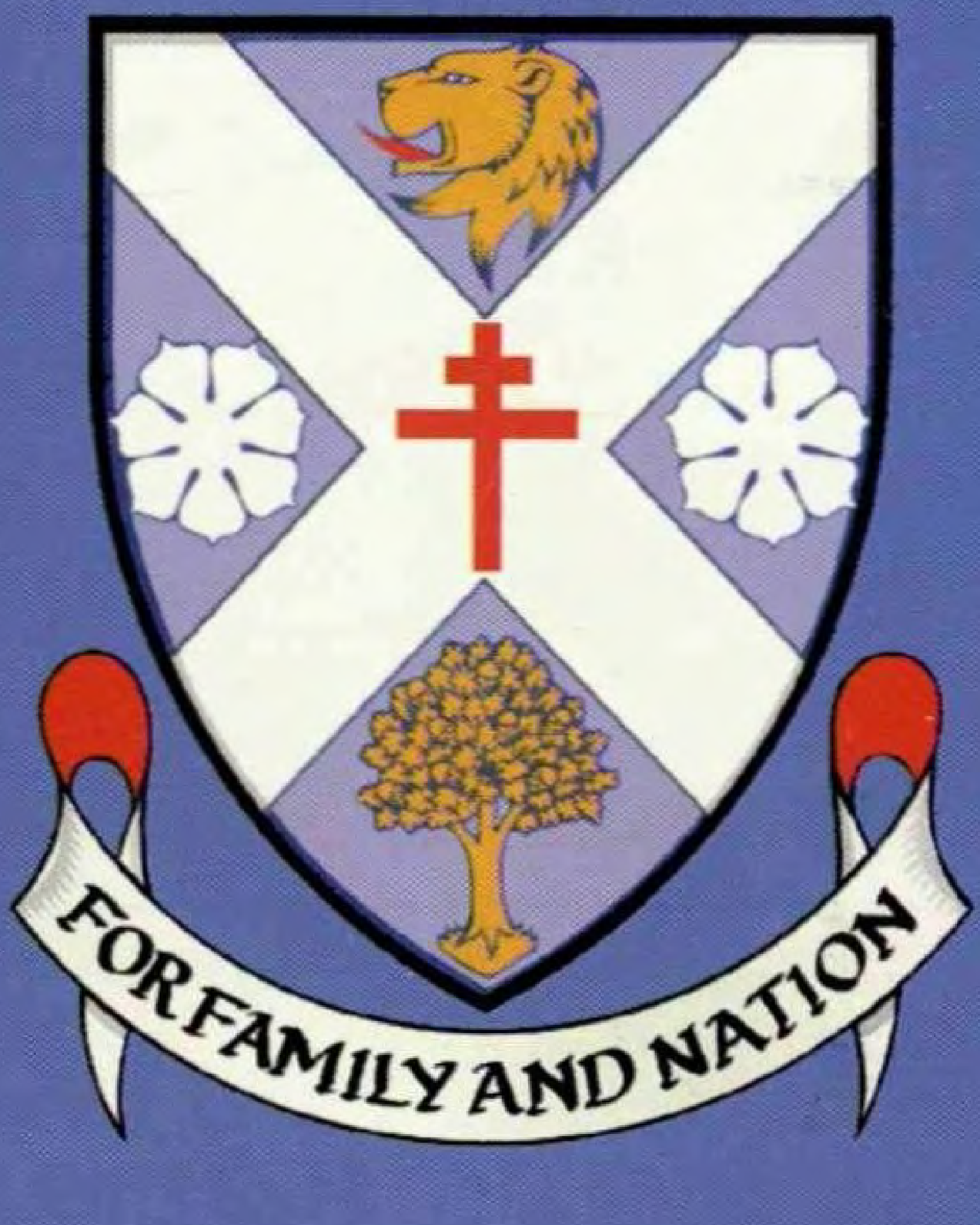
THE SCOTTISH GENEALOGIST



QUARTERLY JOURNAL OF THE SCOTTISH GENEALOGY SOCIETY

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GENERAL INFORMATION

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

Meetings

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

Membership

The current subscription is £16.00. Family membership will be £19.00 and affiliate membership £20.00. The subscription for U.S. members will be $32.

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 the Gift Aid Scheme so that the Society may recover the tax paid on these sums. Details of arrangements for the scheme can be obtained from the UK Membership Secretary.

Correspondence, Subscriptions, Publications

General correspondence should be sent to the Honorary Secretary, and subscriptions to the Membership Secretary, (subs@scotsgenealogy.com). Information about the Society's publications, and back numbers of The Scottish Genealogist, can be obtained from the Sales Secretary, (sales@scotsgenealogy.com). All correspondence should be addressed to 15 Victoria Terrace, Edinburgh EH1 2JL, Scotland. Email: info@scotsgenealogy.com

The Scottish Genealogist

Relevant articles are welcomed by the Hon. Editor, and should be submitted in MSWord or rtf format via email, or on a floppy disc, only. Members queries are also welcomed for inclusion in the magazine; a £2 per entry charge is made to non members.

Scottish Genealogy Society Website

Our website can be accessed on www.scotsgenealogy.com

Views expressed in articles or correspondence, are those of the contributor, and may not be those of the publisher.

Front cover: the Society's Coat of Arms. *Back cover*: The memorial stone to the Battle of Halidon Hill, outside of Berwick-upon-Tweed (then in Scotland). This battle took place, as the stone records, on the 19th July 1333. It was a major defeat for the Scots, of whom some 10,000 are said to have perished. Berwick surrendered the following day.

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DATES FOR YOUR DIARY - 2004

Note: visits to New Register House are at 6.30 p.m.

15 September Wednesday - society meeting: Neil Gunn's *Landscape & People: the Near and the Far,* by Lt. Cdr. Dairmid Gunn,OBE.

n.b. The SGS Library will be closed this evening.

16 September Thursday - Members' visit to New Register House.

30 September Thursday - Members' visit to New Register House.

15 October Friday - society meeting: *Genealogical Sources in the National Library of Scotland* by Janice McFarlane, of the National Library.

8 November Monday - society meeting: *The Districts of Marchmont, Sciennes and the Grange in Edinburgh,* by Malcolm Cant.

VISITORS TO THE SOCIETY

During July the Society welcomed a party of ten Family History Researchers from Canada and the U.S.A. sponsored by the Institute of Genealogy and Historical Research, Samford University, Birmingham, Alabama, U.S.A. An introductory tour of our library and its facilities was given, and they then carried on with their own projects. Some paying several visits over a ten day period. It proved to be a very pleasurable time for both the visitors and ourselves, as library volunteers, and we look forward to welcoming back the members of the group in the future.

Joy Dodd, John D. Stevenson

VOLUNTEERS REQUIRED

Volunteers are required to assist in the running of the Society's Library.

Can you give a few hours on a weekly or monthly basis?

No experience required.

Meet interesting people from all over the world who visit our Library.

Make new friends.

If you can assist or wish further information please contact our Hon. Librarian Dr. Jim Cranstoun in the Library or telephone 0131 220 3677

CLANN CHALLUIM IN LORN
(Mac)Colmins, (Mac)Calmans, (Mac)Callums, (Mac)Malcolms

by Graeme M. Mackenzie

'A third of Albyn were none too much for MacCallum of Colagin'[1]

Colagin, now a small hostelry not far from Oban, is situated in the heart of Lorn, the original homeland of the Scots dynasty that became the kings of *Mureb* (Moray – though the kingdom of that name stretched at times from Argyll to Caithness and from Skye to Buchan). The greatest of the *Cenel Loairn* kings was Macbeth who, according to the sagas, campaigned against the Viking jarl of Orkney, Thorfin Sigurdsson, from a base at *Beruvik* – the modern Barbreck on Loch Craignish, in the south of Lorn. The famous king's cousin, stepson, and short-lived successor, *Lulach mac Gille-Comghain,* is said to have been the eponymous of one kindred associated with Colagin – the MacLullachs or MacCullochs – while the man shown in MS1467 to have been Macbeth's great-grandson, *Airbertag mac Murechach mhic Fearchair mhic MicBeathaidh,* is thought to have given his name to the hill fort dominating the ferry to Kerrera just a mile and half to the west of Colagin (i.e. *Dun Uabairtich*). Airbertach is reported in some of the MS1467 genealogies to have planted twelve tribes on the nearby islands of Mull, Iona and Tiree, and his son Cormac is shown in the same source as the ancestor of a number of clans later to be found on these and other islands and lands in the vicinity of Lorn (MacPhees, MacKinnons, MacQuarries and MacMillans). *Cormac mac Airbertaich* can probably be equated with the early 12th century bishop Cormac, whose diocese of Dunkeld then encompassed most of the west of the old kingdom of Moray, stretching from Glenelg in the north to Kintyre in the south. After the see of Argyll was disjointed from Dunkeld at the beginning of the 13th century, the church of Kilbride, a quarter of a mile to the east of Colagin, was for a time considered as an alternative to Lismore for the bishop's seat; and it was here that MacDougall's wife is said to have spat out the furious response quoted above at seeing the twelve sons of MacCallum coming proudly into the kirk.[2]

Nine of those sons are supposed to have died in the next year - implicitly as a result of Lady MacDougall's curses – in the lead-up to a dispute over the succession to Colagin between MacDougall and another neighbour, MacMillan. Though we're told that old MacCallum favoured MacMillan as his heir, MacDougall triumphed, and as a result MacCallum's three surviving sons had to seek their fortunes elsewhere. It was decided that they should set out in different directions and settle wherever it was that their possessions should fall from their horses. The first son got no further than Cleigh, on the boundaries of his father's estate; the second son went northeast as far as Glen Etive (or Glen Orchy, according to another version of the tale), and settled there; and the third son's southward journey got as far as Kilmartin – or, according to the other version, Kintyre.[3]

This tale of how a clan comes to have widespread branches may be common to other kindreds; and in this case it certainly, and perhaps significantly, echoes traditional accounts of how the ancestor of the Clan Chattan sept of Smith/Gow obtained his estates after his heroics at 'The Battle of the Clans' in 1396, and the way in which the MacEacherns came to settle at Killellan in Kintyre after leaving Craignish. Both of these kindreds appear to have had some connection in Lorn with lands otherwise associated with the MacCallums; but the main point of telling the tale is to emphasise how significant *Clann Challuim* itself was seen to have been in the history of Argyll. Though their origins and their importance have to a considerable extent been lost in the history that we've received, some evidence of it perhaps remains with the wide spread in Lorn of various surnames which may once all have belonged to the same kindred; and in order to see if that's so, it's with the names that we must begin.[4]

The name *Columb* is said to have been a borrowing from the Latin Columba meaning 'dove', and among the many recorded versions of it are *Colm, Colum, Colam, Calam* or *Callum* – the last being the modern Gaelic given-name and the origin of the surname MacCallum. There was also a diminutive form, *Columban,* which was commonly abbreviated to *Colman* or *Calman,* and as such is often to be found in old Irish genealogies. The name MacColman or MacCalman appears frequently in Argyll, and when the Englishing of surnames became popular there many of its bearers, recognising the traditional origin of the name, took to calling themselves Dove (and thus, in some cases, Dow – though this was more usually an Englished version of the Gaelic *Dubh,* meaning 'black'). The most famous bearer of the original name was the evangalising member of the Dal-Riadan royal family who established the abbey of *Colm Cille* on the island of Iona, and who was later canonised as St. Columba. His cult was so important in medieval Scotland that the names *Mael-Coluim* or *Gille-Challuim,* which are synonymous and mean 'Servant or Devotee of (St.) Columba', appear in many kindreds, including those of both the kings of Mureb and of Fortriu. The English version of the given-name is, unlike many such 'translations', a genuine derivation from the Gaelic (*Maol-Colm* : Malcolm). Ancestors of the modern Clan Malcolm, who originally bore as surnames versions of MacGhille-Challuim, can be found in Lorn in the 16th and 17th centuries bearing a variety of transitional forms such as *Makolchallum, Makchallum, M'Callum, M'Allum, M'Callome, M'Colmsoun, Makcolmsoun* (these last two appear tautological, with 'son of' at front and back, and one must supose that the second of these at least is a mistranscription of the form that follows), *Malcolmsoun.* The name M'Colman/M'Calman also appears as *M'Colmin, M'Calmin, M'Alman, M'Callman, M'Calmon.* The fact that surnames were so rarely used in medieval Lorn makes it impossible to track the Mac(Gille)Callums and MacCalmans back in the records to see for sure if they share a common ancestor as well as a name with the same etymology; but records from another part of Scotland, which shared close historical and kindred ties with Argyll in the early Middle Ages, show that it's quite possible.[5]

One of the earliest appearances of the patronymic from which these surnames come

is to be found amongst the great men of Galloway who habitually appear in the late 12th century as witnesses in the charters for Melrose Abbey. Here an individual with the given-name *Gillenem* (i.e. *Gillenaoimh*) is documented in a number of entries which illustrate the different forms that often occur when dealing with such early records. The two most significant for our present purpose are *'Gillenem mac Coleman'* and *'Gillenem mac Colem'*. These clearly show that MacColman/Calman and MacColum/Callum could be synonymous; and, although they did eventually become separate surnames, the confusion remained until at least the 17th century, when two examples can be found of individuals appearing as both MacCalmans and MacCallums. In 1609 a witness to two successive and related writs about the lands of Kilchoan in Lorn is given first as *'John McLauchlan VcCalmon in Achachrom'* and then as *'John McLauchlan Malcolm McCallum in Achachrom'*. In 1686 the testament of Margaret McDougall gives the name of her spouse as Mr. Alexander McCallam, Dean of Argyll, though in the many other records in which he appears the Dean's name is given as McCalman or McAlman.[6]

It's easy to see how the latterly different surnames could have evolved from the one given name if one writes that name as *Columan*. Though *Colum(b)an* is classed as a diminutive, as Andrew McKerral points out in his account of 17th century clans in Kintyre, such names really imply a sense of endearment rather than size (other writers call them 'pet' forms). Thus, rather than 'little Colm/Callum' it should be taken as 'beloved Colm/Callum', or perhaps 'beloved of Colm/St. Columba'. If the latter was indeed the case, then it can be seen to be a very near equivalent of Gille/Maol-Coluim – since it must be assumed that one beloved of Columba would be a devotee of the saint too. Thus *MacColum(b)an* and *Mac(Gille)Challuim* would be the same in principle as we've seen them to be, in at least three cases, in practice. Support for such a theory can be found if we also consider the name, and the kindred called for it, of Columban's son *Gille-Naoimh*. The given name is said to stand for 'Servant of the Saints', or the 'Saintly Gille'; and two surnames are found deriving from it: *MacGhille-Naoimh* and *MacNhaoimhain* (MacNiven, MacNevin, MacNevan). The latter has been translated as 'Son of the Holy One'; but, since it once again comes from a so-called diminutive, *Naomhan,* it more likely means 'Son of the beloved saint(s)' or perhaps 'Son of the beloved of the saint(s)' – and if the latter, it might thus be synonymous with *MacGhille-Naoimh* as 'Son of the devotee of the saint(s)'. Whatever may be said about the exact theoretical meaning of the two forms of this surname, it's even clearer in this case that in practice they were synonymous since *Clann Mhic Ghille-Naoimh* of Gaskmore in Upper Strathspey were quite obviously the same kindred as the MacNivens of Dunnachton, whose seat was further down the same valley. A third instance of this phenomenon appears to be the translation of both *MacGhille-Mhaoil* and *MacMhaolain* as MacMillan. Coincidentally, the only genealogy to give a believable account of the MacNivens' origins also constitutes the third oldest genealogy of the MacMillans; and it may well in addition refer to the namefather of the MacGhille-Challuims and

MacColmans of Lorn – if, as I've suggested elsewhere, he might be equated with *Gille-Chattain MacGilleasbuig Chlerich,* the eponymous of Clan Chattan. The purpose of this paper however is to study the known history of the various kindreds in Lorn that bore versions of the name *Mac(Gille)Columan,* and there are a number of traditions in the history of other clans that may also relate to them.[7]

In his 1885 'Records of Argyll' Archibald Campbell associates the west coast Clann Challuim with inland Glenfalloch, which runs south from the conjunction of Strath Fillan and Glen Dochart – an association apparently supported by the letters of protection issued in 1667 by the Earl of Argyll to four MacCallum heads of families in Glenfalloch and Strathfillan. These inland territories are more normally associated with the MacNabs and MacGregors; and the traditions of the latter clan speak of a legendary forebear called *Callum nan Caistel* who's supposed to have built the fortresses of Taymouth and Finlarig (at each end of Loch Tay) and Kilchurn (at the northern end of Loch Awe). This 'Malcolm of the Castles' was also famous for saving the life of the king by killing a wild boar with an oak sapling – which accounts for the tree on the MacGregor coat of arms. There are no Malcolms to be found amongst the earlier generations on either of the two pedigrees purporting to show the origins of Clan Gregor, so it may be that these legends refer to another member of the parent kindred from which they descended rather than a direct ancestor of their particular line. One of these two MacGregor pedigrees is included in MS1467, where it shows them to be amongst the clans descended from *Cormac mac Airbertaich.* Though their inclusion as part of Clann Cormaic is open to question, along with the MacNabs who also appear as such in MS1467 – and with whom it's generally accepted that the MacGregors do share a common ancestry – there is another kindred descended from *Cormac mac Airbertaich* who share the tale of an ancestor saving the king from a boar. The mid-16th century genealogy of the Lennies of that Ilk – a branch of the MacMillans – describes the man in question as *"...the reidhar vray uha sleu the meikle tork befoir the king fra whilk deid ui gat our inocignie and aimis"*; which translates as "...the freckled rider who slew the large boar in front of the king from which deed we got our insignia and arms". As such the story might be dismissed as one of a number to be found in legends about various clan ancestors, including some with no known connection to the MacGregors or *Cormac mac Airbertaich*; but the accompanying information in the Leny history and pedigree makes the identity of this boar-killer quite clear. He's the third of three 'riders' or knights, each of whom performed a memorable feat, who correspond to the first three names on their family tree; which are: *Gilleasbuig Mor* ('Great Bishop', i.e. Cormac of Dunkeld, a.k.a. *Cormac mac Airbertaich*); *Maolan* (the namefather of the MacMillans, who appears in MS1467 as *Gillemaol mac Cormaic*) and *Colmin* (the *Gillecoluim mac Gillemaol* of MS1467).[8]

Though *Callum nan Caistel* would have flourished at about the same time as Malcolm mac Mhaolain – in so far as he can be dated from the material in the MacGregor tradition – any connection between the two must remain speculative. When it comes

to Clann Challuim however, the information in the Leny tree states quite explicitly that *Colmin mac Maolan mac Gilespic Moir* was the progenitor of the *Macolmins in Airgile & Cintyre*. William Buchanan of Auchmar, writing in the early 18th century, confirms the tradition that the MacColmans or MacCalmans in Argyll were of the same stock as the MacMillans – though he claims that their eponymous was a brother of 'Methlan', the invented Buchanan from whom he derives the MacMethlans/MacMillans. He informs us that the 'men of best account' amongst the MacColmans testified to the common origin of their kindred and of the MacMillans; and he cites in particular 'Mr. Alexander McColman', minister of Lismore, along with his son and brother, both of whom were called John and who were also ministers. The Rev. Alexander MacColman is the well documented Dean of Argyll whose surname we've already found recorded as McCallam and McAlman, in addition to the more usual McCalman. He's first recorded as the Minister of Lismore and Appin in 1660, and died in 1717 aged about 83 as father of at least 13 children from two wives.[9]

Alexander MacColman also informed Auchmar that 'the principal places' of his clan were *Benedera Loch* and *Mucain* in Upper Lorn. Benderloch, on the northern shore of Loch Etive, is otherwise associated with the MacLullichs, and it's principal township was originally called *Baile Mhaodain* – perhaps after Macbeth's nephew Moddan, who died at the head of an army from Lorn in his uncle's wars against Thorfin Sigurdsson. The name Moddan honours a saint revered in Benderloch after whom was named the church of Kilboddan, which in the 1230s was the site for the abbey of *Ardchattan* (itself a dedication which, with other place and kindred names in Lorn, emphasises the area's association in the Middle Ages with the cult of Saint Catan and the clan associated with it). The parish of Kilboddan/Ardchattan was later merged with the parish of Muckairn – Auchmar's *Mucain* – on the opposite shore of Loch Etive. The church there was originally known as *Killespickerel* (i.e. *Cill Easbuig Earaild*) and was named for Evaldus or Eraldus, the first Bishop of Argyll, whose seat it was following that diocese's disjunction from Dunkeld. Bishop Harold no doubt chose it as such because it had previously been Bishop Cormac's seat in Argyll; and that connection probably explains why, after Lismore was established as the seat of the bishops of Argyll, Killespickerel appears to have reverted to Dunkeld, to which it remained attached until at least 1640.[10]

The modern parish church stands in the village of Taynuilt, from which an old track goes south west through Glen Lonan – another vicinity connected in local traditions with the MacCalmans – to a place called *Torr an Tuirc*. This name commemorates a famous boar-killing that one suspects originally related to the aforementioned exploits of *Callum nan Caistel,* but which later became asociated in local legend with the Fenian hero *Diarmid,* who's supposed to have died after being pierced by one of the boar's bristles and to have been buried at the site of the standing stone in the glen called *Carraigh Dhiarmid*. The fact that Diarmid's lover *Grainne* was the daughter of *Cormac mac Art* is said perhaps to explain another feature in the glen called *Sron-*

Chormaig; but since this association is admitted to be speculative, it's just as likely to be named for the one time bishop whose seat was at Muckairn and whose descendants were probably the dominant kindred in this area before the arrival of Clann Somerhairle. The track through Glen Lonan leads on to Cleigh, and eventually to Colagin and Kilbride. There, long after the MacCallums had ceased to be the lairds of Colagin, a succession of churchmen called MacCalman or MacCallum were the ministers of Kilmore and Kilbride; one of whom was Nicol McCalman (Minister there from at least 1608 until at least 1651) the father of Alexander McCalman/McCallam the Dean of Argyll. Clann Challuim also provided ministers in the 16th and 17th centuries in many of the neighbouring parishes, all the way from Ardnamurchan and Morvern in the west to Kenmore and Comrie in the east, and south to Knapdale.[11]

The Rector of Knapdale in the early 17th century was John MacCallum, an ancestor of the later chiefs of the southern branch of Clann Challuim, the Malcolms of Poltalloch. Old Poltalloch over-looked Loch Craignish, and the Mac(Ghille)Challuims there appear to have been connected with, and quite possibly descended from the old lairds of Craignish, a number of whom in the 14th and 15th centuries are said to have born the given-name Callum/Malcolm. The closeness of the connection between these families is shown by the coincidence of Campbell fostering stories featuring both the MacCallums and the 'MacCouls' of Craignish (MacCoul is a phonetic form of *MacDhugaill,* but the lairds of Craignish who bore this name did not belong to the same kindred as the MacDougalls of Clann Somerhairle). The Dewar MS takes the tradition right back to a legendary early Campbell called *Donnachadh Crosda* ('Cross Duncan'), a younger brother of *Cailean Mor* himself, who is said to have been fostered with Poltalloch's ancestor at a place called *Baile-ghuirgean.* The first proven ancestor of the MacCallums/ Malcolms of Poltalloch is *Donald McGillespie Vich O'Challum* who received a charter for Poltallach from Campbell of Duntrune in 1562. This Donald mac Gilleasbuig would have been contemporary with John mac Gilléasbuig the father of Rev. Nicol MacCalman of Kilbride, and grandfather of Dean Alexander MacCalman/MacCallam; so one wonders if this may have been where the two leading branches of Clann Challuim in the 17th century were connected.[12]

The Poltalloch family claim that Donald mac Gilleasbuig MhicCallum was descended from *Ronald Maccallum of Corbarron,* the Constable of Craignish Castle. This is clearly the Ronald mac Malcolm of Clann Dhughaill of Craignish who is otherwise known as *Mor na Ordaig* ('Great-Thumbed One'). He had a sasine from Colin 'Iongantach' Campbell for the remainder of Craignish, after Barbreck and MacIver's Barony had been hived-off, in 1412; and was granted the keepership of both Craignish and Lochavich castles by Colin's son Duncan 'Innai' Campbell in 1414. If the MacCallums of Poltalloch really do descend in this way from *'Clandowilcraginche',* then the fact that they did not follow their 'MacCoul' cousins in taking the name Campbell in the 16th century strongly supports the contention that the later lairds of Craignish were a continuation of the original *MacDhugaill* lairds, and not the

descendants of an early Campbell who was fortunate enough to persuade his foster-father to disinherit his own sons in favour of the cuckoo in the nest. It also implies, of course, that the eponymous of Clann Dhugaill was a member of the same kindred as the eponymous of Clann Challuim; and the *'Dubgaill mhic Gillacoluim mhic...Gillamaol'* of MS1467 would appear to be the obvious candidate (a matter I hope to address in a future article in these pages).[13]

The 16th century MacCallum seat of Corbarron or Corvarron is the modern Corran – a property on the Craignish peninsula which was divided into Corranmore and Corranbeg – and it was one of the main holdings specified in the 1412 sasine. Craignish tradition has it that *Ronald Mor na Ordaig* granted Corranbeg, along with the post of chief officer of his lands, to the younger son of MacGhille-Callum of Largie (a place near Kilmartin) with whom he had been fostered; and associated with this tradition is another striking tale of the foster-father's loyalty to his *dalt* [foster-son] whose reported death in an ambush was thought more serious by old MacCallum than the loss of six of his own sons.[14]

The Craignish history reports that the chief of the MacGilleCallums was at one time known as *"...Mackisage Baron of Largie...which Mackisages were very numerous..."*. This appears to be confirmed by the Earl of Argyll's grant to *John M'Douill M'Gillechallum V'Eyseg* of the lands of Corranbeg and the 'office of sergeandry or mairship of the tenendry or bailliary of Craignish' in 1547. The award followed the failure of the senior line of the descendants of *Ronald Mor na Ordaig*, and the reversion to their feudal superior Argyll of most of the lands and offices in Craignish that they had held (Barrichbean, and the title 'of Craignish', fell however to the junior line whose ancestor had married the heiress of the Barons MacIlveil of Barrichbean). The earliest record of this family's alternate surname would appear to be in 1475/6 when the estate of Ardare in Glassary (next to Kilmartin and Craignish) passed from *Mariot,* the daughter of *Malmoria M'kesek,* to *Gilchristo Makalere* – i.e. MacClery. The MacChlerichs or Clerks were, like the McIlveils or MacMillans, part of the original Clan Chattan, and I've discussed the implications of this transaction for the history of that kindred in the paper on *Clann Ghille-Chattain* referred to previously. I also considered then the two possible origins of the name Mackisage/M'kesek; i.e. as MacIsaac or Mac[Gille]Kessog. The second of these possibilities seems most likely in this case since the first bearer on record who apparently belongs to the same kindred as the Mac[Gille]Callums in Craignish is one *Malcolm M'Gillemokessaig* who appears in 1532 (*MacGhille-Mo-Kessoig* being another 'pet-form' relating to a saint's name). Various MacKesaigs are recorded as tenants of Corranbeg and Barrichbean in the late 16th and early 17th centuries; the last being *Malcolm McKeissaig in Corvorranbeg* who witnesses the sasine given to *Malcolm McCallum of Corvorranbeg* in 1667. In 1731 an *Alexander M'Iseik,* miller at Slockvullin, was challenged in the Kirk Session by Donald MacCallum of Poltalloch about possession of the burial places of the family of *M'Kiseck of Largie and Barayirgaig*; and in affirming Poltalloch's rights to them

the Kirk Session states that *"...the said Donald McCallum of Poltalloch and his cousin Angus McCallum alias M'alester Vic Dhonchaigh-rivach in Barachebeyen in Craignish are legally descended of those who by a Patronimeck name M'Keseks of Lergie yet whose reall surname was McCallum..."*. In 1756 Donald's son Archibald of Poltalloch married as his second wife a Marion McKisaig – perhaps an attempt to heal the breach between these by now distantly related families.[15]

The record of *John M'Douill M'Gillechallum V'Eyseg* in 1547 would suggest that he may have been the son of *Donald Beg Mackessage* who appears in 1546 and maybe the grandson of the *Malcolm M'Gillemokessaig* of 1532. John MacCallum of Corranbeg was succeeded by his son *Malcolm M'Ane M'Donall V'Gillecallum* who first appears as laird in 1559/60. There are two subsequent records of him and in neither of them does he appear with the additional name of MacKesaig. In 1592 *Donald M'Illechallum V'Douill V'Illechallum* is recorded as the son of the deceased *Gillechallum M'Ean V'Douill V'Illechallum* (it's as well the relationship is specified since for some reason – maybe just a mistranscription – Donald's patronymic is missing his grandfather's name). Donald of Corranbeg must have had a son called Malcolm since the next in the line to appear is *John M'Gillechallum V'Doniell* who appears in Corranbeg in 1628 with his son *Malcolm M'Gillechallum* (note that while the father is given with his patronymic, the record of the son is perhaps the first time in this family that MacGillecallum appears as the surname rather than as a patronymic). John was dead by 1667 when *Malcolm M'Callum of Corvorranbeg* had a sasine witnessed by *Donald dow M'Callum in Corvorranbeg* and *Duncan M'Callum in Strone*. In the same year Malcolm resigned Corranbeg to Zachary MacCallum of Poltalloch, a great-grandson of the *Donald McGillespie Vich O'Challum* of 1562. Zachary is said to have been Malcolm's nearest heir, but that seems unlikely given how long ago the Poltalloch line must have split off from the Corranbeg stem; and their good fortune probably owed more to the influential position that Zachary (Commissioner Depute of Argyll), his father Archibald (Minister of Glassary) and his grandfather John mac Donald (Rector of Knapdale) had built up for the family over the preceding half-century. That influential position probably allowed the Poltalloch family to outbid their cousins for Corranbeg at a time when the Dukes of Argyll were offering to feu estates to those local gentry who could afford them. A similar thing happened in Knapdale where Archibald MacMillan in Clachbreck bought the feu of Dunmore at the expense of the cousins previously in possession as tenants who are thought to have been the senior line of the descendants of *MacMhaolain Mor a Chnap*. It was Zachary MacCallum's nephew Alexander (died 1787) – younger brother of the Archibald who married Marion MacKesaig – who is credited with introducing the Englished form of the surname; and it was the son of another brother, John, who was to bring the MacCallums/Malcolms back to the forefront amongst the families of Argyll with the massive fortune he made in the West Indies.[16]

The legend of MacCallum of Colagin's sons is obviously intended to show that the

(Mac)Malcolms in the parish of Kilmartin, which includes both Largie and Poltalloch, were to be considered as belonging to the same kindred as the MacColmans/Calmans in the parishes of Ardchattan & Mucairn. Since we've seen that all these latterly separate surnames could indeed have come from the same source, it seems reasonable to suppose that the essence of the tradition is true; and that there was in origin a single *Clann Challuim* in Lorn which was once amongst the most important of west coast kindreds. MacDougall's success in the tale in forcing old MacCallum to leave Colagin to him, and so to disinherit his remaining sons, is a reflection of the growth of Clann Somerhairle's power on mainland Argyll in the 13th century; just as the later fostering tales of the Campbells signal their subsequent rise to power in Lorn. The appearance of MacMillan as MacDougall's rival for the succession to Colagin is explained by the common origin of their two clans, as told to Auchmar in the early 1700s, and confirmed by the 16th century Leny family tree – and as shown by the facts on the ground, since the areas inhabited by Clann Challuim connect the lands of the MacMillans in Knapdale with the lands and islands of clans shown to be their cousins in MS1467. The appearance of the MacCallum/MacColman eponymous from the Leny tree as *Gillecoluim mac Gillemaol* in MS1467 in turn links them not only to Cormac the Great Bishop of Dunkeld, but also to Macbeth the king of Mureb and of Alba. No wonder then that nostalgic members of Clann Challuim, perhaps standing by Old Poltalloch looking across Loch Craignish to nearby *Eilean Righ* – and at the royal fortress on that island which may have been one of Macbeth's strongholds – should have remembered the bittersweet jibe that, once upon a time, 'a third of Albyn were none too much for MacCallum...'.

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3. Grant, op.cit., 41 & 49; Archibald Campbell, *Records of* Argyll (1885), 304

4. The story of the eponymous of *Sliochd Gow Crom* is recounted in Charles Fraser-Mackintosh, *An Account of the Confederation of Clan Chattan* (Glasgow, 1898), 118; while the tale of how the *Tossach Bain mac Eachairn* arrived at Killellan is told in the 'MS History of Craignish' (Craignish MS), ed. Herbert Campbell, in *Miscellany of Scottish History Society IV* (1926), 203-5.

5. Donnchadh O'Corrain & Fidelma Maguire, *Gaelic Personal Names* (Dublin, 1981), 55 & 129; George F. Black, *Surnames of Scotland* (New York, 1946), 163, 303, 218, 463, 498, & 576.

6. *Liber de Melros* (Bannatyne Club, 1837), 20-24, Nos. 29 & 30. John mac Lachlan mhic Calmon/Callum appears in *Poltalloch Writs* in THE GENEALOGIST, New Series No. 38 (1922), 77, Nos. 1 & 2. The testament of Margaret MacDougall is referred to in J. B. Craven, *Records of Diocese of Argyll & Isles 1560-1860* (Kirkwall, 1907), 189; and the career of her husband Dean Alexander McCallam/McCalman is recounted in David M. Bertie, *Scottish Episcopal Clergy 1689-2000* (Edinburgh, 2000), 86, and Black, op.cit., 463

7. Andrew McKerral, *Kintyre in the Seventeenth Century* (1948), 161; Alexander Macbain, 'The Study of Highland Personal Names' in CELTIC REVIEW II (1906), 68 & 73. For MacGhillenaoimh & MacNiven and MacGhillemhaoil & MacMhaolain see O'Corrain & Maguire, op.cit., 112; Alexander Macbain, *Etymological Dictionary of Gaelic Language* (Stirling, 1912), 408-9; Black, op.cit., 552. The genealogy referring to the MacNivens, the MacMillans, and to some who might otherwise have been MacCallums, is the Ardross MS in NAS/GD.80/965/1/1-5, which is discussed at length in Graeme M. Mackenzie, *For Ever Unfortunate – The Original Clan Chattan* in TGSI, LXI (1998-2001), 332-370.

8. Clann Challuim's traditional connection with Glenfalloch is recounted in Campbell, *Records...*, op.cit., 305, and Argyll's letters of protection are mentioned by Allan I. MacInnes, *Clanship, Commerce and the House of Stuart, 1603-1788* (East Linton, 1996), 13. The associations of the MacGregors and MacNabs with these lands, and with each other, are outlined in *Highland Papers IV* (SHS, 1934), 50. The legend of *Callum nan Caistel* appears in Amelia G. M. MacGregor, *History of Clan Gregor* (2 Vols., Edinburgh, 1898), Vol. I, 13-14. The MacGregor and MacNab pedigrees in MS1467 are discussed in W. D. H. Sellar, 'Highland Family Origins' in *The Middle Ages in the Highlands,* ed. Lorraine MacLean (Inverness, 1981), 103-115, and Martin MacGregor, *Genealogies of the clans: contributions to the study of MS 1467* in INNES REVIEW, VOL. 51, No. 2 (Autumn 2000), 131-146. For the Lenys see Graeme M. Mackenzie, *The De Lanys or Lennies of that Ilk* in SCOTTISH GENEALOGIST, Volume L, No. 1 (March 2003), 18-28.

9. William Buchanan of Auchmar, *A Historical and Genealogical Essay upon the Family and Surname of Buchanan* (1723), 130. Auchmar's blatant sept-napping in connection with the MacMillans and their kin, which is discussed in Mackenzie, 'Origins of MacMillans'..., op.cit., 4-7, should not discredit the many obviously genuine traditions that he records about the various kindreds he's claiming for his own clan – not least because details in those traditions sometimes contradict his own claims about their Buchanan origins.

10. *Cloinn Lullaich o Thulaich Mhaodain* ('MacLulichs from Hill of Modan') is mentioned in Campbell, *Records...*, op.cit., 320, and Adam, op.cit., 319. The association of Macbeth's nephew with Lorn can be gleaned from his appearance in the Norse sagas as the leader of an army sent north from *Berwick,* and as the man who had summoned reinforcements for the Scots from Ireland – see Orkneyinga Saga, ed. A. B. Taylor (1938), 167. Details of the parishes of Kilboddan/Ardchattan and Mucairn appear in OPS II, Pt. 1, 132 & 148 and *Fasti Ecclesiae*

Scoticanae IV (Edinburgh, 1923), 101.

11. These traditions about Killespickerel/Muckairn and Glen Lonan are referred to in J. E. Scott, *Notes on Muckairn and Glenlonan* in TGSI, XLVI (1969-70), 251 & 268. The many MacCallum and MacCalman ministers in 16th and 17th century Lorn can be found in *Fasti...IV* with further details of the Rev. Nicol MacCalman in *Fasti...VIII,* 334. Particularly notable are three generations of MacCallums/Malcolm(son)s, two of whom were ministers of Glenorchy & Inishail and of Kenmore, and all three of whom were the successive incumbants of Kilchrenan & Dalavich, where they were also known as the 'Rectors of Loch Awe'; see *Fasti...IV,* 91-2, & *Fasti...VIII,* 333-4, 356.

12. The descent of the Poltalloch family is given in *Burkes Landed Gentry* (1965), 487, and George Way & Romilly Squire, *Scottish Clan and Family Encyclopedia* (Glasgow, 1994), 264. For the early lairds of Craignish see 'Craignish MS', op.cit., and for the Campbell fostering stories featuring both families, *The Dewar Manuscripts,* ed. John MacKechnie (Glasgow, 1964), 57 & 60.

13. The charter evidence identifying Ronald MacCallum of Corran as one of the MaCouls (i.e. MacDougals) of Craignish is set out in *The House of Argyll*—Clan Campbell (Glasgow, 1871), 96-8 and OPS, II, Pt.1, 97.

14. 'Craignish MS', op.cit., 224-6.

15. The story of Mackisage of Largie, his sons, and his foster-son Ronald mac Malcolm is given in 'Craignish MS', op.cit., 269-70 and Grant, op.cit., 51. For *Mariot the daughter of Molmoria M'Kesek* see OPS II, Pt. 1, 47. Contemporary references to MacKesaigs in Corranbeg and Barrichbean are listed in the Appendices to the Craignish MS, and the dispute over the burial places is recounted in *A Note on the Origin of Malcolm (or MacCallum) of Poltalloch* in THE GENEALOGIST, New Series No. 38 (1922), 193. Marion McKisaig's marriage to Poltalloch is mentioned in *Burkes L.G., op.cit.*

16. The succession to Corranbeg can be determined from the *Craignish Writs* which form Appendix B of 'Craignish MS', op.cit., 260-290. The Campbell chief's policy in the 17th century of wadsetting and feuing estates to the rising gentry of Argyll is discussed in MacInnes, op.cit., 142-6; and the MacMillan of Dumore example is given in Somerled MacMillan, *Families of Knapdale* (Paisley, 1960), 16 & 19.

AGM Monday 14th February 2005

Members are urged to consider standing for office or the council. Nominations must be proposed and seconded, and received by the secretary no later than one calendar month before the AGM.

A new Syllabus Secretary is sought from the next AGM. If you would like to know more about this post, which is important to the Society, please contact the present office-holder, Carol Stubbs, on 0131 552 4554.

The Society also seeks an Hon. Examiner/Auditor. This currently vacant post involves the annual audit and certification of the Society's accounts. It is not an onerous task! If you have a financial background and can assist, please contact our Treasurer, Jim Herbert, at this address.

FAREWELL TO FEUDALISM

by Graham N.G. Milne, ACA.

'If it is not necessary to change, it is necessary not to change'

- Viscount Falkland

'When this Act properly comes into effect, unfortunately the only winners are going to be the lawyers.'

- Golds, solicitors, on Land Reform in Scotland.

The 28th November 2004 is the 'appointed day' under the Abolition of Feudal Tenure etc. (Scotland) Act 2000 and that date will see the final disappearance of the feudal system of land tenure in Scotland, almost nine hundred years after it was introduced by David I (r.1124-1153). Of course the feudal system evolved from the earliest times and what now remains consists mainly of a system of property law based on the feudal concept of 'superiors' and 'vassals'. Other features of feudalism, such as the holding of land in return for military service, baronial (that is franchise) jurisdiction and territorial peerages have long since disappeared. The heyday of feudalism proper in Scotland was already a memory by 1400 but it has influenced the life of every Scot since; its legacy is deeply embedded in our language, our religion, our laws, our customs, our institutions, our landscape, our buildings and ourselves.

Why do family historians need to know about feudalism? The most important reason is, I believe, that a knowledge of history allows us to understand our ancestors in the context of the society in which they lived. So much has been said about feudalism that is just plain wrong ('All our ancestors were sent down the coalmines') that there is a danger that we, as family historians, will have a distorted picture of the way in which our ancestors actually lived. In addition, many people feel that feudalism is an alien thing because they assume that their ancestors were part of a 'disenfranchised majority' but it would probably be difficult to find a Scot who does not have a drop of noble blood in his or her veins, however hard it may be for us family historians to actually discover it! We should be able to look at feudalism impartially, given the likelihood that we had ancestors on both sides of the 'feudal fence'.

Sir Thomas Innes of Learney, a former Lord Lyon King of Arms, wrote (*Scots Heraldry*, p. 2) that:

'Scotland, owing to its clan organisation, has enjoyed a complete absence of class distinctions or 'class consciousness', and a corresponding popularity—indeed whole-hearted veneration—for everything pertaining to rank and lineage, honours, dignities and ensigns armorial.'

Let us look at feudalism in Scotland to see if we can find out where the truth really lies.

In the first place and in the broader context it is important to understand that feudalism in Scotland was not imposed on a conquered people, as happened in England after the Norman Conquest, it was introduced in a well-developed form in a piecemeal and more or less peaceable fashion by the Kings of Scots themselves. Although the majority of those at the top of the feudal pyramid were either Anglo-Norman, Breton or Fleming incomers (the families of Balliol, Bruce and Stewart among them), there was not the bitter hatred between conqueror (Normans) and conquered (Saxons) that was such a notable factor in England.

Not only that but the introduction of feudalism in Scotland tended to reinforce the bonds of mutual loyalty and protection that already existed under the highland clan system and feudal institutions, to a large extent, merely replaced similar institutions that were already there. The ancient earldoms continued to exist but were converted into feudal holdings from the Crown and the pre-feudal thanages were gradually replaced by baronies. In fact the introduction of feudalism did little to alter the view of the clansmen, which persisted into the late nineteenth century, and which still probably finds some sympathy in the heart of every modern Scot, that clan lands belong to the clan.

Feudalism originated as a system by which land was held in return for military service. The feudal relationship was a mutual obligation (an honourable bond) between two free parties, the superior and the vassal. The 'feudal agreement' proper, soon superseded by a written charter, consisted of two parts, an act of homage by the vassal, in which the vassal would place his hands between those of his superior and swear fealty to him, and an act of investiture by the superior granting land to the vassal to be held of the superior. This ceremony was conducted in front of reputable witnesses. The act of investiture involved the handing over of a sod of earth and a stone and once a vassal was 'infeft' in this manner he was described as being 'seized' of his lands, which he was in a literal sense. The principal obligation of the vassal was military service but this was later replaced by a money payment or nominal consideration (a penny, a rose, a glove, a blast of a hunting horn etc.) called 'blench ferm'.

In addition to owing military allegiance to his superior, the vassal also attended (owed suit to) his superior's court, which all superiors were entitled to hold for the administration and regulation of their lands. In return the superior undertook to provide protection and justice (in his court). There were penalties for non-compliance and, critically, either side could repudiate the feudal agreement if the other party did not meet their obligations or abused their position; this happened most notably when the Magna Carta barons repudiated their allegiance to King John, who demanded unconstitutional feudal 'aids', effectively illegal taxes, amongst other, less mentionable, misdemeanours.

It appears that in the very early days of feudalism there was no automatic right to succession by a vassal's heir but, over time, the feudal agreement became hereditary

on both sides, that is between the superior and his heirs and the vassal and his heirs, and this gave the vassal relative security of tenure. When a vassal succeeded 'relief' was normally payable to the superior (£100 was the standard relief for a barony in England) and, if a minor succeeded, the superior normally had the right of wardship of that minor, hence the term 'ward holding' used to describe the most common form of early feudal tenure. If the minor was a girl this effectively included the right to marry her off to the highest bidder, an important source of revenue. Since the minor was clearly incapable of providing the military service due from the lands, the superior required to be compensated and wardship gave the superior control of the lands and their revenues.

A vassal who received a feu of lands in this manner could sub-feu all or part of those lands to others, who might also sub-feu, and feudal society was therefore hierarchical, a social pyramid. At the top of the hierarchy was the King, who as 'paramount superior' owned all the land (though whether he could control it was another matter) and was the fountain of honour and justice. Everyone was part of this hierarchy, and therefore subject to the feudal system and its laws. The exception was outlaws, who were literally 'outside the law' (hence the name) and, having no legal protection, could be killed with impunity. The feudal system was, in this sense, a great equaliser since it bound everyone, from the highest to the lowest, within the same legal framework. As Professor Barrow states (*Kingship and Unity, Scotland, 1000-1306*, p. 43) *'in the process* [of feudalisation] *the highest was inevitably brought a little lower and the lowest somewhat raised'.*

Below the King were his immediate vassals, his tenants-in-chief or 'barons', derived from the Latin *baro* meaning 'servant' or 'man'. Thus the King's barons were, in a sense, simply the 'King's men', just as the vassals of any superior were that superior's 'men' or, in a sense, his 'barons'. In the same sense all the immediate vassals of any superior were peers of each other, although the term came ultimately to be restricted to 'Peers of the Realm', that is those who had a right to a seat and vote in the House of Lords. The 'baronage' consisted of the earls and barons (the titles of Duke, Marquess and Viscount arrived in Scotland somewhat later, in 1398, 1599 and 1606 respectively), both of whom held their lands 'by barony', that is *per baroniam*.

Earldoms and baronies were territorial as opposed to personal dignities and were therefore attached to the land rather the individual, unlike modern peerages. Lands were erected into an earldom or barony and those lands were then granted out by the King. Both of these steps were effected by a single charter under the *Great Seal*. A man became a baron by virtue of being granted a feudal barony, a baron by tenure, he was not personally made a baron. If an earl or baron disposed of his lands, which in theory he could only do with the consent of the King by means of resignation (to the King) and re-grant (by the King), the title went with the lands. Earls and barons were therefore noble because they held noble fiefs, that is lands that conferred nobility, as opposed

to ignoble fiefs, lands that did not confer nobility (Lord Bankton, *An Institute of the Laws of Scotland*, II, III, para. 83).

However, it seems that, in Scotland at least, if not also elsewhere, all armigers (those who had a coat of arms) were considered noble and that the distinction between nobles and non-nobles was between those who were 'known' (*nobilis*) by virtue of having a coat of arms and those who did not have a coat of arms and were therefore 'unknown' (*ignobilis*). Indeed, a modern grant of arms from the Lord Lyon, for which anyone of Scottish ancestry can apply, will state that the grantee is *'amongst all Nobles and in all Places of Honour, to be taken, numbered, accounted and received as a Noble in the Noblesse of Scotland'*. It seems that under Scots law arms are also a noble fief conferring nobility (Sir Thomas Innes of Learney, *Scots Heraldry*, p.83).

This view is supported by the following extract quoted in *Ancient Heraldic Tracts* by Sir James Balfour, (p. 9): *'Aptlie a prince is said to nobilitat one quhen, ather by expresse wordes or by wreat, or other wayes by some externall acte or ceremoney, he manifests his princely magnificence and creatione, aither by giuing of Armes or Signe Armorialls to be borne by the party so honoured in Escutcheons, ore by careing Helmetts with open Beuer, muche ussed by the Germans. Gutier, lib. 3. et 4. quest. 17. num 151. Petrus Gregorius, lib. 6. de Repub. cap. 16. num. 2.'*

As the King's immediate vassals the earls and barons owed suit to the King's court, which remained the supreme court of law after it had evolved into what we now call Parliament. The earls and barons, who constituted the nobility, attended Parliament along with representatives of the Church and the Burghs (towns) and these three together (Nobility, Prelates and Burgesses) came to be referred to as the 'Community of the Realm'. For the sake of completeness it is worth noting that there were, and still are, baronies held of earls (and also the Lord of the Isles until 1494). These were essentially a hangover from the pre-feudal period when the 'Seven Earls' (of Atholl, Fife, Moray, Mar, Strathearn, Caithness and Angus) were princes, if not kings (*Righ*), in their own territories and the King of Scots was 'High King' (*Ard-Righ*). Most of these baronies were later converted into baronies held of the King.

Although both earls and barons held their lands 'by barony' and sat in Parliament by virtue of being barons, there was always a distinction between the two, for the earls effectively retained their function as provincial governors, sat apart in Parliament on the steps of the throne and wore distinctive robes of office. Over time, the earls and those barons who had been elevated to the peerage (*barones majores*) were distinguished from the lesser barons (*barones minores*), who could hold as little as a few hundred acres and for whom the business of attending parliament was costly and inconvenient. The minor barons continued to hold territorial dignities but a new peerage by patent, as opposed to baronage by tenure, evolved from the granting of personal dignities, mainly to the holders of existing earldoms and baronies in the first instance. The earliest of these was the Earldom of Douglas granted to William Douglas in 1358.

These personal dignities were not attached to land (a cheapskate form of patronage!) and descended in accordance with the destination specified in the patent of creation, usually heirs male of the grantee. This gave rise to situations where a feudal title and a personal title of the same name, such as the Earldom of Arran, were held by one person.

By an Act of 1428 (A.P.S., ii, 15) the minor barons and freeholders were excused from attending Parliament and in their personal absence were allowed to send two or more commissioners from each shire ('twa or ma wismen efter the largeness of the schrefdome') to represent them. This Act does not seem to have been implemented because it was only following a petition to Parliament in December 1585 requesting that the minor barons and freeholders should be represented that a further Act was passed in 1587 (A.P.S., iii, 509, c. 120) by which 'the said act [of 1428] maid be king James the first to tak full effect and executioun'. It was in this manner that the Shire representatives in the Scottish Parliament, which still sat as a single body, evolved (together with the Burgh representatives) into something similar to the English House of Commons.

In addition to being tenants-in-chief of the King (and having the rights and duties this implied), barons had a second function concerned with the administration of the judicial system. These were two sides of the same coin of course; as a vassal of the King a baron was obliged to attend the King's court, as a superior the baron was obliged to hold courts for his immediate vassals. These two functions became the critical features by which the baron could be identified - his position as tenant-in-chief of the King and his 'baronial jurisdiction'. As Sir John Skene stated in 1597 in his celebrated glossary of Scots legal terms *"In this Realme he is called ane Barrone quha haldis his landes immediatlie in chiefe of the King and hes power of pit and gallows"*. In the early period charters were explicit in enumerating baronial rights (*cum sacca et socca, tholl et them, et infangthief, cum furca et fossa* – Charter of the Barony of Seton, 1169) but over time charters erecting baronies came to use a standard phraseology and baronial rights were encompassed by the phrase *in liberam baroniam* – 'in free barony'.

The administration of public justice in rural medieval Scotland was carried out largely by the baronial courts, from which there was a right of appeal in civil cases to the local Sheriff Court and which were subject to supervision by the local Sheriff Court in criminal matters. As Alexander Grant states (*Independence and Nationhood, Scotland 1306-1469*, p. 151) barons *'presided over most of the ordinary government and justice experienced by most of the people of Scotland'*. Baronies have been properly described as 'franchise jurisdictions' and they worked in principle like any modern franchise; that is, the baron exercised a limited legal jurisdiction in a specified area (the barony) and, in return, was allowed to retain the profits of the office, that is the fines. It was the private administration of a part of public justice. It is important to understand that the baron was responsible only for the administration of justice within the barony, he did

not act as judge or jury (these functions were carried out by the baron's vassals, his tenants) and although, like any system, feudalism was open to abuse, the principle that a man should not be a judge in his own cause (*aliquis non debet esse judex in propria causa*) was of the essence. As Professor William Croft Dickinson states (*The Court Book of the Barony of Carnwath 1523-1542*, p. lxxx) *'the baron was technically in the same position as any other litigant'*, which meant that in a dispute between the baron and one of his tenants, it was the not the baron who decided the outcome but his other tenants. Where this principle was not observed, as happened in the later feudal period, this constituted an abuse of the feudal system, not a feature of it.

The jurisdiction of the baronial courts was strictly limited. The popular image of barons exercising at their own whim the 'power of life and limb' over their vassals is a distortion. While baronial jurisdiction certainly included *'furca et fossa'* – the power of pit (*fossa* – the right to drown women) and gallows (*furca* – the right to hang men) – this power was limited to theft and manslaughter (un-premeditated killing) only and even then the criminal had to be caught within the barony either in possession of the stolen goods or 'red-handed'. More serious crimes, notably murder, rape, arson and robbery (the Four Pleas of the Crown) were dealt with by the itinerant Justiciars, who were senior royal officials, or by the regality court if the barony was within a regality (for which see below). The right to try cases of treason was always reserved to the Crown.

In fact, the business of the baron courts was mainly concerned, as one would expect, with the day-to-day administration of a rural estate (the barony) and included such matters as settling boundary disputes between neighbours, determining compensation for damage caused by cattle, organising the repair of the barony mill and so on. A baron court might ordain that *'non within the Barony and Jurisdiction drink excessively nor be sensibly drunke nor known to be drunk nor use filthy nor scurlus speeches and that non mock at piety'* (Stitchill, 4) or might appoint men as *'haiffand power of the laird to tak ordour wthl all flytters and bakbytters as they find the fault, and to be put in the stocs quhill peyment be maid of fourtie sh.'* (*Spalding Club Misc.*, v. 224).

The baron court is therefore probably best regarded as an administrative council of the baron and his tenants (a sort of parliament in fact), as well as a court of law, and might not try a juicy manslaughter case for decades, if ever – which was probably a bit of a disappointment for the tenants – and from the sixteenth and seventeenth centuries onwards the trying of capital crimes in the baron courts fell into desuetude, until finally abolished by the Heritable Jurisdictions Act of 1747. In fact, as far as possible, people tried to avoid resorting to the courts at all and disputes were often settled by informal negotiation under the auspices of respected neighbours (called 'burlaw men'). As Alexander Grant states (*Independence and Nationhood, Scotland 1306-1469*, p. 156) *'the most striking aspect of medieval Scotland's legal system is probably the role of the people, in practice they seem generally to have dispensed their justice themselves'.*

The lynch-pin of the barony was the baronial castle or manor which, as the *'caput'* or head of the barony, was a public place and the source of justice for the community in peacetime (i.e. where the courts were held) and of its protection in times of war or civil disorder. Their function is neatly summarised in a statute of James I (APS, ii. 13, c. 7) which ordered all lords beyond the Mounth to build, repair and reconstruct *'thar castellis and maneris and duell in thaim be thaim self or be ane of thare frendis for the gracious gouernall of their landis be gude polising'*. It was only in unsettled times and particularly when royal authority was weak that, in certain limited cases, the baronial castle can be rightly seen as a source of anarchy or oppression.

We also need to be aware of regalities, which were a form a barony with higher jurisdictional powers and other privileges and which were erected *in liberam regalitatem* as opposed to *in liberam baroniam*. They were equivalent to the Palatine Counties in England, such as Durham (still called 'The County Palatine of Durham'), Lancashire and Cheshire, or Palatinates on the Continent, such as the Palatinate of the Rhine. A lordship of regality was a royal dignity and 'Lords of Regality' had, as the title implies, regal powers, including complete criminal jurisdiction (excluding only treason), as well as their own chancery and mint and were effectively *reguli* or little kings within their domains. Civil appeals from regality courts went only to Parliament. Royal officers, including Justiciars and Sheriffs, had no authority in a regality and thus the kingdom was divided into royalty and regality (Lord Bankton, *An Institute of the Laws of Scotland*, II, III, para. 83). To hold land in regality was a major status symbol (and a source of significant additional revenue) and grants of regality were normally restricted to members of the royal family and leading magnates.

Regalities included the Earldoms of Moray, Atholl, Strathearn and March, the Lordships of Badenoch, Garioch, Renfrew and Carrick, lands of the Earls of Douglas, the Earls of Angus, of the Douglas family of Dalkeith and a number of baronies (*Atlas of Scottish History to 1707*, p. 207). Since a regality would normally be erected over an existing earldom or a number of existing baronies, such an erection would have little impact on the administration of justice within the regality; the existing courts would have continued to function very much as before. The only practical difference would have been that more serious crimes (murder, rape, arson and robbery) would have been tried in the Regality Court rather than by the relevant Justiciar (of the North or South as the case might be), which quite probably speeded the process up, and that civil appeals from the Baron Court would have gone to the Regality Court rather than the Sheriff Court.

It should be noted that erection of a feudal earldom or lordship implied no higher jurisdictional rights than an ordinary barony, unless that earldom or lordship was also erected into a regality. The *caput* or head of a regality was technically a *palatium*, that is a palace (Alexander Nisbet, *A System of Heraldry*, Vol. 2, Part 4, p. 46). Regalities probably had little effect on the day to day life of ordinary people, unless perhaps your

local Lord of Regality happened to be Alexander Stewart, 'Wolf of Badenoch'! Even so, regalities remained subject to royal authority and on those occasions when Lords of Regality came into conflict with the Crown they were resoundingly crushed, as happened to the eighth and ninth Earls of Douglas.

In feudal theory a barony would be held of the King for a number of knights' fees, say 10, 20, 30 or more (the number varied according to the size of the barony, although there was no standard area of land defined as a 'knight's fee'), which meant that, when summoned by the King to do so, the baron was obliged to supply the specified number of knights to fight in the King's army for the standard period of service, normally 40 days. In order to meet this military obligation the baron would normally 'feu' (grant in fee) part of his lands to others, *milites* or knights, who held of him by one or more knights' fees or even a fraction of a knight's fee. Part of the levy might be met by household knights, that is knights who were part of the baron's household retinue and who did not hold land by knight's service. Knight's service was the lynchpin of the feudal system, since it was by this mechanism that the system of holding of land in return for military service operated.

In England feudalism certainly operated on this model, that is knights holding of barons. There was a large knightly class which it is recognised later formed the basis of the landed gentry or squirearchy and the House of Commons. In Scotland, while knights certainly existed, the knightly class seems to have been less evident (partly no doubt as a result of the relative poverty of the country and scarcity of good land) and their equivalent in Scotland seems to have been the minor barons, clan chiefs, lairds and so on, who were less vociferous than their English equivalent and less conscious of their identity as a class. This, along with the fact that the minor barons continued to sit, or at least have the right to sit, in Parliament as nobles (which right knights did not have of course) is the reason why no House of Commons fully evolved in Scotland. An interesting result of these different models of feudalism, if we can call them that, was that England could field a large and well-equipped army via the feudal levy (there were more than 2,000 English knights at Bannockburn) whereas Scotland could only hope to match its larger and richer neighbour by what was effectively a national mobilisation, a *levée en masse*. Even so the number of knights that Scotland could put into the field was always small and a Scottish feudal army consisted of what were effectively the armies of the Earls (harking back to their pre-feudal role) and the barons with their tenantry (and God help an English knight if they got hold of him!).

Below knights were the yeomen, that is free peasants (called 'husbandmen' in Scotland), so-called because they were not tied to the land in the same manner as serfs or villeins, that is unfree peasants (called 'neyfs' in Scotland). It appears that in the early feudal period the land was worked mainly by unfree peasants (neyfs) and it was only later, with the gradual disappearance of neyfship in the 14th century, that an identifiable class of richer peasants, the husbandmen, emerged. Below them were a

class of 'cottars' or very small scale farmers, often sub-tenants of husbandmen. Below both of these were landless labourers who, though the evidence is scanty, may have formed as much as one third of the population of adult males. The majority of the peasant population held their land on short, usually annual, leases and it is here, the distinction between those who enjoyed security of tenure and those who did not, that perhaps the key social divide within the feudal system lies. Short leases were clearly devised to benefit the landlord but, even so, we must remember that in times of population decline, and hence reducing rents, short leases benefited the tenants.

The distinction between these two classes of peasant was greater than the distinction between the substantial husbandmen and the lower ranks of the nobility, for a substantial husbandman might farm a larger area than a small baron (Alexander Grant, *Independence and Nationhood, Scotland 1306-1469*, p. 122) and his family could even, over time, join the ranks of the nobility. As Grant states (p. 121) *'Although late-medieval Scottish society was not totally fluid, class consciousness was probably relatively slight, while upward social mobility, depending on the acquisition of freeholdings and open to anyone with sufficient wealth, would have been fairly straightforward. The only real social barriers seem to have been economic ones.'* We must also remember the rate at which noble families became extinct and although the Scottish nobility seems to have survived slightly better than the nobility in England and France, where an extinction rate of 25% of noble families every generation was about the norm, a supply of 'new blood' was both required and often forthcoming.

Not only was movement possible up the social ladder (and of course even the most noble of families originally rose from humble stock, though you might not get this impression from their pedigrees!) but movement down the social ladder was also a constant process. Many nobles had numerous progeny and they could not all be provided with landed estates, so the younger sons of baronial or chiefly families would often go into the professions or trade (to which there appears to have been less stigma attached than in England) and daughters would often marry lower down the social ladder. Over time their descendants might move further down the social ladder and this is the reason why if you walk down the High Street of any Scottish town you will see shop signs which say, for example, R. Bruce (Butcher), J. Stewart (Baker) and W. Hamilton (Candlestick Maker), though we must not forget that (frustratingly!) many a bearer of a famous Scottish name is descended from someone who simply assumed the name of their lord or clan chief.

As far as the neyfs are concerned, we need to remember, firstly, that neyfship disappeared from Scotland at a relatively early date (by 1370 or thereabouts) and, secondly, that, as Professor Barrow states (*Kingship and Unity, Scotland, 1000-1306*, p. 18) *'in practice the extent of their servitude would have been lessened by two things, first by the comparatively high degree of personal freedom conferred by the pastoral way of life (men whose wealth is on the hoof can more easily take refuge from*

oppression than men who depend on harvesting field crops) and secondly by the markedly vertical structure of Scottish society. This meant that in every shire and region what counted was the lineage and kindred to which a man or woman belonged. Freedom was neither absolute nor homogeneous, but was experienced and enjoyed at different levels in different milieux'.

In addition Professor Barrow draws our attention (page 19) to a charter of William the Lion in which he refers to his thanes of Birse in Aberdeenshire as his 'neyfs'. He goes on to say *'our modern notions of an unbridgeable gulf between a free and privileged aristocracy on the one hand and an oppressed peasantry on the other cannot be squared easily with the concepts actually prevailing in the twelfth century. In any case we should do well to recall the underlying harshness of life in our period. The absence of legal freedom would often have seemed a small enough matter when set beside the threat of harvest failure or epidemic disease among the livestock upon which the very survival of a peasant family depended.'*

It seems to be clear, on this basis, that our notion of feudalism in Scotland might require revision. The nobility had rather less unbridled power and there was less differentiation and more mobility between the lower ranks of the nobility and the higher ranks of the peasantry, in both directions, than we might have thought. The bonds of servitude of the neyfs appear to have been stronger in concept than in practice and their servitude seems to have been of relatively small moment when put in the context of the harshness of life at the time.

Considering the evidence presented here as a whole it would seem that there is a large element of truth in Sir Thomas Innes of Learney's statement (*Scots Heraldry*, p. 3) that *'the chieftain's turreted keep with its carved escutcheons and emblazoned banner was to each surrounding cottage the embodied grandeur of that pride of race which burned as strongly in the ploughman's low-thatched roof as in the lofty baronial hall itself'*. This is a proposition that would be treated as laughable by egalitarian reformers but the weight of evidence supporting it is persuasive.

So now, as we watch the feudal system slip gently from our view and into the pages of history, we can think of future generations who will read the pages of that book and wonder what it was like and why it lasted for so long. I have tried to answer the first question already so let us look at the second one. Feudalism in Scotland survived for nine hundred years for one obvious reason - because it worked. More importantly, while recognising that injustice and inequality occurred, it survived because it worked for most of the people most of the time. Ultimately no system survives without the consent of the people who are part of it and certainly not for so long. As the 'Report on the Abolition of the Feudal System' stated (1.7), feudalism *'could not have achieved such success if it had not met the needs of the times in an efficient way.'*

Indeed, not that long ago a government White Paper stated that *'there was no demand*

of a modern industrial society that could not be met by the feudal system of land tenure' (Sir Malcolm Innes of Edingight, KCVO, "The Baronage of Scotland: The History of The Law of Succession and of The Law of Arms in Relation Thereto", in *The Scottish Genealogist*, June 2000).

On this basis I feel safe to say that we have now dismantled something that we should have cherished; something that, anachronistic as it might have been in many ways (and what's wrong with a bit of anachronism now and then), was ancient, honourable and just; something that was colourful, interesting and romantic; something that actually worked. And why did it work? Because it was personal and familiar and small in scale. The same could be said of the Scottish Regiments that have been amalgamated or disbanded - and the Government is at it again.

Is there a lesson here? Perhaps it is that what works best, what people trust, what people will give their time and effort (and sometimes their lives) for is something that has stood the test of time, something that is intimate and personal, something of which they are part and which is part of them, like a family, a village or a parish, all targets of the unsentimental and unseeing eye of the reformer. Feudalism was just that; it was a bond of service but it was a personal bond and an honourable one. Goodbye, old friend.

Refer: *Land Tenure in Scotland: A Plan for Reform*, Scottish Government White Paper, Cm 4099, 1969.

The Anglo-Scottish Family History Society

By Dan Muir

Why did I, a Scot with no English ancestry become involved with a family history society in Manchester? On a family memorial stone in Cathcart cemetery, Glasgow, is the inscription, 'Beatrice McNaughton, died 14 October 1874'. Beatrice was my gggrandmother, the wife of John Muir. Naturally I searched for her death certificate at New Register House, Edinburgh, but, it was not there. Where had she died? I discovered 16 years later that she had died in London. How was the discovery made? By chance, my wife was at an LDS Family History Centre, in Haslingden, Lancashire, doing some research into her family who came from Ayrshire and Wigtownshire and a Mormon centre was the only place we had discovered in England which had Scottish records. She had a casual look at English civil registration indices and spotted an entry, 'Beatrice Muir, died in the 4th Quarter of 1874 at St Georges Square ref. 1a 242'. Shortly after, we visited a Family History Fair in Stockport and found the Anglo-Scottish FHS there. After a long talk with one of the volunteers we realised that there was expertise on Scottish and English research right on our doorstep and became members. Quickly discovering what the references meant, I sent for the certificate. At the time of her death my gggrandmother had been living in London at the home of one of her sons of whom I had not heard. Our membership of the ASFHS had paid dividends I believe that it is a unique society, which plays a very important role in genealogy and would like to tell you something about it.

It began life in 1982 as a branch of the Manchester & Lancashire Family History Society. However, the first indication of an interest in Scottish ancestry within the society was in 1976 when an article appeared in the society's quarterly magazine, the Manchester Genealogist (Journal) on "Scottish Immigration into Lancashire". In 1977 Mr Jim Beckett wrote an editorial in the Journal in which he informed members that he was compiling an Index of Scottish Immigrants in England and asked them to let him have records of those born in Scotland before 1855 but who lived, married or died in England. From this, he suggested, enough interest might be stimulated to form an Anglo-Scots society. In subsequent Journals he reported that he had had an excellent response and in an article in 1978, Mr Beckett published the first list from what he called "A Dictionary of Scottish Emigrants" and noted that he was being sent records from members all over the world. This list continued to be published in the journal until 1980 but in 1984 the 'Dictionary' was eventually published separately and grew to five volumes which, in 2001, were amalgamated into one volume and that volume has just been published on a CD. This database is still growing and readers are invited to add to it. Although in the first issue of the Members' Interest Directory published by the M&LFHS in 1976-77 there were only 11 out of a membership of 125 who listed ancestors from Scotland, there was clearly an interest in Scottish ancestry within the Society. It was not until September 1982, however, that the Council discussed, and

agreed to, the formation of an Anglo-Scottish Group. This was proposed to cover the whole country and, if it became too big, it would be able to break away on its own. An announcement was made in the next Journal to the effect that the proposed ASFHS would be organised in conjunction with the M&LFHS. The first meeting was held at Clayton House, Piccadilly, Manchester, (The premises of the M&LFHS) on the 28th November 1982 with 15 members present. Mr Beckett was elected chairman. Over the next few years the new group was busy with projects, with building up a library of Scottish material and with discussing whether or not to continue under the umbrella of the M&LFHS or to break away on its own. A separate Bulletin was issued quarterly and sent to all members with the Journal. Eventually, however, it was sent only to those who requested it. This separate Bulletin had 16 pages full of news, information, reports and articles with relevance to Scottish family history and over 500 copies were being requested. In 1987 the Bulletin was incorporated into the main Journal. During this period the Anglo-Scots established links with 'Scots' churches in Manchester and nearby, with a view to having access to their records and from this produced transcriptions of communicants and baptismal rolls of these churches, together with monumental inscriptions. There was a lot of activity with regards to research for members living away from Manchester. There was discussion at this time about the group meeting at a venue other than Clayton House, but eventually it was decided to remain as a branch of the M&LFHS and in 1987 when the Scottish family history societies had withdrawn from the Federation of Family History Societies to set up their own organisation, the ASFHS became a founder member of The Scottish Association of Family History Societies. (SAFHS), The original suggestion for the name of the organisation was Association of Scottish Family History Societies, but the initials clashed with the already established ASFHS. It is worth noting that at that time there were only six other members of the Scottish association. In 2003, 27 full and 17 associate member societies were listed. In 1986 and in 1988 the ASFHS held one day Anglo-Scottish conferences in Manchester which were well attended and successful, and is planning to organise a similar conference in 2005. Twenty eight years have passed since the idea of having a Scottish Family History Society in England was born, and 22 years since the ASFHS was established. What of the Society today? Out of a total membership of the MLFHS of about 4500 only 430(9.5%), indicated a Scottish interest when completing their renewal forms. As it is very likely that only a percentage ticked the appropriate box, we have to assume a much higher figure but do not know how many of our 4500 members are of Scottish descent. The 'Members Interest' Directory, shows that our members in England and abroad are searching for ancestors in every part of Scotland. Our members in Scotland have an interest mainly in Lancashire and Greater Manchester, and our parent society caters for the latter and turns out a vast amount of information pertaining to that area. Because we do not have a local area, the ASFHS has to have knowledge of the systems and laws of England/ Wales and Scotland with regard to genealogy so that we can be of help to people outside Scotland who discover that they have Scottish ancestors, and to people in Scotland who

discover that members of their family came from or emigrated to England or Wales or overseas. Often they do not know from where in Scotland or England their forbears came. We can usually direct them to the appropriate English or Scottish FHS. Because of our location, we are unable to produce census indices or MIs or become involved in the national burial index, but we try to locate records, which show where Scots-born persons lived in England & Wales. To that end we have ongoing projects such as "A Dictionary of Scottish Emigrants", which has been described earlier in this article and "Scots in England & Wales in 1851" which is a CD containing the names of Scots-born people and their families who were recorded in the 1851 census of England & Wales. We asked people to go to their local archives and search the census for people born in Scotland, and when found, to transcribe all of the household and send the results to the Society. 50 people in 15 counties responded resulting in a database of 13,000 immigrant Scots and their families- with some areas covered better than others.

Right now we have a team of volunteers in England, Australia and the USA, transcribing the records of 22 non-conformist churches - mainly Presbyterian, which were and are, in Lancashire. Experience tells us that when Protestant Scots emigrated to England they invariably made contact with a Presbyterian or other non-conformist church. In 1972 the Presbyterian Church of England and the Congregational Church merged to become The United Reformed Church (URC). The records of many of the churches have been deposited in local archives. The archivist at Manchester Central Library holds records of 49 churches in the area, 22 of which contain information which would be of interest to family historians. For example registers and documents from Withington Presbyterian Church of England include Communicant rolls from 1868 to 1906 and from 1914 to 1928 as well as Sunday School admissions from 1864 to 1883 and the church records for Lloyd St., Manchester contain baptisms from 1896 to 1974. With permission from the URC to transcribe those records a small team of volunteers with the co-operation of the Manchester Central Library Archivists, photographed the records, resulting in 3600 photographs being transferred on to CDs. This enables home based volunteers to transcribe from the images into computers. Meanwhile the Manchester team are busy transcribing by hand from records, which could not be photographed, such as Session Minutes This project will produce information about Scots who 'strayed' into Lancashire. From that we will produce a CD which will be invaluable not only to those searching for lost Scottish ancestors but also to those who cannot find English ancestors, in the Church of England records. The URC has also advised us where else in England, records of Presbyterian Churches are, and it is our intention to seek volunteers in due course in those areas to do some transcribing. The above projects list Scottish Strays mainly in England and Wales, but here is a project which encompasses the world The Scottish Marriage Index. is a database of Scots who married all over the world. and therefore forms a unique database of Scottish Strays. We require the following information. Name, date and place of birth of the couple, one of whom must be Scots-born; the date and place of

marriage. The names of the parents, with the mother's maiden name and the contributor's postal address. The postal address is not published on the web but is held at Clayton House to be given to any enquirer It is possible that not everything is known about a couple; contribute if you think that there is enough to be useful. Give the spouse's details even if not born in Scotland. Details of a marriage in Scotland, which connects to one outside Scotland, will be welcome. Since the Index went on to the Website we have been very surprised by the number of people who have discovered an ancestor being researched by someone else, since the database is comparatively small. The more people who contribute the more useful the Index will be. The reason for the data being based on a marriage is that it gives at least four family names, two places of birth, a place of marriage, and the dates each event took place. Thus, the searcher is able to put a name of interest in a place, at a specific period of time. If you have a Scot in your family who married, send in the details and contribute to this unique list of Scottish Strays. You never know, someone else, somewhere in the world may be researching the same ancestors that you are. Readers are invited to search this list on www.mlfhs.org.uk/AngloScots.

It was good that the founders of our society decided to remain a branch of the Manchester & Lancs because we have premises, which must be the envy of all. A large, well stocked (and well run) library. Fiche and film readers, computers connected directly to the internet, five other rooms which house our offices, bookshop, mail order dept, meeting room and kitchen. We have monthly open days to which invited speakers give talks on Scottish subjects and we hold workshops on Scottish research. We may also attend the meetings of the main society and the other branches, Bolton, Oldham, Irish, and Computer. There is also a thriving Internet Group with which members from all over the world can be involved and keep in contact with what is happening. Among our other activities we hold classes for beginners in Scottish research and some of us give talks to other societies on Scottish research and we usually have a stall at the SAFHS Annual Conference as well as in various family history fairs in England and Scotland. If you are a member of SGS or any Scottish FHS, you may use our facilities whilst in Manchester, provided you have proof of membership with you. You will be made welcome. You can find out where we are and times of opening on our website at www.mlfhs.org.uk.

If you live in the Manchester area why not consider becoming a member; you will find an application form on the website.

You can contribute to the next edition of 'A Dictionary of Scottish Emigrants' or to the Scottish Marriage Index by sending information to the Anglo-Scottish FHS, Clayton House, 59 Piccadilly, Manchester M1 2AQ or by e-mail to office@mlfhs.org.uk with Scottish Emigrants or Scottish Marriage Index in the subject line.

Details from the early years were taken from *40 years of Family History, A history of the M&LFHS* by David Vaughan.

ROBERT KEAY (1766-1839) AND NEPHEWS, SILVERSMITHS

by **Charles Dewar Waterston**

Set a genealogical hare running and it may lead through unfamiliar territory to a result of wider interest than expected. An example of such a surprise arose for me from a simple family question - which remains unanswered!

My grandmother's maiden name was Margaret Dewar and her grandfather James Dewar married her grandmother Anne Kea or Keay in 1808[1]. Anne was born in 1777, the youngest and ninth child of Andrew Kea and Agnes Brodie in the township of Nether Kincairney in the Perthshire parish of Caputh[2]. Having failed to trace any descendent of her brothers or sisters in the usual sources, I fell back on family tradition. My grandmother believed that Robert Keay Senior, the well-known Perth silversmith, had been related. Could that be proved? A simple question which set this hare running.

Robert Keay was born in 1766, the sixth and youngest child of David Kea or Keay and Elizabeth Scott.[3] David Kea became a freeman of the Wright's Incorporation of Perth in 1755 by virtue of marrying a daughter of Robert Scott who had been admitted a freeman of that Incorporation in 1714.[4] David had died before his son Robert's indenture as apprentice to Robert Dickson was minuted on 15th July 1780. Robert was admitted Freeman of the Perth Incorporation of Hammermen on 13th June 1791, his essay having been a plain gold ring, and was admitted a Burgess of the city on the same day.[5] As a master silversmith he signed the indenture of his first apprentice on 30th August 1791 and over a score more were to follow. Robert Keay is well known to cognoscenti of Scottish Silver as a leading Perth goldsmith, silversmith and jeweller.[6] He was in business at 29 George Street, a house built by his father David Kea, wright, and his father's partner David MacLaren, plasterer.

Robert Keay married Elizabeth Young, daughter of William Young, supervisor of Excise in 1796.[7] The union was childless and, as is well known, Keay's partner and successor was his nephew Robert Keay junior. My study of Robert Keay senior's relationships, however, revealed the less well known fact that among his many apprentices four others, David Manson, William Forrester, Joseph Forrester and James Menzies were also his nephews.

David Manson (1783 - 1821)

Robert's sister Elizabeth was the oldest member of the family and married a Perth merchant John Manson in 1780.[8] Her elder son David Manson was born in 1783.[9] David's indenture to his Uncle Robert Keay was signed on 30th October and recorded in the Minutes of the Perth Hammermen on 6th November 1798.[10] Mr H. Steuart Fothringham has informed me that David Manson was admitted to the Hammermens' Incorporation of Dundee on 24th May 1806 and between 1809 and 1818 had a shop

there in Crichton Street using the maker's mark DM.[11] He does not appear in the Dundee Directories after 1818 when he apparently went to Jamaica where he died in 1821.[12]

Robert Keay Jnr. (1800 - 1856)

An older brother of the senior Robert Keay was David who was born at Perth in 1763.[13] David became a coppersmith and moved to London where he married Mary Box in 1795.[14] Their son Robert was born in London c.1800.[15] Young Robert was apprenticed to his Uncle Robert Keay in 1816 and admitted a freeman goldsmith and jeweller of the Burgh by the Hammermen Incorporation of Perth in 1825, his essay being a gold set pin.[16] In the same year he entered partnership with his uncle as Robert and Robert Keay adopting a variety of punches reading R & R Keay. The business continued at 29 George Street but by 1837 also occupied 31 George Street. Following the elder Robert Keay's death in 1839 Robert jnr. continued the business until his own death in 1856. "The family business therefore lasted 65 years and their output was prolific covering all manner of ecclesiastical and domestic wares."[17]

In the year after he entered into partnership with his uncle, Robert jnr. married Felicity Walker[18] and had a family of one boy and three girls. The boy was named David and in 1859 was admitted a freeman of the Incorporation of Hammermen of Perth by right of his father. He was a lawyer by profession and did not practice as a silversmith although did attend meetings of the Incorporation.[19]

Robert Keay jnr. was a bailie of the city of Perth at the time of the visit of Queen Victoria and Prince Albert in September 1842 and is portrayed in silhouette with other city dignitories before the triumphal arch erected at the extremity of Princes Street for the occasion.[20] It was Bailie Keay who made the keys of the city which were presented to Queen Victoria on that occasion and which now form part of the silver collection of the Perth Museum and Art Gallery. He also had shipping interests as a partner in Messrs Keay, McKenzie & Co of Perth.[21] Like many of his contemporaries he speculated heavily in railway shares. He died at the age of fifty-six after six months illness on 6th June 1856.[22] Legal complications followed and the estate was sequestered.[23]

William Forrester (1801 - 1854)

Jean or Janet Young, born in Dundee in 1785, was an elder sister of the senior Robert Keay's wife Elizabeth.[24] In 1800 she married David Forrester, glover in Perth, and had three children prior to his death at the age of forty-seven in 1811.[25] David Forrester's younger brother Patrick was a silversmith and by 1809 was established in business in Hull where his son Joseph James was born.[26] The widowed Jean Forrester's elder son William chose to follow his two uncles in the silversmith's craft. He began his apprenticeship in 1817 with his uncle Robert Keay which allowed him to stay at home in Perth.[27] In the indenture the support of Henry Hepburn, builder in Perth, another uncle of William Forrester, is minuted.[28] Having completed his apprenticeship, he

moved to London and in 1825 bought a first floor flat and attics at 54 Red Lion Street, Clerkenwell where he carried on his business.[29] Early letters from William Forrester to Keay show how hazardous was his own trade and how his well-established Uncle Patrick took a kindly interest in his affairs. On 18th December 1825 he wrote:

> *My Uncle in Hull has sent me a small order and when I buy some gold tomorrow to go on with it I will be almost without a sovereign.*[30]

On 29th May 1827 he wrote:

> *I have had my uncle from Hull living with me for 3 weeks past, he left on Saturday. He is quite well but looks much older than when I last saw him. He had not been in London for 33 years and was much surprised at the many changes that had taken place. I have seen more of the sights to be seen in London since he came than ever I did. When here he laid out £1000 for plate but bought very little jewellery.*[31]

William kept his head above water until there was a fire at his premises and, probably as a consequence, he was declared bankrupt in 1829.[32] It is clear from the surviving papers that he was given financial help, probably both before and after the fire, by his aunt Mrs Henry Hepburn and his cousin Robert Keay jnr.[33] His business revived, he married and moved to Marylebone Street, Piccadilly where, the 1841 census describes him as jeweller and the 1851 census lists his five surviving children. In 1853 he moved to 11 Rupert Street, Haymarket where he went into partnership with Richard Morgan, his private address then being 9 Hobury Street, Chelsea. He appears to have died in 1854 after which his widow Charlotte Anne Forrester joined Richard Morgan in partnership until she retired in 1860.[34] They were small workers, their trade being in goods such as silver-mounted whips; fly-whisks, hunting horns etc.

Joseph Forrester (1805 - c.1860?)

Joseph was William Forrester's younger brother.[35] His indenture to his uncle Robert Keay was supported as Cautioner by Thomas Hills, Stationer, Perth, and minuted in 1820.[36] It is doubtful if Joseph served out his apprenticeship with his uncle for by 1825 he was with his brother William in London. William wrote to Robert Keay:

> *Joseph is much steadier than he was. He is entirely out of work and he is not likely to get it - however I will try and employ him some way or another and have him under my own eye - of course I have to supply him with the means of living ... Joseph is such a simpleton ...*[37]

Less than a month later William wrote again to his uncle:

> *I have taken Joseph in, he can chase very well and has been very steady for this short time. I mean to keep him very short of money... I shall become his banker. I shall give him as much as he can get any where else but will always keep a balance in my own hands giving him only enough for to pay his lodgings, washing &c and an allowance for pocket money.*[38]

Joseph, however, had a drink problem and, if William would not give him money to

slake his thirst, he would get it elsewhere. He appears to have done so by theft. I knew from later correspondence in the Perth Archive that he had been a convict in Hobart, I therefore wrote to the Archives Office of Tasmania to enquire what they knew of Joseph Forrester. The generosity and detail of their response amazed me and gave a graphic picture of his life between 1829 and 1845.

Joseph was convicted of housebreaking in London on 15th January 1829 and transported for life, sailing on the *Thames* on 21st November 1829 for Hobart. The official document describes him as "Silversmith, Jeweller, Watch case maker", five foot nine and a half inches in height, with dark brown hair, grey eyed and having the little finger of the right hand broken.[39] On arrival he was assigned to a Mr J C Underwood[40] but by 1832 he had been assigned to David Barclay. Barclay (c.1804-1884) was born in Montrose and trained in London before emigrating to Hobart in 1830 where he was in business as a clockmaker, woodcarver and jeweller.[41] Joseph's conduct record between 1832 and 1840 is regrettable but colourful.[42] He was punished for being drunk and disorderly in various Hobart hostelries - "The Spotted Cow", "Help me thro' the World", "George & Dragon" and "The Albion", also for disorderly conduct - fighting, inciting insubordination, using threatening language and absence from church attendance. Bread and water or a night in the cells was usual but in 1833 more serious offences led him to labouring in a road gang during which he lost his hammer and received three months imprisonment with hard labour.

Joseph had reached the nadir of his career after which things improved, perhaps through the influence of the girl who was later to become his wife. He obtained his ticket of leave in 1839 and from 1840 to 1846 worked in Hobart on his own account. After obtaining official permission, he married 26 year old Mary Ann Sadler at Trinity Church, Hobart Town on 3rd April 1841.[43] The couple lived in 14 Collins Street, Hobart. Sadly their baby son Joseph William, who had been born on 2nd January 1842, died of a chest infection six months later on the 31st July.[44] Joseph had received his conditional pardon a month before his baby son's death.[45] He wrote to Robert Keay jnr. in 1843 telling him of his conditional discharge and that he had left his employers to take over the shop and premises at 14 Collins Street where he then lived.[46] That his pardon was likely must have been known for some time before this and his family in Britain did what it could to assist him to set up for himself by sending money and equipment. His discharge was extended in 1845 and, on 11th November 1845, he received permission to leave for any country except Europe.

The nature of the response from the Archives Office of Tasmania made me think it unlikely that so much work had been done simply to answer my enquiry! On asking further they confirmed that another researcher had been interested in Joseph Forrester and that they would forward any letter I wrote to him and, if he so wished, he would contact me direct. Thus I was privileged to hear from, and later to meet, Mr J B Hawkins, author of the magisterial two volume work Nineteenth Century Australian Silver, whose research had led him to Hobart but not to Perth, Scotland.[47]

In a brilliant piece of detection, Hawkins was able to conclude that silver and gold pieces which had been made in different parts of Australia at different times, and which were stamped with various makers' marks, bore such striking stylistic similarities that they must have been produced by the same hand. He thus traced the work of Joseph Forrester from Hobart with Barclay from 1832 - March 1833 and March 1835 - 1840 and in Hobart on his own account 1840-1846 during which his work bore the marks of David Barclay. Then in Port Phillip, Victoria on his own account 1846-, in Collins Street, Melbourne with Charles Brentani 1848-, in 100 Bourke Street, Melbourne on his own account 1850-1856. Hawkins book catalogues and illustrates many of Joseph's pieces some of which are now prized exhibits in the museums of Australia.

Joseph visited England in 1855, probably to see to family business following his brother William's death. He wrote to Robert Keay jnr from London having been advised by his sister Christian, Mrs David Stuart, not to visit Perth. He had asked her to send him "some small remittance" but had been refused and told that he would receive money neither from Mr Stuart nor Mrs William Forrester. Undeterred by this coolness he wrote:

> *I am as well and strong as ever I was and, when I settle my business in London, I am going back to Melbourne to sell off all there and come back either to Scotland or London for good.*[48]

Robert Keay's reply must have been as discouraging as his sister's because in a later undated letter to Keay Joseph wrote:

> *I duly received yours of 22nd June when you state you were surprised at my returning to england. The reason is simple, after so many years absence, that I would naturally have a wish to see my native place again and the Friends of my youth. I certainly will not visit Perth. I will take my Sister's advice & your advice. I was not aware of the gossiping tendencies it would create and would be extremely sorry to do any thing that would be painful to any of my relations in any manner.*[49]

It was a saddened Joseph that embarked on the *Queen of the Seas* to return to Melbourne. He appears to have sold up his business in Melbourne on his return. Hawkins cites evidence that he worked for William Edwards in Melbourne until the mid 1860s but, as yet, we do not know whether or when he died there.

James Menzies (1811 - 1842)

Maria or Marian Young, the youngest sister of Elizabeth Young wife of Robert Keay snr., married in 1810 Charles Menzies, Stocking Maker later landwaiter of the Customs, in Perth.[50] They had a family of four boys and three girls, their eldest child being James born in 1811.[51] Charles Menzies died before James was indentured. James was apprenticed to his uncle Robert Keay senr. and his cousin Robert Keay jnr. as masters supported by James Mouat, Wood Merchant in Perth as Cautionery, in 1827.[52] He was apparently still in Perth and in touch with Robert Keay jnr. twelve years later because he wrote a receipt to Keay for a loan of £30 dated Perth 1st January 1839.

I am grateful to Mr Steuart Fothringham for pointing out that in 1839 "Ja. Menzies Perth, brought twelve dessert spoons for assay to the Incorporation of Goldsmiths of the City of Edinburgh and appears to have become a fully qualified master Goldsmith and silversmith in or about that time.[53] In the following year Robert Keay asked William Forrester if he could give employment to their mutual cousin James Menzies. Forrester's reply is revealing both as to his own circumstances and the regard in which Menzies was held by Keay and is worth quoting *in extenso:*

> *About James Menzies I am now very busy and what can he do? 1st can he chase at all & can he set stones (I do not mean very small) Brooches &c. It is not the amt. of his wages but if there is a dissolution of Parliament this summer I am afraid I should be obliged to send him back again and as for other shops perhaps there never were more men out of work than there are at present so there is not much chance for him in that. I think you said I might put perfect confidence in him and certainly I am in much want of such a person about me who could melt, cut out & so forth & if he comes here he must make himself as useful as he can to me. I must have no disliking one job and liking another. I mention this as I see it in my shop every day and suffer from it and mind I can only have him as a workman I can neither give him board nor lodging. I will begin with him at 20/- a week and I most sincerely hope to be able to raise it soon. I tell you this hoping that you will take the trouble to let him know it that there may be no disappointment after he comes here, & if trade keeps pretty good I have no doubt I could find him plenty to do, and if there is a fall of(f) that I cannot employ him, or for that or any other reason on my side, he shall not be left to wander about London but shall be sent back to Scotland at my expense. Please let me know what you think by return if you can and, if you think he will do, let him come as soon as he likes; if at all the sooner the better.*[54]

Apparently James Menzies did go to London for the next we hear of him is his undated letter to Keay from 33 Devonshire Street, Queens Square. London with an order for £4 in part discharge of his debt of £30.[55] Whether this represented a month's wages from William Forrester or savings from other employment we do not know. It is believed, however, that James Menzies died in 1842.[56] His widowed mother died in 1843 and her furniture sold by roup at her home in Canal Street, Perth.[57]

Acknowledgements and Notes

My interest in Robert Keay's nephews has been genealogical and I am indebted to Mr H. Steuart Fothringham and Mr John B. Hawkins for generously sharing their expertise on Scottish and Australian Gold and Silverware as appropriate. I am indebted to the staff of The Archives Office of Tasmania, The Edinburgh City Library Service, The Incorporation of Goldsmiths of the City of Edinburgh, The National Library of Scotland, Hull Museum, The A K Bell Library and The Perth Museum and Art Gallery, for their unfailing help and courtesy.

1. OPR, Perthshire, Caputh 337/2, 8th November 1808.
2. OPR, Perthshire, Caputh 337/2, 18th May 1777 "Andrew Kea in Nether Kincairney had a child baptized called Anne".
3. OPR Perthshire, Perth 387/5 p.237A. Born 13th January and baptized 2nd February 1766
4. OPR Perthshire, Perth 387/18, p.171, Marriage of David Kea and Elizabeth Scott 16th June 1753. Admission of David Kea to the Wrights' Incorporation of Perth, Minute of 16th June

1753, *Minute Book of the Wright Calling from 1734 to 1756,* Perth Museum and Art Gallery and Minute of 25th June 1714 *Minute Book of the Wrights' Incorporation of Perth 1530-1808* Perth Museum and Art Gallery 1995.683. He does not appear to have served his apprenticeship in Perth but apparently had come to the Fair City as a wright from elsewhere. He might therefore have been a brother of Ann Keay's father - or he might not! There is no proof either way.

5. *Minutes of the Hammermen of Perth 1779-1820,* NLS, MS19241; Perth Archives MS24, the Keay Papers, Bundle 1 and Perth Archives PE 2/1/25 p.4 No./7.
6. R H. Rodger and F Slattery, *Perth Silver, A Guide to Perth Silver and Silversmith,* Perth Museum and Art Gallery, 2001, 50pp.
7. OPR Perthshire, Perth 387/21, 6th December 1796
8. OPR Perthshire, Perth 387/5 records that Elizabeth Kea was born 3rd July 1754 daughter of David Kea, Wright and Bathia Scott his spouse, and baptized 7th July by Mr David Black, Minister. She married John Manson on 29th December 1780 OPR, Perthsire, Perth 387/19
9. OPR Perthshire, Perth 387/8, Born 8th November 1783, Baptized 9th November 1783,
10 NLS MS 19241
11 Ed. I Pickford, *Jackson's Silver & Gold Marks of England, Scotland & Ireland.* Antique Collectors' Club 1989, p.601, marks pictured p.600.
12 Mitchell, *Monumental Inscriptions of North Perthshire Perth,* Greyfriars, Block F, p.595.
13. OPR Perthshire, Perth 387/5 records that David Key (sic) was born on 12th May 1763, the son of David Key (sic) and Elizabeth Scott, and baptized on 15th May by Mr David Black, Minister.
14. The marriage took place on 16th April 1795 and is registered at Stepney, Spitalfields Christ Church [IGI]
15. Census Perth 1851 Kinnoull No.5, p.4. 17 Spence's Land.
16 The Minutes of the Hammermen Incorporation of Perth record his indenture on 5th February 1816, NLS MS 19241, and his admission on 27th July 1825, NLS MS 19242. Also Perth City Archives MS24, Robert Keay, Bundle 140 Certificate of Admission.
17. J Mundy, *A History of Perth Silver 1980,* Perth Museum and Art Gallery
18 OPR Perthshire, Tibbermore 395/6, Marriage of Robert Keay jnr. to Felicite (sic) Walker, proclaimed June 11th, married 13th June 1826.
19. I Pickford, *op.cit.* 1989, p.615
20. Image preserved in Perth Museum and Art Gallery.
21. Papers relating to the ships *Rose* and *Eagle,* owned by Keay, McKenzie & Co. are to be found in Perth Burgh Records B59 Part 2, p.594. 37 6/1. Perth Archives.
22. Mitchell, *Monumental Inscriptions of North Perthshire,* Perth, Greyfriars Block G, No.73
23. Perth Archives, Keay Papers, Bundle 140
24 OPR Dundee 282/7, Born Jean, daughter of William Young, Supervisor of Excise and Margaret Briggs, 3rd May 1785.
25. Jean Young Married David Forrester in Perth on 22nd November 1800, OPR Perthshire, Perth 387/21 David Forrester was born on 11th January 1764 and died on 5th July 1811 [Mitchell *North Perthshire Monumental Inscriptions,* Greyfriars Block A, 114.
26. The indenture of Patrick Forrester (1772-1846) to the Perth silversmith James Corfute was signed on 22nd December 1787 and minuted on 8th January 1788 (NLS MS 19241). I am indebted to Mr A G Credland for details of Patrick's career in Hull. From 1817 his shop was at 17 Market Street where he traded as a gold and silversmith, jeweller, optician and watchmaker. His son Joseph James, later known as Baron de Forrester (1809-1861), was a merchant and shipper. He went to Oporto in 1831 to join his uncle James Forrester, partner

in Offley, Forrester & Webber, wine shippers (DNB, 20, 1889, p.8).

[27.] William Forrester was born and baptized on 29th November 1801, OPR Perthshire, Perth 387/13.

[28.] Minute dated 16th September 1817, Minutes of the Hammermen of Perth, NLS MS 19241

[29.] Perth Archive, Keay papers, Bundle 2, letter dated 14th December 1825.

[30.] Perth Archive, Keay Papers, Bundle 2, W Forrester to R Keay 14th December 1825.

[31.] Perth Archive, Keay Papers Bundle 2, W Forrester to R Keay jnr. 29th May 1827.

[32.] *Bankrupt Directory 1820-1843,* 17th April 1829.

[33.] Perth Archive MS 24 Bundle 2, William Forrester to Robert Keay 11th March 1831 and R. Keay's Private Ledger, entry for 5th October 1841.

[34.] J Culme, *The Directory of Gold & Silversmiths, Jewellers & Allied Traders, 1838-1914,* From the London Assay Office Registers. published by the Antique Collectors' Club, 1987, vol.1, p.161

[35.] Joseph Forrester was born on 12th April 1805 and baptized on 22nd April 1805, OPR Perthshire, Perth 387/14.

[36.] Minute of 14th February 1820, *Minutes of the Hammermen Incorporation of Perth 1820-1871,* NLS MS 9242

[37.] William Forrester to R Keay 14th December 1825. Perth Archive MS 24 Bundle 2.

[38.] William Forrester to R Keay 6th January 1826. Perth Archive MS 24 Bundle 2.

[39.] Tasmania Archives CON 23/1

[40.] Tasmania Archives *Appropriation List* CON 27/4

[41.] P. Mercer "David Barclay Craftsman of Hobart Town 1830-1884", *The Australian Antique Collector Jan-June 1982,* pp.49-53

[42.] Tasmania Archives, *Conduct Record* CON 31/13, p.127.

[43.] Tasmania Archives CON 52/1 page 58 and RGD 37/2 number 1059.

[44.] Tasmania Archives RGD 33/1 number 634, RGD 35/1 number 1108.

[45.] Tasmania Archives, Conditional Pardon number 541, 18th June 1842

[46.] Joseph Forrester to Robert Keay Jnr. 10th September 1843. Perth Archive, Keay Papers, Bundle 144.

[47.] J.B.Hawkins, *Nineteenth Century Australian Silver,* 2 vols, Antique Collectors' Club, 1990.

[48.] Joseph Forrester to Robert Keay jnr, from 23 Gloster [sic] Grove, Hereford Square. Old Brompton, London, 5th June 1855. Perth Archive MS 24, Bundle 131.

[49.] Joseph Forrester to Robert Keay jnr, undated Perth Archive, MS 24, Bundle 131.

[50.] The marriage took place at Perth on 9th June 1810, OPR Perthshire. Perth 287/22.

[51.] Born 29th May 1811 and baptized 5th June 1811, OPR Perthshire, Perth 387/15.

[52.] Minuted 9th April 1827. Minutes of the Hammermen of Perth 1820-1827 NLS MS 19242.

[53.] Entry, Wednesday 15th May, Duty Book for 1839, Incorporation of Goldsmiths of the City of Edinburgh. I. Pickford, *Jackson's Silver & Gold Marks of England, Scotland & Ireland,* Antique Collectors' Club 1989, p.615 records him as a Perth Goldsmith whose first known work was in 1839.

[54.] William Forrester to Robert Keay jnr. 20th February 1840. Perth Archive, MS. 24, Bundle 36.

[55.] James Menzies to Robert Keay jnr, undated. Perth Archive MS 24, Bundle 33.

[56.] R H Rodger and F Slattery *op. cit.* 2001, p.47

[57.] Perth Archive MS 24 Bundle 33 contains a number of documents relating to Maria Menzies' death such as the undertaker's account dated 1st July 1843 and the Roup Roll of the sale at Canal Street which took place on the 18th August 1843.

A Family Historian's Alphabet

(Part 2)

This list of sources compiled by D.Richard Torrance is by no means exhaustive and details of further sources would be welcomed by the editor.

B –

BANK PASS BOOK – where these survive they give an interesting insight into the financial circumstances of an ancestor and for some may even give an idea of their income. Sometimes people kept detailed accounts of their expenditure particularly if they ran a business, although not a bank pass book, they can provide much more detail than otherwise might be available.

Farm Ledger of Thomas Torrance

14 January 1928 – Lion Garage Ltd. 12 gallons of petrol 14/10d (74p)
28 January 1928 – Berwick Breweries Ltd 7 gallons English Gin £24.10.0 (£24.50)
26 March 1929 – Gerard Morgan, Edinburgh – Crown with gold foundation to 2nd left front tooth 2 shillings off £2.

BANKRUPTCY PAPERS– this might not, initially, seem like a promising avenue but as so often happens the misfortunes of life seem to be better recorded. If you have an ancestor who was in business and it failed there may well be a wealth of information to uncover. For businesses that failed before 1839 the Court of Session records should be consulted. There is a large card index of these cases at West Register House in Charlotte Square, Edinburgh. Another avenue is to consult *List of Court of Session Productions* produced by the List and Index Society that lists business books to be found in the Court of Session papers (CS96). For bankrupts from 1839-1913 it is best to consult the alphabetical list compiled by Glasgow University Archives. If successful there is a guide at NAS which explains how to progress the search. Some bankrupts may be traced through the Sheriff Court *Registers of Sequestrations*.

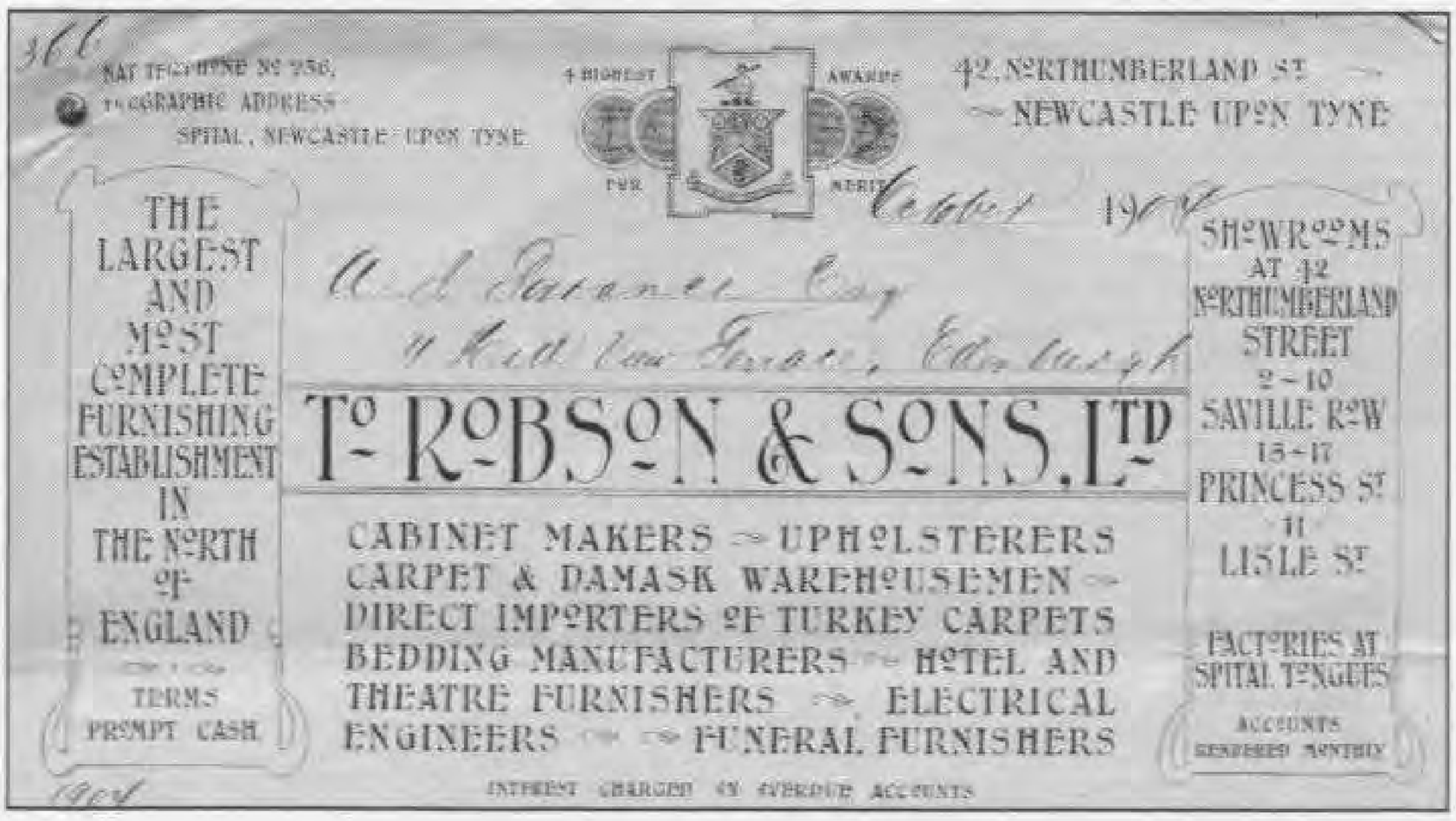
> In the case of my ancestor James Allan of Seabraes Foundry, Dundee an invoice for a large pumping engine built for a firm in Norway was not paid and the Dundee Union Bank stepped in and started a process of sequestration. James Allan was permitted to continue in business in the hopes that he would repay the bank loan but the struggle became too much. Eventually, the remaining stock was sold off for the benefit of the creditors. This included:
>
> Many files, 1 winding machine, 6 spinning frames, 1 spreading machine, 6 frames (not sold), reel frame, much wood:- boards, deals, planks, beech, plane, rosewood, mahogany, staves, spindles. Cloth, spades, shovels, etc., Sal amoniac, pinching screws, resin, imery, paint, cast steel, solder lead, brass, copper, chains, burning coals, fire clay.
>
> Allan and his partner, John Brown, who had fled to the Netherlands, run up debts of £21 586.4.5½. (About £1¼m at today's prices). After the roup of the remaining goods an advertisement was placed in the *Edinburgh Gazette*, on 16 November 1847, informing the creditors that those who had lodged their claim prior to 30 October that year would be considered for the first and final dividend, which would be paid at David Wilkie's, merchant, 8 New Inn Entry, Dundee, on 31 December 1847. There were 50 registered creditors who shared assets of £142.8.9, giving them a dividend of 1⁷/₁₂d. per £1.

More tantalizingly there is reference to the company's letter books, cash books and time books in the Court of Session papers, but as James Allan was allowed to continue in business these books were not retained. Further information concerning land, securities and debts were found in the Forfar Register of Sasines.

BAPTISMS – Most of these are to be found in the old parish registers of Scotland at the National Archives of Scotland (NAS). Researchers should be aware that unless otherwise stated the dates in the OPR are dates of baptism rather than birth dates. The Church of Latter Day Saints has produced a microfiche index of the baptisms in the OPR of Scotland. This is available on line at www.scotlandspeople.gov.uk . Other useful books for the Scottish researcher are: *The Parishes, Registers & Registrars of Scotland*, Scottish Association of Family History Societies (SAFHS), 1993, which contains parish maps, lists of dates covered by the OPR and a list of useful addresses; *Registers of the Secession Churches in Scotland*, Diane Baptie, SAFHS, 2000, which lists birth, marriage and death registers to be found in the various archives around Scotland. (Both volumes available through www.scotsgenealogy.com - sales) A small amount of unindexed information concerning Catholic baptisms is held at the Scottish Catholic Archives, www.catholic-heritage.net/sca. Photocopies of all pre-1855 Roman Catholic parish registers are to be found at the NAS in the repertory RH21/-. (See BIRTHS)

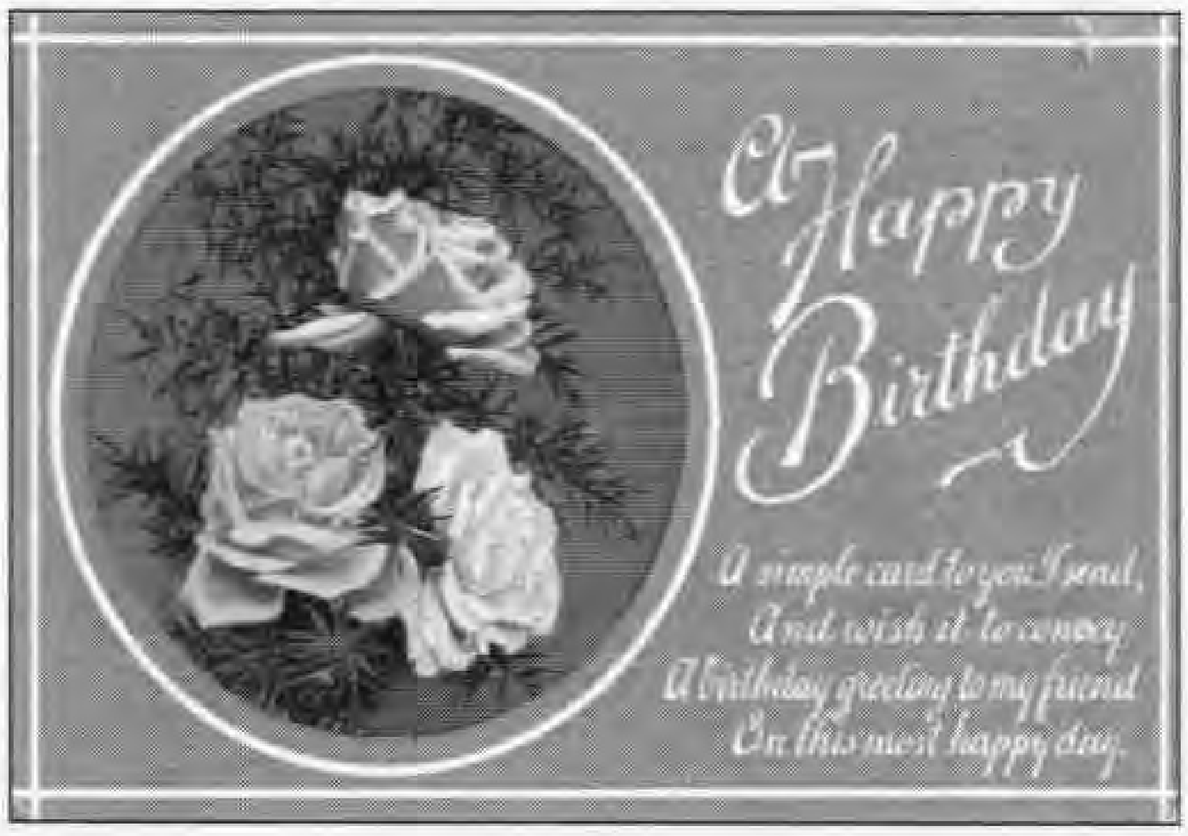
BIBLES – Little need be said about the usefulness of bibles that contain lists of birth, marriage and death dates.

BILLS – These can throw a great deal of light not only on what our ancestors were purchasing but also the cost of items. People made much more use of accounts at shops rather than using cash and they were sent monthly bills. Bills can also tell us more about the owners of the businesses: postal & telegraphic addresses, telephone numbers and details of services provided. Some letters heads have fine engravings of business premises.



This bill is for the furnishing of 11 Hillview Terrace, Edinburgh in October 1904, the total cost including a 2½% discount and transport from Newcastle upon Tyne to Edinburgh was £251.2.9. The most expensive item was a mahogany inlaid display cabinet at £27. A mahogany Sutherland table still used by the author cost £1.7.6 (£1.37)

BIRTHS – Some OPR give birth dates as well as baptism dates. From 1855 onwards birth certificates are available. They may be consulted at New Register House, Edinburgh, or on-line at www.scotlandspeople.gov.uk. These birth certificates tend to be much fuller than the OPR. For more details see *Tracing Your Scottish Ancestry*, Kathleen B. Cory, 3rd edition, Edinburgh 2004, revised and updated by Leslie Hodgson. (Available through www.scotsgenealogy.com - sales). Newspapers also carry intimations of birth and it may well be worth searching local newspapers. More births are listed in journals such as *The Scots Magazine* (useful period 1739-1826) and *The Gentleman's Magazine* (useful period 1731-1868) the parents' names are given and the birth date, but the names of the children are rarely given. (See BAPTISMS)



BIRTHDAY CARDS – where these have survived they may give the names of previously unknown relatives or friends and also give an idea of the zeitgeist. This birthday card, in the form of a postcard, was sent to Miss Herrick of Nottingham in 1910 by her cousins Eva and Kathleen. The standard of verse writing does not appear to have improved over the years!

BONDS – often a written obligation to pay money or to pay a debt and interest and to give a disposition of land as security for the debt. Bonds were commonly used in the past as ready money was not as available as it is today. Many bonds tell us little more than who owed what to whom, but there may be enough detail to add more detail to a family history. In the case of Sir Samuel McClellan Lord Provost of Edinburgh (1706-1708) who was a merchant, little had come to light as to what merchandise he traded but three bonds give an indication:

March 1686 Samuel owed £56.11.0 sterling to John Shewell & William Stonehewer, London, silk merchants.[1]

April, 1690, " certaine silk stuff and oyr for wearing cloathes", supplied to John Inglis of Eastsheill.[2]

January 1, 1694, an account sent to Lady Broughton of Callie mentions: muffes and black silk creap.[3]

Bonds are to be found at the NAS in: the Register of Deeds (RD) but the indexes to them are patchy; Sheriff Court Deeds (SC) for which few indexes exist; Burgh Deeds (B) again there are few indexes but occasionally the volumes may have a chronological or

alphabetical list of contents. All volumes may have the names of the principal parties written in the margin by the deed or bond. In other cases where there is no volume but bundles of papers the principal parties and the type of deed is written on the outside of the folded paper.

BOOKPLATES – these often have the full name of the book's owner, an illustration (often a crest or a coat of arms) and sometimes a date. At the very least they tell us that our ancestors were bibliophiles and treasured their books. Bookplates may also provide a history of a book as in the case of my copy of P.H.M'Kerlie's His*tory of the Lands and their Owners in Galloway*, 2nd edition, Paisley 1906, that I purchased from Thins, Edinburgh in 1990. A little rectangular label states that the book was sold by Ferry & Co., Plain Street, Cape Town. The first owner was John Carr Maclellan who appears in The McClellans in Galloway (Available through www.scotsgenealogy.com - sales). The second owner was Joseph Robison who wrote extensively on the burgh of Kirkcudbright. His book plate is dated 1920 so he must have acquired the volume after that date. The third owner was Lesley Gordon of Cowdencleugh a member of the Scottish Genealogy Society and compiler of the first Register of Member's Interests.

BOOKS – much could be written under this heading but suffice to say that it is now much easier to trace scarce books as many libraries now have on-line catalogues. A search would have to be undertaken for specific libraries but www.nls.uk will give access to the National Library of Scotland Catalogue. To discover which UK public libraries have websites and on-line catalogues visit http://ds.dial.pipex.com/town/square/ac940/weblibs.html

If you wish to purchase books there are many book dealers' sites to consult but one site that is used by many second hand dealers is - www.abebooks.com Links to some others can be found on the SGS website: www.scotsgenealogy.com

BURGESS ROLLS – These lists were maintained in Scottish burghs and contained names of merchants and craftsmen and gave them protected trading rights. Entry to the list could be by right, as son of a burgess or by marriage to a burgess's daughter, as a gift for some service rendered to the burgh or if there was a skills shortage in a trade otherwise a burgess had to pay an entry fee. The rolls, where they exist, will tell you the date of their admission, their trade and to whom they were apprenticed. General information about a trade may be found in histories of the various merchant and craft guilds.

Aberdeen

Aberdeen Burgesses 1605-1725, J.F. McDonnell, St. Andrews.

Aberdeen Register of Merchant & Trade Burgesses, 1600-1620. F.J.McDonnell, St. Andrews, 1994.

Aberdeen Register of Merchant & Trade Burgesses, 1621-1639. F.J.McDonnell, St. Andrews, 1994.

Aberdeen Register of Merchant & Trade Burgesses, 1640-1659. F.J.McDonnell, St. Andrews, 1994.

Aberdeen Register of Merchant & Trade Burgesses, 1660-1679. F.J.McDonnell, St. Andrews, 1994.

Aberdeen Register of Merchant & Trade Burgesses, 1680-1700. F.J.McDonnell, St. Andrews, 1995.

Burgesses of Inverurie, Aberdeen & NE Scotland FHS, journal, 1996, nos. 59 & 60

List of the Deans of Guild of Aberdeen. A. Walker, 1875

Memorials of the Aldermen, Provosts and Lord Provosts of Aberdeen. A.M.Munro, 1895.

Merchant and Craft guilds. E. Bain, Aberdeen, 1889.

Register of Burgesses of the Burgh of Aberdeen, 1399-1700. New Spalding Club Miscellany, vols. 1 & 2, 1890, & 1908 ed. by Alexander M. Munro.

Register of Merchant & Trade Burgesses of Old Aberdeen, 1605-1885, 2 vols., F. McDonnell, St. Andrews, 1994.

Argyll

Burgesses of Inverary 1665-1963, E.A. Beaton & S.W. Macintyre, Scottish Record Society, Edinburgh, 1990.

Ayr

Beith Its Merchants and Others, 1793-1794, Scottish Genealogist, xxxv, Sept. 1988.

Proceedings of the Gild Court of Ayr. T. Dickson, Ayr & Wigtown Arch. Assoc. vol.1, Edinburgh, 1878.

Banff

Burgess Roll of Banff, 1540-1892, F.J. McDonnell, St. Andrews, 1994.

Dumbarton

Roll of Dumbarton Burgess & Guild Bretheren, 1600-1846. Fergus Roberts, Scottish Record Society, 1937.

Dundee

The Roll of Eminent Burgesses of Dundee, 1513-1887. A.H. Millar, Dundee, 1887.

Edinburgh

An Historical Sketch of the Municipal Constitution of Edinburgh,1826. This work contains lists of Aldermen, Provosts, Magistrates, Councillors, Deacon Conveners, MPs, Masters of Merchant Companies, Moderators of the High Constables.

Edinburgh Guilds & Crafts. Sir James D. Marwick, Edinburgh, 1909.

History of the Edinburgh Chamber of Commerce and Manufacturers, from 1785-1861. Sir George Harrison.

List of the Deans of Guild of the city of Edinburgh, 1403-1890. T.G. Stevenson, Edinburgh, 1890.

Roll of Edinburgh Burgesses & Guild Bretheren, 1406-1841, 3 vols. C.B.Boog Watson, Scottish Record Society, 1929-1933.

The Guildry of Edinburgh. James Colston, Edinburgh, 1887.

The Incorporated Trades of Edinburgh. James Colston, Edinburgh, 1891. [Chirugeons, Hammermen, Goldsmiths, Baxters, Fleschouris, Mary's Chapel, Skinners & Furriers, Cordwainers, Talzouris, Wobstaris, Waekaris, Bonnet makers, Candlemakers, Barbers.]

Elgin

The Burgess Roll of Elgin, F. McDonnell, 1995

Fife

Burgess Roll of Fife, 1700-1800. D. Dobson, St. Andrews, 1994.. (Auchtermuchty 1736-1756; Crail 1755-1808; Cupar 1754-1814; Kirkcaldy 1765-1803; Newburgh 1740-1742).

Burntisland Burgesses, 1737-1809, Fife FHS journal, 1996, vol.9 no.1

Dunfermline Burgess Roll, 1785-1810, D. Dobson, St. Andrews, 1996.

Fife Traders & Shopkeepers 1820-1870, 4 vols., Andrew Campbell, 1989.

The Guild Court Book of Dunfermline, 1433-1597. Ed. Elizabeth P.D.Torrie. Scottish Record Society, 1986.

Inverkeithing Burgesses, 1814-1857, Fife FHS journal, 1996, vol.9 no.1

St. Andrews Burgesses, 2 vols., D. Dobson, St. Andrews

Glasgow

The Burgesses & Guild Bretheren of Glasgow, 1573-1846, 2vols. James R. Anderson, Scottish Record Society, 1925 & 1931.

Merchants' House of Glasgow, an index of members. Glasgow, 1834.

Kelso

Ancient & Modern: a history of the incorporated trades, guilds & commerce of Kelso. J.L.Trainer, Kelso, 1990.

Kirkcudbright

Kirkcudbright Burgesses, 1576-1975, Edinburgh, D.R.Torrance, 1997.

Perth

Guild acts or laws for the Guildrie incorporation Perth, 1670-1911. John Thomas, Perth, 1911.

St. Andrews

The Burgess Roll of St. Andrews, 1751-1775. D. Dobson, St. Andrews.

Stirling

Extracts from the records of the merchant guild of Stirling, 1592-1846. W.B. Cook & David B. Morris, Stirling, 1916.

Stirling Burgesses, 1600-1699. John Harrison, 1991.

Stirling Burgesses, 1700-1799, J.L. Whiteford, 1992

Stirling Burgesses, 1800-1902, J.L. Whiteford, 1992.

The Stirling Guildry Book, 1592-1846. W.B. Cook, Glasg. Stirligsh. and Sons of the Rock Soc., Glasgow, 1916.

BURGH RECORDS – The Burgh Record Society has published a great number of volumes on Burgh records – particularly minutes of town councils and early charters relating to the burghs. There are published volumes for: Aberdeen, Dundee, Edinburgh, Glasgow, Lanark, Paisley, Peebles, River Clyde Burghs & their relationship to Glasgow (Rutherglen, Renfrew, Paisley Dumbarton, Port Glasgow, Greenock, Rothesay and Irvine), Stirling. In addition there is a series of volumes of *Records of the Convention of the Royal Burghs of Scotland 1295-1779* covering issues affecting all Scottish burghs, occasionally individuals are mentioned. There is a good summary of all of the published volumes in *Scottish Texts and Calendars* by David & Wendy B. Stevenson in vol. 23, 4th series, Scottish History Society, 1987.

Each Royal Burgh was entitled to keep their own register of burgh sasines. Some of these records are at the NAS and others need to be consulted in the burgh's record office. The NAS has a list of the records that survive for the Scottish burghs and they may contain: court books, craft records, deeds, register of decreets, voters rolls. For

more detail on Burgh records see: *Tracing Your Scottish Ancestors: The Official Guide* published by NAS; *Scottish Genealogist* vol.LI no.2, p.60-62, June 2004. Published records for other Scottish Burghs may be available and it is worth contacting local archives to see if they hold any transcripts. The following is a list of other published volumes known to the author – it is not exhaustive.

Kirkcudbright Town Council Records, 1576-1658, 3 vols, C.H.Armet, Edinburgh, 1939-1958.

Lochmaben Court and Council Book 1612-1721, J.B. Wilson, Scottish Record Society new series volume 23, Edinburgh 2001.

Rothesay Town Council Records 1653-1766, 2 vols. Mary B. Johnston, Edinburgh 1935

BURIAL RECORDS – The old parish registers of burials should all be housed at New Register House. They vary widely in the period they cover and it should be remembered that the dates that appear in these registers could refer to date of death, date of burial or date that payment was made for use of the mortcloth. Much of the information is now available on-line, for a fee, at www.scotlandspeople.com . The Scottish Association of Family History Societies has been co-ordinating a burial index project. Fife was the first society to complete their area and the material was put onto CD. Other Societies are nearing completion. For more information go to www.safhs.org.uk . Supplementary information is to be found in the many volumes of Monumental Inscriptions published over the years. The majority of the available lists for purchase are to be found on www.scotsgenealogy.com . Articles on Scottish burials will be found in *The Scottish Genealogist*: on the cost of burial in the early nineteenth century - vol. XLV, no.3, p.77, September 1998; Interment of the Dead – vol. XLV, no.4, p.126, December 1998; Old Scottish Funeral Customs – vol. XLVII, no.1, p.8, January 2000.

BUSINESS RECORDS – Some business records are held by the NAS in the Gifts and Deposits (GD) series, others may be found in the National Register of Archives Scotland (NRAS) indexes and abstracts are held by the NAS. As has been mentioned above, records relating to failed businesses may be found in Court of Session papers and the alphabetical list of bankrupts compiled by Glasgow University Archives. It is worth consulting local record repositories as they are keen to obtain the records of local businesses and firms. See also Glasgow University Business Archives - www.archives.gla.ac.uk/bacs/policy.html

1. NAS – Register of Deeds, RD3/64 f.318.
2. NAS – Register of Deeds, RD2/79 f.1002.
3. NAS – Gifts & Deposits, Broughton & Cally Muniments, GD10/1421/32.

Family Seats Series: Scott of Harden

This ancient branch of the Scotts is said to be descended from John, the Lameter, second son of Sir Michael Scott of Rankilburn, who was killed at the battle of Durham in 1346. Sir William Fraser asserts that Robert Scott of Stirches, second son of Walter Scott of Synton, Selkirkshire, by Margaret daughter of James Riddell of that Ilk, was the first actual Scott specifically designated 'of Harden', who had had a charter of the lands of Harden from Alexander Lord Home dated 3rd January 1501, after which was erected Oakwood (or Aikwood) Tower, c1602. (This tower was restored 1991-2 and is now the home of Sir David [now a Life Peer] and Lady Steel.)

The Scotts of Harden have numerous descendants and cadets, notably the Earls of Tarras, as well as the Raeburn branch which has become famous as the paternal line of the great author, Sir Walter Scott, Bt. On 18th April 1754 Walter Scott of Harden (d.1793), Member of Parliament for Roxburghshire 1747-65, and Receiver-General of H.M.Customs 1765, married Lady Diana Hume Campbell (d/1827), de jure Lady Polwarth and 3rd daughter of the Earl of Marchmont, Berwickshire.

Their eldest surviving son, Hugh Scott (1758-1851), claimed, in 1835, and was allowed by the House of Lords, the title of Lord Polwarth, and so became the 6th Lord Polwarth. Prior to that he had been Member of Parliament for Berwickshire 1780-84. In 1820 he assumed the additional surname of Hepburne, to honour his descent through the female line from the Hepburn of Humbie [not Humble as in *Burke's LG*] family.

From c1680 to 1912 the Scotts of Harden owned and moved to the Mertoun estate near St.Boswells and were responsible for employing Sir William Bruce to build the new Mertoun House in 1703, with additions by William Burn in 1843. The old churchyard, with the burial vault of the Scotts of Harden, lies towards the eastern boundary of the policies. Through the marriage mentioned above they also acquired the Polwarth estate, and its seat.

This illustrious family have sadly parted with most of their inheritance, and their other magnificent seat - Marchmont, at Polwarth, near Duns, Berwickshire, is today a nursing home. But the present 10th Lord Polwarth, Henry Alexander Hepburne-Scott (b.1916) has an eldest son and heir, Andrew, who still resides at Harden House (oldest sections date from c1630), by Hawick, Roxburghshire. As noted above, the family had earlier departed for their grander mansions, but in 1913 they returned. It is pleasing to report a family seat still intact with its original family in situ.

References

Scott 1118 - 1928 by Keith S.M. Scott.
The Families of Scot by Capt.Walter Scot. 1894 reprint of 1688 original.
Borders and Berwick by Charles Alexander Strang, 1994.
Burke's Landed Gentry of Great Britain - Scotland 19th edition, 2001.

Oakwood Tower, Ettrick Forest, Selkirkshire. This peel tower was built c1602 by Robert Scott, of the Harden family, it is about 50 feet high.

Harden House, seat of Scott of Harden.

Obituary

Professor Gordon Ramsay Nicoll

BScEng, MA(Cantab), CEng, FIEE, FRSE.

The death of Prof.Gordon Nicoll on 29 April 2004 was a great shock. Days previously he was working as usual as a volunteer "helper" in the SGS Library together with his beloved wife Elizabeth, whom he married in 1950. They have been members for many years and Gordon was a committee member when the present premises were bought and opened.

He was a quiet, unassuming man to whom one could always turn for help.

He was born on 21 August 1923 in Ferry Port on Craig (now Tayport) so on occasion referred to himself as a Fifer. On graduating BScEng (Hons) at St Andrew's University in 1944 he joined defence research at Malvern and in 1954 led a group researching airborne radar. Moving on, he set up a microwave research and teaching laboratory in UMIST Manchester and in 1961 gained a lectureship at Cambridge University where he was invited to become a Fellow of Churchill College.

In 1968 he became Professor at Heriot-Watt University, Edinburgh, and Head of its Department of Electrical and Electronic Engineering in the Grassmarket. Professor Nicoll now guided the main research towards digital systems and underwater technology, developed training and financial links with industries and encouraged introduction of new undergraduate and postgraduate courses. In 1976 he also became Dean of the Faculty of Engineering and three years later stepped aside as Head of Department to let in new ideas but stayed in the Department until 1984.

After a fulfilling career in Electrical and Electronic Engineering Gordon took to genealogy with great enthusiasm. All his ancestors came from Angus and he knew the county intimately, having spent several years of his youth in Letham and Dundee.

He enjoyed his stint on Wednesdays with his friends at the SGS Library and contributed to our work in answering the frequent call – "*Gordon, this machine doesn't work*". He will be sorely missed.

He is survived by his wife Elizabeth, sons James and David, and daughters Helen and Katherine.

Obituary

Zella Ashford

We learned with great sadness of the death of Zella Ashford at the end of May 2004. Regular visitors to the S.G.S. Library on Tuesday afternoons will remember her quiet, friendly helpfulness. In later years she spent much time in doing simple routine library tasks, often eschewed by others, but which were necessary for the smooth running of the Library.

Zella was born at Easter Warriston House, where her family had lived since 1808. The house had been built by her great-great grandfather, Andrew Bonar, who was a partner in the Edinburgh private bank of Ramsay, Bonar and Company. This spurred a natural interest in the Bonar genealogy and in the history of the lands of Warriston. She contributed to the Scottish Genealogist and the Book of the Old Edinburgh Club on these topics and also in the latter publication on the identification The Connoisseurs, the subjects of the painting by David Allan. Over a year before her death Zella felt her powers failing and ceased to come to Victoria Terrace regularly.

We still remember her fondly.

Book Reviews

Irregular Border Marriages, volume II, Irregular Marriages Recorded in the Berwick Advertiser and other Border Papers 1808-1864,
Northumberland County Archive Service &
Northumberland & Durham Family History Society, 2004, ISBN 1 904656555.

This second volume of Irregular Border Marriages is more extensive in terms of period covered and geographical area than the Registers of Henry Collins which listed only marriages solemnised at Lamberton Toll between 1833 and 1849. There is therefore an overlap between the two volumes: 500 entries in volume I appear again in this volume. But this volume also covers marriages at other main centres for irregular Border marriages at Mordington Toll, Paxton Toll, Starch House Toll, Union (or Chain) Bridge, Coldstream Bridge, as well as a scattering in other parts of Lowland Scotland. This volume contains 2373 marriage entries, which will be useful to genealogical researchers on both sides of the Border.

Though incurring the disapproval of the Church of Scotland irregular marriages were valid in the eyes of the law. So a couple from England could cross the border, have their marriage solemnised without prior notice. In spite of the publicity given the cases of 'runaway marriages' of the wealthy were a small proportion of the total. The vast majority of these marriages were of Northumberland people. Indeed, a third of the entries in this volume refer to residents in Scotland, where irregular marriages continued to be a part of the social fabric. The Marriage (Scotland) Act, 1856, which required residence for 21 days by one of the marriage partners, placed something of a limit on the practice but it did not stop Scottish irregular marriages, which continued until their abolition in 1940.

Katherine B. Cory, ***Tracing Your Scottish Ancestry,*** 3rd ed., revised and updated by Leslie Hodgson, Edinburgh, Polygon, 2004, ISBN: 0954407571.

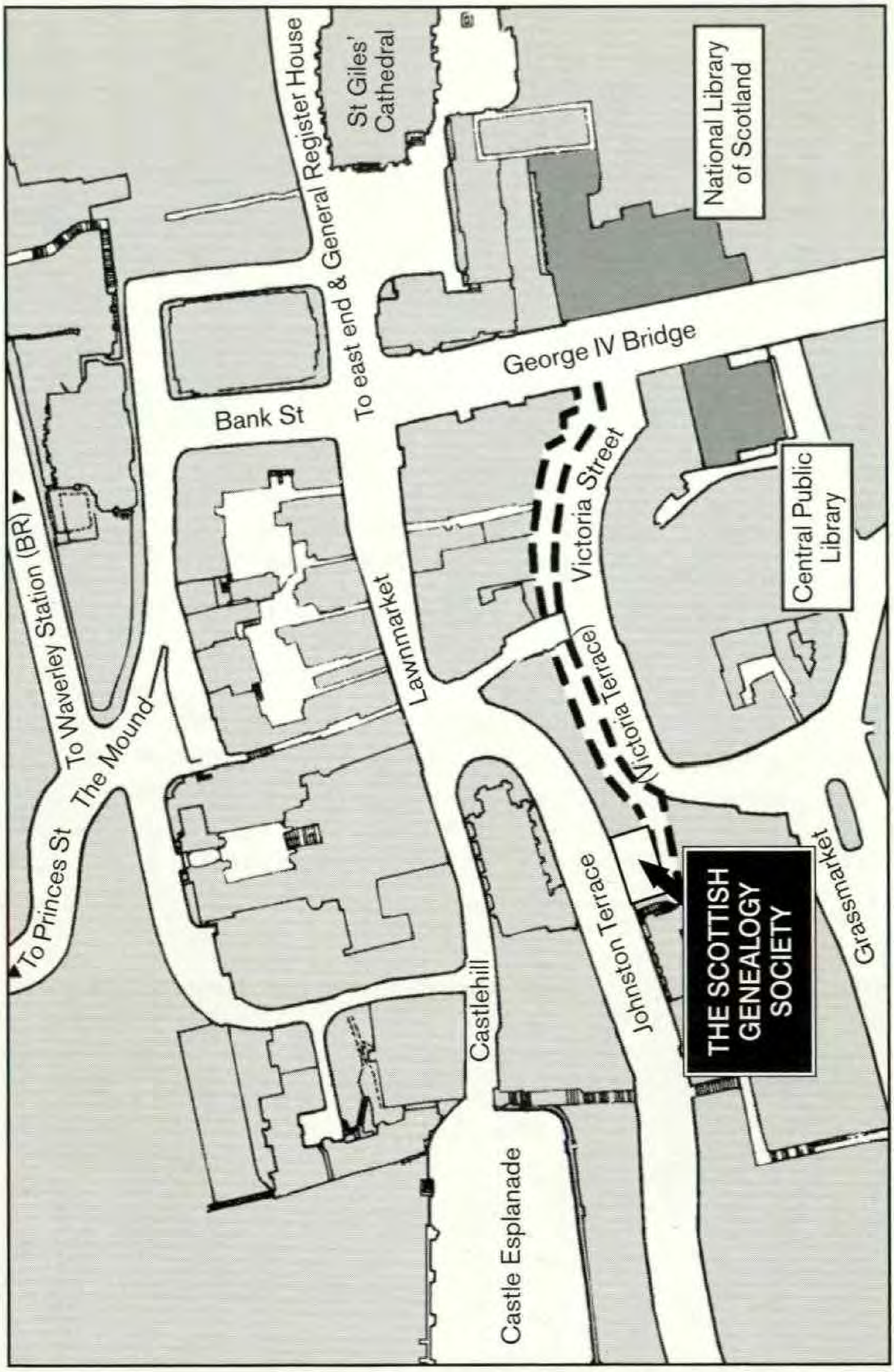
Alan Stewart, ***Gathering the Clans: Tracing Scottish Ancestry on the Internet,*** Chichester, Phillimore, 2004, ISBN: 1860772919.

We welcome the appearance of this new edition of Kathleen Cory's book. Philip Hodgson has made some revisions: a new chapter on the relationship between genealogy and local history; the updating of routines at New Register House and the National Archives and the increasing availability of material on the Internet. There has also been an updating of the list of useful addresses, including changes brought about by the changes in local government in 1995, and with the addition of e-mail and Website addresses. However, the book remains substantially Kathleen's original work. While it is still true that no single work provides complete coverage of Scottish genealogy this book comes nearest to deserving such an accolade and should remain an indispensable tool for those engaged in family history for some time.

Alan Stewart's book appears at a time when there is an increasing need for guidance on genealogical material appearing on the Internet. He surveys the topic effectively, covering official records, other more specialist databases, heraldry, clans and names and the Scottish family history societies. There is an informative chapter of the relevance of DNA to genealogical research, including data on DNA testing Webster.

Any print-based publication which attempts to survey even a section of the Internet will certainly become outdated quite rapidly and this had already happened with this title.Nonetheless, Stewart's book should help the more reticent of Internet users, including this reviewer, to begin to get to grips with the wide variety of family history material available on-line

Jim Cranstoun

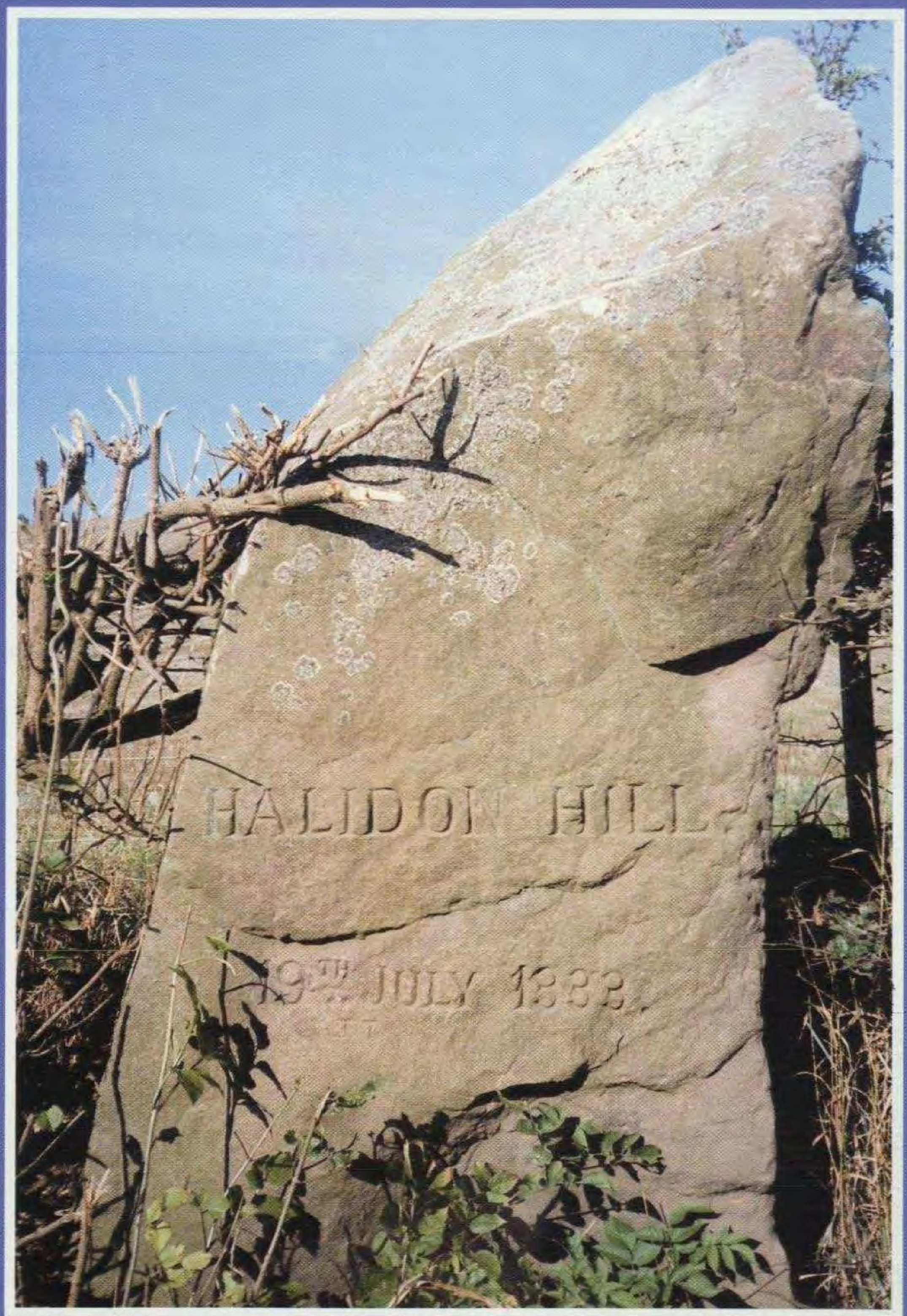


Library & Family History Centre:

15 Victoria Terrace, Edinburgh EH1 2JL. Tel & Fax: 0131 220 3677.

Opening hours: Monday - Thursday: 10.30am – 5.30pm (Weds. - 8.30pm)

Saturday 10am – 5pm.



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