

# James of the Glen - A short biography

**By Neill Malcolm**

James Stewart, better known as James of the Glen or Seaumas a' Ghlinne, was born possibly in 1702 or 1703. The exact date is not known. His father was John Stewart of Ardsheal but his mother's name has not been ascertained. John went on to marry Elizabeth Stewart from Perthshire and she gave birth to Charles Stewart who in due course became the Colonel of the Appin Regiment at the Battle of Culloden in 1746.

A bothy that stands in Glen Duror is said to be his birthplace. However, with square corners, lime mortar and a chimney in one of the gable ends this building is far too young to have been there at the time of his birth. However, it is perfectly possible that a previous building had been there at that time but towards the fank (sheep pen), one will come across the footings of two buildings. One measures about 18 by 5.5 metres with walls about 80 cms thick and the other 5 by 6 metres. This latter was probably a byre or outhouse but the former was one which people would have lived in. What is left suggests that this was a turf or creel house typical of many houses of the West Highlands at that time but it could have been of stone, the stones having later been recycled either to build the present bothy or the nearby fank. Dr. Samuel Johnson stayed at one in Glen Moriston about three quarters of a century later. There may well have been other buildings in the area but there is now no evidence of their existence. This was probably James' residence when he was tacksman of Glen Duror but in fact James may not have been born in Glen Duror at all but in Kentallen, much nearer his father's residence.

James was well cared for by his father receiving sufficient education to be able to read and write in English and Gaelic. Only letters by him in English have been preserved. He said that he was still a schoolboy in 1715 and little more in 1719, the dates of two early Jacobite uprisings. This suggests that the Wikipedia entry saying that he was born about 1698 is incorrect as is the Forestry Commission's sign suggesting that he took part in the Battle of Sheriffmuir in the 1715 Jacobite uprising.

Not much seems to be known about his early life. In the early 1720s he married Margaret Stewart from Fort William who was his cousin. By her he had at least three children, Alan, Charles and Elizabeth. There may have been a further two or more children. He made his living by farming as a tenant of Ardsheal, first of all in Glen Duror, a farm well suited to raising kyloe, the small, black precursors of the modern Highland Cow, but with little if any arable land. Later he became one of the tenants of Achindarroch, a little further down Glen Duror which is where he was probably living in the years immediately after the 1745 uprising. He also had a successful career as a cattle dealer. He was someone well regarded in the neighbourhood and had a good reputation as a caring foster-father and was tutor and carer of several orphans at the time of his arrest in 1752. His half-brother held him in great esteem and was able to rely greatly on him during his exile in France. One of his foster children was Alan Breck Stewart (Alain Breac).

When Prince Charles Edward Stuart raised his banner at Glenfinnan in August 1745 Charles Stewart of Ardsheal raised the Appin Regiment. The then chief of the Stewarts of Appin, Dugald, was not disposed to enter the fray preferring the high life in Edinburgh!

To better understand some of the underlying reasons as to what was to follow one should remember that at one time the Stewarts had been Lords of Lorn but had been slowly eased northward mainly by the Campbells so that by now they only occupied most of the land between Loch Creran and Loch Leven, but even here the Campbells had made inroads; the Airds Estate near Port Appin was possessed by the Campbells of Airds and recently they had gained possession of Keil, just north of the Salachan Burn, Acharn, on the opposite side of Glen Duror to Achindarroch. Lagnaha at the north-east end of the Strath of Duror was leased by Colin Campbell of Glenure. The Stewarts of Appin were staunch Jacobites whereas the Campbells were pro-Hanoverian. Thus there continued to be much enmity between the Stewarts and the Campbells.

James joined the Appin Regiment which was led by his half-brother, Charles Stewart of Ardsheal. By the time the Jacobite Army had left Edinburgh he had risen to the rank of Captain and was in command of a lieutenant, a second lieutenant, two sergeants and twenty-nine men. It is not known who they were but it seems likely that most came from Duror. He survived the various battles of the uprising including Culloden and after much hiding on the way returned to Duror where he probably took up residence again in Achindarroch.

In June 1747 the Indemnity Act was passed which ensured no further punishment for minor players in the recent uprising. In the same year the Ardsheal Estate was expropriated and cared for thereafter by the Court of Exchequer who placed Colin Campbell of Glenure as factor. Campbell was known as Cailean Ruadh (Red Colin) on account of his red hair. It was probably Robert Louis Stevenson in his book *Kidnapped* who gave him the name The Red Fox by which he is often called nowadays.

James could now take care of the Ardsheal Estate more openly while his half-brother was in exile in France. This included collecting rents which were sent to his half-brother. These were often carried by Alan Breck who flitted in and out of the country. The tenants also had to pay rent to the government in the form of the Forfeited Estates of Ardsheal which led to considerable hardship which they did very reluctantly.

At first it seems that James and the factor enjoyed friendly terms to the extent that Campbell made him de facto sub-factor for Ardsheal but seems to have been reprimanded by the government for being too friendly with the Ardsheal tenantry. The friendship soured as Campbell hit on the idea of replacing the Ardsheal tenants with those of his own choosing; this being his response to the criticism by the Commissioners of the Forfeited Estates. He was already tenant of Lagnaha and had installed Campbell of Baleveolan as tenant in Glen Duror and was keen to install others of his clan in the area. James vehemently opposed this, especially when under the influence in one or other of the dram shops in the area. On at least one occasion he had uttered threats against Campbell. By this time James was living at Acharn on the opposite side of Glen Duror from Achindarroch. This was now owned by Campbell of Airds. The ruins of the house pointed out today showing he had lived in, like the bothy in

Glen Duror, too young to have been the actual building but he certainly did live in that vicinity.

Matters deteriorated at Hogmanay 1791/2 when James and Campbell got into a drunken confrontation at the inn at Kentallen and had to be restrained. From then on things went downhill. Campbell planned to evict tenants from several holdings in Duror in the middle of May and James did his best to prevent this from happening. He travelled to Edinburgh in early April and was able to obtain a bill of suspension to stop the evictions from one of the Court of Session judges. When confronted with this Campbell said that he would continue with the evictions. He travelled to Edinburgh and was able to get another Court of Session judge to overrule the stay of execution of the evictions.

On Thursday, 14th May Campbell returned from Fort William with the necessary eviction orders and crossed the ferry at Ballachulish and continued towards Duror going through the Wood of Lettermore. Here he was shot and died from his wounds shortly after. Someone carrying a musket was seen hurrying up the brae above the murder site but could not be identified. Who fired the shot remains unknown but this murder frightened the government considerably and they felt that someone had to be punished for the deed. The most obvious suspect was Alan Breck Stewart, James' foster son. However, he managed to flee the country to France and attention therefore turned to other people who might have been involved in some way or another. James was the prime candidate although at the time of the murder he was at home. He was arrested at Inshaig the day after the murder and taken to Fort William where he was kept under close confinement. His continued and prolonged solitary confinement there was contrary to the law and during this time he had been allowed few visitors and no legal counsel, his lawyer having been repeatedly refused permission to meet his client when in Fort William. He was taken under armed guard to Inverary at the start of September. Eventually James and his lawyers were able to meet - a mere day and a half before the start of the trial. He was charged not with the murder but with being "airt and pairt" (abetting) to the murder by Ailean Breac. The prosecution had been working on their case since the time of his arrest. The trial was held before three judges, the Duke of Argyll, who was the Lord Justice General, Lord Elchies and Lord Kilcherran who selected fifteen jurors, eleven of whom bore the surname Campbell, chosen from a list of thirty-four ordered to attend by the Inverary sheriff, Alexander Campbell, who had taken advice about selection from John Campbell of Barcaldine, Colin Campbell's half-brother. James said little in his own defence even when it was obvious that witnesses had been put in terror and bribed by the military force so that they said what they thought best pleased the prosecutors. This reticence on his part was considered to have proceeded from conviction of guilt. However it is more likely that he said little so as not to reveal what he actually knew about the killing of Colin Campbell and thereby involve other people. Not surprisingly he was found guilty and was sentenced to be hanged on Wednesday 8th November at Cnap a' Chaolais near the Ballachulish ferry. He was tied to a horse and, accompanied by eighty soldiers, was transferred to Fort William. While there he refused the offer to be rescued when being taken to the place of execution realising that this would lead to more people being taken to trial.

A gibbet about thirty feet high was erected for the enormous sum of £108. 17s. 10d. Fearful that the gibbet might be cut down a further £ 13.19s. 10d. was spent to encase the lower part in iron plates. Since James's body was to be sheathed in iron chains and left suspended indefinitely another £8 was spent. On Tuesday 7th November he was taken from Fort William accompanied by a hundred armed

men but the weather was so bad that it was not possible for them to cross the ferry until just after mid-day the following day. The prisoner and two Presbyterian ministers entered a small tent where James was given spiritual consolation. In his last speech he confirmed the fact that he was going to die "an unworthy member of the Episcopal Church of Scotland." He forgave those that had done or wished him evil and then mounted the gibbet and recited words from Psalm 35. "False witnesses did rise up; they laid to my charge things that I knew not. They rewarded me evil for good..... Lord, how long wilt thou look on? Rescue my soul from their destructions." This is known in Gaelic as *Salm Sheumais a' Ghlinne*.

The following year the government had published a book *The Trial of James Stewart in Aucharn* in an attempt to vindicate their actions in what is now considered one of the most flagrant miscarriages of justice in Scottish history. An early example of spin doctoring!

So died someone found guilty not of murder but of abetting such a deed. Who was guilty of the murder? Alan Breck was the obvious person but many other names have been put forward. It is said that there are people in Appin even to this day that know. A few years ago Dr. Iain McNicol (to whom thanks for this story) who practiced for many years in Port Appin approached Brigadier Ian Stewart of Achnacone who was reputed to know but the Brigadier told him that he was old and forgetful and referred him to John David MacColl on Lismore. When he asked John David he was told that he had heard from his grandmother who heard it from her grandmother who had been a little girl at the time of the Appin murder that a MacColl had actually pulled the trigger. This family who has lived in Duror was given a farm on Lismore and told to lie low for a decade until all the fuss was over. At this point John David, who was 90, suddenly found his memory failing and Dr. McNicol never did hear who actually pulled the trigger!

James's body, clad in chains, remained hanging from the gibbet guarded by troops for a couple of years and shortly after they were withdrawn it blew down. It was with difficulty that it was restored to its previous position and remained there for another couple of years. Gradually as each bone fell it was gathered up by John Stewart of Ballachulish and eventually his mortal remains were interred along with those of his wife in the already ruined church at Keil. A memorial plaque was installed on the west wall in 1938 by one of his descendants, Donald McCallum of Keremeos, British Columbia, Canada.

At a recent meeting (September 2013) in Fort William arranged by the Royal Society of Edinburgh the forensic and ballistic evidence was reviewed. The conclusion of these international experts was two shots were fired from separate muskets and these from close quarters. It was also concluded that the man seen running up the brae at the murder site was not Ailean Breac. As well it was put forward that there was no evidence to show that Ailean Breac was the murderer. Therefore James could not have been guilty of being "airt and pairt" (an accessory) of the murder of Cailean Ruadh and was, therefore, innocent. But this did not stop him being found guilty at the time and being hanged.

So who was the offender? Was it this unnamed McColl or was it Alan Breck? Perhaps it was the younger Stewart of Ballachulish. Anda Penman, a descendant of James, shortly before her death in

2001 decided that the secret need no longer be kept and said that it was Donald Stewart. She said that the murder had been planned by four young Stewart lairds and Donald Stewart was the best shot. Others disagree and no-one has substantiated her story. All have been suggested by one person or another but no-one is sure! Probably more than one person from the region was involved in what was really a conspiracy but only James suffered for what had happened.

Much of this information has been taken from James Hunter's book *Culloden and the Last Clansman*, Mary McGrigor's *Grass will not Grow on my Grave* and Seumas Carney's *The Appin Murder* to whom thanks must be given.