

Memorials and Celebrations

A Talk by David Affleck at Whitekirk on Saturday 5th October 2013.

It is fitting that my talk tonight should start with this photograph taken a month ago at a Flower Festival in Durham Cathedral. The Rev. Marshall Lang in his History of the Parish of Whittinghame, refers to the story of St. Cuthbert living at the Anglo Saxon monastery of St Baldred at Tynninghame and that before then he was a shepherd on the Lammermuirs, but adds that not much more is known of his early life. The later story of how monks from Lindisfarne carried his coffin to protect it from the Vikings until finally placing it within a temporary church where Durham Cathedral now stands is relevant in the context of that this part of East Lothian was within the Kingdom of Northumbria in the mid-7th century. St Cuthbert now has a memorial.

For over one hundred years, visitors to the historic church of Whitekirk in East Lothian have walked past a Memorial with a simple dedication to the father of the man who erected it and his wife. While the inscription is starting to fade, the message was recorded and discloses that it was “erected by John Hepburn of Smeaton Hill Australia to the memory of Thos. Hepburn his father who died at Tynninghame on 7th December 1857 aged 81 and of his wife Agnes Whitecross who died 26th March 1861 aged 76.” On the 5th and 6th October 2013, the residents of Smeaton Hill will remember the man who erected this memorial. He is credited with the foundation of their settlement one hundred and seventy five years ago and in the words of the editor of *The Smeaton Independent*, their Captain Hepburn was responsible for the colony's most productive 'bread-basket' on this side of the planet!

Northumbria is also recognised as the ancestral homeland of the 13th Century family of Hepburn but the East Lothian countryside is not short of links with those who have the surname of Hepburn. The late Professor Gordon Donaldson retired from the Chair of Scottish History at the University of Edinburgh in 1979. His extensive research on the Reformation period is a rich legacy we have inherited. In the index to the book, “*All the Queen's Men: Power and Politics in Mary Stewart's Scotland*” published in 1983, a total of seventeen Hepburns are listed including the 4th Earl of Bothwell, last husband of Mary. Professor Donaldson also researched the life of Sir William Fraser, (1816-1898) who had published a series of family history books on many of Scotland's great families. There is no evidence that Sir William researched the Hepburns. One possible reason is that by that time, most of the direct male lines of descent had ended.

Today there is no shortage of web pages and other references to family history of Hepburn descendants. Many refer to the estates of Smeaton in the parish of Prestonkirk or Waughton as an earlier Hepburn homes. Neither now have any current Hepburn family ownership. Sir Alastair Buchan Hepburn, the 7th Baronet, retains the baronetcy granted to his ancestor, Sir George Buchan Hepburn in 1815 but Sir George was originally George Buchan who assumed the name and Arms of Hepburn after his uncle George Hepburn died in 1764. It is a pattern of succession to be found in other branches of the original Hepburn line. According to a descendent of the Thomas Hepburn the memorial relates to, there is a family view that they were the rightful owners of Smeaton in the parish of Prestonkirk. In June 1841 a James Hepburn and his wife Sibella, both aged 22, were living in

Smeaton House on census night and completed the return as required by law. Presumably the then owner, Sir Thomas Buchan Hepburn was away from home that night. In 1851, James was registered in the census as farm manager and living at Prestonmains farm. He remained there until his death in 1888 and now rests in the graveyard of Prestonkirk. He was the step brother of the John Hepburn credited with the erection of the Whitekirk Memorial and who is said to have named the house he built in Australia in 1849-50 after Smeaton "the home of his ancestors." But we need to pause and pose the question of who actually arranged for the memorial to be erected and when.

Lucille Quinian, the biographer of John Stuart Hepburn, gives the date of the erection as 1857 and adds that the reference to Agnes was added a few years later.¹ She noted "that by some odd circumstance, the name of John Hepburn's own mother, Allison Stewart was not recorded". As John Stuart Hepburn died in Australia in 1860, he could not have known of the date of the death of Agnes. Study of the original inscription does not appear to indicate a phased recording of events. The possibility that it was paid for by John Stuart and that his step brother James arranged for its erection and wording of the inscription may be the explanation.

The residents of Smeaton in Australia have considerable information on the courage and determination of their Captain John Hepburn to create a new life for himself and his family when he set out from Sydney to cross the outback to the colony at New South Wales. Genealogy sources can now tell us that he was the son of a Thomas Hepburnⁱ from his first marriage to an Allison Stewart on 5th February 1803 at Whitekirk and was baptised on the 18th December 1803 in this church. We also have the advantage today of knowing about another John Hepburn of Whitekirk, a cousin born on the 11th February 1794 to a John Hepburn and his wife Jean Sanderson. There is considerable information about his life on the web as he was credited for saving the life of Sir John Franklin at the time of the explorer's first attempt to locate the North West Passage. The most detailed account of his life is in the *Dictionary of Canadian Biography Online* (Holland, 2000.) Described as having been brought up at Spring Garden on Newbyth estate, there is no local memorial to him or his family. The Kirk Session records describe his father, John Hepburn of Spring Garden, as a "taylor" when he admitted having had carnal knowledge with an Isobel Lugton in Martinmas 1792. By the time the matter was referred to the Session, in July 1793, it is recorded that this John Hepburn had now married. The only other clue to a link lies in the County taxation records of 1798/99 when a John Hepburn is referred to as living at Tynninghame Mains and liable for house duty. This is reinforced when a John Hepburn senior acts as a witness on the 13th July 1805 at the baptism of Alexander Hepburn, the youngest child of his son John Hepburn and Jean Sanderson.

It is not my intention to look at who begat who at this event tonight. It has been advertised as a celebration but there are two critical aspects of this family history I would like to share. Firstly, Captain John, the man who erected the memorial, was a descendent of the Hepburns of Beanston who were descended from the Hepburns of Alderston and before that of Smeaton. When William Hepburn of Beanston died in October 1718, the estate went to his nephew Robert. The decision is recorded in the Retours of Service of Heirs, essential where questions of inheritance of land arose on a death. In 1725, a more formal inquiry to establish Robert as William's heir took place when the jury consisted of the main landowners of the day. The record of the decision takes ten pages, mainly because it contains a record of inheritance of some of the Hepburn land for about two centuries.

¹ Lucille Quinian (1967).

This Robert married a Jean Congaltoun at Prestonkirk and Dirleton churches in July 1723. In the latest edition of *East Lothian Life*, I have described a legal conflict where a nephew of the late Sir Robert Hepburn of Keith was challenged by a petition to the Privy Council in 1683. The petition was not accepted on a point of law but it appears that this could have been a deliberate attempt to give a Robert Congalton ownership of the estate of Keith at Humbie by adopting the name of Hepburn. So when in 1718, another nephew inherited the estate of William Hepburn of Beanston and this also had involvement of the Congalton family, there is a need to be cautious especially when there are gaps in the existing archives and any will by William cannot be traced. When the Beanston estate was sold to an Edinburgh Baillie and merchant in 1739, it went for £3000 sterling and an obligation to pay a charge of £5000 which the purchaser was later to complain about. No wonder he was reluctant to also pay the expected gift of a gown to Jean Congalton or Hepburn at a cost of £1914/6/8d Scots, approx. £160 sterling. She went to court to enforce payment. What is also not clear from the records is what happened to a John Hepburn, the surviving brother of William of Beanston and father to Charles born in 1717. Charles was a merchant tailor in Edinburgh and a Burgess of the city from 1753. He had earlier connections with Whitekirk and Haddington and was the ancestor of Captain John Stuart Hepburn and his two cousins. None of them seem to benefit from the sale of the Beanston estate or the other lands William's heir inherited with the agreement of the jury of notable landlords in 1725.

On the south wall of Athelstaneford Kirk, there is a small stained glass window. It is the first public reference to a Thomas Hepburn and it would be easy to conclude that he would be a direct ancestor of our Captain John. I had hoped this might be relevant as it is a fascinating family line to unravel but the Thomas Hepburn mentioned was a Minister and linked to the Hepburn of Bearford family. Study of the testaments of four members of that family shows that two generations were active in farming and trading until the early 1800's and that one of them, an Agnes Hepburn was married to a George Cunninghame who farmed in Whitekirk Parish. It is possible to imagine how the saga of the successful Hepburns of Bearford was heard by the less successful family of John Stewart Hepburn's family living on the Newbyth and Tynninghame estates although any story telling would also have mentioned the successful John Walker, tenant of Beanston farm who developed a successful tenancy of the farm at Beanston in the early 1700's by introducing the practice of summer fallow.ⁱⁱ

It is from the individual family studies that we can draw significant information about the general social change taking place in this part of East Lothian particularly with regard to the Hepburns. Lucille Quinlan refers to the decline of Hepburn fortunes as linked to "the conquest of Scotland by England," and that more and more Hepburns were driven into renting small farms from richer cousins or working at humble occupations in the villages around. The alternative assessment for the 17th century suggests that many of the Hepburn lairds were still living in a pre- 1707 culture with careers in law, politics, public offices and seeking sinecures and perhaps hijacking estates. They were about to be outflanked by a new era of farming. John Walker was an early pioneer. Sir George Buchan Hepburn was a successful gentleman farmer but not until around 1770. However, there was also conflict between Hepburn families. Evidence of family exploitation causing financial hardship can be seen in the petition of 1711 by a young Frances Hepburn living at Nunraw Castle. He pleads for the Court to stop a Roger Hepburn, Advocate misusing the income of the Nunraw lands which were needed by his frail father Patrick and for his own maintenance. Nunraw had been part of the Beanston line. It was sold by 1741. Similarly there was a David Hepburn, a tenant farmer from 1772 at Pleasance on the Newbyth estate. His father George farmed at Overhailes. He had a fortune of

nearly £7000 sterling when he died in 1774. David was a second son but his brother Archibald who succeeded to the farm at Overhailes claimed the right to the asset of the successful tenancy which David argued had been left to him to run and finance. He lost his case to his older brother, Archibald. The great grandfather of Captain John may have been named after his grandfather Charles Congolton but there is no evidence of a continuing Congalton link in his life and he does not leave a will. This I believe is significant because he too appears to have been a nephew of William of Beanston. Could he have had a right to the Beanston inheritance?

It is against that background of poverty and loss of inheritance that the success of Captain John Stuart Hepburn, his brother James Hepburn and his cousin John Hepburn the explorer deserves to be assessed and celebrated. By the end of the 18th century, there was another network operating in the area and it had a significant link with the development of Agriculture. My analysis of that has already been published in 2010 when I demonstrated the link between Robert Brown, George Buchan Hepburn, John Sheriff, and George Rennie of Phantassie especially when they all came to the help of Sir John Sinclair, President of the Board of Agriculture from 1793. We can pick it up now that we are ready to look at the life of James Hepburn, the estate factor of Smeaton from 1851 to 1888 and step brother to Captain John. His obituary tells us *he made his study to develop to the utmost the capacities of the fine farm of Prestonmains of which he had exclusive management and was never happier than when he was able on the recurrence of harvest to produce in the Haddington Corn Exchange the first and earliest barley sample in the County*. I am grateful to Alison Hepburn of York, one of his descendants who alerted me that James, the step brother of Captain John and his wife Sibella were married at Ednam in Berwickshire. It offered an explanation to a puzzle; how did James and his young wife get the trust of Sir Thomas Buchan Hepburn to be left in charge of Smeaton mansion house in June 1841? The answer lies in the estate of Kelloe which is adjacent to Ednam. It was the home of a George Buchan, a descendent of the Buchan of Letham family but he was not a farmer. His thirty page will of 1856 discloses that the life rent of the estate was held by Sir George Buchan Hepburn and his eldest son John. Once established as part of the Buchan Hepburn network, James would have had access to the library of Sir George on agriculture, the publications of Robert Brown of Markle and the on-going experimental farming of Andrew Howden and his family in the adjacent farm of Lawhead. And there is another little known direct link with the man at the forefront of encouraging agriculture experiment for Sir John Sinclair himself is known to have visited George Rennie at Phantassie in 1812. It is a further piece of an intriguing jig saw for in the estate of Tynningham, there is a house based on one of his plans for four "Modern Farm Houses". Professor Christopher Smout In his book, *History of the Scottish People*, relates that it was constructed at a cost of £847 for a farmer near Tynninghame in East Lothian. (page 293, Fontana edition of 1985.) The copy of the plan in Sinclair's General Report (1814) includes a full schedule and cost of the material being used by two builders from Tynninghame. Did Sinclair include a visit to see the house being constructed in 1812? If so it was next to the farm where John Hepburn, formerly of Spring Garden and uncle of John Stuart Hepburn was paying house duty for in 1798/99 and possibly where his son Alexander was born in 1805. Like the eroded memorial to John Stuart's father, Thomas Hepburn, this house stands without any reference to its unique story.

To us in this part of East Lothian, we should be aware of the era of the improving farmers and the influence local men had in supporting Sir John Sinclair of Ulbster, President of the Board of Agriculture between 1793 to 1798 and 1805 to 1814. Today there is a new £12 million visitor centre to Sir Walter Scott at Abbotsford. Sinclair's contribution through his Statistical Accounts and County

Reports on Agriculture has nothing to match that and yet he has been described by Archibald Alison the Scottish philosophical writer, when interviewed on his death bed in 1839 in these terms.

I consider whether, during the many years he flourished there was any man whom I would fix upon having laboured with the same assiduity and with the same success for the benefit of mankind.

Sinclair recognised as far back as 1793 that in order to improve what he called husbandry, you needed *to build on the experience of practical men* and that was the culture that thrived in this part of East Lothian. It is that vision and the desire to achieve improvements that we can see in the lives of John Stuart Hepburn and his step brother James Hepburn; truly a cause for celebration both in Smeaton Australia and in the former parishes of Whitekirk, Prestonkirk and Tynninghame.

David Affleck

East Linton

4th October 2013.

Discussion topic.

And here is the final enigma, that the man whose memory the memorial at the entrance to this church relates to is the one we know least about in contrast to the other lives this talk has highlighted tonight.

ⁱ The memorial erected by Captain John is to his father Thomas, grandchild of Charles the merchant tailor. He has been described by some as a Captain and speculation has suggested he was a Naval Captain. This claim needs validation although I anticipate that he may have been a Captain in the second battalion of the 79th Foot or Cameron Highlanders whose duties from 1805 were recruitment in Scotland for the more active first battalion. I have not managed to visit the Army records at Kew to check that but Newbyth was an estate with army service in its blood, there would have been pressure to serve in the Militia between 1803 and 1809 and these are dates when it looks as if there were no children born to Thomas.

ⁱⁱ He was not direct kin but his son who succeeded him in the tenancy at Beanston farm, married Margaret, the daughter of the Rev Thomas Hepburn, Minister of Athelstaneford and the main descendent of the Hepburns of Bearford in the period 1771 until his death in 1777.