

The Scottish Genealogist

THE QUARTERLY JOURNAL OF THE SCOTTISH GENEALOGY SOCIETY

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By the constitution, the Scottish Genealogy Society exists "to promote research into Scottish Family History," and "to undertake the collection, exchange and publication of information and material relating to Scottish Genealogy by means of meetings, lectures, etc." By the expressed desire of the Original Members, the Society was to remain an academic and consultative body; and was not to engage itself professionally in record searching. Arrangements will be made by which the Society can supply a list of those members who are professional searchers but any commissions of this kind must be carried out independently of the Society.

Monthly meetings of the Society are held from September to April in the St. Andrew Society Rooms, 24 Hill Street (Castle Street end), Edinburgh, at 7 p.m. on 15th of the month. (In the event of the 15th falling on Saturday or Sunday, the meeting is held on the following Monday.)

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EDITORIAL

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NO genealogist will deny the value of original records, but comparatively few have direct access to these sources of material. An organisation which has done much to overcome this difficulty is the Scottish Record Society, which has recently completed 60 years of active life. Founded in 1897 as a section of the British Record Society, it detached itself in the following year and has continued its independent operations since that time. Among the founders were Sir James Balfour Paul and Sir Francis Grant, successively Lord Lyon Kings of Arms, and noted genealogists, and the Society's close connection with genealogy has been maintained both in those who have held office and in the material which has been made available in print. The Society has concentrated its activities and devoted its funds to publishing—and it has produced at least one work every year since its foundation—Indexes, Calendars and Inventories of what have been described as minor Scottish records. The records are minor only when compared with such great series as the Exchequer Rolls or the Registers of Great Seal, Privy Seal or Privy Council, and they are quite invaluable to the student of genealogy and social history. Who has not consulted the printed Indexes of Testaments, the Edinburgh and Canongate Marriage Registers, the Greyfriars and St. Cuthberts Burial Registers or the lists of Burgesses of Edinburgh and Glasgow? Less well known perhaps are the Calendars of Notaries Protocol Books (which often turn out to be most illuminating in spite of their forbidding sound), being simply the notebooks in which local lawyers recorded their day to day professional transactions). The dates of those selected for printing range between 1485 and 1578 and the notaries lived at many different places, including Aberdeen, Perth, Ayr, Berwick and Linlithgow, while several did business in Edinburgh and the Lothians. Other publications also cover local history in various parts of Scotland. These include Court Books from Shetland and Stirlingshire, Calendars of family papers from such widely scattered areas as Ross, Galloway, West Lothian, Moray and Argyll, while Parish Registers selected for publication quarter the country from Gretna to Canisbay and from Wigtown to Durness. The Scottish Record Society has recently issued a classified list of publications covering the last 60 years. This confirms the Society's claim that while it does not write narrative history, it inspires the editing as well as the printing of the record material studied by historians and genealogists and provides a reservoir from which others may draw for their own original research.

EDINBURGH BURGH RECORDS

(From an Address delivered to the Scottish Genealogy Society on 17th February, 1958)

THE most important of the Burgh's records are the charters since by these are privileges upheld. The following charters or royal gifts to Edinburgh are selected to illustrate the burgh's expansion and increasing importance: (1) The feu-farm charter of Robert I in 1329, granting to his burgesses his burgh of Edinburgh, with the port of Leith, mills, and other appurtenances, and all the liberties, etc., which pertained to the burgh in the time of his predecessor, Alexander III, in return for which an inclusive duty of 52 merks or £34 13s. 4d. sterling yearly was to be paid (a sixth of that paid by the burgh of Aberdeen). Attaching the Port of Leith to Edinburgh was a piece of foresight on the part of the King and marked the beginning of real prosperity for the burgh. Berwick-on-Tweed, Scotland's oldest port, had been recaptured in 1318 after twenty years' occupation by the English, but it was too near the Border to be safe; there was a need for diverting trade to the Port of Leith as a safeguard should Berwick once more fall into the hands of the English, which of course it did, and was lost to Scotland for all time. (2) The gift by James I in 1428 authorising certain tolls to be uplifted from all ships entering the Port of Leith, a gift renewed for all time coming by his son in 1445. (3) The grant by James III in 1482 of the office of sheriff and sheriffs-depute to be exercised by the provost and by the bailies. In this charter Edinburgh is referred to as the principal burgh of the Kingdom, using and dealing in merchandise. (4) Permission by James IV in 1508 to lease or feu the common lands of the borough muir, and a grant from him in 1511 of the lands and harbour of Newhaven where he had recently built a new port with a deep water harbour for the building of his ship "The Michael." (5) The superiority of the Town of Leith from Henry and Mary, King and Queen of Scots, in 1565, which gave to the burgh the control of the town in which lay their port. (6) The grant a year later by the Queen of all chapels, churches, etc., and their endowments formerly belonging to the Black Friars and Grey Friars, for the support of the ministers and poor of the burgh, a gift confirmed by her son James VI in 1582. (7) A charter known as the Golden Charter from James VI in 1603 which confirmed all previous charters and added new gifts to the burgh. (8) The lands and superiorities, etc., of the burgh of Canongate, including North Leith and Pleasance, and of the barony of Broughton which in 1636 were made over to the Town and to the magistrates as Governors of Heriot's Hospital, and confirmed by Charter of Charles I in 1639. (9) The incorporation by charters of Charles II in 1649 and 1663 of the lands of Potterrow, West Port and King's Stables, into the barony of Portsburgh, after their purchase by the Town. (10) Permission by King

James VII in 1688 to extend the City's bounds on every side, to make streets, to acquire ground and houses compulsorily, to build bridges, etc., and to levy taxes for this purpose. (It was almost a century later before this was achieved.) (11) The superiority of the lands of the barony of Calton by George I in 1725. This was the last of the little communities outside Edinburgh with its own trade and government, and included the back of the Canongate, Yardheads of Leith, and Calton Hill, with mills on the Water of Leith.

The charters until 1447 were addressed not to officials but to the burgesses or burgesses and community, and thereafter to the provost, bailies, Council and community. The first known official of Edinburgh is William de Dederyck, alderman, who signed the Ragman Roll in 1296. The bailie, representing the King's bailie, is mentioned in a charter of 1344. In 1376 the prepositus is mentioned, and in 1387 Andrew Yutson is designed "provost of the burgh of Edinburgh." Alderman and provost seem to have been interchangeable until 1439 when alderman disappears. The Dean of Guild is first mentioned in 1410.

A register made in 1594 of the principal feu charters of all kirk lands held of the town is preserved among the City archives and includes the lands formerly belonging to the Kirk of Field, Black Friars, Trinity College, Sciennes, etc. In 1461 the Hospital of Soltray or Soutra was annexed to Trinity College and there is a transumpt of its charters dating from the 12th to the 15th century, made in 1516 by George Newton, notary public. A Trinity College Register is extant from 1503 to 1594.

There is an inventory made in 1638 by Mr. Alexander Guthrie, Town Clerk, of all the Town's writs and privileges, and another made about 1750, which fills five large volumes, all the charters and deeds being transcribed from the Latin.

The other records of the Town are its Town Council Minutes, Court Books, Neighbourhood Books, Dean of Guild Records, and Treasurers' Accounts.

The regular series of the original Council Register or Minutes of Edinburgh only begin in 1551 when the country was restored to peace after years of being harassed by their "auld enemies" over the Border. Transcripts from earlier records, however, are contained in a volume numbered volume I of the Minutes dating from 1456, copied by Alexander Guthrie, Town Clerk, in 1570, and in a volume in the National Library, which covers a period from 1406 to 1579. Some of the entries in the latter are described as taken from "loose leafs of gild courts," "loose leafs mickle revin," and "the convict buik"; many of them are duplicates of those in volume I. James Marwick, later Sir James, Town Clerk of Edinburgh and then of Glasgow, collated these two volumes in chronological order for their publication by the Scottish Burgh Records Society which Society continued the publication of "Extracts from the Records of the Burgh of Edinburgh" down to 1589, while another seven volumes compiled by the late Dr. Marguerite Wood, Keeper of the Burgh Records, and published by the Corporation of the City of Edinburgh, completed another century, an eighth volume to 1701 is prepared for publication.

The Town Treasurer's accounts are unbroken from 1552, as also are the accounts of the Dean of Guild. The bailies' accounts of extents or taxes, watch money, unlaws or fines, etc., date from March, 1544. All these throw much light upon events of national history and the expansion of the town, with a wealth of detail of the price of commodities and labour, since they embrace all the burgh's revenue and spending.

There is no record to show how the burgh court emerged but with the need of making laws for the good of the community so was it necessary to ensure that these were upheld and the burgesses protected. By the sixteenth century the records of the burgh court of Edinburgh were kept separate from the ordinary affairs of the town. This court possessed no criminal jurisdiction, only civil, but under their charter of 1482 the provost and bailies were sheriff and sheriffs depute, and as such had criminal jurisdiction, except in cases of treason; murder, fire-raising, robbery and ravishment. They could, however, try a murderer or a thief caught red-hand, and also could impose fines for assault to the shedding of blood. A fragment of an Edinburgh Court Book exists from May to September, 1507, which records cases before the burgh court, the sheriff court, and the Constable's court, the three courts sometimes being held together before the bailies sitting in judgment. The Lord High Constable had agreed for a sum of money to constitute the provost and bailies his deputies in the office of constabulary. This later was withdrawn and there are frequent cases in the Council Minutes of clashes between him and the magistrates over their respective jurisdictions. The Lord High Constable had jurisdiction within a certain radius of the King's person, or of the meeting place of Parliament. The magistrates also on occasion received special commission to hold Justice Courts.

Not only the bailies but sometimes the provost and Council presided over the early burgh court, which was always fenced. Frequently an assize of fifteen persons sat in judgment and assessors were appointed, as also a procurator and dempster. The Register of Decreets recording judgments of the court continues in regular series from 1582. Services of Heirs, retours of inquest, arrears of rent and annuals, loans and pledges, recovery of debts, etc., were included in the business of the court. The Burgh Register of Deeds, which is in the Register House, begins in April, 1561.

As time went on and legislation changed, the cases before the court dwindled to cases of petty debts and petty offences. "Black Books" exist from 1627 to 1815 which are a record of persons in custody accused of crimes, who, in order to escape further punishment, voluntarily and judicially enacted themselves to depart from the city, never to return, or not to return for a certain number of years. Many of them obliged themselves to submit to the discipline of the kirk sessions, particularly fornicators. The magistrates were created Justices of the Peace by charter of James VI. The records of this court begin in 1613. In 1689 the Convention of Estates gave power to the provost and bailies to try John Cheislie of Dalry for the murder of Sir George Lockhart, Lord President of the College of Justice, and this trial is the first in a volume marked "The Good Town's Criminal Register."

There are few entries from the transcripts of the loose leaves of the Guild Court

to throw light on the early history of that Court in Edinburgh. The first entry is in 1406-7 when a woman was made a sister of the guild as heir to her late brother, the one example of the admission of a woman until the 19th century. The Dean of Guild was assimilated as an official of the Town Council from 1469, if not earlier. As head of the Guildry he was responsible for the entry of burgesses and guild-brethren, but by Act of Parliament of 1503 no burgesses were to be made without the consent of the Town Council and the dues were to be put to the common good. The Register of Burgesses and Guild-brethren begins in 1487 and continues until an Act of 1846 made admissions no longer compulsory. The Roll of Edinburgh burgesses to 1841 has been printed by the Scottish Record Society, as also has the Register of Edinburgh Apprentices from 1583 to 1755.

The Dean of Guild had other duties delegated to him, one of which was to decide all questions of neighbourhood. "Liners" were appointed to assist him, and, later, a Council which in 1583 was appointed to consist of three merchants and three craftsmen. The neighbourhood books or Minutes of the Dean of Guild are extant from 1529, except for some gaps. The entries cover matters of building, repair of causeways, gutters, removal of windows, chimneys, gable ends, turnpikes, walls, yards, etc., all still part of the functions of the present Dean of Guild Court. In a town so crowded there were many questions of good neighbourhood to be settled and these books supply interesting details of building, property and ownership.

When in 1567 Edinburgh obtained the superiority of Leith, the Town Council that year held their court of superiority there as "Lords of the samyn." Long before this, however, a water bailie was appointed by them to keep order within the bounds of their harbour and on the shores of Leith. After 1567 two bailies of Leith were appointed each year by the Town Council until 1833 when Leith became a Parliamentary Burgh. Unfortunately many of the early court books of the town of Leith were destroyed in 1745 by the rebels who kept their guard in the tolbooth. The Diet Books and Enactment Books begin in 1683 and there is one volume of decreets of the bailie court from 1624-1628.

The records of the burgh of the Canongate provide a contrast to those of the royal burgh, since Canongate was a burgh of regality, as was the Bishop's burgh of Glasgow. The earliest charter in the City archives is that already mentioned by David I, dated between 1143-1147, known as the Foundation Charter, to the canons of the Abbey of Holy Rood, granting, among other things, liberty to found a burgh between the Church of the Holy Rood and his burgh of Edinburgh. This charter was confirmed by William the Lion and Robert the Bruce while David II in 1343 appointed the whole Abbey lands to be held in free regality. This meant rights equal to the Crown with the Abbot having a criminal and civil jurisdiction over all his vassals, except in cases of treason. The Abbots of Holyrood at some unknown date granted certain privileges to the burgesses of Canongate which were renewed in a charter by Sir Robert Stewart who became Commendator of Holyrood in 1533. This charter is contained in a volume entitled "Book of Records of the Ancient Privileges of Canongate" which was sum-

marised and transcribed by the late Dr. Marguerite Wood and printed by the Scottish Record Society. It is narrated in the charter that the burgh enjoyed all the rights and privileges of any burgh of regality or barony, but that the hazard of war had lost them their evidents, and Sir Robert now granted anew to the burgesses their burgh in feu-farm, their common moor, their right of burgh-ship, of buying and selling iron, wood, skins and hides, bread, ale, and all other staple goods, their right to have crafts, a market cross to elect their own officials, and hold burgh courts, for payment of 4d. scots, if asked. It was usual for the Lords of a Regality to appoint a depute to exercise jurisdiction, and the office of Justiciar and bailie of the barony and regality of Broughton (Broughton being part of the original donation to the Abbey) and of the burgh of Canongate was granted by Sir Robert in 1565 to Sir John Bellenden of Auchnoull and his heirs.

The early chartularies of the Canongate have gaps. The first dates from 1570 to 1579 and records the charters granted by Adam Bothwell, Bishop of Orkey, who followed Sir Robert as Commendator of Holyrood, the second from 1587 to 1593, by the family of Bellenden, who became the superiors, and the third and following ones from 1640 by the provost, bailies and Council of Edinburgh.

The Council Minute Books or Acts of the bailies of the Canongate include admissions of burgesses. (There were no guild-brethren as no Guild existed there). The Town Council after 1639 elected a baron bailie, two resident bailies and a treasurer, while the burgesses of the Canongate chose twelve others as their Council. It was only in 1856 that an Act to extend the Municipal boundaries of the City put an end to the separate magistracies of Canongate, Portsburgh and Calton.

The Canongate had its own Tolbooth where courts for both civil and criminal cases were held before the baron bailie of Broughton and bailies of the burgh. The first Court book dating from 1569 to 1573 was transcribed by Dr. Marguerite Wood and printed for private circulation by the Fourth Marquess of Bute. An earlier book from 1561 to 1568 belonging to James Logan, clerk of the burgh, has a few entries of the Head Court; these were printed in the Maitland Miscellany, volume II. A record of criminal trials held before an assize is contained in one volume dated from 1699 to 1710. There are also Diet Books, Bonds of Caution, Black Books and Jail Records, Register of Hornings and Inhibitions, etc.

The Sederunt Books of some of the crafts of the Canongate are also in the City archives, as also the Minute Books of Train Bands and the Charity Work-house.

From all the chartularies of the Canongate and Edinburgh, and from the early Protocol Books of the notaries, now in the Register House, which contain records of transfer of property, the progress of burghal property sometimes can be followed for centuries. The Protocol Books are extant for Canongate from 1485, and for Edinburgh from the beginning of the sixteenth century.

From the middle of the eighteenth century the Town Council was absorbed in the expansion of the Town and in the making of access roads and bridges. Separate

inventories exist of the various properties acquired under the City Improvement Schemes and remain a record of all that was swept away.

In addition to the records already mentioned, there are miscellaneous volumes relating to impost or duty on wines and ale, stent or cell rolls, the charity work-house, etc., and others, not strictly burgh records, but all linked with the history of the burgh, as, for instance, the records of the Train Bands, the Commissioners of Police, and the Princes Street Proprietors, etc. There are also papers of a miscellaneous nature, made up in bundles and indexed. Some of these refer to churches, the College, the High School, Paul's Work, Heriot's Hospital and Trinity Hospital, and property, etc., all connected with the Town. It must be remembered that the Town Council had control of the ministers of the Town churches, and, until late in the 19th century, absolute control of the Town's College or University.

HELEN ARMET.

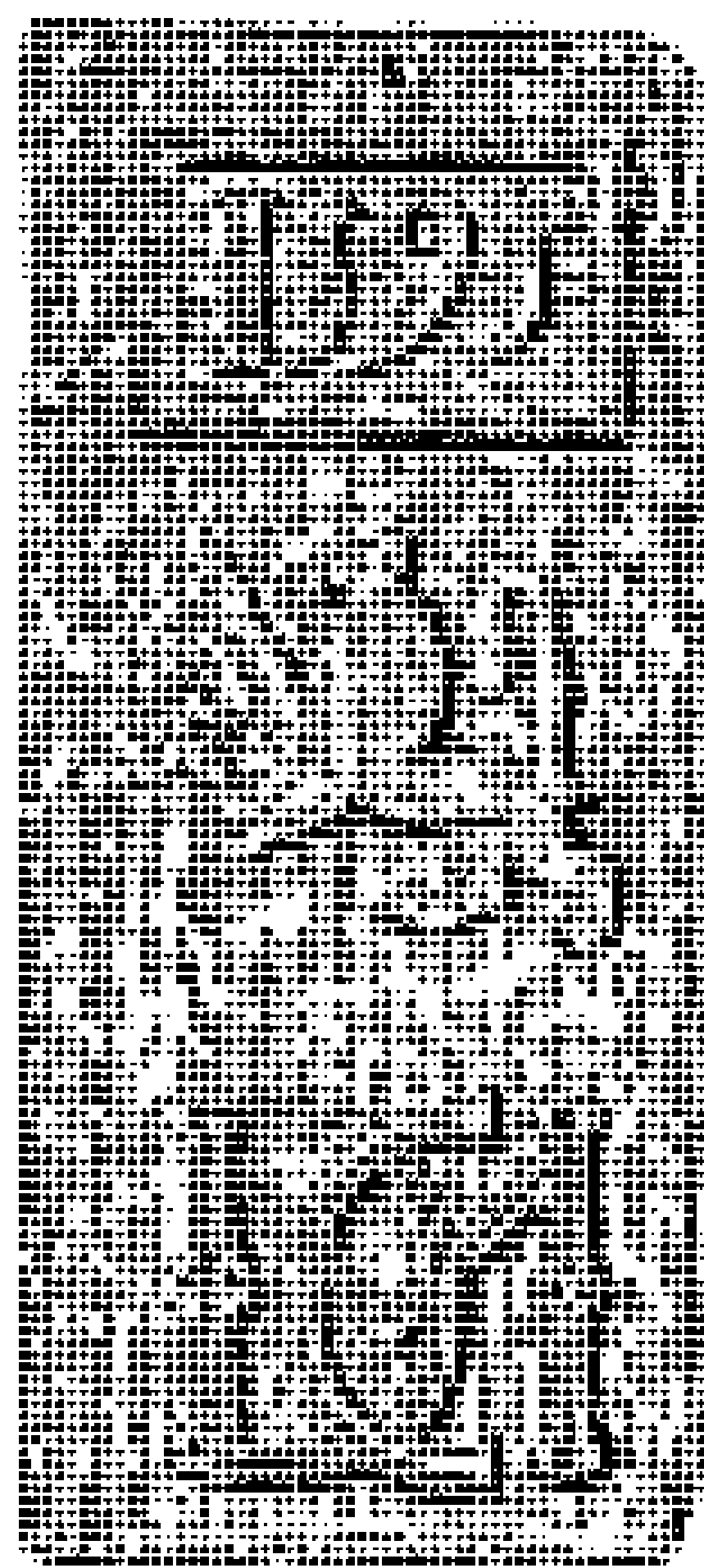
THE DUNDAS FAMILY

2. DUNDAS OF NEWLISTON AND CRAIGTON

(Continued)

JOHN DUNDAS OF NEWLISTON had sasine of an annual rent of 18 merks out of the lands and barony of Dundas on 2nd January, 1582-3.²³ He married Margaret, daughter of David Creichton of Lugton, previous to 20th June, 1583, when she was granted a charter of confirmation of the *temple lands*²⁴ of Craigton, called Brownlaws, assigned to her by her husband. A piece of old panelling bearing the letters MCD in monogram (Margaret Creichton, wife of John Dundas), is preserved at Newliston. It is dated 1595 and shows the arms anciently borne by this branch of the Dundas family.²⁵

In 1584, John Dundas, styled "younger of Newliston," had a Royal License to depart (with others, including Walter Dundas, apparent of that ilk, David Dundas of Priestinch, and George Dundas, younger of Breastmill) from the King's Army and Raid at Stirling.²⁶ He appeared before John Graham, Justice-Depute, in 1587, accused of failing to join the King's Raid at Dumfries.²⁷ In June 1601, "while His Majesty (King James VI) was in the inner house of the tolbooth of Edinburgh, sitting with the Lords in the administration of justice," some "hot" language passed between John and



James Hamilton, younger of Westport, Linlithgow, and Dundas, "without regard to the place or His Majestie's presence,"²⁸ struck Hamilton. For this offence he was warded in the Castle of Edinburgh, but freed on bond for £2,000 Scots, by James Dalzell, merchant and burghess of Edinburgh, on condition that he "repair to his lodging in the Burgh and remain there until he satisfies the King's will for the offence committed."²⁹ John was afterwards fined 1,750 merks (£1,166 13s. 4d. Scots).³⁰

John Dundas, his wife, and eldest son, Sir James Dundas of Craigton, got a charter by George, Archbishop of St. Andrews, of a third part of the lands of Lamby-letham and Carngour. Sasine was given on 7th February, 1609.³¹ During that year he was appointed a Justice of the Peace for Linlithgowshire.³² He was Member of Parliament for the county in 1617.³³ John accepted the office of Sheriff of Linlithgow on 29th July, 1619.³⁴ He refused a commission for the Parliament held in the Tolbooth in Edinburgh on 25th July, 1621, when one of the most important items under consideration was the ratification of the *Fyve Articles* to be imposed on the Church of Scotland, for bringing her religious ritual nearer conformity with that of England, but was afterwards admitted³⁵ and by his affirmative vote frustrated the negative vote of Sir Walter Dundas of Dundas.³⁶

In 1621 John granted to Sir James Dundas of Craigton, a charter of the 18 merks out of the lands and barony of Dundas.³⁷ The initials of John Dundas and Margaret Creichton, with the date 1629 and the motto *Virtute decit non sanguine niti*,³⁸ appear over the doorway of the Newliston Aisle of Kirkliston Parish Church, beneath which members of the family are buried. In a list of the heritors of Abercorn parish, dated 1631, John appears for himself and Margaret Creichton as conjunct life renters of the lands of Craigton or Brownlaws, and Steillislandheid, taking the burden for their grandson, John Dundas, eldest son of Sir James Dundas of Craigton; again as life renter of 12 oxgangs of the lands of Philpstoun, with the mill thereof (acquired by him from the deceased James, Lord Lindsay, and William, Master of Lindsay), with consent of David Dundas of Philpstoun, his second son, fiar of the said lands; moreover, as life renter of the lands of Philpstoun and Craderland (acquired by him from the deceased Alexander, Earl of Linlithgow), with consent of George Dundas of Morton, his third son, fiar of the said lands.³⁹

John Dundas of Newliston, his wife, and youngest son, Patrick of Breastmill, petitioned the King in 1632 for a signature under the Great Seal, whereby they might become vassals of the Crown for payment of feu-duties normally paid to Lord Torphichen, who had sold the superiority of the mill of Breastmill to James Inglis of Ingliston, whereof there was an action at law. A Royal letter was addressed to the Lord Advocate directing him to enquire into the matter, and to grant the petition if he found their right "to be good."⁴⁰ They got a charter under the Great Seal of the mill and lands of Breastmill, dated 9th March, 1633.⁴¹ John's testament was registered on 2nd January, 1639.⁴²

The family of John Dundas and Margaret Creichton were as follows:—(1) Sir James, of Craigton, of whom presently; (2) David, of Philpstoun; (3) George, of

Morton ; (4) Alexander, apprenticed to John Dalzell, merchant in Edinburgh, 20th December, 1609,⁴³ and whose testament was registered on 24th July, 1615 ;⁴⁴ (5) Patrick, of Breastmill ; and (6) Elizabeth, who married Sir William Mure of Rowallan, before 1627.⁴⁵

Sir James Dundas of Craigton (knighted before 1613) married Lady Elizabeth Dundas, eldest daughter of Sir Walter Dundas, XVIIIth of that Ilk, by his first wife, Janet, daughter of Sir Alexander Oliphant of Kelly. By the terms of the ante-nuptial contract, dated 1st and 5th of February, 1609, he was to have the annual rent of 18 merks out of the lands and barony of Dundas, the life rent being reserved to his father, to be held from Sir Walter Dundas and his heirs for one penny blench-ferme.⁴⁶ His testament was registered on 11th August, 1636,⁴⁷ and he died in 1637, having by his wife, Lady Elizabeth, had issue three sons, namely, John, of Newliston, of whom afterwards ; (2) George, of Dubend, afterwards of Langtoun, who married Catherine, daughter of William Oliphant of Kirkhill, and was admitted a burghess of Edinburgh in right of his wife, in 1649, and a guild-brother in 1650.⁴⁸ His testament was registered on 1st March, 1658⁴⁹. George and Catherine had issue, a son John, of Langtoun, who served in H.M. Troop of Guards, and who died without lawful issue. John renounced his right as heir male to Newliston before 18th June, 1663.⁵⁰ (3) James, a merchant in Edinburgh, died without issue.

John Dundas of Newliston was knighted before 1644. He was a Justice of the Peace for Linlithgowshire and an Elder of Kirkliston Parish Church, where he signed the Solemn League and Covenant on 5th November, 1643.⁵¹ Sir John was on the Linlithgowshire Committee for War in 1644 and in 1647 ;⁵² again in 1648 and in 1649.⁵³ He became involved in a series of debts and during the last years of his life probably never collected any part of the rents of his estate. Sir John married Agnes, daughter of Sir William Gray of Pittendrum, with issue a daughter Elizabeth, of whom presently. After his death in 1655 his widow married (as his second wife) Sir Archibald Primrose of Carrington, Lord Register of Scotland, with issue, Mary, born in 1657, who died young ; (2) Grizel, who married Francis, Lord Semple, who died without issue in 1684, secondly to Brigadier-General Richard Cunningham ; and (3) Archibald, created Earl of Rosebery in 1703.⁵⁴

Elizabeth Dundas succeeded to the bankrupt estates of her father in 1655. Craigton seems to have been lost to the family before this time, and in 1663 Newliston was acquired by George Campbell, an Edinburgh brewer, who had accumulated the whole debts burdening the estate. Campbell obtained a Decreet of Adjudication on 18th June, 1663, as satisfaction for debts extending to £34,624 12s. Scots.⁵⁵

The fair Elizabeth continued to live at Newliston and, to add to her misfortunes, was made the subject of a forcible abduction in 1667. William Dundas, brother of James Dundas of Morton, was the principal actor in this affair, and he was held prisoner in the Tolbooth of Edinburgh while the Privy Council made enquiries. Proceedings against William and his accomplices for attempted rape were later given up.

In 1669 Elizabeth married Sir John Dalrymple of Stair,⁵⁷ who is best remembered as the Secretary of State who issued the orders for the Massacre of Glencoe in 1692, and she proved herself an excellent wife, distinguished alike for her good management at home and knowledge of country manners and for her strict profession of religion.⁵⁸ It has been stated that Sir John Dalrymple obtained the estate of Newliston by his marriage to Elizabeth Dundas, but as we have shown the lands were acquired by the brewer Campbell, whose son William was a consenting party to the marriage, and who sold and disposed to Sir John and his bride the lands of Newliston and Gateside, lands called Serjeandland, and the teinds of the said lands.⁵⁹

Sir John Dalrymple was created Earl of Stair, Viscount Dalrymple, Lord Newliston, Glenluce and Stranraer, by patent to the heirs male of his body, whom failing to the heirs male of his father, on 8th April, 1703. Lord Stair and Elizabeth Dundas had ten children, accurately detailed in *The Scots Peerage*⁶⁰, to which work the reader is referred for information on the family Dalrymple of Stair.

The estate of Newliston was sold in 1753 by John, 5th Earl of Stair, to Roger Hog, banker, heir male and representative of the family Hog of Harcarse and Bogend, in Berwickshire, and chief of the surname. Thomas Hog, son of Roger, erected a new house on the estate about 1793, from designs by Robert Adam (1728-1792). Two water-colour sketches of the old house, dated 1790, exist, and show it to have been built in the old Scottish style, with high-pitched roofs, crow-stepped gables, harled walls and turrents. Another relic of interest at Newliston House is a carved antique chair, probably dating from about 1670, which bears the initials of Elizabeth Dundas.

DONALD WHYTE.

NOTES AND REFERENCES

²³Dundas MSS., N.L.S. (Charters).

²⁴Hill, R., *Abstract of the Chartulary of Torphichen*, 1581-1596, p. 4. Edin., 1830: privately printed.

²⁵Nisbet, in his *System of Heraldry*, vol. i, p. 281, Edin., 1720, says the family Dundas of Newliston bore the arms of Dundas of that Ilk, "with a suitable mark of difference." His nebulous phraseology is explained by the fact that the family never matriculated arms, which is regrettable. Balfour Paul, however, in his *Ordinary Of Arms*, No. 3850, Edin., 1903, blazons the arms of Dundas of Craigton: Argent, a lion rampant, Gules, in the dexter chief point a crescent.

²⁶MacLeod, W., *Dundas Royal Letters*, No. 21. Edin., 1897: privately printed.

²⁷Pitcairn, R., *Ancient Criminal Trials in Scotland*, vol. i, p. 156. Edin., 1833.

²⁸*Register of the Privy Council* (cited as *Reg. Priv. Coun.*), 1599-1604, vol. vi, pp. 264, 265.

²⁹*Ibid.*, p. 688.

³⁰Pitcairn, *op. cit.*, vol. ii, pp. 358, 359.

³¹Dundas MSS., N.L.S. (Charters).

- ³²*Reg. Priv. Coun.*, 1610-1613, vol. ix, p. 76.
- ³³*Acta Parl. Scot.*, vol. iv, p. 525. Foster, *Members of Parliament, Scotland*, p. 113, London 1882, erroneously states that Sir John Dundas, his grandson, was the M.P., but curiously, he states Sir John to have lived c. 1599-1633, or in the time of his grandfather.
- ³⁴*Reg. Priv. Coun.*, 1619-1622, vol. xii, p. 40.
- ³⁵*Ibid.*, p. 549, n.
- ³⁶Calderwood, D., *History of the Kirk of Scotland*, vol. vii, p. 493. Edin., 1841-49: Woodrow Society. Quoted by MacLeod in *Dundas Royal Letters*, introd., p. xxxv.
- ³⁷Dundas MSS., N.L.S. (Charters).
- ³⁸*It is proper to trust in virtue, not in lineage.*
- ³⁹*Binns Papers*, 1320-1864, No. 141. Edin., 1938: Scottish Record Society.
- ⁴⁰*The Earl of Stirling's Register of Royal Letters*, 1615-1635, vol. ii, pp. 597, 598. Edin., 1885: privately printed.
- ⁴¹*Registrum Magni Sigilli*, 1620-1633, vol. viii, No. 2135.
- ⁴²*Edinburgh Register of Testaments*, 1601-1700, p. 124, edited by F. J. Grant. Edin., 1898: Scottish Record Society.
- ⁴³Grant, F. J., *Edinburgh Register of Apprentices*, 1583-1666, p. 57. Edin., 1906: Scottish Record Society.
- ⁴⁴*Edinburgh Register of Testaments*, 1601-1700, p. 124.
- ⁴⁵*MacFarlane's Genealogical Collections*, vol. ii, p. 428. Edin., 1900: Scottish History Society.
- ⁴⁶Dundas MSS., N.L.S. (Charters).
- ⁴⁷*Edinburgh Register of Testaments*, 1601-1700, p. 124.
- ⁴⁸Boog-Watson, C. B., *Roll of Edinburgh Burgesses and Guild-Brethren*, 1406-1700, p. 165. Edin., 1929: Scottish Record Society.
- ⁴⁹*Edinburgh Register of Testaments*, 1601-1700, p. 124.
- ⁵⁰*Inventory of the Writs and Evidents of the lands of Newliston and others sold to Roger Hog, Esq., in 1753* (cited as *Newliston Inventory*), No. 139. This manuscript, of 24 pp. of stamped paper, treated with some restorative, is in the library at Newliston House, the residence of Major R. T. A. Hog of Newliston and Kellie. Each page is signed by John, 5th Earl of Stair, and Roger Hog.
- ⁵¹Copy of the *Solemn League and Covenant* at Kirkliston Parish Church.
- ⁵²*Acta Parl. Scot.*, vol. vi, part i, pp. 201, 815.
- ⁵³*Ibid.*, part ii, pp. 31, 187.
- ⁵⁴Douglas, R., *The Peerage of Scotland*, vol. ii, p. 405. Edition by J. P. Wood: Edin., 1813.
- ⁵⁵*Newliston Inventory*, No. 139.
- ⁵⁶*Reg. Priv. Coun.*, 1665-1669, vol. ii (3rd series), p. 258.
- ⁵⁷J. M. Graham, in *The Stair Annals*, vol. i, p. 117, Edin., 1875, and Sir James Balfour Paul, in *The Scots Peerage*, vol. viii, p. 149, Edin., 1911, in noting this marriage, wrongly state her to have been the daughter of Sir James Dundas.
- ⁵⁸Graham, J. M., *op. cit.*, vol. i, p. 118.
- ⁵⁹*MS. Register of Deeds*, vol. xlvii, Dal., p. 179-202: in the Historical Room, H.M. Register House, Edinburgh. *Newliston Inventory*, No. 139.
- ⁶⁰Vol. viii, p. 149-151.

CHIEFS IN THE CRADLE :

Some Highland Tutorships

(Continued from Vol. V, p. 35)

AFTER this duty of the Tutor, says Stair, the next was to authorise the pupil in actions of law. Tutors were responsible for management of the pupil's estate, uplifting his rents, etc., but they could not sell the lands or heritable rights of the pupil without the sanction of the Courts.

For light on how local affairs were conducted by a Tutor, our best guide is again the minister of Wardlaw, James Fraser. He tells us how William Fraser of Struie "took a progress" after his appointment as Tutor of Lovat in the summer of 1559 through Stratherrick and Abertarff, fixing chamberlains and himself sitting as bailiff in the courts; he went as far as Glenelg with a convoy of 100 men, and settled his young Chief's interest there and in other parts of the Lovat estate. When Lord Hugh died in Mar after a reign of only ten years, it was Struie, the former Tutor, who called the Clan together to go and bring home his body, and four months later to appoint a Tutor to the new Chief, then only seven years old. The first act of Thomas Fraser of Strichen, whose election as Tutor has already been described, was to keep a regality court at Beauly, where "the patent which Lord Hugh had under the great seal of being heritable constable of the regality was read, and instrument taken by the tutor in the minor's name," and later he also perambulated the bounds and marches of the estate. Later on, we have a glimpse of the Master and Tutor of Lovat engaging in a great hunt in the forest of Monar, while convoying Seaforth over the mountains to Kintail in 1655.

Such, among the Frasers at any rate, was the local aspect of the Tutor's task while he was acting for a minor as Chief of the Clan. But he had a wider responsibility as well, for he was answerable to the King and Privy Council for the behaviour of the Clan and others who lived within its bounds. In the "General Band" of 1587, by which Parliament hoped to bring peace to the Highlands by making the great men personally answerable for their districts, three Tutors are named among the "landislordis and baillies"—the Tutor of Menteith (George Graham), the Tutor of Lovat (Thomas Fraser of Knockie and Strichen), and the Tutor of Cromarty (John Urquhart of Craigfintray and Culbo). Under the same Act, "Rory MakCloyd, tutor of Harrich" was five years later charged to find caution for good rule in his district.

And so we could multiply instances of a Tutor's national responsibilities. He might have to attend the Sovereign in person, as Struie (and the young Chief with him) did when Queen Mary came to Inverness in 1562; go to Court to settle a dispute with

another clan ; or advise the King and Council about the repression of outrages by others. If he gave satisfaction, he might receive such an extraordinary (and rather back-handed) piece of Royal favour as that bestowed on Norman MacLeod of Dunvegan, the posthumous son of Norman who died in 1706 ; for it is recorded (on what authority is not disclosed) that, when only ten years of age, Norman was created a Lord and Peer of Parliament by the exiled James VIII, “ in recognition of the loyal services of the tutor of MacLeod.” It is worth noting that the MacLeods as a whole took no part in Mar’s Rising, so perhaps this was a “ lively anticipation of favours to come ”—like another Jacobite peerage bestowed on Dugald Stewart of Appin, also a minor, in 1743.

Dr. A. A. W. Ramsay’s tribute to Ewen Macgregor, Tutor of Glenstrae from c. 1570-88, in *The Arrow of Glenlyon*, may be quoted as illustrating a successful tutorship :—

“ The position of Captain of a Highland clan, during the minority or incapacity of a chief, was one that called out the best in a man. It had heavy responsibilities, and no reward save that of a good conscience. Popular opinion expected of the Captain an absolute devotion to the interests of clan and chief, and an entire forgetfulness of self. Ewin the Tutor acted now with a prudence which perhaps he might not have shown had he been in real truth chief, and responsible to no one. For fifteen years he kept the turbulent Clan Gregor at peace, or as nearly so as was possible in the Highlands, and avoided any fresh disaster. In the second volume of the *Privy Council Register*, which covers this period, the Clan Gregor is not once mentioned, a striking tribute to their good behaviour.”

A passage in the *Wardlaw MS.* suggests that during minorities the clans were apt to be at peace ; but there are plenty examples of Tutors being caught up in the smother of national events, and even one example of an expedition being led overseas. Sir Roderick MacLeod of Dunvegan—the famous Rory Mor, who became one of the greatest of MacLeod Chiefs—acted as Tutor to his nephew for five years before he himself succeeded. In 1594, with Donald Gorme Macdonald of Sleat, he led 500 of his clansmen to Ulster in support of Red Hugh O’Donnell, then in rebellion against Queen Elizabeth, and got into serious trouble for doing so.

But the most extraordinary series of minorities occurred during the troubled times of the wars of the Covenant and the Commonwealth, in the 1640’s and 1650’s. At that period, infants or children were the nominal heads of many Highland clans—the Robertsons, Munros, Camerons, Frasers, Macleans, Macleods, Mackenzies, Rosses, Macphersons and Macgregors. The Tutor of Struan joined Montrose, the Munros opposed him, and the Frasers, “wanting a head,” kept out of the fray ; the gallant Sir Hector Maclean of Duart was, I believe, still a minor when he fell at Inverkeithing, supported by his Tutor (Maclean of Brolas), and shielded to the end by his foster-father and foster-brothers, who died with the shout “ Another for Hector ! ” on their lips ; Rory of Talisker, Tutor of MacLeod, and the Master and Tutor of Lovat, fought on the Royalist side at Worcester, with contingents of their clans ; the Tutors of Maclean and Macgregor were in Glencairn’s Rising, and both Seaforth and his Tutor (Thomas Mackenzie of Pluscardine) were involved in the hostilities. When an agent for the exiled King proposed a committee of 16 to govern Scotland in 1653, the names

included three Highland Tutors—Lovat, Maclean and MacLeod—and the Tutors of Struan and “Clangregor” were also numbered among the potential supporters.

After the Revolution, the Tutor of Struan raised the Robertsons and joined Dundee, and the Tutor of Appin held Castle Stalker for King James until late in 1690. In 1745 the Stewarts of Appin were “out” again under Charles Stewart of Ardshiel.

A notorious example of how advantage could be taken by enemies of a minority is provided by the private war waged against the Macleans by the house of Argyll in the latter half of the 17th century. After Inverkeithing, Sir Hector’s brother Allan succeeded at the age of 4, and Donald Maclean of Brolas was appointed Tutor-at-law; Argyll invaded Mull and tried to drive a wedge between Chief and Tutor and Clan, fighting the Macleans in his own courts as well. Sir John Maclean also succeeded at the age of 4, and the war went on; his Tutor was accused of treasonable convocation in arms and keeping an illegal garrison on the rocky fortress of Cairn na Burgh Mor (near Staffa), to which he replied:—

“Some of the Earl’s followers, after his first attempt upon Mull, were so cruel and inhumane to the laird of MacLean (who is but an infant of six or seven years of age) that they stripped him naked and took all his clothes from him; whereupon his friends, when the Earl intended to come to Mull in September last (1675), being apprehensive that they might proceed to cruelty against the infant, they sent him to a little rock in the sea which has no fortification but the natural inaccessibleness of the place, and sent two or three persons with him to preserve his person against injuries.”

The Tutor’s Demission

We have now learnt something of the kinds of Tutors, their entry into office and their administration. It remains only to explain the process by which they handed over and gave an account of their stewardship.

Tutory came to an end, to quote Stair:—(1) by the death either of tutor or pupil; (2) by the marriage of a tutrix nominate, (3) by the tutor’s renouncing the office; (4) by “the fury, lethargy or any natural defect of the tutor, rendering him unable to exercise his office”; and (5) and most ordinarily, by the pupil’s “running his pupillarity,” which in men ended at 14, in women at 12.

When the time came, the last duty of Tutors was to make an account of their intromissions with the pupil’s whole means and estates. “Such diligence as they use in their own affairs” (says Stair) seemed sufficient in Tutors-nominate, since the office was gratuitous and free, and not sought by them; in Tutors-at-law and Tutors-dative, who ordinarily sought the office and offered themselves, “the diligence accustomed by provident men” might justly be required as well. The reciprocal duty of pupils to tutors, after the tutory was ended, was to restore and make up to them whatever they had “wared out” profitably, or was wanting to them by their office (including the expense of obtaining the tutory itself). “But,” adds Stair, “tutory being a free gratuitous office, the pupils are not liable to their tutors for any allowance, salary or satisfaction for their pains, but only for their expenses”—which they lost if they had not made inventory on taking up the office in terms of the Act of 1672.

Let us glance briefly at some examples of this handing-over procedure in practice, both satisfactory and the reverse. The *Wardlaw MS.* (from which so much has already been quoted) will provide instances of both kinds, but first we will look further north.

When the Earl of Sutherland (the one who came to Leith for his health) reached the age of 14, and chose curators to act for the rest of his minority, Sir Robert Gordon tells us that he, as Tutor of Sutherland:

“maid just accompt of all his proceedings in the effairs of the house of Southerland since his entrie, which wer all weill approved by the Earle of Southerland his freinds, who did perceave that the onlie scop of all Sir Robert his actions tended to the good and advancement of that house, which he had alwise preferred to his owne particular benefite and interest; and in testimonie of their approbation, they not onlie approved all his bygone proceedings by ther subscriptions, bot also renued vnto him the government of the cuntrie, vntill the earle were of perfyte aige of 21 years.”

Sir Robert's book of accounts as Tutor of Sutherland is preserved (I understand) at Dunrobin, with picturesque details such as sums for “bows, arrows, golf clubs and balls, and other necesaries for his lordship's exercise.” He also left a fascinating document in which he advised his young nephew about how he should conduct his affairs when he came of age.

Another Tutorship ended when Simon Lord Fraser of Lovat (born 1570) was served heir and retoured to his grandfather and father in April, 1590, at Inverness:

“quher they had a most princely treat, rare enough in that place and in those dayes; and at one and the same time the Tutor of Lovat, Thomas, Laird of Strachin, gave up his accounts in singular good order, to the wonderfull satisfaction of all present, piers and persones of qualey called to that effect . . . These accounts were so exact and regular that the strickest critick could not quarrell and challenge any informality or error, yea, beyond expectation, not a farthing debt; freed all mortgages, localities, and adds to the old estate 5 thousand per annum.”

Less satisfactory were the Tutorships of Sir James Fraser of Brea and the Master of Lovat 70 years later. The Master had been “intrometter and administrator these ten years bygone, and little good done with the rents of the Lordship all the while. Nor would the Tutor give up his trust until his nephew were major,” and in this he was encouraged by his lady. Lovat was now about 16, and had chosen curators to take over from the Tutor, and eventually even the Master's wife was heard to quote Scripture—“Give an account of thy stewardship, for thou canst be no longer steward.” The minister of Wardlaw concludes: “This tutory did much ill to the Lord Lovat, no good to themselves, and it begins now to be the fate of that family to *trist with bad tutors*. If Sir James was ill, Tutor Alexander was no better.”

Another minority which ended unhappily was that of Norman MacLeod of Dunvegan, the posthumous child who took the management of his affairs into his own hands in 1724, after nearly 18 years of tutory. He was, we are told, extremely dissatisfied with the accounts submitted to him, and brought serious charges of carelessness, and worse than that, against his cousin Alexander MacLeod, of the Bernera family. Canon MacLeod found several bundles of papers about this unfortunate business in the muniment room at Dunvegan, which made it clear that there was for a long time much ill-feeling between the Chief and his Bernera relatives on account of the Tutorship.

Although the Chiefs for the most part seem to have managed to keep out of the

Courts over such disputes, there are some cases reported concerning cadets. An action was brought against John Grant of Ballindalloch by his pupil, William Grant of Markinch, in 1668, which resulted in the Tutor not being found liable for the services in kind which he got from the pupil's tenants. And I like the Robertson case quoted as *Lude's Tutor v. the Laird of Lude* (1684), in which the Lords of Session decided that the tutor might consume the *flying customs*, viz., hens, capons and chickens (*not geese*) without being liable to his pupil for the value." That all such actions did not end in success for the Tutor, however, is demonstrated by a later case arising from the minority of Sir James Macdonald of Macdonald (the "Marcellus of the Western Isles", admired by Boswell), in which it was decided that the heirs of John Mackenzie of Delvine, one of his Tutors, could claim no remuneration for his purchase (at great risk to himself, it was pointed out) of a landed estate which turned out very advantageous to his pupil.

As there were just stewards and unjust, so there were good Tutors and bad: sometimes it depends from what angle you look at them. Sir Rory Mackenzie of Coigach, in his six years as Tutor to his nephew Colin Mackenzie of Kintail (later first Earl of Seaforth), "managed his affairs with so much ability and success that he left him in quiet and peaceable possession of a great estate (according to a Mackenzie historian); but there is an old saying in Gaelic which declared that the three worst things in Scotland were "mist in the dog-days, frost in May—and the Tutor of Kintail." And his former pupil, writing to the famous Tutor of Sutherland, Sir Robert Gordon, added this telling postscript:—"I have no newes to write to you bot that all friends are weill, and your foes as ye would wish them—maist miserable."

Sir Thomas Urquhart of Cromarty—the one who traced his pedigree to Adam, translated Rabelais, and "died suddenly in a fit of excessive laughter, on being informed by his servant that the King (Charles) was restored"—wrote of his father's Tutor that he was "renowned for his deep reach of natural wit, and great *dexterity* in acquiring of many lands and great possessions, with all men's applause." It was to him and two contemporaries (one of them Fraser of Strichen) that King James VI referred when he said "that he noticed 3 singular tutors in the north all at one time, who had made great and free estates to their pupils, and some of them near as great to themselves—the Tutor of Lovat, the Tutor of Kintail, and the Tutor of Cromarty."

* * * * *

And now, before I begin to multiply examples from the 70-odd Tutorships to which I have found reference, I must draw the story to a close. Generally speaking, the Tutorship system seems to have worked well in the Highlands, and to have benefited the clans concerned at least during a time which might otherwise have been fraught with confusion and danger.

I have left many loose ends, and there is room for a more detailed examination of some of the cases which I have mentioned. But I hope I have been able to help you, when you come across a Tutorship in the family which you are studying, to clothe the

·bare branches of the family tree with some foliage . . . and to give you a glimpse of what happened in the Highlands when a Chief was in his cradle, and a Tutor in the saddle.

R. W. MUNRO.

(Concluded)

NOTE OF PRINCIPAL AUTHORITIES

James Viscount Stair : *The Institutions of the Law of Scotland*.
G. J. Bell : *Principles of the Law of Scotland*.
W. M. Morison : *The Decisions of the Court of Session*.
Inquisitiones de Tutela (in *Retours*, vol. II).
James Fraser : *Chronicles of the Frasers* (The Wardlaw Manuscript).
Calendar of Writs of Munro of Foulis, ed. C. T. McInnes.
Register of the Privy Council of Scotland, second series, vols. I and VI.
Sir Robert Gordon : *History of the Earldom of Sutherland*.
Sir William Fraser : *The Sutherland Book*.
Highland Papers, ed. J. R. N. Macphail, vol. I.
Historical Account of the Clan Maclean, by A. Seneachie.
Ruvigny : *Jacobite Peerage*.

EDINBURGH'S ROYAL MILE

(From an Address delivered to the Scottish Genealogy Society on 15th April, 1958)

THIS ancient Capital of Scotland, at one time consisted of a single and continuous thoroughfare, extending from the Castle, downhill to the ruined Abbey and the Palace of Holyrood. This historic Royal Mile, unlike most towns, neither nestled in a valley nor beside a river, but ran along the top ridge of a series of hills, exposed to the elements—hence the term, “the hardy Scots” ! This singular thoroughfare, flanked with high “lands” has numerous narrow transverse lanes or “closes” running off it, where lived a host of titled and distinguished families. These houses were renowned for their solidity and height, as the entire township was confined within the limits of a thirty foot high town wall, which was embellished with fortified gateways, called “Ports.” These were opened at dawn, and closed at dusk—and closed continuously when we expected the old enemy from England. By the mid-18th century some of the houses had reached 17 “stories” high, at a time when New York was only a village ! This old cobbled street consists of four consecutive parts, namely, The Castlehill, The Lawnmarket, The High Street, and The Canongate. At the Castle esplanade can be seen a bronze plaque, known as the Witches’ Well, to remind us of the days when the Church, the Law, and the Kings of Scotland implicitly believed in Sorcery and Witchcraft—for this Well marks the approximate spot where not less than 300 witches have been burned at the stake, between the mid 15th and early 18th centuries. Near here stood the Palace of Mary of Guise and Lorraine (the mother of Mary Queen of Scots), while nearby lived many noblemen and titled families, such as George, 1st Duke of Gordon ; Baird of Newbyth ; Dr. Boswell (uncle of the biographer) ; Lord Sempill

who commanded the West flank of the Hanoverian Army at Culloden ; Lord Coalston ; the Earls of Cassilis, Lorne and Dumfries ; Lord Rockville ; Lord Holyroodhouse ; Allan Ramsay, the poet.

The Lawnmarket is worth exploring. Its name has nothing to do with "lawn" or linen. It is a corruption of the name "landmarket." The houses here are very high, and were known as towering "lands." Here resided such men as :—David Hume ; James Boswell ; Sir Patrick Johnston (member of Scots Parliament in 1707) ; Major Weir, the wizard, who was burned at the stake for witchcraft in 1670 ; Provost Sir John Smith ; Lord Royston ; Baillie John Macmorren, who was shot dead by a schoolboy in 1595 while endeavouring to restore order during a riot, and in whose house can be seen a painted ceiling, stating, "Here King James VI accompanied with his wife, Queen Anne of Denmark, were entertained with great solemnity and merrieness" ; Sir John Clark ; Lord Prestonhall ; the Duke of Buccleuch ; Lord Cullen ; The Abbott of Cambuskenneth ; Earl of Gosford ; Henry Mackenzie, the "Man of Feeling" ; and Robert Burns on his first visit to Edinburgh in 1786, and Dr. Blair.

Next we come to the High Street, where lived :—Adam Bothwell, Bishop of Orkney, who married Mary, Queen of Scots, to Lord Bothwell, and later crowned James VI at Stirling—his abode still stands ; Sir Wm. Dick ; the Kers of Cessford ; Duke of Roxburgh ; Lord Warriston ; Lord Philiphaugh ; Sir Thos. Craig ; Provost Creech ; Archibald Constable, who was visited by both Burns and Scott ; Provost Drummond, the promoter of Georgian Edinburgh or New Town ; William Smellie, who produced the first edition of the Encyclopaedia Britannica, while the Printing firm of Creech & Smellie produced the Edinburgh edition of Burns's Poems in 1787 ; Lord and Lady Eglintoun ; Robert Fergusson, the young Edinburgh poet ; Deacon William Brodie, hanged for Burglary in 1780 and was the prototype of Robert Louis Stevenson's "Dr. Jekyll and Mr. Hyde" ; George Heriot ("Jinglin' Geordie") ; Lord Borthwick ; Napier of Merchiston, the inventor of Logarithms ; Clement Little, founder of the University Library ; Lord Braxfield, the "Hanging Judge," and prototype of Robert Louis Stevenson's "Weir of Hermiston" ; Lord Auchinleck ; George Crichton, Bishop of Dunkeld ; John Murray of Blackbarony, father of the first Lord Elbank ; George Buchanan, historian, and tutor to James VI ; John Ruskin's grandfather ; Countess Ross ; Simon Lovat, hanged at Tower Hill in 1747 ; David Allan, the Scottish Hogarth ; The Abbot of Melrose ; Lord Strichen ; Mackenzie of Rosehaugh ; Cardinal Beaton ; Andrew Myller and Walter Chapman, early printers ; the Regent Morton ; William St. Clair, Earl of Rosslyn, and first Grand Master Mason of Scotland ; The Honourable Henry Erskine, Lord Advocate for Scotland, and his brother the Honourable Thomas Erskine, Lord Chancellor of Great Britain ; Wedderburns of Gosford ; the Earls of Hyndford ; Earl of Selkirk ; Prof. Rutherford, inventor of the gas lamp, and grandfather on maternal side, of Sir Walter Scott ; Thomas Bassendyne, printer of first Bible in Scotland ; Lady Yester ; Marquis of Tweeddale, the house having, since 1817, been occupied by the old publishing firm of Oliver & Boyd ; Bishop Seabury of America ; John Spottiswood, Archbishop of St. Andrews, who crowned Charles I at Holyrood in 1633 ; Henry Dundas, Viscount Melville ; Sir William

Fettes ; John Knox ; Lord Balmerino. Here stood, until 1764, one of the fortified gateways, known as the Netherbow Port, which separated Edinburgh from the burgh of Canongate. Here the impact of local and foreign aggression was felt, for much violence and strife has in days gone by centred around this gateway. As for the Canongate, a word about its name. The word "gait" in Scotland means "road" or "way." We have an old saying, that when a person is wilful or stubborn, in that, "he is ganging his ain gait." As regards the "canons," these were the monks of St. Augustine's Order, who built Holyrood Abbey in 1128. In the Canongate resided :—Lord Oliphant ; Earl of Angus ; David Hume, the Philosopher and Historian ; Countess of Eglintoun (in her old age), and who when younger entertained Prince Charles Edward Stewart in 1745 ; General Dalrymple of the Binns ; Dr. Adam Smith, Political Economist ; 4th Earl of Panmure ; Lord Morton ; Earls of Wintoun, referred to in Scott's "The Abbott," as "My Lord Seton's Lodging" ; 4th Earl of Traquair and the Ladies Barbara and Margaret Stewart. Here also can be seen the oldest Masonic Lodge Chapel in the world, that is, of Canongate Kilwinning No. 2. Others around here were the Earls of Hopetoun ; Tobias Smollett ; Earl of Wemyss ; Earl of Aboyne ; Earl of Roxburgh ; Lord Monboddo ; Lord Kames ; Lord Eskgrove ; James Ballantyne, the publisher of Scott's works ; Dr. Gregory of the stomach powder fame ; Lord Blantyre ; Countess of Home ; Countess of Moray ; Duchess of Lauderdale ; General Oliver Cromwell ; Marquis of Argyll ; the Achesons of Glencairney ; Duchess of Gordon ; Lord Milton ; Duke of Roxburgh ; John Nisbet of Dirleton, Lord Advocate during reign of Charles II ; Earl of Haddington ; John Gay of "The Beggars' Opera" ; the Dukes of Queensberry.

Much more could be told, if time and space permitted, about some of the larger buildings, such as St. Giles High Kirk ; the Chapel of the Knights of the Thistle ; the Heart of Midlothian Tolbooth Gaol ; the luckenbooths ; Scotland's Parliament Hall ; the Tron Kirk ; Trinity College Church, built in 1462 and part of it rebuilt on nearby site in 1860 ; Morocco Land ; Shoemaker's or Cordiner's Land ; the Canongate Tolbooth—existing building erected 1544 on site of earlier one ; the Kirk of the Canongate ; the White Horse Close ; the Sanctuary Line ; and Queen Mary's Bathhouse. To those of you who can, both near and far, come and see it for yourself—much rebuilding and renovation is in progress. You will not be disappointed.

And now down at the bottom, we see the lovely vista of the ruined Abbey and the Palace of Holyrood—a place of many memories, where wars have been plotted, where dancing has gone on deep into the night, and murder has been committed in its chambers. I like to see this old building, on a dark winter's evening, when she seems to hold herself in readiness, as though awaiting something. What with her warm, sad memories of Mary, Queen of Scots and her lovers ; regretful memories of James VII, with his ever moving court to London ; sorrowful memories of that tragic Prince, who came with the rapturous promise of youth, then went away for ever ; wistful memories of the fallen Bourbons of France, who found courage to live here for a time (right up to 1830) and tried to re-cement the Auld Franco-Scottish Alliance, which had lasted 270 years. And finally, let me say of the Burgh of Canongate, which was founded,

reared, and nourished by the Church, and protected by the Crown for generations, after having received many vicissitudes and changes, had (until quite recently) entered into a period of decay. Its Magistracy, its Trade Incorporations and similar institutions, have all been abolished. *But*, the scenes enacted in days of former glory, wherein this burgh had an important share, are too deeply graven on the historic page to be readily obliterated—and will remain for ages, yet to come.

J. STANLEY CAVAYE.

NOTICES

THE SCOTTISH GENEALOGY SOCIETY

Meetings have been arranged for the opening of the Session 1958-59, at which the speakers will be :

Tuesday, 16th September—Sir Iain Moncrieffe of that Ilk.

Wednesday, 15th October—Vice-Presidential Address by Sir Thomas Innes of Learney, at Annual General Meeting.

Monday, 17th November—Dame Flora MacLeod of MacLeod.

EDITOR'S CHANGE OF ADDRESS.

Miss Jean Dunlop is now Mrs. R. W. Munro, and her new address is 40A Cluny Gardens, Edinburgh, 10.

QUERIES

V/5. SCOTTISH WHALING INDUSTRY. Is there any source providing information on the Scottish Whaling Industry, particularly of crew members?

D. McN.

V/6. SCOTT. Ancestry wanted of Margaret, daughter of James Scott, wright in Bodom (Bapt. Peterhead 19 Jan. 1745), who emigrated to America, and named her home in North Carolina Brambro or Bambro. James (bapt. Peterhead 27 May, 1716), was son of Patrick or Peter Scott (bapt. Peterhead 16 June, 1686), and his wife Margaret Carle (married Peterhead 2 June, 1715).

K. F. von F.

V/7. FORDYCE. Early information required about the ancestors of the Perthshire Fordyces : (i) Alexander Fordyce "Peace Officer" and "China Merchant" in Crieff, born 1804 ; (ii) Alexander Fordyce, "Agricultural Worker" in Crieff, born 1805 ; and (iii) William Fordyce (wife Mary Lawson) and father of William Fordyce, "Baker" of Alyth, who died there in 1877, aged 45 years.

A.G.F.

REPLY

I/15. BATTLE DEAD. Sir David Dalrymple, Lord Hailes, in his *Annals of Scotland*, Edin., 1819, gives the names of the noble persons who fought at the Battle of Halidon, 19th July, 1333, noting those killed and those taken prisoner (Vol. II., app. IV). He also gives a list of persons of distinction in the Scottish Army killed or made prisoner at the Battle of Durham, 17th October, 1346 (Vol. II., App. VI.).

D.W.

THE SCOTTISH GENEALOGY SOCIETY

At a General Meeting of the Scottish Genealogy Society, the following Constitution was adopted on Saturday, 4th July, 1953 :—

1. The objects of the Scottish Genealogy Society are :—

To promote research into Scottish Family History.

To undertake the collection, exchange and publication of information and material relating to Scottish Genealogy, by means of meetings, lectures, etc., etc.

2. The Society will consist of all duly elected Members whose subscriptions are paid. A President and one or more Vice-Presidents may be elected at the Annual General Meeting.
3. The affairs of the Society shall be managed by a Council consisting of Chairman, Vice-Chairman, Honorary Secretary, Honorary Treasurer, Honorary Editor, and not more than twelve other Members. A non-Council Member of the Society shall be appointed to audit the accounts annually.
4. Office-Bearers shall be elected annually. Four Ordinary Members of Council shall retire annually in rotation, but shall be eligible for re-election. At meetings of the Council, a quorum shall consist of not less than one-third of the members.
5. An Annual General Meeting of the Society will be held at or about the end of October, on a date to be determined by the Council, at which reports will be submitted.
6. Members shall receive one copy of each publication issued by, or on behalf of the Society, but these shall not be supplied to any Members who are in arrears.
7. No alteration of this Constitution shall be made except at the Annual General Meeting of the Society, when a two-thirds majority will be required.

THE SCOTTISH GENEALOGY SOCIETY

<i>Hon. President</i>	The Right Hon. The Earl of Dundee, LL.D., Royal Banner Bearer of Scotland.
<i>Hon. Vice-Presidents</i>	Sir Thomas Innes of Learney, K.C.V.O., LL.D., Lord Lyon King of Arms. The Right Hon. The Countess of Erroll, Hereditary Lord High Constable of Scotland. The Right Hon. The Lord Lovat, D.S.O., M.C. The Right Hon. The Earl of Crawford and Balcarres, K.T., G.B.E., LL.D.
<i>Chairman of Council</i>	Sir Iain Moncreiffe of that Ilk, Bart., LL.B., Unicorn Pursuivant of Arms.
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