



**The Abduction of
Jean Key**

**The Trial of
Robin Oig
MacGregor**

Dramatised by Jim Thomson



**Dramatisation of
THE TRIAL OF THE OUTLAW
ROBIN OIG MacGREGOR
FOR THE ABDUCTION OF JEAN KEY
FROM EDINBELLIE IN THE PARISH OF BALFRON
BEFORE THE HIGH COURT OF JUSTICIARY
HELD AT EDINBURGH, DECEMBER 24TH 1753**



Adapted by Jim Thomson from
“The Trials of the Sons of Rob Roy” (*author unknown*)
and Scottish National Archives file **JC3/29**
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The evidence given by the characters in this play is taken – almost verbatim – from their original written testimonies. The words spoken by the Lord Areskine, Haldane and Dalrymple have been created to put the testimonies into a ‘trial’ context.

The Cast

The Action:

Robin Oig McGregor (Campbell/Drummond: son of Rob Roy)

Jean Key (Wright) [deceased]

James Mhor MacGregor (brother of Robin Oig)

Duncan MacGregor (do.)

Janet Mitchell (mother of Jean Key)

Thomas Neilson (owner of change house at Edinbellie)

Thomas Neilson (son of above)

John Risk (indweller in Clachan of Fintry)

Thomas Key (uncle of Jean Key: tenant of Balquhan [*sic*])

John McEwan (messenger in Cardross)

Thomas Blair (brewer in Gartmore)

James Leckie (maltman at Buchanan Kirk)

Annabel Mitchell (aunt of Jean Key: relict of John Fairlie)

Other Prosecution Witnesses:

William Baird (maltman in Glasgow ["Bounty-hunter"?)

William Graham (merchant in Glasgow. do.)

Mary Russell (relict of Robert Inglis, writer in Edinburgh)

Katherine Inglis (daughter of deceased Robert Inglis)

Defence Witnesses:

Henry Home of Kames Esq. (Senator of the College of Justice)

Mr. David Graeme (Advocate)

Alexander Stewart (Clerk to the Signet)

Donald McIntyre (indweller in Edinburgh)

Patrick Murray (goldsmith in Leith)

Gilbert McAlpine of Blairvokie

Agnes McAlpine (spouse to Alexander McColl)

Hugh Drummond (Elder of the Parish of Balquidder)

Donald Ferguson (do.)

Andrew McGibbon (tenant at Dykehead of Cardross)

Kenneth Tulloch (writer in Edinburgh)

The Court:

Rt.Hon.Charles Areskine - Lord Justice

Clerk Lord Minto

Lord Strichen

Lord Elchies

Lord Drummore

Lord Kilkrennar

Pursuers:

Mr.Patrick **Haldane** (HM Solicitor)

Mr.Alexander Home (do.)

Andrew Pringle

Procurators in defence

Mr.Walter Stewart (Advocate)

Hugh **Dalrymple** (do.)

Properties (“Props”) required:

Various courtroom ‘furniture’ (books, pens, etc.)

Old (small) **Bible** (*for “swearing in”*). Marker at Book of Ruth 1:16

Bills of Suspension : two legal-looking documents.

Bundles of papers/books carried by Haldane and Dalrymple.

“Love-letter” from Jean Key to Robert MacGregor dated 4th December 1750 suggesting that he carry her off seemingly against her will. (Letter probably rather worn.)

Threatening letter from James MacGregor/Drummond to John McEwan warning him not to testify against Robin Oig.

Mr Graham’s statement (used by Defence to question some details of his evidence).

ACT 1 : The Case for the Prosecution.

The courtroom is laid out with the bench for the judge (or five judges) to one side and the 'dock' for the accused opposite, allowing the witness stand and the table for the prosecutor and defence to be near centre-stage. If a jury is used, it should be set in the front row of the audience so that the audience itself can feel that they are jurors.

Although the court might have a modern layout, the characters are in costumes of the time (c1750s). There may be a large screen high rear centre-stage to display the action of the abduction [on 'location'] and the end sequence of the play.

The lawyers – Haldane, for the Prosecution (Crown) and Dalrymple for the Pannel (Defence) – and clerks take their places at the same time as the audience. House lights dim and stage-lights focus on the centre area of the stage (without impinging on the screen).

Robin Oig MacGregor is brought in heavily chained/cuffed [reflecting the security unease after the escape of his brother from Edinburgh Castle].

CLERK OF COURT: The High Court of Justiciary is now in session. All stand for their lordships (/his lordship).

(Lord ARESKINE, [and, if wished Lords Minto, Strichen, Elchies, Drummore and Kilkerran with Lord Justice Clerk Areskine in the middle of the group] enters and takes his place.)

CLERK OF COURT: You are ROBERT MacGREGOR, alias Campbell, alias Drummond, alias Robert Oig, son of the deceased Robert MacGregor, alias Campbell, alias Drummond commonly known by the name of Rob Roy?

ROBIN OIG: I am.

(During the [long] indictment which follows, it may be useful to show scenes of the abduction filmed earlier projected – possibly in a CCTV-type format – onto the screen above rear centre-stage.)

CLERK OF COURT: *(Reading the indictment [abridged for this dramatisation])*

Robert MacGregor, you are indicted and accused at the instance of William Grant of Prestongrange, Esquire, his Majesty's advocate for his Majesty's interest, for the crimes of Hamesucken, and Forcible Abduction and carrying away Jean Key, daughter and sole heiress of the deceased James Key, portioner of Edinbelly, and relict of John Wright, lawful son of John Wright, portioner of Easter Glins and other crimes at length mentioned in the indictment raised against you thereanent and which indictment maketh mention that whereas, by the laws of God, and of this and all other well governed realms, Hamesucken, or the violent entering into any person's house without licence; or contrary to the King's peace, or seeking or assaulting him or her there, where he or she was

dwelling at the time, lying and rising, nightly and daily, especially when that is done against a woman, or minor, a widow lately such, and an heiress, with intent to do her a most heinous and atrocious injury, as also, the ravishing of women; or the forcible abduction, or violent carrying a woman from one place to another, with intent either to violate her person against her will, or to force her to a marriage, or the causing a marriage; or the form thereof, forcibly and by concussion to be celebrated as betwixt a man and a woman; and, under the pretence of such forced marriage, the violating her person without the free consent, and against the will of such a woman, and when the man so forced upon her for a pretended husband, and who afterwards violated her person upon that pretence, was of a character, circumstance, and situation, utterly unbecoming or unfit for her, as being destitute of fortune, substance, or good fame, and reputed guilty of, our outlawed for, the most heinous crimes ; are all, and each of them, crimes of the most atrocious, shocking, and most detestable nature, and most severely punishable : Yet true it is, and of verity, that you, Robert MacGregor, alias Campbell, alias Robert Oig, had presumed to commit, and was guilty, actor, art and part, of all and every, or one or other of the foresaid crimes, aggravated as aforesaid, in so far as, upon the 8th day of December 1750 years, in the evening thereof, under cloud and silence of night against Jean Key, daughter and sole heiress of the deceased James Key, portioner of Edinbelly, and relict of John Wright, lawful son of John Wright of Easter Glins, who died in the month of October preceding, leaving the said Jean Key his widow, then a minor, going in the 19th year of her age, who was then living in her own house at Edinbelly, in the parish of Balfron, and the shire of Stirling, where she was lying and rising nightly and daily, under the protection of Almighty God, and of his Majesty's laws, and then and there the said house was beset, invaded, and violently entered by a crew of lawless ruffians, armed with guns, swords, durks, pistols, or other warlike weapons; amongst was you, the said Robert MacGregor, alias Campbell, alias Drummond, alias Robert Oig ; and James MacGregor, alias James More ; and Ronald MacGregor, all three sons of the deceased Robert MacGregor, commonly called and known by the name of Rob Roy. That you Robert MacGregor, at that time stood declared an outlaw and fugitive from the laws, by a sentence of fugitation pronounced against him by the High Court of Justiciary, upon the 16th day of July 1736, for not appearing to underly the law for the murder of John McLaren of Wester Innerenty. All which, or part thereof, being crimes of a most crying nature, and a reproach on the age and country where they happen, should they go unpunished ; or his being art and part thereof, being found proven by an assize before the Lords Justice General, Justice Clerk, and Commissioners of Justiciary, he ought to be exemplary punished with the pains of law, to the terror of others to commit the like in time coming.

ARESKINE: Robert MacGregor, you have heard the indictment. How do you plead?

ROBIN OIG (*with resignation*): Not guilty.

ARESKINE: Does the defence for the pannel have anything to say before we proceed?

DALRYMPLE: The pannel has no particular objection to the relevancy of the libel, the same having been already twice under their Lordships' determination, in the cases of James and Duncan MacGregor's; yet I behove to offer a few facts to prove in the pannel's exculpation; and so far was the pannel from being guilty of all, or any of the crimes charged against him in the indictment, that previous to the pretended hamesucken, forcible abduction, and so on as indicted, a courtship was carried on betwixt Jean key and Robert MacGregor, the consequence of which was, that a marriage was agreed on. But as the Lady had so lately become a widow, and that decency required she should continue in that state some longer space, and, at the same time being apprehensive of obtaining the consent of her mother and friends, they at last resolved that the pannel should carry her off with a seeming violence. This done, the marriage was solemnized with the free will and consent of Jean Key; and she afterwards continued to live as his wife in great harmony, love, and amity, till she was informed that, upon the application of her friends, the Lords of Session had sequestrated the rents of her estate. Upon which she came to Edinburgh, applied to an agent and lawyers for having the sequestration taken off, signed two several bills of suspension for that purpose (*Shows Bills of Suspension*), and even acknowledged before two of their Lordships' number, that she was the pannel's lawful married wife, and was determined to adhere to him as her husband. It was not before she was, by appointment of their Lordships, sequestrated, and free access allowed to her friends, that she departed from her former engagements, when, by undue measures and solicitations, she was prevailed upon to come and make the declarations libelled upon; which upon a proof would be contradicted in many articles, and insisted their Lordships would allow the pannel a proof at large upon the above articles.

ARESKINE: Thank you, Mr.Dalrymple. Mr.Haldane?

(*Dalrymple sits as Haldane rises*)

HALDANE: My lord, as the relevancy of the indictment was not, and indeed could not be controverted after two repeated judgments of this Court, we would not oppose the pannel's being allowed a proof of all facts and circumstances, that might tend to exculpate him of the crimes charged against him in the indictment, or alleviate his guilt.

ARESKINE (*looking along the row of judges*) : Let us proceed. Mr.Dalrymple?

DALRYMPLE: As your lordship is aware, the victim of this heinous crime is since deceased . We have, however, her declaration emitted by the deceased Jean Key, in Edinburgh, on the 20th of May 1751 years, in the presence of the Lords Justice Clerk and Drummor. (*Dalrymple acknowledges the two men [or Lord Justice Clerk] on the bench*)

(Although Jean Key is deceased by the time of the trial, her testimony is used. In order to avoid a long monologue her evidence will be treated as with any other witness but with the questioning being done by the Lord Justice Clerk Areskine. Perhaps Jean Key's costume and makeup should be in grey to give a monochrome effect. In any case, during this scene both Areskine and Jean Key should have blue-'wash' spotlights trained on them to give and ethereal feel.)

ARESKINE: You are Jean Key relict of the deceased John Wright of Edinbelly?

JEAN KEY: I am, your lordship.

ARESKINE: Are you able to take us through the manner of your ordeal?

JEAN KEY: (*quietly*) I am, if it pleases your lordship.

ARESKINE: Let us begin with the events of December 1750.

JEAN KEY: It was on Monday the 3rd day of December 1750 years, I was pretty much surprised with a message sent to me, when I was at my own house at Edinbelly, from Robert Campbell, to let me know that he was in the public-house hard by, and desired leave to visit me.

ARESKINE: Robert Campbell? That is Robert MacGregor, the pannel, whom you see in the dock?

JEAN KEY: Aye, my lord.
I answered that he was a man I had no acquaintance of, and that though I did use not to refuse a visit from neighbours, yet I would have none from such persons as he was.

ARESKINE: A fairly unambiguous reply, Miss Key. Go on.

JEAN KEY: Upon the Saturday morning thereafter, a Thomas Blair came to Edinbelly, under pretence of demanding some money for wood, said to have been purchased by Mr.Wright, my deceased husband.

ARESKINE: And was your husband, in fact, owing to this man?

JEAN KEY: I very well knew that Mr. Wright had purchased no wood from that Mr. Blair.

ARESKINE: Then, why do you think he came?

JEAN KEY: I believe he came to see whether I was at home or not (*hesitantly*) ... or I supposed it had been a mistake, but though yet I did not suspect any design against me.

ARESKINE: Did your visitor leave after that?

JEAN KEY: He did, my lord. However, in the evening about twilight, there came a man whom I had never seen, and knocking at the door, when it was opened, asked for quarters. I told him I quartered nobody, but that there was a public-house hard by; and when the stranger replied, he did not know the way to the public-house, I sent a servant along with him, who learned in the house to which he went, that there were some people to follow him.

ARESKINE: How did you feel about this?

JEAN KEY: When the servant told me this, I began to suspect somewhat was to follow; and yet, when sitting with my uncle, aunt, and cousin, relating what I had heard, I said and believed, that these MacGregors were so much subdued now, that it was impossible they should attempt any thing by force.

ARESKINE: What happened next?

JEAN KEY: Betwixt eight and nine o'clock night, when my uncle went out a little at the door, to see what kind of a night it was, and the door was shut, he met with six men, who threatened him, unless he order the door to be opened again; and as soon as I understood what manner of persons they were, I went into a closet, and locked myself in. What passed at the time these six persons were in the house, I cannot tell; but I heard threaten the people of the house to open the door, or if they did not, they would make it open and so at last the door was opened.

ARESKINE: Did you know these intruders?

JEAN KEY: I saw James MacGregor standing at the fire, whom I had formerly seen in my father's house, and several other armed men in the room, who said to me, I was the person they wanted and pointed to Robert MacGregor, and said, "There is my brother, a young fellow, who intends to push his fortune, and you must go along with him" and told me, I might either ride behind a man, or by myself upon a horse.

ARESKINE: And how did you respond to that?

JEAN KEY: I replied, I would neither go along with them on horseback, or in any other way; and my uncle, who was standing by, interposed, and said it was a lawless and very irregular way for armed men to break in upon peoples' houses in the nighttime; and if they had any design upon me, they had better let it alone till day-light. They ordered him to hold his tongue; and when my cousin offered to come in, they told they would allow nobody to come into the room, and that it was in vain to attempt to resist them, because Glengyle was lying in the muir, ready at a call with a hundred men. I said that I did not believe Glengyle would be guilty of so scoundrelly an action as to meddle in so base an affair.

ARESKINE: But they forced you to go with them?

JEAN KEY: Duncan MacGregor laid hold upon me and took me in his arms. My aunt then endeavoured to hinder them from carrying me off and I laid hold of my uncle by the waist, but they loosed my hands, and carried me off by force, and put me behind a man on horseback, who I afterwards heard was Robert MacGregor. I threw myself off the horse and by the fall got a wramp on one side, which was very uneasy for some time. They then took me and laid me across the horse's shoulders before one of the company; but being excessively pained with my side, and seeing I had no way of throwing myself off the horse, I sat upright, and the man held me in his arms, and rode off about a mile. Having no hopes of relief, I suffered myself to be put behind one of the company and then we went on till we came to the mains of Buchanan, to the house of one John Leckie.

ARESKINE: What happened at John Leckie's house?

JEAN KEY: I was ordered to a room, and one of the company stayed at the door. John Leckie's wife had formerly been acquainted with me, but being then in such a pickle and distress, I did not at first know her; for I had no shoes, or any thing about me, nor on her head, but on my mutch. When Leckie asked me where I came from, and what had brought me there, not seeming to know me, I told him who I was, and that these men who he saw there, had brought me along with them. He said that he was sorry for it.

ARESKINE: Go on, Miss Key.

JEAN KEY: Then the company that carried me off, prevailed with Leckie's wife to give me a cloak, shirt, and pair of shoes, and then I was ordered to get ready, and they put me behind Robert on a horse, and carried me to a place called Ruindennan, upon Loch-Lomond side.

ARESKINE: What happened at Ruindennan?

JEAN KEY: There we stayed all Sunday; and when I was insisting with them to let me return, they told me it was vain, for they never would allow me to return during all the days of my life, but that my mother would come to me. We stayed there all Sunday night, but I did not go to bed, nor sleep any.

ARESKINE: Tell us about this marriage ceremony.

JEAN KEY: Next morning there was one brought from Glasgow, whom they called Smith, a priest, a little fair man, who they said was to marry me and Robert; and when I refused to marry him, they threatened to take me down to the Loch and duck me. Afterwards James and Robert carried me into the house, and the priest followed and then I again told them I never would consent to marry him and told the priest he was but a scoundrel that would pretend to marry one against her will and who would never consent. He said he did not deserve the name, but that the affair must be put over, for he was in a hurry and then Robert took me by the right hand, and James held me up by the waist, and the priest without asking my consent, uttered some form of words, declaring us married persons and then the priest went off, as I was informed, to marry another couple.

ARESKINE: And after the ceremony?

JEAN KEY: After a great deal of argument betwixt James and me, mixed with threats on his side, he forced me away to another house, and he and two women that were there stripped me and threw me into a bed and Robert was put to bed to me and in this place we remained till next day.
That evening my aunt came to me, to whom I related all that had passed and alongst with her there came one of my own tenants, to whom, however, I said but little.

ARESKINE: Where did you go after Ruindennan?

JEAN KEY: Next day I was put into a boat and carried to a place called Glenfalloch, where we stayed a night in one William Campbell's and from Glenfalloch next day they carried me to James' house in Glenduckat, where I remained about a fortnight, till the first party was sent out in quest of us.

ARESKINE: This was the party sent out at the behest of your mother?

JEAN KEY: Aye, my lord. Though they had carried pretty fair to me after I came from Glenfalloch, they told me that I must acknowledge it was a marriage and if my friends made any more work about them they would carry me to France. We posted up and down the country upon notice that there was a second party till, at last,

about new year's day, I was carried to Callender, where we met with William Baird, who is married to a cousin-german of mine, and William Graham, an acquaintance of his, and then the MacGregors used all sort of means with me to make me declare to them that I was very well satisfied with my marriage and resolved to adhere; which I refused.

ARESKINE:

And were you free to go with Mr.Baird and Mr.Graham?

JEAN KEY:

Till this time they always pretended to be willing to let me go to Glasgow, but then, when I told William Graham and William Baird that I was desirous to go along with them, they would not allow me, but carried me back to Glenduckat. Then upon an account coming to them from Edinburgh that a factory was gone out from the Lords, and that a party was to be sent to apprehend them, they carried me to Killin, and a minute was drawn out of a factory by William Duncan for me to sign, which I refused, although I was often told I behoved to do it. The next day they carried me to Balquhiddel, upon notice by the way that a party was to be out that night, and we remained at Ronald's house there for some time.

ARESKINE:

That is Ronald McGregor, the pannel's brother?

JEAN KEY:

Aye, your lordship.

ARSKINE:

Go on.

JEAN KEY:

When they saw I would not agree to signing the factory, they threatened my life and that of Bandalloch, my mother's uncle, and John Buchanan younger of Glins, they believed were the three persons had instigated my mother to get parties sent to apprehend him, they would try if there were as many men in the Highlands as would cut off their heads. They thought it no fault so to do to them and me also, since they intended to take their lives.

ARESKINE:

Tell us how you managed to come to Edinburgh.

JEAN KEY:

They advised among themselves, it would be proper to go to Edinburgh and carry me along with them. I don't know what made them alter their resolution, but they let it alone for some time and afterwards they went to Ackroston and stayed there a week. We then came to a place called the Hole, belonging to Campbell of Torry and there we met with a friend and tenant's wife of mine, and to them, at the desire of James and Robert, I said I was very willing matters should be made up and I was to be friends with my mother and that there would be no more of the matter, for I was willing to adhere, which I did with the more seeming frankness, that they might the more easily agree to let me go to Edinburgh.

ARESKINE: And they let you come?

JEAN KEY: They came to a resolution of going to Edinburgh and James came along with me and, after that, no threatenings were used against me, but I was told by James, that I behoved to consent to the bills of suspension given to Mr.Graham and Mr.Stewart. However, to do justice to Mr.Graham and Mr.Stewart, they knew nothing of the threatenings.

ARESKINE: Miss Key, there is the matter of a letter which is important to the evidence which will be given in this trial. Could you explain to us how this came about?

JEAN KEY: About a fortnight after I was forcibly carried away, a scroll of a letter, drawn up by James MacGregor, bearing that I had wrote to his brother Robert MacGregor, inviting him to come and carry me off, was presented to me, and this scroll bore date 20 days before the time I was forcibly carried off. I was threatened, in order to oblige me to copy over that letter and sign it, and which accordingly I did, and directed it to Robert MacGregor; though I, neither by word or writing, ever gave any encouragement to, or invited Robert MacGregor, or any of those concerned, to come to my house, nor had ever any further communication with them, than what I mentioned before.

ARESKINE: You tried to put off writing that letter?

JEAN KEY: At first I denied I could write – which they believed, until having occasion of conveying a letter to my mother, they discovered that I was but dissembling, when I pretended I could not write and it was after this the scroll was presented to me.

ARESKINE: Thank you, Miss Key. That will be all.

(Exit Jean Key. Normal stage lighting is resumed)

ARESKINE: Mr.Haldane, you may proceed with your case.

HALDANE: I call the first witness, Thomas Neilson senior of Edinbellie.

(Enter THOMAS NEILSON SNR., a man of fifty. He is somewhat intimidated by his surroundings. He is sworn in.)

HALDANE: You are Thomas Neilson of Edinbellie?

THOS. NEILSON (SNR.): *(bowing his head to anyone he thinks merits it in the courtroom)* I am, your lordships

HALDANE: Can I take you back, Mr.Neilson, to the month of December 1750 when an incident occurred at Edinbellie.

THOS. NEILSON (SNR.): Aye, Jean Key was carried off from the house of Edinbelly upon the 8th day of the month.

HALDANE: Perhaps you could give us some more details surrounding that event.

THOS. NEILSON (SNR.): Now, on the Monday before that day, two people came to my house, which is a change-house. John McEwan – a messenger – was one, who was an acquaintance of mine before that time; and the other a highland gentleman, whom I did not then know.

HALDANE: But you know him now, Mr.Neilson?

THOS. NEILSON (SNR.): (*pointing to Robert MacGregor*) Aye, sir. I now see him, the pannel, Robert MacGregor. Anyways, after they drank some ale and whisky, John McEwan carried me along with him to the house where Jean Key lived, which was very near to mine and, when they came there, McEwan desired that he might go in and ask of Jean Key whether she would allow him to come and wait on her. So I went into the house and saw Mistress Jean, and delivered his message. She asked me if there was any body with him to which I replied there was a Highland gentleman.

HALDANE: What was Miss Key's reaction to that?

THOS. NEILSON (SNR.): She said that Mr.McEwan would be very welcome to pay her a visit, but she desired to see no company with him. So I went back to John McEwan and reported the answer of his message upon which John McEwan went in to Jean Key's house.

HALDANE: What did you do then?

THOS. NEILSON (SNR.): I just went home and, in a little while after, McEwan returned to Robert MacGregor, who was still in my house, and they two, went out together to a dyke-side, and soon after came back to the house, paid the reckoning, and went off.

HALDANE: What time would that be?

THOS. NEILSON (SNR.): I cannot be positive of the precise time, but think it was about one o'clock.

HALDANE: Go on, Mr.Neilson.

THOS. NEILSON (SNR.): Well, upon a Saturday of that month of December, about eight o'clock at night, some people came to my house. I knew one, Duncan Graham in Gartmore, and there was another – James MacGregor,

HALDANE: The pannel's brother?

THOS. NEILSON (SNR.): Indeed, sir. And there was a third whom I did not know, and these three entered the house. Whether there was more company abroad belonging to them I did not know, but after they had drunk some drams, they desired I might go along to show them the way to the water of Enrick, that they might be put upon the road to the bridge of Gaunachan.

HALDANE: And did you do that?

THOS. NEILSON (SNR.): Well, James MacGregor laid hold of me, and partly carried me under his arm – though I was willing enough to go – till we came to Mrs Wright’s house ... that is Jean Key's house ... and then I was desired to call at the door, which I twice refused to do. But the third time (*mimicking the tone of the threat*) James MacGregor swore I would do it, if there was breath in my body. Then, we heard a voice, and James MacGregor asked me whom it was – believing him not to be a Highlandman – and I answered that he was a friend of the house, upon which James MacGregor let me go. I knew the voice to be Thomas Key’s voice, who was Jean Key’s uncle, and had been in the house that night, and having come to the door, upon what occasion I know not, had been caught by some of a party about the house.

HALDANE: What did they want Thomas Key to do?

THOS. NEILSON (SNR.): James MacGregor desired Thomas Key to call to have the door opened and after some discourse between them, which I don’t well remember, Thomas Key called very loud to one Thomas Risk, who was within the house, to open and after some space, the door being opened, they hurried in, and Thomas Key was carried in with them.

HALDANE: What happened to you in all this?

THOS. NEILSON (SNR.): I was also pushed in at the door. They went then into the kitchen, and me along with them and the pannel (*indicating Robert MacGregor*) was also there. James MacGregor, his brother, asked for Jean Key, to which her mother and uncle answered, that she was not in the house. But James said she was in the house and he behoved to see her ... at the same time telling them she would be used discreetly.

HALDANE: Did they threaten the people of the house at all?

THOS. NEILSON (SNR.): Well, it was insisted on several times and James said he would see her positively, but I don’t remember that there were any threats to break open doors or any swearing: Then at last the mother brought the said Jean Key out of a closet, where she had been hiding herself, into the kitchen. James said, they behoved to have a private word with her and to which her mother

answered that they should not have, upon which James told her, that they must have it, but would use her discreetly. At last Jean Key said she would not go unless her uncle was with her, who was to her a parent, upon which James said, with all his heart. And the mother going to light a candle to carry them to another room, I assisted her, and took the candle into my hand and she directed me to go to the west room, where I entered and put the candle into a candlestick and then was ordered to go out of the room, for I had no business there.

HALDANE: So who did have business in the room, Mr.Neilson?

THOS. NEILSON (SNR.): There went into that room, James MacGregor, his brother, the pannel, and a third man, whom I did not know, as also Jean Key, her mother, and aunt, and Thomas Key, her uncle. William Galbraith went also into the room, but was turned back. The door was put to and there were Highlandmen in the kitchen and trance.

HALDANE: What happened then?

THOS. NEILSON (SNR.): Within a short space after they went into the wester room, I heard Jean Key cry excessively, and so bitterly, that she could not have cried more if they had been tearing her, but uttered no words, and immediately thereafter, she was carried out of the door. They remained there a considerable space before the horses were brought, and all that time she continued crying in that manner (*obviously upset at the memory*) and even after they went off, we heard cries at a distance.

HALDANE: Did anyone follow or try to leave?

THOS. NEILSON (SNR.): Some of the people that were with her in the house – myself amongst them – intended to go our ways, but when we came to the door we found there were two men with drawn swords, who ordered us to remain within the house and nothing should harm us but if we did come out, (*dramatically*) we would be dead men.

HALDANE: Mr.Neilson, do you know if Mistress Mitchell, Jean Key's mother remained in her own house from the Monday preceding to the Saturday when Jean Key was carried off?

THOS. NEILSON (SNR.): Sir, I am a door neighbour and, as far I know or was informed, she neither dined nor lay abroad during all that space.

(*HALDANE sits and DALRYMPLE walks towards the witness*)

DALRYMPLE: Mr.Neilson. Let me take you back to that previous Monday. Were you present when Mistress Key gave her answer to the messenger, Mr.McEwan?

THOS. NEILSON (SNR.): When I went to deliver the message from McEwan, I saw the mother go into a cellar, but was not present when Jean Key gave the answer.

DALRYMPLE: And would Mistress Mitchell have heard what passed from this cellar?

THOS. NEILSON (SNR.): She might have heard what passed but whether she did or not, I cannot be positive.

DALRYMPLE: Had you ever heard of a courtship between Robert macGregor and Miss Key?

THOS. NEILSON (SNR.): No, sir.

DALRYMPLE: As a “door-neighbour”, do you know upon what occasion all those friends were met upon the Saturday in Jean Key’s house.

THOS. NEILSON (SNR.): I’m afraid I don’t, sir.

DALRYMPLE: One last question, Mr.Neilson. While you were in the house with the pannel, did you see him take any active part in the goings-on?

THOS. NEILSON (SNR.): (*looking towards HALDANE*) As I said, the pannel was in the house, yet I never heard him speak, nor saw him do any thing.

DALRYMPLE: (*with some satisfaction looking towards the jury*) Thank you, Mr.Neilson. That will be all.

(*Exit THOMAS NEILSON SNR.*)

HALDANE: Call Thomas Neilson junior.

CLERK: Thomas Neilson!

(*Enter Thomas Neilson Jnr., a man in his mid-twenties He takes the stand and is sworn in.*)

HALDANE: You are Thomas Neilson, son of the preceding witness.

THOMAS NEILSON JNR.: I am, sir.

HALDANE: Tell us about the events of the Monday before Jean Key was carried off in December of 1750.

THOMAS NEILSON JNR.: John McEwan a messenger by profession, and Robert Campbell, whom I now see at the bar, came to the house of Thomas Neilson, my father. McEwan went to the house of Jean Key, which is not above ten yards distant, or thereabouts, from the our house, and having in a short space thereafter returned,

Robert Campbell and he retired a little bit before the door, and had some conversation:

HALDANE: Where were you at this time, Mr.Neilson?

THOMAS NEILSON JNR.: I was standing in our hall door at that time, but could not distinctly hear what passed between them, only heard McEwan say, that he could not get something and the MacGregor answered that - By God he would do something but what it was I could not tell. After this some short space, McEwan and Robert Campbell went away about sun setting and I went along with Robert Campbell a part of the way northward, as far as our head dyke, upon the edge of the muir, which was distant about a quarter of a mile, and there pointed out to him the road to Buchlyvie.

HALDANE: Let us move on to the Saturday of Jean Key's 'disappearance'.

THOMAS NEILSON JNR.: On that Saturday when Jean Key was carried off, three men came to our house after day light falling, which I think was about seven or eight o'clock at night. One of the men I knew, Duncan Graham in Gartmore. When they came in, they told my father, after drinking some drams, that they wanted to be shown the road to water of Enrick and he behoved to put on his shoes and show them the road. My father accordingly did go along with them and, as two of them were utter strangers to me, I was anxious to see where they were going. But as I came to the door to go out, two men stopped me who had something in their hands ... but it was so dark I could not see what it was ... and desired me to stay in for if I offered to come out they would pistol me.

HALDANE: So, what did you do?

THOMAS NEILSON JNR.: Some time after, I opened the door and desired the two men to come in, because, as their intention was to keep him in the house, neither I nor any of the family could get out at that time. Upon which they came into the house and soon thereafter the we heard Jean Key's shrieks and cries.

HALDANE: How did you know it was Mistress Key?

THOMAS NEILSON JNR.: We knew her voice, the distance being so small, as I mentioned.

HALDANE: Go on, Mr.Neilson.

THOMAS NEILSON JNR.: The two men allowed me to go about two ells from the door, but would allow me to go no farther and there we heard her cries. The sound lessened, I apprehend as she was carried farther from us.

HALDANE: Could you tell us, Mr.Neilson, if Mistress Mitchell, Jean Key's mother, left the house between the Monday and the Saturday?

THOMAS NEILSON JNR.: No, I would think her mother was not anywhere abroad above an hour or so, except possibly it might have been upon the Saturday, when I saw her in the morning and in the evening at home, but, I having been myself from home about the middle of the day, I can say nothing as to that from my own knowledge.

HALDANE: Thank you, Mr.Neilson. *(To DALRYMPLE)* Mr.Dalrymple?

DALRYMPLE: *(to the bench)* We have no questions, my lord.

(Exit THOMAS NEILSON JNR.)

HALDANE: I call the next witness, Mr.John Risk.

CLERK: John Risk!

(Enter John Risk, who proceeds to the witness stand and is sworn in.)

HALDANE: You are John Risk, indweller in the Clachan of Fintry.

JOHN RISK: I am.

HALDANE: What do you remember of the events leading up to the carrying off of Mistress Jean Key?

JOHN RISK: Some time in the beginning of December three years since, being upon the Monday immediately preceding the Saturday that Jean Key was carried away from her own house, I saw John McEwan, the messenger, with the Robert MacGregor *(indicating the dock)* ride by towards a public house in the neighbourhood of Jean Key's. Soon thereafter, McEwan came to her house and desired leave for a gentleman to come and wait upon her, but as I had just before told Jean Key that I had seen the pannel in the neighbourhood of her house, she answered John McEwan, that she would admit of no such visits.

HALDANE: And the following Saturday? The night of Miss Key's abduction.

DALRYMPLE: *(objects)* My lord ...

HALDANE: *(having made his point, immediately corrects himself.)* I apologise. The night Miss Key was taken. *(Looks at DALRYMPLE for approval)*

JOHN RISK: That Saturday night, about the gloaming, a stranger came to Jean Key's house asking for quarters, but, being told that none were quartered there, I went along with him to the neighbouring

public house. I had been long returned to Jean Key's house, when Thomas Key, Jean's uncle, having gone out a little, we heard some noise and bustle and immediately upon that went and shut the door.

HALDANE: You shut the door?

JOHN RISK: We had heard before that Jean Key was under some apprehension of being carried off and also heard her uncle Thomas Key say that it was resolved she should go to Glasgow for her greater security. Anyhow, soon after I had shut the door, some people without called to me to open it, and if refused, they would break it up, and bring down Glengyle and his men upon us from the muir!

HALDANE: And did you obey their commands?

JOHN RISK: When Thomas Key called to to me to open the door, and then Thomas Key, Robert MacGregor, the pannel, and his brother James, came into the house.

HALDANE: And were these men armed?

JOHN RISK: One of them had something like a sword under his great coat. Then more of the party came into the house, but I knew no more than those I've said. Several of them remained without doors. James MacGregor, as soon as he got in, not seeing Jean Key, who had retired to a closet, said he behoved to see her, and wanted to speak to her. Her friends at first answered, that she was not in the house but James answered he knew she was and behoved to see her, upon which she was brought into the room where he was. She asked what business they had with her and James said they wanted to speak privately with her in the next room, but she refused to go unless her mother and uncle were allowed to be with her. Accordingly, James, with her mother, uncle, and aunt, retired to another room and Robert MacGregor followed. They had not been long there till I heard Jean Key crying out and that by her cries she seemed to be going out of the house, as I still heard her crying after she was without doors. She cried bitterly, though I could not distinguish what she said.

HALDANE: Did you attempt to follow her?

JOHN RISK: Aye, but endeavouring to go out to see what was the matter, I was hindered by two armed men, who threatened to kill me if I offered to stir.

HALDANE: So you did not see where they went?

JOHN RISK: After she had been gone some little time, I got out and following westward the way she had gone, two men desired me

to go and fetch her her cloak and cap. Upon telling them I would do so, and go along with her, they immediately ordered me back and threatened to pistol me if I returned to them.

HALDANE: You are a family friend of Mistress Key? Did you know her husband?

JOHN RISK: Certainly, I knew John Wright, Jean Key's husband. He died about six weeks before she was carried away.

HALDANE: Thank you Mr.Risk. *(Acknowledges DALRYMPLE who stands)*

DALRYMPLE: Mr.Risk. Did you actually hear Mr.McEwan ask leave for someone to visit Mistress key?

JOHN RISK: No, sir. I myself did not hear John McEwan ask leave for a stranger to visit the heiress of Edinbelly, but understood that he had so asked leave, having heard Jean Key's mother answer, that they would admit of no such visits.

DALRYMPLE: And was Jean Key present when her mother gave this answer?

JOHN RISK: *(flustered)* I don't know whether Jean Key was present at that time or not.

DALRYMPLE: In fact you do not know whether Miss Key was worried by this visit or not.

JOHN RISK: It was Jean Key's friends who I heard were apprehensive of her being carried off, sir, and never heard herself say so.

DALRYMPLE: And when Robert MacGregor, the pannel, was in Miss Key's house, did he misbehave in any way?

JOHN RISK: No, sir. While the pannel was in Jean Key's house, I did not see him do any rude or violent thing.

DALRYMPLE: *(satisfied)* My thanks, Mr.Risk, That will be all.

(Exit JOHN RISK)

HALDANE: I call our next witness, Thomas Key.

CLERK: Thomas Key

(Enter THOMAS KEY, Jean's uncle. As Jean was still in her teens at the time of the abduction, Thomas Key need only be in his thirties or forties. Thomas Key is sworn in.)

HALDANE: You are Thomas Key, tenant in Balquhan, in the county of Stirling?

THOMAS KEY: Yes, sir.

HALDANE: Could you tell us about you niece, Jean Key?

THOMAS KEY: Jean was born in the month of October 1732 years. Her husband, Mr.Wright, died in October 1750 at Edinbelly, in the shire of Stirling, and parish of Balfron. When I was curator to Jean Key, her yearly income, betwixt land and money, was betwixt 600 and 700 merks and I know it was better the time of her death.

HALDANE: (*looking around to make his point*) A comfortable estate. Could you tell us, Mr.Key, what you recall of the happenings of December 1750?

THOMAS KEY: Well, sir, the Lady Glins, who lives in the neighbourhood of Edinbelly, upon the morning of that Saturday on which Jean Key was carried away, sent a message to me acquainting me that she had been told that the Robin Oig MacGregor (*nodding to the dock*) some time before, had been at Edinbelly, and wanted to see Jean but having been refused admittance, he had gone off in a passion uttering some threats. She – that is the Lady Glins – therefore desired I should go and acquaint Jean Key with the same and advise her to provide for her safety by going out of the way for some time.

HALDANE: And did you do that?

THOMAS KEY: I went to Edinbelly upon the Saturday and a little after I had gone there, it being then dark, a man – a Highlander, I believe – came into the kitchen and asked for quarters that night, but being told he could not lodge there, John Risk went and showed him the way to a neighbouring public house.

HALDANE: Did you find this curious in any way?

THOMAS KEY: When he was gone, Jean observed that the Highlanders were very rife about the house that day, for that on the same morning another had been there on pretence of seeking the payment of some wood due by her deceased husband, though, as far as she knew, he had bought none. She added at the same time, that she hoped she had nothing to fear from the MacGregors, as they were then entirely subdued by the laws.

HALDANE: And what did you say to that, Mr.Key?

THOMAS KEY: Sir, I answered that I could not tell what they would do. Then, intending to deliver Lady Glin's message to Jean Key, I went to the door and she followed me, (*excitedly*) but I was no sooner out, than some men came about me and one laid hold of me. They had great coats about them under which I heard what I believed to be the clattering of arms.

HALDANE: How many of these men would there be?

THOMAS KEY: There seemed to be six or seven of them. Jean Key, upon this, retired into her house in a fright and the door was shut. Then the men and me, we came to the door of the house and they, in a threatening manner, ordered me to call to the people within to open the door.

HALDANE: And did you oblige, Mr.Key?

THOMAS KEY: Indeed, sir, I called with a loud voice to John Risk and told him, that there were some men without that wanted to get in. Then James, the pannel's brother, ordered me to call no more at them and if they did not open, they would make doors themselves. A little after this the door was opened and I was thrust in first and was followed by severals of these men.

HALDANE: Had you seen these men before?

THOMAS KEY: I knew but James MacGregor, but upon seeing the pannel some time thereafter and recollecting the faces of those men who came into the house at that time, I think the pannel was one of them.

HALDANE: Go on.

THOMAS KEY: Upon their coming into the kitchen, James Mhor ... James MacGregor asked where Jean Key was for as he knew her to be in the house and he would see her. He threatened to turn everything in the house upside down if she was not produced and upon these threats, Jean Key's mother went and opened a back closet in which she was locked up, and brought her out to the company. Jean asked what their business was with her and blamed them for troubling the house at that time of night, for she knew it was her money and not herself they wanted. James MacGregor asked a word of her to another room, but she refused to go without her mother and uncle. So, James MacGregor, with three other men, and Jean, her mother, and myself, retired to another room.

HALDANE: Tell us what happened in the other room.

THOMAS KEY: When we had been there a little, James, pointing to one of the men present, said, "There is my brother Robert, a young fellow who wants to make his fortune". He told us he – Robert – had come here to visit Jean Key some days ago for that purpose and to make his addresses to her but being then refused admittance, he had now returned to make the thing effectual. Jean, who seemed to be in terror, returned no answer, but I said, I hope you will allow her some time to make her answer. (*imitating James' voice and manner*) "No time", said James, "for then we

may be prevented and another may come in the meantime and disappoint us!” He said he would not be unmanned in this affair and that if any offered to make resistance, he would immediately call down Glengyle, who lay up in the muir with 100 men. Then, having said something pretty loud in Irish, which I did not understand, three of the men seized upon Jean Key and lifted her from the ground, her head being over one of their shoulders and her feet being as high as her head. At the same time, one of the men held a durk over my head and told me if I offered to interpose I was a dead man. When Jean Key was lifted up as above, she cried out bitterly, struggled as much as she could and endeavoured to lay hold of me for relief and in this manner, crying and struggling, she was carried off from the house.

HALDANE: What prevented you from following?

THOMAS KEY: When we were in the inner room, there were men who guarded the door and refused access to everybody. So soon as Jean was carried out of the house, two men guarded the door, one of them having a drawn sword in his hand and the other with a drawn sword and a pistol and would suffer nobody to go out, for when I attempted to go out I was forced back. But I still heard her cries, as they were forcing her away, as long as the distance would allow me.

HALDANE: When did you see your niece after she was carried off?

THOMAS KEY: The first time I saw Jean Key after her being so carried off was about the middle of May following in the house of Mr.Wightman, in the Potter-row.

HALDANE: How did she appear after her ordeal?

DALRYMPLE: (*standing angrily*) My Lord, no “ordeal” has been proved.

ARESKINE: Could you rephrase your question Mr.Haldane.

HALDANE: (*sarcastically*) Mr.Key, how was your niece after her highland adventure?

THOMAS KEY: She complained to me that she had been for a long time hurried up and down in the Highlands to several different places by those people who carried her off, who sometimes used her well, and sometimes used her ill. Till such time as she had got to Mr.Wightman’s, James MacGregor, the pannel’s brother, kept her in Edinburgh, carrying her from house to house, not suffering her to lodge two nights in one place nor allowing her to look from a window.

HALDANE: What do you know of the marriage ceremony itself?

THOMAS KEY: When the pretended marriage was celebrated at Ruindennan, in the Highlands, James MacGregor held her by the middle, while one, who called himself Smith, said some words over them, and then declared them married persons, but Jean said nothing, nor gave any consent, only called Smith a scoundrel; which name, he said, he did not deserve. Then James and two women got her into a room with them, pulled off her clothes, flung her into bed and then put in Robert to her. She said, she had not slept for two nights before.

HALDANE: Thank you, Mr.Key. Your witness, Mr.Dalrymple.

DALRYMPLE: *(moving towards the witness with a paper in his hand)* Would you look at this, please, Mr.Key. It is a letter, of date the 4th of December 1750, marked by the Lord Examiner and David Graham. How do you explain it, sir?

THOMAS KEY: Jean Key told me that it was some days after she was carried off before the men that carried her off knew that she could write and that when they discovered that she could write, they laid the scroll of a letter before her which they had made up and obliged her to copy it over with her own hand and add her name to it and a date, which was some days prior to her being carried off, though it was really wrote of a date some days posterior.

DALRYMPLE: Can you tell us what the letter said, Mr.Key?

THOMAS KEY: Jean told me, as I can remember, that this letter imported, that Robert MacGregor should come and carry her off, but I cannot be distinct as to the particular expressions.

DALRYMPLE: Thank you, Mr.Key. I have no further questions.

(Exit THOMAS KEY)

HALDANE: I call Mr.John McEwan.

CLERK: John McEwan!

(Enter JOHN McEWAN [age unspecified]. He is sworn in.)

HALDANE: Could you please identify yourself to the court.

JOHN McEWAN: I am John McEwan, messenger in Cardross.

HALDANE: Thank you, Mr.McEwan. Before we proceed with your testimony, could you tell the court whether you have received any threats or menaces touching your giving evidence in this case.

JOHN McEWAN: May it please you sirs, (*looks around the court*), in the month of July last, Mr.Campbell of Killpunt, who lives in my near neighbourhood came to my house and showed me a letter (*adds anxiously*) – for which he said he had paid two shillings postage – which concerned me ... (*apologetically*) the letter, that is, not the two shillings!

HALDANE: (*beckoning to the CLERK of Court to show him the letter*) Is this the letter?

JOHN McEWAN: Aye, sir. (*scrutinising the letter*) It is signed John Stirling, addressed to the said Mr.Campbell and dated at Dunkirk, the 30th day of June 1753 years. Aye, sir, that is the same letter.

HALDANE: And who sent you this letter?

JOHN McEWAN: Well, Mr.Campbell and I both agreed in opinion that the letter was from James Drummond, the pannel's brother. I have had sometimes occasion to see James Drummond's handwriting. I think the handwriting of that letter is like it.

HALDANE: And your opinion was that this letter was threatening in nature?

JOHN McEWAN: Aye, sir, for it implied it would serve me ill to give testimony in the case of Robert MacGregor.

DALRYMPLE: (*to ARESKINE*) My lord, if this letter was, indeed, from James Drummond a fugitive from this court now in France, it is of no consequence to the case against the pannel, his brother.

HALDANE: I mean merely to point out, my lord, the duress under which Mr McEwan is providing his evidence.

ARESKINE: Proceed, Mr Haldane ... and let us keep to the case in hand.

HALDANE: Mr.McEwan. Let us proceed to the events of December 1750.

JOHN McEWAN: Sir, on Sunday, the 2nd day of December 1750, the prisoner (*acknowledges ROBERT MacGREGOR in the dock*) came to my house and stopped all night and next day carried me along with him to a neighbouring gentleman's house, where he had some business. After we had gone from thence, he told me he had some design of making his compliments to Jean Key ... (*reverently*) now deceased, and desired that I would go along with him.

HALDANE: And you agreed to this?

JOHN McEWAN: I told him I thought it would not do, however, I agreed to go along with him and we went forward to the house of Thomas Neilson and sent him to Mrs Key, the mother of Jean Key, with a message from me that I was there and intended to wait upon

her. Neilson having brought back an answer that I would be welcome, I went thither and told Jean Key, and also her mother, that I had left a gentleman, one Mr.Campbell, at Thomas Neilson's, who wanted to make his compliments to Mrs Wright ... meaning Jean Key ... and both of them asked me whether that gentleman was a married man or not. I told them that he was not married, but was a widower, upon which Jean Key first spoke and said she had troubles in her former marriage, being married very young, and but lately a widow, and fell a weeping and begged of me to tell that gentleman, or any other unmarried man, that he should forbear talking on that subject ... that it would be year over year before Jean Key would listen to any thing of that sort.

HALDANE: Mrs Wright seems to have been distressed by your news, Mr.McEwan.

JOHN McEWAN: Sir, I myself was affected with having occasioned her shedding tears and therefore left them and returned to Thomas Neilson's. I carried out the pannel (*nods to the dock*) and reported his answer and begged of him to proceed no farther in the matter. We soon after parted and Robert MacGregor went away, carrying Thomas Neilson's son alongst with him through the muir.

HALDANE: Did Robert MacGregor give any inclination that he previously knew Mrs Wright – Jean Key?

JOHN McEWAN: No, sir, not at that time did he say that he had had any former acquaintance of Jean Key, but he has been once or twice at the my house since Jean Key was carried off and at one or other of these times he told me that, before she was carried off, he had once seen her at a seceding meeting-house at Edinbelly ... but never mentioned having seen her on any other occasion.

HALDANE: Thank you, Mr.McEwan.

ARESKINE: (*to DALRYMPLE*) Do you wish to interrogate, Mr.Dalrymple?

DALRYMPLE: No, my lord.

(Exit JOHN McEWAN)

ARESKINE: (*to Haldane*) Very well, you may call your next witness.

HALDANE: (*to Clerk*) Thomas Blair.

CLERK: Thomas Blair!

(Enter THOMAS BLAIR, perhaps of a bearing and complexion which illustrates his brewing profession. He is sworn in.)

HALDANE: You are Thomas Blair, brewer from Gartmore?

THOMAS BLAIR: I am, sir.

HALDANE: Do you recall what happened on the night of 8th of December 1750?

THOMAS BLAIR: Yes, indeed. That night of the 8th of December 1750 years, Ronald MacGregor, brother to Robert MacGregor, came to my house and desired me to come and speak with his brother James, who was then at Chappel Arroch. So, I went and found there, Robert (*nodding towards the dock*) the pannel and his brother James. Robert MacGregor told me it was he that wanted me, not his brother; and that he had an appointment that night with a young woman who lived upon the water of Enrick, to marry her and he wanted me to go along, as I knew the road, as the night was dark.

HALDANE: Did the pannel say who this lady was?

THOMAS BLAIR: He told me the lady's name was Jean Key, who lived at Edinbelly. (*conspiratorially*) The pannel whispered what I have just told you in private.

HALDANE: You mention only the three brothers. Was anyone else with them?

THOMAS BLAIR: There were in the company in all at that time about 11 persons. Robin Oig, the pannel, had a sword and a pistol, and his brother James had the same and that this was all the arms I observed in the company ... except Malcolm MacGregor, who had a durk. So, anyway, I went along with the pannel, his brother James, and the rest of the company, until they came within a furlong or two of the house of Edinbelly, where they all alighted from their horses. They asked me, with one McCallum, to keep their horses – about ten horses – there, and he ready at a call. In less than an hour's time we were called upon and McCallum and I carried up the horses to the house of Edinbelly, where I saw the pannel, his two brothers, and the rest of the company about the house, and Jean Key with them.

HALDANE: Could you tell us their riding arrangements at this point?

THOMAS BLAIR:(*thinking*) Robert the pannel, mounted his horse and Jean Key was put on before him by some of the company, but, to the best of my knowledge, not laid across the horse. I heard Jean Key calling out, "Oh! my mother!"

HALDANE: What did you think was happening?

THOMAS BLAIR: When she cried, “Oh! My mother!” I took from this expression and behaviour that Jean Key was forced away. But Robert, the pannel, said to her, “Be easy, I’ll send for your mother, and I’ll make you happy.”

HALDANE: And what did Miss Key say to that?

THOMAS BLAIR: She said she would never be happy without her mother’s countenance. Then I heard Jean Key asking the pannel who it was that was carrying her away; to which the pannel made answer, that it was Robert Campbell. Jean Key said she was sorry that he had changed his name so soon, and the pannel said that he was sorry for that too.

HALDANE: And they rode off then?

THOMAS BLAIR: Robert MacGregor rode about a furlong and a half with Jean Key before him, when Duncan Graham’s horse was bogged, and while I was helping to take the horse out of the bog, I saw some of the company take Jean Key from off the horse before the pannel. *(Pauses, a little confused)* This, upon recollection, I am not certain of but I am sure I saw some person put on Jean Key behind the pannel and this is all I know of the matter, for I went no further alongst with them. *(He looks around to be dismissed).*

HALDANE: *(looking at DALRYMPLE who shakes his head)* Thank you, Mr.Blair. That will be all. Call James Leckie.

CLERK: James Leckie!

(Exit [somewhat relieved]THOMAS BLAIR. Enter JAMES LECKIE.He is sworn in.)

HALDANE: Are you James Leckie, maltman at Buchanan Kirk?

JAMES LECKIE: That I am.

HALDANE: We have heard from previous witnesses about the events at Edinbellie leading to the *(glances at DALRYMPLE)* taking away of Miss Jean Key. Could you, Mr.Leckie, help us find out what happened after the group left Balfron on the night of 8th December 1750.

JAMES LECKIE: About eleven o’clock at night, Robert MacGregor *(points to the dock)* with his brothers James and Ronald, and six or seven more men in company, came to my house along with Jean Key, who to me appeared to be in a very melancholy condition. I asked her what brought her there and she answered that the MacGregors had done it and that they wanted to marry her to Robert.

HALDANE: And did she seem to you a willing accomplice in this plan?

JAMES LECKIE: I believed, from the condition that she appeared to be in, that it was altogether contrary to her inclination, for she said too that it would be happy for her if she had not a groat in the world. I afterwards had a conversation with James MacGregor, who told me that he designed to marry the Jean Key to his brother Robert.

HALDANE: How long did the company stay at your house?

JAMES LECKIE: They remained in my house about an hour and a half. But before she left it Jean Key ate and drank a little and seemed to be a little more composed before she left my house than what she was when she first came there.

HALDANE: Did they say where they were going?

JAMES LECKIE: I was told by the MacGregors that they intended to carry Jean Key the length of Ruindennan – which is on Lochlomond side – and about six miles from mine ... and Edinbelly is about as far from my house the other way.

HALDANE: Thank you Mr.Leckie.

DALRYMPLE: (*standing*) You say you thought Jean Key was an unwilling accomplice ... and yet you overheard a conversation between Miss Key and your wife which might contradict that.

JAMES LECKIE: Well, sir, I heard Jean Key tell my wife that, if she was to be carried away, she wished that they had taken her clothes with her, which were tied up in a bundle.

DALRYMPLE: (*towards the jury and then to LECKIE*) “All tied up in a bundle”?

JAMES LECKIE: Aye, sir, all tied up in a bundle ... and not carry her away like a beggar. My wife gave her a cloak, a cap, and a pair of shoes to put on her, which shoes were afterwards paid for by James MacGregor, the pannel’s brother, and the cloak and cap were returned.

DALRYMPLE: Thank you, Mr.Leckie. You may step down.

(*Exit JAMES LECKIE.*)

HALDANE: Please call Annabel Mitchell.

(*Enter Annabel Mitchell.Like Thomas Key, she need only be in her thirties or forties She is sworn in.*)

CLERK: Mistress Annabel Mitchell!

HALDANE: Miss Mitchell. You are relict of John Fairlie, portioner of Arfinlay and the aunt of the deceased Jean Key.

ANNABEL MITCHELL: (*with a slight curtsey*) Yes, sir.

HALDANE: Do you recall the events of Saturday 8th December 1750?

ANNABEL MITCHELL: I am no' likely to forget them, sir. I came to Edinbelly to pay a visit to my sister Mrs Key and Jean Key her daughter: Soon after I came, we had a conversation together, in which Jean Key told her that Robert Campbell had sent a message that he was coming to see her, but that she had absolutely refused to see him, or admit him to her house.

HALDANE: Go on, Mistress Mitchell.

ANNABEL MITCHELL: That the same night the pannel, his brother James, and his brother Ronald – each of them armed – with several others, got into the house of Edinbelly. But Jean and me having concealed ourselves in a closet in the kitchen, I heard James MacGregor enquire for Jean Key and swear that he would see her that night. When Jean came out of the closet, James told her that he wanted to speak to her by herself, but she desired her mother and uncle, Thomas Key, might be present, upon which James, Jean, her uncle, and mother, went into a room by themselves.

HALDANE: What happened when they emerged from the room?

ANNABEL MITCHELL: After staying a short while in it, first the pannel came out and went out at the door and took his horse, and immediately thereafter, a man – to me unknown – brought out Jean Key out of the chamber in his arms, screaming and crying out, and carried her towards the door.

HALDANE: Did it look to you as if Jean Key was willing to go ... perhaps, making a pretence?

ANNABEL MITCHELL: (*vehemently*) Well, sir, by the way she caught hold of me and kept her hold till she was separated from me by some of the men, and carried out and set upon horse-back, and carried away and the shrieks and cries I heard of Jean Key after she left the house ... from all that I concluded that she was violently forced away.

HALDANE: Thank you. And when did you next see your niece?

ANNABEL MITCHELL: That next day, at the desire of my sister Mrs Key, I went over to Buchanan to see Jean and being come there, I was told, that she was carried to Ruindennan, on the side of Lochlomond. So,

there I repaired, attended by Benjamin Dounie, my son-in-law, and James Ure, a tenant of Jean Key's.

HALDANE: Were you able to speak with Miss Key?

ANNABEL MITCHELL: That night ...or next morning, I had some conversation with my niece in which she acquainted me that the MacGregors had married her to the pannel, but that it was against her will that she was in such condition.

HALDANE: Did she give you an account of this (*with heavy irony*) "marriage"?

ANNABEL MITCHELL: Aye, sir. She said she was not able to stand during the ceremony and was supported by James the pannel's brother and some others. She declared to me that they had cruelly treated her and she showed me a blue mark upon her right arm, from the shoulder down to the elbow.

HALDANE: Did she explain this bruising to you?

ANNABEL MITCHELL: Jean told me that the way she got the hurt on the right arm was when she was carried to the door of her house. Some of the company said if she would not ride behind him the pannel would lay her on across before him on the tore of the saddle, which was accordingly done. But after being so carried for a short space, she said she was not able to endure it and that now she would rather choose to ride behind any of them.

HALDANE: How did Jean Key appear to you at that time?

ANNABEL MITCHELL: Oh, Jean was in a very sickly condition the time I was there and mourned and lamented for her misfortune. She informed me that they had been married on the Monday morning and that she had been put to bed immediately after. On the evening of the day I was there, I saw Jean's clothes taken off by two women and her put in bed.

HALDANE: And was her "husband", the pannel, to be seen at this point?

ANNABEL MITCHELL: Afterwards I saw the pannel go to his naked bed with her, but I was so much affected with the sight that I immediately retired. On Tuesday morning thereafter, while my niece and me were conversing together, they came and told her to make haste, for the boat was ready, upon which, after hurrying over breakfast, Jean Key walked down to the boat, to which she was carried by two men, to prevent her feet from being wet.

HALDANE: But you had had time to converse with her before this interruption?

ANNABEL MITCHELL: We had some conversation during which time she – Jean – told me that her stays were rent and that she could not subsist without other stays and some clothes. It appeared to me that the stays had been rent in the side by violence.

HALDANE: And did your niece mention a bundle of clothes lying ready at home?

ANNABEL MITCHELL: My niece said nothing to me of any bundle she had packed up in the house of Edinbelly, nor did I see any bundle in it after my return from Ruindennan, although I stayed at Edinbelly for three weeks thereafter. But as my niece had given me keys when she was in the closet, before she was carried off from Edinbelly, she told me what place I would get riding clothes in, where I would find her pinnars, and where I would find her ribbons, all in different places, which she desired might be sent to her. I found them in the places exactly described, and accordingly sent them to her.

HALDANE: Let us go back, if you will, to the incident in the closet. Would you say at that time your niece appeared as if she was someone expecting to be carried away to be married?

ANNABEL MITCHELL: Sir, when my niece and me were in the closet, Jean Key appeared to me to be in the greatest terror and confusion and said, “Oh, what will I do now; there they are come.”

HALDANE: Could you remind us why you had gone to your sister’s house?

ANNABEL MITCHELL: I made the visit, partly with a view to acquaint my niece Jean Key, that it was rumoured in the country that the MacGregors were coming to carry her off from her own house and to advise her to go to Glasgow to her friends, where she would be out of their power. Jean replied, that she had something to do about the house, but so soon as that was done she would do so.

HALDANE: Thank you Mistress Mitchell.

DALRYMPLE: *(half-standing at his place)* “Something to do about the house” before she fled the MacGregors *(sarcastically)* a lady terrified, indeed. I have no questions, my lord.

(Exit ANNABEL MITCHELL)

HALDANE: *(clearly irritated)* Call William Baird.

(Enter WILLIAM BAIRD who, apart from his declared profession as maltman is virtually a ‘bounty-hunter’, perhaps conjuring a 1750s “sleuth” appearance. He is sworn in.)

HALDANE: Could you please identify yourself to the court.

WILLIAM BAIRD: *(with some nonchalance)* I am William Baird, maltman in Glasgow.

HALDANE: Thank you, Mr. Baird. *(turning to court)* Mr. Baird's testimony is not in his capacity of maltman. He indeed has a ... pastime in *(trying to find some euphemism for "bounty-hunter")* assisting the pursuit of justice. How did you become involved with the disappearance of Jean Key?

WILLIAM BAIRD: *(very legalistically)* Being possessed of a warrant to apprehend the pannel and his two brothers, James and Ronald, for violently assaulting and carrying off Jean Key, I in company with one Mr. Graham, merchant in Glasgow, set out from thence about the beginning of the year 1751.

HALDANE: How did you track down the MacGregor brothers?

WILLIAM BAIRD: We met with MacGregor of Glengyle, younger, and we acquainted him that we were to meet with the said three brothers ... at least we wanted to see them to make them a proposal.

HALDANE: And what was this 'proposal'?

WILLIAM BAIRD: The proposal was that they should allow Jean Key to go to Glasgow to see her friends, and to leave her at full liberty there for some time and if she pleased to return to the pannel as her husband, that she should be at liberty to do so.

HALDANE: How did Glengyle react to this?

WILLIAM BAIRD: Glengyle quite relished the proposal and said he would write to James Drummond – or some others of the brothers – to that effect and to acquaint them that he thought the proposal a fair one and what they ought to comply with. Accordingly he did write such a letter.

HALDANE: You had struck an agreement with Glengyle?

WILLIAM BAIRD: We had given our parole that, if the brothers agreed to meet me and Mr. Graham, the warrant should not be put in execution for forty-eight hours after they should part.

HALDANE: And what was the MacGregors' response?

WILLIAM BAIRD: Glengyle's servant, who went with the letter, brought back for answer, that the two brothers should meet us – Mr. Graham and myself went to the Callander of Monteith next day. So we met and I renewed the proposal to the brothers, but James said, that though he approved of the proposal himself, he did not believe Jean Key would agree to go to Glasgow and leave her husband, but that he would endeavour to persuade her to do so. Next

morning, James acquainted me that Jean Key would not go to Glasgow.

HALDANE: Who was present at this meeting?

WILLIAM BAIRD: The other two brothers were then in the room ... and Jean Key. I said that Jean Key had always been a dutiful child and I could not think that she could be so cruel as to refuse to go and see her afflicted mother, after which some words passed betwixt James Drummond and me who invited me to ask Jean herself, which I accordingly did.

HALDANE: And her reply?

WILLIAM BAIRD: Her answer was that it was what she earnestly desired above all things. Then James gave her a broad look and she then said she would be very willing that the three brothers had a protection. James said that he would not let her go to Glasgow unless he and his brothers got a protection, that they might go to Glasgow and stay there with safety, and that Robert, the pannel, should have his wife at night. But I said that that was such a protection that I could neither give nor would grant.

HALDANE: Did you at any time manage to speak to Jean key without her “escorts”?

WILLIAM BAIRD: No, sir, I had no private conversation with Jean Key myself, but I believe Mr.Graham my companion had, for Jean Key and he went into a closet together but were interrupted by Mr.Fairfowl of Breandam – his knocking at the door – which they opened, and desired to have a little more times, but in a few minutes he knocked again, and so they came out.

HALDANE: Was that the end of your meeting?

WILLIAM BAIRD: Aye, soon thereafter Mr.Graham and myself, we left the brothers and set out for Glasgow, but we hoped Glengyle would bring her along. I was soon disappointed, Glengyle having come up with us alone on the road.

HALDANE: Where had this meeting taken place?

WILLIAM BAIRD: These things happened in John McNab’s house in Callander.

HALDANE: Tell us what happened in the night at Callander that caused you concern.

WILLIAM BAIRD: Aye, in the night time Mr.Graham, my companion, having told me that he heard a woman weeping in the next room, he asked me if I had heard it, and, upon listening, I did hear the voice of a woman moaning and lamenting. We agreed in supposing that it

was Jean Key and when afterwards I had occasion to see Miss Key at Glasgow, she then told me that it was she that night and that the reason of it was, that James, the pannel's brother, had come into her room at night, after she was a-bed and pressed and threatened her not to go to Glasgow to see her friends.

HALDANE: Thank you, Mr.Baird.

DALRYMPLE: (*standing*) Whist at Mr.McNab's house, did you have occasion to speak alone with Robert MacGregor, the pannel? Could you tell us what transpired in that conversation, Mr.Baird?

WILLIAM BAIRD: Yes, sir, I had a private conversation with the pannel in which having asked him why he would not allow Jean Key to go to Glasgow his answer, in substance, was that she liked him so well she would not leave him. I observed to the pannel then that it seemed she liked him better than he liked her, for he had left her since he got her.

DALRYMPLE: And what was the pannel's reply?

WILLIAM BAIRD: The pannel answered that it was very true that he had left her for a night and a half. Well, said I, you may allow her for that to go and see her mother at Glasgow for two or three nights. Robert MacGregor then said, "You know I am a trading man, and owing debts in the country and to allow her to go, would break my credit in the country". To which I answered, "Whether do you value your credit or your neck most?" And upon that the pannel said, "For God's sake take her with you!"

DALRYMPLE: So, Robert macGregor said that she could go?

WILLIAM BAIRD: Aye, sir, but for all that they did not allow her to go.

DALRYMPLE: Thank you, Mr.Baird. You may step down.

(Exit WILLIAM BAIRD.)

HALDANE: Call William Graham.

(Enter WILLIAM GRAHAM, a similar character to William Baird, but, being declared a 'merchant', perhaps a little more full of himself. He is sworn in.)

HALDANE: Are you William Graham, merchant in Glasgow?

WILLIAM GRAHAM: I am.

HALDANE: You are a ... 'business associate' of one William Baird (to the jury) our previous witness?

WILLIAM GRAHAM: We sometimes work together, yes.

HALDANE: Could you tell us about the excursion you made to the Highlands with him.

WILLIAM GRAHAM: It would be the 5th of January 1751, I went along with William Baird to the Highlands on purpose to apprehend the pannel and his two brothers, for the violent abduction of Jean Key, William Baird having a warrant for that effect. On our way we met with young Glengyle.

HALDANE: And did you tell him your purpose?

WILLIAM GRAHAM: No, indeed, sir. We did not communicate our real errand but told him our purpose was to try if the pannel and his brothers would consent to Jean Key's going to Glasgow, to see her mother and other friends, and if, after conversing with her mother and other friends, she was willing to return to the Highlands, she would have her freedom leave.

HALDANE: And Glengyle agreed?

WILLIAM GRAHAM: Glengyle answered that the proposal was so extremely rational that if he saw them he would be very angry if they did not comply with it and proposed to write a letter to them to come and have an interview with me and Mr.Baird upon that subject. He had one condition ... that Mr.Baird, who had the warrant, should give his parole, that though they should not agree, they should not be troubled for 48 hours after they parted. Accordingly, Mr.Baird having given his parole to that effect, Glengyle wrote a letter to them, and sent it by his servant, proposing that they should come the next day to the burn of Rousky, and bring Jean Key along with them.

HALDANE: Did the pannel come to this meeting?

WILLIAM GRAHAM: The servant returned with their answer that they did not incline to come to the burn of Rouskie, but that they would come to the Callendar of Monteith, which is a little farther up the country. Accordingly they did come and brought Jean Key alongst with them and having met in the house of one McNab in Callender, Mr.Baird repeated the proposal he had made to Glengyle to which the pannel's brother James answered that she – Jean Key – was so fond of the pannel her husband, that he doubted her inclination to leave him and go to Glasgow. Then some difference happening between the said James and Mr.Baird upon their several sentiments upon that subject, James then said, "Ask herself", which Mr.Baird having accordingly done she answered, that she would cheerfully and willingly go, but after pausing a little, and appearing in some fright and concern, she said she wished the three brothers had a protection.

HALDANE: So, there was some disagreement?

WILLIAM GRAHAM: Aye, some “conversation” happened upon the nature of the protection that was proposed. Mr.Baird said, they should have a protection in their own country. James said that that was what he did not want and the protection he meant was a protection for them while in Glasgow ... and with this express quality, that while there, the pannel, his brother, whom he called husband to Jean Key, should have freedom to go to bed with his wife at regular hours.

HALDANE: How was this resolved, Mr.Graham?

WILLIAM GRAHAM: After Mr.Baird and me had consulted a little, we answered that such protection was what we neither could nor would grant. I understood the very proposal of a protection of that nature to be a flat denial of allowing Jean Key to go to Glasgow.

HALDANE: Go on.

WILLIAM GRAHAM: We all stayed in McNab’s house that night and in the night time I overheard the voice of a woman weeping and moaning; of which having acquainted Mr.Baird my bed fellow, he likewise heard it. Though we did not certainly at the time know who the woman was, yet we did suspect it to be Jean Key, and when we saw Jean Key the next morning, she had the appearance of one that had been in much distress the night before. Some time after Jean Key was at liberty, she told Mr.Baird, as he told me, that it was she whom they had heard weeping that night in McNab’s house and gave this reason for it, that James Drummond, the pannel’s brother, had come into her room the night before, while she was in bed, and had with threats, discharged her going to Glasgow.

HALDANE: You had the opportunity to speak to Miss Key in private?

WILLIAM GRAHAM: Yes, sir. When Jean Key found her going to Glasgow was disappointed, she went into a closet of the room and beckoned to me to follow her and having got James Drummond’s allowance, she went into the closet, and seemed to have had something to say to me, more than there was time, for Mr.Fairfowl of Breendam having, by frequent tirling at the door, interrupted us, so that we were allowed but a few minutes together. In that time, short as it was, she exceedingly lamented her hard fate and said she would willingly go and see her mother and that she would again try to see if they would allow her. After this James applied to me to interpose my good offices with the mother to withdraw her complaint and the warrants thereupon and bade me tell, that if she did not, the young folks would go to France ... that they were so far on their way and that their clothes were all put up for that purpose, and they

would appoint a factor for uplifting the rents of the subjects.

HALDANE: And what did you say to that, Mr.Graham?

WILLIAM GRAHAM: Sir, I made this answer ... That I would not undertake to interpose with the mother, unless her daughter was allowed to go to Glasgow.

HALDANE: But they did not let her go?

WILLIAM GRAHAM: No, sir.

HALDANE: And did you see Miss Key after that time?

WILLIAM GRAHAM: Indeed, I had frequent occasion of seeing Jean Key after she was at Glasgow and, though I cannot recollect particulars, yet this I remember, that she expressed great satisfaction at being relieved from the hands of these people who had detained her in the Highlands.

HALDANE: Thank you, Mr.Graham.

DALRYMPLE: *(standing with a paper in his hand)* Mr.Graham, I have a dilemma. In your evidence you said that all the conversation that happened in McNab's house, in relation to Jean Key's going to Glasgow, was in the evening of the day that the pannel and his, brother came to Callander, whereas, in fact, according to your deposition, much of that conversation happened in the morning of the day following.

WILLIAM GRAHAM: *(flustered)* I think it was indeed the following day, sir.

DALRYMPLE: Thank you. Are you aware that the pannel expressed his wish to your "colleague" that Jean Key should go to Glasgow?

WILLIAM GRAHAM: Sir, I had no particular conversation with the pannel upon that subject, but the pannel was present at the conversation about it above mentioned.

DALRYMPLE: Thank you, Mr.Graham. That will be all.

(Exit WILLIAM GRAHAM.)

HALDANE: Please call Mistress Mary Russell.

CLERK: Mary Russell!

(Enter MARY RUSSELL. An older woman, confident and well-dressed. She is sworn in.)

HALDANE: You are Mary Russell, relict of Robert Inglis, writer in Edinburgh.

MARY RUSSELL: Yes, sir, I am.

HALDANE: Mistress Russell, you met the deceased Jean Key during her time in Edinburgh?

MARY RUSSELL: Yes, sir. Jean Key came to my house – I think by order of the Court of Justiciary – upon the 18th of March 1751 and remained there till the 5th or 6th day of June thereafter:

HALDANE: What was your impression of Miss Key?

MARY RUSSELL: When she came first there, I observed her in some disorder, both with respect to her health and judgment. She appeared to be confused and I observed her frequently, even in company, muttering to herself. She was not altogether recovered of her health all the time she stayed in the my house ... and it was a good many days before she recovered her judgment. About the beginning of April, I went out of the town for ten or twelve days and, when I returned, thought her a great deal better in her judgment and did not observe that habit of speaking to herself that she had when she first came.

HALDANE: What do you think was the cause of this disorder?

DALRYMPLE: Is Mistress Russell an expert medical witness, then?

HALDANE: (*glancing at DALRYMPLE and ARESKINE*) In your opinion, why did Miss Key behave like this?

MARY RUSSELL: Sir, I imputed the disorder in her judgment to the terror she had been in.

HALDANE: Was Miss Key permitted visitors at your house?

MARY RUSSELL: While she stayed in my house, several people called for her and the method used was that, after enquiring their names, she was acquainted of it and such as she desired to see were admitted, and all others refused access to her. In particular, Alexander Stewart, writer to the Signet, was several times with her, but one day John Wightman my son, having gone out of town, he directed me, as I understood him, that when any person was admitted to see her, I should be present.

HALDANE: And did this cause a problem?

MARY RUSSELL: After he was gone, Mr. Stewart having called. I told him he might see Jean Key, but that I behoved to be present. He asked me if I had my son's orders for that and I answered that I had, whereupon Mr. Stewart, after staying a little, went away and said he behoved to have that redressed. But before he left the

house, he called upon me and told me that Jean Key's friends were playing the fool, for that Mr.Campbell was a very good match and said many fine things in his favour to which I made no other answer than that the subject was never spoke of but when he, Mr.Stewart, was present.

HALDANE: And was Mr.Stewart's problem "redressed?"

MARY RUSSELL: After Mr.Wightman, my son, returned home, I informed him of what had happened and he said that I had mistaken his orders, for that Mr.Stewart should have access to converse with her alone ...and so Mr.Stewart was acquainted of the mistake and ever after had access to see her alone as often as he pleased.

HALDANE: Do you know the purpose of Mr.Stewart's visits?

MARY RUSSELL: Well, sir, one time while Mrs Wright – Jean Key – was at my house, Mr.Stewart, writer, and Mr.David Grahame, Advocate, came to her, and asked her what she was minded to do, to which she answered that she would tell the Lords that when she came before them. Mr.Stewart replied, "You may hang these men, but remember, you will hang your own husband, for all the ministers in Scotland cannot disannul the marriage; for you have owned it to several people, particularly at my house to my wife and Mrs Grahame". To which she replied, that it might be so, but she was not then at liberty.

HALDANE: And what did Mr.Stewart say to that?

MARY RUSSELL: Mr.Stewart was not satisfied, but insisted with her farther, upon which I said that I thought it hard he should urge her so much, when none of her lawyers or writers were present with her. But Mr.Grahame said he was satisfied it was not proper for them to advise their clients - meaning the pannel and his brothers – to appear at the circuit at Perth.

HALDANE: During Jean Key's time with you, did you or any of your kin give her any advice about her marriage to the pannel, Robert MacGregor?

MARY RUSSELL: (*insistently*) Sir, while Miss Key stayed in my house, neither me nor any of my family, to my knowledge, gave any advice to her not to return to, or adhere to Robert Campbell, the pannel, as her husband, which was left altogether to her own free choice.

HALDANE: What restrictions were laid upon Mrs Wright while she stayed with you?

MARY RUSSELL: While in my house, she went frequently out to the meadow and other places ... and twice to Corstorphine, once a foot, and another time in a chaise. Commonly when she went out from

my house, some of the family went along with her, but when at Corstorphine, where my daughter had a room, she went out sometimes to walk by herself, as my daughter told me.

HALDANE: So, she could have left at any time?

MARY RUSSELL: Aye, sir. Jean Key might have made her escape, if she had been so minded, from my house, but that she never showed the smallest inclination that way.

HALDANE: Thank you, Mistress Russell. (looks at DALRYMPLE who shakes his head) There is no need to detain you longer.

(Exit MARY RUSSELL.)

HALDANE: I call my final witness, Katharine Inglis.

CLERK: Katharine Inglis!

(Enter KATHARINE INGLIS, daughter of the previous witness with similar demeanour and dress. She is sworn in.)

HALDANE: You are Katharine Inglis, daughter of the deceased Robert Inglis, writer in Edinburgh, and of the previous witness Mistress Mary Russell?

KATHARINE INGLIS: Yes, sir.

HALDANE: How did you come to meet the deceased Jean Key?

KATHARINE INGLIS: Jean Key, by order of the Court of Justiciary, was sequestrate in my mother's house, about the 18th day of March 1751 years: I was not acquainted with Jean before that time, but was very well acquainted with her while she remained there.

HALDANE: What were your first impressions of Mistress Key?

KATHARINE INGLIS: Jean, when she first came to my mother's house appeared to me not to be perfectly sound in her mind and judgement, for that she had odd gestures and frequently spoke to herself, and appeared to be in such a condition, that I was afraid to stay in a room with her by herself.

HALDANE: And did her state change?

KATHARINE INGLIS: Some considerable time before Jean Key left my mother's house she appeared to be quite recovered, as she had none of these symptoms.

HALDANE: Were any restrictions put upon Mistress Key during her time at your mother's house?

KATHARINE INGLIS: The whole time she remained in the house, there was never access refused to any person who called upon her, excepting some persons that she absolutely refused to see ... and once Alexander Stewart, writer to the Signet, called at my mother's house and told he wanted to see Jean Key, but was refused access, as Mr.Wightman, my brother, was not at home. But upon his coming to town and being told that Mr.Stewart was calling to see Jean Key and that he did not get access to her, Mr.Wightman said it was a fault and he would go and acquaint Mr.Stewart that he might come when he pleased and he should get admittance, which he accordingly did.

HALDANE: And you saw Mr.Stewart gain access subsequently?

KATHARINE INGLIS: Yes, sir. I afterwards saw Mr.David Graeme, Advocate, and Mr.Stewart come, who both got admittance to her.

HALDANE: Did Jean Key ever give the impression that she wished to return to the pannel, Robert MacGregor?

KATHARINE INGLIS: Jean Key remained in my mother's house till about the 5th of June 1751 and during the whole time she remained there, I did not in the least suspect that she had the least inclination or intention to make her escape and return back to Robert Campbell her supposed husband, for had she been so minded, she might have easily done it many a time, for she was noways confined, but was allowed to go abroad by herself whenever she had a mind.

HALDANE: Could you tell us what security was placed for the protection of Jean Key?

KATHARINE INGLIS: While she remained in my mother's house, there were two sentries placed at the door for her safety and protection from without, but not to hinder her when she had a mind to go abroad or to hinder any person from seeing Jean Key, whom she inclined to see.

HALDANE: Did you often speak with Jean Key?

KATHARINE INGLIS: I had frequent conversation with Jean Key concerning the treatment she had met with from the time she was carried from Edinbelly till the time she was brought to my mother's house. Jean told me she was forcibly carried away from Edinbelly and put upon a horse, but after riding some little of the way, she threw herself from the horse and hurt herself. That thereafter she was put behind Robert (*nodding towards the dock*) the pannel, who was so moved with her pitiful cries and lamentations, that he consented to let her go and return home again to Edinbelly, but that James, his brother, came up to him with a

pistol in his hand, and swore, and said, “God damn you for a cowardly rascal and scoundrel: What! would he let her away, when he ventured his life and family to procure him a fortune”. That they rode on to a change house at Buchanan and from thence to Lochlomond side, where she was forced to celebrate a marriage with Robert Campbell, by James the pannel’s brother, by forcing her from the place she was sitting in, before a man whom they procured as a minister. That James, when he so forced her, took her by the right arm and forced open her right hand, having one arm about her middle, and in this manner did he present her before the minister to his brother Robert. That there were two women in the house, who assisted James in what he then did. (*coyly*) I did not incline to hear more of the matter, but Jean Key said to me that she suffered more than any woman ever had suffered or had been used in such a way as never a woman before had been used in ... but which of these two expressions Jean Key used, I don’t not now remember ... but she then added that the world should never know the bad treatment or usage she had met with from these MacGregors. Indeed, I’ve heard Jean Key say that if it should ever be her fate to see any of them, it would be her death, or kill her.

HALDANE:

You, indeed, seem to have had long conversations with Jean Key.

KATHARINE INGLIS:

Well, sir, having had occasion to be in the same bed with Jean, two or three nights before she left my mother’s house, and after we were both disposed to sleep, I was frequently disturbed from sleeping by Jean Key’s complaints of the misfortunes that she had met with and praying for resignation to live under them. And me being frequently interrupted from sleeping by these complaints, I at last asked Jean Key what she meant by them and I was sorry to see her so unhappy, to which Jean Key answered that she had never known happiness, and could not know it now. She said the only thing that made her easy was the thoughts of her not living long, as her constitution and her heart were both broke; but there was one thing she had reason to be thankful for and which she was even obliged to the MacGregors for, which was their preventing her from putting an end to herself, which she had attempted but that now she had time to make her peace with God for what crimes she had been guilty of, though she knew of none that deserved such a punishment as she had met with.

HALDANE:

And did she speak about Robert MacGregor, the pannel?

KATHARINE INGLIS:

I heard Jean Key say that James MacGregor and Robert deserved to die a thousand, or ten thousand deaths for what they had done to her, but she would not wish any life were taken on her account.

HALDANE: You seem to have got to know Jean Key more than most. What kind of person was she?

KATHARINE INGLIS: Jean Key appeared to me to be of a modest and gentle behaviour and of a lively and cheerful spirit. She seemed to want to brave her misfortunes and conceal them from the world. But her prophecy, indeed, came to pass when she thought she had not long to live for Jean Key died upon time 4th day of October 1751. *(Clearly upset, she remains in the witness box.)*

HALDANE: My lord, that concludes the prosecution's case. We renounce all further probation.

ARESKINE: That would seem an appropriate point to adjourn.

CLERK: All rise.

(The court stands and the judge ARESKINE exits. Lights fade. Exeunt)

End of ACT 1.

ACT 2. The Case for the Defence and Verdict.

(Court is set up as in Act 1. Lawyers [and jurors if reqd.] assemble casually in the courtroom towards the end of the 'interval'. Stage lights fade up.)

CLERK: Please rise for Rt.Hon.Charles Areskine - Lord Justice.

(All rise. Enter ARESKINE who bows and takes his place on the bench.)

ARESKINE: Are we ready to proceed with the case for the defence, Mr.Dalrymple?

DALRYMPLE: We are, my lord. *(ARESKINE nods permission.)* The defence calls Henry Home *[pronounced Hume]* of Kames.

CLERK: Lord Home of Kames!

(Enter HENRY HOME. Clearly well used to these legal surroundings, he is confident and dressed in the dress of a gentleman. He is sworn in.)

DALRYMPLE: You are Henry Home of Kames, senator to the College of Justice?

HENRY HOME: *(casually)* I am.

DALRYMPLE: You were asked by Robert Campbell, the pannel, to act on behalf of his wife, the now deceased Jean Key?

HENRY HOME: A few days before the date of the second bill of suspension, I was applied to by Mr.Alexander Stewart, writer to the signet, on behalf of Robert MacGregor, alias Campbell, who was fugitate by the Court of Justiciary. I was told by the said Mr.Stewart, that Jean Key, Robert's wife, was come to town to solicit for him.

DALRYMPLE: And did you agree to do this?

HENRY HOME: Having heard of an alleged violent abduction, I scrupled at all to engage in such an affair until I should know the woman's own sentiments and her present disposition. To that end there was a meeting in the house of Mr.David Graeme, advocate, who was employed as a lawyer in the said affair – none present but the woman, Mr.Graeme, Mr.Stewart, and myself.

DALRYMPLE: And what exactly did you try to ascertain?

HENRY HOME: The conversation began upon the force and violence used in carrying her off, which she did not deny, though she endeavoured to alleviate, but the principal point was the woman's present disposition which I wanted to know, in order to determine himself whether I would engage or not.

DALRYMPLE: How did you go about this, Mr.Home?

HENRY HOME: I put very particular and pointed questions to her – Miss Key – upon that head, exhorting her withal in the strongest terms to speak her mind freely and for her encouragement, promising her absolute protection and security.

DALRYMPLE: And what did you discover?

HENRY HOME: The result of the whole questions was this answer, that however matters were carried on, she was now absolutely reconciled to her husband (*acknowledges Robert MacGregor in the dock*), loved him, and was thoroughly satisfied with her present condition. I had no doubt of her sincerity, agreed to serve her and Robert MacGregor, alias Campbell, and accordingly the consultation went on, the particulars of which I do not now remember, but think the result then was that one bill of suspension should be offered to the Court of Session, to take off the sequestration of the woman's land estate and some application, to the Court of Justiciary to take off the fugitation.

DALRYMPLE: How did Mistress Key appear to you?

HENRY HOME: The woman appeared sensible and sedate ... and cheerful ... and answered the questions put to her with propriety, so as to satisfy me that she was quite well pleased with her present condition.

DALRYMPLE: And what about her “violent abduction”?

HENRY HOME: Though I was satisfied from common report, that there had been, very unjustifiable violence used in carrying off the young woman from her own house, yet willing to hear what she had to say on that subject, I put a few questions to her. She wanted to excuse it as much as she could, but finding that she embarrassed herself and could not make her story consistent, I dropped that subject and applied myself more particularly to enquire into her present condition and disposition of mind, as I have said.

DALRYMPLE: Thank you, Mr.Home *(to prosecutor)* Mr.Haldane?

HALDANE: *(standing)* Thank you Mr.Dalrymple Mr.Home, did you after the *(checking the date in his notes)* 18th day of March 1751, when Jean Key was sequestrate in the house of Mr.Wightman of Mausley, continued to give her his assistance as a lawyer?

HENRY HOME: Sir, having heard that after she got in among her own friends and was under their protection, she told her story in a very different manner from what she had done to me, I declined to be thereafter any further concerned in her affairs.

HALDANE: Thank you, Mr.Home. I have no more questions.

(Exit HENRY HOME. DALRYMPLE stands.)

DALRYMPLE: Call Mr.David Graeme.

CLERK: David Graeme!

(Enter DAVID GRAEME. Like Home, he is professionally dressed and confident in these surroundings. [Perhaps a difference in size/build to distinguish the two characters] He is sworn in.)

DALRYMPLE: You are Mr.David Graeme, advocate?

DAVID GRAEME: I am.

DALRYMPLE: Mr.Graeme, how were you first made aware of this case?

DAVID GRAEME: In spring 1751, or the winter preceding, James Drummond wrote to me acquainting me that his brother Robert had married an heiress. He informed me that it was represented that she had been forcibly carried off and was still detained in captivity, whereupon the Lords of Session, upon an application, had sequestrated her estate and appointed a factor thereon. The Lords of Justiciary had also issued out warrants for apprehending Robert, the pannel, James himself and others supposed to be concerned therein.

DALRYMPLE: And did James Drummond explain to you the circumstances of that “forcible carrying off”?

DAVID GRAEME: James informed me in that letter that the lady said to be carried off by force was so far from being so. Not only had she voluntarily married the pannel’s brother and was well pleased to live with him as her husband, but that anything that had the appearance of force at the beginning was done by her own consent.

DALRYMPLE: What was the purpose of this letter?

DAVID GRAEME: James Drummond desired advice on what was proper to be done and suggested particularly if it was thought fit he would bring or send the lady into Edinburgh.

DALRYMPLE: And what was your response to this, Mr.Graeme?

DAVID GRAEME: In answer to this letter I wrote that I thought it highly proper to send the lady to Edinburgh.

DALRYMPLE: And James Drummond followed this advice?

DAVID GRAEME: Indeed, sometime after this, I received a message, acquainting me that the said James Drummond was in town and the lady along with him Thereupon I went to the place where I was told James and she lodged and heard him, in presence of the lady, tell her story much in the same terms as he had formerly wrote his letter in, which she did not contradict.

DALRYMPLE: Was Miss Key consulted during this telling of events?

DAVID GRAEME: I do not remember that I asked her then any questions, being resolved to examine her by herself: I therefore desired her to take her breakfast in my house, as I recall, the next morning. When she came there, there was a guide with her to show her the way, but left her immediately. I then used all my endeavours to find out what was the truth of the matter, whether she was carried off forcibly at first, and whether she was then satisfied to live with the pannel as her husband.

DALRYMPLE: And her reply to this?

DAVID GRAEME: She assured me she was very well pleased to live with the pannel as her husband, that she had willingly married him, and that she had even given encouragement to her being carried off in the manner she was, as she knew she was to be carried off, although she was not acquainted with the precise time it was to happen.

DALRYMPLE: And what of the show of force?

DAVID GRAEME: She told me that any resistance she made, or reluctance showed, was owing to the presence of her mother, who, she knew, was against the thing, and to her being so recently a widow.

DALRYMPLE: Were you satisfied with this version, Mr.Graeme?

DAVID GRAEME: You know my profession, sir. I, being willing to be farther satisfied in this matter before I took any concern upon me of her affairs, desired my wife, Mrs Graeme, and my sister, Elizabeth Graeme, to converse with Mrs Wright – Jean Key – upon that subject – imagining she might possibly be more free with them than she had been with me – and for that end desired she might stay in his house and dine. This she did and drank tea in, the afternoon.

DALRYMPLE: And what did you discover from your wife and sister?

DAVID GRAEME: They reported that they had conversed with her particularly upon that affair, that she had given them the same information I have already said she had given to me and that they were fully satisfied she was extremely pleased to live with the pannel as her husband.

DALRYMPLE: You were later joined by two colleagues?

DAVID GRAEME: Yes, sir. In the afternoon of that day, Mr.Henry Home, advocate, and Mr.Alexander Stewart, writer to the signet, came to my house, and in presence of them and myself, the lady, Mrs Wright, told her story exactly as I have said. Thereupon it was agreed there should be a bill of suspension offered, setting forth the facts and praying a suspension of that act of the Lords of Session sequestrating the estate, in regard that it had been obtained upon a misrepresentation of facts. It was likewise concerted, as I recall, that an application should be made in name of the pannel – Robert MacGregor or Campbell – to the Court of Justiciary, craving to be admitted to bail. In consequence of this, I drew reasons of suspension, which I afterwards understood Mr.Stewart had turned into the form of a bill, with some variations.

DALRYMPLE: Could you tell the court how such a bill would be presented?

DAVID GRAEME: Mrs Wright was advised to appear in Court herself when the bill was to be presented. I was likewise ready to appear that day that I was informed the bill was to be presented, but was told on my way to the Parliament House that Mrs Wright could not be got, on account of which the thing was put off for that time.

DALRYMPLE: So the bill was not presented?

DAVID GRAEME: Not at that time. When another bill was to be presented another time, it being proposed, as I understood, that the same should be offered to three Lords, and that these Lords should meet together in the Lord Justice Clerk's house, I was along with Mrs Wright when that bill was presented. These Lords, (*acknowledging the bench*) the Lord Justice Clerk, the Lord Drummore, and Lord Elchies, thought fit to appoint Mrs Wright to be lodged in the house of Mr.Wightman in the Potterrow under his care and inspection for some time.

DALRYMPLE: What was your assessment of Mrs Wright – Jean Key?

DAVID GRAEME: Any time ever I saw Jean Key, she appeared to me to be a discreet country bred girl, and when she appeared in the Lord Justice Clerk's house, observed no other change upon her than this, that when she began to declare her willingness to adhere to the pannel as her husband and her mother who was there present appeared to be fainting away, she seemed somewhat confounded and desired me to endeavour to get her removed out of the room.

DALRYMPLE: So Mistress Key was a changed person in the presence of her mother?

DAVID GRAEME: That was my impression, sir. After Mrs Wright was sequestrated in Mr.Wightman's, I had occasion to see her oftener than once. I remember at one of these times, which I think was not the first time, I asked her if she continued in the same sentiments she had formerly expressed to me, to which she answered, she did not know, but thought the fugitation an unlucky circumstance.

DALRYMPLE: “An unlucky circumstance”?

DAVID GRAEME: Aye, upon which I said, that that might be a very material circumstance to consider in the making of a marriage but if the marriage was made in the manner he had learned from her it was, it could not make it void.

DALRYMPLE: Do you still have Mr.Drummond's letter? Did it contain any further pertinent material?

DAVID GRAEME: To the best of my knowledge, I am not possessed of the letter I mentioned. Either in that letter, or some other letter wrote by James, the pannel's brother, to me before he came to town, there was a letter sent to me, signed Jean Key, and addressed to Robert Campbell, importing her consent to the being carried off.

DALRYMPLE: (*signals to the Clerk who takes the letter to DAVID GRAEME*) Is this the

letter of the date of the 4th of Dec. 1750 referred to, Mr.Graeme?

DAVID GRAEME: (*studying the letter*) I think it is the same ... though I cannot be positive. That letter I returned, I imagine, enclosed in the answer I wrote to the pannel's brother, James.

DALRYMPLE: Thank you, Mr.Graeme. (*to prosecutor*) Mr.Haldane?

HALDANE: Was that letter shown to you when you met with Mr.Home?

DAVID GRAEME: The letter of the 4th of December 1750 was not, so far as I remember, laid before Mr.Home and myself, when we met.

HALDANE: And did you see any other such letters?

DAVID GRAEME: That except the letter mentioned of the 4th of December 1750, I never saw any letters betwixt Mrs Wright and Robert Campbell, the pannel, nor remember to have received information from Mrs Wright that such letter had past between them ... or received such information from the pannel.

HALDANE: Was Mrs Wright a frequent visitor to your house?

DAVID GRAEME: I do not remember that she was there at any time except the day I mentioned.

HALDANE: Did you visit Mistress Wright at Mr.Wightman's house?

DAVID GRAEME: I had occasion to see Jean Key in Mr.Wightman's house twice or thrice ... I do not remember which ... after she was sequestrated in his house.

HALDANE: And did she give you any impression that she wished to return to Robert MacGregor, the pannel?

DAVID GRAEME: At none of these times did she discover to me any desire or intention of returning to Robert Campbell ... though I did not see Jean Key in Mr.Wightman's house by herself alone.

HALDANE: Thank you, Mr.Graeme. I think that will be all.

(Exit DAVID GRAEME)

DALRYMPLE: I call my next witness, Alexander Stewart.

CLERK: Alexander Stewart!

(Enter ALEXANDER STEWART. Again, of the legal profession – a solicitor – he is well dressed, perhaps not quite so 'finely' as the previous witnesses. He is sworn in.)

DALRYMPLE: You are Alexander Stewart, writer to the Signet.

ALEXANDER STEWART: That is correct.

DALRYMPLE: Tell us, Mr. Stewart, how you came to be engaged by the pannel's brother, James Drummond.

ALEXANDER STEWART: It would be about the end of February or beginning of March 1751, I was called by James Drummond, the pannel's brother, to come to him in his lodgings, which, to the best of my remembrance, was in one Mrs Oswald's, at the foot of Niddry's or Blackfriar's Wynd ... I don't remember which. There I found the said James Drummond and Jean Key, now deceased, whom James Drummond introduced to me as wife of the pannel, Robert Campbell.

DALRYMPLE: And why had James Drummond called upon you?

ALEXANDER STEWART: Some short time after, the said James told me the history of the said Jean Key's marriage with his brother Robert, as set forth in the bills of suspensions, drawn by me, and signed by me and the said Jean Key. He complained that a sequestration of the said Jean Key's estate had been made by the Court of Session, upon the supposition that she had been carried away and detained in captivity by (*acknowledging the pannel*) Robert Campbell, her husband, James, and others, his accomplices. He said this was not true and desired me to take such legal measures as were necessary to procure the sequestration removed.

DALRYMPLE: And did you do that?

ALEXANDER STEWART: I thereupon asked Jean Key whether the facts told me by James Drummond were true and if she was willing to adhere to her marriage with Robert Campbell her husband, and whether she wanted to have the sequestration of her estate and effects removed, to all which the said Jean Key answered in the affirmative.

DALRYMPLE: Who was present at this interrogation?

ALEXANDER STEWART: This was done in presence of the pannel's brother, James Drummond. I desired to have the facts in writing, whereof the memorial now exhibited in the court (*CLERK passes the document to ARESKINE who acknowledges it and hands it back.*) is the principal then delivered to me, either by the James Drummond or Jean Key, I cannot be positive which ... but I rather thinks it was by the James Drummond, in her presence, and the memorial is now marked by me.

DALRYMPLE: And how did things progress from there?

ALEXANDER STEWART: James Drummond desired me to employ Mr.David Graeme as a lawyer, and any other whom I should incline. I made choice of Mr.Home, now Lord Kaimes. We were desirous to see Jean Key by herself and, for that purpose, Jean Key was carried to Mr.Graeme's house, where Mr.Home and myself likewise came. Mr.Home, in presence of Mr.Graeme and myself, interrogated the said Jean Key with respect to her marriage and the manner of it ... whether she was carried away against her will or inclined to adhere.

DALRYMPLE: And had Mistress Key gone willingly?

ALEXANDER STEWART: To the best of my memory Jean Key's answer was that she was carried away partly with her will, and partly against her will. That she was not ill used and was willing to adhere to her marriage with Robert Campbell, which was voluntary, and not forced.

DALRYMPLE: And was the company satisfied with this answer?

ALEXANDER STEWART: The gentlemen present told her that if she was under any constraint and not willing to adhere to her marriage she ought to tell it freely and they would endeavour to procure her liberty ... or some words to that purpose.

DALRYMPLE: And how did the lady reply?

ALEXANDER STEWART:The said Jean Key answered that she was under no constraint and was willing to adhere to her marriage or words to that purpose.

DALRYMPLE: Did she appear to you under any threat ... intimidated in any way?

ALEXANDER STEWART: She appeared to be cheerful and in good enough health and spirits.

DALRYMPLE: What was the outcome of this meeting?

ALEXANDER STEWART: Mr.Home then agreed to be lawyer for her and concerted the drawing a bill of suspension of the sequestration of her estate. Mr.Home also undertook to draw a petition to the Court of Justiciary for having James Drummond admitted to bail, in respect there were warrants out against him to apprehend him, which petition was accordingly drawn by Mr.Home, but was not presented in respect the bill of suspension was refused. Mr.Graeme at that time proposed that Jean Key should see his lady and likewise be brought to visit Mrs.Stewart, my spouse, with whom he imagined Jean Key would be more free and open than with her agent or lawyers. Jean Key did accordingly visit my spouse frequently, before Jean Key was confined and came

sometimes by herself and sometimes accompanied by Mr.McNicol, brother-in-law to James Drummond, who generally left her at my house, where she continued frequently till towards night. Mr.McNicol came and carried her hack to her lodgings and when Mr.McNicol did not come, I sent my servant with Jean Key to her lodgings.

DALRYMPLE: And what is the profession of this Mr.McNicol?

ALEXANDER STEWART: Mr.McNicol has some office in the excise and resides in the town of Edinburgh or suburbs.

DALRYMPLE: Was Jean Key involved in the drawing up of the bills of suspension?

ALEXANDER STEWART: Jean Key was mostly present in my house when the two bills of suspension were drawn by me for her and her husband, the pannel. I interrogated her particularly upon all the facts set forth in the bills and she declared they were all true. When the first bill of suspension was finished, I called for my two clerks, Hugh Rose and Alexander Syme, and caused the bill to be read over to Jean Key and told her, in their presence, that she ought not to sign the bill if the facts represented in it were not true and that, if she was under any constraint, I would not only take no concern for Robert Campbell, her husband, or his accomplices, but would assist her in procuring her liberty.

DALRYMPLE: These seem to have been very fair instructions, Mr.Stewart. What was Mistress Key's wish?

ALEXANDER STEWART: Jean Key answered that the facts set forth in the bill of suspension were true, that she was resolved to adhere to her husband and to sign the bill. Jean Key did accordingly sign the first bill of suspension, along with myself, in presence of my clerks, Hugh Rose and Alexander Syme.

DALRYMPLE: And was the bill duly presented?

ALEXANDER STEWART: I went, the night before the bill of suspension was to be presented to the Lords, to James Drummond and Jean Key's lodgings, where it was concerted that one Murray, a merchant or shop-keeper in Edinburgh – whom I found at that time in company with James Drummond and Jean Key – should next morning call at Jean Key's lodgings and bring her half an hour before nine to my house in order to go along with me to the Lords of Session to attend the advising of the bill of suspension. I attended next morning till after eleven and, in respect Jean Key did not come to my house as concerted, I did not attend the Lords of Session.

DALRYMPLE: A somewhat awkward situation, Mr.Stewart.

ALEXANDER STEWART: Indeed. The Lords afterwards called for me and asked me the reason why the said Jean Key had not appeared as mentioned in the bill and why I myself had not attended. I answered that Jean Key had not come as concerted to attend their Lordships along with me and that I was determined to take no concern unless she appeared before the Court and adhered.

DALRYMPLE: Did you discover what happened to Mistress key?

ALEXANDER STEWART: Oh, yes. The evening of that same day, about eight o'clock at night, Jean Key came alone to my house all in tears and told me that the said Murray had carried her from her lodgings in order to have brought her as he pretended to my house, but instead of that he had carried her to a public house in the same close, which I afterwards understood was the house of John Ross, vintner, where he had made her drink some white wine and sugar.

DALRYMPLE: (*ironically*) Mistress Key seems fated to abduction!

ARESKINE: Mr.Dalrymple, please refrain from frivolous interjection unless you have some legal point to make!

DALRYMPLE: My apologies, my lord. Go on, Mr.Stewart.

ALEXANDER STEWART: Anyway, about one o'clock he had carried her from the house of John Ross to a laigh cellar where he detained her until about eight o'clock at night that she came to my house.

DALRYMPLE: And what had happened during her second "forcible carrying off"?

(*Stern look from ARESKINE.*)

ALEXANDER STEWART: Murray had proposed to her to desert Robert Campbell and his friends and marry him and he would carry her to her own friends and procure their consent. But Jean Key refused to comply with his request and told Murray she was determined to adhere to her marriage with Robert Campbell, upon which Murray left her, and she came to my house.

DALRYMPLE: (*shifting through his papers*) Could we clarify something, Mr.Stewart. This occurred at the first bill of suspension?

ALEXANDER STEWART: (*thinking*) Upon recollection the first bill of suspension had been refused by Lord Minto before then and it was in order to sign and attend the advising of the second bill that Jean Key had promised to come that morning to my house.

DALRYMPLE: What did you make of all this?

ALEXANDER STEWART: Some time after she came to my house that night, I took her into my wife's bedroom, where Mr.Murray of Blackbarony and several others were present. In presence of all that were then in the room I exhorted Jean Key to tell the truth and not to impose upon myself or herself, and if the facts set forth in the bill of suspension were not true, not to sign it. I then caused the second bill of suspension to be read in Jean Key's own presence, and in presence of Mr.Murray of Blackbarony, and all the company then in the room, and Jean Key signed the bill in their presence.

DALRYMPLE: In your professional opinion, was she fit to do this?

ALEXANDER STEWART: Sir, Jean Key, to the best of my observation, was in sound judgment during the whole time that the above matters were in agitation.

DALRYMPLE: Did you see her after her subsequent sequestration to Mr.Wightman's house?

ALEXANDER STEWART: I went frequently to see Jean Key in Mr.Wightman's house, after she was sequestrate by order of the Court there and she appeared to me to be a good deal graver and more concerned than before she was carried to Mr.Wightman's.

DALRYMPLE: And did you discuss the events of the case?

ALEXANDER STEWART: Jean Key told me that Mr.Ewen, bailie to the Duke of Montrose, came to the town where she lived along with Robert Campbell and that Robert Campbell sent Mr.Ewen to her mother to ask liberty to see her and her consent to his marriage. Her mother having refused both, she had occasion to see Robert Campbell that night, who told her he would come with some friends and carry her, Jean Key, off, which made her expect he would do so. But did not know the time he was to come.

DALRYMPLE: Did you know about a letter given out by James Drummond, the pannel's brother, and produced in his exculpation, bearing date the 4th of December 1750?

(Letter is produced ALEXANDER STEWART by the Clerk.)

ALEXANDER STEWART: James Drummond told me that he had a letter of the like contents with that one now shown me, but I never saw the said letter now shown me ... but having read over the letter, what I mean by saying it was of the contents of the letter now shown me is, that it was a letter concerning the marriage.

DALRYMPLE: Where was James Drummond during the period of making up and refusing of the second bill of suspension?

ALEXANDER STEWART: James Drummond, to the best of my knowledge, was at Edinburgh at the time of refusing the second bill of suspension.

DALRYMPLE: Just to clarify again, Mr.Stewart. Your meeting with Mr.Home, was that for the first or second bill of suspension?

ALEXANDER STEWART: Mr.Home's meeting with Jean Key in Mr.Graeme's house was before drawing the first bill of suspension.

DALRYMPLE: Thank you, Mr.Stewart. Your witness, Mr.Haldane.

HALDANE: (*standing*) You have seen the two bills of suspension. (*produced for ALEXANDER STEWART by the Clerk.*). Could you just make it clear for the court how, in fact, they progressed?

ALEXANDER STEWART: They were refused ... and that upon refusing of the second bill of suspension, an order was made by the Court of Justiciary for sequestrating the said Jean Key and putting her under the custody of Mr.Wightman and I had access to see her.

HALDANE: And you availed yourself of this access?

ALEXANDER STEWART: On the first and second visit, I did not think it was proper for me to ask any questions, but having heard that she began to alter or recant what she had said to me and her lawyers, I was desirous to see her by herself, lest any alteration that had appeared in her sentiments might have proceeded from the influence of her friends with whom she lodged. For that end, having gone to wait on her, I proposed to Mr.Wightman's mother – the son being then out of town – that I might have an opportunity of conversing with her by herself ... but she declined this, saying, that her son was not in town, who was best acquainted with the directions he received from the Court of Justiciary, and therefore I must have patience until he returned.

HALDANE: And the outcome of that situation?

ALEXANDER STEWART: Some days after, I, and Mr.Graeme, advocate, went to Mr.Wightman's house and there saw the said Jean Key and renewed our desire of seeing her by herself. The people that were then with her in the room ... I cannot with certainty say whether Mr.Wightman was one of them or not ... but Mr.Graeme and myself were by them told that, if Jean Key desired it, they would have access to speak to her by herself, upon which I put the question to her, and her answer then was, that there was no occasion for it. I then asked her whether or not she had altered her resolution of adhering, to which her answer was that she would tell that when she was brought before the court.

HALDANE: Thank you, Mr. Stewart. I have no more questions.

(Exit ALEXANDER STEWART.)

DALRYMPLE: Call Donald McIntyre.

CLERK: Donald McIntyre!

(Enter DONALD McINTYRE. Although now a citizen of Edinburgh, he clearly has a 'highland' background betrayed by his not-quite-fashionable dress, his accent and manner. He is sworn in with some difficulty, as he cannot read English.)

DALRYMPLE: You are Donald McIntyre, indweller in the city of Edinburgh.

DONALD McINTYRE: Aye, your worship.

DALRYMPLE: You were asked by the pannel, Robert MacGregor, to perform an errand for him. How did this come about, Mr. McIntyre?

DONALD McINTYRE: Now, let me see. It would be in the second month of winter, year 1750 ... being the month in which Yule is ... and the 4th day of that month, me being at Callander, met Robin Oig...

DALRYMPLE: *(interjects)* Robert MacGregor, the pannel?

DONALD McINTYRE: Aye, sir, the same whom I've known from his infancy *(smiling reassuringly at the dock)* and he called me aside and, as he knew I was acquainted with the country, asked me if I would go an errand for him to Edinbelly.

DALRYMPLE: And you agreed?

DONALD McINTYRE: Aye, sir, of course. And having agreed, he gave me a letter addressed to Mrs Wright, with two gold rings – whereof one was a stone ring and the other a plain – and which he desired me to deliver to Mrs Wright at Edinbelly. Now, this happened on a Tuesday and I set out for Edinbelly, and being a night by the way, arrived there only on Wednesday at ten o'clock ... as I compute, for I have no watch.

DALRYMPLE: And did you fulfil your errand, Mr. McIntyre?

DONALD McINTYRE: Well, sir, being solicitous to deliver these things to Mrs Wright alone, who I had never seen, and that no other person should be privy to it, I went first into a change-house opposite to the door of Mrs Wright's house and called for a dram *(looks for appreciation towards the jury)* and enquired about the health of Mrs Key, Mrs Wright's mother, and the family. They told me that Mrs Key was that morning gone down the country and me being thereby the less apprehensive of being discovered, I went to the door of Mrs Wright's house and knocked. The door

being opened by a servant maid, I said I wanted a word of the young woman, Mrs Key's daughter, and thereupon the servant brought Mrs Wright to me, then standing in the trance ... the entry to the house. I told Mrs Wright I wanted to speak to her by herself, if she pleased, upon which she put me into a room upon my left hand, (*eager to give accurate detail – perhaps with hand gestures*) which was opposite to the door of the kitchen that was upon my right hand, and then put to the door of the room ... but not quite shut.

DALRYMPLE: (*a little impatiently*) Go on, Mr.McIntyre. What was said at this meeting?

DONALD McINTYRE: (*relishing the limelight and enjoying the story*) Now I searched for Robin's letter, but was some time of finding it, being in a letter-case among several other papers, and Mrs Wright on getting and opening the letter, looked sometimes at me and sometimes at the letter and then shut the door of the room close. Then I took out of my pocket the two gold rings, which she received from me, and put upon her fingers and complained that they were much too big for her small fingers. But me being willing that she should accept of the rings, I said that a goldsmith would easily mend that fault. After reading the letter, she opened a press in the room and took out pen, ink, and paper, and sat down to write a letter ... but before the letter was half wrote, she gave me a dram ... and gave me bread, butter and cheese – (*to the bench in explanation*) which they call a caper. When she finished her letter, she asked me whether I was to return straight to the place I came from without going anywhere else and, me telling her I was to return straight, she gave me the letter and said, "I know that you know the contents of the letter you brought me and tell Robert Campbell that all now depends upon himself. I am very willing to go with him, but dare not tell my mother, for I have had no peace since she suspected that there was a courtship between us."

DALRYMPLE: (*repeats*) She said "courtship between us"?

DONALD McINTYRE: Aye, sir. That was her words and that her mother and her had not agreed so well since her last husband's time. That she could not expect she would ever agree to her marrying a Highlander and that if Robert Campbell did not come and take her away upon the Saturday and Sunday then next, her friends would have her put out of the way from him.

DALRYMPLE: And did you return straight to where you had come from?

DONALD McINTYRE: Ah, sir, that's the thing. I didna mean to say that I was to return straight to the place I came from, but that I was to go straight to the Kirk of Balquhiddar to Ronald Campbell's house where I was to find Robert, his brother. I went straight from thence to

Balquhiddel Kirktown, to Ronald's house, where I arrived at nine of the clock in the morning, when they were getting out of bed. I met Robert Campbell at the door, where I related to him the success of his message.

DALRYMPLE: And was Mistress Wright correct when she assumed you knew the contents of the letter?

DONALD McINTYRE: Well, sir. I was aware of the gist for I cannot write, neither can read any ... but some words of the Irish language.

DALRYMPLE: Thank you, Mr.McIntyre.

HALDANE: *(standing)* Indeed, Mr.McIntyre *(with some irony)* ... a very detailed account. You are described as an indweller in Edinburgh. Did you have a house in the city when you delivered the letter?

DONALD McINTYRE: No, sir. I had no house of my own in the town of Edinburgh at the time I carried the letter from the pannel to Jean Key.

HALDANE: And do you have family in the town?

DONALD McINTYRE: I have a son ... in the poors house, who was admitted about three years ago by the manager there upon the my application. I had a house in James's Court, Whitsunday was a year, in which all the goods I had were about that time consumed by fire.

HALDANE: This was not your own house?

DONALD McINTYRE: My house belonged to Adam Murray, baxter. A man called Thomson, an upholsterer, was my next neighbour ... our houses were only separate by a thin deal partition *(to the court to demonstrate that this is not a complaint)* but I didna hear of any harm any of my neighbours got ... except that Thomson's birds were smothered in their cages by the smoke that came through the partition at the fire.

HALDANE: Thank you, Mr.McIntyre. That will be all.

(Exit DONALD McINTYRE bowing to the court.)

DALRYMPLE: Call Patrick Murray.

CLERK: Mr.Patrick Murray!

(Enter PATRICK MURRAY, a small man whose clothes, while 'of a gentleman', are a little threadbare and whose bearing and mannerisms are of someone used to intricate work. He is sworn in.)

DALRYMPLE: You are Patrick Murray?

PATRICK MURRAY: I am, sir.

DALRYMPLE: Could you tell the court what your trade is, Mr.Murray?

PATRICK MURRAY: I am a goldsmith in Leith, sir.

DALRYMPLE: You were commissioned by the pannel, Robert Campbell to do some work for him?

PATRICK MURRAY: Indeed, sir. I would say winter last was twelve-months when I received a message in a letter, signed by Robert Campbell, (*nodding to the dock*) the pannel, wherein he desired me to fit two rings he had sent by the Fort William post, according to a measure, which I think was a thread, for Jean Key his wife's finger. Aye, I think I received the rings from Malcolm McFarlane the Fort William Post. He carried them in his pocket, which he took out of it after he delivered the letter. Aye, they were done up in a piece of paper.

DALRYMPLE: Could you describe these two rings to us, Mr.Murray?

PATRICK MURRAY: One of them was a plain gold ring and the other had a Bristol stone in it.

DALRYMPLE: And what were your instructions?

PATRICK MURRAY: According to the directions given me, I smelted down the plain ring and made a new one and cut the other and southered it again, so as to answer the measure sent me by the thread.

DALRYMPLE: Could you identify the origin of these rings?

PATRICK MURRAY: Sir, stone rings have seldom the mark of the maker upon them and that the plain ring was so much worn that the mark was defaced so as I could not perceive who was the maker of the ring.

DALRYMPLE: So you made the new rings?

PATRICK MURRAY: When I smelted it I added some gold to it to make the ring complete and after they were done I gave them to the same post who'd brought them (*to the court with some professional pride*) in four days (*nods*) to be delivered to the said Robert Campbell, with an account of the balance due to him.

DALRYMPLE: And have you met Robert Campbell's wife, the late Jean Key?

PATRICK MURRAY: After Jean Key came to Edinburgh, in the latter end of February or beginning of March, I had occasion to see her several times, both in Leith and in Edinburgh. When she was at Leith I did not

mention anything concerning the rings to her, but after she came to Edinburgh I observed them upon her fingers and asked how they fitted her and she said they fitted her extremely well. She also desired me to put a poesy upon the plain ring.

DALRYMPLE: A poesy?

PATRICK MURRAY: Yes, sir, (*trying to think of another word for 'poesy'*) ... an ... inscription (*to the court*) ... some appropriate words.

DALRYMPLE: Thank you, Mr.Murray. Go on.

PATRICK MURRAY: I asked what poesy she would have put on it and she answered she had no particular fancy to any particular poesy, but desired me to suggest one that I thought proper. I then told her that I had several times put upon married women's rings the first chapter of Ruth, the 16th and 17th verses and a bible being in the room, I showed it to her.

DALRYMPLE: (*Indicates to the Clerk to bring the Bible [already marked at the place – Ruth 1:16] from the witness stand*)
That would be (*quoting*)
“Wherever you go, I will go; wherever you live, I will live”?

PATRICK MURRAY: Indeed, sir, and she being pleased with it, I put it on the ring.

DALRYMPLE: Did you visit Mistress Key in Mr.Wightman's house?

PATRICK MURRAY: I visited Jean Key several times after she went to Mr.Wightman's house and particularly about ten or twelve days after, when she told me, that it was needless for her to adhere to the pannel for that she could not do him any service or save his life, for he would be hanged for murder.

DALRYMPLE: Thank you, Mr.Murray. We have no more questions.

(*Exit PATRICK MURRAY.*)

DALRYMPLE: Call Mr.Gilbert McAlpine.

CLERK: Gilbert McAlpine!

(*Enter GILBERT McALPINE unlike the Edinburgh witnesses wearing more of a highland-style dress. He is sworn in.*)

DALRYMPLE: You are Gilbert McAlpine of Blairvockie?

GILBERT McALPINE: Yes, sir.

DALRYMPLE: Could you enlighten the court as to where Blairvockie might be?

GILBERT McALPINE: Yes, sir. It is about a mile's distance from Ruindennan on Lochlomondside.

DALRYMPLE: Tell us of your 'rude awakening' on the morning of 9th December in the year 1750.

GILBERT McALPINE: That Sunday morning, being the 9th of December, as you say, James Drummond, the pannel's brother, came to my house, not far from Ruindennan. He found me in bed so that I asked at James Drummond what brought him there so early. He told me it was to get his company alongst with him down to Ruindennan, where his brother Robert, the pannel, with some of his friends, had brought a woman to whom he was to be married. I thereupon asked him if the woman came there willingly and added that, if she was brought by force, I would not go along with him and at the same time advised James Drummond that if that was the case to have nothing in do in the matter.

DALRYMPLE: And what did James Drummond say?

GILBERT McALPINE: He thereupon assured me that she had come willingly and that many meetings had been betwixt his brother Robert and her ... and also that several letters had passed between them before that time. So I told him I would then go down to Ruindennan ... but not at *that* early hour. He then assured me that when I got to Ruindennan I would plainly discover that the woman came there as willingly as any woman could do.

DALRYMPLE: So you were satisfied with that?

GILBERT McALPINE: Well, I then asked if his brother Robert had the woman's friends' consent to the intended marriage and was answered that he had not and that was all I wanted. James Drummond then asked my leave to carry down my daughter to Ruindennan to be a companion to the woman, as she had no proper company for her there.

DALRYMPLE: And you agreed to that?

GILBERT McALPINE: I gave my consent and my daughter went down accordingly ... and I myself followed some time after. At the same time I advised the pannel's brother to send for the woman's mother ... though the mother had not consented yet, as the daughter was now off and things could not be helped, I did not doubt but she would come and be a witness to the marriage. He promised to do so and sent a man and two horses for her.

DALRYMPLE: What happened at Ruindennan, Mr.McAlpine?

GILBERT McALPINE: When I came to Ruindennan, which was betwixt ten and eleven o'clock forenoon, I found the company there sitting round the table – Jean Key at the head of it, with Robert Campbell, the pannel, upon one hand of her and my wife on the other. When I came into the room, Robert Campbell said to Jean Key, “That is Blairvockie”, upon which she rose and I went up to her and gave her a kiss.

DALRYMPLE: So it appeared just like any normal social gathering?

GILBERT McALPINE: Yes, sir. After that the company having sitten about an hour about the table all in good humour, Jean Key appearing fatigued leaned her head upon Robert Campbell's shoulder and there fell asleep. So, James Drummond observed to me that this was a sign Jean Key was very well pleased with his brother Robert, the pannel, or if it had been otherwise, it would have been as easy for her to lay her head upon my wife's shoulder.

DALRYMPLE: And did you think that fair comment?

GILBERT McALPINE: I indeed thought that it was a very good sign. Anyway, at night, after it turned dark, Jean Key expressed some surprise that neither her mother nor the minister were yet come. I after this advised Jean Key to bed and take some rest, but she refused to do it unless my wife and daughter went to the same bed with her. So they all three went to bed together and, as I believe, threw off their clothes.

DALRYMPLE: Tell us what happened the next day.

GILBERT McALPINE: The next morning, when it was light, Robert Campbell with Jean Key and, a little after, his brother, James Drummond, and my daughter and some others came into the room where me and my wife were. James Drummond told me that the minister was now come and desired me to get out of bed (*to the court*) as that was the only room in the house fit for the business they were going about. I answered that there was not time for that now ... so the minister was immediately brought in, upon which James Drummond went up to Jean Key, where she was sitting, and clapping her upon the shoulder, whispered somewhat in her ear, and then taking her by the hand led her up to his brother Robert, and placed them before the minister, who then did his business, but in so low a voice, that I did not hear the words he spoke, but observed Jean Key bow twice during the ceremony.

DALRYMPLE: And after the ceremony?

GILBERT McALPINE: When it was over, the company kissed all round and Jean Key came up to the bed with Robert Campbell and both of them kissed myself and my wife who were still sitting in the bed.

DALRYMPLE: Did James Drummond hold Jean Key at all during the ceremony?

GILBERT McALPINE: When James Drummond placed Jean Key before the minister, she stood there during all the ceremony without any body touching her.

DALRYMPLE: Did you hear Jean Key abuse the minister in any way ... harsh words or name-calling?

GILBERT McALPINE: No, sir. I did not hear Jean Key use any hard words to the minister or call him names.

DALRYMPLE: And how was Jean Key after the wedding?

GILBERT McALPINE: On the Monday after the marriage I dined with Jean Key and the company, when she behaved as cheerfully as ever I saw any woman do and I did not observe the mark of grief in her eye all the while he was about the house. I did not see them in bed the first time they went to it after the marriage, but on Monday's night myself and some others of the company went into the room – Jean Key's aunt being with us – when I saw Robert Campbell and Jean Key in bed together and drank a dram at the bedside.

DALRYMPLE: And when she was leaving Ruindennan?

GILBERT McALPINE: Next morning when Jean Key was going to take a boat to go up the loch, I advised her rather to stay that day at my house, telling her that, as it rained and the wind was against them, she would probably be afraid, not being used with the water ... but she answered she was not afraid to go anywhere with Robert Campbell and that company.

DALRYMPLE: *(repeating)* “She was not afraid to go anywhere with Robert Campbell”. Thank you, Mr. McAlpine. *(Looks at HALDANE who shakes his head.)* You may step down.

(Exit GILBERT McALPINE)

DALRYMPLE: We call Mistress Agnes McAlpine.

CLERK: Mistress Agnes McColl née McAlpine!

(Enter AGNES McALPINE spouse of Alexander McColl [deceased] owner of the house at Ruindennan She is cheerful and well-dressed in highland garb. She is sworn in.)

DALRYMPLE: You are Agnes McAlpine, spouse to Alexander McColl, late at Ruindennan?

AGNES McALPINE: Yes, sir, I am indeed.

DALRYMPLE: I want you, Miss McAlpine, to try to recall as best you can the events that happened in and around your home on Sunday the 9th of December in the year 1750.

AGNES McALPINE: I recall it well enough, sir. Jean Key, with Robert Campbell and his brother James, and some other company along with them, came to our house at Ruindennan. Jean passed all that day there and walked out to the fields with myself, Blairvockie's daughter and his wife, being then at absolute liberty.

DALRYMPLE: Did Mistress Key appear to you to be unhappy?

AGNES McALPINE: She did not appear to me to be at all discomposed or out of humour. That night I prepared a bed for her but she refused to go to it and only flung herself down upon it for some time with all her clothes on.

DALRYMPLE: And the next day?

AGNES McALPINE: About eight o'clock next morning I saw Robert Campbell and Jean Key married together.

DALRYMPLE: Did Jean Key need to be (*pauses*) 'helped' at all during the ceremony?

AGNES McALPINE: Helped? No, sir. Jean stood up before the person who celebrated the marriage without being supported or touched by any body and when the person asked the consent of the couple before him, Robert Campbell gave his audibly and Jean Key dropped a curtsy and bowed at every question.

DALRYMPLE: What happened after the ceremony?

AGNES McALPINE: Soon after the celebration of the marriage ... and when they had got some refreshment ... myself, with Blairvockie's lady and daughter retired into a room with Jean Key, where Jean, having taken off her own clothes without any assistance from those present, was put to bed. We took Jean Key's clothes from her as she threw them off and laid them by. Then a message was then sent to Robert Campbell, who thereupon came into the room and went to bed to the said Jean Key (*somewhat coyly*) upon which the company left them ... and some time that afternoon Robert Campbell and Jean Key got up again.

DALRYMPLE: Thank you, Mistress McAlpine. No more questions.

AGNES McALPINE: Thank you, sir. (*Exit.*)

DALRYMPLE: The defence calls Mr. Hugh Drummond.

CLERK: Hugh Drummond!

(Enter HUGH DRUMMOND. [As he and Donald Ferguson have almost identical – and fairly insignificant – testimonies, this is a ‘composite’ character of the two.] He has the dress and manner of the stereotypical kirk elder.)

DALRYMPLE: Sir, you are Hugh Drummond, elder of the parish of Balquhiddel?

HUGH DRUMMOND: Aye, sir.

DALRYMPLE: Do you remember the pannel, Robert Campbell, appear before the kirk session at Balquhiddel?

HUGH DRUMMOND: Aye, sir, being a member of the kirk-session of the church of Balquhiddel, I did see Robert Campbell, the pannel, with Jean Key, appear before the session upon a Sunday when Mr.Ferguson the minister first asked Robert Campbell if he was married to that woman Jean Key, who answered he was, and then he asked Jean Key if she was married to Robert Campbell and she also answered that she was.

DALRYMPLE: As a kirk elder, you would know well the people in the parish? *(HUGH DRUMMOND nods in agreement)* Did, you ever hear anything said against Robert Campbell whilst he stayed there?

HUGH DRUMMOND: No, I heard nothing against his character. He used to come to church sometimes as other people did. I know Robert Campbell was formerly married to one of the name of Grahame, a daughter of Grahame of Drunkie’s.

DALRYMPLE: Thank you, Mr.Drummond. That will be all.

(Exit HUGH DRUMMOND.)

DALRYMPLE: My lord, we call our final witness, Mr.Andrew McGibbon.

CLERK: Andrew McGibbon!

(Enter ANDREW McGIBBON, of undetermined age, he is well dressed in more lowland dress than other witnesses but without the style of Edinburgh.)

DALRYMPLE: You are Andrew McGibbon, tenant at Dykehead of Cardross?

ANDREW McGIBBON: *(somewhat nervously)* Yes, sir, I am.

DALRYMPLE: You visited your cousin, Jean Key, some time after her marriage to Robert Campbell?

ANDREW McGIBBON: I did, sir. I went in the end of January or early February 1751 to a place called Torrie, where I heard Robert MacGregor

(correcting himself) Robert Campbell and Jean Key then were, in order to pay a visit to Jean Key my relation. I got Jean to take a walk with me in the fields with other two women and I asked how she was and whether she intended to adhere to Robert Campbell as her husband. She answered that she was pretty well and what could she now do but adhere to him since she was married.

DALRYMPLE: And did you question her more, Mr.McGibbon.

ANDREW McGIBBON: I asked her whether she inclined to see her mother and she answered that she would be very glad to see her but that she wished she would not be so lavish in throwing away her money and laying out expenses.

DALRYMPLE: What did she mean by that?

ANDREW McGIBBON: Well, I understood she meant in procuring warrants to apprehend the MacGregors ... though she mentioned nothing of it.

DALRYMPLE: Thank you. Go on.

ANDREW McGIBBON: I'd heard a report that she was kept in confinement, so I asked her whether it was so or not, to which she answered that she was not kept in such confinement but she might get away, but had never attempted it. She also told me that she at first was carried away by force and against her will, but that now she could not say but she was civilly enough used by those who carried her away and she seemed cheerful enough.

DALRYMPLE: Thank you, Mr.McGibbon. (Gives the floor to HALDANE.)

HALDANE: *(standing)* What was the outcome of your enquiries, Mr.McGibbon?

ANDREW McGIBBON: *(confidently)* Sir, I got a message that very day from James Drummond – in presence of the pannel and other two gentlemen – to deliver to Jean Key's mother, who was then at Glasgow, importing that Jean Key would very willingly see her mother, and if her mother would consent to come to the head of the water of Enrick, Jean Key would be there sent to meet her alongst with a gentleman and servant.

HALDANE: And this would be without her "highland escorts", Mr.McGibbon.

ANDREW McGIBBON: The two gentleman then present told me they should bail that there would not be a MacGregor within five miles of her. Jean Key was very pressing with me to undertake this office, which I at length did and went to Glasgow and delivered the above message to Jean Key's mother ... but the mother made answer

to me that if the daughter inclined to see her she must come to Glasgow.

HALDANE: Thank you, Mr. McGibbon. No more questions.

LORD ARESKINE: We now come to that part in the proceedings where I shall ask His Majesty's Solicitor Mr Haldane to sum up for the prosecution.

HALDANE: (*Picks up his file of notes*) Thank you, my lord. (*Turns to the jury/audience*) Ladies and Gentlemen, we are confronted here today with the most heinous of crimes which the indictment rightly describes as being of a "most atrocious, shocking and most detestable nature". They are crimes of violation.

Hamesucken – the violent entering into a person's house without licence – and Forcible Abduction – the brutal carrying off of a person against their will ... especially, in this case, when it done against a woman by not one but several men, one of whom stands before you in the dock today – Robert Campbell.

The defence will claim that this was part of an elaborate romantic plot, but we have heard the testimony of Jean Key herself – now sadly deceased – and a string of witnesses who describe this event as anything but a lovers' tryst.

Jean Key described the approaches that were made in the days before the night of 8th December 1750 and how she vehemently rejected these advances.

Thomas Key – Jean's uncle – in his evidence told us how in a threatening manner he was ordered to call to those in the house at Edinbelly to open the door. This was corroborated by John Risk who told us that the MacGregors threatened that if the door was not opened they would break it up and bring down Glengyle and his men upon them from the muir. Was this not, Ladies and Gentlemen, a violent entry – an act of hamesucken – in which Robert Campbell took part?

We heard from Mistress Key how she was so afraid as to lock herself away in a closet with her aunt, Annabel Mitchell, who described Jean's condition at that time to be "in the greatest terror and confusion". Does this sound like someone who was pretending to be carried off by her secret lover? They heard the threats made to others in the house and had to come out to face a band of armed intruders – the pannel, Robert Campbell, amongst them, as we heard from John Risk.

Several witnesses have told us of the violence with which the abduction was carried out. Jean Key's own testimony revealed

that she was so terrified at being carried off that she grabbed her uncle by the waist but they loosed her hands and carried her off by force. Thomas Key's evidence was even more graphic when he told us "three of the men seized upon Jean and lifted her from the ground, her head being over one of their shoulders and her feet as high as her head". Thomas Blair told us how he heard her shout "Oh! My mother!" as she was forced away. This incident was probably best described by Annabel Mitchell – Jean's aunt – when she said "by the way she caught hold of me and kept her hold until she was separated from me ... and the shrieks and cries I heard after she left the house, from all that I concluded that Jean Key was violently forced away." And who are we to dispute such first-hand evidence, Ladies and Gentlemen.

We then move on to the sham marriage ceremony at Ruindennan where, tired and dishevelled, Jean was pronounced wife to Robert Campbell. She told us that James Drummond, the pannel's brother, had to hold her by the waist throughout this (*sarcastically*) "wedding". She was then put to bed with Robert Campbell before being carried off to the highlands.

Even when she came back to Edinburgh we have heard how confused she was until, with the support of her friends, she returned more to her old self and gained the courage to tell of this wicked abduction. Alas, the ordeal was too much for her own health and she died.

We have heard corroborated evidence of forced entry and a carrying off, both of a most violent nature. How Jean Key was put through a marriage ceremony and detained in the highlands against her will and to the detriment of her health – both mental and physical.

We have heard how the pannel, Robert Campbell, played a part in each of these horrendous events and I would put to you, Ladies and Gentlemen, that we have submitted evidence beyond reasonable doubt that Robert Campbell is guilty of these crimes and ask you to convict him on all charges. (*Returns to his place*)

ARESKINE:

Thank you Mr Haldane.

(*To the jury/audience*) It is now the turn of the defence to make their closing remarks. (*To DALRYMPLE*) Mr Dalrymple?

DALRYMPLE:

Thank you, my lord. (*Picks up his file of notes and walks slowly to the jury/audience*)

Ladies and Gentlemen, we do not dispute that the events of 8th December took place. We do not dispute that Jean Key was taken to Ruindennan and there married to Robert Campbell. We do not dispute that they stayed in Robert's part of the country

until the return to Edinburgh to try to have the sequestration of Jean's property lifted. We do not even dispute that to those around her – family, neighbours and friends – it did, indeed, appear to a kidnapping ... but it was one which was planned between Robert and Jean.

As his lordship will tell you, the onus is on the Crown to prove beyond reasonable doubt that Robert Campbell entered Jean Key's home and carried her off against her will. It is our view that they have failed to prove this.

Robert Campbell has not given evidence to the court but we know that he maintains that a courtship was being carried out between himself and Miss Key and that marriage was agreed upon. The difficulty was that Jean knew that she would not be given her mother's consent ... especially as she had so recently been widowed; so they hatched a plan that Jean should be carried off with a pretence of resistance and violence to convince her mother and uncle, both of whom had a vested interest in her estate.

You will remember that Donald McIntyre told the court about a letter he had brought to Miss Key with two gold rings. Jean Key responds by asking him to "tell Robert Campbell that all now depends on himself" and she goes on "I am very willing to go with him, but dare not tell my mother, for I had no peace since she suspected that there was a courtship between us."

Thomas Neilson – one of the first *Crown* witnesses – gave a first-hand account of the approach to the house by Robert and his comrades but could not remember that there were any threats to break open doors or any swearing. Nor did he hear Robert Campbell speak or see him do anything in the Key's home. John Risk, another *Crown* witness, did not see him do any rude or violent thing.

We also have the strange situation of Jean's uncle, Thomas Key, in the light of seemingly impending danger, taking her *to the doorway* to tell her Lady Glin's message about the MacGregors being in the area.

Annabel Mitchell recalled going to the house to advise Jean to go to Glasgow to her friends only to receive the odd reply that Jean had "something to do about the house, but as soon as that was done she would do so." (*with irony*) Obviously, in fear of her life, she did not wish her abductors to break into an untidy house!

So we see a different picture from that painted by His Majesty's solicitor. Not only a plan to elope by deception, but a plan which Jean Key's mother might well have suspected.

On the matter of violent abduction, we have heard advocate David Graeme's testimony that on her return to Edinburgh and with a pledge of safety and security, Jean Key had informed him that she was well pleased to live with Robert Campbell as her husband, that she had willingly married him and that she had even given encouragement to be carried off in the manner she was.

She reaffirmed these facts to Alexander Stewart – a solicitor – adding that she wished the sequestration of her estates – instigated by her mother and uncle – removed.

And what of the marriage. As we have seen, Donald McIntyre brings her two rings. Jean Key knows who they are from, but her only complaint is that they are too big for her small fingers. Patrick Murray, the jewelsmith, adjusts them and when he enquires of Jean in Edinburgh if she is happy with them, she asks that an inscription be engraved on them and chooses the quotation from the Bible “Whither you go I shall go”.

Even after the wedding, which the Crown alleges was conducted in some distress, when the party are due to leave Ruindennan by boat, Gilbert McAlpine, concerned about the weather, advises her to stay a day at his house to which she replies that she is not afraid to go anywhere with Robert Campbell and his company.

Ladies and Gentlemen, did Robert Campbell violently enter the house of Jean Key without licence? Did he brutally carry off Jean Key against her will? Was she forced into a marriage without her free consent? Our contention is that the answer is “No” on all three counts and I would ask you to acquit Robert Campbell.

LORD ARESKINE:

Thank you Mr Dalrymple. *(To the jury/audience)* We come to the most important part of this case ... where you have to decide the guilt or innocence of the pannel, Robert Campbell.

As Mr Dalrymple rightly said, in Scottish Law the burden of proof is upon the Crown case. Mr Dalrymple does not need to prove his client's innocence. The fact that Mr Campbell did not take the witness stand should have no bearing on your decision on the pannel's innocence or guilt.

What you must decide is that the Crown has proved its case beyond reasonable doubt, both the Hamesucken: the violent entry to a house without licence, and Abduction: the violent carrying off of a person against their will.

You must decide if witnesses were credible and if their

testimony was corroborated by other witnesses. For example, Jean Key has provided two pieces of contradicting evidence: the testimony which opened this trial where she clearly stated that she was abducted and forced to marry against her will, and the statements she gave to Mr Graeme and Mr Stewart in Edinburgh where she was willing to adhere to Robert Campbell as her husband and had planned the pretended abduction as a result of a previous courtship. You must decide which is true and which is corroborated by other evidence.

You must not let prejudice or sympathy or speculation colour your judgement nor should you let any possible sentence sway your decision. You must decide on the facts alone. You will be asked if you find Robert Campbell guilty firstly of Hamesucken – violent entry – then of Abduction. You must find him guilty or acquit him on each charge.

I ask you now to (retire and) make that vital decision.

{How the verdict is reached depends on the director of the play. If it is a jury, they might retire and come back with their verdict, but this might seem laborious or disjointed from a dramatic point of view. If the audience has to act as a jury, a simple, speedy means of canvassing (e.g. ready-prepared cards on each seat) should be sought so as not to prolong the play and spoil its dramatic effect.}

It is historically important that the audience be made aware of the actual verdict – which might differ from their own. As it (or summary) is read, Robin Oig's version could be played on screen (i.e. misty romantic meetings on the moors) with suitable musical background (e.g. "Sigma" – Secret Garden [Songs from a Secret Garden]) ending with the dropping of the trapdoor and the projection of the newspaper report with, perhaps, a swinging noose foreground).



ACTUAL VERDICT & SENTENCE

Intran —Robert MacGregor, *alias* Campbell, *alias* Drummond, *alias* Robert Oig, pannel.

Indicted and accused as in the former sederunt.

The persons who passed upon the assize of the said pannel, returned their verdict in presence of the saids Lords, and whereof the tenor follows:-

At Edinburgh, the 28th day of December 1753 years. The above assize having inclosed, and having made choice of Hugh Hawthorn, merchant in Edinburgh, to be their Chancellor, and Adam Cleghorn, merchant there, to be their Clerk; and having considered the indictment pursued at the instance of William Grant of Prestongrange, Esq. his Majesty's Advocate, for his Majesty's interest, against Robert MacGregor, alias Campbell, alias Drummond, alias Robert Oig, pannel, son of the deceased Robert MacGregor, commonly called and known by the name of Robert Roy, with the Lords Justice Clerk and Commissioners of Justiciary their interlocutor thereupon; together with the proof adduced for proving thereof, and proof adduced in the pannel's exculpation,—they all in one voice find, That the Pannel is GUILTY, art an part, of entering with other lawless people armed, the house of Edinbelly, which belonged to the deceased Jean Key, designed in the indictment, in which she and family then dwelt; and in a forcible and hostile manner, within the said house, did attack, invade, and lay violent hands upon the person of the said Jean Key, and did carry her out and away from the said house. In witness whereof their said Chancellor, and Clerk in their name, have subscribed their presents, place and date foresaid, upon this and the two preceding pages.

(Signed) HUGH HAWTHORN, Cleric. ADAM CLEGHORN, Chan.

The Lords Justice Clerk and Commissioners of Justiciary having considered the foregoing verdict of assize, returned against Robert MacGregor, alias Campbell, alias Drummond, alias Robert Oig, pannel; they, in respect thereof by the mouth of James Alexander, dempster of Court, discern and adjudge the said Robert MacGregor, alias Campbell, alias Drummond, alias Robert Oig, to be carried from the bar, back to the tolbooth of Edinburgh, there to remain till Wednesday, the 6th day of February next to come; and upon the said day to be taken from the said tolbooth to the Grassmarket of Edinburgh, and there, betwixt the hours of two and four o'clock of the said day, to be hanged by the neck by the common hangman upon a gibbet, until he be dead; and ordain all his moveable goods and gear to be escheat and inbrought to his Majesty's use, which is pronounced for doom.

(Signed) CHA. ESKINE.
 GILB. ELLIOT.
 ALEX. FRASER
 HEW DALRYMPLE
 JA. FERGUSON.

The Caledonian Mercury

Edinburgh, Thursday, February 7, 1754

EDINBURGH, February 7.

Yesterday Robert Campbell, alias MacGrigor, alias Rob Roy, was executed in the Grass Market, pursuant to his Sentence, for the forcible carrying away of the deceased Mrs Jean Key, Heirefs of Edinbelly. He was very genteelly dressed, read on a Volume of Gother's Works from the Prison to the Place of Execution, and for a considerable Time on the scaffold. He behaved with great Decency, and declared he died an unworthy Member of the Church of Rome. And further said, That he attributed all his misfortunes to his swerving two or three Years ago from that Communion; acknowledged the violent Methods he had used to obtain Mrs Key, for which he has been condemned; and hoped that his Suffering would put an end to the further Prosecution of his brother James Drummond, for the Part he acted in that Affair. – His Body, after hanging about Half an Hour, was cut down and delivered over to his Friends, which they put into a Coffin and conveyed away to the Highlands.

NEWSPAPER REPORT – Caledonian Mercury

Yesterday Robert Campbell, *alias* McGregor, *alias* Rob Roy, was executed in the Grassmarket, pursuant to his sentence, for the forcible carrying away of the deceased Mrs Jean Key, the heiress of Edinbelly. He was very genteelly dressed, read on a volume of Gother's works from the prison to the place of execution, and for a considerable time on the scaffold. He behaved with great decency, and declared he died an unworthy member of the Church of Rome. And further said, That he attributed all his misfortunes to his swerving two or three years ago from that Communion; acknowledged the violent methods he had used to obtain Mrs Key, for which he has been condemned; and hoped that his suffering would put an end to the farther prosecution of his brother James Drummond, for the part he acted in that affair. His body, after hanging about half an hour, was cut down and delivered over to his friends, which they put into a coffin and conveyed away to the Highlands.

My thanks to all who have supported me in this project, especially George Dixon – former Stirling Archivist – for his advice and for discovering a printed version of the Trials, and David Young – Scottish Courts – for his procedural advice.