

Document of Sasine, purchased by Kevin Byrne for £10.00 plus £6.00 postage 21 June 2016, described as: "Purchased through a clearance of old records in a legal office in the Georgian New Town of Edinburgh, on offer is a George III vellum legal document regarding a transfer of ownership to James Duncan, Manager of the West of Scotland Insurance Company. Reference being made to the Isle of Colonsay, etc. Length 40 cm. Described over 5 pages. Condition good."

In point of fact, the document appears to have been drawn up not to transfer ownership but merely as an instrument of security in connection with an advance in the sum of £2,900. It is hard to calculate the equivalent sum in 2016; based upon inflation the loan might equate to a modest overdraft of ca. £300k in 2016, but based upon land values the security on offer might be seen as something in excess of £3m.

The interest in the document includes the identification of responsible local residents: Donald MacMillan, Rodger Darroch, Finlay McMillan and Archibald McLugash; Finlay McMillan might well have been "Finlay of Colonsay, stalker of Campbell of Jura", whose photographic portrait is in the National Gallery. As for the placenames, the document clearly places "Balliveroy" somewhere near Machrynacleif, whereas one might have thought that it should refer to the area near Cille Mhoire. All other locations are in logical order, including "Kilbreive" (the chapel of St. Brigid) and presumably the list was transcribed from an earlier sasine. Loder quotes a lease of 1541: Ballenahard, twa Killoderans, twa Gilcattingis, Mauchreneclif and Bollevery, Kilbreid and Maucherybeg, twa Arskynniss, twa Ballerymyn, Skallissage. Here the "and" makes it clear that Bollevery was associated with Mauchreneclif. It seems that "Balliveroy" or "Bollevery" equates to "Ballevoir", "Ballevore" and "Ballemoir" in other documents, and one wonders if it refers to the area between Port Mor and around Loch a' Raon a' Bhuilg?

A "sasine" records a transfer of ownership; a "procurator and attorney" appears in all such documents and seems to be a reputable third-party who "takes" the sasine and also earth and stone, presumably on behalf of both contracting parties; he seems to have the same role as a modern "executor", would perform that office if the need arose. A "bailie" is a civic officer within the community, rather like a local councillor. The spelling in the transcription was exact but slightly changed by the pc software; the punctuation and capitalisation is unchanged.

Instrument of Sasine in favour of James J. Duncan Esquire
Dated 17th Sepr. 1830aAccorded 15 November 1830

Lib 1615 – 23 – 29

In the name of God Amen know all men by this present public instrument That upon the Seventeenth day of September in the year of our Lord Eighteen hundred and Thirty and of the reign of his majesty king William the Fourth the first year in the presence of ane notary public and of the witnesses subscribing and upon the ground of the lands after described respectively and successively compeared personally Donald McMillan Fisherman in the Island of Collonsay as procurator and attorney for James J Duncan Esquire Manager for the West of Scotland Insurance Company whose power of attorney was sufficiently known to me notary public As also compeared Rodger Daroch seaman in the island of Collonsay bailie in that part specially constituted by virtue of the precept of sasine after inserted contained in the Bond and Disposition in Security after narrated The said

Donald McMillan Having and Holding in his hands a Bond and Disposition in Security dated the nineteenth day of May Eighteen hundred and Thirty and containing the precept of sasine after inserted made and granted by John McNeill Esquire of Collonsay whereby for the causes therein specified he Bound and Obligated himself and his heirs Executors and Successors to Repay to the said James J Duncan and his heirs and Assignees the sum of Two thousand nine hundred pounds sterling and that at the term of Martinmas next with a fifth part more of the principal sum of liquidate penalty in case of failure and the due and legal annual rent of the said principal sum from the ~~said~~ term of Martinmas last to the foresaid term of payments and half yearly termly and proportionally thereafter during the not payments at two terms in the year Whitsunday and Martinmas by equal portions beginning the first terms payment of the said annualrent at the said term of Martinmas next to come for the annualrent due preceeding that date and the next terms payment thereof at Whitsunday following and so forth half yearly termly and proportionally hereafter during the not payment of The Principal sum And for the said James J Duncans and his foresaids their further security and more certain payment of the foresaid sums of money and without hurt or prejudice to the foregoing personal obligation but in corroboration thereof The said John McNeill thereby sold alienated and Disponed to and in favour of the said James J Duncan and his heirs and assignees heritably but redeemably always and under reversion in mann entioned All and whole the Lands and Island of Collonsay containing and comprehending the lands and other under written vizt. The Merks and a half merk lands of Ballenhard The five merk lands of the two Kildrainiss The two merks and a half merk lands of the two Kilchattans, The two merk and a half merk lands of Machrynacleif and Balliveroy The Two merk and a half merk lands of Kilbreive and Machrybeg The two merk and half merk lands of the two Erskinishes The two merk and a half merk lands of the two Ballerymishes The Sixteen shilling and eight penny lands of Skallisaig The Sixteen shilling and eight penny lands of Garvat As Also All and Whole the Island of Oronsay extending to five merk lands All the said lands and Islands extending in whole to twenty seven one half merk lands of old extent with houses biggings yards orchards

[Bottom of Page 1, signed "Archd. McNeill N.P.", witnessed "Archd. McLugash Witness" and "Finlay McMillan Witness" and registered "reg. by "Ar. Wishart"]

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Orchards mills multures mosses meadows woods fishings pastures annexes connexes outsets insets parts pendicles and their universal pertinent whatsoever lying in the Parish of Jura and within the Sheriffdom of Argyll and also the Heritable office of Balliary of the said lands and all the fees profits fines immunities liberties privileges and emoluments pertaining to the said office and also all and whole the two merk and a half merk lands of Ardlussaig and Knockintavil with houses biggings yards sheallings parts pendicles and universal pertinent belonging to the same lying within the Parish of Jura and Island of Jura Barony of Moy and Sheriffdom aforesaid together with all rights title and interest claim of rights property and possession petitory or possessory which H or predecessors have had or might anywise have claim or pretend thereto or to any part or portion thereof And that in real security and for payment to the said James J Duncan and his foresaids of the foresaid sums of money principal annual rents liquidate expenses and termly failures above specified if incurred In which lands and others above disponed the said John McNeill Bound and Obligated himself his heirs and successors upon their own charges and expenses to infest and seize the said

granted by the said James J Duncan and his foresaids upon making payment and redeeming as aforesaid and the recording thereof shall always be at the expense of me and my foresaids Declaring also as it is hereby expressly Provided and Declared that if I or my foresaids shall fail to make payment of the sums that shall be due by the personal obligation before written within six months after a demand of payment intimated to me or my foresaids personally or at our dwelling place if within Scotland or if furth the Kingdom at the Market cross of Edinburgh by a Notary Public and witnesses then and in that case it shall be lawful to and in the power of the said James J Duncan or of his foresaids immediately after the expiration of the six months and without any other intimation or process of law for that effect to sell and dispose in whole or in lots of the foresaid lands and others before disposed by public roup on previous advertisement weekly for at least two months in the Edinburgh Evening Courant and Edinburgh Advertiser they being always bound upon payment of the price to be given therefor to hold count and reckoning to me and my foresaids for the same after deduction of the foresaid principal sum whole interest thereof that shall become due thereupon liquidate penalties and termly failures that may be incurred and all other expenses laid out either in securing themselves by infestment or otherwise upon

[Bottom of Page 3, signed "Archd. McNeill N.P.", witnessed "Archd. McLugash Witness" and "Finlay McMillan Witness" and registered "reg. by "Ar. Wishart"]

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upon these presents or in the sale of the said lands and others and for that end to enter into articles of Roup grant and dispositions containing procuratory of resignation assignation to the writs & evident and to the rents and duties precept of Sasine and a clause binding me and my heirs in absolute warrandice of such dispositions and obliging me to corroborate and confirm the same and to grant all the other deeds and securities requisite and necessary by the laws of Scotland for rendering the said sale or sales effectual in the same manner and as amply in every respect as I could do myself Declaring that the purchaser or purchasers shall be nowise concerned with the application of the price or any of the conditions herein mentioned but that the sale or sales shall be equally good to him or them as if I myself had made them And Also Declaring that in carrying the said sale or sales into execution it shall be lawful to the said James J Duncan or his foresaids to prorogate and adjourn the day of sale from time to time as they shall think proper notice being always given of such adjournments in the Edinburgh newspapers above mentioned once weekly for at least three weeks And I Bind and oblige myself and my foresaids to Ratify Approve of and Confirm any sale or sales that shall be made in consequence hereof & to grant absolute and irredeemable dispositions of the foresaid lands and others before mentioned so to bind the purchaser or purchasers their heirs and assignees and to execute and deliver all other deeds and writings that shall be thought necessary for rendering their rights complete and this in no wise ye leave undone which to do I the said John McNeill commit to you conjunctly & severally my Bailies in that part foresaid full power by this my precept of sasine directed to you for that effect In witness whereof these presents upon this and the six preceding pages of stamped paper together with the marginal note on page fourth consisting of twelve words & the marginal note on page _____ words "nine hundred" all written by Archibald McNeill writer to the signet are subscribed by me at Collonsay the nineteenth day of May Eighteen hundred and Thirty before these witnesses Angus Brown my clerk and John McNeill miller at Collonsay signed John McNeill, Angus Brown witness John McNeill

witness" After Reading and Publishing of which Bond and Disposition in Security and the precept of Sasine therein contained and above inserted the said Bailie in virtue of his office hereby committed to him gave and delivered to the said James J Duncan heritable state and sasine real actual and corporal possession of All and Whole the said lands and others contained in the Dispositive clause of the said deed all lying bounded and described as aforesaid

[Bottom of Page 4, signed "Archd. McNeill N.P.", witnessed "Archd. McLugash Witness" and "Finlay McMillan Witness" and registered "reg. by "Ar. Wishart"]

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aforesaid And that in real security and for payment to him of the foresaid principal sum of Two thousand nine hundred pounds sterling interest due or to become due thereon and liquidate penalties and termly failures if incurred all contained in and in terms of the said Bond and Disposition in security And with the powers and faculties and under the conditions and declarations therein and above expressed And that by delivery to the said Attorney for and in name of the said James J Duncan of earth and stone of the ground of the said lands and others and all other symbols usual and requisite conform to the said Bond and Disposition y and precept of sasine therein contained and above inserted in all points whereupon and upon all and sundry the premises the said procurator asked and took instruments in the hands of public subscribing These things were so done upon the ground of the said lands and others respectively and successively betwixt the hours of one and Five afternoon of the day of the Month in the year of our Lord and of the king's reign above written before and in presence of Archibald McLugash and Finlay McMillan both labourers in the island of Collonsay witnesses to the premises specially called and required and hereto with me subscribing

Et ego Archibaldus McNeill Clericus Edinburgensis dioceseos ac notaries publicus auctoritate regali et per Dominos Concilii et Sessionis secundum tenorem acti parliament admissus Quia premissis omnibus et singulis dum sic ut premittitur dicerentur aquesstur et fierent una cum prenomentatis testibus presens personaliter interfuie Eaque omnia et singular premissa sic fieri et dici vide scivi et audivi ac in notam cepi IdeaQue hoc presens publicum instrumentum manu mea super hac et quatuor paginis precedentibus pergamenae debite impressae fideliter scriptum exende confeci ac in hanc publici instrumenti formam redegei Signoque nomine et cognomina meis solitis et consuetis signavi et subscripsi in fidem robur et testimonium veritatis omnium et singulorum pressisorum rogatus et requisites.

Veritas Archd. McNeill N.P.

Arch. McLugash Witness
Finlay McMillan Witness

[engrossed:]

At Edinburgh the fifteenth day of November one thousand eight hundred and thirty years this sasine was presented by Archibald McNeill writer to the signet, and is recorded in the one thousand six hundred and fifteenth book of the new general register os sasines reversions &c and on the 23.24.25.26.27.28 and 29. leaves thereof conform to the act of parliament made thereanent in June 1617 by me Depute Keeper of Said Register Ar. Wishart

