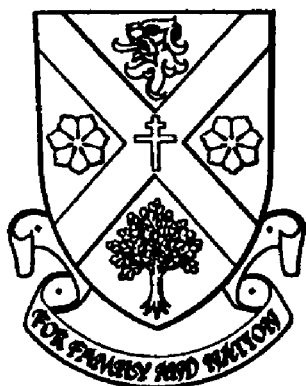


THE SCOTTISH GENEALOGIST

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GENERAL INFORMATION

The Society is an academic and consultative body. It does not carry out professional record searching, but will supply members, on request, with a list of professional searchers who are also members of the Society.

Meetings

Monthly meetings of the Society are held from September to April in the Royal College of Physicians, 9 Queen Street, Edinburgh, at 7.30 p.m. around the 15th of the month. In the event of the 15th falling on Saturday or Sunday, the meeting is held on the following Monday.

Membership

The current subscription is £12.00 Family membership will be £15.00 and affiliate membership £18.00. The subscription for U.S. members will be \$24.

The Society is recognised by the Inland Revenue as a charity. Members who pay UK income tax are therefore encouraged to pay their subscriptions under Deed of Covenant so that the Society may recover the tax paid on these sums. Details of arrangements for making a Deed of Covenant can be obtained from the Honorary Treasurer.

Correspondence, Magazines, etc.

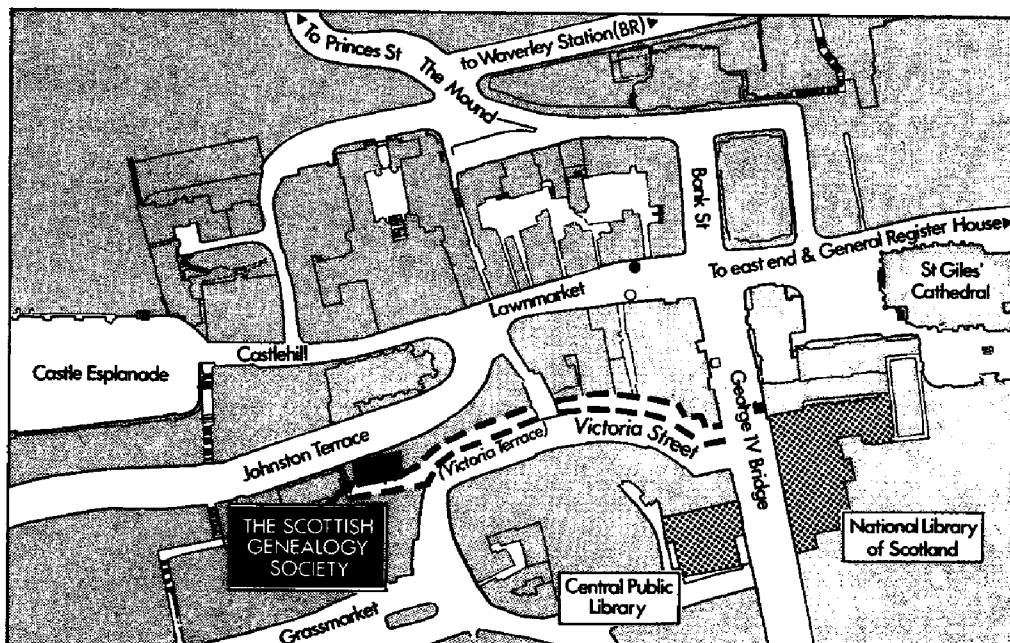
General correspondence should be sent to the Secretary and subscriptions to the appropriate Membership Secretary; queries and articles for The Scottish Genealogist to the Editor, at the address shown on the back cover. A charge of £2 is made for queries to non-members. Back numbers of The Scottish Genealogist and information about the Society's publications can be obtained from the Sales Secretary, 15 Victoria Terrace, Edinburgh EH1 2JL, Scotland.

Library & Family History Centre,

15 Victoria Terrace, EDINBURGH EH1 2JL, Scotland. Telephone: 031-220-3677

LIBRARY OPENING HOURS:

Tuesday	10.30 a.m. - 5.30 p.m.
Wednesday	2.30 p.m. - 8.30 p.m.
Saturday	10.00 a.m. - 5.00 p.m.



NEWS IN BRIEF

ONE DAY CONFERENCE

This conference is being organised by the Scottish Genealogy Society on behalf of the Scottish Association of Family History Societies. It promises to be a most interesting day of lectures and will give those attending a chance to meet people from all over the U.K. with similar interests. There will be a variety of stalls offering a wide range of books and allied genealogical information. More detailed information on how to enrol will be found later in this journal.

The Library will be opened during the weekend of the Conference at the following times:

Friday and Saturday 5 to 8 p.m.

Sunday 10 a.m. to 4 p.m.

OLD PARISH REGISTERS MICROFILM APPEAL

The response to date has been encouraging. The Society has received the following old parish registers: Duns, Berwickshire; Delting, Shetland; Rescobie and Inverarity, Angus. Orders have already been placed.

NEW PUBLICATIONS

The Society has published a volume of Duddingston monumental inscriptions and poll tax records. It also has available a booklet entitled, 'The Scottish Association of Family History Societies - General Information'. Details of both these works and their cost are to be found later in this volume.

KIRK SESSION RECORDS

Sexuality and Sexual Control - Scotland, 1660 - 1780 is the title of a book by Rosalind Mitchison & Leah Leneman, which is now in the Society's Library. Professor Mitchison talked to the Society about her book and the research that went into it, at the November meeting of the Society. Professor Mitchison very kindly gave the Scottish Genealogy Society the cards, about 10,000 in all, that contain the information she extracted from various kirk session records. They deal mainly with antenuptial sex and fornication. The cards are now available for members to search. The parishes covered are detailed below.

ABERDEENSHIRE

Belhelvie	1661 - 1760	Ellon	1661 - 1780
Foveran	1671 - 1780	Kenmay	1662 - 1780
Longside	1663 - 1780		

AYRSHIRE

Ayr	1661 - 1717	Dailly	1693 - 1758
Dalrymple	1741 - 1780	Dundonald	1701 - 1750
Kilbirnie	1741 - 1780	Kilmarnock	1671 - 1730
Kilwinning	1677 - 1680	Kirkoswald	1701 - 1780
Mauchline	1671 - 1780	Sorn	1693 - 1760
Straiton	1733 - 1780		

CAITHNESS

Canisby	1711 - 1780	Olrig	1701 - 1780
Thurso	1671 - 1749	Wattin	1702 - 1780

CENTRAL LOWLANDS

Auchterarder	1681 - 1710	Dunbarney	1661 - 1710
Dunblane	1661 - 1670	Falkirk	1661 - 1670
Fintry	1671 - 1680	Forgandenny	1741 - 1780
Fossoway	1711 - 1780	Gargunnoch	1701 - 1740
Logie	1691 - 1699 & 1751 - 1770		
Longforgan	1681 - 1720	Muiravonside	1671 - 1780
Muthill	1711 - 1770	St. Ninians	1661 - 1730
Trinity Gask	1671 - 1690		

DUMFRIESSHIRE

Applegirth	1695 - 1770	Dumfries	1671 - 1730
Eskdalemuir	1731 - 1770	Glencairn	1702 - 1730
New Abbey	1761 - 1780	Westerkirk	1694 - 1760

FIFE

Dysart	1663 - 1780	Kinglassie	1661 - 1780
Kingsbarns	1664 - 1780	Wemyss	1661 - 1780

KIRKCUDBRIGHTSHIRE

Colvend	1741 - 1750	Kells	1694 - 1700
Minnigaff	1701 - 1750	Troqueer	1745 - 1780

LOTHIANS

Cramond	1661 - 1770	Dalkeith	1661 - 1780
Pencaitland	1663 - 1766	Spott	1664 - 1768
Torphichen	1681 - 1780		

N.E. HIGHLANDS

Alves	1661 - 1780	Banff	1701 - 1780
Drainie	1671 - 1780	Fordyce	1661 - 1751
Forglen	1661 - 1780	Grange	1661 - 1780

S.E. HIGHLANDS

Alvie	1714 - 1749	Blair Atholl	1741 - 1779
Croy	1663 - 1770	Kenmore	1731 - 1760
Kilmadock	1661 - 1680	Moulin	1711 - 1780
Petty	1665 - 1777		

W. HIGHLANDS

Durness	1765 - 1770	Gleneray	1702 - 1728
Golspie	1731 - 1750	Inveraray	1701 - 1750
Kilbrandon	1755 - 1766	Kilfinan	1743 - 1749
Kilmartin	1692 - 1770	Kilmory	1703 - 1720

Kingarth	1671 - 1700	Lochgailhead	1750 - 1780
Rothsay	1701 - 1780		

WIGTOWNSHIRE

Penninghame	1701 - 1740	Stranraer	1741 - 1780
Wigtown	1701 - 1740		

KIRK SESSION EXTRACTS

Troqueer, 23 November, 1761. Mary Drummond alleges that she was married to Robert Watson irregularly in 1760. He kept the marriage lines and she does not know where he is. Referred to the Presbytery. - Laid under sentence of lesser excommunication by the presbytery for her contumacy and her "most absurd & indecent behaviour in presence of said meeting of Presbytery".

Troqueer, 20 December, 1770, Jean Donaldson confessed to having a child, the alleged father of whom was William Livingston who was pressed as a marine but discharged as epileptic. She also confessed that she had previously brought forth a child in fornication, to an unknown man.

Minnigaff, 7 March, 1731. Jean Duniston died in childbirth, but witnesses claimed that she confessed to having carnal knowledge of John McTaggart, Alexander McTaggart, John Thomson and James Stewart.

Minnigaff, 30 October, 1725 Jean Mulikin alleged that the man's face was blackened so she could not recognise him, but thought it might be Aléxander Heron. However, session doubt her story as the common report was that she was over-familiar with a married man, John Wilson. Referred to Presbytery.

Minnigaff, 4 November, 1705. James McMillan is accused of scandalous carriage with Elizabeth Gellie and two other women, one of whom he is proclaimed to marry. The Session does not allow him to marry the other woman as he is alleged to be under promise to Elizabeth Gellie.

Cramond, 5 October, 1673. Janet Ramsay brought to session by two cautioners for the Virginia Captain. She affirms that James Given had sold her to him "Lest the adultery should have been discovered".

19 October, 1673. The session do not know whether to believe her as "she was but a wittlesse young lasse about twelve years of age".

Cramond, 6 September, 1668. Elspeth Benk alleges that John McClelland, fugitive, forced her into fornication. Session decided it was "most improbable lyke that the man forced her upon a high street".

DUDDINGSTON MONUMENTAL INSCRIPTIONS &

POLL TAX 1694 - 1699

Compiled by D Richard Torrance for the Scottish Genealogy Society 1991
ISBN 0 901061 41 7.

This volume covers all inscriptions in the kirkyard at Duddingston, including those inscriptions in the crypt which has now been sealed. The Poll Tax was collected in 1694, and well over 250 names are recorded. The volume also contains a summary of Kirk Session Records and Old Parish Registers available to the researcher as well as a short bibliography. Price: £3.25 UK & Surfacemail to all countries. \$9.00 Surfacemail to USA. £4.75 Airmail to all countries. \$12.00 Airmail to USA..

Airlie O.P.R. 270/3 - 16th March 1712

This day the Minr. by appointment of the Presbytrie of Meigle admonished from the Pulpit Alexander Ogilvie elder of Pool in the parish of Lentrathen to repent of the Sin and Scandal of Adultery charged against him by Margaret Miller some time ago his servant, and of his obstinate contumacy under the same, and further to submit to the discipline of this church in order to remove the said scandal, with this express Certification that if he did not comply with this admonition the said Pbtie, att there next meeting att Alyth the 26th of this month would proceed to the Sentence of the higher Excommunication against him, he besides this Scandal being famed and reputed to guilty of hainous and flagitious wickednesses which admonition was followed with publick prayer being to be given to him this day also from the Pulpets of Kingoldrum, Glenyla and Lentrathen where he resides.

6th Aprile, 1712

This day by appointment of the Presbytrie the Minister did publicly intimate the Sentence of the higher excommunication pronounced by the said Presbytrie att there meeting att Alyth 26th of March last against Alexander Ogilvie Elder of Pool, and warned the Congregation to be ware of intimate and familiar converse with that wicked flagitious and now excommunicate person, which Sentence was also this day to be intimated in all the Churches of the Presbyterie.

THE LIBRARY AND FAMILY HISTORY CENTRE

The main event of the year was the reopening of the Library in its new premises at 15 Victoria Street in the Old Town of Edinburgh.

At this time last year, we were awaiting permission for "change of use" of these premises and this was confirmed in March. The premises had most recently been a restaurant and before that, a printer's workshop. Two relics in the form of two presses remained and have now been adapted as part of our decor. The Library is on two levels, with steps at either end. The higher level has no natural light and so the microfilm and microfiche readers have been placed there. The ceiling is very high and vaulted as the buildings of Johnston Terrace rise above us at the foot of the Castle Rock and Victoria Street lies beneath us. From the entrance we can look across the rooftops to George Heriot's School.

Two days after we obtained the keys, we had a break-in with its accompanying vandalism. This necessitated the purchase of a new carpet for the front area and redecoration. Moreover there was a great deal of work to be done in connection with the wiring, the removal of superfluous sinks, pipes, flues and the installation of central heating. The Chairman and the Treasurer revealed hidden talents and led bands of volunteers from the Membership to these various tasks. All this took a great deal of very hard work by many Members and we are greatly indebted to all those* who lent a hand in whatsoever capacity.

The sales stock and equipment were retrieved from their various "homes" and the books and the rest of the furniture came out of store in July. Work was then redoubled to reassemble the bookcases and arrange the books on the shelves in order to reopen before the end of September. The Library is now open three days a week and we are very grateful to the Members on the rota of volunteers* who turn out regularly to look after the Library on those days.

* see list appended to this Report

During the year, Mr R.M. Strathdee, our Hon. Librarian, continued to deal with Library correspondence and answer queries as far as possible. Gifts of books continued to be received and we welcome gladly such donations.

GENEALOGICAL INQUIRIES

The opening of the new Library has made it easier to deal with a stream of inquiries from all over the world. The Council is grateful to the Honorary Librarian for answering the requests for information which is readily available, and to the Honorary Genealogical Officer (Mr James A. Thompson) for referring more complicated requests to one or other of the accredited searchers;

214 such inquiries (including 72 from USA, 45 from England, 35 from Canada and 34 from Australia) were referred to these searchers in 1990.

During the year the Genealogical Inquiries Committee considered two more applications for inclusion in the List of Searchers, and accepted one of these as having the knowledge and experience required to deal with genealogical inquiries. A revised edition of the List, with the names and addresses of 18 accredited Searchers, may be obtained, free, from the Library.

MEETINGS

The September meeting opened the session with a lecture by David Dobson on "Scots in the Americas 1540 - 1790". This was attended by a party of visitors from North America. The October meeting had an Australian theme: Mrs Ettie Pullman from Australia spoke on "Free arrival records - assisted and unassisted emigrants to Australia 1786-1899". Other lectures followed on "The Edinburgh City Archives" by the City Archivist, S.C. Wilson; "Genealogy and the work of the School of Scotland Studies" by R. David Clement; "Genealogy of Andrew Carnegie" by Mrs Sheila Pitcairn; "A visit to Salt Lake City" by Laurence R. Burness; "James Murray - Editor of the Oxford English Dictionary" by Peter Ruthven Murray. In May, a visit was made to the University of St Andrews to see the University Muniments under the guidance of Robert N. Smart. The ordinary meetings of the Society, apart from the St Andrews visit, were held in the Royal College of Physicians of Edinburgh to whose President and Council we are indebted for the privilege.

MEMBERSHIP

With the rise in the membership subscription in the previous year and the lack of Library premises during the greater part of 1990, it is not surprising that there was little change in United Kingdom membership numbers, though new subscriptions in the Spring and Summer were sufficient to compensate for the customary resignations at 30th September. However, the Membership Secretary, Mr J. Kinnaird reports that there was an encouraging improvement in the Autumn and by January individual and family membership totalled 852, an increase of 28 over the numbers twelve months earlier. Library, institutional and affiliate membership remained steady at 89. Overseas library membership was little changed at 93. Individual subscriptions have been somewhat slower arriving than usual, although quite a number have taken advantage of the new credit card facility which we offer. Membership in the United States, about a third of the membership overseas, is already showing a slight increase, but this is more than off-set by reductions elsewhere.

MONUMENTAL INSCRIPTIONS

Here we have to record with great pleasure that, on 12th June, Mrs Sheila Mitchell celebrated her 100th birthday. A card was sent to Bath on behalf of the Society and Mrs Mitchell wrote by return. She sent her thanks and best wishes "to all her friends who had made her feel important in old age".

Carrying on in Mr and Mrs Mitchell's tradition, Miss Cowper and Mrs Ross finished the recording of pre-1855 graveyard inscriptions in Caithness; this will be published shortly. Miss Alison Mitchell continued with the Stewartry of Kirkcudbright and the first two volumes have been published. Lochaber and Skye, compiled by Mr and Mrs A. Beattie has also been published during the year.

In Edinburgh, recording continues in Newington. The old part of the Dean has been finished as has also East Preston Street. Publication will follow in due course.

OTHER PUBLICATIONS AND PROJECTS

In spite of our preoccupation with the Library premises, work on publications with regular meetings of the Publications Committee progressed steadily. Three more Information leaflets were produced: Beginners' Bibliography; Testaments and Where to find them; Artists and Sitters. We are indebted to our Chairman and Mrs Rosemary Bigwood for these. Our chairman also compiled Scottish Personal Names and Place Names: a selected bibliography. Other Leaflets and publications are in process.

Tribute must be paid to our indefatigable Sales Secretary, Mrs P. Peat, who has managed to cope with the continuing requests for publications during a very difficult year. Various projects have been started during the year. These include the transcription of the Poll Tax for Midlothian. In West Lothian, Mr and Mrs Carstairs are transcribing Lair Books. A start has been made with the indexing of Canongate Parish in the 1851 Census of Edinburgh.

SCOTTISH ASSOCIATION OF FAMILY HISTORY SOCIETIES

The three committee meetings of the Association held during the year were hosted by ourselves.

The Annual General Meeting was held during the one-day national conference at Troon with the Troon Society acting as host. the theme of the conference was "Ayrshire from the Medieval to the Industrial Age" but, as was pointed out, the broad history of Ayrshire during this period has many points of similarity with other Scottish counties. A varied programme of lectures was enjoyed. Most societies, including ourselves, displayed their wares, together with the local libraries and museum. At the Meeting, Mrs M. Johnstone of Tay Valley and Miss S. Spiers of Aberdeen were re-elected Chairman and Treasurer respectively. Miss L. Malcolm, the Secretary, did not stand for re-election and there were no nominations for Editor.

The Committee meetings of the Association give an opportunity for the exchange of information, discussion and resolution of mutual problems and the offer of assistance, if requested, to the newly formed societies.

APPEAL FUND

An up to date report from the Treasurer will be found in the latest issue of The Scottish Genealogist. We can only reiterate here our grateful thanks to all Members who have contributed so generously. Our thanks also go to the Trustee Savings Bank who gave us a handsome gift for the purchase of equipment: we now have a new photocopier and a microfiche reader/printer. Other Members have given gifts in kind: microfiche readers and furnishings and equipment for the Library. To those who have not yet made a donation, it is not too late! We still have a long way to go to reach our target. All donations, large or small, are welcome.

THE VOLUNTEERS

Mrs Z.M. Ashford
Mr and Mrs J. Baines
Mr P. Bett
Mr James Carroll
Mrs S. Carstairs
Mr R. Cockburn
Miss Zandra Constable
Mrs K. Cory
Dr Ainslie Crawford
Miss M. Cuninghame
Mrs Sheila Durham
Mr Craig Ellery
Mr Richard Gillanders
Ms Christine Hyatt
Dr Betty and Professor A. Iggo
Mr George Ironside
Mrs Marion Johnston

Mr and Mrs J. Kinnaird
Mr David MacAdam
Mr Alan MacLeod
Mr J.A.M. Mitchell
Mrs Mary Mitchell
*Mr A. Morrison
* Professor G.R. & Mrs E. Nicoll
Mrs A. Pippet
Mrs S. Pitcairn
Miss Barbara Revolta
Mrs Loraine Ritchie
Mr Albert Russell
Miss Winifred Shand
Dr J.G. Sime
Miss M.A. Stewart
Mrs Anne Stupart
Mrs Moira Watson

and the Office Bearers

The Scots Magazine - February 1747

Edinburgh

Between 50 and 60 boys, and near the same number of girls, belonging to the Edinburgh Charity-work house (all uniformly clothed with the manufacture of the house, and having in their hands specimens of their work), were drawn up, in two lines, on each side the entry to the inner parliament-house, Feb 5, and made their devoirs to the Lords of session as they passed; after which they went in procession thro' the city. Such visible good effects of so excellent an institution gave great pleasure to all who saw them

Kirk Session Registers and their Use to Genealogists for Early Modern Scotland

by Rosalind Mitchison

The Kirk Session was the lowest in the hierarchy of Church Courts in the presbyterian system of church government. It was composed of the minister and elders of a parish; its duty was the the management of the parish's affairs. It supervised the schoolmaster, collected and distributed such funds as were available for poor relief, organised the holding of communion, paid the expenses of visiting ministers during vacancies and set and collected the fees for the use of mortcloths and bell at funerals. Beside these practical duties it had disciplinary ones. It dealt with Sabbath breach, riotous or scandalous behaviour, gross drunkenness, bad family relations and sexual misbehaviour. The disciplinary functions faded selectively during the eighteenth century, ceasing altogether in most parishes by the 1780s.

The fulfilment of the various duties was recorded, not always fully, in Registers which were inspected by the presbytery every few years. After the inspection a presbytery might lay down instructions about the format and content of the Register, and these might or might not be followed. But the fact of inspection makes these Registers a much more important historical record than Old Parish Registers (hereafter O.P.Rs); for once presbyterianism was fully established some sort of Kirk Session Register had to be kept, whereas the keeping of O.P.Rs could be, and often was, neglected. It was open to a parish to keep the various functions covered in the Kirk Session Register separate, and indeed after 1751 it was usually ordered that business matters and disciplinary ones should use different books. Quite often financial affairs were recorded by turning the book upside down and starting at the back. There is such a lack of Registers for the seventeenth century for Highland parishes that it seems probable that the habit of keeping them had not yet been established there. For Scotland as a whole by the 1690s some quarter of the parishes have left surviving Registers. These and later ones were collected centrally this century by the Church of Scotland, and later handed over to the Scottish Record Office. Now the policy of the Record Office is to return them to the regions from which they came, provided adequate archive care is available. Before sending them out the Record Office takes a microfilm. These microfilms are available for use, but the photographic techniques are sometimes inadequate to provide legibility.

Various volumes of the Registers have been printed, and the quickest way to get a good idea of their characteristics is to work on one of these. The New Spalding Club brought out very full extracts of the Registers for Elgin for the sixteenth, seventeenth and eighteenth centuries: the Scottish History Society has produced the Register of St Andrews in the sixteenth century; and the Scottish Record Society the very early material for the Canongate at the time of the Reformation.¹ Henry Paton, a very fine scholar, edited six registers and these were privately published by the Marquis of Bute. These are for the later

seventeenth and eighteenth century, for the Parishes of Penninghame, Minigaff, Dundonald, Wigtown, Rothesay and Kingarth.² Of these the most rewarding are Rothesay and Penninghame.

Session Registers have been frequently used for purely local history. They have been consulted on a broader scale for the history of education. Dr R.D. Breckinridge, Dr John de Falco and Dr Leah Leneman have, at different times, studied Sunday observance breach in them and other disciplinary features.³ Dr Leneman and I have based a study of illegitimacy on them. Professor Smout used the very full instructions for the schoolmaster in the Register of Dundonald for 1640 to show the approach to teaching approved of in the seventeenth century.⁴ Registers and other material classified with them in the Scottish Record Office contain unexpected information of demographic interest. The South Leith catechising lists for the mid-eighteenth century and the Bill of Mortality for Tranent 1753-1783 are examples of this: both were used in M.W. Flinn's book, *Scottish Population History*.

For the use of this material to genealogists, it seems to lie in two areas. One is that information about individuals may supply gaps in family trees. There will always be the problem of exact identification, but that is common to much material. The other is that they are a rich source of information about parish society and personal relationships in the past. They tend not to give specific information about economic status or activity, but they give stories, opinions, the remarks of people in the past. The information thus gained is often discreditable, since Sessions spent far more time on the disreputable than on the godly, but it is vivid.

For the first aspect we must bear in mind that many O.P.Rs do not cover all rites of passage, baptism, marriage and burial, consistently over time. One or more of these events may have no register kept. Even where an apparently full register was kept, it may not really be complete. The most full registers of the late eighteenth century are those for Kilmarnock, and these are so full that some individuals can be traced from baptism to marriage. There is also a register of births kept by the midwives, and 25% of the births noted there do not show up as baptisms in the parish register. For some of the deficiencies Kirk Session Registers can be a check on the other material. An example of the way one document can rectify the impression given by another can be found in the occasion in January 1640 when the congregation of Dundonald took the Covenant. This event cannot be regarded as one of voluntary adherence: the men, for women's adherence could be assumed, were under some degree of compulsion. Their names were listed. As a check on the level of attendance on this occasion I took note of all the individuals named in the Kirk Session Register during the two years preceding. There were 39 such names, and only 19 of them were in the Covenant list. Of course those in trouble with the Session over matters of discipline were particularly likely to have been pushed into the army, and the old and infirm, noted as getting poor relief, might not be up to getting to church in the middle of winter. Still the shortfall is a useful

remind that we cannot afford to ignore any historical source which provides the names of people, because other, apparently more useful or appropriate, sources may be incomplete.

Of course, just gathering in names may not solve the problem of tracing individuals. A brief study of the volumes produced by Henry Paton will show how often there were two or three people in a parish with the same name, and with very little else recorded by which they may be identified.

Kirk Session Registers become more illuminating when they can be linked to other material. For instance Calls were held in a few parishes every year; these often give information about economic status, for the value of a vote might depend on this. The objections lodged by opponents to some names must just be gossip, but can sometimes contain sound material. For instance a Call in Tranent Parish in 1740 led to the objection to Anthony Adamson that his vote should be discounted because he had sold his wife for sixpence. The accusation was taken up by the Presbytery, and Adamson did not improve his position by stating that the sale had happened at a drunken party, for the event occurred on a Sunday. The Tranent Bill of Mortality which is with the Kirk Session material is all we have for other information about him. It states that he died in June 1764 of "a decay". It is only in the papers of the commission of the General Assembly and the presbytery of Haddington that we hear about the wife sale.

An important aspect of tracing family history in Scotland is irregular marriage. Many instances of this were investigated and recorded by Kirk Sessions, and not all of these will have been registered with the parish register. In any case it is well known that many O.P.Rs record not the marriage but the proclamation of banns. Whereas regular marriage meant proclamation on three Sundays in the parish church, followed by marriage by the minister, irregular marriage required only the free consent of the couple, provided that they were of suitable age and in no incestuous relationship. Irregular marriage was valid, but forbidden by statute. Nominally the penalty was a heavy fine. In practice only a slight fine was demanded and a fee if the marriage was subsequently registered, but a Session might make a thorough investigation into the claimed marriage, in particular to ascertain whether it had happened at the date alleged. In some cities individuals set up booths and provided marriage: they had their clerks who made out certificates, and would call in passers-by as witnesses. The certificate might be used to evade penalties in a couple's home parish for what was usually called "antenuptial uncleanness". The Sessions' investigations could be very thorough: they were familiar with the signatures of most of the marriage vendors in their own neighbourhood. If it was not clear that an irregular marriage had been duly carried out, Session would call upon the couple to adhere to each other - in other words it married them then and there. So the Register of a Kirk Session may supply the only evidence of an irregular marriage, or the only correct dating of it. It may also show up cases where such irregular marriage was not valid because of bigamy.

Irregular marriage was not common early in the eighteenth century, except in Edinburgh which suffered from a surfeit of ejected episcopalian ministers anxious to earn a living. But after 1760 it became generally popular for reasons which we can only guess at. Whitburn in the Statistical Account was said by the minister to have mostly irregular marriages and the same seems to have been the case in Tranent in the 1770s, from its Session Register. In South Leith irregular marriages, which were recorded in a separate register, were more numerous than regular marriages in the 1740s.

The investigation of claimed irregular marriage by the Sessions was part of the general espionage system of the Church. The Church was concerned that couples were disobeying its rulings, but was also trying to protect women from the risks of invalid marriage. And, of course, since it was imposing penalties on antenuptial pregnancies, it was necessary to check the genuineness of claims to marriage. Here is an example of the investigative process from Canongate parish. In September 1726 a Glasgow minister wrote to the minister of Canongate in answer to a letter of inquiry: Thomas McMillan in Holyrood, living with Alison Duncan as man and wife, was earlier married to Lillias Watson who still lives in Glasgow and has had five children, the last born in the summer of 1725. Alison Duncan is found on investigation to be away. McMillan says he was married to her by an episcopalian minister, Mr Hedderwick, in July 1725, and that he was never married to Lillias Watson. They had been "living together in whoredom" from 1707 to 1714. He was not, he said, the father of her twins, born 1717. But the letter from Glasgow contained letters from McMillan to Lillias in which he called her "his Dear" and signed "your loveing husband till death". The signature would have been enough to make a marriage. McMillan admitted writing the letters, and so the claim of marriage to Alison Duncan was disallowed and further cohabitation forbidden. If the Canongate marriage had been registered in the parish, only the Kirk Session Register could show that it had not been regarded as valid. The case is a good example also of the way in which the postal service in eighteenth-century Scotland was sustained by the espionage system of the Church.

It also seems that Kirk Sessions held by a slightly different definition of marriage and marriage law from those of the state. Dr Leneman and I have looked at nearly eight thousand cases of discipline in sexual matters, and found four areas of different practice which may imply difference in law.

First, in all the cases of desertion or adultery there was never any suggestion of divorce. In the lay courts, access to which cost money and was therefore closed to the bulk of the population, divorce was available fairly easily for adultery, with some difficulty and complicated procedure for desertion. In our material, if a man had left his wife and disappeared, there was no way in which she could achieve a new marriage unless she could prove him dead, and that was difficult.

Secondly, Church courts did not normally use the concept of marriage "by habit and repute". I think that this was because the Church's investigatory system made it almost impossible for cohabitation to exist without the Session calling on the couple to explain their situation. The only case we found of marriage claimed under this head related to the time of the 1745-6 rebellion, when supervision became difficult. In Longside, 1749, one Alexander Miller had come to Scotland with the Irish Brigade and "contracted acquaintance" with Helen Gordon, who followed him on campaign as his wife. He came to the Session, he said, "to purge the scandal", but she claimed that they had been married by a priest but her marriage lines had been lost at Culloden. I have come to share contemporary suspicions of lost marriage lines, but on this occasion the Session's doubt fixed on Miller's intentions. His attempted purgation was "a design ... for obtaining marriage with another woman". It was, the Session stated, "notour" that they had lived together as married persons and Miller could "not be looked upon as a free man".

Thirdly, we have met no claim to marriage *de futuro*, that is of a marriage sustained by evidence of promise of marriage followed by intercourse. Even when women stated that there had been a promise, and this was not disputed by the man, and the fact of pregnancy could be taken as evidence of the intercourse, the claim or recognition of marriage did not happen.

Fourthly, the Church had a wider definition of incest than had the State. Both Church and lay courts sustained the definition of incest by affinity. Sexual relationship with the near kin of a spouse was as incestuous as that with one's own kin. But also the Church held that sexual intercourse by itself set up a link akin to marriage. It would therefore forbid the marriage of a couple where there had been an allegation of intercourse between one of the couple and the brother or sister of the other. It would do the same merely on an accusation of "scandalous carriage", where there was no direct evidence of intercourse but a couple had behaved in an unseemly fashion. It was conceivable that a case could have arisen in which a marriage accepted as valid by the State was not acceptable to the Church, but since the clientele of the two systems of courts was different, this did not occur.

The Sessions' investigations into irregular marriage may show up instances of attempted bigamy, which will not come to light in any other way. They also may reveal what happened between proclamation and marriage, or unpick a generally accepted story of a marriage. Here are some instances. In Cramond, 1734, David Frazer had married irregularly one Elizabeth Ferguson, a stocking maker. When this was investigated she admitted to a marriage with a dragoon, some three years before. After fourteen days of married life, she said, his regiment had been sent to Berwick, where he took up with another woman, and this woman had told her that he had been shot for desertion. That was her first story. The Session took the view that this was not a sufficient proof of death, and that the case should be reported to the presbytery as one of bigamy. Faced with this serious charge she changed her story. She had merely shacked

up with the dragoon, but had claimed to be married so as to be released from service. This confession left her open to ordinary discipline, but allowed the marriage with David Frazer. The case is unusual in that most cases alleging bigamy were ones in which men had inveigled women into invalid marriages.

In Foveran, 1736, a letter from Mary Young was laid before the Session. "You know that on Sunday last I was proclaimed with John Miller, but it is evidently known to God and the world that I had no design to marry him, only to satisfy my parents". The letter went on to ask for proclamation three times in the day on the coming Sunday to Alexander Aberdeen. It was followed by one from John Miller asking that the two proclamations still wanting for his marriage with Mary Young be made on the same Sunday and adding "I do hereby oblige myself to Solemnize marriage upon Thursday at 2 o'clock".

The minister stated that he had had a talk with David Young, presumably Mary's father. Alexander Aberdeen was waiting outside the room where the Session met, and when admitted "declared the mutual adherence" of himself and Mary Young. The Session, "finding it was too Evident the said Mary had been compelled to give consent to the said John Millen (sic)" agreed to the new proclamation with Alexander Aberdeen.

As given in the Kirk Session Register, this story is not entirely clear, but it gives us much more of an explanation of events than would be available from an unsupported O.P.R. Clearly a lot had gone on behind the scenes. As I interpret it, the conversation between the minister and David Young would have involved the minister pointing out that, if Young tried to go ahead with his candidate for his daughter's hand, he risked having his daughter denounce the proposed marriage publicly in church. The case is also an example of the advantage that accrued to a woman if she could write a clear letter.

Marriage plans might also be changed late in the day but before proclamation. Such a change would, of course, be ignored by the marriage Register. In Kilmartin, 1742, John Campbell, a tenant, complained to the Session that, though he had had repeated promises of marriage from Mary McKisag, and the consent of her mother and stepfather, she had now been proclaimed with Alexander McKisag. He wanted the Session to oblige her to adhere to her first promise, or, if not, to do justice to him over his expenses "incurred in Courtship". The case is interesting because of what it shows about the accepted ideas of marriage. The Session expressed its disapproval of rash promises, and called on Mary for her evidence. "Yes," she said, "She was so foolish" as to "give several Promises" but these had been on condition that "her Friends", i.e. her near kin, would be satisfied with the match. Though her mother was not against it, others preferred the second suitor. The Session ordered her to be rebuked for making rash promises but sanctioned the new engagement. It told John Campbell to "apply to the civil Magistrate about his expenses".

An important area of family history which receives no help from marriage registers, and only in some places from Baptismal ones, but is often fully set out in Kirk Session Registers is illegitimacy. Even where an O.P.R. states in recording a baptism that the child had been born in fornication, adultery or incest, it will not usually give the name of the true father. The Session, investigating any unmarried pregnancy, would persist in questioning the woman until she named the father, and it was rare for her to name an innocent man or to refuse to give a name.⁶ The illegitimacy rates, that is the percentage of births out of wedlock, were not particularly high in early modern Scotland, but nevertheless were high enough to make this information on paternity potentially useful, even though illegitimacy never reached the level it held in some regions in the later nineteenth century. In seventeenth century Aberdeenshire it stood at over 5%, elsewhere in the North East over 7% and in Caithness over 6% then and for most of the eighteenth century. Information about paternity is fairly full in our period because most men named by a woman as the father admitted it. Over two thirds of all our cases had ready admittance, in Northern Scotland over three quarters: by contrast in Galloway, where by the 1780s illegitimacy had risen to 10% of births, only 40% of men admitted paternity.

The moral standards of the Church did not apply only to unmarried pregnancy, but also led to investigations into what was called "antenuptial uncleanness" or pre-marital pregnancy. In such cases the children were legitimate because they were born within wedlock. Still, it is interesting to know the circumstances of a pregnancy. The Sessions would take up all cases of births within nine calendar months of marriage, and sometimes such investigations were very persistent. In Torphichen 1727, the Session went on for months inquiring into the birth of a surgeon's child six weeks before it should have happened, in spite of evidence that the mother had been ill and had had a fright, and that the child, when born, was not fully developed. This persistence in thinking the worst led to an upper-class woman writing a letter to the Session stating that the "Din" "showed little love to the Credit of the Gospel". Only then did the Session give way and allow the child to be baptised. Denial of baptism was the normal mechanism of ensuring that sinners performed their penance. On premarital pregnancy it is worth noting that 1.5% of such cases, mostly located in the Eastern Highlands, were ones where the father of the child was not the man the woman married. These cases, though rare, are clearly ones where only the Kirk Session Register can give the truth.

These cases show another valuable aspect of Kirk Session material, the unique picture it gives of the issues in local society, and the management of personal relationships. The information is about areas of conduct disapproved of by the Church. For instance, in Dumbarton 1695, Duncan Campbell was in trouble with his Session on several grounds: drunkenness, slander of someone else's wife on a Sunday (he had called her a bitch), and hitting his own wife "out of doors". His wife's account was that she had been "troubled with the spleen" and so, instead of hitting her on her side he "had damnified her upon the head

...and where. This case was sent to the presbytery. Drunkenness had to be pretty total to be recognised as an offence; wife beating was acceptable provided it was on a weekday and not in public or really brutal. If it led to a woman taking refuge in the house of another family, it caused "scandal" which was an offence. In censuring a husband for brutality to his wife a Session would usually be careful to reprove the wife for having provoked it by sharp speaking.

Some of the glimpses of unhappy marriages make one wish the Church had encouraged divorce. In Cameron 1699, David Syme and his wife were reported for not dwelling together. He refused to comment: she said that since the marriage he had rejected her. "He would not admit her to bed or board": she had "never given him any offence at all". She had been forced to go back to live with her mother, but in harvest time had returned to him and "wrought all dew days to the master, and when that was done he thrust her out of his bed ... so that she was forced to sit by the fire all night". Next day he "put her away". The session pointed out the sin of breaking the contract of marriage and sent the case up to the presbytery. We have not got the presbytery records for this period, but short of divorce there was no solution.

Bad family relationships, then as now, were not only between spouses. In Killearn, 1698, Alexander MacAndrew and his wife were in trouble for starving her daughter by a previous marriage. The Session ordered him to put her to service or receive her properly into his family. When he ignored these orders, it asked the landowner to put pressure on him. A similar method was adopted in Cambuslang in 1696 when a certain John Maxwell was terrorising his mother and sisters.

Kirk sessions were engaged in trying to modify the brutality of life. They also imposed prudery. It must have been difficult to conduct courtship. In Thurso 1722, David Manson and Christian Nicol were accused of "scandalous behaviour": they had been seen "walking together at unseasonable hours ... particularly sitting together one night a little above the chappel ... betwixt ten and eleven", he "with his arms about her neck". They admitted the actions but declared that "the design of their meeting ... was to concert matters with respect to their contract and marriage": "They would not frequent one another's company if they had not intended to marry very soon". This reply got them off penalties, but not always were sessions lenient. In Penninghame 1720, a man and two women claimed to have witnessd "undecent behaviour" between Thomas Simson and Helen Milliken "both unmarried", "on the Lord's day going home from church". The witnesses noticed the couple coming from the church alone and "they went home not in the ordinary way, and both went to a hollow retired place where none could see them but from the top of a crag at a considerable distance, near a quarter of a mile". The witnesses took the trouble to go up the crag to have a look. The couple admitted sitting down together, but denied misbehaviour. They were rebuked for indecent behaviour and offensive conversation. In studying the discreditable information session material

provides, it is worth while considering which set of people you think were behaving worse.

Sometimes behaviour censured at one date can be considered rehabilitated by later information; so it is always sensible to do more than simply note one event in a Register. In Penninghame again, 1710, Christian McKie had been rude about the session, accusing the elders of "taking the poor's money to keep their purses with", or giving it to "the skybes of gentles". She and her husband were rebuked in public for this offence. Yet twenty-two years later, when the Treasurer had died, it was found that he had been lending from the poor box to his friends and much of this could not be recovered because they had been bad risks. The session distrained on goods and livestock where it could, and the late treasurer's son, now a minister, made up the rest of the shortfall. Nobody suggested apologising to Christian McKie.

With Christian McKie and others, you can hear in the Registers what people actually said centuries ago. This is particularly valuable for getting to know women who leave so little impact on most records. Here is an exchange in Dysart 1713: Elspeth Simmers, asked about the paternity of her illegitimate child, named the fourth Earl of Wemyss. The session, duly subservient to the peerage, said "would any believe that a person of his quality could ever

1 William Cramond (ed.) Records of Elgin vol. 2 (New Spalding Club, Aberdeen 1908) "Extracts from the Kirk Session, 1584-1779" pp 3-352

Alma B. Calderwood (ed.) The Buik of the Kirk of the Canongate 1564-1568 (Scottish Record Society, Edinburgh, 1961)

D.H. Fleming (ed.) St Andrews Kirk Session Register 1559-65
2 vols. (Scottish History Society, Edinburgh, 1889, 1890)

2. H. Paton (ed.) The Session Book of Rothesay (1658 - 1750) (1931)
The Session Book of Kingarth (1649-1703) (1932)
The Session Book of Penninghame, 2 vols (1696-1724) (1724-1749) (1933)
The Session Book of Minnigaff (1724-1749) (1933)
The Session Book of Wigtown (1701-1745) (1943)
The Session Book of Dundonald (1602-1731) (1936)

3. R.D. Breckenridge "Enforcement of Sunday Observance in Post Revolution Scotland, 1689-1733" Records of the Scottish Church History Society 17 (1969-71) pp.33-45

J. di Falco "Discipline and Welfare in the Mid-Seventeenth Century", *ibid.*, 19 (1975-7) pp. 169-83

Leah Leneman "Prophaning the Lord's Day; Sabbath Breach in Early Modern Scotland", *History* 74 (1989) pp. 217-31

4. Rosalind Mitchison and Leah Leneman *Sexuality and Social Control: Scotland 1660-1780* (Oxford, 1990)

T.C. Smout *A History of the Scottish People* (London, 1969) p.89

5. John Sinclair (ed.) *The Statistical Account of Scotland* vol. 17 (1796) p300

6. We have handed over to the Society our cards giving the names of the parents of illegitimate children obtained by our research into the Kirk Session Registers of 78 parishes

The Edinburgh Recorder

by James Gilhooley, D.Ing.

For centuries, the citizens of Edinburgh lived in fear of two major sources of communal catastrophe. These were invasion and fire, and although several attempts were made to protect against the former with a series of more or less ramshackle city walls, it was not until the early 18th century that they hit on a constructive means of coping with the latter. The idea probably emanated from Holland, but eventually turned into what is still a major source of Scotland's generated wealth. This was insurance against fire and the remaining records of the Edinburgh Friendly Fire Insurance, having been found almost by accident a few years ago, have now been sorted by computer and yield an enormous wealth of genealogical information about Edinburgh from 1720 to 1840. Information which otherwise can be gleaned only from an enormous number of other sources, if at all.

The Edinburgh Recorder 1720 - 1840

The Edinburgh Recorder has been drawn primarily from the extant records of the "Edinburgh Friendly Fire Insurance Company" which started life in 1720 as a loose-knit association of Edinburgh property-owners for mutual financial protection against loss by fire. By the time it became publicly incorporated as a trading Friendly Society in August 1728, it was already a healthily funded organisation with more than 1800 properties insured against loss by fire. Prior to this date loss by fire had been traditionally made up through public subscription. Wise to the impact that this system could have on potential business, the City fathers who were active on both the Council and the Board of the Fire Insurance Company enacted regulations which forbade such public subscriptions for the aid of any property-owner whose loss exceeded L300 Scots (£25 Sterling). Business blossomed and continued at a good rate until housing became available for the better-off in the New Town after 1770. Some policies were transferred, but most were resigned and it is from the records of these transfers and resignations that the Edinburgh Recorder has been drawn.

Although intended as an index to the enormously detailed Insurance Records in the Scottish Record office, this volume has been prepared in five sections to function as a reference source in its own right.

Section 1 - Alphabetic List of Policy - holders, their Families, Tenants and Neighbours (This section contains about 5000 individual entries)
Balderstone George 12.03.1720
Surgeon
Lawnmarket North in Paterson's Forecourt 6
Using the Given Insurance Policy Number (6), follow through to Section 2

Index
SRO Index
6 12.03.1720
Lawnmarket North
Paterson's Foreland
02.02.1790
6 x 1/2 1st Storey Back half £2000:-
20.08.1795
6 x 1/2 1st Storey Front half £2000:-

The SRO Index is arranged chronologically and Mr Balderstone's property, having been sub-divided on his death, the relevant policy was resigned separately in 1790 and 1795.

Usually the last date is best for detail, but each should be reviewed for the whole story.

Section 3 locates the City's main Tenements and Lands with reference to neighbouring Properties to North, South, East and West.

Alphabetic List of Tenements and Lands in Edinburgh Old Town with other Policy Numbers

Paterson and Henderson's Tenements
Lawnmarket North
Paterson's Court

North: Riddel's Yard
South: Lawnmarket
East: William Reid's Tenement
Syver
(Entry for Lawnmarket to Earthen Mound)
West: Arthur Temple's Land
Wardrope's Court
6, 166, 219-220, 269 - 272, 305, 387 - 394, 780, 867, 1233, 1634, 2409

These last numbers are the known policies taken out for other properties within the Tenement or land.

Section 4 - Alphabetic List of Closes, Wynds, Entries and Streets

Paterson's Court Map Ref.

North: Henderson of Leaston's North Tenement
Riddel's Yard

South: Temple's Land: Paterson's Foreland
Lawnmarket
East: William Reid's Tenement
Lower Baxter's Close
(Entry to Earthen Mound)
West: Arthur Temple's Land
Wardrope's Court 667:B

(Property is now the 1st Storey of Deacon Brodie's Tavern in the Lawnmarket)

Other Sources:

Other sources have been used to illustrate how the City was managed and space would not allow every year to be covered for Constables' Beats, Elections, Chairmaster, Cadies (of whom in 1802, 65% were female!), and the Aliens who were required to register at the City Chambers during the Napoleonic Wars and turned up a great number of Barometer Makers, mostly from Italy. Many newspaper cuttings have been included, mainly on the basis of a whimsical belief that much of the history of Edinburgh was formed, if not written, by the characters who lived in the city - none less than the "Notable Rogue", James Ratcliff, an Englishman who eventually found his way into Walter Scott's Heart of Midlothian.

This volume of nearly 700 pages offers an in-depth picture of 18th century Edinburgh, at a time of important local, national and international change. Edinburgh was entering its own period of evolution from the old to the new as well as being an important seat of the Scottish enlightenment. The seeds were being sown for both the American and French revolutions, and this book reflects the conditions and lifestyles that helped form the undenied Scottish contribution to these events.

This unique and intensively researched book is available on a limited basis only and can be purchased from the Society at a price of £75 (or equivalent) unbound or £90 bound.

Airlie O./P.R. 270/3 - 31st July 1711

This day gave in to the Session the Earl of Strathmore his receipt for ten pounds Scots as the price of an hundred trees got out of the yard of Glamis and planted in the church yard here.

Elphinstones in the North-East 1500-1800

It has been remarked that a story should have a beginning, a middle and an end, but not necessarily in that order. So it may be noted that the current telephone directory for Aberdeen and the North-East contains some fifty entries of the name Elphinstone which is a considerable multiple of its appearance in any other area of the whole island, let alone in Scotland. And although it has persisted about Aberdeen for some five hundred years, it may be traced back to the thirteenth century and the Lothians, the name coming from the land then held by the chief family centred on what is now the village of Elphinstone by Tranent. However, by the earlier half of the fifteenth century as a result of marriage with an heiress and rewards from magnates and the crown for military and other services, the lands held in Stirlingshire, Perthshire and elsewhere far exceeded the original Elphinstone holding [Fraser, Elphinstones, II], younger sons and their offspring being found in and around the little cities of Glasgow and Edinburgh, together with, here and there, a number of priests. Such unlanded Elphinstones have left scanty traces of their lives passed in what would correspond nowadays to the disciplines of the law, of learning or of accountancy, in the itinerant royal household, in like employment in the church or in the service of some magnate. It is unlikely that more than one or two of them reached Aberdeen before William Elphinstone, himself the son of a cleric, another William, and grandson of yet an earlier William, the laird of Airth and Pittendreich in Stirlingshire, was translated in the year 1483 from the bishopric of Ross to that of Aberdeen, though not consecrated until 1488. He arrived in the North East as a stranger without any previous family connection so that, in the context of the age, it is not surprising to find that four of his kinsmen were collated to benefices in the see and the cathedral chapter and that two of the sons of Laurence Elphinstone of Selmis - the uncle who had financed his studies at Paris and Orleans - were involved in the temporal matters of his diocese. In modern times such conduct would be thought scandalously nepotistic, but the society of fifteenth-century Scotland could hardly have functioned without its wide kinship networks; blood was universally known and accepted as thicker than water, and the loyalty of the known truer than that of the unknown [Macfarlane, Elphinstone, 217-223].

Thus by 1492 it is probable that his first cousin Andrew, the youngest son of Laurence and an attorney in Edinburgh had come north on crown service, having also been intermittently active as procurator for the bishopric since William's consecration. At any rate in the year 1493 Andrew obtained an episcopal charter of the lands of Glack in the parish of Daviot [Glack inventory], the whole of which had been bestowed on the see of Aberdeen by the crown, Glack itself having been recovered by the see from the Glaister family [Davidson, Inverurie]. Besides his activities in the North-East - he is found as

a procurator in law suits until his death in 1513 - he continued to serve in the royal chancery in Edinburgh and elsewhere. He also made time to travel to Rome with Bishop William in 1496, and finally was active in business on his own account taking a five-year tack of the Aberdeen customs of salmon in 1507 and exporting to the Netherlands [RSS,i, 1419].

His elder brother Nicholas, who was apparently the heir to Selmis and had inherited on the death of his father Laurence between 1482 and 1486, resigned his lands to the superior the Earl of Morton on 22nd February 1490, who gave the life rent of them to Andrew, reserving a third share for Nicholas' wife Margaret Griffert. The records of Andrew's first-born Laurence are scanty; however, with his father, he is found buying up parcels of land and alienating them in favour of the recently founded Kings College to which he continues to be a generous benefactor until his death in 1512, briefly preceding that of his father. It remains unknown for what reason his three sons William, Thomas and Nicholas "bastardorum ac nepotum Andree Elphinstoun de Selmis" were not apparently born in wedlock or why their precept of legitimation under the Privy Seal of 30th January 1508 came to be issued to their grandfather Andrew and not to Laurence.

In addition to the increasing commitments of Andrew in and around central Scotland in the royal chancery, it looks as if the death of Margaret Griffert might have been also a reason for Andrew and Nicholas to exchange their properties; at any rate the episcopal charter conferring the lands of Glack, resigned by Andrew in 1499, upon Nicholas is dated 13th November of that year [Glack inventory]. The "John of Elphinstoun bastard son to Nicholl Elphingstoun" in whose favour a Privy Seal precept of legitimation was issued in 1497 [RSS,i,152] at a date unspecified in the document but inferable from adjacent entries in the register as 29th October may be identifiable as Mr John Elphinstone, the future delinquent rector of Invernochty of whom we shall hear shortly. The precept does not appear to be directed to anyone in particular, and presumably served as an instruction for something more specific to be issued at some later date which has now gone amissing. We cannot be certain that "Nicholl Elphingstoun" is the same man as Nicholas, then of Selmis but in two years' time to be of Glack, but I cannot find any other Nicholas as a suitable candidate for the somewhat invidious distinction of father of the delinquent Mr John.

It is likely that soon after Nicholas was settled at Glack he married Elizabeth Abercromby of Pitmedden. Whereas no children from Margaret Griffert have been recorded, Nicolas had two sons from Elizabeth, William and Symon, born probably about 1501 and 1503, and the Mallota Elphinstone who voted at the election of a parish clerk of Daviot in 1550 may have been a younger sister [Davidson,ibid,143].

Leaving William, Symon and Mallota of Glack the first "native-born" Elphinstones of the north-east, we may now pass to look at other incomers.

intimate friend since boyhood of King James IV, by whom in a series of charters issued during the years 1507 to 1513 he was endowed with numerous holding in the earldom of Mar and regality of the Garioch then thought to be permanently forfeit to the crown, initially as a conjoint settlement on the occasion of his marriage with Elizabeth Berlay (suspected to be a repeated transcription error for Barlow), one of Queen Margaret Tudor's English ladies-in-waiting, thenceforward in support, primarily, of his captaincy of the castle of Kildrummy against Highland incursions. The Great Seal registration of the first charter of the series dated 8th August 1507 runs "(Rex) ... concessit familiari servitori suo Alexandro ... et Elizabeth Berlay, ejus spouse, servitrici reginae pro bono servitio, et ex eo quod dicta Eliz. in Scotam et legiam devenit ... terras de invernochty, Bellabege, 'etc.,...'in comitatu de Mar...; nec non terras... in dominio de Garviauch...". But Fraser [op. cit.] has covered the history of the Lords Elphinstone at length.

No other lay incomers of the name of Elphinstone have yet come to light and we may pass to the priests. Mr William Elphinstone was the youngest of three brothers and uncle of the first Lord Elphinstone. A graduate of Glasgow, he was instituted rector of Clatt and canon of Aberdeen about 1493 when somewhat past the page of thirty. After the death of the father at Flodden he was appointed a tutor to the infant second Lord, an office which he gave up on 15 March 1518, when succeeded by another cleric Mr Robert Elphinstone, initially found as bishop's commissary, then rector of Kincardine O'Neil and finally as Archdeacon of the diocese. He appears to have remained tutor until the second Lord attained his majority on 22nd May 1532. This Mr Robert stems from the Tweedside family of the kindred located on the lands of Henderstoun (nowadays Haystoun) close by Peebles, and it is likely that he was presented to his living by Bishop William. Mr Robert had a younger brother also in orders, Mr Alexander, who about this period was rector of Invernochty. He also was probably instituted at the request of the Bishop, the right of presentation to this living being one of the benefits conferred on the Lords Elphinstone under the charter previously mentioned; in all there were four tenures of the living by Elphinstones. Another Mr Alexander is found as rector of Cruden; also a graduate of Glasgow, who may have worked on the compilation of the Aberdeen Breviary. There is also mention of yet a third Mr Alexander of this period, the youngest son of Andrew of Selmis, but he seems to have no particular connection with the diocese of Aberdeen and may be identifiable as the vicar of Linton in the year 1509. Another kinsman, Mr Arthur, of unidentified relationship, was presented to the church of Inverboyndie by means of a letter dated 22nd September 1493 addressed to Bishop William by the Abbot of Arbroath. Finally is to be noted Mr Adam, one time rector of Invernochty, who preceded Mr Robert in the archdeaconry; latterly he had acted as the bishop's agent at the papal curia in Rome, where he died in 1499. But see Macfarlane [op. cit, 200-223] for further information and background for nearly all of them.

The life of the Elphinstones of Glack to which we now revert did not turn out to be entirely uneventful. By 1511 Nicholas was in dispute with his neighbours and tenants over payments for peats from the moss of Glack; however, an agreement was registered in the Aberdeen Sheriff Court on 30th September 1511 between Nichol Elphinston of Glak versus Alexander Walcar in Pitscurry, Thos. Walcar his son and John Davidson [ASCREC,i,46]. In 1509 Nicholas purchased parts of Ardoyne lying some five miles west of Glack from two Leslie heiresses, Agnes married to John Macbeth and Elizabeth to Andrew Alexanderson. The charter ratifying the transaction is dated 17th September [RMS,II,3821]. Nicholas died not later than the year 1515, at which time his elder son William had obtained a precept for infeftment in Glack. It appears he was a few years short of full age, his tutors have not yet been traced. He married three times, first Isobel Forbes of Tolquhon, secondly Elizabeth Crome and thirdly Janet King of Blairoake; it is only from her that we have record of children, the brothers James and George. Their prospective wives Isobel and Marjorie Leslie appear as the subjects of a marriage contract dated 11th August 1553 considerably prior to the event.

Going back twenty years, late in November 1533 William Forbes of Corsindae appeared before the Bishop's procurator as cautioner for William and Symon Elphinston of Glack who had been convicted of "art and part in the slaughter of William Calder in Old Aberdeen" on 20th November - note that as the crime took place on land held by the bishopric it was tried in the bishop's court. They offered "though sober in guidis" to pay ten merks as "kinboit" to the wife and bairns of the slain man and to make pilgrimage to the three head shrines of Scotland to get masses said for his soul. There is no record of any further action by the church - William is found in practice as a notary in 1534 - so it is inferred that Calder was slain by the brothers in self-defence or in an affray [Ant.Ab.&Banff,3,467].

In the spring of 1536 other Elphinstones had been in trouble. A respite under the Privy Seal was issued from Stirling to "George Elphinstone son and appearand are to John Elphinstone of Henderstoun and Thomas Elphinstone his brother for art and part upoun forthocht felloun of the cruel slaughter of Thomas Mure committit be theme in the auld toun of Abirdene and for all other crymes ... tresoun in the kingis persoun, murther, fyre, revising of women, thift and resett therof alanerly except; and for xix zeris to indure ...". [RSS,ii,2042]. What brought these two from Peebles to Aberdeen is not known and no further reference to their activities in the shire is to be found. Some two years later George obtained a passport to France [ibid,ii,2790,2791].

Neither the Elphinstones nor the church received a good advertisement from the presentation to the living of Invernochty of that Mr John Elphinstone who was instituted about the year 1530. As stated above, he might have been a natural son of Nicholas of Glack for whom a precept of leigitimation was issued in October 1497. In 1538 his name appears as witness to an instrument - "in presente Magistri Jhonne Elphinstone rector de Invernochty". In 1542 he is

property of the university within Kings College [Fasti Ab.p561]. In March 1540 he is given licence to go to France with Lord Robert Stewart [RSS,iii,2849], but either did not avail himself of this permission or returned home at short notice, for in 1547 he witnesses a writ in the case of John Watson. Three years later, in Pitcairn's Criminal Trials 1,ptii,356, under the headings "Murder-Adultery-Oppression-Sacrilege" we read "November 5th, 1550 - Mr John Elphinstone, Rector of Invernochty, dilated of art and part in the cruel Slaughter and murder of Thomas Cult in Auld Aberdeen, under silence of night; And for theftuously wasting and destroying the goods of William Lowsoune, burgess of Aberdeen, for the space of ten years, during which time the said Mr John lay in Adultery with Janet Colestoune, spouse of the said William: And for oppression done to Mr Duncan Burnet, Rector of Methlik, in "Umbesetting" his way within his lodging in the Chanonry of Aberdeen, and Cathedral Church thereof, where he was for the time celebrating Matins and Divine Service, invading and striking him to the ground several times with "roungis" and "battounis",..." etc,etc. "He was replegiated by the Vicar of Innerkip, Commissary of the Bishop of Aberdeen and January 21 next was assigned by the Justice for his entry to underly the law." This seems to be all we have on the subject, so we do not know what happened at the trial, or even if he appeared. He seems to have surfaced from this hazardous situation without much loss of face as in 1552 he is witness to a charter as rector of Invernochty [RMS,IV,761], and in 1554 he is in dispute with the Prior of Monymusk over the temporalities of the priory and alleged shortcomings in performance of divine service, which was carried to the Lords of Council and Session [Ant. Ab.&Banff,4,778,779]; this seems quite in character.

In 1560 a tack of Invernochty was let for 10 merks for stallers fee in St Machar's cathedral, with 28 shillings for the bishop's procurators, etc. Presumably this relates to the installation of the next (and last catholic) rector and canon, namely John Elphinstone, the second son born 4th June 1536 of Alexander, 2nd Lord Elphinstone. He has been sometimes confused with his delinquent predecessor and namesake, but it is clear that he cannot be the same man, as he was only four years old at the start of the latter's pranks upon William Lowsoune. He appears to have left Aberdeenshire not long after his installation as he is found married to Agnes Bruce of Clackmannan a few years after 1561. It is worth interpolating that whereas the reformed doctrines and system of church government received the sanction of parliament in 1560, the inhabitants of the north-east, high and low, were reluctant to accept them and their churches were defended against the iconoclasts. Moreover, the properly qualified presbyterian minister was by no means immediately available to supersede the catholic priest, particularly in so remote an area as the headwaters of the Don, so that not until 1581 does James Elphinstone appear as the protestant incumbent of Invernochty [Fasti Scot.6,137]. But who was he? The St Andrews University records show that a James Elphinston graduated as bachelor 1576/77 and as licentiate or master 1577/78 [AFAUS,pp448,450]. This is quite consistent with the birthdate (19th August 1557) of that James Elphinstone

fourth son of Robert, 3rd Lord Elphinstone, who later in life appears as the first Lord Balmerino. The editorial introduction to Vol.V of the Privy Council Register observes that he first appears at the sederunts under the name of Innernauchtie. However, besides being laird of Innernauchtie he was also by some family arrangement "Parson of Eaglesham", but after a while both names pass into "Elphinstone of Barnton" [RPC,V,xliv]. Later, Father James Seton SJ writing to Father C. Aquaviva, general of the order, remarks how a number of the more prominent members of the council had remained catholics, confirming outwardly to the state form of religion, but adhering to the old faith in their hearts and homes (Scottish Catholics, 278). Had therefore the Invernochty benefice merely passed from uncle to nephew? I can find no other James Elphinstone to fit the dates.

The uncle, though no longer in residence, is still referred to as "parsoun of Innernochtie" in official documents for many years. He obtains confirmation under the Privy Seal on 31st July 1574 of a pension granted to him by the commendator of Cambuskenneth Abbey some four years previously "for 19 years and thereafter for his lifetime to be as valid "as if done in the court of Rome of auld"..."[RSS,vi,2620]. In the same year he successfully petitions the privy council against an accusation by the General Assembly that he had withheld payment of the thirds of his parsonage since 1566 [RPC,II,346]. He died 19th August 1616 and was buried at Stirling.

It is now time to return to Glack. No more is heard of William until his death not later than the year 1586. A royal charter confirming the Bishop of Aberdeen's disposal of various parcels of land in the parish of Daviot to John Setoun of Meldrum ... "cum precepto sasine directo Symoni Elphinstoun ..." shows the survival of Symon to at least 1569 and possibly to 1576. The only offspring of William of whom we have positive knowledge, are the heir James, born of the third wife Janet King about 1535, and his brother George perhaps two or three years later. George was a saddler in Aberdeen, a burgess and deacon convener of the trades in 1587. He appears quite frequently in the Sheriff Court records as a cautioner for litigants from 1590 to 1613. The uneasy relationship between the little city of Aberdeen and some of the local lairds, particularly the Leslie families, appears to have broken down about this period and the privy council register shows bonds of caution in which George appears as a surety or as principal for the burgesses of the burgh. James likewise appears to have been at strife with neighbouring Leslies and his name is also found in bonds of caution registered at this time. In accordance with the contract of 1554, James marries not Isobel Leslie who apparently failed to reach marriageable age but her younger sister Marjorie; George also married and fathered one son, William.

James and Marjorie produced four children that we know of, and the recorded birthdate of their daughter Marjorie provides a reference point. So we have Alexander the heir who was born about 1560, married Isobel daughter of Alexander Gordon of Lesmore about the year 1580, and was dead before 1595,

predecessor the father, Marjorie, born 1502, married first Walter Innes, the miller and sometime laird of Ardtannies, and secondly in 1616 Norman Leslie of Whitehaugh. She died in 1622; Davidson [op.cit.] has recounted her rather hair-raising premature interment and resuscitation, and how this had lived on as a local legend. Robert, born, say, in 1564, married Barbara, daughter of George Johnston of that ilk and Caskieben, and acted as tutor to James the next laird of Glack from 1595 to 1604. He and Barbara had a charter of Kinbroun and half of Badehasch from her brother John in feu ferm dated 22nd February 1606. He appears in the records up to 1624. The last brother James, of Auld Craig, is seen in the Sheriff Court records on two occasions in 1604, once for causing an affray at "the execution of James Murison for theft on 14th April last", and also for a debt of 40 merks to John Gordon of Bogs.

From Alexander and Isobel there is record of James born about 1583 and of Marjorie apparently some ten or more years later. She married about the year 1629 the Reverend James Mill, minister of Inverurie, a careful annalist who recorded the birthdates of their four sons and three daughters from 2nd October 1630 to 31st March 1640. James married Elizabeth daughter of Alexander Wood of Bonnytown about 1608. He appears in various records from August 1624 to July 1657, living on until 1669. An entry in the Sheriff Court records of this James and his son and heir, also James, sheds light on the level of education of such families. Dated 21st October 1643, it may be transcribed as "Elizabeth Wood, wife of James Elphinstoun, elder, of Glack, and Janet Leslie, wife of James Elphinstoun, younger, of Glack, renounced their rights in "certain lands" in the barony of Belhelvie in favour of George Wood, second lawful son of the late William Wood of Colpnay. Neither lady could write and two notaries subscribed on their behalf. By a strange oversight the two Elphinstouns though present and consenting omitted to sign. The omission was explained and remedied some nine years later by both signing a marginal confirmation in approval of the act of their wives."

We know from elsewhere [Simpson, Sc.Handwriting] that by this age most lairds could draft a coherent letter on business or social matters, the absence of female literacy being doubtless compensated by the possession of many domestic skills unnecessary nowadays which have since receded into the mists of time - for a start, every lady had to learn to be her own Estee Lauder.

Whereas Spalding's history tells how the tides of feud, religious faction and even intermittent civil war surged into and out of Aberdeen, the parish of Daviot and the Elphinstons at Glack seem to have passed through this period almost totally unaffected. When Montrose was raising the countryside in March 1645, James Elphinstoun obtained an exemption for all of Glack, although a royalist supporter; from his birthdate he was no longer of military age. It may be that the comparative peace of life at Daviot had resulted from the discovery that it was less traumatic and less expensive to trust in bonds of caution and letters of "lawburrows" than take part in private war. Acceptance of this way of thinking did not come overnight; a sequence of Acts of parliament

attempting to control, moderate and, finally, to suppress such disputes began in the year 1429. As remarked, our circle resorted to such pacific methods of settling or preventing their differences with some frequency during the fifty-year period 1580-1630, but the decline of violence after the Commonwealth interregnum (during which the arm of central government and the occupying power was long and effective) indicates the gradual register of victory for the King's peace.

After this digression it is time to take note of two other landed Elphinstone families appearing about this period. The recovery by the Erskine Earls of Mar of the regality lands of Mar and the Garioch gifted to the first Lord Elphinstone was a long process extending from 1565 to 1663. In the meantime George Elphinstone of Henderstoun had been installed at Bellabeg at the foot of Glenbuchat. A sketchy Henderstoun genealogy [APAE Claim] refers to him as "Black George, who attended on Alexander, Lord Elphinstone, in the troubles he had with Strachan of Glenkindie and other evil neighbours in the lordship of Kildrummie ...". One peak of disturbance occurred in 1607 when Alexander then Master of Elphinstone complained to the Privy Council that on 14th May Forbes of Towie had broken into Corgarff and fortified it. George had sasines of Bellabeg in 1600, 1608, 1621, 1624 and 1628; he married Katherine (surname unrecorded) who is mentioned in those of 1608 and 1621. Their son Michael had married Jean Forbes who appears in a sasine of 1636. Anticipating somewhat, their son William of Bellabeg married as his third wife Elspeth Forbes born about 1683. The poll tax records of 1696 show the existence of six children, John, George, William, James, Marian and Elspeth. By 1715 Bellabeg had passed to George Forbes, son of the laird of Newe, having changed hands three times in four years.

Another property possessed by Elphinstones about this time was Meikle Warthill, apparently purchased by Alexander, 4th Lord Elphinstone from John Leslie of Wardes in 1616, but held by John Elphinstone his third son born about the year 1582, who married Barbara Gordon of Pitlurg and died prior to 1622. Two sons resulted, James born about 1615, who in 1636 obtained a charter of the chapel lands of St Mary of Garioch in Meikle Wartle along with his grandfather, and Alexander who had a precept of clare constat from the Earl of Mar in 1665 as heir to James. The wife of Alexander remains unidentified. Their son James, born perhaps in the same year, married twice, first Elizabeth Seton in 1698, and secondly a daughter of Gordon of Rothiemay. No male issue has been traced. He was still alive in 1738. The estate was sold to Sir James Elphinstone, 3rd baronet of Logie, probably about 1735. James had a sister Katherine, evidently much younger, as her marriage contract to John Gardyne of Bellamore is dated as late as 1740.

James Elphinstone of Barnes was appointed tutor to his young nephews James and Alexander above, sons of John, on 13th February 1622; he was dead by 1630, long before they had reached majority.

passholder mentioned above, and Elizabeth Wood. There appear to have been seven children, namely two daughters, Marjorie married to Francis Fraser of Dalmundie about 1630, and Jean, in 1634, to Alexander Leslie, 14th of Balquhain. They were followed by James the heir born about 1620, William of whom later, Anne who married William Leslie of Warthill and produced four sons over the years 1656 to 1662, Harry born about 1630 who in 1661 married Agnes, daughter of Sir John Forbes of Monymusk, and finally Margaret married to Gilbert Keith, portioner of Creichie, about 1655. "Young" James appears in the records from 1643 to 1696. He was commissioner for Inverurie in the parliament of 1669 and was made a burghess of the town in 1671. In the summer of 1664 a dispute arose between the city of Aberdeen and the riparian proprietors along the river Don over the construction of salmon cruives which culminated in riot and was taken to the Privy Council [RPC, 3rd, I, 535 passim]; James was one of those nominated by the Earl of Mar to inspect the river. In 1667 he was one of those appointed to the commission of excise for Aberdeenshire "provided they be protestants and not otherwise", and also in 1671, one of the justices of the peace for the presbytery of Garioch. "Young" James had married Janet, daughter of John Leslie, 11th of Balquhain in May 1641. It seems that she died some time before 1676, for in that year he disposed the estate of Glack to his son John and I suspect married again shortly afterwards. At any rate twenty years later we find him commissioner for the parish of Pitsligo for the poll tax of 1696 [Stuart, Pollable Persons], married to Mrs Marie Forbes, probably a widow with a daughter Sophia, and living at Rosehearty.

Returning now to William, the second son of "old" James, we find him married to Margaret Forbes and in occupation of the Glack farm of Ressiviot by 1642. Their son James, at Kings College 1658-1662 (A.M.) became W.S. in 1671 and made a distinguished and lucrative career in the law. In 1696 he was a judge of the commissary court; he represented Aberdeenshire in parliament 1693 to 1702 and was a commissioner of the signet in 1720. He was created baronet of Scotland and Nova Scotia in December 1701 in part "for his pure zeal for King William's government". He had purchased Logiedurno in 1670, but spent most of his time in Edinburgh where he died in 1722. The male line of succession to this offshoot becomes extinct after merely two generations [AE Claim].

Harry, the third son of "old" James and Elizabeth, born about 1630, is found as collector of Customs at Aberdeen in 1685, involved as a witness in an action for defamation brought by Alexander Ogilvie of Forglen against Sir Alexander Forbes of Tolquhon, getting 16s Scots per day for 20 days as living expenses. A year later he is cited as witness in an action by the postmaster-general in Edinburgh against the postmaster in Aberdeen. These tedious suits were much protracted and appear to have required his attendance in Edinburgh on several occasions [RPC, 3rd, VII-XI]. He subscribed to the Test, with all his staff, at Aberdeen on 5th December 1681.

John, the seventh laird of Glack, born about 1645, married in 1664 Ann daughter of James Irvine, 2nd of Artamford; he was made burges of Inverurie, doubtless in compliment to his father in the same year, 1671. In 1679 he was appointed justice of the peace for Aberdeenshire "to fill a vacancy by decease".

In November 1688 he was nominated to command the militia in place of the Jacobite Earl of Dunfermline; in less than two years, however, he was surprised at home by those attempting to raise the shire for King James and forced to turn out with them as an unwilling follower - but the whole story is told in his petition to the privy council for release from gaol in Aberdeen, given in full in the Appendix.

Appendix

Register of the Privy Council of Scotland 3rd Series, XV, 1690
Edinburgh, 30th December 1690

Anent the petition given in to the Lords of their Majesties Privy Council be John Elphingstoune younger of Glack and John Elphingstoune, his sone, shewing that he and his said sone being apprehended and taken prisoners at his own house for being in the moneth of August last in company of, and having joyned with the rebels in the shyre of Aberdein under the command of Collonel Buchan and caryed prisoners to Aberdein, where they lived peacably and gave all demonstration of affection to the present government att all tymes and occasions, but also particularly in obedience to the Master of Forbes his orders the petitioner and his said sone joyned with him and Lievttenant Collonel Jackson in opposition to the saids rebels untill the said Master and Leivtenant Collonell were pleased to retire to Aberdein, att which tyme by allowance he came back to his own house to take care of his interest; and the Earle of Dumfermling having in his way to his own house come thither with a considerable body of horse to force him to goe out with him or to burne and destroy his house and lands, he having nottice thereof when they were within a myle of his own house, I and my said sone fled with horse and armes and having nottice nixt morning that the Earle was returned ane other way to their camp he retired to his house where unexpectedly he was surprized by the said Earle and to save his house and interest he was forced to goe with him to their camp, but nixt morning viis et modis he gott off himselfe but could not prevaill to gett off his sone; and in his way home he having mett with the Lord Inverury who told him he was goeing to their camp to speek with Buchan but told him he was not to stay (having not so much as a suite of linnens with him to chainge ane other) the petitioner wrote with him to his sone to waite upon his lordship, thinking therby his sone might get off, but his sone finding that he could not by any fair methods gett off within three dayes he stole away from their camp about two of the clock in the morning, having brought with him not only his horse and armes but two or three gentlemen more, and came home where they stayed untill they were taken as aforesaid. By all which it appeared that his said joyning was out of no designe but of meir necessity to save his interest, as all or most pairt of the cuntry through where they came were forced to doe, att

that he left them long befor his Majesties forces did appear against them or that they retired, and that they (sic) wholl matter of fact is plaine and true and if need had been could been made appear, it was humbly expected from the said Lords clemency they they would not putt him in the caise or conditione who these who either were taken or yett continued in rebellion and armes against the present government. And therfor humbly craving that the said Lords would not only discharge his Majesties Advocate from insisting against him befor the Justices (who was in so singular a caise) with these who either were taken or continue in actuall rebellion, but also their Lordships would be graciously pleased to appoint his and his said sones liberatione upon security to be given by them for their peacable behaviour or appearing before their Lordships when called for, and that in sight of the commander in cheiff in Aberdein or any other their Lordships should be pleased to appoynt, as the said petitione bears. The Lords of their Majesties Privy Councill having considered the above petitione att the instance of John Elphingstoune younger of Glack and John Elphingstoun his sone, they hereby give order and warrand to the cheiff comanding officer at Aberdein or to the magistratts of Aberdein and keeper of the tolbooth therof if the petitioners be prisoners therin to sett the saids petitioners att liberty, in respect they have given bond and found sufficient cautione to live peacably (etc., in common form) and that they shall appear befor the lords of their Majesties Privy Councill when called for under the paine of ane hundreth pound sterline for each of the saids petitioners.

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Charles Lyell

by M.F. Brown

High on a window ledge in Westminster Abbey sits a small bust of Charles Lyell, whose remains were not interred with those of his family in Kirriemuir, but in the nave of the Abbey. Yet who now remembers the founder of modern geology?

A family tree dated 1824, drawn up for James Mudie of Pitmuir by George Paton, his "obliged servant and cousin", goes back as far as John Mudie of Brianton, 1570. Descendants of one of his grandsons, David Mudie, intermarried with the Speid, Doig, Colvill and Carnegy of Southesk families. Another grandson, George Mudie, had descendants from Forfarshire with names like Lyall, Greig and Paton, including a great great granddaughter, Margaret Mudie, who married John Lyell of Carcary.

One of their sons, Charles, was purser in several ships during the conflict with the American colonists and amassed a fortune. In the early 1780's he bought the estate of Kinnordy. He died in 1796 and he and his wife Mary, nee Beale, from West Looe in Cornwall, and their son, Charles, and his wife are all buried in Kirriemuir, in a church built by him. The second Charles Lyell devoted himself to botany, especially the study of mosses. The genus *Lyellia* was named after him by Robert Brown. Having lived for many years in the New

Forest he returned to Kinnordy in 1826 where his attention turned to the works of Dante, several of his translations, including the "Vita Nuova", being published. He died in 1849.

His eldest son, also Charles, was born in 1797 and growing up in the New Forest found it easy to develop his interest in natural history. At Oxford he heard lectures by Buckland which guided him towards geology. He also studied the law. In 1832 he married Mary Horner, daughter of the geologist Leonard Horner. They both travelled widely on field trips, and as his eyesight deteriorated, her presence became increasingly invaluable; he considered observation of fundamental importance - "we must preach up travelling as first, second and third requisites for modern geology". His travels took him to the USA and all over Europe, including Sicily where he rode on a mule, at a time when North African pirates were still common. In 1848 he was knighted and 20 years later this was transformed into a baronetcy.

The first three volumes of his "Principles of Geology" were issued between 1830 and 1833. Instead of theorising, as previous geologists had done, he attempted to "explain the former changes in the earth's surface by reference to causes now in operation". To a modern mind it seems pretty obvious that, since it is impossible to observe past processes, studying the frozen results, such as lava and fossils, and comparing them with modern phenomena formed by processes which we can observe, will permit conclusions about the formation and subsequent evolution of the earth. The present processes include the effect of water (rivers torrents, tides, etc.) and fire (volcanoes and earthquakes). The former have a destructive effect and the latter a renewing effect. This the overall result is a continuous equilibrium, which prevents any particular direction in the changing character of the earth itself and its life forms.

Lyell's theory of the gradual changing of the earth had influenced Darwin, but for over 20 years Lyell resisted the theory of evolution, that is of progressive change. However, as archaeological and geological investigations continued over the years, he finally relented. It says much for his courage and honesty that he allowed accumulating evidence to alter the whole lynchpin of his work. He hesitated long before committing himself again to print. Darwin, of course, held back for even longer, but for different reasons, which turned out to be fully justified in the uproar that followed his eventual publication.

Lyell was friend to many eminent men including Darwin and was privy to the arrangement whereby Wallace's separate discovery and Darwin's earlier manuscript were issued simultaneously. Another friend was Robert Brown, the botanist, to whom he was distantly related by marriage - the first Charles Lyell (died 1796) had a brother, James, whose son, Robert Lyell, married Mary Brown. She was the sister of James Brown, Robert Brown's 2nd cousin.

Collaboration on scientific matters naturally led to social intercourse. But outstanding scientists are not always convivial guests. Emma Darwin describes

a dinner party at Down House when, of the two Scots, one, Lyell, hardly spoke above a whisper, thus obliging his companions to lower their voices, and the other Brown, looked so shy, as if he longed to disappear from sight.

Relations with Brown must have continued for some while as his wife Mary visited him shortly before his death in 1858. He was in his room in Soho Square and he talked to her of Joseph Banks and other colleagues who had worked in the same library in the past. A week later Lyell wrote a letter describing Brown's death in terms of evident regard.

In 1873 his wife died and he survived her by only two years, dying in his Harley Street home, which Darwin had referred to as his "morning house of call".

From its perch high on the window ledge in Westminster Abbey his bust looks down on the waves of visitors surging past, few of whom would even notice its presence. It is as if more recent and better known names had supplanted Lyell, though his remains still lie beneath the ancient Abbey, in such rich company of talent and merit, far from his Scottish roots.

THE POLSONS OR SIOL PHAIL OF CLAN MACKAY

by P.J. Lawrie

Innes of Learney states that the Polsons sprang from Creichmore, a noted Sutherland freebooter. His fortress was Dun-Creich. Alexander MacBain states in the notes to Skene's "Highlands of Scotland" that the name means "akin to the Wolf" rather than Son of Tire. However, Raymond McTyre in his article in the Scottish Genealogist Vol XXXV No 4 on the Clan McTyre does not claim any link to the MacKays or Polsons. Perhaps it is just coincidence that the lands held by Paul McTyre in 1365 were held by the Thomasson Mackays and perhaps Polson Mackays in 1429.

"The Sutherland Book", by Sir William Fraser, mentions Polson witnesses to charters: Hugone Pauli in 1472; Johannes Poolson ... notarius ... Dornoch 1512; Schir Thomas Poilson, notar publick in Dornock 1518; and Thomas Paulson or Creychmoir in 1567.

The Testament of Alexander Sutherland of Dunbeath, dated 1456 which is printed in "History of Caithness" by J T Calder, bequeaths "to my dochter Marion ... so mony ky as scho aucht to have of William Polsonys ky."

Other references to early Polsons, mainly connected with the church include: Sir John Poilson, precentor of Dornoch in 1504; Thomas Polson, Meikle Creich in 1571 (see above); Hew Polson, reader in Reay in 1567 and in Lairg after 1574; Jo. Poilsone, chantor of Caithness held a croft at Dornoch in 1608; Criste Poilsone also held a croft at Dornoch in 1608; Alexander Poilsone was servant to Thomas MacPhaill in 1607 (see reference below); Alexander Polsone was Archdeacon of Dornoch in 1665.

The "History of the Province of Cat" by the Rev Angus Mackay, mentions the battle of Torran dubh, near Rogart in 1518 where the Mackays, Mathesons and Polsons attacked the Morays of Aberscross. The unexpected

intervention of the Gunns put the Mackays to flight. They left 32 Polsons and 216 Mackays dead. The Rev. MacKay refers to the turbulence in Sutherland during the 1560s, during which the Murrays who held lands in Creich mentioned above, were attacked by the Polson Mackays of Braechat, the Thomasson Mackays of Creich, the Sutherlands of Duffus, and the Strathnaver Mackays.

The General Band of 1590, an attempt by James the sixth to impose order on the Highlands, lists the broken men of Sutherland as comprising Clanmorgan (the Mackays), Clangunn, Cheilephail (Siol Phail or the Polsons) and Neilsons (Assynt MacLeods - not Mackays). The first detailed census of sorts which has survived is the hearth tax of 1694. Fortunately, it was reasonably successful in Sutherland, and a fairly comprehensive list of 2383 heads of households has survived. From this list I found the following Polsons. In Clyne: Donald in the Doll; in Kildonan: Robert in Gailable, and James in Caen; In Loth: Angus in East Helmsdale; In Rogart: Hugh in Muy; In Creich: James in Morble. Total six. there were considerably more MacPhails: Golspie (2), Dornoch (1), Kildonan (1), Loth (1), Rogart (7), Lairg (1), Creich (12), Durness (2), Farr Clyne and Assynt none. Total twenty seven.

I have discriminated between Polsons and MacPhails as there do seem to be two quite distinct groups. The Polsons and Macphails do not seem to follow this pattern as Polson was in general use early in the sixteenth century and I have not found any evidence of individual families changing from one to the other.

There is an interesting instance of the distinction between MacPhaill and Polson given on page 174 of Bentinck's "Dornoch Cathedral and Parish". Reference is made to a commission of the Privy Council in 1609 which relates to the horning in October 1608 of "Hutcheon MacPhail, brother to the late Thomas MacPhaill, citizen in Dornoch, John MacPhaill, son natural of the said Thomas, and Alexander Poilsone, his servant." The horning related to the murder in 1607, of Charles Pape of Dornoch. John and Hucheon Macphaill fled to Holland where they ended their days.

The next approximation to a census is the muster roll of 2170 fencible men between the ages of 16 and 60 which was compiled by the parish ministers at the request of the Earl of Sutherland during the '45 rising. The Polsons, twenty two in number are as follows: In Dornoch, John in Skibo; In Golspie, Donald in Golspietower; In Loth, John, Alexander, Donald and Alexander in Navidale, William, Hugh and Robert in East Helmsdale, John in Lothmore, William in Cracaik, Alexander, Hugh and Thomas in Lothbeg; In Kildonan, Angus in Balnavaliach, Donald senior and junior in Torrish, Alexander, Angus senior and junior and George in Kilpheadar/Caen, and Robert in Badfluich.

In conclusion from these two records, there was a dramatic reduction in the numbers of Macphails between 1694 and 1745, from 27 mainly in Rogart and Creich to 13, of which six were in Dornoch and six in Loth. The Polsons increased but changed their distribution from two in Kildonan, and one each in Loth, Clyne, Rogart and Creich to twelve in Loth, eight in Kildonan and one each in Dornoch and Golspie.

The "History of the House and Clan of Mackay" mentions the family of John Polson of Navidale in the eighteenth century. It looks like he is the John mentioned in Navidale in the muster roll above. He was married to Janet, second daughter of the Rev. John Mackay of Lairg, their children:

Captain William of the Virginia Rangers, killed 1755

Major John of the 92nd regiment (Gordon Highlanders, raised 1794)

Hugh, Provost marshall of Jamaica - sons: William, barrister and John, vicar
Barbara, married to Rev. Alex Urquhart of Rogart - her daughter Joanna, married Rev Campbell of Kildonan, successor to Alexander Sage.

There was also a John Polson, tacksman of Aberscross in the eighteenth century, but I have been unable to find anything more about him.

From the Parish records, census returns, Sheriff Court records held at Register House in Edinburgh and Sutherland estate rentals, I have been able to piece together genealogies of the Polson families in east Sutherland between 1790 and 1881. Surprisingly there are none in Creich, Dornoch or Golspie, where they might be expected to be. Polson appears to be a name exclusively associated with Loth and Kildonan. Although A S Cowper in her "pre-1855 Tombstone inscriptions in Sutherland" does give one instance of an inscription which controverts this: "Wm Polson 1751 in Golspie St Andrews kirkyard.

Nineteenth century families in Clyne, Golspie and Rogart all appear to originate in Loth and Kildonan. Between 1790 and 1800 there was one family in each of Gartymore, Portgower, Marril and Navidale in Loth. In Kildonan there were two families in Elderable, five in Torrish, four in Gearrlag/Caen, one in Kilpheadar, one in Scalbisdale, all in the lower strath. My own ancestry includes Janet Polson married to Alexander Macleod who lived in Elderable up to 1817 and Robert Polson, shoemaker of Gearrlag in 1800, four of whose sons were shoemakers in Helmsdale up to the 1870s. I can provide genealogies for any of these families in Kildonan and Loth if requested.

I have had correspondence with a number of people in Canada, Australia and New Zealand, all descended from Kildonan and Loth emigrants. Then I received a letter from a Polson in New Zealand whose parents had emigrated from Fife. When I followed this up I traced the family back to Hector Polson in Kilrenny, Fife in 1649, Henry Polson in Burntisland 1710, and Patrick Polson in Wemyss 1763.

From the above there is an obvious gap between the clerical Polsons in Dornoch in the seventeenth century and the tacksman John Polson on Navidale in the eighteenth. I cannot understand why the Polsons are concentrated within eight miles of Helmsdale at the start of the nineteenth century and virtually nowhere else. The "History of Clan Gunn" by M.R. Gunn demonstrates that the Gunns, a larger group than the Polsons, were moved into Strathullie where they were useful to the Gordons as a defence against marauding Mackays or Sinclairs. Apart from John Polson obtaining a Tack of Navidale sometime during the eighteenth century I have not come across any reason for the concentration around Helmsdale.

NOTES

Darling Family

A Family Bible which I possess shows the following details:

Husband - William Darling

Born 13 February 1867 Swinton Hill, Swinton

Wife - Mary Cockburn

Born 12 June 1870 Leamington, Coldingham

Married 28 January 1898 at Winfield, in the Parish of Whitsome, Chirnside

Births James Thomas Darling, born 11 June 1904, Edinburgh

Robina Darling, born 1 October 1906, Edinburgh

Deaths Robina Darling died 1 October 1906 Edinburgh

Anyone interested should contact Mrs Alice W Ponting, 9 Crossways, Swanvale, Falmouth TR11 4HQ, Cornwall.

McGeorge Family

The OPR for Urquhart and Loggie Wester, on the Black Isle, has the following entries:

18 Nov 1718 - baptised Alexander, s/o Alexander McKenzie, alias McGeorge, in Battinearb.

12 Nov 1725 - baptised Ann d/o Alexander McGeorge, Battinearb.

4 Nov 1724 - baptised Alexander s/o John McGeorge in Culboky.

12 Nov 1725 - baptised - Donald s/o John McGeorge in Culbokie.

2 Jan 1718 - Alexander McGeorge of Culbokie was a cautioner for Andrew Fraser of Battinearb who married Ann Cameron of Dunvorney.

3 Jan 1719 - Alexander McKenzie alias McGeorge in Battinearb was cautioner for the marriage of Donald McKenzie to Margaret Cameron of Ferrintosh.

7 Feb 1766 - Donald Munro alias McGeorge in Balnabin, married Margaret Cant on 5th March.

13 July 1766 - William Michel contracted to marriage with Christian McGeorge and was married 13 Aug.

Is there a history of the McGeorges in the Highlands? Information about these McGeorges would be appreciated.

Mrs Hilda Downey, Eskadale Farm RR1, Tiverton, Ontario NOG 2TO, Canada

QUERIES

2026 AULD - In 1841 at Bogside, Torphichen, lived Andrew Auld (90) farmer, Andrew (40) mason, Janet (50), Janet Straham (15), James Auld (15), Archibald (10) and Janet (10). Where do the last three fit in? Colin B. Whitehead, 50 Turramurra Way, Greenwood, W. Australia 6024

2027 STRATHERN -The Shotts OPR has John Strathern, shoemaker of Bothwellshields and Eliza Clark with Thomas b. 1769, Mary b. 1771, John b. 1774 and Janet b. 1776. There is also a John Strathern,

shoemaker, Harthill and Janet Freebarn. Is this the same John who has remarried and moved? His children were Allan b. 1784, Marion b. 1787 and Elizabeth b. 1789. Colin B. Whitehead, 50 Turramurra Way, Greenwood, W. Australia 6024.

- 2028 AULD - Interested in Auld family of Bathgate, Shotts, Torphichen and Whitburn, particularly baptism of Andrew c. 1751 and his marriage to Margaret Shaw, the baptism of Ebenezer c. 1802 and his marriage to Elizabeth Strathearn in 1828, and baptism of Ebenezer c. 1842. Colin B. Whitehead, 50 Turramurra Way, Greenwood, West Australia 6024
- 2029 RIDDEL/RIDDLE/RIDDELL - Any information about these families, particularly with north-east Scotland connections or in Maryland, USA, appreciated. Mrs Elizabeth M. Riddell, "Homewood", 25 Wansdyke, Lancaster Park, Morpeth NE61 3RN.
- 2030 RIDDLE - James Riddle, b.c. 1810, m. Ann Scott in Huntly 1839. Ann remarried George Henderson in the Parish of Glass in December 1845. Information please. Mrs Elizabeth M. Riddell, "Homewood", 25 Wansdyke, Lancaster Park, Morpeth NE61 3RN.
- 2031 ROBB - David Smith Robb left Dundee in 1911 for Australia; seek contact with descendants of his brothers and sisters, Robert Smith Robb, John Low Robb, Helen Baxter Robb and Margaret Fraser. Mrs Maureen Webster, 5 Werona Court, Willetton 6155, Western Australia.
- 2032 MORISON - William Morison m. Lillias Mellis (Mallies), lived at St Ninian's then Denny, Stirling; d. before 1832. His son, Andrew (blacksmith and native of Denny) emigrated to Melbourne, Quebec, with his mother and siblings, James, Jean, Barbara, and Mary; his sisters probably living in Scotland were Marion (m. John Grant) and Margaret (m. John Boswell) and his elder brother William (m. Catherine McDonald c. 1829): he had a carrier business between Denny and Glasgow, came to Canada c. 1845, but returned to UK and died there; Catherine brought her children back to Canada in 1856 (first sailing of the "Inkerman"). Information about the family appreciated. Miss Joan Morison, Apt 205, 2233 Allison Road, Vancouver, British Columbia, Canada V6T 1T7.
- 2033 WILLIAMSON - Colonel David Williamson of Denny, Stirling, m.c. 1829. Information appreciated. Miss Joan Morison, Apt 205, 2233 Allison Road, Vancouver, British Columbia, Canada V6T 1T7.
- 2034 CLARK - Janet Clark b.c. 1834 in Locharbriggs, Dumfriesshire, m. Thomas McBride c. 1845. Who were her parents? Mrs Martha M. Parker, 3366 LaMesa #10, San Carlos, CA 94070, USA.
- 2035 BELL - John Bell, b. 1796-1799, Isle of Mull, joined the Hudson Bay Company and became a Chief Trader; d. 24 June 1868 at Saugeen, Ontario, having married in 1830 Nancy (Ann) Dease (daughter of Peter Warren Dease, dying 20 September 1846 at Norway House, Manitoba). They had eight children. Information wanted on the Bells.

Maureen Clarke, Box 345, Fort Chipewyan, Alberta, TOP 1BO, Canada.

- 2036 CLARK(E) - Lawrence Clarke, sergeant in the 65th Regiment of Foot (later the 2nd Yorkshire North Riding Regiment of Foot), widower of Jane Galveston, d. 9 July 1876 at Monkton, aged 79. His daughter, Mary Jane Bryant, b. 1821, d. 24 Nov 1899 in Monkton, near Ayr, his granddaughter, Fanny Chalmers being alive in 1876. Information on families wanted. Maureen Clarke, Box 345, Fort Chipewyan, Alberta, TOP 1BO, Canada.
- 2037 McINNIS - Mary McInnis, bapt 13 July 1830 at Gortendonell, Tiree, daughter of Archibald McInnes (bapt 29 March 1810 at Kenovay, Tiree) and Janet MacLean (bapt 27 June 1810 in Sandaig), m. Donald McLean (b. 31 March 1826 to Donald McLean and Janet McDonald and bapt 13 Apr 1826 at Cornaigmore, Tiree) in or near Toronto 1851-1854, lived at McIntyre Corners, Grey County, Ontario and then Regina, Saskatchewan in 1895. Information wanted about these families. Maureen Clarke, Box 345, Fort Chipewyan, Alberta, TOP 1BO, Canada.
- 2038 COCKBURN - Interested in information relating to the name Cockburn worldwide for a name study. R.W. Cockburn, 31 Ellen Street, Whitburn, West Lothian EH47 0HJ.
- 2039 WHITE - James White m. Margaret Brash of Lochend; John White m. Mary Scott of Lochend; Andrew White m. Mary Marshall. Any information about these couples and their descendants appreciated. Alan L. White PO Box 583, Nhulumbuy, NT0881, Australia.
- 2040 COSSAR - Interested to hear from Cossars in the Lanarkshire Area. Alison M. Cossar, 12 Rakeiora Grove, Petone, New Zealand.
- 2041 RATTRAY - Francis Rattray, Teacher, of Grey Friars Parish, Edinburgh, m. Angus Haynes (daughter of John Haynes, Woolcomber in Aberdeen) at the Tron Kirk on 3 Dec 1874, became Presbyterian Minister at Blennerhassett, d 24 Oct 1806 at Torpenhow, Cumberland. Their children were christened at Howard Street Chapel, Sheffield - Mary Haynes on 9 Apr 1793, Jennet on 17 Nov 1794, John (m. Isabella Routledge), Agnes and Francis c. 1803). His widow married again on 2 July 1808 at Torphenhow John Jackson. Who were the parents and siblings of Francis? Information about family wanted. Janette H Davenport, 1 Cinnamon Drive, North Little Rock, AR 72120.
- 2042 DOUGLAS - Charles Thomas Douglas, b c 1800 of a well-known Scottish family, changed his name to Smith when he got "into some scrape at home", went to London and emigrated to Tasmania in July 1830. In Hobart he became a much respected wool merchant, establishing the firm later known as Webster's. His brothers John and Alfred also went to Tasmania. He married Susanna Tabart and died 1856 without issue. What happened to make him change his name? Jane Evans, 7 Seafeld Court, 51 South Road, Weston-super-Mare BS23 2LU.

THE SCOTTISH GENEALOGY SOCIETY

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1. The objects of the Scottish Genealogy Society are:-
To promote research into Scottish Family History.
To undertake the collection, exchange and publication of information and material relating to Scottish Genealogy, by means of meetings, lectures, etc.
2. The Society consists of all duly elected Members whose subscriptions are fully paid. An Honorary President and up to four Honorary Vice-Presidents (who will be ex officio members of the Council) may be elected at the Annual General Meeting.
3. The affairs of the Society shall be managed by a Council consisting of Chairman, Honorary Secretary, Honorary Treasurer, Honorary Editor, Honorary Librarian, ex officio Members, and not more than ten ordinary Members. A non-Council Member of the Society shall be appointed annually to audit the accounts.
4. Office Bearers shall be elected annually. Ordinary Members shall be elected for a period of three years and shall not be re-elected until the lapse of one year. At meetings of the Council a quorum shall consist of not less than six members. The Council may appoint a Deputy Chairman from their members.
5. An Annual General Meeting of the Society will be held on a date to be determined by the Council, at which Reports will be submitted. Nominations for new Office Bearers and Members of Council shall be in the hands of the Honorary Secretary at least one calendar month before the meeting, a nomination being signed by the Proposer, Secunder and Nominee.
6. Members shall receive one copy of each issue of The Scottish Genealogist, but these shall not be supplied to those subscribers who are in arrears.
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The title to all property, heritable and movable, which may be acquired by or on behalf of the Society shall be vested in the names of the Convener, Vice-convener (where appointed), the Secretary and Treasurer for the time being ex officiis or in the names of the Trustees of a Trust established for that purpose.
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If the management of the Committee by a simple majority decide at any time that on the ground of expense or otherwise it is necessary or advisable to dissolve the Society, it shall call a special general meeting of the Society, of which meeting not less than 21 days' notice (stating the terms of the resolution to be proposed thereat) shall be given. If such decision shall be confirmed by a two-third majority of those present and entitled to vote and voting at such meeting, the management committee shall have power to dispose of any assets held by or on behalf of the Society. Any assets remaining after the satisfaction of any proper debts and liabilities shall be given or transferred to such other charitable organisation or organisations having objects similar to the objects of the Society, as the management committee may determine.

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