

Bond of Caution 1712
NAS CS 271/22,702
Submitted by Dr. Lindsay D. Neil

This is a legal document found by Dr Scott Buie in 2004 amongst the archives of the Court of Session in Edinburgh. It required his sifting through many ancient documents one by one. Unfortunately he discovered it after his seminal book on Jura names had gone off to the printers.

This transcription therefore contains names not included in his book. With his permission, I have tried to relate those that I can to the names already noted and listed by him. His book is an essential reference source for Jura family history researchers.

The names are dealt with in the order they appear in the document and, for brevity, little additional detail or comment is added unless necessary.

All page and date references are to entries in:

‘The People of the Parish of Jura, Scotland. 1506– 1811.’

by Scott Buie, 2003. Obtainable from jsbuie@aol.com

The document itself is written in an ‘ideosyncratic’ hand with some italic and secretary hand features. The names are largely clearly written although the writer has sometimes muddled his capital ‘p’s and ‘c’s. Names were mostly written phonetically, as there was little standard spelling, so they vary a bit. There are 109 names in all.

The prevailing convention in recording names was to write the ‘Mac’ in lower case, the defining surname with a capital. Thus ‘McLean’ is written ‘mcLean’.

It appears that all the heads of household in the upper part of Jura are named in the document, including cottars. Some who are known to live in Jura in 1712 but have not been included in the list, probably lived in houses sublet to them by those named. Therefore the list is not complete for all the householders, only those who were tenants of the Campbell landlord and paying rent to him.

No-one from Dhamsgeir, Feolin, Inver or Cnockbreac, in the southern part of Jura, is listed. There is no obvious explanation for this as people are recorded from the south making for Cape Fear in 1754, and are declared owing money to the Campbell estate. One would expect some names on the list from these locations, but there are none.

Place names are typed in ‘bold’ and are mostly on Jura. There are none from Colonsay, but a few from Scarba and Lunga. The modern name is appended alongside where different from the place name on the document.

I, Donald McLean of Tarbatt– by the tenor heirof bind and oblidge me my heirs ex(ecut)ors and successors whatsoever as cautioner and severlie acted in the Books of Councill and Session for Archibald Campbell of **Carsaig**, Angus mcphersone in **Ardfine** , Malcome mcCranie there, Duncan mcPhetrish there, John Campbell there, Malcome Clerk there, Neill Buie there, Donald mcPhetrish in **Broastill**, Soerlie mcDougald there, Allane mcDougald there, John mcDougald there, Dougald mcDougald there, Alexander mcKey in **Stroans**, Malcome Thomsons there, Hugh mcDougald there, Dougald mcIllichael, John Campbell of **Sanaig** – Duncan Black in **Achleik** (?Auchivelick), Duncan mcCallum there, Malcome mcNeill there, Donald Campbell there, Neill mcChetrish in **Cranelage** , Donald mcArthur there, Duncan mcDougald in **Knocknafeolloman**, John mcKissaig there Archibald mcSheill there,

registration heirof in the books of Counsell and Session or any others Competent that
Le(..)rs (letters) of horning (bankruptcy?) and all other exe(..)lly (?exercelly) needful
{ie paupers} be direct heirupon Inform as effected and heirto constitud

Om(..) {?omnes} pro(..)res {?procurators i.e. lawyers}in witness
whereof written by Archibald Campbell servitor to Archibald Campbell wrytter in
Edinburgh, I the sd (said) Donald McLean of **Tarbatt** heire subscribed these
presents at **Edinburgh** the ninth day of January Iajvy £ (in anno etc. seventeen
hundred) and twelve years before these witnesses Robert Grahame servitor to Daniell
Simpson writter to the signet and both the ad (aforementioned) Archibald Campbells

Robert Grahame witness Arch. Campbell witness D McLean
Arch. Campbell witness

In 'secretary' hand at the foot of the page:
"That is to refund the Campbell that in upper part off property in Jura" (the rest
illegible.)

*Angus mcChay is a name unrecorded elsewhere. Could be phonetic pronounced
'McKay' with 'ch' as in 'loch'. The scribe sometimes replaced a capital 'P' with a
'C', so the name could be 'mcPhay'.

Names as they appear:

Donald Mclean of **Tarbatt** – p201, 1704.

Archibald Campbell of **Carsaig** (in the parish of Kilfinichin, Isle of Mull) Probably a
barony. ? The owner of the Campbell estate on Jura.

Ardfine (Ardfin)

Angus mcPhersone – not recorded. (poss. father of Christine, Martin & Mary. c.f. pp.
232 & 233, 1705 – 1712.)

Malcome mcCranie – not recorded. (poss s. or g/s of Donald;
c.f. p137, 1660.)

Duncan mcPhetrish - not recorded. (poss. father of Archibald,
c.f. p234, 1716 & Murdoch, p237, 1707.)

John Campbell – p. 49, 1703 & 1714. ('baylee' of Jura. - a barony official)

Malcome Clerk – p. 61, 1704-1709.

Neill Buie – p.32, 1705-16. (a 'cotter'.)

Broastill (Brosdale)

Donald mcPhetrish – p. 235, 1723.

Soerlie mcDougald - p. 164, 1714-1729.

Allane mcDougald – p. 144 & 145, 1706-1715.

John mcDougald – p. 158, 1708, 1716 & 1719.

Dougald mcDougald – p. 152, 1704-1708.

Stroans (Strone)

Alexander mcKey – not recorded.(poss. known as 'Hector' p. 187, 1709.)

Malcome Thomsone – not recorded.

Hugh mcDougald – p. 156, 1707-1714.

Dougald mcIllinchaell – not recorded.

Sanaig (Sannaig)

John Campbell – not clear – p. 49, ?1702 & ?1724.

Achleik (Uncertain place between Sannaig and Crackaig, probably the ruins near to the 'Dunan' in Sannaig woods)

Duncan Black – p.11, 1713-1717.

Duncan mcCallum – (prob.) p.124, 1714.

Malcome mcNeill – not recorded.

Donald Campbell – p. 41, 1714.

Cranelage (Cracaig)

Neill mcChetrish (almost certainly McPhetrish) - p.238, 1728.

Donald mcArthur – p.115, 1706 & 1707.

Knocknafeolleman (Craighouse)

Duncan mcDougald – not recorded.

John mcKissaig (almost certainly McIsack) p. 184, 1704 & 1707

Archibald mcSheill – not recorded. (poss. under McGill p.172, 1713.)

Charles mcArthur – not recorded.

Angus mcGrinaid - not recorded.

John mcPhaile – not recorded. (poss. p. 230, 1707.)

Keill (Keills)

Donald mcInalie – not recorded.

John mcInalie – not recorded.

Angus mcInalie – not recorded.

Archibald Clerk – not recorded.

Erine (Feolin Farm)

John mcLean – p. 204, 1705 & 1708.

Lergiebreck (Leargybreck – a short distance from Feolin farm)

John mcArthur – p. 118, 1705 & 1708.

Malcome Leith – not recorded – (poss. mcCleisich, p. 134, 1704, 1706 & 1711.)

Gilbert Buie – p. 26 , 1704-1712.

Angus & John mcShiells – not recorded.

Cnockrome (Knockrome)

Angus mcChay – not recorded.

Hew mcCraine – not recorded. (poss. father of 'Ard'; c.f. p.136, 1704.)

Archibald mcCraine – (?son of Hew) c.f. p.136, 1704.

Archibald Buie – p. 19, 1705 & 1712.

John Buie – p. 28, 1712 (2)

Arderneill (Ardfernal)

Donald mcLean – not recorded, (but ? father of Hugh p. 201, 1733.)

Gilbert mcKey – p. 186 & 187, 1704-1708.

Malcome mcCraine – p. 139, 1708 & 1712.

John mcSuine – not recorded. (son of Mr John mcSuine below.)
Hector Buie – p.27, 1705 & 1707.

Ardmeanish (Ardmenish)

Mr John mcSuine – well recorded drunken ex-minister of Jura.
John mcphetrish – p. 236, 1704.

Lagg

John mcIllerioch – p.76, 1707,1709 & p.77, 1713.
Neill mcLean – p. 208, 1705 & 1708
(but died 1707/08. Son Neill b. 1708 may have been nominated head of household in 1712 or alternatively Neill [1723].
A Neill McLean ‘in Lag’ emigrated on the ‘Mary’ in 1754. His name was crammed in (almost illegibly) as an additional passenger in a list ‘for Cape Fear’. NAS GD 64/5/21
c.f. Neil Mc___, p.109 – actually Niel McLean)
John mcIllichallum vic Illierioch – not recorded.
John mcDunan vic Illierioch – not recorded.
Neill mcIlliphedir - p. 179, 1706
Donald mcIllierioch – p.69, 1708 and p.69 1711, p.70, 1714 (?married twice)

Corrienadacher (Corrynahera)

Donald mcIllierioch – p. 69, 1704, 1706, 1708, 1709 & 1714. ?1733.
John Lamont – ?p.105, 1724.
Duncan Lamont – p.104, 1706-1722.
Mickell mcIllierioch – p.87, ?1708, 1716, 1718-23. p. 88 ?1724 & ?1733.
Malcome mcLean - ? 2 of that name pp. 206 & 207, 1707-1717.

Tarbert*

Archibald Campbell of Krackaig – p.38, 1711.
Malcome mcLeane – prob. p. 206; 1707, 1709 & 1712, p. 207, 1716.
Lauchlane mcLean – p. 206 ? 1712.
John mcLissaig – (prob. McCleisich) p. 133, 1711-1717
Donald mcIllierioch – p.69, 1704 & 1709; p.70, 1711 & 1714.
Donald Clerk – p. 58,1704 & 1709.
John Brown – not recorded.
Archibald mcLean – not recorded.
John mcShill – (prob. Shaw) p.261, 1708, 1711, 1714, 1716 & 1719.
Gilbert mcIllierioch – p.75, 1704 – 1712.
John mcArthur – p.118, 1704, 1709 & 1713. p.119, 1716.

* The first named in this group, Archibald Campbell of Krackaig, almost certainly lived in **Tarbert** but the place name is not mentioned. Most of the others did and the assumption here is that the scribe, having written Krackaig, simply omitted to write ‘Tarbert’.

Ardlussa

Archibald Campbell of Ardlussa – p.37, 1702.
Duncan mcKellar – p 191, 1706 – 1715.
Donald mcNeill – p. 220, 1728.

Donald mcNeill – prob. Same as above, ?written twice by mistake.
Gilbert mcInnish – p.181, 1711 & 1713.
John mcInnish – pp. 181 & 182, 1704 – 1722.
Dougald mcCosham – poss. p.283, 1704. (mcO'Shenoge)
Alexander mcLaivortie – poss. mcLarty or mcLaortich in Ardlussa.
Neill Shaw – p.270, 1704.

Knockintavill (Barnhill)

Donald Shaw – p.253, 1707 & 1713.
Malcom Shaw – p.264, 1704 - 1721.
Neill Shaw - p.270, 1705, 1709 & 1712.
John Shaw – p.261, 1709(2), 1716.
Neill mcLean – not recorded.

Kenoucktrich (Kinuachdrach)

Archibald Campbell – p.38, 1709 & 1720.
Donald Shaw – c.f. p.253, 1707.
Neill Shaw – p.270, 1708 or 1716.
Donald mcCatna – c.f. p.129, 1706.

Muillbuy (On Scarba, island N. of Jura)

John Shaw – p.261, 1717.
John Shaw – poss. p.261, 1709 & 1712.
John mcLean – c.f. p.204, 1714.
Donald mcEnlea – c.f. p.193, 1713 & 1715.
John mcEachairne – c.f. p.167, 1719.
John mcDougald – c.f. p.158, 1734.
John mcInlie – c.f. p.193, 1713 & 1715.
Lauchlane mcLean – c.f. p.206, 1706 – 1712.
John mcDougald – p.158, 1734.
John mcInilie – c.f. p.193, 1713

Killmory (Scarba)

Lachlan mcLean – p.206, 1706 & 1710.
John mcDougald – not recorded. (c.f. p.158, 1734).
Dougald mcDougald – not recorded.

Luggea (Island of Lunga, N. of Scarba, part of Jura parish)

Hector Campbell – not recorded.
Murdoch Campbell – p.53, 1710 & 1719.
Cathraine mcLugais – p.210, 1707-1712.

Ardfine (Ardfin, Jura. Name included ?as an afterthought)

Archibald Thomsone – p278, 1713 – 1723.

In a different 'secretary' hand at the foot of the document is scribbled:
"That is to refund the Campbell that in upper part off property in Jura (the rest illegible.)

Glossary

A Caution: a debt or wager.

Bond of Caution: a deed drawn up to bind legally the named individuals to stand good for a sum of money deemed owing; - in this case, to Mr Neill Campbell, the minister of the parish of Jura & Colonsay (including Scarba & Lunga) in compensation for the lack of a manse on Jura and also there being no 'glebe' (a parcel of land specifically allocated to a minister by a parish to provide him with a supporting income).

Cautioner: a named guarantor for a debt or sum of money owed and in the case of Donald McLean of Tarbatt, the individual acting as nominee on behalf of all the other liable persons named.

Servitor: a lawyers clerk.

Decreett: the decision of a court.

Protestation money: a defined sum to cover court costs if incurred.

Skaithless: unharmed.

Letter of horning: the publication of an unpaid debt by an individual(s).

Writer: a lawyer.

A further useful reference book is:

Jura – Island of Deer by Peter Youngson. Birlinn 2001

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