

**The Royal Society of Edinburgh
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The Appin Murder – Historical Context

Professor James Hunter FRSE

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Report by Kate Kennedy

Described as one of the greatest remaining murder mysteries in Scotland, the Appin murder is the subject of much speculation. The consensus is that the wrong man was convicted. In part 1 of a two-part event, the historical context of the story was discussed. Part 2 then re-examined the evidence using expert witnesses, taking account of modern methods of detection and scientific forensic techniques.

On Monday 25 September 1752, Scotland's High Court returned to Session in Inverary having just completed a very welcome 24-hour break. Prior to this, the court had sat for 53 hours straight, without formal intermission, hearing the case of James Stewart, who was accused of conspiracy in the murder of Colin Campbell of Glenure, the Red Fox. Although this was the way criminal courts were held in Scotland at this time, a trial of such length was quite exceptional. A guilty verdict had been reached the previous day and James Stewart's sentence was due to be pronounced.

Campbell was a government employee; the Factor of three West Highland estates that had been placed in government control, as their previous owners had launched an armed insurrection against the British State. The rebels, known as Jacobites, had tried to overthrow the ruling order; from the West Highlands they marched deep into England, their efforts ending in 1746 at the Battle of Culloden, where the Jacobites were broken and dispersed. As a result, the landed properties of some of the Jacobite leadership in the Highlands were confiscated and taken over by the government. One of these estates was the Ardshiel Estate and it was here that, on Thursday 14th May 1752, Colin Campbell received two musket bullets in his back.

James Stewart was not the gunman and was not accused of actually shooting Campbell; however, the prosecutors in Inverary contended that he had a large part in the planning of the crime. The Dempster, the court official in charge of proclaiming sentence, announced that on Tuesday 7 November James Stewart would be "transported over the ferry of Ballachulish and carried to a gibbet to be erected on a conspicuous eminence upon the south side of the said ferry". James Stewart "upon Wednesday the 8th day of November...would be hanged by the neck until he be dead". Thereafter, James' body was to be chained in a cage and left suspended on a gibbet thirty feet high. His corpse and skeleton remained there for several years, guarded by the army in the first instance, and strongly reinforcing the message that this is what would happen to anyone who took issue with the way in which the Highlands were being run.

Born about 1705, James Stewart came from Duror. He was an illegitimate son of John Stewart, the Laird of Ardshiel; however, being well educated and a man of substance, he was in no way marginal to the Stewart clan. James, an entrepreneur and businessman involved in rearing and trading cattle, was a long standing tenant of Glen Duror, his tenancy leading to his Gaelic nickname, Seumas a' Ghlinne (James of the Glen).

Accounts from the time remember him as a kindly man; indeed, he was foster father to a number of orphan children, among them a young man called Allan Breck Stewart who had been left fatherless by one of James' relatives based in Rannoch. Allan Breck, a waster who squandered both his father's inheritance and much of James' money, is a key figure in the Appin Murder story. Professor Hunter commented that it must have been "somewhat a relief to James when Allan quit the Stewart homestead in Glen Duror and joined the British army around 1742".

In 1745 Charles Edward Stewart, Bonnie Prince Charlie, landed in Moidart to recruit a Jacobite army which he intended to use to seize power from London; a plan which was certain to involve the Duror locals. The Appin region which included Duror was the heartland of Clan Stewart, the leading families of which traced their ancestors to Anglo-French adventurers who arrived in Scotland in the Middle Ages. Some of these became Scottish Kings, forebears of Bonnie Prince Charlie, and others settled in Argyll, spoke Gaelic and evolved over time into clan chiefs. Clan Stewart came under pressure from an endlessly expanding Clan Campbell and the Stewarts became limited to the Appin area, which covered a larger area than it is known as today. This caused enmity between Clan Stewart and the Campbells of Barcaldine, which was intensified by political difference and divergence, the Stewarts being Episcopalian like most Jacobites and the Campbells being intensely Presbyterian. The Appin Chief in 1745 was Dougal Stewart, a hopeless character who preferred life in Edinburgh; therefore, the man who actually took Clan Stewart into war was Charles Stewart of Ardshiel – the legitimate son of the man who was also James' father. Charles mobilised the Appin regiment of the Jacobite army, about 260 men, including James as an officer. By mid September, 1745 the Jacobites had reached Edinburgh, from where they marched to confront the government forces at the Battle of Prestonpans at which the Jacobites were victorious. From this battle emerged a young government soldier who wished to change sides – Allan Breck Stewart.

The Battle of Culloden survivors, including James Stewart and Allan Breck, had returned to Duror by May 1746. By this point, the Fort William garrison's commander, Captain Scott, had unleashed his troops on Duror; cattle were seized and homes burned, a British Army standard practice at the time. At Ardshiel Estate, Captain Scott dismantled Charles Stewart's home stone by stone, leaving his wife with just a hut to live in; Charles, who as a Jacobite commander faced death if found, was hiding in the hills, in a cave at Lagnaha. He had a constant guard which included Allan Breck. Eventually, Charles managed to escape to France, where he was joined by his wife Isabel and children. Ardshiel Estate was confiscated by the government and Colin Campbell put in charge of its administration. Following Charles' departure for France, his interests were looked after by his half brother, James. Allan Breck had also departed for France and joined the French army.

Prior to Culloden, James had given up the tenancy of Glen Duror and settled in Achindarroch, a more arable holding, where he held an over fifty percent stake in the property. During Charles' absence, James undertook to collect the rent from the Ardshiel Estate tenants and forward these to France; he also took advantage of being in charge and resumed his tenancy of Glen Duror. Professor Hunter commented that even in 1749, when Colin Campbell was put in charge, James continued as 'under Factor', collecting the rents for Campbell and the government rather than Charles – he did, however, collect a higher figure than the nominated rent and handed on the difference to Charles. Despite the profound Stewart / Campbell political differences, Colin and James appeared to be on friendly terms, indeed they were actually related as distant cousins. In 1750 their partnership broke down, partly because of disputes over rent, but also because Campbell had begun to be regarded with suspicion in the south, due to his family links to the Camerons of Locheil, who were Jacobites, and his friendships with other Jacobites. Campbell was accused of being too soft on Jacobites and, to cover his own back, he

removed James from Glen Duror and installed his cousin John Campbell as tenant. There was also growing suspicion on James' part and that of other Stewarts in Appin that Campbell of Glenure's intention in abusing his governmental power was to mount a Campbell takeover of the Estates in Appin, including Ardshiel. In May 1751, James formally gave up Glen Duror and his other Ardshiel lands in Achindarroch and moved to Acharn Farm, where he became a Campbell tenant. Professor Hunter noted that James highly resented the ongoing annexation of the Ardshiel Estate by Campbell, particularly when, in 1752, it became apparent that Campbell was going to instate both his nephews and the staunchly Presbyterian minister, John MacAulay, as tenants in Achindarroch. Relations between James and Colin Campbell continued to sour. On Hogmanay 1751, James encountered Colin Campbell and some of his associates in Kentallen Inn; after several drams, harsh words were exchanged and Campbell, fearing for his safety, drew his sword. During the Spring of 1752, it became apparent that various well established tenants of Ardshiel and Achindarroch properties were going to be evicted on the 15th May to make way for Campbells' relatives and clients. This was therefore a time of high tension in the region.

At this point, Allan Breck had been enlisted in the French army for some time, doubling as a Jacobite spy and regularly slipping in and out of Scotland. His visits to Scotland were undertaken surreptitiously, as he was a deserter of the British Army and, as such, a wanted man. Professor Hunter surmised that it is probable that he was the means by which the money from the Estates in Duror reached Charles Stewart in France. In the early part of 1752, Allan Breck arrived in Leith by sea and travelled north by way of several prominent Jacobite households and arrived back in Appin, staying with James at Acharn. He is recorded as having made loud threatening comments about what he would like to do to Campbell of Glenure; remarks which at the time were regarded as merely 'pub talk', but following Campbell's killing, were seen in a different light. Furthermore, a 'shadowy gathering' involving a number of the younger Stewart gentry, including Allan Breck, took place around the end of April in an isolated locality in the hills to the south of Duror. This gathering was described as a 'shooting match', but what exactly happened here remains somewhat shrouded in mystery. It is widely suspected, however, that this was a critical gathering of those involved in a conspiracy to kill Colin Campbell and may have been an opportunity to select the best musket or shooter.

In April 1752, Duror was awash with rumours of the forthcoming evictions and a possible organised resistance including the Stewarts' Clan Cameron allies. James Stewart departed Duror bound for Edinburgh and staying with many Jacobite households during his journey – this is later seen as evidence of conspiracy during his trial and his Edinburgh activities seen as proof of his deep seated opposition to Campbell's plans. James aimed to put the Ardshiel tenants' case to the Barons of the Exchequer, an Edinburgh-based group who held overall responsibility for the confiscated estates. Unfortunately, James missed the Barons' meeting in April and, as they wouldn't meet again until June, which would be too late for his purposes, he sought assistance from a Court of Session judge who proved sympathetic and authorised a Sist (suspension) of the 15th May evictions. By 27 April, James was back in Duror with his Court of Session Sist and convened a meeting of the tenants to announce the good news. James arranged for his lawyer cousin to come to Duror from Maryburgh, now known as Fort William, and on 1 May they accompanied the Ardshiel tenants to a meeting at Campbell's home. The tenants offered to match the rents that Colin Campbell would receive from their replacements, but Campbell rejected this out of hand. Upon this decision, the lawyer produced the Court of Session Sist and this caused alarm to Campbell, who rode quickly to Edinburgh where he persuaded another judge to overrule the Sist. Whilst in Edinburgh, Campbell recruited his lawyer nephew Mungo Campbell as his temporary assistant, believing it would be useful to have him alongside during the evictions. On

Friday 8 May, six days before the murder and seven days before the planned evictions, Colin and Mungo returned to Glenure.

Allan Breck is also known to have been in the area on Friday 8 May, staying at Fasnacloich, the Stewart gentry's clan home. On the following Monday morning, Colin and Mungo Campbell rode north out of Glenure heading for Lochaber. During this journey, they crossed the Ballachulish ferry and it was known they would return the same way the following Thursday bound for the Kentallen Inn, where they would overnight prior to carrying out evictions on the Friday. Professor Hunter commented that Allan Breck almost certainly knew of these movements and on the Monday he left Fasnacloich and headed back to Acharn. During his time at Fasnacloich, Allan is reported to have been wearing his French Army outfit, consisting of a long blue coat, red waistcoat, blue breeches and a feathered hat. At Acharn he swapped his clothes for a more modest set belonging to James. During James' trial, there was endless discussion relating to the clothes Allan had been wearing in the days prior to and on the day of the murder. Between the Monday and the Wednesday, Allan spent time in a whole set of gentry Jacobite households; this was regarded as suspicious and conspiratorial by the trial, especially as one of the households, Ballachulish House, is within a mile of where Campbell was killed. Meanwhile, at Acharn, James continued to try to find a legal means of stopping the evictions; including sending messengers to Maryburgh to bring his lawyer cousin Charles Stewart to Duror, wanting him to be in attendance should the tenants refuse to leave their properties. His cousin declined to get involved. Professor Hunter contended that the fact that James was undertaking this action hardly suggests that he knew in advance that Colin Campbell was going to die that same day; or alternatively, "it was a cunning bluff to suggest he didn't know when in fact he did"!

On the Thursday, before midday, Allan Breck went to fish the burn that runs into Loch Linnhe. From there he could see the road on the other side of the Loch at Onich, which is the road that Campbell would take back to the Ballachulish ferry. In the early afternoon, Allan approached the ferryman and asked him if Colin Campbell had come across the ferry, to which the ferryman answered no. Professor Hunter ascertained that Allan must have already known this, as he had been able to see the road whilst fishing. This action could be construed as evidence of careful planning, whereby Allan tried to set himself up as the suspect in order to take the fall and then disappear once the killing has occurred. Following his conversation with the ferryman, Allan continued in the direction of the wood of Lettermore and was not seen again for certain that day. Later the same afternoon, Colin Campbell and his three companions crossed the ferry. As they left the ferry, they met Alexander Stewart, the Laird of Ballachulish and the man in whose house Allan Breck had been staying. As politeness dictated, Campbell dismounted and they walked together until they reached the boundary of Alexander's property. In Professor Hunter's opinion, this meeting was probably not a coincidence; it had the effect of spreading out Campbell's party, as his companions went on ahead. Colin Campbell mounted his horse and rode after his companions into the wood of Lettermore, ultimately to his death. Colin's colleagues, including his lawyer nephew Mungo Campbell, reported hearing a single shot, upon which they turned around and found Campbell dying with two bullets in his back.

During the investigations, Mungo Campbell reported seeing a man carrying a musket on the high ground above the murder site. The suspect was wearing clothes that Mungo varyingly describes as those resembling the items Allan Breck had borrowed from James at Acharn. Furthermore, John Mackenzie, a servant accompanying Campbell, reported that James Stewart did not seem surprised when told about Campbell's death, neither did he go to Lettermore to offer help; this was, however, mitigated by a statement that James' wife feared for his safety were he to be amongst Campbells at such a heated and dangerous moment.

On the night of the murder, Donald Stewart, a nephew of the Laird, was informed that Allan Breck was outside Ballachulish House with a message. There is a very strong tradition in the area which has stood the test of time that it was in fact Donald who killed Campbell. Donald met with Allan and it is reported that Allan told him that he had no hand in the shooting but that he would have to flee the country, not just because he was a suspect but also, as a deserter, he would hang anyway if the army caught up with him. Allan asked Donald to go to Acharn to ask James for money to fund his escape. James had little ready cash and as such sent a packman to Maryburgh to call in some debts. The packman returned on Saturday evening with three guineas and learned that James, along with his son, also Allan, had been arrested by the army. The packman and James' wife were permitted to meet with James, when they spoke in Gaelic, a language that the British soldiers did not understand. The following day, the packman met with Allan Breck and gave him the money and his French Army clothes. The money that James gave to Allan was to prove part of his downfall and helped to hang him as a conspirator to murder. Allan Breck left the area on Monday morning and was last seen to the east of Kinloch Rannoch. Allan Breck, now the prime suspect, was never seen again for certain in Scotland.

At James' trial in Inverary, there were eleven Campbells on a jury of fifteen. The trial was presided over by Archibald Duke of Argyll, Clan Campbell's Chief and the British Government's main representative in Scotland. Professor Hunter commented that the Duke's post-guilty verdict comments reveal the political and social climate of the time. "In the year 1745, the restless spirits of the disaffected Highlanders again prompted them to raise a third rebellion. 'You [addressing James Stewart] and your clan formed a regiment in that impious service and in which you persevered to the last. The Divine Providence at first permitted you to obtain some advantages but...at last Heaven raised up a great Prince who... did at one blow put an end to all your wicked attempts. ...If you had been successful in rebellion you might have been giving the law where you now receive the judgement of it and we, who are this day your judges, might have been tried before one of your mock courts'". Professor Hunter concluded that "in condemning James Stewart to hang in chains, the Duke of Argyll was very mindful of the danger posed by the Jacobites to Britain's perceived civilisation, this civilisation being, as far as the Duke was concerned, identified with him as a member of the country's ruling order". The Duke's choice of closing words to James reflect this concern: 'though you do not now stand accused as a rebel...yet I may say with great force of truth, that this murder has been visibly the effect and consequence of the late rebellion'. The Jacobites never again posed any great threat to Britain or its government; however, Archibald Campbell and his fellow politicians could not know this at the time and they feared a further Jacobite uprising which would lead to their own overthrow, hence the ferocity of response to what happened in the wood of Lettermore.

A Vote of Thanks was offered by Professor Jan McDonald.

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