to pay abnormally high rents for poor lands. In turn, the west coast landlords were enabled to retain large numbers of renters who would not otherwise have made a living from farming. This crop also altered the type of land use because it emphasized small tenant holdings & had no need for tacksmen. (25p.42) It was not long before

the crofter saw his wages drop as more workers entered the trade & production increased. These laborers soon found they worked from dawn to dusk on the shore for impoverishing wages. (201p.451)

After the great French wars, cheaper soda imports returned & the landlords, who had learned the easy habit of extravagance, were forced to sell their property to strangers. The crofters, who had been allowed to sub-divide their already small crofts, were left in a state of pitiable destitution & faced a choice of either slaving in the big cities or of emigrating.



It is much more likely that Hugh was mainly involved with cattle than with kelp. Favored by a mild climate but cursed with poor soil this was the only feasible agricultural employment in Mull & the other Inner Hebrides, especially as it was considered an acceptable occupation for a gentleman.

In Oct of 1773, Boswell commented on a famed war saddle of Lochbuie's which he had hoped to see. However, "*the young laird had it at one of the fairs for black cattle*". Falkirk (between Edinburgh & Glasgow) was the main market for Highland cattle & he, & Hugh McGilvra, were likely there.



The Drover's Departure, by Sir Edwin Landseer

In 1764 it was estimated that 2,000 cattle per year were exported from Mull at an average price of just over £1 each. This provides an excellent confirmation of the inflation that has occurred, as cattle today, even with our much more efficient production methods, sell for over \$800 (£350). Granted, the much improved quality of today's animal would offset some of this inflationary increase.

"It is merely the number of black cattle, of three-four years old, annually sold off from every farm that pays the present (c1775) poultry rent, with sometimes a little overplus to the tenant. There is little else on the farm that brings any money. All the grain & the potatoes, all that is affordest from the dairy, all the sheep, the goats, & every other article the farm yields, serves only as a scanty maintenance for the farmer's numerous household. It cannot be doubted that the produce of a highland farm, in corn & cattle, if rightly managed, should do a great deal more, both for the landlord & for the tenant." The number of sheep were often restricted by the landlord but there were always far too many horses. Every farm was overstocked in the mistaken belief that 20 starved cows were better than 15 well fed ones. (246v2p.46)



Most cattle in Mull changed hands on a wide expanse of open moorland in Glen Bellart at the watershed between the rivers Bellart & Aros in Northern Mull. This had been the site (at Druim Tighe mhic Gille Chatain) of one of the largest fairs, in the West Highlands, since medieval times. Great herds of cattle were gathered there during the fairs which took place three times a year & lasted for a week. Its primary purpose, of course, was as an

agricultural market & for this it was well situated on the drove road from Tiree & Coll. People travelled to it from all over the Western Isles. They came also from the adjacent mainland, from the



Lowlands & sometimes even from Ireland. Lairds, tacksmen, tenants, merchants, cattle dealers, fisherman, pipers, jugglers, ballad singers & pedlars attended the festive gathering. It was a chance to meet old friends, to hear the news, & to celebrate a break in the routine of country life. Those who came from a distance had to eat & sleep in tents & temporary huts. There were also numerous taverns where bargains could be sealed & fights begun. It was no coincidence that the fair was held near Aros, the main centre for justice in Mull.

The problems of getting cattle to this fair, & from there to the cattle markets on the mainland, were considerable. In 1763, Donald Campbell of Airds petitioned the Commissioners of Supply, in the name of the gentlemen & inhabitants of Mull, for £120 to build bridges over the rivers, Aros, Forsa & Ba. Local inhabitants would match the grant.

The method of ferrying cattle from Mull was to 'cast them down' & tie them in boats. This caused heavy losses & was expensive - 8/10p plus a bottle of whisky to the ferrymen. The most important Mull ferry ran from Grasspoint (on the southeast corner) to Kerrera. This highly profitable monopoly was shared by Argyll & Lochbuie. MacLaine let his share to the tenants of Croggan on Lochspelve who had to supply the boats & manpower. Competition, in 1767, forced these ferrymen to construct a quay, & a larger ferry, which allowed the cattle to stand. (160p.21)

Hugh's first of 90 letters to Murdoch, (GD174/1372) for payment of the inheritance, is dated 8 Mar 1784 from his home at Carsaig. He complains that he & his wife have been used in the basest manner by Murdoch although he (Murdoch) was a good friend (before he became laird?).

It would have been bad enough if this dispute with Lochbuie had been Hugh's only financial problem. But, for a man up to his ears in debt he appears to be too easy-going with his limited cash & credit. He makes doubtful loans & then has to waste good money on lawyers to try to get it back.

In Feb 1780 Hugh signed a bill for £6 in order to prop up the credit of John McKinnon (soldier in the West Fencibles) at Dunbar. John later tried to sell this bill & when this failed he sued to collect the money from Hugh. Hugh counter-claimed that John owed him £7. Hugh won the case, with costs. (SRO Bill Chamber Processes ii; 6651 & 13,779) It is difficult to believe Hugh would loan money to anyone less than a friend or relative; but, would a friend turn on him like this? It may indicate Hugh gets into his cups too often which, in turn, would explain his poor health. However, in 1792, Angus McKinnon, an upholsterer in Edinburgh, co-signed a large note for Hugh; and, (coincidentally) Hugh's daughter, Isobella, would wed a John McKinnon (a common name, however). It is unclear if Hugh was actually in Dunbar (25 miles east of Edinburgh) but it seems he was already spending his winters in expensive Lowland cities. In Apr 1791 Murdoch's nephew, Don MacLean, had written from Edinburgh that the men of Leith (Edinburgh's harbor) had been taken by a press gang. His letter was sent "c/o Mr McGilvray" - probably Hugh returning in the spring. (GD174/1329/43)

But, a more serious unsettled affair involved the lands of Benninch (or Benininick, Beninick, Benwick, Bennwick). This hill, & its pertinences, were a pendicle of Pennyghael. Alex McGilvray sold this parcel to Sir Alex Murray prior to the 1770 transfer to Hugh. Murray, who is likely the lawyer in the above 1778 case, re-sold this land to Sir James Riddell of Ardnamurchan & Sunart; Baronet. Murray had been interested in the coal deposit & in the saltings. He is said to have built a pier here on the south side of Loch Levin?. He also built a stone house for salt & coal at Ardtun; just to the west of Beach.

The original sale document was carelessly (or dubiously) drawn up with the result that Riddell claimed Inichmore (also called Beach & supposed to have had caves) & Inichbeg (or Innchomom) to be part of Benninch (or Benninich). This extra piece of ground lay between the hill of Benninch & the shore. Benninch was bounded by (the) Ross (on the west), Torrin (i.e. Torrains, on the east), Carsaig (on the south-east), & the precipice & the sea (on the south). The whole area lay just west of Torrains which in turn in west of Pennyross; on the south shore of Loch Scridain. This means that Pennyghael was originally much larger & probably encompassed all of Brolas. (See previous map p.189) Alex had sold an eastern parcel called Dailbait (east of Rossal) which tends to confirm that Pennyghael & Glencannal were contiguous at one time.

Prior to selling this parcel of family land Alex had been leasing it to a Mr Campbell to whom he owed 1000 merks Scot. At that time there were no permanent houses there & it was used solely for grazing cattle. (197c) Obviously neither Alex nor Hugh had the area legally described prior to its sale.

Riddell already had major holdings in Ardnamurchan & his heir was involved in the religious tensions which arose in the Highlands in the 1830's. These highly contentious divisions within the Church of Scotland centred mainly over who would appoint (& thus control) the clergy. The resultant split led to the formation of the Free Church of Scotland, in 1843. The Church of Scotland had been so pro-landowners that >90% of Highlanders switched to the new group, thus making the schism divisive also along class lines. The Free Church's links to the common folk caused it to be notably anti-landlord with the result that blatant followers were often evicted. Following this thinking, Riddell refused to give the Free Church a site on which to meet in Ardnamurchan, so the people used a ship. (17pp. 125/6)



One of the residual effects of that church disruption was that birth, marriage & death registration in the parish registers ceased for those 90% of Highlanders & was never adequately dealt with by the Free Church (for the dozen years until 1855 when civil registration began). Even as early as the 1820's & 1830's the number of McGilvray entries in the Kilfinichen Parish Register dropped off to almost nothing.

In 1776, Hugh & Riddell gave their dispute to an adjudicator, Sir Wm McLeod Bannatyne, advocate (1744-1833), who decided in Sir Riddell's favor (surprise, surprise) while releasing Hugh from debts due on the land.

This is likely the same Mr Bannatyne of Edinburgh who wrote Murdoch McLaine, in 1790, about "*Lochbuie's neighbor McGillivray of Pennygail*". He went on to mention Sir James Riddell & a Mr Maxwell Campbell-Stuart, & said Hugh has been slow to push his action due to indifferent health. (?/5) This frailty may explain much of Hugh's apparent lethargy.

"By degrees comes health but in great waves comes sickness."
Gaelic proverb.

For some reason the matter is not ended with the adjudication, for Hugh seems not only to lose the land but to continue owing the debt. Hugh is summoned (31 Mar 1791) to answer this dispute & pay these debts. He is horned again (29 June 1792) but claimed on 25 Aug 1792 that his earlier reply, plus a bond of caution, must have been lost in the mail. There were only two post-offices in Mull (Aros & Auchnacraig) & the delivery time was two-three weeks. Hugh claimed he didn't get notice of caution in time due to his residence being far from the post office. (SRO B111 Chamber Processes 11 46,073 & 71,153) He also states that Riddell knew his loan was safe but had taken advantage of the mix up. The court (SRO 46,073) refused Hugh's pleas for a one year extension & gave him until only Oct 10 to settle (which was likely the date he would receive the new notice in the mail). (SRO 71,153) On Oct 29, 1792 Hugh produced a guarantee from Alex McDonald, merchant in Brolas (SRO ii 40,059) that the lands would be conveyed to Riddell (in order that Riddell could lease them out) & promised the £50 horning penalties would be paid. This amount seems excessive but it may cover a number of hornings & other legal costs, all of which may have been designed to break him financially. Riddell again sued Hugh June 11, 1793 for the rents of Beneneach & Innichmore. (DI 8/208p.231) The rents of Innichmore were £20 stirling/year in Jan 1795. (DI 8/210p.322) Ultimately, Riddell got his hands on all of Pennyghael & he was probably using the same debt tactics Campbell had used on Duart.

Even 25 years later (23 Oct 1819), Hugh's son Alex pursued this matter further. By that time, Alex required the consent of his financial guardian (to be discussed later), & they took the advice of another Edinburgh lawyer who believed there was a good case to regain the parcel from the Trustees of the late Riddell.

The case dragged on until 23 Aug 1826 when the trust depones of Sir James Riddell of Ardnamurchan & Sunart, & Alex McGillivray eldest (probably just a standard legal term) son & heir of the late Hugh of Pennyghael, granted mutual Ren (renunciation) & basically left things as they were - with Alex giving up all claims to the lands of Innichmore belonging to the said Riddell. (211 & GR 1427.200) It would appear only the lawyers had a 'good case'. At this hearing Alex's witnesses, on a document signed at Benaghael (Pennyghael), were Alex McLean of Carsaig & Allan McLean jr of Nashenak?, both residing at Pennycross.

Either the landowners enjoyed feuding in court or the legal descriptions & deed transfers were very often written negligently, because the legal battles over these same McGilvray lands continued with other people. In 1810, two Campbells were contesting land purchased from the above Riddell's trustees: one parcel being Beningnoch (a pendicle of Corsaik), a part of the land of Inichmore & Inybeg, in the old sheriffdom of Tarbert, Kilvickeowan & Kilfinichen parish; & another parcel, the 4 pennylands of Ardchrachnish, of Kilpatrick, of Ormsaig, & of Beich, all part of the 20 pennyland of Broloss. (SR0 Memorial & Abstract, Process of Sale 2nd div)

The other specifics of this case are of less importance than the McGilvray witnesses & their stories.

1. Hugh Ferguson, the ground officer, thought that on a 19 year lease it could be let for 40 guineas. And Angus McGilvray, whose father formerly possessed the farm for many years deponed the same.
2. Malcolm McGilvra possessed the Farm of Inichmore & Inymore at a rent of £12. Hugh McGilvray's missive (official letter; he had died six years earlier) said it was a rocky farm. He was the former proprietor & had let it for 27 years from 1788.
3. The Farm of Inybeg or Inyuachtrack was possessed by Arch McLean Esq of Pennycross, on a lease from Hugh McGilvray, a former proprietor, for 38 years from 1780 at £8.

A decret of valuation, dated 13 July 1785, had been obtained at the request of Hugh McGilvra of Pennygail whereby the rent, stock & teind (tithes) of the lands of Inymore & Inybeg were valued at £16 less 5s allowed for kelp. But, no kelp was made on any of these named farms. The net rent of Beningnoch was stated to be £42. (The total rents of Broloss were £103.) The 1810 stipend to the Minister (Dugald Campbell) was £8.5 for Beningnoch (& £3.3 for Inymore & Inybeg). There was no separate school levy; as it was all on Pennyghael. Thus, the gross rent = £42 + £8.5 or £50.5.

Inichmore was later granted by Argyll's commissioner in 1802 & stated on a sasine in 1804. Thus, it 'appeared' the lands of Beningnoch were "holden in feu of his Grace" for a rent on the whole of Tyngail, Tynnachie, Glenlidell & Carsaik. It is also said Argyll approved the sale of these lands in May 1801, which was stated on an Aug 1801 sasine.

Although the estimated value of the land was £1362 sterling (27 years' rent), the parcel actually sold for £3040 (60½ years rent). Despite the fact the Napoleonic Wars were causing inflation to a heretofore unknown degree, this poor rate of return indicates land ownership gave much more than a monetary income or a hedge against inflation. There may have been few other tried & true investments available to a Highlander but the main benefit was likely the status that went with being part of the landed gentry.

The Farm of Ardchrashnish was rented (on a yearly term) by: Don Carmichael, Hector Cameron, John McKinnon, John McLean, John Cameron, Hector McEachern, Don McGilvray, Arch McEachern, Alex Campbell, & Don McLean; & the ground officer was Hugh Ferguson. Ary vichrain, a pendicle of Ardchrashnish & Ormsaig, was possessed by Neil Livingston at a yearly rent of £1. Ormsaig itself was possessed by Dr Allan McLean from Chas McLean of Kinlochaline, the former proprietor.

The Farm of Kilpatrick was rented to: Neil McKinnon, Lauchlan McKinnon, Angus McKinnon, John Ferguson, Lachlan McLean, Dunc McCallum, John Campbell, Neil McKinnon, Robt Cameron, Neil McLugash, & Don Livingston (who was also the grounds officer).

The Farm of Beich (Beach) was rented yearly to: Malcolm Lamont, Arch McPhail, Don McEachern, Neil McEachern, Neil McDonald, Lachlan McInnish, Malc McPhail, Hugh Ferguson, Don McPhail, & Angus McKinnon.

The farms of Ardchrashnesh, Kilpatrick, Beech & Ormsaig had an estimated value of £6195 but actually sold for £7220 or 33x rental.

Hugh's money woes were unceasing. His above mentioned 'decreet of valuation' had been necessitated by a battle against the tax department which had increased his assessment. His review hearing was held before the Lords of Council & Session in Edinburgh on the same day as the decreet; 13 July 1785. (246p.839 & 216) It would be interesting to know if Riddell's or Argyll's holdings were also reassessed at this time. Even today the tax department has been used to 'get' someone.

Hugh McGilvra of Pennygail & Alex McLean (of the 1 pennyland of Pennycross) faced taxes of £15 stirling. Under an Act of 1690, every heritor, wadsetter & liferenter had to pay taxes for the upkeep of the church. A wadset was a mortgage that gave the holder all the rights of the landowner until it was repaid. To appeal the tax estimate, it was necessary (then as today) to prove the lands did not earn as much rent as had been arbitrarily estimated. Hugh's tenants testified to this effect, in Mar 1784, before the Valuation & Sale of Lands Committee.

Hugh's possessions (in 1785) were listed as follows:

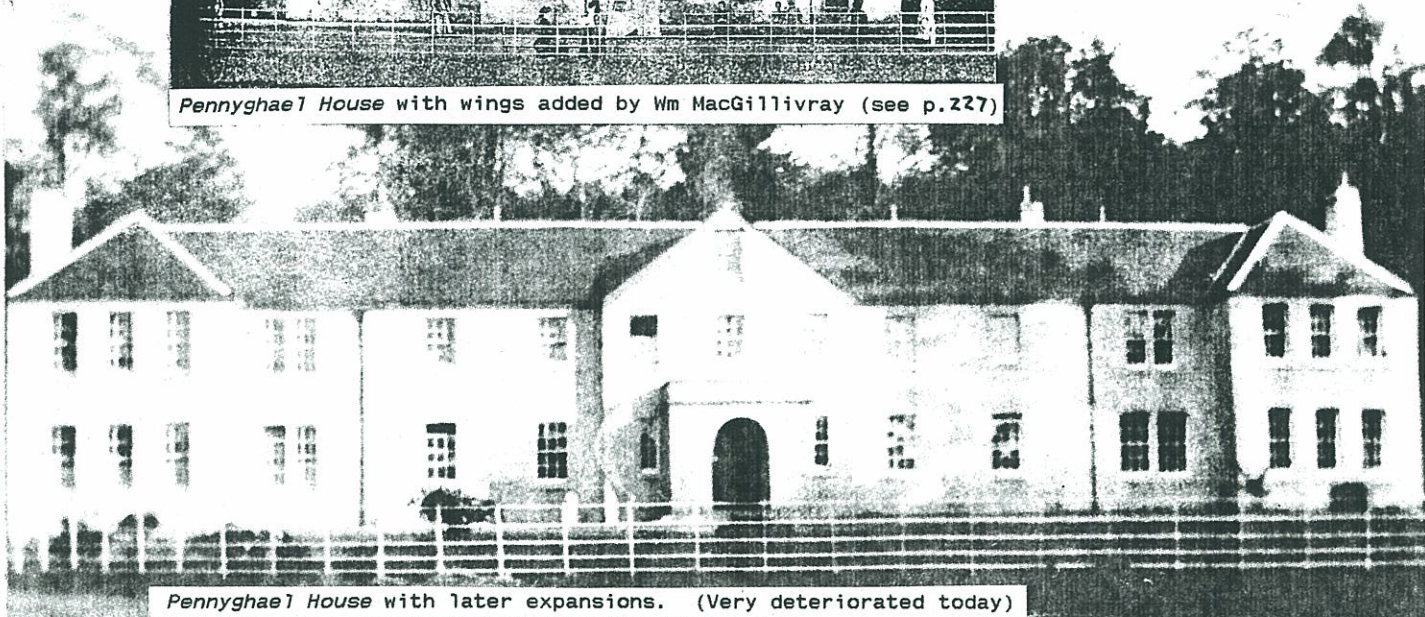
-Pennyghael (3 farthing)	34 year tack	..	£59 est'd	...	£22 real
Miln of		..			1
Changehouse of		..			1
-Glenliddle (½ penny)	9 year	..			24
Kelp shores		..			2 (or 16?)
-Carsaick (1 penny)		19			8 (or 24?)
Its shores		..			8 (or 12?)
-Finachy (3 farthing)	7 year	21			24
-Feorline (1 farthing)	7 year	..			
+ 8 wedders/year + 20 days service/year for 8 men @ 6p/day					8
-2 Inimores + houses, biggings, etc					8
	TOTAL		99		98

The difference was hardly worth fighting over especially when such hearings would, no doubt, have required the hiring of expensive 'experts' & the travel costs of his witnesses. Hugh appears 'penny wise & pound foolish'. He was much too trusting of 'experts' which may have been due to a lack of real education.

The McGilvrays may also have joined their neighbors in that period's extravagant 'necessity' of building a new home. And it may even have been two homes for although Hugh's address is written as Pennyghael all his letters are dated at Carsaig. The 1654 map had shown Gentlemen's homes at both locations & it is doubtful either of these old structures would have formed any part of the homes there a century & a half later. The centre portions of both current homes are said to be pre-1800 which would indicate both were rebuilt in the late 1700's. Geo Langland's map (SR0) of 1801 shows Gentlemen's homes at both Pennyghael & Carsaig.



Pennyghael House with wings added by Wm MacGillivray (see p.227)



Pennyghael House with later expansions. (Very deteriorated today)

Such homes & farms required a large number of servants. The Kilfinichen Parish Register c1820 lists families of ploughmen, herds, maids, an overseer & even a weaver as being part of these households. The 1841 & 1851 censuses confirm that these would have been part of Hugh's retinue.

Hugh was in court again in 1785 & yet again in Jan 1786 when his lawyers, John Chalmers & Mr Hamilton (of Loch Alva?) filed suit against Geo Reid, sometimes ship master in Port Glasgow, who owed Hugh £27. Possibly Hugh had prepaid an unfulfilled delivery of cattle or furniture. (SRO Red CS 238 Mc 4/17) It is unknown if such cases were common to everyone or if Hugh was using cheaper & more unscrupulous contractors.

Another court appearance faced Hugh when he was charged with letters of horning by Arch McAusland, a Greenock merchant, on 8 May 1786. Hugh claimed he paid him £40 sterling via a bill (dated 19 Feb 1785) drawn by Hector & Don Macdonald, merchants in Kilfinichan; who Hugh said, "*owed him much more*". (SRO Bill Chamber Processes ii 30, 541; Bill of Suspension) The Edinburgh court decided against Hugh on 5 June 1786 but lowered the amount to £30. (*ibid* 30,381) But, what were his legal fees & horning costs? Why would the local merchants owe him money? It is usually the other way around.

Hugh doesn't seem to have much business sense & his book-keeping obviously leaves much to be desired. Does he keep receipts? Nor does he appear to talk to his creditors in order to try to reach realistic repayment schedules - & then keep the bargain. Does he not realize that in law, a bad settlement is better than a good judgement, & that he should avoid lawyers like the plague? These are problems typically faced by people living beyond their means & who, like other addicts, live in a dream world. Avoiding the problem in the forlorn hope that it will go away is also the usual way such people deal with the situation. He seems to have missed out on the 'brains' aptitude of the clan. Although it is possible these instances of mismanagement are the exception, it is much more likely they represent only the tip of the iceberg.

The financial embarrassment of Pennyghael must have been common knowledge. In 1785, John Campbell of Knock, wrote to Dr Alex McLean of Pennycross & enclosed an account due against Mrs McGilvray. Although she owed him money "*he won't een use diligence against her family*". He appears, however, to assume or hope that Dr Alex would pay the bill (for his wife's sister-in-law). (197a)

Hugh's financial predicament is very serious after the winter of 1790/1 for he writes, on May 22 1791, that he has no food left in storage. "*I find the days of King William are likely to come upon us in this country again.*" (GD174/1372/10) Yet it seems he felt rich enough to put up a £20 bond of caution for Chas McLean of Kinlochaline in 1792. This bond, although not cash, was backed by Hugh's rents from his possessions at Carvoleg (east of Carsaig). It was subscribed at Carseaig, on 14 Jan 1796, with Alex McGilvra & Don MacMaster (both residents there) making their marks as witnesses. This kind, & maybe foolish, act came home to haunt him for, on 17 Mar 1795, Angus McKinnon, a Glasgow tailor, was forced to sue Hugh who obviously hadn't the money to make good on the guarantee. (SRO Bill Chamber Processes ii 29,706)

Hugh must have worn a path to the court house because he was there again on 19 Feb 1800. He was taking action against Arch McNeil of Colonsay & Capt Dugald McLean, son of Hector of Ardfinnay in Ireland. They had owed Hugh £140 for cattle since 1782. This court case dragged on for almost two more years. (SRO Red CS 239 M/32/83) & would certainly have eaten up most of the debt. He had likely tried selling his cattle in Ireland in order to get a better price. He lost the gamble because he should never have let the cows out of his sight until he had the money in hand. Was his poor health interfering with his business? Had he not a reliable subordinate?

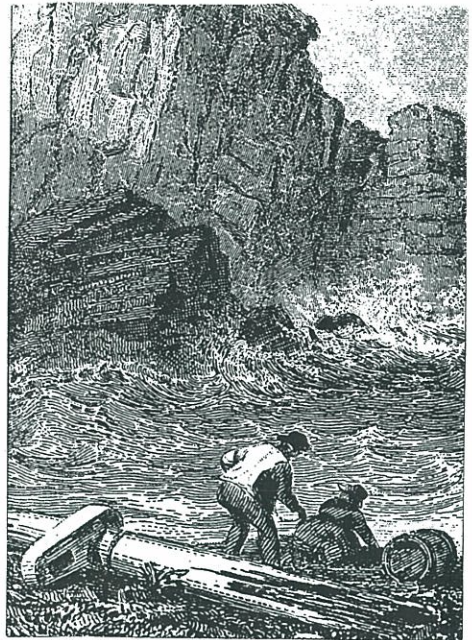
Heaven ne'er helps the man who will not act.

Overriding & accentuating all these tribulations, as well as influencing their hopes, is the never-ending battle over the Lochbuie marriage contract. This 20 year contest, which fluctuated continually between cooperation & feuding, must have drained the spirit as well as the purse of the McGilvrays. Between Dec 1785 & Feb 1788 there were a number of reciprocating letters of horning between Hugh & Murdoch of Lochbuie. Expensive Edinburgh advocates (Robt Blair & Charles Hay) & an arbitrator (the accountant John Hay of Edinburgh) were engaged in an attempt to force payment from Lochbuie. (GD174/189/1 or /184/1) The statement to the arbitrator is dated 27 Jan 1786 at Carsaig & has Hugh, his wife Catherine & Murdoch's signatures. It was witnessed by Arch McGilvray; tenant in Tenacher (cousin?) & Robt Fender (Hugh's servant) plus Don MacLean of Islamiich & Don MacLean an Edinburgh merchant. Both sides obliged themselves to abide by the ruling, to approve the registration of the verdict onto the books of Council & Session, & to pay £50 if either of them reneged.

The arbitrator found Katherine was a creditor on the Lochbuie estate for £400 sterling plus £200 interest (a total of \$150,000). It was a hollow victory because Murdoch ignored it & didn't even pay the £50. Nothing was changed in May 1788 when the same debt was secured "*to the younger children of Catherine & Hugh; & failing younger children - to the eldest & only child*". At this time Hugh guaranteed Catherine the more modest amount of £25/year if he died plus she was to receive the balance of £15 from Murdoch (or his heir) & from Arch MacLean of Pennycross - if they judged her deserving.

About 1794, Hugh wrote of taking cows to market. It's likely this was his occupation & his main source of income after the rents from his tenants. But, if he spent his winters in Edinburgh he must have been leaving the cattle management to others. The rapidly increasing numbers of emigrants at this time resulted in large numbers of cattle being thrown on the market. Despite this, prices remained high as numerous drovers entered the area to buy them. These high prices, his poor health & his absences may have influenced Hugh's decision to finally sell out.

Fortunately, these letters point to other aspects of Hugh's life besides these continual lawsuits. In 1791 he wanted to banish suspected characters from the country, & he asked Murdoch to reward a drover who informed against some thieves. (GD174/1372/9) Hugh had his own boat; but, the herring schools were known to have shifted from the west coast of Scotland to the east in the 1790's, & the salt laws discouraged packing & selling them. His fishing must have been minor, if at all, because he bought herring. He also mentioned a wreck from which he salvaged seven bars of iron. (GD174/1372/13) There was little kelp production on McGilvray shores, & the tillable land, although better than most, was small & poor.



The family's persistent cash shortage caused them to default on other payments. Hugh's road rent, window tax & other duties were in arrears in 1789 (GD1/1003/44/7) & in July of that year he wrote McLean of Gruline that the £10 still owing to his wife from the House of Moy, since 1779, meant Hugh couldn't pay Gruline. This was likely the John MacLain (tacksman at Gruline from 1781 until his death in 1792) who, in Mar 1782, had Hugh denounced as a rebel & put to the horn for £11 due on a bill since 1775. Hugh was to appear at the Edinburgh Tolbooth (the one torn down in 1817) on Apr 5 1783. (SRO Bill Chamber Proc ii 40,403) This same John issued another summons, that same year, against Hugh for £25. Why didn't Hugh make part payments to conciliate his long suffering lenders?

In May 1791 Hugh advised Murdoch he would be generous in any settlement. (GD174/1372/9) However, Murdoch was less conciliatory & issued a writ against Hugh in Feb 1792 for an outstanding bill of £200. (ibid/14) Hugh said he would pay this if Murdoch would stop the "mess'r" (King's Messenger?) which would only cause Hugh extra expense. Murdoch failed to comply & Catherine complained of the £100 (\$25,000) distress caused by the mess'r. (ibid/24) (This seems far too high a figure. There is much confusion over the conversion of these amounts.)

Murdoch paid Hugh £90 in Aug 1793 as interest on the £600 which he acknowledged was owed the McGilvrays from the Lochbuie estate. (ibid/19) However, in July 1794, Hugh claimed he was still owed £180 interest & once again hoped for a settlement. (GD1/1003/248) Murdoch paid a further £30 interest in 1798/9, which Hugh & Catherine signed for, & which an Alex McGilvray (son?) witnessed.

The McGilvrays appear to have ordered food & clothing from Lochbuie much as from a store & charged them against this overdue interest account. One note, in 1798, said Mrs McGilvray came over barefoot to Lochbuie to get a pair of shoes. (GD1/1003/34/15) Possibly as a

result of such unhappy jaunts Catherine had a fever in Jan 1798. Later that year (Sept) Hugh, Catherine & the children all had chincough. (GD174/1372/60) The McGilvrays continued to obtain supplies from Lochbuie during the period 1801-1804. Hopefully they kept accurate records because Murdoch listed their bills for the 1786-1800 period & claimed their supplies had more than offset the inheritance & interest.

As this conflict continued the letters increased & the messengers who carried them between the two homes must have become very familiar with the route along the shore. It is said the path between Carsaig & Lochbuie, at that time, was kept in much better repair than it is today.

Catherine complained that Murdoch made promises "*12 months ago & still there is nothing*"; & an Alex, in Sept 1794, stated the McGilvrays had bent over backwards - to no avail. (GD174/1372/24) He added - "*if it goes to law - it is Murdoch's fault*". If this was Alex yr of Pennyghael he would have been only 11.

Catherine McGilvray (nee MacLaine) probably had to agree to any mortgage on the lands of Pennyghael (because of her marriage contract & its liferent). Thus, on 28 Mar 1795 at Carsaig, she negotiated a Jointure (estate settled on wife following death) with the lenders. (RD3/313/p.1116; reg'd 11 Dec '06) She said "*Mrs MacLaine of Broloss, my grandmother, lived 45 years upon a jointure of £20/year; &, my mother was provided with a maximum of £27.15.6*", so she asked only for £30 "*If my son? should pay me.*" Both Murdoch McLaine (Lt Col; Lochbuie) & Arch McLean (Esq; Pennycross) agreed to it. Murdoch called her "*his friend*". When Arch returned the forms, on 18 May 1795, he added that this was all the property could bear. (Reg'd 11 Dec 1806; RD3/313/1116)

Isobel McLean, the relict of John of Lochbuie & Hugh's mother-in-law, was mentioned, in a McGilvray letter of Feb 1795, as being owed £40 by Murdoch. She had been living with her daughter at Carsaig. She supposedly died about 1790/2 but may have lived until 1797. So Murdoch was ignoring many such debts. In another letter, Isabella McLean asked for money from Lochbuie & from Pennycross. (GD174/1517) She left articles of plate to the McGilvrays in her c1797 will, which they received c1800. (GD1/1003/34/11) It would be interesting to know what became of such articles.

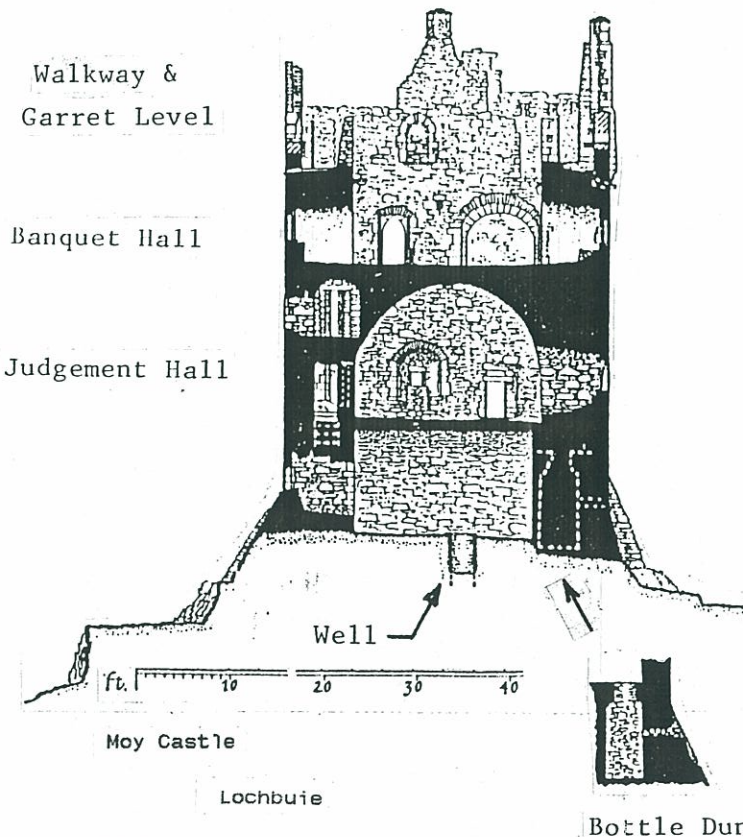
Isabella's husband & Catherine's father, John McLean, was described by Boswell in 1773 as being "*a bluff, hearty, rose old gentleman, of a strong voice & no great depth of understanding: of average height (short) with a long face*"; & old fashioned. To get to Lochbuie, Boswell & Johnson travelled through Pennyghael. "*We had travelled on a tolerably plain road in the forenoon, along the northern shore (of Ross & Broilas or) at least in view of it. After dinner (lunch at Pennycross) we struck away to the southeast (probably through Glen Liddle) & ascended a high mountain, from whence, had the weather been clear, we were told we might have seen Islay & Jura, besides many more smaller islands. We proceeded till*

we descended a sloping pathless moor or marshy meadow, & then came to a very wild glen (Glen Byre). It must be an excellent place for deer. It is part of Lochbuie's territory." (12p.242)

These well known & self-important Englishmen were being escorted by Sir Allan MacLean of Coll & "one would have given much to have seen Dr Johnson's face when MacLaine of Lochbuie haughtily asked him 'Are you, sir, of the Johnstons of Ardnamurchan or of Glen Coe?'" (69p.282)

Boswell gave a fine description of the home of the McGilvray in-laws. (12pp.343/6) "Lochbuie has spent a great deal of money on lawsuits. It was strange to see a man of his (supposed) fortune, & one whose guineas have been liberally distributed to counsel, have a poor house, though of two storeys indeed. The dining room, where we sat, had a bed in it; & neither the ceiling nor the walls were plastered, though they were prepared for it."

He continued "Lochbuie tried not long ago to prove himself a fool, or what we call a facile man, in order to set aside a lease he had granted to Gillean Maclean, his natural son; but it did not do, though I suppose there were foolish things enough proved. (It thus appears his daughter Catherine came by her facile state via both her parents.) In Aug 1759 (105, clippings) he was fined, by the Court of Justiciary, 500 merks (£30) plus £180 in damages & expenses, to some gentlemen (Hector Maclean of Killean & Allan Maclean of Kilmory) (154pp.244/5) whom he had imprisoned in the dungeon of his old castle. Sir Allan (of Coll & Brolass) said he still imagines that Lochbuie has a heritable jurisdiction. I must do Lochbuie the justice to mention that he was very hospitable. Our supper was indeed but a poor one. I think a sort of stewed mutton was the principal dish. I was afterwards told that he has no spit, & but one pot, in which everything is stewed. It is probable enough. He had admirable port. (In the morning) we walked down to the old castle, which is very near the present house, & surveyed it attentively."



Killean & Allan Maclean of Kilmory) (154pp.244/5) whom he had imprisoned in the dungeon of his old castle. Sir Allan (of Coll & Brolass) said he still imagines that Lochbuie has a heritable jurisdiction. I must do Lochbuie the justice to mention that he was very hospitable. Our supper was indeed but a poor one. I think a sort of stewed mutton was the principal dish. I was afterwards told that he has no spit, & but one pot, in which everything is stewed. It is probable enough. He had admirable port. (In the morning) we walked down to the old castle, which is very near the present house, & surveyed it attentively."

In June of 1795 the McGilvrays made yet another attempt to settle & offered to refer the question to any two good men. (GD1/1372/32) Hugh didn't want trouble: "*there hasn't been a lock here for 150 years*". But, their patience ran out at last & in Dec they had Murdoch horned for £50 by (the Sheriff) Arch MacArthur. (ibid/38) In 1796, another sheriff's action was initiated by Hugh with Lachlan Rose the sheriff, & Alex McGilvera of Sirphine (south of Bunessan) the witnesses. (ibid/39) Necessity may have overcome Hugh's reluctance to action for he wrote that he was in dire need of money. Murdoch counter-sued & Hugh was ordered to appear, at the Tolbooth of Inveraray, for the relatively small sum of £13, on Sept 13 1796. (ibid/40)

Again the conciliatory Hugh tried the compromise solution. He wrote Murdoch that Catherine had informed him of this possibility & hoped the matter would soon be settled to the best of both. "*She is exceedingly desirous her friend & (her) husband should always be at peace that no person could blame their conduct.*" (ibid/41) In another letter in Oct 1796, he "*prays it is convenient for you to let me have last years interest - it is much wanted*".

But, again Murdoch sent the Sheriff, Arch MacArthur, after Hugh for £100 in Jan 1797. (ibid/46) In Nov 1797, Isobella McGillvray (likely Hugh's daughter who would have been about 18 then) wrote Murdoch & demanded £27 as heir of Mrs McLean of Lockbuie (her grandmother). (ibid/49) That same month Hugh stated there was two & a half year's interest past due & wanted £60 so he could send his son (Alex) to "*presents his education*". In return, Hugh would pay for the articles afforded since 1796. (ibid/50)

The other side of the dispute is brought to light by a letter from a McQuarry who seems to have been an ex-factor of Lochbuie. (GD174/1621) He wrote, from Edinburgh, in May 1808 (after both Hugh & Murdoch had died) regarding the Pennyghael balance sheet which he believed should be referred to a lawyer for adjudication. The Lochbuie trustees merely wanted the money & goods which were advanced to the family of Pennyghael to be given credit as "*in many instances these supplies were granted by Lochbuie to prevent starvation when many would not answer the purpose in that part of the country*". He said "*Lochbuie was not acting the merchant but doing good, supplying the wants of a family who might in vain apply to any other quarter*" & that "*Lochbuie actually conceived that meal, tea, sugar, tar etc, was the same as cash & on a final settlement would answer the same purpose*". Surely Hugh had appreciated that fact. McQuarry (naively) said any two honest men of Mull would soon settle this. The net balance had been determined before; it was the settlement of it that was impossible.

For some reason the Carsaig tenants refused to pay their rents in the late 1790's (GD174/1372/52&67&68) & Hugh asked Murdoch to collect for him. Hugh's age & infirmity, & his lack of a strong son or

servants must have been taking their toll. It is unknown if these rascals represented all his tenants. In Feb 1798 he called these renters "*rogues, villains & base*". They were:

	c1795	c1796	1797
McLaine, Allan	1-5-6	1-1-6	
McKinnon, Malc	9-1	?	
McKinnon, Neil	10-8	1-10-6	
McKinnon, Allan	8-8		
McGilvra Jo(hn)	16-8	16-3	
McGilvra, Dunc	1-12-8		6.8
McLean, Alex	1-5-8		
McGilvra, Malc'm	1-8-8		
McKinnon, Neil jr	1-7-8		

McGilvra, Arch		1-7-6	4.5
McDonald, Neil		1-10-6	6.8
Campbell, Alex			6.8
McMaster, Don			14.9 (2 years)

At least Hugh kept one extravagance from his budget. The 1798 Farm Horse Tax lists only two horses in all Kilfinichen, both at Arch McLean's of Pennycross. Col Malc McLean of Lochbuie, had four. (SR0 E326/10/7) However, a few years before this a horse of Hugh's was hurt while loading freestone at Carsaig. (GD174/1372/68)

Catherine wrote her 'cousin' (Murdoch) in 1798 & wished for the money that was owing them. In another letter she asked for a cow as part payment. Hope springs eternal & in Apr 1801 Catherine (at John MacLean's in Tiosan - across Loch Scridain) asked Murdoch's help in getting a half farthing piece of land (to go with the eight they now had) "*which would equal one quarter of the farm*". She said this "*would keep her from having to geg (dig) for potatoes*". (GD174/1485/29) This seems to be a last desperate attempt to increase their rents & income.

Hugh must have realized he would never get the inheritance because his letters requesting payment ceased after 1798. He still wrote about family matters & a couple of times he asked for funds when times were tough & food was scarce, almost like a needy relative rather than a creditor.

Two deals (9" fir or pine boards) were sold to Pennyghael, as were herring & potatoes by the barrel (12 at one time in 1792. Such food was reputed to be the fare of the poor so it is possible to judge the McGilvray's situation. However, they did get some sheep & Murdoch guaranteed payment of a cloth shipment so they didn't fall as low as crofters. This indicates Hugh's poor credit rating. The cloth was from John MacMillan of Oban, and was 12 yards of blue duffle, worth £4-10; & thread at 6p. (GD174/1372/63) Hugh also wrote a John Stevenson of Oban in 1789, & in June 1797 Geo Imlack of Edinburgh wrote him regarding his account. Hugh's bank was the Royal Exchange Coffee House in Edinburgh in 1799.

The above items from Lochbuie may have been part payment for the quarry stone which Hugh was shipping there for Murdoch's new house. Lochbuie wanted the house to be "a foot longer & a foot wider" than some neighbor's home. The old house had been built in 1750. Murdoch was debited £60, in 1795, for free stone taken from Purmer's Quarry of Carnwick (likely southwest of Carsaig), & for its haulage, as well as for the sale of kelp to him in 1794. (GD1/1003/17) The Carsaig Quarry was much used in 1795 & again in 1899 when Iona Cathedral was restored by Argyll. Although the stone was transported by sea, no jetty remains. (3 #380)

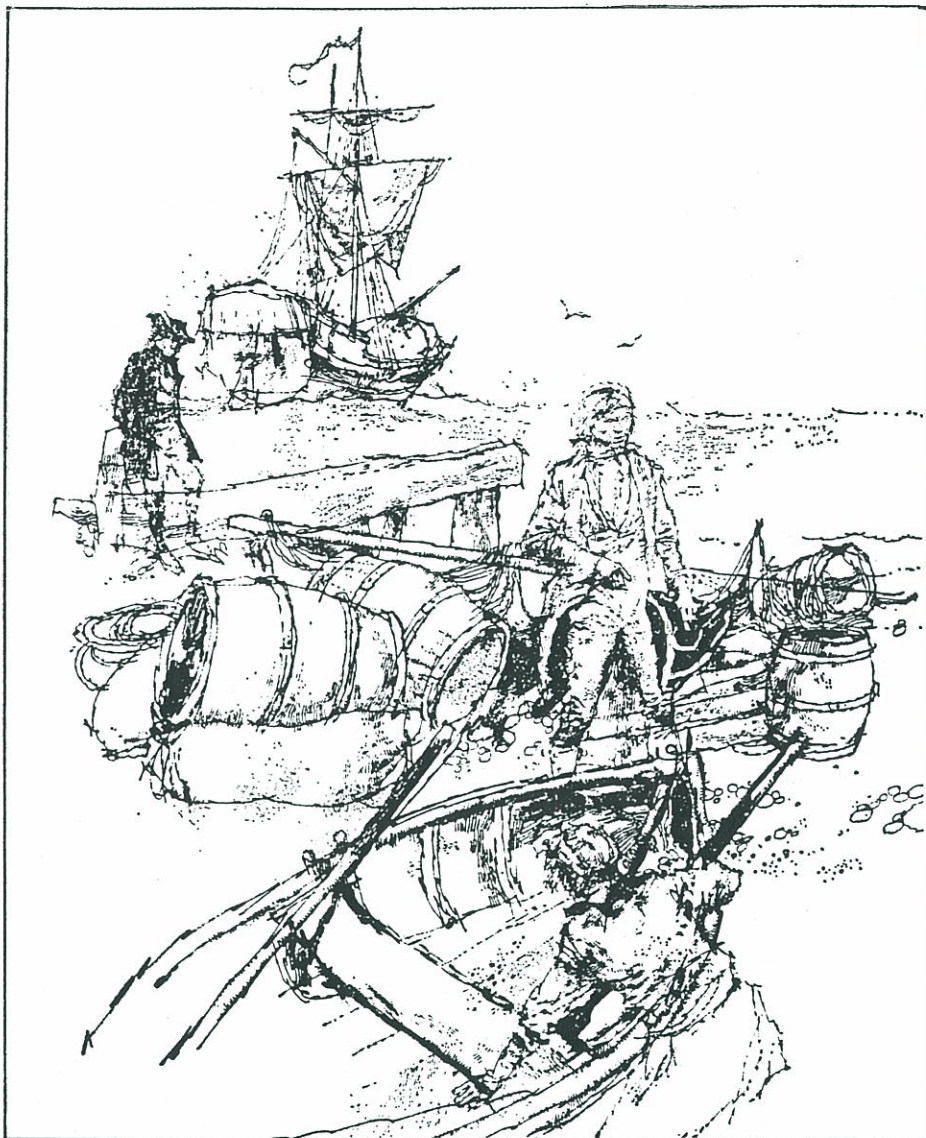
Twenty years earlier, in June 1776, Laughlan McLean of Torloisk had written Dr Alex McLean of Pennycross regarding stone he wanted from Carsaig quarry. He said (Alex) McGilvray might refuse to give it free of charge & he claimed this would be "ungrateful to me, whose father got his father (John?) Carsig with all the stones". He said he would pay McGilvray's real expenses in getting them to the dock. (197a) He must have been misinformed as well as cheap because Carsaig was part of the Rev Martin's lands.

Mull was also noted for its slate production & 30,000 were quarried in 1725. (139p.66). There was also mention of a coal mine at the south end (near Benninch, the pendicle of Pennyghael). (93p.47) And, it is said that sapphires were plentiful near Carsaig, although not commercially valuable. (89p.118)

It was obvious, by this time, that even a complete payment of the £600 inheritance would do little good as only one debt, to Malcolm McGilvray & Co in Glasgow, is £870 (in 1805). Certainly, Malcolm must have been a cousin german as even neighbors were anxious over far less money. In 1789 a woman at Ormsaig, "this side of the hill" in Kilfinichen (just west of Beach), urged Murdoch not to pay Pennyghael as she wanted to be paid first. (GD174/1356)

With his tenants refusing to pay & his creditors refusing to listen, Hugh must have felt he was being dragged hopelessly down. It would be interesting to know when he first considered selling out as so many other lairds had done. Emotionally he had long severed his links with Mull. He spent most winters in Edinburgh & must have established ties there & in Glasgow. He had also seen friends & relatives move to (often menial) jobs in the industrial cities, or emigrate. Even if he had wished to follow he would have been restricted by age, illness & lack of education. And, both his wife & son were not mentally competent (as will be shown below). He was caught between a rock & a hard place, especially if he had wed Catherine more for her inheritance than for love.

In Feb 1798 Hugh wrote from Carsaig that an American ship was in the harbor & that he might take it to Glasgow. (GD1/1372/54) That same day Alex MacGilvray of Carsaig wrote also to Murdoch; "I am going out of the country". (ibid/55) This is likely Hugh's son but Arch McGilvra, a tenant at Carsaig also had a son Alex who once received funds on behalf of Hugh from Murdoch (about 1801). (ibid/82)



Hugh did not return home until Aug in 1798 so he was away for the summer as well. One result of his absence was that his potato crop was sown late & was not yet up. (ibid/58) It isn't known if he stayed in Glasgow or what exactly he was doing in the Lowlands. In Feb of the following year he was in Edinburgh & asked Murdoch for more money "*to either live here comfortably or go home*". (ibid/70) Living away in the winter was very expensive & Hugh hadn't cut down on his spending. One wonders if his family was as 'comfortable' in Mull. Because of the way the world operated, Hugh likely felt obliged to wine & dine the powers-that-be in Edinburgh in order that his many court cases would obtain a relatively fair hearing. As the Laird of Pennyghael he would have had to keep up with a lot of spendthrift Joneses in that city.

The Western Highlands was still basically a non-monetary society. Murdoch's cousin, Isobella McLaine of Gruline, was very surprised that the "*people in Glasgow (did) nothing (for others) except for money*". She wrote of "*leaving the country*" 10 July 1791 & mentioned her mother & sister. (GD174/1356/21) In Apr 1792 Isobella MacLean was forced to borrow funds from Malcolm McGilvray of Glasgow & she asked Lochbuie to repay him. (GD174/1356/26)

Highlanders were still considered foreigners by the lowland, urban Scots who viewed the Gaelic language & its speakers as barbarian. It had not been many years since the cry of "*the Highlanders are coming*" would have raised the same feelings as did "*the Indians are coming*" in North American pioneers. An old lady who had lived through the '45 rebellion, when everyone hid their cattle & silver from the Highlanders, was awakened, 50 years later, by loud yelling & noise from outside. She was half asleep & screamed "*the Hieland rabeatours are here - we're a' ruint & ravisht*".

(67; 8 Jan'31)

One aspect of Edinburgh life (in 1773) was not to be envied. "*Walking the streets ... at night was quite perilous & certainly odoriferous. The peril diminished with enforcement of city laws against throwing foul water from the windows; but, the many storied houses in the old town, with their multitude of families, & there being no covered sewers, means the odour still continues.*"

(12p.210)

But, it was a safe city. "*During the winter 1790/2 (sic) there was not a robbery, housebreaking, shopbreaking, nor a theft publicly known to the amount of 40s within the city of Edinburgh; not a person accused of a capital crime, & in jail only 20 for petty offences, & 19 confined for small debts.*" (40pp.106/8) Except when the notorious Deacon Brodie & his confederates perpetrated their burglaries (1783/7) there was little danger felt. In the Tolbooth prison, among its few inmates were more debtors than criminals; & years passed by without any execution, although robbery was then a capital offence. Probably the chief, most venial, & most prevalent offence was drunkenness.

Hugh seems never to have taken his wife on these trips. Probably it was a man's society but possibly he was ashamed of her simpleness. But she was educated for she could write in English (a foreign language) as could Hugh & at least two of their kids; Isabella & Alex. Hugh had been to school himself (possibly just the local grammar school) for in 1780, Pat MacDougall, in a letter to Dr Alex McLean of Pennycross, said to "*please present my compliments to my old school fellow Pennyghael*". (197a)

Hugh was home in Apr 1798, without cash, & asked Murdoch to pay for two barrels of herring. (GD174/1372/72) But, again in Dec 1799, Hugh was in Edinburgh while the women remained at Carsaig. (ibid/75) His daughter Isobella wrote of her & brother Sandy's impending departure in Aug 1799. (GD1/1003/44/10)

The following spring (Mar 1800) found Hugh home again & the food supply once more in bad shape. (ibid/76) In Oct Hugh requested more sheep for food. In this letter, he stated his income (from land?) was dedicated to other purposes than wife & family, & for that he depended on the small annuity from Lochbuie. (ibid/86) These other major fixed expenses facing the family were likely the liferents due in Alex's will & the heavy interest payments on the mortgage which came due in 1800.

However, Hugh still had enough funds to return to Glasgow for the winter & he wrote from there in Apr 1801. (ibid/81) After another summer at home he said, in Nov, that he was again leaving the wife & kids at home. (ibid/85) But, the want of fuel forced him to take his kids with him (ibid/86) as he "*must go to the Low Country this winter*" (for health or business reasons?). (ibid/87) Catherine was to stay at home - in the cold, or did she go to Pennycross?

In his travels to & from the mainland Hugh would have gone via Oban. There had long been a regular ferry from Auchnacraig (south of Duart) to the mainland. From the 1740's-1760's John Gregorson had the "*exclusive privilege of ferrying cattell & passengers from Torosay to the continent of Lorn*". He also had a tack at Auchnacraig & ran the inn there. His brother Angus succeeded him. (42) Hugh would have likely stayed in their inn. There was also an inn at Craignure which, in 1751, was run by a MacLean & in 1800 by a MacLachlin.



(82p.94) *Through the Trossachs*

Better weary foot than weary spirit. (131½)

In the Highlands, innkeeping was considered genteel. A 1792 traveller (Lettice) said "*no country has handsomer inns than Scotland. I have the highest commendation to bestow on the civility & attention of Scottish innkeepers; only the poorest districts can't match England & the new ones in the towns are superior. Innkeepers are more intelligent in Scotland, due to the better education which in every corner of Scotland is given to the lower classes.*" (143p.336) Robt Louis Stevenson, however, felt innkeeping was a suitable job for Highland gents "*no doubt because the calling was both idle & drunken*".

Hugh McGilvray sold Pennyghael, on 25 July 1801, to John McDougall of Lunga for £4000 sterling, plus a liferent to Hugh of £30/year. (RD2/284/815 in 1802 Register of Deeds) The final document was signed at Carsaig on 11 Mar 1802. This sale covered the $\frac{1}{2}$ p land of Glen Liddle, the 3f land of Pennyghael, the 1p land of Carsaig, the 3f land of Finachy, & the 1f land of Feorline, plus all buildings, orchards, etc. Hugh's lawyer wrote "*it is said the sale price of £4000 is more than sufficient to discharge the claims of the whole creditors*". It was with this knowledge that the lawyer inflated his bill & filed a claim on the proceeds.

It is interesting that Argyll gave his approval to the sale of part of Hugh's land on 29 May 1801. It seems the land was held in feu to Colin Campbell (details?) as well as to Brolass.

In 1803 Hugh's legal account was charged two or three items every month & for a six month period the bill, due Wm Jamieson - writer to the Signet, was £12 $\frac{1}{2}$. For the period Jan 1801 to June 1803 the bill was £85. Hugh felt he was being gouged & asked an Edinburgh accountant, Chas Ferrier, to assess the bill. Ferrier confirmed that the shyster was overcharging at least 10%. (SRO Red CS 235 M1/68) Some things never change.

It must have been a very hard decision for Hugh to make up his mind to sell, & why not so? All those countless generations of McGilvray ancestors would frown at him out of the dark corners of his home & rebuke him as he walked the hills & shores. But, he knew if he didn't sell his land the court would. His many creditors, including the Bank of Scotland, had obtained a court order to appropriate Pennyghael rents. Without such income his family was doomed for none of them possessed marketable skills. It is doubtful if even a Martin McGilvray could have turned the situation around.

The true summary of Hugh's indebtedness is brought to light in another Register of Deed (RD3/304.2/599-603) dated 17 Dec 1804 at Edinburgh. Before he could get clear title, McDougall had to pay off the old debtors, & this amounted to a total of £2,405 2s 5p; which left a balance due Hugh of £1,594 17s 7p. It is also stated that Hugh paid a rent of £9 $\frac{1}{2}$ for 1/8th of the year for Carsaig.

It is not known how much of this £1,600 actually ended up in McGilvray hands. Possibly McDougall's records may yet survive to shed light on this question.

Most of the above indebtedness was owed to Arch McLean of Pennycross. There had been many claims & counter claims, but they (uncle & nephew) met together in Edinburgh, both prior to & on 23 June 1802. (RD4/271/1304) It was agreed that the net amount owing was £1120 (exclusive of current rents). Arch assigned his security in Pennyghael to McDougall so the latter could get free title to the McGilvray lands. McDougall paid off this debt. The witness to this was Hugh McLaughlan, the Pennyghael factor.

It would be much more meaningful & dramatic if these money values of 1800 were converted into the current, highly inflated figures of 1998. This, however, has not proven an easy task. Prices in 1800 were basically the same as those in 1940 (with the Depression cancelling the effects of WW1). (128 & 203) Since then there has been a 35x increase to 1998. Another source (231) places this at 14x. But, the above widow's (& Hugh's) liferents of approximately £30/year would be unrealistic at either of these conversions. It was said a man with a horse earned 3s/day which, with a six day week, would equal £45/year (20s=£1). As late as 1855 the salaries of two Mull teachers were £21½ (Ardmenach) & £30 (Bunessan). In 1767 an income of £1,000 made one very wealthy (143p.102), while £300 allowed one to study on the continent. (143p.80) Thus, there seems to be more to this question than just a cost of living index & the conversion must include also a 'value' of living percentage. A British TV show stated the increase at 60x (x2.5 into Canadian funds). But, it seems more realistic to use 200x or maybe 250x. Even the price of a cow has increased more than 300x.

The selling price of Pennyghael provides another link. It is reputed that the farm of Pennyghael sold for £500,000 in 1985 & that Carsaig was sold separately for £50,000 in 1961 & for £350,000 c1985. Whether the outlying lands were included in these main parcels is unknown but, even if they were, the current value of the McGilvray lands today likely greatly exceeds £1 million (or \$2.5 million Cdn). This represents a very conservative 250x increase over Hugh's £4000 sale price. Whether the 'demand' for land is any greater today is unknown.

Thus Hugh, like most farmers, whose wealth is tied up in land, had lived poor & died rich. So, with a wife & a son incapable of managing the estate, & being in poor health himself, who can dispute Hugh's decision to sell & live at ease? Even so, he had only a couple of years to live. (It would be fantastic if a portrait of Hugh could be found. Such a thing was very popular at that time. It isn't at either the Scottish or the National Portrait Galleries.)

Where did the Pennyghael proceeds go? Because there was then a much lower standard of living & very few people with money, the McGilvrays should have been relatively well off. However, Alex & Catherine ended up living with their relatives at Pennycross, & daughter Isabel & John McKinnon were in poor financial shape in Greenock in 1819. Did McKinnon use the money to buy his boat? Did Pennycross administer their trust faithfully or did he use McGilvray money in an unsuccessful attempt to forestall his own bankruptcy?

In 1803 Hugh wrote Arch MacLean (his nephew of Pennycross, who had just purchased Pennyghael from McDougall) that he wanted to repair the damage done to his family. (GD174/1372/88) Because he was then landless he must have been either a hopeless dreamer or had not had his spirit broken. The verse on the edge of a Scottish drinking cup may sum it up:

*Money lost - little lost
Honor lost - much lost
Heart lost - all lost.*

There is absolutely no evidence of any sense of duty, on Hugh's part, towards the other members of the Clan McGilvray. Such obligations seem to have easily faded, throughout the Highlands, following the '45 rebellion. Did Hugh have any concept of the fact that in reality he was selling 'their' lands rather than 'his' lands in 1801? Did he ever consider transferring the title of chief to a competent cousin or of adopting a foster child?

It is interesting that it was a Lowland chief, Lord Selkirk, who tried so desperately to help the redundant Highlanders find a new life in the New World. His efforts began a decade after this but would a similar scheme have crossed Hugh's mind? Or, would the McGilvray clansmen have been any different from most Highlanders who feared the unknown & refused even generous offers of assistance? (200p.253) Such a move depends on leadership & Hugh does not seem to have been a respected chief. A decade before, the McDonells had moved en masse & the McNab chief moved not only his clansmen but his dictatorship to the Upper Ottawa Valley. Hugh's £1600 might have allowed every McGilvray clansman to emigrate & such a mass resettlement was much easier to accept & to work through than a single family making the move on their own. What a noble venture that would have been. What a story for the shenachies. It would have changed an 'ending' to a 'beginning'.

Emigration to North America had become a viable option for displaced Highlanders by the late 1700's. The Seven Years War (1763) & the U.S. Revolution (1775) focused attention on the New World. And, many of the soldiers who fought there decided to stay & their letters home confirmed the advantages of free land & of free spirit. Although there were only a few McGillivrays serving as soldiers in America in 1779, (GD174/2134) the great North West Fur Trading Co of Montreal involved many McGillivrays, & the Selkirk settlers in Manitoba included one McGilvray family. (It is interesting that the men of this latter family cut & ran when things got tough but the daughters married & stuck it out.) A few shiploads of emigrants left this area of Scotland for Ontario in the 1790's but the real exodus from the Western Isles (mainly from Skye) to the Canadian Maritimes began in 1801-1802.

A Highlander's lack of marketable skills would have been less of a handicap on the frontier than in Glasgow. The best urban job he could hope for was as a cheap & expendable laborer in a dangerous, dirty factory or else to become a lowly porter like my John McGilvray Sr. A parallel situation exists today when an unskilled immigrant becomes a cabby. In 1800 there was much unemployment in Glasgow & the price of food such as oatmeal was extremely high. Only desperate people would opt for such a move.

When yet another war began in 1803 the government tried to halt the exodus of potential cannon fodder by 'regulating' the emigrant ships. The result was an increase in fare from £5 to £12. But, the war also increased demand for timber which provided these ships an eastward cargo &, thus, they could lower their westbound

passenger fares. A comment by Lochbuie in the late 1790's sums up the sad situation. "*The two poor, innocent lads is now thinking of emigration like many others - & so ought every individual that can do it, or intends well.*" (GD174/1485/35)

Hugh wrote again from Carsaig in Sept & Nov 1803 and, although his land was now owned by his nephew, Hugh continued to call himself "*Esquire of Pennyghael*". Earlier that summer (June) he had issued another 'Summons of Waking' through the sheriff, Allan Grant. In this, Murdoch was to appear before the Lords of Session in Edinburgh on June 25. (GD1/1003/17)

These suits appear to be a routine occurrence in those days because the personal letters & contact between the two families continued unabated. The Pennyghael charge account at Lochbuie ran to at least 1807 (GD1/1003/34) - three years after both Hugh & Murdoch had died.

Hugh's final letter was dated Nov 1804. He died three months later. In it he wrote to Murdoch from Edinburgh that the wife & kids were at home (at Pennycross or was he renting Carsaig?) & that he intended to return by the end of the month. (GD1/1003/44) It seems unusual for him to be in Mull in the winter & it might have been only a Christmas visit. He was either away all year or else he was unable to plant a crop, now that Pennyghael was sold, because he said he had no crop in the ground that year. There had been bad harvests in 1802 & 1803.

There is some doubt as to whether Lochbuie ever paid this troublesome debt. In a summons dated July 1801, the amount in question was £225 principal & interest plus £50 costs rather than the £600 confirmed in 1793. But, this is questionable because, as late as Nov 30 1815 'Catherin McLean or McGilvray' wrote Murdoch Jr regarding the heritable debt. (GD174/248) She complained the last six months interest, on the £600 secured on his property, wasn't yet received. She stated that she had determined to live in Glasgow & said her children had given their consent to leave the debt secured on land. She wrote from Glasgow using the writer (i.e. lawyer) John B. Gray, clerk to Mr McGeorge. (This was the Andrew McGeorge who conducted the 1824 Glasgow Gaelic census; now lost. Their offices were at 13 Brunswick Place in 1815.)

Murdoch's reply on 7 Dec was evasive. He claimed to have nothing further to do with the £600 plus interest as it was put into the hands of Mr MacLean of Pennycross last year. He said Mrs McGilvray might apply to him for it. Further, he hoped he would not be troubled any more on the subject as he had already had a good deal of Portages? to pay it.

It is impossible to assess the right or wrong of Hugh's actions. His life style habits were not only inherited but he faced exceptional peer pressure regarding how a laird must live. Manly prowess & even honesty counted for next to nothing in the new commercial world, & so style & show became ends in themselves.

Sitting in a comfortable home, 200 years hence, it is easy & glib to say he should have put the interests of the clan before his own - but how many of us would do such a thing today? And, even if he had saved Pennyghael intact, would his son, Alex, have been able to maintain it? Or, would Pennyghael have passed into McKinnon hands? There does not appear to be a male tailzie on Pennyghael, even though it had never previously passed through the female line & the 1724 succession to Alex said he was the nearest male heir.

A contributing factor to the demise of the McGilvrays of Pennyghael was the shortage of sons born into their families during the 1700's when such scions, like so many others, might have left home, made their fortunes, & returned to prop up the family estate. But, once such sons saw 'greener pastures' it would have been difficult to get them to return. Maybe fate was helping the clan write *fini* to Mull, with its antiquated way of life, & encouraging them to begin making the hard changes necessary for a better future.



The Last of the Clan, by Thos Faed