

# bíoblaíocht fíamháil bíoblaíocht fíamháil



# comunn sloinntearach na gaidhealtachd

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CONTENTS

Editorial ..... p 1

The Strathnaver Clearances ..... p 2-8

Name-changes and Patronymics ..... p 8-11

News from the Record Office ..... p 12-18

New Register House Improvements ..... p 18-20

There's Always To-morrow's Post ..... p 20

Member's Research Interests ..... p 21-22

Queries (409 & 477-484) ..... p 23-24

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E D I T O R I A L

Last time I started with an apology and this issue starts with another, to John MacMillan for leaving out his by-line to his story of "Frank MacMillan's Cigar". Sorry about that.

Dr Bangor-Jones' article based upon his talk to us on the Strathnaver Clearances appears in this journal and many people will be pleased to see it, judging from the letters we've received. Reading it made me wish for a whole book on the subject, along the lines maybe of the recent book 'Cromartie', giving a bigger history of the laird and people and land-use of that area than the somewhat emotive literature that I have read (and enjoyed, I wish I could write like John Prebble) until now.

My recent first visit to Dunrobin Castle has also helped this interest suddenly to pop up, because I loved the art on display in its corridors, making me realise that I am constructing the same thing in my family history, albeit on a more modest scale to go with the content of my wallet, as I shall be using photographs of my sires and relatives rather than seven-foot portraits by Scotland's most famous artists.

Around the world: It would be nice to publish a nice neat two-page list of the addresses of central records offices to write to or visit in various countries for information. Naturally this society will head the list, the SRO and PRO will be included. I'll put in Canada's PAC, but who is it in Australia, New Zealand, Ireland, the US of A? Where else would lots of us wish to search for ancestors and cousins: France and the Netherlands have taken a lot of emigres for instance, and each of us knows something useful that others scratch their heads over. RSVP.

If you ever look at the cover of these journals, rather than tearing it open at once to read the editorial, you will have noticed that the name of our society is given in two of the languages of Scotland, one of which is Gaelic, pronounced 'gal', not 'gayl' by the way, and of course not to be confused with 'gall' the word for a foreigner. It is a sad fact of life that none of our members has complained that we publish nothing written in Gaelic, so I suspect that few of us speak or read it well enough to worry. Still, many of us need to use records of the arrival and passing of our Gaelic ancestors and do not understand the culture hidden behind the English veneer of the OPRs, so I welcome Mr Lawson's article on patronymics. We'll always be pleased with more such illuminations.

No new computer reviews have come in. Don't be afeared to offer your thoughts on whether you liked or hated someone's carefully worked out routines. It will just be between us and our readership around the world.

## THE STRATHNAVER CLEARANCES

Malcolm Bangor-Jones

(Talk given to the Society 24th September 1991)

The introduction of sheep-farming brought momentous changes to the Highlands. This was particularly true of Strathnaver, a part of the Sutherland estate, where some of the most notorious clearances were carried out. Between 1807 and 1822 about 350 families in Strathnaver were removed from their homes in the interior of the strath to make way for a handful of large sheep-farms. Most were resettled on the coast although a number of families chose to leave the estate.

The lands of Strathnaver on either side of the River Naver had belonged to the Mackays whose clan territory was eventually to include the whole of the much larger province of Strathnaver which reached from the Caithness border on the east to the march with Assynt on the west. The financial and political difficulties of the Mackays led to the incorporation of Strathnaver within the estates of the Sutherland family; the greater part of the strath was sold to the Earl of Sutherland in 1642; the lands on the south shore of Loch Naver were acquired in 1700 having been sold to Gordon of Embo in 1637; and the coastal lands of Farr and Kirtomie were sold by George, Lord Reay to the Sutherlands in 1718. The much smaller estate of Strathy, accounting for the remainder of the parish of Farr, was bought from the judge, Lord Armadale in 1813.

Most of the tenants in Strathnaver kept sheep, along with the herds of cattle which were their main source of income. These sheep, however, were small and ragged in contrast to the much larger breeds which were to be introduced by commercial sheep-farmers. The first sheep-farm in Sutherland was apparently established at Cape Wrath on Lord Reay's estate in the 1770's with sheep from Tweedsdale. Farms were established on other estates in Sutherland in the following decades. Despite receiving several lucrative offers from sheep-farmers, the Sutherland estate management was hesitant to clear inhabitants and create sheep-farms.

However, the lack of co-operation which the Sutherland family met with from their tenants in raising the 93rd Sutherland Highlanders in 1799 prompted discussions about a "considerable thinning" of the population. Prospects for the development of the estate were completely changed when in 1803 the Countess of Sutherland's husband, George Granville Leveson-Gower, inherited both the Bridgewater fortune and extensive estates in England. The Sutherland family was now one of the richest in the kingdom.

It was now possible to attempt the planned reorganisation of the estate through the creation of large arable and sheep farms, fishing villages and moorland settlements. The intention

was that the interior of areas such as Strathnaver would be cleared for sheep but that the people would be resettled on the coast where they would be forced, because of the small size of their holdings, to become fishermen. The main aim was to bring the Sutherland family a vast increase in rental income but the estate management was also convinced that the people would benefit from the change to their way of life.

The clearance of Strathnaver took place in three stages; the first, commenced in 1807, the second, associated with the name of Patrick Sellar, lasted from 1814 to 1816, and the third, began in 1819.

### The first stage, 1807-1808.

In 1806 Scottish newspapers carried adverts of "extensive and valuable sheep farms" in Sutherland, "well worthy the attention of a respectable sheep farmer". The following year two Northumberland sheep-farmers, Adam Atkinson and Anthony Marshall became tenants of a huge farm, later to be called the Great Sheep Tenement, which included parts of the parishes of Lairg, Rogart, Clyne, Kildonan and a substantial portion of Farr on the south shore of Loch Naver along with the detached lands of Letterbeg on Loch Loyal. The rent, set at £1,200 but rising to £1,500 after three years, was three times the existing rent of the lands.

The establishment of this farm involved the clearance of about 300 families, of whom roughly 80 lived in 11 settlements in Strathnaver. The largest was Klibreck which contained 15 families. Most were cleared in 1807 although a few were employed as labourers and allowed to retain possession of their houses for another year. At Achness and Altnaharra, people were given land by Atkinson and Marshall as sub-tenants. A number of those cleared emigrated to America but the ship and 140 passengers sank off Newfoundland. The majority of the families cleared in Strathnaver were resettled in townships on the north shore of Loch Naver and further down the Strath. The Sutherland family were much criticised for these clearances, particularly for the inadequacy of the resettlement arrangements.

The creation of the sheep-farm of Shiness in 1808, which lay to the west of the Great Sheep Tenement and was to include part of Mudale in Strathnaver, passed unnoticed. This was because the farm, which was let to the former possessor of the lands, Duncan Matheson, was only partially cleared at that time. On Matheson's death in 1811, Shiness was taken over by his son Duncan, an advocate in Edinburgh, and Mackay of Rockfield, a Ross-shire landowner who had made his fortune in India. In 1818 they handed the farm over to Dugald Gilchrist of Ospisdale, a Sutherland landlord with extensive farming interests.

apparently acquired a reputation for bad neighbourhood. As a "worthless character", Sellar was determined that he should be removed. On Monday 13 June 1814 Sellar came to the house which Chisholm had built with the sheriff officers, accompanied by some men from Rosal - including Donald MacLeod, who was later to become famous as the author of "Gloomy Memories". The officers proceeded to throw the furniture out and set fire to the house in two or three different places. The roofing materials of the nearby barn were thrown onto the fire. Chisholm's mother-in-law, a very aged woman was apparently still in the house when the fire was started. She was carried out by her daughter and placed in a small outbuilding. She died five days later.

The evidence relating to the events at Badinloskin confirms that fire was used to destroy the peoples' houses, particularly the roofing timbers. The same evidence, however, suggests that in some instances, the roofing timbers were thrown down and hacked to pieces but not burnt. It must be remembered that the main roof timbers of the peoples' houses belonged to the landlord but the small timbers, mainly pieces of fir which had been preserved in the peat and collected by the tenants, were valued and bought by the landlord.

The peoples' reluctance to remove was hardly surprising in view of the fact that the resettlement areas had not been surveyed and laid out in lots by the term of removal. The poor planning of this phase of the reorganisation was typical of Young, the factor's inability to properly attend to details. At the same time, Sellar, in his role as a sheep-farmer, was anxious to take possession of his farm.

The Sutherland family received many complaints as to the way in which the removals had been carried out and eventually Sellar was charged with "culpable homicide, as also oppression and real injury". While there is no doubt that there was substance to the allegations, it is equally certain that the move to prosecute Sellar was initiated by enemies he had made elsewhere in Sutherland, particularly the sheriff substitute Robert Mackid.

As is well known, Sellar was acquitted. However, before the trial took place he had already commenced the necessary legal steps to have the remaining 42 families, including 16 in Rosal and 16 in Truderscaig, removed. This was carried out in May 1816. Overall the establishment of Sellar's farm of Rhiloisk led to the eviction of about 70 families, nearly all of whom were accommodated elsewhere in Strathnaver, either in townships within the strath or on the coast around Bettyhill. It had been planned that each family would be given an individual lot or croft but this did not materialise. Instead the people adhered to the runrig system whereby each arable holding consisted of a bundle of intermixed strips.

### The third phase, 1819-1822.

Young and Sellar's management was not a great success. Young had failed to attend to the detailed execution of his grandiose schemes and Sellar's character made him a difficult person and quite unsuitable to represent the Sutherland family in its dealings with the people. Their replacement was largely the doing of James Loch, the family's estate commissioner since 1812 and one of the foremost estate managers of his day. Although Loch may be said to have inherited the clearance policy which had been formulated in the early 1800's, he was, nevertheless, convinced of the necessity for further clearances in Sutherland. Indeed, as far as possible, Loch was keen to ensure that the reorganisation of the estate should be completed once and for all time. At the same time he was very anxious that the clearances should be carried out in a carefully planned and orderly manner. The scene was now set for the largest round of clearances involving about 1,000 families on the whole Sutherland estate. The organisation which this massive operation required meant that it was not until 1819 that the clearances actually began.

In Strathnaver, these clearances followed the establishment of two new sheep-farms in 1819 and the removal of sub-tenants from a number of farms established earlier. The two new farms were Skelpick, let to John Paterson from Caithness, and Langdale, let to Patrick Sellar. Skelpick, on the east bank of the Naver, included all the townships between Dunviden and Achoillenborgie, while Langdale, on the west bank, included not only the old farm of Langdale, formerly in the possession of Robert Gordon who had gone bankrupt in 1817, but also all the townships from Grummore in the south to Apigill near the mouth of the Naver (Invernaver and Leckfurin were let to the tacksman of the salmon fishings). Sub-tenants were cleared from Achness and Altnaharra in the Great Sheep Tenement, part of Mudale belonging to Shiness sheep-farm and Tubeg of Mudale, which had been let to Captain Kenneth Mackay, tacksman of Torboll in 1814.

In accordance with Loch's careful approach, the people were told of the clearances in November 1817, eighteen months before the first removals. They were allowed to occupy their lands rent free, but not to plant crops, from May 1818 to May 1819 and were permitted to possess their new holdings on the coast rent free for the same period. All arrears of rent were written off. Despite these arrangements, the people required considerable persuasion from the local factor, Captain Kenneth Mackay, before they would begin preparations to move. The Rev. Donald Sage, missionary minister at Achness, was also using all his influence to persuade the people to go along with the estate management's plans. The Rev. David Mackenzie was probably doing likewise but he also, contrary to most accounts, wrote Loch a denunciation of the clearance policy and the

adequacy of the coastal resettlements. Loch, however, was determined that the removals should go ahead.

Although 195 families were cleared in Strathnaver in May 1819, a considerable number were allowed to remain as sub-tenants on the southernmost half of Langdale. All of those cleared went peaceably, in contrast to other parts of the Sutherland estate where the removals met with resistance and the houses had to be burnt to prevent families re-occupying them. In 1820, despite serious disturbance on other estates in the north, the 40 families who had been sub-tenants of Sellar removed peacefully. However, the comparatively minor clearance of 5 sub-tenants from Mudale met with fierce resistance and it required a strong party to effect the eviction.

The final act was the clearance of 9 sub-tenants from Borgiebeg in 1822. Including 30 families removed from Armadale in 1818, a total of about 280 families were cleared in Strathnaver between 1818 and 1822. It is important to realise though, that many had experienced clearance in 1807, while others were cleared in 1814 or 1816. In this respect, as in many others, the Strathnaver clearances were a good deal more complicated than is usually realised.

The people were resettled on the coast between the Naver and Portskerra on the former Strathy estate. All of the coastal townships were laid out in small lots of about 2 acres by a land surveyor in 1818. Many lots consisted of nothing but bare moorland, although those who were given poorer ones were given lime. Not everyone already living on the coast or being resettled there was offered a lot. Those with bad characters, such as wood stealers, were turned off the estate. There was also a considerable number who refused to accept a lot: 63 out of the 225 families cleared in 1818-1819 and 15 out of the 40 cleared in 1820 left the estate. As many family historians can tell, most went to Caithness while some settled on the neighbouring estates of Reay and Bighouse. No-one, so far as is known, emigrated from Strathnaver between 1818 and 1821.

The Sutherland family did not assist the people of Strathnaver to become fishermen; there was no investment in harbours or storehouses as there was elsewhere on the estate. Indeed, the estate management merely offered a number of premiums or prizes to boat crews with the largest catches of cod or ling. As might be expected many families suffered a good deal of hardship. A report made in 1822 found the "people in general very indolent and poor, and by all appearance had neither sufficiency of food or clothing". The better off were the ones in the coastal townships who had been "bred to the fishing". A true fishing industry never did develop on the north coast. Instead the people became dependent upon the produce of their small holdings, particularly their potato crop, fishing and, most importantly, seasonal employment.

Postscript: the author is, among other things, compiling a list of families cleared in Strathnaver and would be very interested to hear from members who may be able to provide assistance. Please write to: Malcolm Bangor-Jones, 1 North Somerville Place, Dundee, DD3 6JU.

NAME-CHANGES and PATRONYMS

by Bill Lawson

Graeme MacKenzie's article on patronyms and changing surnames (Vol. 10, No 3 of the Journal) was very interesting, but, on the West Coast at least, the position can be even more complex than he suggests. We tend to forget that in these areas we have a Gaelic speaking people, and Registers kept in English, often by people who were themselves part of the move to stamp out all things Gaelic, and replace them with names which at least sounded English, even if they had nothing whatever to do with the Gaelic names, apart from, at best, some slight phonetic resemblance.

In our own work at Co Leis Thu?, dealing with the Western Isles and the emigrants therefrom, we often have to explain to clients how it is that the Henrietta MacKenzie they are looking for is the same person as the Euphemia MacGlogan we have found, or that Philip MacPhail also passed as Finlay MacLeod. Martins pass as MacKinnons but also as MacDonalds, MacGlashans as MacKenzies, and MacArthurs as Campbells. As one American lady said, when we showed from our records that her husband's MacDonalds had been MacPhails until the 1850s "We have far too much invested in MacDonald tartan to believe that!"

But like it or not, we have to accept that the names appearing in Old Parish Registers and in Estate Papers suffered a lot from the personal likes and dislikes of ministers and clerks. The average crofter was in no position to argue with either of them, and even if he actually saw the register entry, he often would have been unable to read it.

Even after the start of Civil Registration in 1855, it is surprising how much the name entered in the Register depended on the personal preference of the Registrar, so that a person born in one parish, married in another, and died in a third, could well have a different name on each occasion.

Christian Names

The received translation of boy's names were often taken from Ancient Grek - Alexander for Alasdair, Evander for Iomhair, Philip for Fionnladh (or Finlay), Aeneas for Aonghas (or Angus), Hector for Eachann, and, in South Uist at least, Diogenes for Eoghann.

Girl's names were more usually taken from the Bible, and especially in the case of some of the less common names, apparently at random. Sorocha to Sarah, and Beathag to Rebecca are reasonably obvious (though in Lochs Parish in Lewis, Beathag became Sophia). Gormuil posed a problem, often solved by the use of Gormelia, Amelia or Emily, but Dorcas, Naomi and Minerva all occur.

Possibly some of the Ministers, conscious that all things Gaelic were, by their own definition, pagan and to be forgotten as soon as possible, intentionally "converted" these names into Christian equivalents, but in many cases, I am afraid that the main reason for odd translations in the Parish Registers was lack of interest. Especially in outlying areas, which a minister would visit very infrequently, and then baptise every child in sight at the same time, it would hardly be surprising if he could not remember too clearly who they all were. Not many of the ministers were as willing to be as honest as the one in the Eastern Townships of Quebec, whose Register contains the entry "Today I married Marion, daughter of Norman MacDonald, to a man from Boston whose name I do not remember".

Surnames

Surnames also could be altered, especially at the whim of an estate factor's clerk. There were certainly cases where a family took another surname, usually that of a powerful local landowner, in order to obtain his protection, but in many cases the change was made without the knowledge of the family. It was hard enough to hold onto a croft in these days, without starting to argue with the factor whether the name in the rent-book was actually yours.

As Mr Mackenzie says, we forget how recent the habit of surnames is for most families in the Highlands. When we look at rentals of Lewis in the 1700s, and even the early 1800s, the proportion of surnames as against patronymics is very small, and their use is confined almost exclusively to the tacksman class, or to strangers coming into the area.

When these patronymics were converted into surnames there was quite a large variety of choice in the name selected, (and again we have to remember, very often selected by a person outside the family). Take the case of John MacLeod, son of Donald, a blacksmith to trade, from Kintail, living in Lewis. In Kintail, where his family was known he would probably be known as Ian MacDhomhnaill, and there would be an even chance that his official surname would become MacDonald or MacLeod. But in Lewis, his father's name would not be known, so MacDonald would be unlikely; he would not be accepted as being of the MacLeods of Lewis, so MacLeod would probably not be used; so there would be a very good chance that his official surname would end up as Smith, from his trade, or Tulloch, an Anglicised version of Taileach - a Kintail man. Compared with

this sort of complication, the frequent worry of whether a family used Mac- or Mc- pales into insignificance!

**Patronymics**

These can be, as Mr MacKenzie says, of tremendous value, especially in defining inter-relationships within a family. I do not think that he need worry unduly about the meaning of the word "mhic" - it is purely the genitive of "mac". "Mac" is one of the Gaelic words whose effect is to put all the rest of the name into the genitive case, so that John son of Donald son of George is correctly Ian mac Dhomhnaill mhic Sheorais in Gaelic. Where it becomes complicated is in the fact that many of the old registers use a phonetic form of the names, which would probably appear as John macCoilliceorais.

If the patronymic were to refer to a grandfather it would be as "mac mhic" as in Mac Mhic Ailein - the son of the son of Allan - the patronymic for Clanranald.

An excellent register in which to find, and become acquainted with the use of patronymics, is the Parish register of Durness, transcribed and edited by Hew Morrison, and published in 1912. A large proportion of the names in this register are shown in both surname and patronymic form. I have taken a random sample from the parent named in the Baptismal register for 1778, to show some of the points to be remembered.

- 1 Hugh MacKay, alias Machustian macuillean macroary  
Hugh MacKay, son of Hugh son of William son of Roderick  
(strictly speaking this should be mac Uisdean mhic Uilleim mhic Ruairidh)
- 2 James MacKay, alias Machustian macNish  
i.e. James Gow, tenant in Eriboll  
James MacKay, blacksmith, son of Hugh son of Angus  
(An example of a person who may well have ended up with the surname Smith, or Gow, from the Gaelic Gobha)
- 3 William MacKay, alias Macnish mac Dholicustian Taylor,  
in Port Chamill  
William MacKay son of Angus son of Donald son of Hugh  
the tailor  
(Punctuation of the Register should decide whether William was the tailor, or his great-grandfather Hugh)
- 6 Hugh MacKay, alias mac dholicemish mac uileam,  
tenant in Achucharasait  
Hugh MacKay son of Donald son of James son of William

10 Donald MacKay alias Machorachie machustian, chapman merchant in Hunleam had a child with Eric Nin Dholicemish, not born in lawful wedlock

Donald MacKay, son of Murdo, son of Hugh, and Effie, daughter of Donald son of James.

(Eric is an approximation of the Gaelic Oighric, which also occurs in Registers as Effie, Euphemia, Henrietta, Henny, Etta, Harriet, Efrica and even Africa! Nin stands for "nighean", Gaelic for "daughter of" and often appears as "nic" within a patronymic.)

Hugh MacKay might well have obtained the surname Chapman, from his trade as a travelling merchant, if he settled outwith his own home area, as he could well have found it convenient to do so, as the baptisms of another two children of his by different mothers are recorded on the same day!)

Patronymics can give a tremendous amount of information about a family, if correctly interpreted, but one has to remember that they need not always be "patro"-nyms. Sometimes the family is known by the mother's name, and it is often assumed that this is a sign of an illegitimate child. In many cases this may be correct, but the same usage is found where a widow is left with a young family, or where a local woman married a husband from outwith the area.

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As this journal should hit the streets early in September there is still time to remind those of our members who live in the United Kingdom that this year's AGM of the Scottish Association of FHSs is being hosted by the Glasgow & West of Scotland FHS. Its theme is "European Immigration into Scotland" and will take place in the Mitchell Theatre complex on Saturday September 12th. For details of costs and a booking form, please send a s.a.e. to The Conference Secretary, 6 Sutherland Drive, Giffnock, Glasgow G46 9PL.

Remember that next year it is our turn to be the host society. We hope that, even if it is too late to come to this year's event in Glasgow, you have already noted the 25th September 1993 in your diary.

**ANNUAL SUBSCRIPTIONS**

The 1st September is the start of the new membership year. If there is a reminder to pay your subscription enclosed with this journal can you please send your remittance to the treasurer as soon as possible. There will be no further reminder.



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#### THE LATEST FROM NEW REGISTER HOUSE

One of the normal delights of a visit to New Register House is the chance to admire the great dome atop the main search room, above the three storeys of metal galleries and spiral staircases. Regrettably, at the time of writing (1st Feb 1992), the whole magnificent structure is obscured by scaffolding, as the glass dome has been leaking and is now under repair. Since the scaffolding has had to be installed inside, the normally comfortable seating arrangements are at present rather cramped in places by great metal poles - and the whole room is naturally a little gloomy from the lack of daylight. However, we are assured that it will all be finished by the summer and the onset of the great rush of seasonal searchers.

More building work is going on in adjoining rooms to extend the accommodation for searchers - which will be especially welcome in the summer, when so many people are turned away each day for lack of space. This work is also, it seems, to do with the imminent completion of the transfer to computer of the statutory indexes - which is now finished for births, and for deaths and marriages lacks only the final few years in each case (indeed by the time you read this, they will probably all be done).

That this is a great boon to the searcher goes without saying - except when the inevitable occurs, and the whole system goes down due to a power failure or other technical problem. This happened the other day; and although the paper indexes are still available in those circumstances, they have been transferred out of the search room to a side corridor to make way for more computer terminals - and such was the squash to get at them that one can only hope this is a very infrequent occurrence.

Sad to say, the long-serving supervisor in the Dome Search Room (and previously in the Library Search Room), Mrs Sheila Mackenzie, is retiring at the end of March. I know that there will be many other regular researchers like myself who will miss her friendly assistance (not to mention a constant supply of sweeties to help our concentration) - and I am sure that many HFHS members who only make occasional visits to New Register House would wish to associate themselves with my own personal thanks to her for her kindness and consideration, especially when still learning one's way around the full catalogue of records available under the great dome.

#### CURIOSITIES IN PETTY OPR

The parish registers for Petty are among the most interesting in the Highlands - not the least because they go back further than any others in Inverness-shire, except for the county town

itself (Births 1633, Marriages 1657). As a relatively rich agricultural area it attracted incomers from less fertile parishes, and there is an angry note from the Earl of Moray's factor in 1717 (Baillie John Steuart - see "The Letter Book of Baillie John Stewart of Inverness", edited by William Mackay for the S.H.S. in 1915) complaining about having to evict honest tenants at short notice to make way for so many "gentleman tenants". Both McIntosh and McGillivray lairds preferred to make their homes here rather than in the wild lands of Stratherrick from which they sprang; and in doing so planted significant branches of their clans in the parish, which are to be found recorded in the registers under a variety of spellings, nicknames and patronymics - often in long-forgotten townships, some of which are now lying under the layers of concrete and tarmac that make up Dalcross airport.

A couple of entries in particular caught my eye recently whilst researching in the births register. The first because of the peculiar name (is it a version of McGillivray, or another name entirely?) and the fact that the mother's name is not recorded - as usual at this time - even though the father is actually given as dead:

"4th January 1708. The which day William McGillyouie in Coulblaire who departed this life & ditto had a child baptised called John, presented by his eldest son John; James McKay in Tornagraine, John McGillyouie in Mid-Coul, John Beaton in Drimine, Witnesses."

In the second case, the father is not actually dead, but his wife must have feared he might well have been - along with the many others of Clan Chattan who marched with McIntosh of Borlum in the Jacobite army that invaded England in 1715, and met with disaster in Lancashire. Banishment to the sweltering and disease-ridden Caribbean colonies was as good as a death sentence to many a Highlander in those days - and among the survivors, few would ever see their families in Scotland again.

"24th March 1716. Then Robert McIntosh in Balnalan, then prisoner at Preston, had a child baptised called Isabel; John Shaw in Urrluist, William Clark, and Mr. John Clark master of the Grammar School of Petty, Witnesses."

Fortunately I can report that Robert McIntosh not only survived the rigours of imprisonment, but returned safely to his loved ones to father more children whose baptisms are recorded later in the register.

#### SERVICE OF HEIRS' INQUESTS IN INVERNESS 1781-1861

Custom and law in Scotland have always placed a special emphasis on the ownership of land (entitling the meanest "bonnet-laird" to the much sought after designation of "MacBloggs OF Lochsomewhere"), and consequently the fate of landed property after the death of the owner was a great preoccupation in the old days that called for its own legal



process (in addition to the normal inventories, and wills or testaments, that dealt with the disposal of mere goods and chattels). "Heritable Property" might descend - according to the terms of any previous entails - to "heirs male" or to "heirs general", but in either case the claimant to that property must get himself or herself (or themselves, in the case of "heirs portioners") SERVED as legal heir to the deceased. The SERVICE of an heir was a legal proceeding to prove that the claimant was the nearest relative qualified to succeed to the property, and this procedure was carried out in the Chancery in Edinburgh.

While the Scottish Record Office hold the full records of these services (all in Latin until relatively modern times), there are indexes from 1700 onwards which list alphabetically within the years covered by each volume (in English) the basic information relating to each case - the date, the name of the heir served, the relationship to the deceased, and the property concerned. Copies of some of these index volumes (covering roughly 1700-1850 as I recall) are available in the Reference Room in Inverness Library.

The Chancery proceedings were generally a formal ratification (the actual SERVICE of the heir) while the identification and proof of the claimant's right to be heir - or, as often happened, the decision among competing claimants - was taken at an inquest convened by the Sheriff Court of the county in question. These inquests were decided by a "jury" of local worthies who were chosen for their knowledge of the lands and the families concerned, some of whom would give sworn testimony to their fellows as to what they knew of the case, along with witnesses - relatives of the claimants, or old people of lesser social standing (though often greater local knowledge) than the jury.

While many of the inquests were also fairly brief and formal affairs from which one can learn little more than is revealed in the index of services - where there was no doubt or competition involved - others took a number of sittings and involved the evidence of many people, from which one can glean a lot of genealogical information about the families, and other interesting details about individuals (both claimants and witnesses).

In addition to the service of heirs, the Chancery was from time-to-time asked to appoint either a "Tutor-at-law" or a "Curator-at-law" where the undisputed heir was either a minor or a lunatic; in these cases the Chancery issued either "A Brieve of Tutory" or "A Brieve of Idiocy" to the Sheriff Courts ordering them to determine in the same way who was the "nearest male agnate" fit to administer the family estates until such time as the rightful heir was able to enter into his inheritance. These cases, which are recorded alongside the ordinary services of heirs, are equally informative for the

genealogist - and interesting for the evidence of how mental illness could recur in particular families.

The full accounts of the Services of Heirs/Tutory/Idiocy Inquests from 1781 to 1861 in Inverness Sherriff Court are to be found in four volumes in the Scottish Record Office under the reference SC29/9/1-4 (at the moment kept in an annex building, so they have to be ordered at least a day in advance to be read at Register House). None of the volumes even has a list of cases included, let alone an index (indeed only the last has page numbers throughout - the first has them only in the first half). The following therefore is a chronological list of the cases to be found in these volumes (with page numbers where available).

You will soon see from the bare details provided, that even fairly humble families sometimes had to get an heir served - and therefore it is not only researchers into the landed gentry and aristocracy that may find useful genealogical information in these records (especially in the shape of the names and addresses of the numerous witnesses called to give evidence about the relationships in the families concerned - to which they themselves may or may not be distantly attached). Researchers will be glad to hear that all the actual hearings (and the records of them) were in English - though in many cases the "Retour" (the report to Chancery on the result of the hearing) is included in Latin.

#### VOLUME ONE (SC29/9/1):

22/09/1781: Arthur Forbes as heir to his deceased father John of Culloden: Page 1.  
05/07/1783: Alexander Ross as heir to his deceased father James, late cashier to the Duke of Gordon: Page 23.  
25/07/1783: Hugh Robert Duff as heir to his deceased father Colonel Alexander Duff, Ynr. of Muirtown; and to his deceased grandfather William Duff of Muirtown: Page 32.  
10/05/1785: Kenneth Chisholm as heir to his deceased father Archibald of Fasnykle: Page 39.  
10/05/1785: Hugh Fraser of Poulmoan(?) or Peatmoss(?) as heir to his deceased father Hugh, late in Poulmoan or Peatmoss: Page 43.  
10/03/1787: The following as heirs portioners of their grandfather or father, the deceased William Fraser of Bught: Thomas and Jean Walcoat, children of Captain Thomas in Inverness and the deceased Elizabeth Fraser, eldest daughter of said William of Bught; Katherine Fraser, 2nd daughter, and relict of deceased Jonathan Forbes of Welfield; Christian Fraser, 3rd daughter, and spouse of Mr. John Grant, factor to Culloden; Jean Fraser, 4th daughter; Isabella Fraser, 5th daughter: Page 47.  
08/06/1787: Ewen McIntyre in Maryburgh - brother of deceased Angus, Tacksman of Camusualine(?) - as nearest male agnate and tutor-at-law to his nephew John, son of said Angus: Page 51.

13/07/1787: Above continued following an objection: Page 61.  
 13/10/1787: Mrs. Anne Fraser, alias Rose, relict of deceased Hugh Rose of Kiltravock, "for giving her a reasonable force" (presumably a portion) out of his lands: Page 70.  
 10/11/1789: Lt. Angus McLean of HEICS as curator-at-law to his elder brother John McLean of Dochgarroch if he be proved an idiot (respectively 2nd and 1st sons of deceased Charles of Dochgarroch): Page 82.  
 13/02/1790: William Fraser in Inchberry (eldest son of deceased John, Tacksman of Inchberry), as heir of deceased John Fraser, last of Culmiln, his 2nd cousin: Page 87.  
 08/03/1790: William McIntosh, overseer for Mackenzie of Seaforth, as heir of deceased Duncan (or Sir Duncan) McIntosh, knight of the Order of St. Jags(?) in Spain, last of Culclachie.  
 17/05/1790: Lewis Cuthbert, now acting Provost Marshall General in Jamaica, as heir to his immediate younger brother, the deceased George Cuthbert, last of Castlehill, late acting PMG in Jamaica: Page 96.  
 04/05/1792: Robert Johnstone, shepherd in Glenevis, as tutor-at-law to his nephew William, eldest son to deceased William Johnstone sometime shepherd in Glenevis: Page 115.  
 30/07/1793: William Dallas as heir to his deceased father James, pewterer in Inverness: Page 121.  
 18/11/1794: Alexander Lord MacDonald as heir to his younger brother Sir James MacDonald of MacDonald: Page 127.  
 29/11/1794: William McLean, youngest son of deceased Charles of Dochgarroch, as curator-at-law to his elder brother John of Dochgarroch: Page 134.  
 27/02/1795: Major John Grant as heir to his deceased father Patrick Grant of Glenmoriston: Page 140.  
 26/05/1795: Monsieur Christian Joseph Hossan de La Justice at Munster in Germany as heir to his deceased sister Mrs. Hermina Hossan de La Justice, relict of the late Henry Davie, Commissary of Stores at Fort George: Page 146.  
 18/06/1795: William Fraser (youngest son of deceased Hugh, wadsetter of Pulinoan or Polmone) as curator-at-law to his eldest brother James, if he be proved an idiot: Page 151.  
 11/12/1795: As above, but for middle brother Hugh, also an idiot: Page 156.  
 21/03/1796: Further to above: Page 162.  
 01/09/1796: Simon Fraser as heir to his deceased brother John, Ynr. of Foyers: Page 166.  
 08/11/1796: Duncan Stewart (eldest son of deceased Alexander, sometime tenant in Morven, Argyle) as heir to his deceased cousin Duncan Stewart, tenant sometime in HEICS: Page 175.  
 10/06/1799: Francis Baillie, sailor in HMS Belligueux(?) as heir to his deceased father John, farmer in Inverness; and as heir to deceased William Baillie, eldest son of his deceased brother Alexander Baillie: Page 180.  
 06/02/1800: Mrs. Jean McIntosh, only sister of deceased William McIntosh of Aberarder, as heir to deceased Captain William McIntosh, her brother's son: Page 189.

20/06/1800: The following as heirs portioners of their deceased brother John Rose, sometime glover in Glasgow; Isabel Rose, spouse of John Suter sometime merchant in Forres; Fanny or Euphemia Rose, spouse of Alexander Gowrie(?) at Chatham; Margaret Rose, spouse of James Cameron, vintner in Inverness; Betty Rose, spouse of Robert Wilson, sergeant in Glengarry Fencibles: Page 196.

HEREAFTER NO MORE PAGE NUMBERS IN THIS VOLUME

20/06/1800: Campbell McIntosh, writer in Inverness, as heir to deceased William McIntosh of Aberarder, father of Captain William of Aberarder.  
 24/07/1800: William Fraser of Culbokie as heir in certain lands to his grandfather's grandfather, the deceased Hugh Fraser of Culbokie - adjourned to:  
 08/08/1800: As above.  
 20/04/1801: Mrs Ann Fraser (spouse of Mr. Hugh Fraser, merchant in Inverness) as heir to her deceased father Captain Hugh of Eskdale.  
 19/05/1801: Captain John McLean of 92nd Foot (only son of John McLean in Banchar, Inverness-shire, and deceased Margaret McPherson - eldest daughter of deceased John McPherson of Invernahaven) and Mrs. Jean McPherson (wife of John McPherson in Blaragy and daughter of deceased John McPherson of Banchar) as heirs to said deceased John McPherson of Invernahaven - adjourned to:  
 12/06/1801: As above.  
 13/08/1801: James Fraser, shoemaker in Inverness, as heir to his deceased brother Alexander, sometime squarewright there.  
 15/10/1801: George Inglis as heir to his deceased brother William of Kingsmilns.  
 18/02/1802: Alexander McKenzie Shaw of Waternish as heir to his deceased father James Shaw of Muirtown, merchant in Inverness.  
 03/05/1802: Patrick Grant, now of Glenmoriston, as heir to his deceased father Colonel John, last of Glenmoriston, in certain lands.  
 25/10/1803: Hon. Archibald Fraser of Lovat as heir to his deceased only remaining child Simon, Ynr. of Lovat.  
 24/01/1804: Alexander Baillie, Major in HEICS, as heir to his deceased father George of Mid Leys.  
 28/02/1804: As above.  
 12/03/1804: Alexander McKenzie Shaw of Muirtown, Captain in Inverness-shire Militia presently quartered in Edinburgh, as heir to his deceased grandfather Baillie Alexander Shaw, merchant in Inverness.  
 27/02/1805: Robert Duff as heir to his deceased grandfather William of Muirtown, who was third son of deceased Alexander of Dimmiure or Drumoor.  
 07/06/1805: William Baillie as heir to his deceased father John of Dunain, Colonel of Inverness Loyal Fencible Regiment.  
 30/05/1809: James Murray Grant as heir to his deceased brother Patrick of Glenmoriston.  
 29/05/1810: Thomas Fraser as heir to his deceased father Hugh of Struy.

02/04/1811: James Fraser as heir to his deceased father Colonel James of Belladrum.  
14/05/1811: John Fraser as heir to his deceased father Simon of Farraline.  
04/09/1811: John Cameron as heir to his deceased brother Alexander, late writer and messenger in Fort William.  
18/06/1812: James Baillie Fraser as heir to his deceased father John Grant Fraser of Ballindown, Captain in R.A.  
17/08/1812: Robert Fraser as heir in certain lands to his deceased brother Thomas of Struy.  
06/08/1813: Alexander McDonald as curator-at-law to his father Captain Alexander McDonald of Valley, if he be an idiot.  
09/12/1813: Duncan Fraser as heir to his deceased brother James of Fingask.

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Anyone wanting further information on the above items, and any HFHS members wanting specific entries in New Register House checked free of charge (maximum of 3 at any one time) or research done at a 25% discount can contact Graeme Mackenzie at: HIGHLAND ROOTS, P.O. BOX 155, EDINBURGH EH7 5UW or phone 031-668 3521.

#### NEW REGISTER HOUSE IMPROVEMENTS

by Ian Baillie

From recent correspondence with New Register House it does seem that there has been considerable progress in the move towards making the facilities there "user friendly".

In the August 1991 Journal the registers available on a self-service basis were Births 1855-1914 and Deaths 1855 only. I am recently advised that those now available on an 'inclusive search' basis in the Dome Search Room are Births 1855-date. Marriages 1918-date and Deaths 1855-1919 and 1939-date; in other words the only registers not yet available on this basis are Marriages 1855-1917 and Deaths 1920-1938, and I am advised that "it is hoped that filming of these records will be complete by March next year".

Under the old system it will be recalled that browsing through individual registers was forbidden, and that even the index at the back of a register was not to be used by the searcher. Under the new regime these restrictions are, I am advised, no longer applicable, so that one can visualise quicker and more methodical use of registers to enable studies to be undertaken far more effectively than heretofore.

A further improvement is also on the cards, and again I quote: "we recently extended the self-service of microfilm to those

searchers in the OPR/Census Search Room and it is hoped to extend this further to the searchers in the Dome Search Room once some additional joinery work has been undertaken".

The advantages of the self-service system are certainly obvious in relation to the terrible waiting times which could arise under the obsolescent regime - I logged the use of my time late 1990 when I went for a week, armed with all the initial data to avoid unnecessary time wastage. and (I felt) working as efficiently as that system allowed, but the utterly wasted time spent sitting and waiting for registers to be brought varied from 59.4% to 78.6% per day!! When one works out the cost of going 400 miles, for a week in a guest house, and takes into account one's need for data from organising such a visit, one can hardly avoid being angry that so much time was spent merely sitting and waiting for the register data to be brought.

The Dome Search Room accommodates up to 25 searchers and this is said to become 30 "shortly". The current rules still specify a maximum of 3 microfiches at any one time, and one must insert a completed form in the appropriate place in the drawer for each microfiche taken for viewing. Whilst there are the 'gaps' in the microfiche coverage, one can get the original registers in the traditional way but one is told not to access microfiches whilst waiting for the originals, to maintain the '3 maximum' principle.

A final comment. One gathers, as evidenced by the various comments on these pages, that there has been disquiet (which I share) at the non-availability of the 1991 Census details. I have for some time been making the case to New Register House that the "90-year Scottish rule should not have been debased to the 100-year English rule", and asking that they do something to get the Scottish rule reintroduced; however, it seems that my understanding of the reason for the change was in error and maybe others have also been unaware of the reason behind the change. I have at last received an explanation for the change which at least makes it understandable (though of course still regrettable!); again I quote from a recent letter from New Register House:

"At every Census from 1861 onwards, undertakings have been given about safeguarding the information collected in the census. From 1861 to 1891, the undertaking was that strict care would be taken that the returns were not used for the gratification of curiosity'. In 1901 a stronger guarantee was given that the information would be treated as 'confidential' and not used 'for other purposes than those of the census'. From 1911 assurances of strict confidentiality were given. There is therefore unlikely to be any change in the near future regarding the 100 year confidentiality".

It would seem that a major effort would be needed to bring about such a change - one could recall the retrospective

applicability of the changes on Adoption a few years ago in which absolute security of information was arbitrarily swept aside, and argue that if that would be acceptable then how much more acceptable to this modern world would be the reduction by a mere 10 years to 90 years in the period before Census records could be seen. Whilst personally not in favour of ANY retrospective legislation, I do feel that the interpretation of "strict confidentiality" could well be tackled by organisations such as our Society if they felt inclined to do so. Or would a Federation of Family History Societies have more clout?

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THERE'S ALWAYS TOMORROW'S POST

The latest query in this Journal is 484, and I have often wondered how many have been successful in either gleaming a little more information about the family in question or, even better, bringing people into contact. The success that I have had will, I hope, encourage members to continue to make use of this useful facility.

In the February 1991 edition I placed query no 391 which asked for information on the whereabouts of a William Durran, his sister Ann, his wife Isabella and their five children. I mentioned that, on a gravestone in Wick cemetery relating to the family of William's brother Donald, one son had died in South Africa and another in America. I wondered if the missing Durran had emigrated to either of those countries c1893.

For the next few weeks I eagerly scanned the incoming mail to no avail. Then in late September I received a letter from Robert MacFarlane, one of our members who lives in South Africa. He had looked up the will of the Duncan Durran who had died in Johannesburg in 1930. As Duncan was not married the names and addresses of his surviving brothers and sisters were listed. They included William David Durran who was born in 1894 and his address was given as c/o San Francisco Federal Reserve Bank in Los Angeles.

Without much hope of picking up a trail 62 years old I sent a letter to the manager of the bank on the 4th January this year. Once again a frustrating search of the mail deliveries ensued. I had almost given up hope of a reply when, in the middle of May, I received a letter from an employee of the bank in the pensions section. It turns out William David had been Personnel Director of the bank, but had retired early in 1951. Even better news was that his wife was still alive aged 99!

Since then I have made contact with the three children and five grandchildren of the couple. Their two daughters and a granddaughter will be in the UK next year and I shall be meeting them. So, to those of you who are still awaiting a response to a query, remember - there's always to-morrow's post!

