



# THE SCOTTISH GENEALOGIST

**SEPTEMBER 2022**

**DNA Secrets**

**Edwin Scrymgeour, M.P.**

**The first Edinburgh Festival**

QUARTERLY JOURNAL OF THE SCOTTISH GENEALOGY SOCIETY

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**Vol. LXX No. 3**

# The Scottish Genealogy Society

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This edition of *The Scottish Genealogist* was edited by Caroline Gerard,  
with the valued assistance of Chic Bower at Printing Services (Fife) Ltd  
and of all our regular and occasional contributors.

*Front Cover:*

The Society's Coat of Arms

*Back Cover:*

The Seal of Hugh, son of the Earl of Ross, 1309

National Records of Scotland, SP13/3/5

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## Annual General Meeting

This will be held at the Augustine United Church, 41 George IV Bridge, Edinburgh EH1 1EL at **7pm** on **Monday 19th September 2022**.

It will be followed at **7.30pm** by Graeme Cruickshank's talk, "The Story of the Union Canal".

## Volunteers required!

To enable the Society's Library to resume its previous opening hours, new volunteers are needed. Full training supplied.

Please contact: [enquiries@scotsgenealogy.com](mailto:enquiries@scotsgenealogy.com)

## Coronavirus Update

**The Library** is now open three days a week: Monday, Tuesday & Thursday, 10.30am to 4pm.

Booking is no longer required, although a maximum of 15 persons will be permitted at any one time.

Precautions: Wearing a face-mask is now optional, but users must still sign in or scan the QR code and observe hand hygiene.

**Meetings** were resumed in October 2021.

Please continue to check our website [www.scotsgenealogy.com](http://www.scotsgenealogy.com) for updates and changes.

## GENERAL INFORMATION

The Society is an academic and consultative body whose constitutional objects are to promote research into Scottish family history and to undertake the collection, exchange and publication of information and material relating to Scottish genealogy. Copies of our Constitution are available to members upon request. We assist members with modest enquiries, but do not carry out professional research. Private researchers are available, and we can also provide an ASGRA list upon request.

### Meetings

Monthly meetings of the Society are held September to April in the Augustine United Church, 41 George IV Bridge, Edinburgh, at 7.30pm around the 15th of the month, unless otherwise stated.

### Membership

Single UK membership £20; Family, Overseas and Institutional membership £25.

The Society is recognised by the Inland Revenue as a charity. Members who pay UK income tax are thus encouraged to pay subscriptions under the Gift Aid Scheme so that the Society may recover the tax paid on these sums. Details of arrangements for the scheme can be obtained from the UK Membership Secretary.

### Correspondence, Subscriptions, Publications

General correspondence should be sent to the Honorary Secretary and subscriptions to the Membership Secretary.

Email: [membership@scotsgenealogy.com](mailto:membership@scotsgenealogy.com)

Information about the Society's publications and back numbers of *The Scottish Genealogist* can be obtained from the Sales Secretary.

Email: [sales@scotsgenealogy.com](mailto:sales@scotsgenealogy.com)

All postal correspondence should be addressed to:

15 Victoria Terrace, Edinburgh EH1 2JL, Scotland.

Email: [enquiries@scotsgenealogy.com](mailto:enquiries@scotsgenealogy.com)

### The Scottish Genealogist

Relevant articles are welcomed by the Hon. Editor preferably submitted in MSWord or rtf format via email or on a CD Rom. (Please, no formatting.) Illustrations are preferred in .jpeg format. Members' queries are also welcomed for inclusion in the magazine: a £2 per entry charge is made to non-members.

Email: [editor@scotsgenealogy.com](mailto:editor@scotsgenealogy.com)

### Advertising

To place a relevant advertisement in *The Scottish Genealogist*, please contact:

Email: [editor@scotsgenealogy.com](mailto:editor@scotsgenealogy.com)

Full page £80; Half page £40; Quarter page £20.

### Scottish Genealogy Society Website

Our website can be accessed on [www.scotsgenealogy.com](http://www.scotsgenealogy.com)

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# Secrets taken to the grave revealed by DNA

**Brittany Pearson**

1941: a lot was starting to unfold in the world with World War II raging. For 8 grueling months, the United Kingdom experienced an intense bombing campaign undertaken by Nazi Germany, which dropped bombs on London and other strategic cities. Outside London the most heavily bombed cities were Liverpool and Birmingham, plus Sheffield, Manchester, Coventry, Southampton and others.

About 10 miles north-west of Birmingham is the city of Walsall, where a different type of fascinating story began. Jean Ann Merrett was born 24 January 1941 to George Merrett and Beatrice Small. Jean was the youngest of five children. Her brother George had died in the same year he was born, 1934. Her sisters were Betty (Beatrice), Phyllis and Margaret. Little is known of how life truly was in the Merrett household.

Jean's mother died in October 1942 and George was left to raise 4 girls on his own. Later, Jean never spoke of her father to anyone. It was said that Jean and Beatrice went to live with another family member, while George took care of the two older girls. Nothing of this has been confirmed.

Some time in 1958 or 1959, Jean packed her bags and took off for the big city of London. No one in her immediate family really spoke to her besides her sister Betty. No one knew her intentions and she never spoke of them to anyone.

In 1960 Jean gave birth to a daughter, Frances Linda Merrett, in an unwed mother's home in the Greater London area. No father's name was included in the birth certificate. In January 1961, Jean married Vernon W. Carter, an American retired SSgt. stationed in the United Kingdom. On 2 April 1962, Jean, Frances and Vernon arrived in the United States of America. Vernon died soon after, in March 1963.

Throughout Frances's life, she was told that Vernon was her father. Whenever she asked her mother about it, Jean would never speak the truth and took her secrets to the grave. Jean's own father also died in 1983, but Jean had no interest in going to his funeral. What happened before Jean left for London will always be a mystery.

## **The DNA search**

Fortunately for Frances, 7 years after her mother's death, she finally had answers but what unravels is far from a fairy tale. After taking a DNA test on Ancestry.com, Frances had several DNA matches. The way that most DNA-based websites work is that if you test with it, only other users that have tested on that site are available to you, meaning your DNA matches won't be shared with any other company. There are many different places to do DNA tests, but Ancestry seemed like the most popular. Frances was unable to get anywhere with her matches and conversations with other people, however, so she gave up.

A couple years after that DNA test, she had a heart attack. Since those things can slap you in the face and shake up life, I, her daughter Brittany, made it my mission to find answers. I took a DNA test and immediately received a message from a man named Johnny Foley. Unfortunately Johnny was in a similar situation to me, via his grandfather. His grandfather, George Whelan Foley, had been born in 1924 in Dundee. I thought this was weird, because I didn't know there were any close family ties to Scotland. After communicating back and forth for several months, there were still no answers. Eventually, on a different DNA website, myheritage.com, I received a notification of a close match with a woman named Sara Dixon, born in the UK, living in Scotland. Johnny also shared the same match but neither of us knew who this woman was. When I saw Sara was a match, I was immediately curious how she was related to both Johnny and myself. Johnny and Sara appeared to have lived near one another and yet didn't know each other existed.

DNA is measured in centimorgans (CM). DNA isn't always split in half so a parent and a child share roughly 50% DNA, which is an average of 3487CM. Johnny shared a total of 126CM with me and 238CM with Frances. I shared 66CM with Sara. Frances shared 214CM with Sara. This was really confusing because shared DNA presented different possibilities to connect Frances and me to both Johnny and Sara.

Since it was unknown whether Johnny and Sara were related on Frances's mother's or father's side, I asked Johnny if his dad, John, would take a DNA test to verify on which side the mother and daughter were related. Was it Jean Merrett's side? It was possible. Or perhaps it was Johnny's mother's side? John's test was mailed it to Ancestry. DNA tests like these take a long time to process. It can take 6-8 weeks once the company receives your test! It was a really long wait for everyone but when the results were in...Frances was indeed related to John. They shared 463CM which came back as a half-cousin or cousin. Wow!

Luckily, when I sent Sara a message asking about her family tree due to their shared DNA, Sara was able to share some potentially promising information. She was able to trace back a few generations and had some knowledge about her family because she was about 20 years older than me and was pretty close with her family. Sara sent about 3 generations of family information. Her mother had been born in Dundee and had moved to London at age 17. Her mother's name was Sarah Duncan and grandmother's name was Sarah Anne Whelan. The name Whelan stuck out to Johnny and me one day during some brainstorming. It was his grandfather's middle name!

Through further research, locating birth, death and marriage certificates, comparing several census records, analyzing tons of information and talking with several mutual DNA matches, it was decided that Frances's (alleged) grandfather, James Whelan, had had a child with a woman who lived next door.

The child was George. Was the identity of George's father kept a secret? The answers to these questions will never be known but only assumed.

After building a family tree and combing through various records, James Whelan was found to have been born in 1899 to Irish parents in Dundee. His father, John Henry Whelan, had been born in January 1874 in India, while James's grandfather was serving in the army. James was the second of six children. Patrick had been born in 1898, Michael in 1902, Sarah Anne in 1904, Bridget in 1907 and John in 1918. Sarah Anne just so happened to check out with her birth date and was for sure Sara's grandmother!

All of James' other siblings were traced. Some had moved to Australia and some to other parts of the UK. Sara's grandmother was found throughout census records and it was verified that this was the right family! It was 100% positive that this man was closely related to the four.

James lived with his parents in Dundee. A newspaper article printed in the *Dundee Evening Telegraph* of 1 October 1912, was the first found about James Whelan. It read:

#### PRACTICAL JOKE AND SEQUEL.

Two Stalybridge Magistrates had before them James Whelan, of King Street, who was charged on remand with stealing a case containing twelve bottles of whisky, valued at £2. 3s, from a brewer's dray in Market Street, the property of Messrs Walker & Homfray, Limited, brewers, of Salford.

It was stated at the hearing on Saturday that two men in charge of a dray were delivering goods at the Steam Engine Tavern the previous day, and coming out of the cellar they missed a case of whisky. Whelan had been assisting them to unload, and when he was asked to bring the whisky back he said he had only taken it in fun. He brought the whisky back.

Whelan now said it was done as a practical joke, and was sent to prison for three months, with hard labour.

At 13 years old, James committed what appeared to be the first theft for which he got arrested. Another newspaper article in the *Dundee Evening Telegraph* of 15 November 1915 reported:

#### DUNDEE BOYS' POCKET MONEY.

##### Youths' Theft at Dens Park

An interesting sidelight on the wages earned by Dundee youths was furnished in the Sheriff Court to-day. Four millworkers, James Whelan (16), 48 North Ellen Street; John Reilly (15), 31 North Ellen Street; John Sullivan (15), 64 Alexander Street; and Andrew Farrell (14), 38 Elizabeth Street, were charged with having, on 24th October, in Dens Park, forced open a lockfast refreshment stall and stolen 55 cakes of chocolate, 6 boxes of chocolate, and 5 packets of cigarettes.

In answer to Sheriff Neish, Whelan stated that he earned 22s, and got 2s of pocket-money; Reilly 21s, and 4s pocket-money; Sullivan 20s, and Farrell 19s, and 1s for pocket-money. Sullivan added that he lived with an uncle, and paid his board.

His Lordship remarked that Reilly got far too much pocket-money, imposed upon each a fine of 5s, and said he wanted their parents and guardians see that it was kept out of their pocket-money.

In April 1917, while Patrick, the eldest of the Whelan siblings, was away fighting in World War I, he succumbed to injuries suffered while fighting for his country. From 9th April to 16th May 1917, British troops attacked German defenses near the French city of Arras on the Western Front. It was estimated that there were 158,000 British casualties and 130,000 German casualties.

On 11 May 1918, according to his death certificate, John Henry committed suicide by means of a gas oven. These details had been mentioned by Sara previously. Patrick had been killed in action in France. Also, in 1904 John had a brother that died, William Whelan age 21, who he seemingly took in as a teenager. Maybe it was too much to handle and John just couldn't take it any more. Losing a brother, your oldest son, and knowing your next son was committing crimes and running the streets could potentially put someone under tons of stress.

John's suicide left his wife, Sarah (Cleary), with all of the children and also she was pregnant with a son, who was born June 1918. She named him John Aloysius Whelan. Baby John unfortunately died in September 1918, of tuberculosis. That sounds like a lot for someone to go through in a very short amount of time.

With his father, oldest brother and baby brother dead, James Whelan was probably not in a real good spot in his life. Obviously he wasn't good at making correct choices. Hopefully the recent event in his life would help him see that he should be there to support his mother, however, newspaper articles prove the opposite and James was still committing crimes. According to an article published Monday, 21 February 1921, in the *Dundee Evening Telegraph*:

#### DUNDEE MILLWORKERS AS HOUSEBREAKERS

##### Varied Haul From Public-House

Two young Dundee millworkers were convicted of theft by housebreaking before Sheriff Neish at Dundee Sheriff Court to-day.

The accused were James Whelan (21) millworker, 30 Alexander Street, Dundee, and Joseph Hanlon Hunt (18), millworker, 13 Powrie Street, Dundee, and they pleaded in guilty to having, between 9.30 p.m. and midnight on Thursday, broken into the public-house at 113 Hilltown, Dundee, occupied by Robert Stewart, publican, and stolen £2 10s of money, a quart bottle of whisky, a quart bottle of rum, a quart bottle containing gill of port wine, and bottle of stout.

Mr W. F. Mackintosh, procurator-fiscal, said the total value of the goods stolen was £3, 17s 3½d, and £1 13s 3d had been recovered. The lads



were caught when coming out. An agent on behalf of Whelan stated that the lads had been having a rather jolly evening, and when going home they noticed that a window in the public-house was insecurely fastened. They were feeling thirsty and went for a drink. They had no intention of taking any money whatever but they saw two or three pounds lying about, and were stupid enough to take them. It was simply a drunken frolic. There was a large amount of money in the till which was untouched. Whelan was discharged from the army with a good character, and helped to support his widowed mother. In those circumstances he asked for a lenient sentence.

His Lordship fined each of the accused £2, with the option of twenty days' imprisonment.

Was he really supporting his widowed mother, or was that just an excuse to not serve any time? No-one will know the answer to this. Anyone who could have shed any light on this situation has been deceased for a number of years.

For whatever reason, James no longer resided in Dundee and moved to Edinburgh. On 13 August 1923, James married Mary Wynn. She was 14 years old when they married, James nearing the age of 24. According to their marriage certificate they were both living under the same roof. Meanwhile, after this marriage, George Whelan Foley was born on 25 November 1924 in a maternity/unwed mother's hospital in Dundee. We all know that it takes time to have a baby, and clearly this was a child born resulting from an affair. George's mother, Mary Foley, never told George about his real dad and he became a mystery, until now. Did James know he had fathered a son by a woman in Dundee and chose to stay in Edinburgh because he didn't want to face reality? Sarah, James's mother, lived only about a block and a half from where Mary was living, according to electoral records. Unfortunately, Mary Foley died in 1949 and George died in 1992. It has been stated that George was not a nice man and perhaps was abusive to his wife.

### **James Peter Whelan**

On 1 July 1927, James and Mary had a son, James Peter Whelan. It was later revealed that James Peter's father was not a very good husband or father. James and Mary got into a lot of fights and some time in the late 1930s or very early 1940s, James no longer appeared with Mary in electoral registers. James Peter was clearly born into a bad situation. His father was an alcoholic and was never home. He didn't get the proper love and affection a child should receive from a father figure and maybe not enough from his mother.

James Peter started off his criminal career at the ripe age of 11. By 1938, James Peter had three offenses listed on his criminal record. All were listed as "theft by housebreaking" and James Peter was admitted to serve time in an approved school. His father disappeared, his mother was a drunk and he had no parental guidance to help him. Apparently, the approved school was not a

solution to help James Peter. In September of 1940, James Peter was convicted on 4 counts of housebreaking, then in October 1940 2 more thefts, 2 more in November and 3 more in December. James Peter's juvenile petty thefts continued for several years. In 1941, there were 2 more housebreaking charges. In January 1942, James Peter was accused of 3 counts of larceny and shopbreaking. In April 1942, he was accused of 7 more crimes, all related to housebreaking or stealing money. James Peter, troubled from his youth, continued committing crimes throughout his time as a juvenile. All crimes committed were related to theft and stealing. Was it possible James was fending for his own life because his parents didn't properly take care of him? James Peter escaped different approved schools and eventually fled Scotland. He and a friend, Peter, with a similar family situation, decided to get whatever belongings they had and take off for London.

In 1944, James met Lillian Hartwell and they married. Lillian gave birth to Anthony James Whelan in 1948. But sometime during her pregnancy, or after giving birth, Lillian and James Peter were no longer married. Did he have an affair like his father did?

As an adult, James Peter continued to accumulate criminal charges on his record. He went back and forth between Edinburgh and London for a number of years. According to the *Dundee Evening Telegraph* James Peter got into trouble again. Published 12 August 1947:

#### HIS CROWDED NIGHT

A youth, who broke into three garages, stole two motor cars, broke into a house, drove one of the vehicles recklessly in Edinburgh and drove without being the holder of a driving licence and insurance policy, was sent to prison for eighteen months and disqualified from driving for three years Edinburgh Sheriff Court to-day.

Of accused, James Peter Whelan, aged 20, in custody, who admitted the offences, Mr T. G. Muir, the procurator fiscal, said he had been found guilty on 18 previous occasions, and from 1938 had spent most of his time in approved schools and borstal institutions.

All the offences were carried out in one night, July 14-15.

A police patrol observed the accused driving at a very fast pace. At times the speed of his car reached 70 miles an hour. The police gave chase through the streets of the city.

Whelan was blowing his horn continuously and left his car by standing on the running board and jumping off while it was running. He was detained later.

Maybe Lillian Hartwell did not know his criminal past when they first married, about his offenses and didn't want to raise a child with a troubled father around? It is unknown whether James Peter knew the whereabouts of his father. One thing for certain is that around the time James Peter took off for London, James

was living in Leeds, with a woman by the name of Ivy Rawnsley. Ivy had a child from her previous marriage and a census record indicated that Ivy's daughter, Elizabeth, started going by Elizabeth Whelan, instead of her given last name. No formal adoption records were located, but you could be whoever you wanted to be back then. James and Ivy had several children from 1946 to 1955. Michael was born 1946, Patrick 1948, Ian 1949, Joseph 1952, George 1953 and Vera 1955. This means James Peter had 7 half-siblings. Since the whereabouts of his father were questionable, it is possible that James Peter did not know about any of these siblings. Ivy died in 1959 and James in 1964. James was never there for any of his other children, so it was unknown the relationship with his children had continued to the time of his death.

James Peter continued to commit thefts throughout the early 1950s. In 1954, he married Jean Frances Coleman. In 1955, James Peter and Jean had their first child, Paul James Whelan, and their second child, Kimberly Mary Whelan, was born October 1956. Meanwhile in 1955, James Peter was accused and stood trial for a manslaughter charge. When driving his car a homeless man had stepped out onto the road, been hit by the car and died of his injuries. Court records show that James Peter was found innocent of manslaughter.

In 1959, James Peter made big headlines in newspapers. One article from the *Halifax Evening Courier* published 12 December 1959, stated:

**BAIL REFUSED IN £39,000 JEWEL THEFT CASE**

**TWO REMANDED: THERE MAY BE MORE ARRESTS, SAY POLICE**

Two men were at Bow Street, London, today remanded in custody until Monday week, accused of stealing £39,000 worth of jewellery and other property from a West End branch of the Goldsmiths and Silversmiths Association.

The magistrate (Mr. R. Blundell) refused applications for bail after being told by Det.-insp. Baldock. "There are numerous inquiries to make and there may be other arrests."

The men—James Whelan (32), furniture dealer, of Chippenham Gardens. London, NW., and Timothy McGuire (34), florist of Tavistock Crescent. London, were charged that between October 10 and 11 they broke and entered a shop at 44-45 Burlington Arcade, Piccadilly, and stole a quantity of jewellery and other property belonging to the Goldsmiths and Silversmiths Association.

**Escape attempt**

Detective Sgt. K. McLachlan, of the Flying Squad, said that he saw the two men leave Empire Court, a block of flats in North End Road, Wembley (Middlesex), last Friday evening, and walk to a car. McGuire was carrying a brown leather attache case and Whelan a paper carrier bag.

As they were about to put the property in the car boot. Det.-sergt. O'Connell went up to them and said, "We are police officers."

Whelan then looked up and shouted, “—— off Timmy, he is on us.” Both men attempted to run away, but were forcibly detained.

At Harlesden Police Station. Det.-insp. Halliday showed them a large quantity of jewellery which was in the attache case and carrier bag. and told them it was identical to that which had been stolen from the Goldsmiths and Silversmiths Association.

Due to James Peter’s location in the Greater London area, it was assumed that James Peter could be Frances’s father. Jean Merrett lived in the same area and was a waitress at a restaurant. However, trying to nail down this fact would prove to be a difficult, but possible, task. James Peter never divorced Jean Coleman. It went against Jean’s strict Catholic religious beliefs. James Peter’s mother Mary died in 1969, Kimberly died in 1974, at the age of 17 and an overdose was listed as the cause of death on her death certificate. Paul Whelan seemed to have his own legal issues and had a drug problem: he died in 1992 of a drug overdose, leaving a young son and wife behind.

Even though James Peter never got a divorce, he and Jean Coleman did not act as a married couple. James Peter ended up with a new “wife” by whom he had two more children, Lynn born 1973 and James (Jamie) born 1976. I tried searching for locations of Lynn and Jamie and it was impossible, until one day in May of 2021, I saw a new family tree match on Ancestry by a woman with the name of Harriett Dunbar. Everything in her family tree matched with John Henry, James, Mary Wynn and James Peter. I sent a message to Harriett and asked bluntly, “What can you tell me about your family tree? Who is James Peter Whelan? I think he’s my grandfather.” Harriett messaged back and was completely open to the idea. She said that her grandfather was James Peter and her mother’s name was Lynn. WOW! Was it finally coming to an end? Will Frances finally know about her paternal side of the family? Lynn and I ended up messaging frequently and I got a lot of details on James Peter. There still was not 100% proof that this was Frances’s father. I offered to send Lynn a DNA test if she would take it, to see if this was indeed Frances’s half sister or not. Lynn explained that it was quite possible for Frances to be her sister. Unfortunately James Peter had died in 2002, therefore it was impossible to ask him. Lynn received the DNA test, took it and sent it off. Again, another long wait for DNA results, but once they came in, Lynn matched as Frances’s half-sister!

### **Present day relationships**

Frances finally knew about her paternal side of the family. Can you imagine at the age of 60, finally finding answers? In the same year of finding out about her paternal side of the family, Frances visited London where she met her sister Lynn and brother Jamie. Frances even got to meet Peter, James Peter’s friend, with whom he ran away from Scotland at a young age. In March 2022 I went to meet my new aunt and uncle and also got the privilege of meeting 94-year-old Peter.

Outside looking in, knowing nothing about the situation, it is easy to jump to assumptions of James Peter's criminal record and his family history. With all of the other unknown answers to questions, did he know about Frances? No one will ever know. Did Jean Merrett go on the run because she knew James Peter was married and had a criminal record? One would assume so, because in 1960 times were different and single or unwed mothers weren't common as they are in 2022. Peter told me that times were different back then and it was either fight or flight. You had to do what you had to do to eat, sleep and keep clothes on your back. Were these petty crimes committed because of his terrible non-existent upbringing by James and Mary? Perhaps. Did Jean flee to America to protect her daughter?

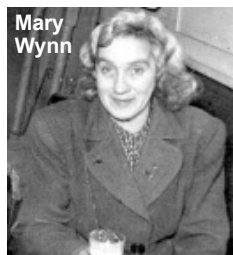
I was also able to go to Edinburgh, where I met Johnny and Sara. For me, it was an amazing experience and I was grateful I was able to help close some loops on my mother's story. Sadly, there will be so many questions that won't be answered, but at least Johnny was able to have closure about his great-grandfather and Frances was able to learn about her past and some family history.

### WHELAN BLOODLINE SUMMARY

**John Henry WHELAN** born India 1874, died 1918 Dundee, married Sarah CLEARY

Six children, including James WHELAN born 1899 and Sarah Ann WHELAN born 1904, all at Dundee

Sarah WHELAN's daughter is Sarah DUNCAN and her granddaughter Sarah DIXON



Mary  
Wynn

#### **James WHELAN –**

with Mary FOLEY had a son George Whelan FOLEY 1924 – 1992, Dundee

George Whelan FOLEY's son is John FOLEY and his grandson Johnny FOLEY

married Mary WYNN 1923 and had son James Peter WHELAN in 1927 with Ivy RAWNSLEY in Leeds, had 7 further children



James  
Peter  
Whelan

#### **James Peter WHELAN –**

with Jean Ann MERRETT had Frances Linda MERRETT in 1960

Frances Linda MERRETT is the mother of Brittany PEARSON

married Lillian HARTWELL in 1944 (marriage annulled) and had 1 child married Jean Frances COLEMAN in 1954 and had 2 children

with a fourth lady had a daughter Lynn and granddaughter Harriett DUNBAR

## **“Crimes of an Heinous Nature” – the stories behind the crimes**

**Margaret Fox**

This article, which is based on a talk given to members of the Scottish Genealogy Society in Edinburgh on 18 April 2022, takes a look at a range of 18th and 19th century High Court cases. The judges, the Lords of Justiciary, regularly sat in Parliament House in Edinburgh and also travelled throughout Scotland in spring and autumn each year to dispense justice, ‘setting up shop’ in Aberdeen, Inverness and Perth in the Northern Circuit, Stirling, Glasgow and Inveraray in the Western Circuit, and Ayr, Dumfries and Jedburgh in the Southern Circuit.

The records generated by these courts, along with those of the Crown Office which was responsible for preparing the evidence against the accused and prosecuting the case, are preserved in the National Records of Scotland, General Register House, Edinburgh, and are open for research. Delving into this treasure trove not only lets us examine the minutiae of crimes of the past but also offers us a snapshot of a particular place at a particular time, capturing the moment when the alleged crime was being committed. In so doing, they are a wonderful resource for the study of local, social and economic history.

The precognitions of witnesses and declarations of the accused can transport us into another world for a while, but, at the same time, illustrate how people’s characters largely did not change over the centuries – though some of their crimes certainly did. When was the last time you heard news reports of trials for steeping lint in running water? Or for witchcraft and charming? No, these had largely become obsolete by the mid-18th century, but still, other early 18th century offences similar to fishing in forbidden time, habitual swearing and using false measures are punishable today – but not in the highest court in the land.

What about adultery? This crime, which was dealt with in both civil and church courts, was a constant through the centuries, but punishment varied. Jedburgh Circuit Court in the early 18th century favoured publicly naming and shaming: *“To stand bare headed with ane Paper affixed on each of their Breasts ‘This is ane Adulterer’... to be taken to the Parish Kirk of Greenlaw... and there to stand Bareheaded with the Said Paper on his Breast Betwixt the Ringing in of the first and last bells in the forenoon...”*, clearly for maximum exposure to the local community.

The Jedburgh judges favoured rough justice (literally) for more serious crimes, one of the most common being child murder, or concealment of pregnancy, which in the eyes of the law were one and the same. A desperate woman appearing before the court generally pleaded guilty and her case was *“found fully proven by her own confession”*. So what was the fate of Jean Stourie, an unmarried woman, who came before the court in 1725? Well, it was a mixture of naming

and shaming and corporal punishment – *“to be scourged by the hand of the Common Hangman at three several places of the Town, by receiving five several strips upon her bare back at each place And thereafter to be sett at liberty...”*. Public entertainment - or a dire warning to young women in a patriarchal society? Probably a bit of both.

In 1772, also in Jedburgh, there was more ‘entertainment’ for the public when a convicted murderer was *“by the hands of the Common Executioner Hanged by the neck upon a Gibbet until he be dead”* with an added extra – *“his body to be delivered to Doctor Thomas Rutherford Physician and Surgeon in Jedburgh to be by him publicly Dissected and Annatomized”*. The witness statements from 1772 could easily have been taken in 2022, with the murder resulting from an excess of alcohol and the carrying of a knife, a lethal combination. It happened when a minor argument between friends in an alehouse became more heated... Some things never change.

Now turning to a crime against property. No, not private property, but the property of the Berwickshire Turnpike Trust, namely the toll gates erected on public roads to raise funds to be used for road improvements which were badly needed in the later 18th century. Were they popular? No, not at all, to the extent that in 1792 a riotous mob from Duns, both men and women, took it upon themselves to destroy the gates, pile them up in the marketplace and set fire to them. Yet another public entertainment, with lots of witnesses having to make statements and, in so doing, furnishing us with a vivid picture of the scene: *“... he saw a kind of Effigy or Image brought upon a stick and thrown into the fire. That he does not know nor did he hear for whom the said Effigy was intended...”*. Probably not Guy Fawkes, but possibly the chairman of the Turnpike Trustees? How were the perpetrators punished? Well, it could have been a lot worse as this was a political crime of sorts. The men were sentenced to four months’ imprisonment then banished from Scotland for life, while the women had to serve the same term of imprisonment and were bound over to keep the peace. Interesting that the women were treated more leniently.

Moving into the 19th century, to the heartrending case of John, the little ‘climbing boy’ (chimney sweep) in Glasgow in 1840. This case made a huge impact on Henry, Lord Cockburn, the judge, who recorded in his memoirs, *‘Circuit Journeys’*: *“There was also the shocking case of a poor child, scarcely eight years old... who was compelled by threats to go up or down thirty-eight new chimneys successively, and without any interval for rest or food, though he quite exhausted, cold, wet and excoriated, and imploring that he might not be sent down the thirty-eighth vent, in which he died”*. The case, for culpable homicide, was brought against Thomson Black, the boy’s master, and Francis Hughes, a journeyman chimney sweep, who was with John on the day in question. The witness statements make harrowing reading, in particular that of 16 year-old James Fleming, an apprentice to a builder of new tenements at Parkhouse Toll Bar. He said that John *“was greeting (crying) with cold and complaining of hunger and*

he had not got a bite (food) to eat all day". Another witness heard Black exclaim "Good God! my Boy is dead!" while another reported that "*Black and Hughes burst into crying at seeing the Corpse*" - but their compassion came too late. Their punishment? There was none for Black who was "*assolized and dismissed from the Bar*" while Hughes had to serve eighteen months with hard labour in the Bridewell of Glasgow. The practice of using small children to clean chimneys was addressed by successive Acts of Parliament from 1840 but it proved difficult to eradicate.

Now on to some 'light relief'. How, you may ask, can any trial conducted by the Lords of Justiciary be classed as light relief? Well, an event which took place on the parapet of Coldstream bridge spanning the River Tweed on the Scotland/ England border does have an element of humour. When John Tait from across the border in England and his friend, William Hogg, a fletcher in Coldstream, Scotland, stood side-by-side to urinate after a long day's drinking in the alehouses in Coldstream in the summer of 1854, little would they have realised that this would result in Tait being tried for assault to the danger of life in Jedburgh Circuit Court a short time later. Hogg claimed that Tait had pushed him over into the river below and Dr George Gillies initially maintained that his injuries were so severe that he could die. Hogg then brought in a measure of doubt as to whether or not he had been pushed, while the doctor revised his opinion on the severity of the injuries. The verdict of the 'assize' (jury) – by a majority, not proven. It certainly caused quite a stir in the neighbourhood!

To end this overview of two centuries of crimes of an heinous nature we turn to a poignant case heard in the High Court in Edinburgh in 1881. It concerns a Dr John Harkness, the first Principal of Elphinstone College, Bombay, a man of great erudition. Upon his retirement in 1862 his students addressed him with these words: "*We pray Almighty God that you may safely reach your native land, and that you may be blessed with health and long life and with every thing that is good*". How sad they would have been if they had learned that a decade later he had become the victim of a heinous crime perpetrated over a number of years. So what was the crime? "*The wickedly and feloniously writing and sending, or causing to be written and sent, to any of the lieges any threatening letter, particularly for the purpose of extorting money*". The trial of the accused, Thomas Armstrong, a house painter from Newcastle-upon-Tyne, was conducted in the High Court in Edinburgh and not in the Circuit Court in Dumfries where Dr Harkness lived – possibly because of its sensitive nature. How did this all come about? Well, he had accompanied a friend who had been visiting him to Dumfries railway station and after the train left he had gone into the urinal on the platform and, according to Armstrong's testimony, an indecent act had taken place. This was the beginning of the nightmare for Dr Harkness who over almost eight years received threatening letters from Armstrong and saw his savings being regularly depleted. The letters and receipts, which form part of the evidence for the prosecution, make distressing reading. Armstrong's only saving grace was that



he pleaded guilty so the doctor did not have to appear in court. He was sentenced to five years' penal servitude.

*"The cases were a mass of commonplace trash".* So wrote Lord Cockburn, one of Scotland's top judges in the first half of the 19th century, in *"Circuit Journeys"*. A sweeping generalisation, bearing in mind that he had clearly been affected by the death of John, the climbing boy - and one which surely does not apply to the cases in this article...

#### Notes

References can be searched in the National Records of Scotland ([www.nrscotland.gov.uk](http://www.nrscotland.gov.uk)) online catalogue; the SCCI (Scottish Criminal Cases Index) can be searched on a computer terminal in the Historical Search Room.

High Court/Circuit Court case papers reference: JC26; there are also minute books, books of adjournal, etc.

Crown Office papers reference: AD14.

The Scottish Indexes website ([www.scottishindexes.com](http://www.scottishindexes.com)) has a vast criminal database of over 400,000 records (free to search) – but not all relate to High Court/Circuit Court trials.



## Erratum

*In "Reminiscences of Calton, Glasgow Part II" (TSG Vol.LXX No.2, June 2022) some of the final paragraph fell off the bottom of the page. Here it is in full, with due editorial apologies.*

The famous "Essays and Reviews" and the "Tractarian Movement" were then recent and the men of our laan, true to their polemical instincts, seemed to think that they knew as much about the questions raised as the learned theologians at Oxford. Being too young to follow their talk, all I knew was from a sort of general inference, or a summing up of the whole. I am sure the general opinion was adverse to Oxford. I afterwards knew that they believed all such speculations had a tendency to dislocate the mind from the fundamental principles of religious truth. In these days of so-called "broad ideas," it is considered the proper thing to speak slightly of what we are pleased to term the "narrow-mindedness" of our fathers; but after all, there is not much ground for such an assumption of superiority over the past, not-withstanding our highly favourable advantages. The men of the past were narrow in their views, but it is possible they saw very clearly within their range of vision and understood what the thing was which they saw. The men of to-day have an unlimited prospect of mental observation, but with the mass of mankind there is not much difference in the present manner of crawling in the narrow ruts of prejudice and ignorance from that of the past.



# Edwin Scrymgeour, M.P.

Caroline Gerard

After the General Election of 15 November 1922, a new political party was represented at the House of Commons, Westminster: the Prohibition Party.

At that time, Dundee was a two-member constituency, and these had been considered safe Liberal seats. One of the Liberal MPs, returned since 1908, was one Winston Churchill, who'd crossed the floor on 31 May 1904 in protest at the Conservative Government's Aliens Bill, drawn up to inhibit Jewish immigration following persecution in other countries. Dundee was one of the five constituencies represented by Churchill during his long career, and he made a point of visiting it annually. Distance was a problem, of course, so much of his constituency work was conducted by his local agent, James Allison. He thought he had "a seat for life", but this proved to be untrue.

The franchise had been extended in 1918. Now all men aged 21 and over, instead of about 50% of the male population, plus women aged 30 and over who met a property qualification, had a vote. The UK electorate rose from 8 million to 21 million overnight. This assisted the emergence of the Labour Party in industrial cities (and elsewhere).

In late 1922, the two MPs for Dundee were now E.D. Morel (Labour Party) and Edwin Scrymgeour for the Prohibition Party.

Edwin (or Neddy) Scrymgeour had been born 28 July 1866 at Nethergate, Dundee, to James Scrymgeour, Collector for the *Dundee Advertiser*, and his wife Jeanette Calman, married on 11 December 1856. One of Dundee's "Jute, Jam and Journalism" themes was in evidence. The parents both were active members of the Wesleyan Methodist Church.

Methodism had been present in Dundee since 1759, with John Wesley himself preaching there 14 times between 1761 and his retirement in 1790. In 1773 the congregation took over a former Episcopalian chapel in Tally Street, which later proved to be too small for its growing numbers. A new chapel, with seating for 700, was built in Ward Street, opening in 1867. The foundation stone was laid on 6 July 1866, just a few weeks before Edwin Scrymgeour's birth.

James Scrymgeour had other occupations, such as Registrar (in 1868), Temperance Agent (in 1871) and Prisoners' Aid Assistant (in 1881). Journalism ran in the genes, though, and several of his grandchildren followed into that industry.

In the *New Statistical Account of Scotland* (1832/33) the contributing ministers wrote of a local Temperance Society, founded 1829/30:-

The society now contains 1000 members. That drunkenness is an evil of wide and increasing prevalence, admits of no manner of doubt. Whether

temperance societies, restricting the number of licences to venders of whisky, a tax upon ardent spirits, or whether a moral remedy is to be looked for to effect a cure, we cannot tell; but that some measure is necessary, few who have reflected on the subject will be disposed to deny.

In *The Scottish Nation 1700 – 2000*, Tom Devine offers a broader context:-

...there was no denying the sheer scale of alcoholic consumption in the Victorian city, ...By the 1840s, Dundee [had] one pub to 24 families... But the licensed trade in drink was only one part of the story. In the poorer districts of the cities there was also a vast underground network of shebeens and illicit drinking dens.

Professor Devine relates also that whisky-drinking was becoming more common in 19thC Scotland, that in 1823 the duty on spirits was slashed from 9s.4½d to 2s.4¾d per gallon and that in the 1830s the per capita consumption was more than seven times what would be recorded a century later. He continues:-

Yet cost and availability were only part of the story. Heavy drinking also had cultural and social roots. Drinking was an integral part of social intercourse. Weddings, christenings and funerals often occasioned feats of heroic drinking, as did the annual celebration of New Year. Hiring fairs for servants were also notorious for scenes of intoxication on the grand scale.... The pub itself had a much wider social role in Victorian times than today. It was a meeting place for early trade unions, political organizations and friendly societies. Until the truck legislation of the 1870s, the paying of wages in pubs was common and they long remained places for the hiring of casual labourers. All Scottish cities teemed with migrants and, for single men in particular away from home in lodgings or “flitting” from one temporary house to another, the pub was not simply a drinking place but an ideal social centre and a source of companionship. ...the family home was small, bereft of anything other than the simplest furnishings and overcrowded, but... the pubs [offered] drink, fellowship and entertainment.

As with other centres of industry, the population of Dundee had mushroomed, without a commensurate increase in the housing stock. In 1766 the population was recorded as 12,426; in 1801, 26,804; in 1841, 56,722; in 1881, 142,158; in 1921, 167,310. It increased a little thereafter, but in 2020 it was 148,820.

Against this background of industrialisation, overcrowding, poverty, squalor and drunkenness, Edwin, his three brothers and his two surviving sisters saw their parents helping those they could. He too, as a committed and evangelical Christian (and a caring human being), campaigned to alleviate such conditions, tackling what he viewed as one of the root causes.

### **Edwin's career**

Even Prohibitionists need to eat, and so he began his working life as a Clerk in

a newspaper office. He married Margaret Croston on 14 June 1892 and they lived at 92 Victoria Road, Dundee for around 50 years. The couple had no children, but didn't lack for company in their home, as Margaret's unmarried sisters, Sarah, Agnes and Ada, lived with them.

The Prohibition Party was founded in 1901 and Edwin/ Neddy became its Organising Secretary in 1904. In 1898 he joined the Parish Council. From 1905 to 1919 he was a member of Dundee Town Council.

He first stood for Parliament as a Prohibition Party candidate in a by-election in 1908, achieving 655 votes out of 16,118! He stood again in two general elections in 1910 and saw his support rise. He won in 1922, and in some successive elections until he lost his seat in 1931. He never stood for Parliament thereafter, but instead took up the post of Hospital Chaplain.

An account of his parliamentary career was written by Donald Southgate in *Three Dundonians*, now available as a free download via <http://abertay.org.uk/wp-content/uploads/2017/08/three-dundonians.pdf>

He was aligned with the Labour Party, but wouldn't join it. He believed in Home Rule for Ireland, and later also for Scotland. Within months of taking his seat, he had introduced a Liquor Traffic Bill, which would have banned the sale of alcohol except for specific purposes: medical, scientific or industrial. All pubs etc would have been obliged to close immediately, presumably including the House of Commons bars. Unsurprising this failed, by 236 votes to 14. So he tried again in 1931. The other MPs didn't doubt his sincerity, but were of the opinion that prohibition was his only area of expertise.

In later years he visited the USA, debated prohibition with G.K. Chesterton, discussed the matter with Gandhi and lectured to students at Cambridge University.

As an example of living according to his word, one time he was trying to persuade a man to stop drinking. The man replied that if Scrymgeour gave up smoking heavily, then he would give up drinking. Scrymgeour kept his word, as did the other man.

Edwin Scrymgeour died on 1 February 1947, his wife Margaret a few weeks later on 28 May.

Perhaps the last words ought to be Churchill's, in his concession speech of 1922, in which he claimed also that he did not begrudge this victory:-

In Mr Scrymgeour's victory they saw the victory of a man who stood for endurance, and also for moral orderly conceptions of democratic reform and action. They would find he would have a useful part to play in representing Dundee, where there was such fearful misery and distress and such awful contrast between one class and another.

*Dundee Courier*, 17 November 1922

## Dundee in the 1920s

### **SHEBEENING AT DUNDEE.**

In Dundee Police Court yesterday, Helen Cadogan or Hutchison, 8 St Matthew Street, pleaded guilty to a charge of shebeening in her house. An agent stated that it was with a view to relieving distress amongst her family of eight that accused had committed the offence. The weekly sale was rarely more than two bottles, on which she realised a net profit of 5s. Bailie Fletcher imposed a modified penalty of £2, with the alternative of twenty days' imprisonment.

*The Scotsman*, 19 October 1922

### **CONSUMPTION OF METHYLATED SPIRITS.**

In connection with the forthcoming Convention of the Royal Burghs of Scotland, a memorandum has been drawn up by Mr David Patrick, Assessor for Kirkintilloch, on the subject of the sale of methylated spirits for human consumption. In reply to a circular asking for information as to the experience of the burghs regarding the matter, ten of them deplored the evils resulting from the drinking of methylated spirits. Among them are the cities of Edinburgh, Glasgow, and Dundee, and burghs situate as far apart as Peterhead in the north and Stranraer in the south.

The Medical Officer of Edinburgh, says the memorandum, considered the subject one of great importance. Methylated spirit drinking is largely on the increase in Edinburgh, and is carried on in the poorer districts and in the common lodging-houses to an extent very much beyond what is generally known. He states that very definite action should be taken, as there can be no question about the deleterious effects. From inquiries made by him as to the methods adopted by victims of the habit to procure the spirit, he ascertained that it is not only sold in large quantities by drysalers in the city, but that the demand at many of the large chemists' shops is daily an extraordinary one. At certain times there are small queues of waiting purchasers. In his opinion, the time has arrived when some concerted action should be taken in order to deal with this growing evil, in the full knowledge of its far-reaching and extremely deleterious effects upon the health of the victims.

... In Glasgow the victims of the methylated spirit habit among the home-born population are to be found chiefly among the inmates of female lodging-houses and casual labourers.

In other burghs the experience has been that those addicted to the habit are of the tramp class, or belong to the lowest class of resident population. Various suggestions have been made with the view of providing a remedy to the recognised evil. One of these, which is favoured by Dundee, is to further treat the spirit so as to make it still more unpalatable. An even more drastic suggestion has been made – namely, to schedule methylated spirit as a poison and control it accordingly. The memorandum suggests that, without resorting to these extreme measures, the following might be considered by the Committee as a means of checking, if not wholly obviating, the evil sought to be remedied, viz.:-

1. No person to be allowed to purchase methylated spirits without obtaining a permit.

2. In addition to the existing Excise licence, no person should be allowed to traffic in methylated spirits without obtaining a licence.
3. The Local Authority should be entitled to define the conditions on which the licences are granted.
4. Any offence against the conditions of the permit of licence should be visited with a severe penalty.

*The Scotsman*, 25 March 1921

## **HOUSING SHORTAGE AT DUNDEE.**

Mr Robert Mitchell, Chief Sanitary Inspector, Dundee, in his annual report on housing of the working classes, insanitary buildings, &c, states that, although the situation is easier than at any time during the last five years, he cannot say that the city is in the position of having sufficient housing accommodation for its population. There were still many cases of two or even more families resident in the one household. There was a crying demand for a class of house more suitable for the poorer type of artisan in the city.

Mr Mitchell estimates that an additional 1500 houses are necessary before the shortage in the city can be looked upon as overcome, and as private enterprise at the present time is dormant, it seems to him that they can only look to the continuance of the policy of the Housing and Town Planning Committee to take them out of the difficulty. New houses built and occupied during the year numbered 274. Of these 232 were under housing schemes, and 42 by private enterprise, the latter including 20 three-roomed houses built at Barnhill by the Scottish Veterans' Association

*The Scotsman*, 6 February 1922

## **DUNDEE CORPORATION AND UNEMPLOYMENT BENEFIT. APPEAL TO THE GOVERNMENT.**

A special meeting of Dundee Town Council was held yesterday to consider the problem of unemployment in the city, particularly in view of the discontinuance of the Government relief. Lord Provost Spence, who presided, said he was afraid their hopes for the improvement of trade had been disappointed. Trade was no better than it was six months ago, in fact, he believed it was worse. With the discontinuance of the unemployment benefit he really did not know what was to happen. They all admitted that the principle of giving money for nothing was wrong, and it might also be argued that there were some men who while they were getting unemployment benefit would never seek work, but after all was said and done the argument applied only to a very small minority. In reply to questions it was stated that at the registers of the Dundee Unemployment Exchange there were at present 10,500 unemployed, and 22,000 short time workers. By 3rd November unemployment benefit would completely cease.

Bailie Kinmond said there was no doubt the position was a serious one indeed, and he regretted to say that there were no symptoms of any important or immediate improvement. He agreed that it was the duty of the Government meantime to

postpone the spending of thirty, forty, or fifty millions upon ships of war, and to spend it in meeting the legitimate cost of living of unfortunate people. A resolution was unanimously adopted appealing to the Government to extend the payment of unemployment benefit or otherwise make provision either through work or maintenance, for the large number of unemployed in the city until such time as trade had improved sufficiently to give those affected a possible chance of existence.

Bailie Kinmond and Mr James Gordon were appointed to proceed to London to bring the resolution under the notice of members of the House of Commons, and it was also agreed that an effort should be made to get other Corporations to take joint action in the matter.

*The Scotsman*, 6 August 1921

## **UNEMPLOYED RIOT AT DUNDEE.**

### **Attack on Parish COUNCIL Offices.**

#### **Extensive Damage**

Dundee unemployed got out of hand this afternoon.

Something like a riot took place at the Parish Council offices in Bell Street. A large number of windows were smashed, and other damage was done.

One man was arrested by the police, and taken to the Central Police Station.

#### **Procession Through Streets.**

A large crowd of men and women assembled in the afternoon in Albert Square, and after making a procession through various streets they made their way to the Parish Council. Their attitude was of a threatening kind.

On arrival at the Parish Council offices the leaders of the demonstration found that the doors were locked. All sorts of exhortations were voiced by the crowd at their leaders to force their way into the offices. Four of their number had stationed themselves on the steps leading to the offices, while the others crowded round.

#### **Crowd Out of Hand.**

Apparently there was no response to the summons by the leaders who desired representations to be made to the authorities, and after several minutes, during which the leaders endeavoured as best they could to quieten the crowd, the gathered thousands suddenly got clean out of hand and made a great rush to force their way into the establishment.

They swept forward and with a tremendous rush, and the only representative of the uniformed police force at the doorway was Inspector George Malcolm, who had done his best to pacify the crowd in the earlier stages of the demonstration in Bell Street.

In the rush, however, Inspector Malcolm was swept back to the door by the oncoming crowd, and he, single-handed, engaged in a great struggle with the mass, but in a few seconds they had got the length of the doorway, and with a resounding crash one of the glass decorative panels of the door was smashed in.

Inspector Malcolm continued his door struggle, but it was early evident that he would soon be overwhelmed. He fastened on to one man, who had apparently been taking a leading part, and at this juncture he was assisted by a plain clothes officer.

### **Constables Draw Batons**

The next minute two constables appeared to the assistance of the inspector and the detective, and after they had cleared the women off the steps they found that the men would persist in their onrush.

### **Volley of Missiles.**

The mob, however, were not to be so easily beaten back in their angry and excited rush, and they immediately resorted to the Constitution Road Burying-Ground for ammunition in the form of stones. From this direction a perfect volley of missiles were showered upon the building. Soon the large globe which lights the entrance to the offices was smashed in, and one after the other the windows fell in pieces before the attack, the police meanwhile standing helpless to prevent greater damage.

The men, and women too, seemed to take a great delight in their damaging and riotous adventure, raising ringing cheers as pane by pane was pierced.

### **Man Arrested.**

The police then decided on another move, and with one man under arrest they marched off to the Central Police Office, which is only about on hundred yards, followed by the great majority of the excited gathering.

Several, however, remained behind, and gave vent to their feelings by making individual rushes upon the door. The second panel by this time had fallen in, but the door remained firm, and none obtained entrance.

### **Hostile Crowd.**

The crowd became so hostile when the constables arrested a man at the entrance to the offices that the policemen decided to march him to the Police Office out of the way. Constables had to clear the road by means of their batons in order to allow the arrested man and other officers a clear passage. They were followed by the angry crowd, and it was while on the way to the Central Police Station that a second arrest was effected.

During the riot when the prisoners were being conveyed to the police station a girl unfortunately was struck by one of the batons in the melee, and she had to be treated in the Central Fire Station.

On the disappearance of the police into their headquarters the attitude of the crowd calmed considerably, and by degrees the demonstration dispersed.

## **DEPUTATION TO MR ALLAN, INSPECTOR OF POOR**

### **Demand for Immediate Relief.**

Later a deputation consisting of four young men and four women was received by Mr Robert Allan, Inspector of poor. Although he was not officially connected with the demonstration, Mr Ewan Carr, organising secretary of the L.L.P., was included in the deputation, and the duty of spokesman mainly devolved upon him. One of the deputationists put the position in a nutshell when he demanded immediate relief for himself and others in a similar position.

"I cannot do it," said Mr Allan.

Mr Carr – Has permission not been granted?

Mr Allan – We are going to deal with them in the same way as we deal with any application for relief, and that is by making application in an orderly manner individually.



Mr Carr – And these you will deal with in rotation?

### **Dealing with Applications When Bricks Came.**

Mr Allan – Yes. He also stated that he was dealing with the enrolment of about 100 applicants downstairs when the bricks began.

"I am prepared to do everything I can do," Mr Allan remarked, "but I am not going to do anything if I am going to get bricks thrown at me."

Until the Parish Council met to-morrow night he could do nothing but take names.

Another deputation of four, which claimed to be the "original" deputation, also made its appearance, and the position was also explained to them.

Bell Street was still blocked when the deputationists reappeared and reported the result of their interview, which was received with a considerable amount of booing. The bulk of the crowd afterwards went to the police office in order to demand the release of the men who had been arrested for window-breaking.

*The Evening Telegraph*, Tuesday 6 September 1921

## **THIRTY-TWO PEOPLE IN DUNDEE COURT.**

### **Early Morning Mobbing and Rioting.**

#### **Shopbreaking and Theft Charges.**

Dundee Police Court to-day reflected some of the results of the frenzied disorderliness of the part two nights.

Thirty-two persons made their appearance at the bar on various charges arising out of the disturbance.

So great was the desire to obtain entrance to the Court that only relatives of the prisoners could be admitted. Crowds were not allowed to collect outside the building. Only one woman figured in the charges.

Sarah Roddy (18), millworker, 211 Hilltown, was remanded until Monday on a charge of theft of two tins of condensed milk and one of roast mutton from the shop of Henry Donegan, licensed grocer, 60 Hilltown. Bail of £3 was allowed, and accused left the Court in tears.

#### **Bail refused.**

Mobbing and rioting in Hawkhill early on Thursday morning was the charge on which were remitted to the Sheriff John Harper (22), labourer, 26 Milne's West Wynd; James Craig (19), millworker, 2 Blinshall Street; Edward Smith (23), millworker, 10 Lyon's Close; and James Buchanan (23), labourer, 5 Brown Street. A request for bail was refused.

#### **Shopbreaking.**

Alexander Keith (47), labourer, 16 Brook Street; Daniel McPhail (19), labourer, 16 Brook Street; David Brady (44) newsagent, 84 Lochee Road; John Fraser (35), labourer, 43 Larch Street; William Mackie (21), labourer, 1 John Street; Andrew Piggot (21), dyeworker, 4 North Wellington Street; Edward Wade (18), labourer, 15 Bernard Street; and Robert Hardy (18), millworker, 5 Bernard Street, were all remanded until Monday on a charge of housebreaking into the Dundee Eastern Co-Operative Society's shop at 70 Seagate.

Relatives in Court exchanged greetings with the prisoners, but the police restored silence by threatening eviction from the Court of the demonstrators.

### **Attack on Police.**

His head enveloped in bandages, David Fullerton (61), iron driller, 46 Charles Street, admitted having committed a breach of the peace in Cowgate last night calling upon the crowd to rush the police. He was advised to go away, but continued to incite the crowd and was arrested. The constables were followed by a large and very hostile crowd, and had several times to draw their batons. Accused kicked both constables. In view of the very serious disturbances that had taken place recently he pressed for the maximum penalty.

Bailie Nicoll said he felt somewhat sorry to see a man of accused's age where he was. He had aggravated matters by his conduct, and as a warning to himself and others the sentence would be forty days' imprisonment.

### **Mother swoons.**

John Robertson (17), millworker, 10 North Tay Street, admitted the theft of a packet of cigarettes and a packet of tobacco from the window of a shop in Overgate.

Mr Bell stated that this window was broken while the disturbance of Wednesday night was at its height. Accused was seen to rush forward and take the articles.

Mrs Robertson, the boy's mother, said all were idle in the house, and there was no income.

She suddenly swooned, and was carried from the Court.

Accused said he had not been working since December until last week, when he got a week's employment. There were two sisters also in the house, and the only income was a small sum received by his mother for keeping a baby. They were receiving no unemployment benefit.

Accused had a previous appearance for theft.

Bailie Nicoll said it was difficult to know how to deal with a boy like accused. Considering the circumstances, he must send accused ten days to prison. He hoped he would there reflect on and try to realise the seriousness and utter uselessness of his conduct.

### **Lochee Man Gets Twenty Days.**

Samuel Whyte (40), labourer, 2 Fyffe's Lane, Lochee, pleaded guilty to committing a breach of the peace in High Street, Lochee, last night.

Mr Bell stated that accused was in High Street, when it was occupied by a large, disorderly crowd. He was seen to throw stones, and on arrest was discovered to have several stones in his possession. A considerable number of windows had been broken in Lochee yesterday, and he (Mr Bell) pressed for the maximum penalty of sixty days.

Accused said he was drunk, and knew nothing about the stones. It was his twelfth appearance.

The Magistrate said the disturbance had been so serious and the damage so great that they must be fair to the reasonable and respectable portion of the community and protect them as far as possible. He passed sentence of twenty days' imprisonment.

### **Shopbreaking and Theft.**

The following were remanded on charges of housebreaking, theft, or of being in possession of articles without being able to give a reasonable account of them:- Patrick Reilly (54), millworker, 75 Wilkie's Lane; Walter Cruickshanks (19), millworker,

of no fixed place of abode; John Hill Gibb (34), carter, 27 Brown Street; Samuel Harrison (21), millworker, 40 Watson's Lane; Patrick McDonald (18), millworker, 11 Watt Street; George Robertson (47), seaman, 3 Craig Street; Alexander Sherrias (18), millworker, Overgate; and David Gordon (21), 15 Watson Street.

*The Evening Telegraph*, Friday 8 September 1921

### **REDUCTION OF CRIME IN DUNDEE**

Chief-Constable Carmichael, Dundee, in his report for the past year, states that 4337 crimes and offences were made known to the police, being a reduction of 1142 on the previous year. The arrests for drunkenness showed a decrease of 455, the total for the year being 1439.

*The Scotsman*, 8 May 1922

### **ANTI-PROHIBITION MEETINGS DUNDEE MINISTRS SUPPORT NO CHANGE**

In connection with the Temperance Act poll to be taken in Dundee on Saturday, widespread interest was created by the announcement that 9 Dundee Church of Scotland ministers would speak at what was described as a "Christian Temperance meeting against Prohibition principles." In the interval, 2 ministers withdrew with explanations, and 2 others did not appear at the meeting, which was held last night.

The Rev. Harcourt Davidson, Dundee, said an attempt had been made to show that the ministers on that platform were disobeying the General Assembly's injunction. He did not subscribe to the doctrine of the infallibility of the Pope or the Assembly, and if the two infallibilities were weighed, he thought the evidence was rather in favour of the Pope. He refused to vote for Prohibition under any form, however veiled or disguised, and he was therefore obliged to vote for No Change, which he did not like, as the lesser of two evils.

The Rev. Dr Watt, Dundee, said, as a minister of the Gospel of Christ, and in the name of Christ, he protested against Prohibition. If they enjoyed God's bounties with thanksgiving, they could not abuse them. Those who proposed Prohibition might as well abolish marriage, and compel men to celibacy and women to virginity because there were so many divorce cases. He was ashamed of the Church and the General Assembly that had given *ex-parte* judgement on this question. The resolution was passed in the Assembly because there was no member of the Assembly unpharisaical enough to vote against it.

The Rev. William Hall said those who were clamouring for these changes would soon be clamouring for the hounding-out of the Church of all those who had the courage to take an honest Christian dram.

The proceedings were at times lively, and there were repeated protests against the speakers.

*The Scotsman*, 17 November 1920

# **The Ancestry of Euphemia, Countess of Ross: The Barclay or Berkeley family of Forgandenny**

**John P. Ravilious**

Among the Scots who fought the English army at Halidon on 19 July 1333 was Hugh, Earl of Ross. A onetime opponent of Robert the Bruce, together with his father Earl William he came to terms with King Robert at Auldearn in 1308. Hugh continued as a staunch supporter of the monarchy through the remainder of his father's life, and as Earl of Ross after his father's death in 1322. He married the king's sister Maud, having by her a son and successor William, and by a second wife Margaret Graham a namesake son Hugh as well as a daughter Euphemia, the future Queen of Scots as the second wife of King Robert II. Following the accord reached at Auldearn, Hugh was next known to have been at St. Andrews in March 1309 (N.S.) when he, together with his father and the other Scots nobles supporting King Robert, joined in a letter to King Philip IV of France. The letter has three of the original seals still appended, including those of both Hugh and his father William, Earl of Ross. Hugh's seal is reproduced on the back cover of the present journal, with the kind permission of The National Records of Scotland<sup>1</sup>.

MacDonald, as well as Stevenson and Wood, accurately described the arms on this seal as "On a chevron, between three lions rampant, as many crosses pattée."<sup>2</sup> An example of composed arms, Hugh's seal displayed the Berkeley (Barclay) chevron and crosses pattée in between the three Ross lions rampant of his paternal arms<sup>3</sup>. In 2008 Euphemia, Countess of Ross and wife of William, Earl of Ross (d. 28 Jan 1322/3) was identified as Euphemia de Berkeley, or Barclay based in part on the heraldic evidence of her son Hugh's seal. The other primary evidence noted was that provided by the dispensations for Hugh's second marriage to Margaret Graham and Margaret's subsequent marriage as Hugh's widow to his kinsman John Barclay or Berkeley, lord of Gartly in 1341<sup>4</sup>.

In addition to the genealogical and heraldic evidence previously cited, there is the matter of the lands of Forgandenny in southeastern Perthshire. Sir Roger de Berkeley held Forgandenny in the early 13th century, granting a bovaté of land and later a half stone of wax due him from his lands in 'Forgrund' to Lindores priory<sup>5</sup>. The one other record of Sir Roger's landholdings was English, a rent of 2 marks out of Draycote in Cam, co. Gloucester, which had been granted by Maurice de Berkeley (d. 1281), lord of Berkeley and most likely a kinsman<sup>6</sup>.

Hugh de Berkeley was Sir Roger's eldest son, readily obvious from his having precedence as witness to his father's grant to Lindores before his brothers Donald and Walter. Hugh had a lengthy career, having been knighted before 5 August 1248 when he witnessed a charter of Robert de Brus, lord of Annandale in favour of Lindores<sup>7</sup>. Hugh was sheriff of Berwick in 1258 and 1266-1269, and was justiciar of Lothian at least periodically from 1258 to 1276 as evidenced by the

chartularies of Coldstream, Kelso and Lindores, the Panmure registorum and other extant records of thirteenth-century Scotland<sup>8</sup>. Hugh and his brother Walter de Berkeley appear with Walter Comyn, Earl of Menteith, William, Earl of Ross and a host of the Scots nobility as parties to a compact in alliance with Llywelyn ap Gruffydd, Prince of Wales, dated 18 March 1258/9<sup>9</sup>.

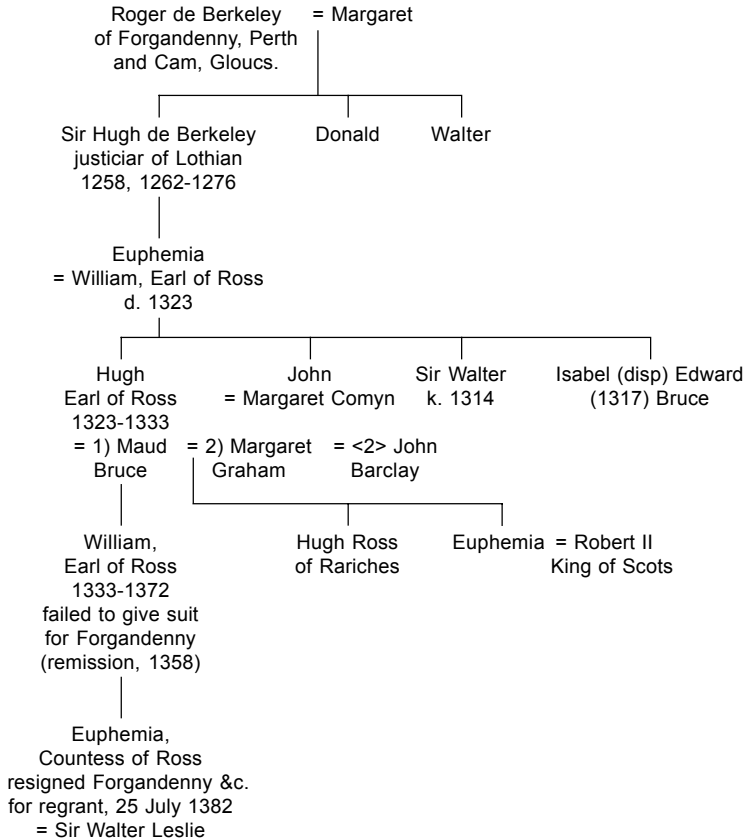
Hugh last appears as justiciar of Lothian on 23 February 1275/6, witness to a charter of Henry de Prendergest in favour of Coldingham priory, given at the Prior's court at Ayton<sup>10</sup>. It was likely he and not an otherwise unknown son who supported King John (Baliol) in 1295 in defying English claims to superiority in 1295, losing his rights in Gloucestershire due to Edward I's order dated at Berwick, 27 April 1296, "No Scotchmen to remain upon the lands of Scotchmen in England". An inquisition in the court of the sheriff of Gloucester at Berkeley found that Sir Hugh held 2 marks annually from the manor of Cam, equivalent to that held previously held by his father<sup>11</sup>. Hugh de Berkeley may have died during this period, but certainly appears not to have lived long after as he does not appear among those who rendered homage to Edward I recorded in the so-called 'Ragman Roll' later in 1296.

Euphemia, Countess of Ross was known to have inherited lands in Lothian, supporting her connection to Hugh de Berkeley the one-time justiciar of Lothian<sup>12</sup>. To date, no record has been found concerning her holding lands in Forgandenny, nor for her son Hugh, Earl of Ross. However, Hugh's son and successor William, Earl of Ross (1333-1371) was lord of Forgandenny: he is recorded as having failed to give suit for Forgandenny, but was granted remission in 1358<sup>13</sup>. Shortly after there is record of a grant of the land of Meikle Kinnaird in Forgandenny by Andrew Barclay of Gartly to John Mercer on or before 26 June 1364, on which date Earl William, clearly Barclay's superior as lord of Forgandenny, confirmed the grant<sup>14</sup>.

William's daughter Euphemia succeeded him as Countess of Ross, together with her husband Sir Walter Leslie. Following Leslie's death, she married as her second husband Alexander Stewart, Earl of Buchan and a younger son of King Robert II, best known to history as 'The Wolf of Badenoch'. Euphemia is known to have held Forgandenny as part of her patrimony: among several charters involving the resignation and subsequent regrant of numerous lands, Forgandenny appears among those "which belonged to the said Euphemia by hereditary right" that King Robert II granted to Euphemia and her new husband in a charter dated at Inverness on 25 July 1382<sup>15</sup>.

Euphemia, Countess of Ross had been previously identified as the daughter of Hugh de Berkeley or Barclay due to the evidence of her son Hugh's seal as well as his being an evident namesake for his maternal grandfather. The relationship to John de Barclay (second husband of Hugh's widow Margaret Graham) made the Barclay relationship certain: the continued lordship of the Earls of Ross in Forgandenny during the fourteenth century, together with the genealogical and heraldic evidence, appears sufficient to make this identification certain.

## The Berkeley family of Forgandenny and the Earls of Ross



### Notes

- <sup>1</sup> National Records of Scotland, State Papers Miscellanea, SP13/3. King Philip IV of France had addressed a letter to King Robert regarding his special love for him and of the alliance that had existed between France and the Scots, and seeking support for a new crusade. See Brown et al., eds., *The Records of the Parliaments of Scotland to 1707*, for the Latin text and English translation. URL: <https://www.rps.ac.uk>
- <sup>2</sup> William Rae MacDonald, *Scottish Armorial Seals* [Edinburgh: William Green and Sons, 1904], p. 292, no. 2328, cites Reg. Ho. Ch. 16 Mar. 1308/9, Acts Parl. Scot. i. 459. The same seal is given in John Horne Stevenson and Marguerite Wood, *Scottish Heraldic Seals* [Glasgow: Robert Maclehose & Coy., Limited at the University Press, 1940], III:566, cites Act. Parl. Scot. i. p. 459, fig. The seal is well worn after 700 years, but the lions and chevron are still clearly shown, as is the cross pattée to the sinister.

- <sup>3</sup> Composed arms are those wherein one or more elements of an armiger's mother's arms were incorporated into his or her own paternal arms. Composed arms are described, together with numerous examples in Scots heraldry, in Bruce A. McAndrew, *Scotland's Historic Heraldry* (Woodbridge: Boydell, 2006) pp. 98, 177, 215, 223, 237, 239, 242, 294.
- <sup>4</sup> J. Ravilious, "The Ancestry of Euphemia, Countess of Ross: Heraldry as Genealogical Evidence", *The Scottish Genealogist* LV(1):33-38.
- <sup>5</sup> *Rogerus de Berkeley* granted a charter to Lindores priory granting 1 bovate of land in his manor of 'Forgrund' (Forgandenny) 'for the salvation of my soul and that of Margaret my wife' ["pro salute anime mee, et Margarete uxoris mee"]. The witnesses to this charter were Lord Henry de Stirling, Lord Reginald de Warenne, Lord Adam Oliphard, Lord Alexander de Stirling, Archibald his brother, Radulf 'my seneschal', Postoyle, 'my "maro"', Alwin my servant, and others [Rev. John Dowden, D.D., ed., *Chartulary of the Abbey of Lindores, 1195-1479* (Edinburgh: T. and A. Constable Ltd., 1903), Scottish History Society, XLII:74-75, no. LXVIII]. *Rogerus de Berkeley* further granted a charter to Lindores giving a half stone of wax due him from his lands in 'Forgrund', witnessed by his sons Hugh, Donald and Walter ('Hugone, Dovenaldo, Waltero filiis meis') among others [Dowden, *ibid.*, XLII:75-76, no. LXIX].
- <sup>6</sup> An order in the Fine Rolls dated at Nottingham, 15 Sept 1330 recorded the following: 'Order to the escheator beyond Trent, - pursuant to an inquisition made by him shewing that Stephen de Draycote held no lands in chief whereby the wardship of his lands should pertain at present to the king, but held a messuage and 2 virgates of land in Draycote of Thomas de Berkele by knight service, wherefrom the king received a rent of 26s. 8d. a year which Maurice de Berkele, great-grandfather of the said Thomas, granted for life to Roger de Berkele of Scotland, and which is in the king's hand by reason of Roger's late adherence to the Scots,...' [*Calendar of the Fine Rolls* (London, 1913), vol. IV, 4 Edw III, p. 190, mem. 17].
- Maurice de Berkeley (d. 1281) was the lord of Berkeley from 1243, and was likely junior in age to Sir Roger de Berkeley of Forgandenny. Maurice held 'Camme' (now Cam, co. Gloucs.) together with several manors in Gloucestershire of the king by the service of 3 knights as noted in an inquisition post mortem dated 5 April 1281 [*Calendar of Inquisitions Post Mortem, Edward I*, vol 2 (London, 1906), p. 235, no. 407]. The grant by Maurice to Sir Roger and the continued tenure by Sir Roger and his son Hugh was recounted in 1296, and as late as 1330.
- The origin of Roger de Berkeley, and his identification as either an emigrant from England or the son of a prior arrival, is a matter of continuing research. Regarding the Berkeley family of England and a likely connection to Roger see Timothy Gordon Barclay, *The Earlier House of Berkeley: a revised history, Foundations* (2017)9:47-70.
- <sup>7</sup> Hugh was likely born before August 1227, as he was probably of age and already a knight when he witnessed Robert de Brus of Annandale's confirmation of his mother's grant of a messuage at Cragyn to Lindores at Edinburgh, 9 August 1248 [Dowden, *ibid.*, XLII:42-43, no. XLI].
- <sup>8</sup> 'Lord Hugh de Berkeley, justiciar of Lothian and sheriff of Berwick' was the first witness to a charter of Elias Chauncum de Ayton quitclaiming land in Upper Ayton to Coldingham priory, dated 20 Dec 1258. Durham Cathedral Archive, Special Collections, Misc. Charter 895 URL [https://reed.dur.ac.uk/xtf/view?docId=ark:/32150\\_s19k41zd510.xml](https://reed.dur.ac.uk/xtf/view?docId=ark:/32150_s19k41zd510.xml) .
- 'Hugh de Berclay, justiciar of Lothian' was witness to a charter of Gilbert de Ruthven granting his lands of Foulis to his kinsman William de Mortimer, dated at the royal court at Scone, 31 March 1262 [John Stuart, LL.D., ed., *Registrum de Panmure: Records of the Families of Maule, de Valoniis, Brechin, and Brechin-Barclay, United in the line of the Barons and Earls of Panmure* (Edinburgh: compiled by The Hon. Harry Maule of Kelly,

1874), vol. II, pp. 82-83]. ‘ Hugone de Berklay Justiciario Laodonie ‘ witnessed the confirmation by Alexander III of a grant by Roger de Quincy, earl of Winchester to Lindores, dated at Linlithgow, 25 December 1263 [Dowden, *ibid.*, XLII:171-2, no. CXXXII] as well as the king’s confirmation of a grant by Patrick, earl of Dunbar of his lands of Laynall to Coldstream priory, dated 21 June 1270 [Charles Rogers, ed., *Chartulary of the Cistercian Priory of Coldstream* (London: printed for the Grampian Club, 1879), pp. 40-41, no. 56].

<sup>9</sup> Joseph Bain, ed., *Calendar of Documents relating to Scotland* (Edinburgh: Her Majesty’s General Register House, 1881), Vol. I, pp. 421-2

<sup>10</sup> Durham Cathedral Archive, Special Collections, Misc. Charter 1236.

<sup>11</sup> The Latin text of the inquisition:

‘ Gloucestria. - Inquisitio facta coram vicecomite Gloucestriae apud Berkeleghe... Dicunt quod Hugo de Berkeleghe, miles, adhaerens Johanni de Balliolo, nuper regi Scotiae, habet duas marcatas annui redditus in feodo in villa de Camme.’ [Joseph Stevenson, *Documents illustrative of the history of Scotland from the death of King Alexander the Third to the Accession of Robert Bruce* (Edinburgh: H. M. General Register House, 1870), vol. II, p. 41, No. CCCLVIII].

<sup>12</sup> Order dated at Bouprie, Fife, 13 Apr 1304:

‘ 365 [1304], April 13

Draft writ from King [Edward I] to the sheriff of Edinburgh. At the king’s command, William, earl of Ross, was again given seisin of the lands in the sheriffdom which he held as his wife’s inheritance at the beginning of the first Scottish war. Sir Thomas de Morham had seisin of them, and has been uplifting the fermes and other issues after the earl was given seisin, also pulling down houses and committing other destruction. The sheriff is not to allow this and is to see that amends are made to the earl for any injury done. Beaupre [Bouprie, Fife]. French. ‘ [Grant G. Simpson and James D. Galbraith, eds., *Calendar of Documents relating to Scotland* (Edinburgh: Scottish Record Office, 1986), Vol. V (Supplementary), A.D. 1108-1516, p. 184, no. 365]. This evidence was brought to the author’s attention by the late Andrew B. W. MacEwen.

<sup>13</sup> “ Item, allocantur computanti xl s., de comite Rossie, pro defectu secte de Forgundeueny, per literam remissionis domini regis, ostensam super compotum.” [J. Stuart and G. Burnett, eds., *Rotuli Scaccarii Regum Scotorum: The Exchequer Rolls of Scotland* (Edinburgh, 1878), vol I, p. 558].

<sup>14</sup> Robert S. Fittis, *The Merchant Princes of “Bonnie St. Johnstoun”* (Perth, 1875), p. 7. This is similarly recounted in S. Cowan, *The Ancient Capital of Scotland* (New York: James Pott & Co., 1904), p. 277.

Thanks to Timothy Gordon Barclay for bringing the Mercer connection to Forgandenny to my attention.

<sup>15</sup> The grant by King Robert II to Euphemia, countess of Ross and her second husband Alexander Stewart, Earl of Buchan, included the lands of Forgandenny and Kinfauns in the sheriffdom of Perth, “que fuerunt dicte Eufamie jure hereditario....” [*Registrum Magni Sigilli Regum Scotorum* (Edinburgh: Gen. Reg. House, 1912), vol. 1, pp 274-5, no. 742]



# **The Original Gilded Balloon?**

## **The Story of the First Edinburgh Music Festival - in 1815**

**John D. Halliday**

Edinburgh, 3rd November 1815. The University Courtyard is buzzing. A band is playing. Surrounding streets are filled with the excited hubbub of thousands of spectators, many waiting since 10am. Shops, schools, trades close. From the Castle, from windows and rooftops, from Calton Hill, Holyrood Park and Salisbury Crags, all strain to get a glimpse. Then suddenly, at 3.00pm, finally...there it is...above roofs of the University courtyard a large balloon emerges, climbing wondrously into the crisp November sky.

Pioneer English balloonist James Sadler caused a sensation. His balloon rose slowly and majestically as the westerly wind took it towards the sea. Sadler continued waving his flags as long as he could be seen, and the crowds applauded and gasped in awe and admiration.

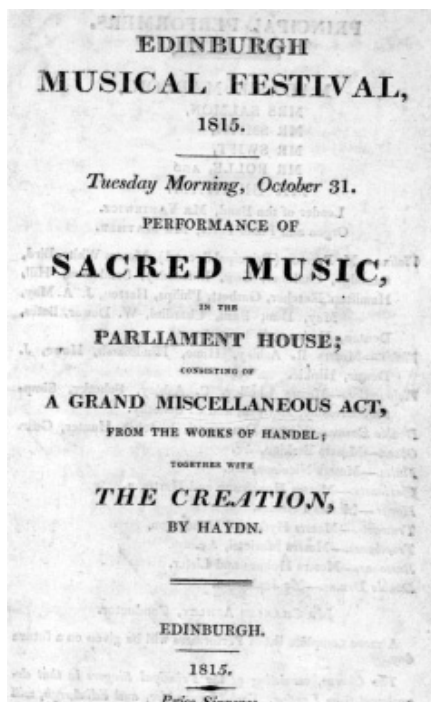
The balloon soared high, but, alas, it was November after all and visibility worsened. Having forgotten his map, Sadler cut short his planned flight, landing after twenty minutes by the Forth at Portobello. An excited crowd had followed him, causing such a crush that balloon and car were totally destroyed, with bits carried off as souvenirs. However Sadler, exhausted, was borne shoulder-high in triumph into Portobello.

But despite capturing popular imagination after several weeks of clever advertising, Sadler's balloon was but a fringe event. Edinburgh had in fact long been in a state of fevered excitement, with people flocking into the city from far and wide - in anticipation of the very first Edinburgh Musical Festival - not in 1947, but 230 years earlier, in 1815.

Three days before Sadler's ascent, on Tuesday 31 October, the inaugural Edinburgh Musical Festival had opened in the packed old Parliament House, launching the greatest musical extravaganza that Scotland had ever seen. Hugely popular, the six concerts almost sold out - 9,011 tickets overall, 2,141 for Handel's *Messiah* alone.

Thanks to Covid-19, Edinburgh in 2020 was empty, the first time in 73 years. The Edinburgh International Festival was conceived in 1945 to "provide a platform for the flowering of the human spirit" and help Britain and Europe recover from the war. The first Edinburgh Musical Festival also emerged from challenging times, conceived in 1814, the final year of the Napoleonic Wars, opening just four months after the Battle of Waterloo, when Edinburgh, as with the rest of the UK and Europe, was still recovering from the years of conflict.

Other resonances: given our recent appreciation of NHS and care workers it is



*Programme cover of the first concert on 31 October 1815*

fascinating that the explicit priority of the 1815 Festival was to raise as much money as possible for charitable purposes - over the five days an impressive total of £1,500, (approximately £140k today). Leading the list of 17 beneficiaries were Edinburgh's Royal Infirmary, and the new 'Lunatic Asylum', each receiving £400! Even 207 years ago, the authorities wished to support physical and mental health, as well as relieve poverty.

This was of course the 'Golden Age' for the Scottish Enlightenment, when Edinburgh led the world in so many spheres. 'Improvement' was the watchword, but not just financially or materially. For one commentator, the Festival was emphatically designed "to improve the moral habits and feelings of the people. Most of our vices arise from the abuse of our leisure hours; and no means can be more effectual in stopping their progress than those which

provide an innocent recreation to the mind, without corrupting it. Of all the amusements of this kind, we know of none more fascinating than music."

Interestingly, Edinburgh had come late to the festival phenomenon. Music in 18th century was emerging from centuries of neglect. The departure of the royal court to London in 1603, the Union of Parliaments in 1707, but above all the overweening influence of the established Church of John Knox, which had banned instrumental music from churches completely since the Reformation, all combined to ensure that, 'national airs and songs' apart and a few honourable exceptions, music and the performing arts in Scotland existed in a cultural desert - in stark contrast with the situation south of the Tweed.

Specifically, 18th century Handelmania after the composer's death in 1750 had inspired towns and cities across England to mount their own music festivals, in Leeds as early as 1767. Edinburgh cultural leaders visited these festivals and now wanted one of their own. In December 1814 a group of titled landowners and the Edinburgh 'great and good' met in the Lord Provost's office to propose an 'Edinburgh Musical Festival', in 1815, with six musical performances, on this English model. There were to be three oratorios or selections of sacred music in the morning, and three 'Miscellaneous Concerts' in the evening.

A 62-man - all men of course - Board of Patrons and Directors was formed, led by the Duke of Buccleuch, a hierarchical body reflecting the deeply engrained social and intellectual stratification of Edinburgh life.

The striking lack of professional musicians on the Board was however unsurprising, given the Kirk's sustained suppression of 'classical' music following the Reformation. 18th century Edinburgh's 'classical' music was therefore dominated by foreign musicians, primarily Italian, with a few Germans and Englishmen. Few local musicians were of the calibre required. The Directors wanted to recruit the best musicians possible. Festival orchestra leader was Polish-Lithuanian violin virtuoso Felix Yaniewicz, who appeared alongside the 'Paganini of the double bass', Domenico Dragonetti, Robert Lindley, cello, and Mr Holmes, bassoon, both English. All were stars of the musical firmament at the time.



Portrait of Felix Yaniewicz, in 1799 on the occasion of his marriage, by L. de Longastre (c1747-1806). Reproduced by kind permission of Josie Dixon, his descendant.

Londoner Charles Ashley, a long-time organiser of Handel based festivals, was contracted as Festival conductor to bring excellent vocal and

instrumental performers from London and provide the requisite music.

The orchestra was substantial (unlike many Handel performances today) with 24 violins, 7 violas, 6 cellos, 5 double basses, alongside 2 oboes, 3 flutes, 2 clarinets and 2 bassoons, a brass section of 2 each of trumpets, horns and trombones, and one 'drum'.

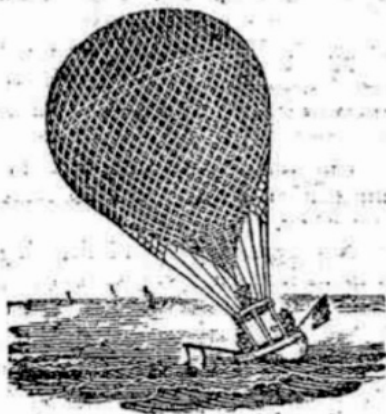
The six principal vocalists, Mme Marconi, Eliza Salmon, the supreme tenor John Braham, Messrs Roffe, Smith, and Swift, established opera stars of the day, joined a chorus of 58 singers (12 sopranos, plus 4 boy trebles from York, 11 male altos, 16 tenors and 15 basses). The unprecedented sound produced by 120 performers - the biggest assemblage of musicals Scotland had ever seen - astounded Edinburgh audiences.

The demanding five-day programme focussed on oratorios by Handel and Haydn, with symphonies by Haydn, Mozart and Beethoven, interspersed with individual vocal and instrumental items by largely lesser known popular composers of the day. Highlights were Haydn's *Creation* in the opening concert and Handel's *Messiah*, both standard elements of festival programmes.

But where to perform? There being no purpose-built hall that could accommodate Festival audiences, morning concerts were innovatively held in the old Parliament Hall, home of the Scottish judiciary since the abolition of the Scottish Parliament in 1707. However, to perform grand Handelian oratorios, a temporary balcony was installed, and, even more incredibly, the Covent Garden organ, shipped up from London to Leith, had to be built for the duration.

Evening concerts - of secular music - were held in Corri's Rooms, a large multi-purpose hall, long since disappeared, at the top of Leith Walk, managed by one of Edinburgh's prominent musical Italians, Natale Corri.

There were problems too of course. Some concerts were massively over-



**MR. SADLER,**  
Late Member of the Board of Naval Works, and Inspector of  
Chemistry to the Army and Navy,  
**R**ESPECTFULLY informs the inhabitants of Edinburgh  
and its vicinity, that he will make his **FORTY-NINTH**  
**ASCENSION**  
On **FRIDAY, the 3d November 1815,**  
**FROM THE COLLEGE.**

The doors will be opened on the day of Ascension for the admission of company, at half-past eleven; and the Ascension will take place at two o'clock precisely. The process of inflating will commence at twelve, which will be announced by the firing of a gun; the second gun will announce the Balloon being inflated; the third the attaching the Car; the fourth that all is ready; the fifth the Pilot Balloon; the sixth the Ascension.

Tickets of admission to see the Ascension, Process of Filling, Attaching the Car, &c. Five Shillings each; and to a separate area, which will be railed off for viewing the Ascension only, Three Shillings—to be had of Mr SADLER, at the Assembly Rooms, George Street, and at SHAW'S Hotel; also at Mr BAXTER'S Italian Warehouse, South-Briggs, at Mr MACPHERSON'S, St Andrew's Street, at Mr SINCLAIR'S, Leith Terrace, and at the College.

Mr Sadler having made arrangements for the accommodation of the Ladies in case of rain, those wishing to secure seats must apply to Mr Sadler, or at the College.

Should the morning be favourable, a Signal Gun will be fired from the Castle at ten o'clock, and a Flag placed on the top of Nelson's Monument.

N. B.—In the early part of the day, several small Balloons will ascend, detaching parachutes; and when the Balloon is at the altitude of a Mile, an **ANIMAL** will descend from it in a Parachute.

Military Bands will perform during the morning.

*Advertisement by James Sadler advertising his  
balloon launch on 3 November 1815*

subscribed as the Directors had sold too many subscriptions. Over 600 were turned away from the *Messiah* alone. Newspapers reported that women fainted with "fright and pressure". Frustrations boiled over; irate altercations occurred between concert goers and the police. Angry letters appeared in the press. And, "So great was the competition for admission, that the different parties found it necessary to come out of their vehicles; and ladies in full dress were forced to stand waiting in the dirty streets until the doors were opened, after which the crush was excessive."

**MUSICAL FESTIVAL.**—The following distribution of the profits, arising from the Edinburgh Musical Festival, has been made by the Lord Provost, Lord President, Lord Justice Clerk, and Lord Chief Baron, who were appointed trustees for that purpose.—

The Royal Infirmary	£400	0	0
Lunatic Asylum	400	0	0
Magdalene Asylum	100	0	0
Destitute Sick Society	100	0	0
House of Industry	60	0	0
Industrious Blind	55	0	0
Senior Female Society	50	0	0
Edinburgh Charity Workhouse	50	0	0
Parochial Schools	30	0	0
Society for Decayed Musicians	30	0	0
Society for Relief of Indigent Old Men	30	0	0
Canongate Charity Workhouse	25	0	0
Leith Indigent Society	50	0	0
Ditto Female Society	30	0	0
Ditto Sabbath Evening School	30	0	0
Ditto Boys' Charity School	30	0	0
Ditto Girls' Charity School	30	0	0
	£1500	0	0

and the trustees farther directed Mr Russel to pay to the Charity Workhouse of this city such farther sum as shall appear to be due by him, when his accounts, as treasurer of the Edinburgh Musical Festival, are finally closed.

*Report of the legacy donations by the Festival Directors*

Unsurprisingly, Directors faced albeit completely unfounded allegations of reserving seats for their families and friends...

However, audiences loved it. Tellingly, the Friday concert had to be brought forward by an hour to enable the crowds to witness Sadler's ascent. A contemporary reported that by the "liberality and good taste of the good people of Scotland, this scheme for the display of music on a greater scale than was ever before attempted in this country, has met with unparalleled success." And in Sadler's balloon launch we can say we had the original Fringe First!

The 1815 Festival firmly, if belatedly, placed music at the heart of Edinburgh's Golden Age. Two further Festivals took place in 1819 and 1824 respectively, and unsuccessfully in 1840 in 1843, but it would take another century and two World Wars finally to embed the Festival phenomenon in the hearts and minds of Scotland's artists, politicians and wider public.

*Newspaper articles appeared in Caledonian Mercury*

## DATES FOR YOUR DIARY - 2022

In normal times the ordinary meetings take place at 7.30pm in the Augustine United Church, 41 George IV Bridge, Edinburgh EH1 1EL.

The meetings are open to all and admission is free, although donations of £4 each from non-members are appreciated.

- 19 September "The Story of the Union Canal" by *Graeme Cruickshank, Historian.*  
17 October "Scottish Women Doctors 1875 - 1914 and their India Connections" by *Roger Jeffery, Professional Fellow, Sociology of South Asia, University of Edinburgh.*  
21 November "What can DNA Testing do for your Family History" by *Michelle Leonard, Genealogist.*

While we may resume meetings in person, certain precautions will remain in place. Attendees must sign in, wear face-masks and sit "distantly". But it will be grand to be back! We're investigating hybrid talks.

**Please check our website before setting out, in case of any last-minute changes.**

Please keep an eye on our website [www.scotsgenealogy.com](http://www.scotsgenealogy.com)

## Annual General Meeting

This will be held at the Augustine United Church, 41 George IV Bridge, Edinburgh EH1 1EL at **7pm on Monday 19th September 2022.**

It will be followed at **7.30pm** by Graeme Cruickshank's talk, "The Story of the Union Canal".

## Advertising in

### ***'The Scottish Genealogist'***

Our journal now accepts advertising  
for things relevant to genealogy.

A full page (black and white) is £80,  
half page £40, and a quarter page is £20.

These are the only sizes accepted.

If you, or someone you know, would like to consider  
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