

Missing Emigrants:

Gleanings from Petitions Presented under the Presumption of Life Limitation (Scotland)

Acts¹

On 11 June 1871 Robert Yuile wrote from Bathurst, New South Wales, to his mother in Glasgow. ‘Chear up old Womman’, was his semi-literate exhortation. ‘You will se me home yet with my pockets fool of money’.² It was a promise he did not keep, for Robert was never heard of again, and when his mother died fourteen years later the fate of her globe-trotting son was still a mystery. Yuile was just one of a number of shadowy Scots whose disappearance without trace, often overseas, is highlighted in petitions generated by the Presumption of Life Limitation (Scotland) Acts of 1881 and 1891. Evidence from these neglected documents lies at the heart of this preliminary analysis of missing emigrants, whose presumed, but undocumented, demise caused their relatives to seek closure through legislation which would allow their deaths to be registered, a death certificate to be obtained and – in many cases – inheritance issues to be settled.

Background and context

Emigrants like Robert Yuile built on a deep-rooted tradition of overseas mobility among Scots. Long before his final letter, that wanderlust had taken them to every corner of the globe, generally in pursuit of betterment rather than as a consequence of banishment. For much of the century after 1815, when departures surged to the unprecedented figure of two million, Scotland was exceeded only by Ireland and Norway in the proportion of its population which emigrated,³ an exodus which was documented in private letters, the newspaper and periodical press, the records of sponsoring institutions, and government investigations. Such demographic upheaval was far from being a neutral activity: on the

contrary, it was frequently mired in controversy. While its advocates maintained that emigration was both a mechanism for the personal betterment of participants and a safety valve for the unemployed, destitute or disaffected, antagonists believed it was a malign phenomenon that robbed the country of its finest, most enterprising citizens. By the 1870s its pros and cons had been subjected to more than a century of intermittent debate, supplemented from the 1820s by the findings of a handful of select committees and royal commissions.⁴ The recommendations of those who lobbied for state-aided emigration fell on deaf ears, and – with the exception of a temporary prohibition during the American revolutionary war and the disingenuous Passenger Vessels Act of 1803 – legislation was not invoked either to discourage or promote the exodus.⁵

The wealth of contemporary sources has led historians to explore Scottish emigration from a variety of perspectives. But they have not worked in isolation, for a vibrant international interest in migration and diaspora studies allows Scotland's experience to be set in a helpful comparative context. In recent decades the traditional top-down approach that highlighted the opinions and actions of policy-makers, politicians and economists has been overtaken by an increasing emphasis on understanding participants' motives and experiences through engaging with sources such as letters, diaries, questionnaires and oral testimony, and demonstrating the importance of family, community and ethnic networking.⁶ Only now, however, is scholarship beginning to address the dark side of a phenomenon which in so many other respects has been illuminated by extensive scrutiny. Central to the new scholarship is also emigrants' mental health, an issue which emerges explicitly in one of the case histories below but which may well have played a part in other examples.⁷ This article is a scoping exercise which explores how an unknown legal source might offer a new avenue for investigating the experiences, and particularly the tribulations, of Scottish emigrants.

Legislation, petitions and evidence

The Bill that was introduced into Parliament in 1881 aimed to bring Scottish law and practice into line with England, where, if a person had been absent and ‘entirely unheard of for seven years, the presumption became one of death’.⁸ Under Scottish Common law, by contrast, ‘there was no limitation to the presumption of his being alive’ until eighty years or a century had elapsed from date of birth. Although the Court of Session could consider such cases, the legal ambiguities, substantial costs, requirement to provide evidence of ‘probable death’, and high risk of failure, meant that very few actions were raised to challenge the presumption.

The result was that ‘the old law often kept property in neutral custody for so long a time as to deprive a generation from taking any benefit from a succession which had really opened up to them.’⁹ Remedial legislation would, it was argued, facilitate the release of assets, with the income and use of heritable property to be made available to successors after seven years, and moveable property after thirteen years. Full access to heritable property was granted after nineteen years.¹⁰

The proposed legislation was not directed specifically at emigrants, but the difficulty of tracing missing persons was most common and acute among Scots who had disappeared overseas. While that had always been the case, it is arguable that until the mid-nineteenth century there was little pressure to legislate because most emigrants left few assets behind, apart from a small wealthy minority at the other end of the spectrum, whose relatives could afford the long, tedious and expensive process of challenging the presumption of life. By the 1880s, however, a substantial and increasing number of middle-class Scots had emigrated, leaving behind assets which were frozen in the event of their disappearance. Whatever the trigger, the impact of emigration was clearly acknowledged in the debate that surrounded the Second Reading of the Bill a month after its introduction, when the Lord Advocate admitted that the existing practice of the Scottish courts ‘in dealing with the property of persons who

had been absent from the country for some considerable time was not satisfactory.’ He felt, however, that seven years was not long enough to warrant presumption of death in respect of individuals who had gone overseas. Since ‘it was not unusual’, he maintained, ‘for persons in the Colonies to break off communication for a long period from their friends’, a longer period – perhaps twenty years – should elapse before death was presumed and property used or estates divided among the next of kin.¹¹

In the event, after the Bill had been referred to a select committee, the Lord Advocate’s recommendation for a longer delay was dropped. The 1881 Act declared that when a person had been absent from Scotland and not heard of for seven years or more, ‘whoever was entitled to succeed to that person’s property might apply to the Court of Session for authority to uplift the yearly income of his heritable and moveable estate, and after the lapse of further periods and upon further application to the court, to receive the capital of the estate.’¹² Ten years later, after several parliamentary protests about the defects of the 1881 legislation, it was repealed and replaced by another Act of the same name.¹³ The Presumption of Life Limitation (Scotland) Act 1891 remedied three particular limitations of its predecessor. First, it widened the definition of individuals whose demise could be legally presumed from those who were absent specifically from *Scotland* to ‘any person’, including those who had never been in Scotland. Second, it permitted appeals to be lodged not only by the person entitled to succeed to the estate of the absent individual, but by ‘any person entitled to succeed to any estate on the death of such person.’ Third, it enabled people to ‘make up titles to and to enter into possession of and to sell or dispose of or to burden such estate as if the [missing] person had actually died at the date on which the court has found that he is proved or presumed to have died.’¹⁴ Inconsistencies persisted, however. While the successors of the missing person could claim his or her property, they could not claim the proceeds of any life assurance policy, and – in the case of a spouse – dissolution of a

marriage could only be achieved by a separate action under another Statute. ‘The layman must find it very puzzling’, observed Lord Ritchie-Calder in a House of Lords debate in 1977, ‘to see a person being treated as dead for some purposes and alive for others’.¹⁵ It was in order to address such anomalies and limitations that – after eighty-six years - the Presumption of Death (Scotland) Act 1977 replaced the legislation of 1891.

Petitions presented to the Court of Session under the 1881 and 1891 Acts lie at the core of the following analysis, in respect of individuals who had disappeared while overseas. The petitions appear in seven of the 229 volumes of printed extracts from miscellaneous petitions which were compiled by the Advocates’ Library and have been deposited in the National Records of Scotland. It is unclear on what basis petitions were chosen for extraction, but it was probably for reference purposes, perhaps to provide advocates with a model for framing different types of petition. That may be why petitions do not appear in chronological order, and why there is an overlap of dates in the volumes of printed extracts. The petitions were written by lawyers who, in cases relating to the Presumption of Life Limitation legislation, drew on evidence supplied by relatives or trustees who had raised the petition. These claims contained the name, age, nationality and movements of the missing person, including the last known contact, and explained why the petition was being raised. They also noted the steps that had been taken to trace the individual, including newspaper advertisements, appeals to former employers, and – in at least one case – the hiring of a detective.¹⁶ The production of letters between the petitioner and the ‘disappeared’ person was integral to the submission, since they identified a location and demonstrated that contact had been maintained for a period. While the extracted petitions did not reproduce the letters in full, pertinent sections from such correspondence were often quoted, in order to reinforce claims by providing evidence of final contact, and perhaps to cast light on the circumstances in which individuals had gone missing.

The source is not straightforward or comprehensive, however. There is the issue of reliability and integrity of evidence. The petitions were not neutral documents, but were designed to make a case for the presumption of death, and the evidence of petitioners may have been distorted by the passage of time, a distant relationship with the missing person, or deliberate misrepresentation. Also, since not every petition was extracted, and the rationale for selection is unclear, the printed volumes cannot be said to reflect the whole spectrum of claims. The period between a disappearance and the filing of a petition varied enormously, since a missing person was generally investigated only once their disappearance became a legal problem. Without compiling a spreadsheet, it is also impossible to analyse the relationship between petitions and decrees (judgements) because of the time lag between those two processes, and the difficulty of identifying relevant decrees.¹⁷ A more rounded picture of individual cases might be gained if petitions were supplemented by the supporting evidence (especially letters) which had accompanied the original submissions, but all documentation was generally returned to families after cases had been settled, and has therefore been lost. Even if it was retained, it is difficult to trace, particularly after 1891, when the original submissions have to be sought in the records of two different courts. Jurisdiction in petitions under the 1891 legislation was vested in the Court of Session, except where the value of the estate did not exceed £500, in which case judgement lay with the sheriff courts. While Court of Session papers have been catalogued from 1886, a time-consuming scrutiny of unindexed registers of cases would be required to identify petitions contained in the records of Scotland's forty-nine sheriff courts.

Despite these caveats, the material has considerable potential for providing fruitful insights into emigrants who disappeared. Alongside a selection of the extracted petitions which supply most of the evidence, this scoping exercise also highlights some original petitions and accompanying letters which (like Robert Yuille's) were found, serendipitously,

in sheriff court records. The richness of the correspondence in particular suggests that the source as a whole is worthy of more detailed, systematic archival research. Three of the seven volumes containing relevant petitions were consulted. They cover two five-year spans, from each of the decades following the two Presumption of Life Limitation (Scotland) Acts, and a seven-year period that included part of the First World War and the immediate post-war years. This selection, which includes three of the four decades following the legislation, offers a sufficiently representative sample for a preliminary study.

The three volumes of extracted petitions contain a total of 201 appeals, fifty-seven made between 1885 and 1889, ninety-seven between 1890 and 1894 and forty-seven between 1915 and 1921. Just under sixteen per cent of missing individuals had disappeared in the UK, and a further 12.4 per cent were seamen who had generally disappeared at sea or in an overseas location. Nearly all the rest had emigrated, but a handful had been born overseas. In all but eleven cases the individual was male, and only three of the eleven missing women were thought to be overseas. The main locations for disappearance were Australia (26.3 per cent) and the United States (23.8 per cent). Australia's particular prominence in the 1880s may have been partly a delayed consequence of the failure of gold prospectors a generation earlier.¹⁸ It is notable that only thirteen individuals disappeared in Canada, which until 1847 and again after 1909 was the leading destination for Scottish emigrants, but perhaps had a less atomistic culture than Australia or the USA. Seventeen missing individuals were rolling stones, who had spent time in two, three or four countries. Only five were specifically stated to have been married, probably because it was easier for single men to operate on the fringes of society, moving around from place to place and job to job. It was also easier for those without family responsibilities to disappear without trace. Like the emigrant population at large, missing persons and petitioners alike came from all parts of the socio-economic and educational spectrum, though several were businessmen or tradesmen, and there was no

discernible change in the composition of either petitioners or missing persons between the 1880s and the 1920s. The petitioners – usually family members who wished to settle an inheritance – were scattered widely across the globe, with those who were not resident in Scotland or England being found mainly in the dominions or the United States. In all but one case the fate of the subjects remained unknown, the exception being when one petitioner discovered that her husband, who had disappeared in New York in 1898, was in fact alive thirty-five years later.¹⁹

Recurring themes: frustration, misfortune and failure

By scrutinising the petitions we can identify recurring experiences in the incomplete histories of the missing emigrants, as well as some occupational patterns. As with the wider emigrant population, frustration, misfortune and failure characterise many narratives. David Leggett was a time-served bootmaker in Edinburgh who in January 1858, aged twenty-five, left his parents' home, destined for Melbourne, 'with the view of trying his fortune in the Colony, the boot trade in Edinburgh being at that time in a very depressed state, and wages low.' By October he had arrived and found work with a local bootmaker, but a year later, after a bout of fever, he was working as a market gardener and thinking of going to the gold diggings at Ballarat. He then fell silent, and in 1890, thirty years after he had last communicated with his father, his relatives petitioned for a death certificate to be issued.²⁰

Fecklessness and family tensions are implicit in two petitions lodged in 1891 by the widely scattered next-of-kin of Robert and Thomas Dawson. By then the elder son had been missing in the United States for more than twenty years. At the time of his father's death in 1843, twenty-four-year-old Robert 'does not appear to have had any regular occupation', while his younger brother Thomas 'was for some time in business as a grocer in Alloa, and both of them appear to have been idle, improvident young men.' When Robert left the

country in 1854 or 1855 he appeared to do so ‘without any communication with his relatives and it wasn’t until later it was known he’d gone to America.’²¹ By the time of Robert’s disappearance, his brother Thomas had been missing for seven years, ever since leaving Scotland to pursue a seafaring life. Having reportedly received his discharge ‘by mutual consent’ at Simon’s Bay, Cape Colony, but having not been heard of thereafter, it was rumoured that he had died somewhere at the Cape.²²

It was in order to secure the division of their recently deceased mother’s estate that in 1893 Thomas Goldie in Melbourne, Mary Keney in Liverpool and Catherine Cooke in Shrewsbury lodged a petition in respect of their eldest brother. Peter Goldie, they reported, ‘was at one time in business on his own account as a pawnbroker in Glasgow, but the business was not successful.’ An attempt to reactivate his pawnbroking business in Forfar, with an advance secured from his father’s trustees, probably ended in failure as well. At any rate, he soon returned to Glasgow, and in 1875, having expressed his intention of emigrating to America’, he again sought an advance from his father’s trustees – this time to meet the cost of his passage and outfit. It is unlikely that Peter repaid the loan of £30, for on two occasions after his arrival in America demands were made on the trustees for the payment of board and lodging fees: \$55.92 from one James McCaffray of Montgomery County, New York, for a three-month period in 1875 and \$48 from his aunt in New York City for a four-month period in 1876-7. After that he had disappeared without trace.²³

We do not know why Ludovic Houstoun Lamb left Scotland, but, like Peter Goldie, he ‘was not successful in his career.’ Born in 1851 in Paisley, he had emigrated initially to New Zealand, but in 1878 or 1879 he had relocated in California, ‘with the view of working at the gold fields there.’ Instead, he found work as a shepherd at Spadra, near Los Angeles, but when he wrote to his mother on 12 October 1882 he was in dire straits. ‘Misfortune has struck me another hard blow’, he reported. His employer had ‘burst up’, with all his assets

having been taken from him for debt. ‘So I have lost everything I had in the world. He says he will pay me all he owes me when he can, but I don’t expect to get a cent. It amounts to between £70 and £80, and other parties owe me a little, but I can’t get any.’ Ludovic’s brother Alfred – then living at an unnamed location in the United States – had suggested that the brothers should go into a farming partnership, but this depended on a substantial investment from Ludovic. Since he was totally unable to raise any funds himself, he asked his mother to send a substantial remittance by return of post – addressed, significantly, to his less disaster-prone brother.

I have been corresponding with Alfred. He says if I had \$300 or \$400 he thinks that he and I would get along working together. I don’t know how you are fixed for money, but if you could loan me about £100 for one or two years, I would pay you better interest for it than you could get at home. I am out of work at present and can’t get any money, so I don’t know what I am going to do. If you think you will give me the money to go in with Alfred, farming, you could send it to him, and let me know. I will hunt up a place here ... I have not been in such a bad fix since I left home.

Although Mrs Lamb responded immediately to her son’s plight as requested, her letter was returned through the Dead Letter Office several months later, marked ‘gone from the place and no address left. Ludovic was never heard of again, even by Alfred, with whom he had previously maintained a regular correspondence.²⁴

Much later, in 1929, Aberdeen Sheriff Court was asked to invoke the legislation in respect of James Begg junior from Dinnet, following the death of his widowed mother, Jane Tevendale. James, an only son, who by 1929 would have been aged sixty-one, had not been heard of since 1910 and Jane had directed in her will that if his whereabouts were not ascertained within three years of her death, the whole residue of her estate should be paid to her siblings. Before emigrating James had owned or worked in a grocer’s shop in Aberdeen, ‘but he was addicted to drink and was unable to keep his situation.’ On 1 April 1907, after

giving up the shop, he had sailed from Glasgow to Canada on the SS *Sicilian*, and although he had corresponded intermittently with his parents thereafter, ‘the information about himself was very meagre.’ In his last letter, sent from Wolf Creek, Alberta, in March 1910, he had stated his intention of leaving for Edmonton and asked for letters to be directed to the Post Office there. After that he was never heard of again, despite extensive advertising by his parents in a range of Scottish and Canadian newspapers. The testimony of one of the petitioners, Jane’s brother David, indicated that James was regarded as the black sheep of the family. ‘I was frequently in the way of going to see my sister at Dinnet’, he recalled. ‘She did not speak to me very much about James, as she was rather disappointed about him seeing that he had not been doing very well.’²⁵

Woven into many case histories, not least James Begg’s, is a suggestion that the misfortune which had precipitated the decision to leave Scotland often continued to dog the emigrants overseas, and may well have contributed to their disappearance and presumed demise. This was perhaps not surprising, especially among restless, rootless individuals who were propelled by discontent or dysfunction, rather than by clear-headed ambition. We might ask why William Milne, a sailor from Aberdeen, seems to have hidden his identity behind frequent name changes before he disappeared. In 1860 he wrote to his sister in New York – whom he was in the habit of visiting whenever his ship docked in that port – that he had changed his name ‘once more’, this time to William. S. Thood. His letter, postmarked Boston, announced that he was about to sail for Calcutta, but he was never heard of again.²⁶ Another sailor who similarly tried to hide his past was John Kilgour, the illegitimate son of a Scottish planter in Demerara. After serving an apprenticeship in the merchant navy, he enlisted briefly with the Royal Navy, only to desert at Bermuda. After rejoining the merchant service under an assumed name, he wrote to one of his late father’s trustees from New York in 1856, reporting his recovery from a recent accident that had landed him in hospital for

three weeks. In what was to be his last known communication, he continued, ‘Tell my uncle that I have not yet made up my mind where I shall steer, but at the first opportunity I shall write them. I would have done so now, only I have not got any more money than pay for my boarding until I should get a ship. I have enclosed a card of my address, but you will require to address my letters to Jno. Mackenzie, instead of Kilgour, as I have been obliged to make a change on account of running from the Navy.’²⁷

It is perhaps surprising that neither the West nor the East Indies looms very large in the petitions. Contemporary commentators frequently associated such locations with mental and physical breakdown, or dissipation, but perhaps the family networks and webs of patronage which fostered and fashioned that part of the emigrant tapestry made it easier to keep tabs on those who participated in it.²⁸ As the *Statistical Account of Scotland* repeatedly demonstrates, India and the Caribbean were certainly integral to the Scottish emigration story, especially in the eighteenth century, when ambitious Scots flocked to both locations in anticipation that a temporary sojourn would yield rich dividends in terms of repatriated investment and status.²⁹ Sir Walter Scott famously observed that India was ‘the corn chest for Scotland’,³⁰ and the Caribbean held a similar appeal to planters, physicians and lawyers. But fortunes could be lost as well as won, and in the days before effective prophylactic medicine, death from tropical disease was an ever-present threat. Despite medical advances, these remained high-risk areas in the nineteenth century, yet they feature explicitly in only two petitions.

Four years after deserting from the 92nd Regiment in 1834, Gregor McGregor from Balquhider allegedly went to Jamaica with his Aberdeenshire-born wife and her stepmother, to take up land in the township of Middlesex under a scheme promoted by the ‘Scottish Emigration Colonisation Society’. But while there is evidence that a significant Scottish network - particularly of emigrants from west Aberdeenshire – was established in and around

Middlesex in the 1830s,³¹ Gregor may have been defrauded and disappointed. According to the petition submitted by his relatives in Ontario and Scotland in 1893, by which time he had not been heard of for fifty-four years, the scheme had failed and the agency had ceased to exist.³² The Indian case – raised in a petition twenty-seven years later – concerned a tea planter, William Mitchell, a native of Forgue in Aberdeenshire. After spending fifteen years on various plantations in Assam, he had returned to Scotland with samples from Sir John Muir’s Company to display at the Glasgow Exhibition in 1901, after which he went to London to work as an agent for an insurance company. In March 1905 he informed his father that he intended ‘going back to the Plantations among the nigers [sic] again.’ An earthquake at his intended – but unspecified – destination delayed his plans, but on 24 June he reported ‘that he had got everything packed up and was just going to start.’ A promised letter from on board ship did not materialise, and subsequent enquiries in the press and among the planting community in Assam elicited no information about his fate. It is possible that he never even set sail.³³

Some of those who went missing overseas were clearly rolling stones with chaotic lifestyles, as the following examples demonstrate. Frank Daun was involved in sugar planting and cattle ranching in India, Hawaii, Australia and the United States. Between his departure from Scotland in 1873, and his disappearance in California in 1882, he was an indigo planter in Upper Bengal, spent a few months in Melbourne, ‘was engaged at sugar planting’ in one of the Hawaiian islands, and was allegedly employed on a cattle ranch near Sacramento, although after he left Hawaii his movements ‘became very uncertain’.³⁴ John Taylor Walker, a mill worker, initially kept in touch with his family in Galashiels after emigrating to similar employment in Bemis, Massachusetts, around 1894. Just after his father’s death in 1897 he made a brief visit home, but on returning to the United States he became increasingly unsettled, peripatetic and uncommunicative, until he finally disappeared without trace in

1905. According to his siblings, who raised a petition in 1916, 'he frequently stated he liked a roving life, and would never marry and settle down.'³⁵

On the other side of the border, William Graham worked initially in Quebec when he emigrated from Edinburgh in 1910. After subsequently moving to Winnipeg he fell silent for a time, and when he wrote again from Saskatoon on 29 June 1912 he blamed his erratic communication on illness, as well as being constantly 'on the move'. He assured his stepmother that he was now able to work again, but asked her not to write until he got in touch himself, 'as I do not expect to be here much longer.' On 1 September, however, he was still in Saskatoon, from where he wrote two letters – to his step-sister Janetta and his uncle William – indicating that he was about to leave for the harvest fields and then for British Columbia and possibly the United States. 'No more winters here for me if I can help it', was his concluding remark to Janetta, but that was the last time anyone heard from him. He had instructed his family to send correspondence to the Saskatoon Post Office, but it was returned, and in 1921 his brother Robert raised a petition when the siblings became eligible for a share in the estate of a great aunt in Boston, Massachusetts.³⁶ Fecklessness is also implicit in the case of Alexander Henderson, who left Scotland in 1927 for the United States, where he 'never acquired a settled residence ... preferring to travel about from place to place and taking any kind of employment.' Until August 1934 he was seen 'from time to time' by his three brothers in Chicago, and when he stayed for a few days with them in 1932 'he had no job and did not appear to have any means of support.' Tellingly, 'he also wrote to them for money which they sent to him until they stopped doing so owing to the frequency with which they were asked.'³⁷

Military service

Frustration, misfortune and self-induced failure were general triggers for dysfunction and possible disappearance which are suggested by the petitions, and they have occupied most of our attention. But the petitions also indicate other, more specific, predisposing factors, which will be examined below: soldiering, accident and illness, and unsuccessful gold prospecting. Military service was a recipe for an early – and sometimes unknown – grave. It was even more likely to be undocumented if the colours were those of another country. It was rumoured that Robert Dawson (whom we met earlier) had enlisted for the North in the American Civil War, joining a Pennsylvania regiment in 1861, although probably more telling is his final letter to his sister two years earlier, from Freedom, Beaver County, Pennsylvania, in which he admitted to having had ‘a great deal of sickness in this country’ and stated his intention to return to Scotland ‘if I keep my health.’³⁸ Alexander Cameron, a sailor, disappeared in 1863, after becoming embroiled in the American Civil War. In his last letter to his father, written from New Orleans, he referred to his employment as a wheelsman on the US steamer *Belvedere*, and reported a recent engagement against the Confederates, ‘in which the United States combatants had been defeated with the loss of two gunboats and 300 men.’ Another expedition was being discussed, but Alexander told his father ‘that he intended to go to New York and to cross the Atlantic so as to be able to spend the New Year at home, but that if he was unable to carry out this plan, he would send home his likeness.’³⁹ Neither Alexander nor his image ever arrived in Scotland.

John Donald emigrated from Paisley to South Africa in 1877. Eighteen months later, after joining the Cape Mounted Volunteers and being posted to the Transkei, he wrote to his brother that he had been ‘in some severe fights, and we have lost some good men. So far I have been lucky enough to escape, but don’t know the day I may be knocked over... My time is up in [an]other three months, and if I am spared till that is over I will clear out.’

Presumably he was not spared, for letters that he had asked should be addressed to him at the

post office in Port Elizabeth were returned unopened, and an enquiry instituted through the Colonial Secretary at Cape Colony – which included a notice in the *Cape Times* – elicited no response. Accordingly, in December 1891, his four siblings submitted a petition under the recently revised Presumption of Life Limitation legislation.⁴⁰ Still in South Africa, but twenty years later, the two sisters of Robert Fraser Robertson lodged a petition following the death of their father in Edinburgh. After a mercantile training in Glasgow, Robert had pursued a career in various parts of South Africa: Cape Town, Durban, Pretoria and Port Elizabeth. When the Boer War broke out he had enlisted in Prince Alfred's Guards under the assumed name of Richard Frank Richardson, but he disappeared without trace sixteen months later, after joining the Utenhage Volunteer Rifles and being promoted to Lance Corporal.⁴¹ Some time earlier, at the other end of Africa, Alexander Elphinstone Currie disappeared in 1885, after writing to his wife to tell her that 'he had enlisted and was going to the Soudan War'. Currie, a bookbinder in Edinburgh before he took his wife and two sons to Brisbane in 1876, had abandoned his family without support in 1878, when he went to New South Wales to seek work on a sugar plantation at Tweed River.⁴²

Accident and illness

Some of the men who disappeared had engaged in particularly dangerous pursuits. Perhaps the highest profile individual to appear in the petitions was the polar explorer, Dr Alister Forbes Mackay, a native of Southend in Kintyre, who in 1907 had served as expedition doctor on Ernest Shackleton's British Antarctic Expedition, making a pioneer ascent of Mount Erebus and reaching the Magnetic South Pole in January 1909. Four years later Mackay joined the Stefansson Canadian Arctic Expedition as surgeon, sailing from Nome, Alaska, aboard the *Karluq*, one of the three ships employed in the exploration of the area west of the Parry Islands (now the Queen Elizabeth Islands) in the north of the Canadian Arctic

archipelago. In August 1913 the *Karluk* became trapped in ice floes, after which she drifted west for five months until, crushed by pack ice, she sank sixty miles to the north of Herald (or Wrangel) Island. Mackay led one of two four-men parties that, with fifty days' supplies, tried unsuccessfully to reach the island. When last seen in mid-February 1914 Mackay 'did not appear to be in good condition' and one of his party had his hands and feet frozen. None of the individuals from either party was ever found, despite extensive searches by the rescue vessels that arrived in September 1914.⁴³

Accident or illness could, of course, strike at any time, and Robert Dawson's final letter is one of many reminders that the most likely explanation for a disappearance can often be deduced from the problems articulated in the missing person's own correspondence. A few other examples reinforce the point. It was perhaps ominous that the trail on William Reston Miller was lost after 'he went up to Sydney for medical advice' in 1870. He had left Glasgow for Australia five years earlier, having learnt farming 'with a view to settling in the Colonies', and had travelled down through Queensland and New South Wales, stopping briefly at different locations.⁴⁴ The other suggestions of indisposition all relate to North America. Andrew McFarlane's disappearance in Philadelphia in 1869 was preceded by a letter to his mother, in which he told her that he had been in hospital for three or four months and asked for a remittance, which was sent but later returned, unclaimed, while John MacFarlane's last letter to his family, in 1872, came from a New York hospital.⁴⁵ James Dawson was one of many missing persons who battled with alcoholism. When he disappeared in San Francisco in 1908, his family in Scotland attributed his presumed demise to the deleterious effect of years of manual labour on a constitution that was 'not robust'. In 1885, accompanied by his wife, Dawson had left his job with the National Bank of Scotland in Banff to settle in Melbourne, where three children were born and James spent some years in the employment of a firm of watchmakers and jewellers. But after he became 'addicted to drink' he lost both his situation

and his wife, who brought the children back to her parental home in Scotland. James remained ‘intermittently engaged in various occupations’ until about 1897, when he relocated in San Francisco, from where he corresponded amicably with his wife and son, occasionally sent them small sums of money, and frequently expressed a wish that the family would be reunited.⁴⁶

Francis Paterson, who disappeared in Washington State in 1920, also seems to have been delicate. After thirty years’ service with the Airdrie Gas Light Company Limited (latterly as Company Secretary) he had moved his family to Alberta in 1907, taking up a farm near Edmonton two years later. He was, however, ‘continually in poor health and in 1916, being unable to stand the severe winters, he decided to live near the coast and left Edmonton.’ Leaving his wife and family in Alberta, he stayed briefly at Penticton in British Columbia’s Okanagan Valley, before investing the proceeds of his farm at Edmonton in a sixteen-acre property on Whitby Island, Washington. Although his family did not join him they ‘regularly supplied him with money and clothing’ and in September 1919 – fifteen months before he disappeared – he was visited by one of his daughters.⁴⁷

Perhaps the most extreme manifestation of dysfunction and distress was the mental collapse that sometimes resulted in committal to a lunatic asylum, one example of which emerges from the petitions. When thirty-one-year-old Malcolm Campbell was admitted to the Royal Asylum at Gartnavel in Glasgow on 4 October 1859 on the petition of his mother, his previous occupations were stated to be ‘seaman, gold-digger, merchant, and clerk, seaman last.’ At that time he was declared to be ‘of unsound mind, and suffering under a severe attack of brain disorder.’ Corroborative information from the asylum records described him as ‘restless, excited and incoherent’, delusional and ‘very dangerous’, and indicated that he had been ill for six months. It also noted that he had previously lived in America, Edinburgh and lately Glasgow, and that he was ‘first treated in America privately, lately under the care

of his relations in Glasgow.’ Eight months later, however, Malcolm was discharged, ‘recovered’, and almost immediately left for Australia, ‘with the intent of advancing himself in life, but without any settled plan.’ Shortly after his arrival at Melbourne, he corresponded with his brother, Peter, a bush missionary at Hamilton in Victoria, and the two arranged to meet in Hamilton. That meeting never took place, and Malcolm was never heard of again, despite extensive enquiries and newspaper advertising by his brother across Queensland, New South Wales, Tasmania and South Australia, as well as Victoria. The key factor in Malcolm’s illness was probably heredity, for his late father had been a patient in the Royal Edinburgh Asylum, and when his siblings raised an action under the Presumption of Life Limitation legislation in 1883, one of the petitioners was a solicitor acting as *curator bonis* to Malcolm’s sister Georgina, who had been confined in the same institution at Morningside since 1879.⁴⁸ On the other hand, we might speculate that both Malcolm’s initial breakdown, and his subsequent disappearance, were connected to his failure to find the anticipated pots of gold at the end of American and Australian rainbows.

Gold diggers

The search for gold – mainly, but not exclusively, in Australia – seems to have produced a particularly high casualty rate. In the world of fiction, the central character in Anthony Trollope’s eponymous novel, *John Caldigate*, returned from the Australian goldfields with a fortune, while his companion, fellow remittance man and heavy drinker, Dick Shand, disappeared, albeit temporarily.⁴⁹ In the real world of the petitioners, there were no happy endings. In 1865, twenty-four-year-old Robert Crammond decided to exchange the tedium of an office in Montrose for life on the high seas and subsequent temporary labouring jobs in New Zealand. Initially he wrote to his sister regularly and ‘repeatedly spoke of his intention to come home whenever he had saved a little money.’ Perhaps in a desire to hasten that day,

he went to the Otago goldfields, but his plan misfired. According to his sister's petition, filed in 1894, 'he had been gold digging, and would have returned to Scotland had his tent not been entered by thieves, who robbed him of everything he possessed, excepting some photographs.' After 1875, all family communication ceased, and his only subsequent contact was with his late father's trustees in 1877, when he enquired about the paternal estate.⁵⁰

Charles Drysdale had also intended to come back to Scotland from an unsuccessful sojourn as a gold miner in Australia. After leaving retail employment in Glasgow for Victoria in the mid 1850s 'with the view of improving his position' he kept in regular touch with his father and siblings, to whom 'he often expressed dissatisfaction with life in the colonies, and his intention of returning home as soon as he had made a little money.' In his final letter, sent to his father from Tinpot Gully, Sandhurst, Victoria, in 1861 he wrote poignantly: 'I wish many a time I was at home instead of here, as [of] all the places where one can go to there is no place like home.'⁵¹

Others who disappeared after a spell at the antipodean diggings included John Jackson from Wishaw, a 'boomerang emigrant', who went initially to Australia at an unknown date, and came back briefly to Scotland in or around 1868. During that brief visit, he allegedly told a relative that he had left the diggings after marrying the woman who was carrying his child, only for her to die in childbirth 'after they had been married only six weeks.' Their son was said to have survived, but was never traced, and little was known about John between his return to Australia in 1869 and his final communication about eleven years later.⁵² Thomas Williamson was a seaman who went to Australia in 1871, aged twenty-three. When he arrived at Melbourne he wrote to his mother in Shetland in October 1871 to report his safe arrival, and enclosed a remittance of £5 in his letter. He also told her that he 'intended leaving the ship and trying his luck at the gold diggings ... and asked her not to write until he could

send her a new address.’ The new address was not forthcoming, and Thomas was never heard of again.⁵³

We learn a little more about the frontier society of the prospectors from two letters attached to the petition of George Thomson Cruickshank, submitted to Aberdeen Sheriff Court in 1919 in respect of his older brother, Alexander, who had gone to Australia in the gold rush era of the 1850s.⁵⁴ Writing from an unnamed location in Victoria on 2 June 1858, the semi-literate Alexander began with a cynical observation about the lack of communication from the ‘dear friends’ to whom his letter was addressed. ‘I take the opportunity of writting to you again just to see if this will have more affect than before ther is something very quiriess [curious] that you allways gett my letters and I cant geat yours but i suppose you don’t writte so i cannot geat them.’ He was, he continued, ‘in very good health’ and hoped the same was true of his readers and ‘every one that I know in the old countray.’ Relationships on the gold fields were shallow and mercenary. ‘Here you could geat plenty of acquaintences but damt few frends with out you have plenty of every mans frend that is money or what we can go and geat here in the ground that is gold.’ He mentioned the possibility of returning to Scotland but was ‘afrad that they don’t want rich people at home they have got them poor and they tray to keep them so.’ Although the Victorian authorities would like to do the same, they were, in his opinion, constrained by the spectre of mob rule and were especially ‘afraid off another Ballarat’ – a reference to the Eureka Stockade Rebellion of 1854, when the gold miners of Ballarat fought the authorities for the reduction of licence fees along with the right to vote and buy land.⁵⁵

Alexander went on to report having seen or heard of two individuals from Aberdeenshire who were at the centre of the gold fields: John Manson, a former leather merchant in Oldmeldrum, who was manager of the Union Bank at Bendigo, and John Riddoch, a butcher from Turriff, living in Geelong, whose daughter had ‘just got marraid to

som one upon the diggings.’ Perhaps Alexander missed his friends at home, for he asked to be updated ‘with the news of the time and how my old frends is always hanging together how many births marrages and the sorrowful end it is deaths etc etc.’ He then turned his attention to his own rites of passage.

I think it is neraly time that i was beginning to look out for a wife if ther is aney
outsider you can recommend just send word i think i can spar three old nots to pay
for passage out hear the colonial girles will not do for me they like to much barley
bree that don’t do for me One that i must have will have to be satsfied with one pint
of XXX stout a day that is more than she could geat in a day at home She would
have to be satsfied with a drop of adam’s ale

He ended his letter by describing a concert at which entertainment had been provided by ‘the best Scoth Singer in the countray’ as well as the best comic singer, for whom he had begun to compose songs.

after i have don gold hunting for the day i comes home and geats my tea radey and
haves supper i am my own cook makes my own bed and dis every thing myself
after i have all this dons i seats myself down and composes a song for to take Mr
Thaher [Thacher] or Miss Murie next time i go i think this is better sport than going
to the gin shops at lest it is easer on the money in the pocket

Alexander’s second surviving letter, written four years later from Swan Hill on the Lower Murray river, was slightly less upbeat.⁵⁶ He was in good health and had sent home a bill of exchange for twelve pounds sterling. There was, however, ‘not much doing at the diggings’, where a lack of winter rain had triggered a drought, and Victoria was ‘all upside down’ as a result of the new governor having effectively reduced the pay of the miners by making them pay for ‘blankets and knives and forks and pint pots.’ Alexander continued to write home until 1881, by which time he was in his mid-forties, living in Melbourne, and allegedly married with children, but after he fell silent all attempts by his one surviving brother to trace him in order to settle their late father’s estate came to nothing.⁵⁷

Epistolary evidence: Robert Yuile

Let us return finally to Robert Yuile, whose last letter to his mother also touched on the gold diggings, as well as raising her expectations of his ultimate return to Glasgow. His intermittent communications over the preceding four years charted his chequered career across the United States and briefly in Australia. It provides a firmer context within which to set the more cryptic comments in many of the petitions, and offers an insight into the consistently precarious existence of some emigrants. Yuile's optimistic narrative – which unfolds in a sequence of thirteen letters – was never quite matched by his experiences, but, like Mr Micawber, he was always hopeful that something would turn up.

In his first letter, written on 2 September 1867, Yuile reported that he had arrived in New York 'after a very corse passage of 17 days'. As work was 'very slack' he had immediately spent seven dollars on a train ticket to a town (Spillsberg?) in Ohio, where – having encountered an acquaintance from Glasgow whose brothers 'huss got a bording hous in pittsburg' – he found a job at thirteen dollars a week.⁵⁸ In his next epistle, written from Cleveland, he apologised for an eight-month silence, which was a consequence of his being thrown out of work when 'the man I was working for faild and the shop was shut done.' After waiting for two or three weeks in the vain hope that his luck would turn, he had been forced to take to the road and had been 'tramping up and done ever since.' Although trade was slack, he had just found a job under a Scottish foreman, 'who thinks he can give me steady Work if I behave myselve so I have gont the teatotol along With him for he is a great teatotler.'⁵⁹ He was boarding with a congenial English family and thought Cleveland – despite there being 'always some cases of fever and ague' – was 'the nicest Place I have bene in yet' with an abundance of fruit trees and flower gardens, as well as owner-occupied houses and land. On

the other hand, immigrants who had arrived since the Civil War ‘would Rather be home [as] things ar not so Good now’, so he planned to try his luck for a year and do the best he could.

In the summer of 1868 Yuile promised to ‘take my grandfather[’s] advice and stop in one place’, since both his employer and his health were good.⁶⁰ On the first day of January 1869, however, he moved to Omaha, Nebraska, on advice contained in a letter from a man he had met in Cleveland, that work and wages were better further west. Perhaps the bankruptcy of his employer, the Atlantic and Great Western Railway, in December 1868, played a part in his decision. He had found a job on the new California-bound railway, and anticipated that although housing and industry were both still in their infancy, ‘this will be a big plice [place] yet and I think I shil [shall] like it very well.’ He could endure the cold winter in anticipation of the warm summer, and despite their being ‘lots of wild indians out hear’, he assured his mother that ‘they don’t truble us much for ther is a lot of sholders [soldiers].’⁶¹

But within two months Yuile was on the move again, as one of a party of workers on the Union Pacific Railroad who were sent to Wasatch in Utah, ‘to a new shop that was bilt Right at the entrance of the Rocka mountans.’ His billet was a rudimentary four-man hut on the side of a hill, over sixty miles from Salt Lake City, with ‘nothing hear but mountans all Round’ and no social life. He was prepared to endure the hardships of the frontier, and since ‘all we have to dow is eat slepe and gow to Work’, he was hopeful of making enough money to come home within a year or two. By June 1870, when he penned his final letter from Wasatch – ‘the first place I have had a chance to make any thing’ – he had saved almost £100, but ‘Would like to have about 10 hunder befor I come home.’⁶²

Perhaps it was in the hope of reaching his ambitious target that Yuile left America in January 1871 for Australia, where he believed ‘ther is a chance of getting some money at the gold diggings.’ It was a decision he soon regretted, confessing five months after leaving America that he did not like Australia ‘half as well’ and declaring his intention to return to

the USA if his plan did not work out. Although he had almost immediately found a job repairing mail coaches, for twenty-five shillings a week, plus board and lodging, he complained – in the last letter ever received back in Glasgow – that wages and conditions were almost as dismal as they were at home.⁶³ Various attempts were subsequently made to trace Yuile through advertisements in ‘a number of foreign papers’, but to no avail, and in 1894 his cousin, John McLay, raised an action in Lanarkshire Sheriff Court under the Presumption of Life Limitation legislation.

The sudden cessation of correspondence was out of character, for Yuile’s letters offer repeated and unequivocal evidence that he wanted to preserve, rather than sever, his links with home and family. He frequently promised to send his mother a likeness of himself, a promise that was always deferred, initially because of a persistent eye infection, and later because of his isolated location in Utah. He was equally keen to receive and send likenesses of family and friends, and often expressed his disappointment when those sent from Scotland did not arrive. Delays in receiving letters (probably attributable to his frequent relocations) also caused him concern: in February 1870, for instance, he was ‘very glad’ to hear from his mother after a six-month silence, as ‘I thought ther was something rong with you’.⁶⁴ He maintained a consistent interest in people and events in Scotland, and newspapers were sent in both directions. ‘I se[e] in the paper you sent to me that you [k]now as much about the country as we do ourselves’, he wrote from Wasatch in February 1870.⁶⁵ In March 1869 he asked for some flower and vegetable seeds and roots to be sent out to a Scottish acquaintance near Omaha.⁶⁶ Like many emigrants, he also took seriously his responsibility to remit money home, even if on one occasion it was earmarked for a rather unusual purchase: on 1 June 1870 he apologised to his mother for not being able to go to Salt Lake City to secure and send a money order so that she could ‘get a set of new teth [teeth].’

Yuile's letters were also peppered with references to encounters with fellow-countrymen, as well as his involvement in Scottish cultural events. On 10 May 1868, for instance, he instructed his mother that she should ask an acquaintance, Peter Lamb, to send him 'one of the lettest Scotia music hall Song books'. On a later occasion he wrote of having enjoyed 'grete fun' at the annual 'scotch games' in Cleveland, and how 'after the games was over we took and danced on most all the night on the grass all the scotch dances we could remember.'⁶⁷ American celebrations such as Cleveland's Independence Day picnic were also described, as was the dangerous heat of that city in mid-summer. Occasional reflections on opportunities – or the lack of them – in the United States might have been of use to anyone thinking of following his example. In reply to Yuile's question about comparative conditions, a Glaswegian farmer whom he had encountered at the Cleveland picnic told him that farmers in the 'old country' were as well off as those in Ohio, where the only profitable commodity was milk; and three months later Yuile reported that there were 'plenty of men gowing idle' in Cleveland.⁶⁸ Later letters included observations of the Mormons in Salt Lake City. 'It is a very nes [nice] place', he wrote in August 1870, 'but ther is a great deal of poverty among the people ther is a great many of them would like to get bac agane but cant get the mony.'⁶⁹ He had seen Brigham Young and some of his family at the theatre, and had bathed in 'boiling hot' springs.

Conclusion

In churchyards across the length and breadth of Scotland, monumental inscriptions testify to the persistence and global impact of Scottish emigration, as well as the remarkable mobility and inter-continental networking of individual families. For those left behind such commemorations in stone provided a visible form of closure on the lives of relatives who had died overseas. But not all parents, spouses, siblings and children were granted the benefit of

knowing for sure where their loved ones had been laid to rest. For some, psychological stress was compounded by the practical requirement to establish proof of death in order to access an inheritance. It was in an attempt to deal with such difficulties that the Presumption of Life Limitation (Scotland) Act of 1881 was devised, while the 1891 Act tried to remedy or patch up some of the defects of the initial legislation.

Petitions raised under the two Acts clearly do not explain why emigrants disappeared without trace. By its very nature, the evidence is inconsistent and incomplete. Corroborative documentation is rarely preserved with the original petitions, and only summarised in the selection of extracted claims which may not have been representative. The statements of petitioners have to be treated with caution, not least when they made assertions or offered speculations about why their relatives had emigrated and/or disappeared. Sometimes memory was clouded because of the lapse of time between the last contact and the raising of an action; in other cases the relationship between some petitioners and missing persons was extremely tenuous; and petitioners might have had a vested interest in portraying their emigrant relatives in a particularly negative or pessimistic light, usually to further their own inheritance claims. Nor was there anything exceptional about emigrants who disappeared, and whose disappearance resulted in court action. Their motives and experiences seem to have been very similar to those of the wider emigrant population.

Yet, for all their imperfections, the petitions, and the all-too-rare epistolary evidence, offer more than an anecdotal catalogue of dysfunctional families, or a collective lament for lost emigrants. The tapestry of evidence submitted by desolate, or mercenary, relatives may be fragmentary and sometimes of questionable authenticity, but it allows historians to identify patterns in a sombre narrative of unfilled ambitions and untimely, if unknown, ends. The petitioners themselves did not generally achieve happy outcomes or unequivocal

conclusions, but successful court actions offered a measure of closure, primarily in monetary terms, on the hidden fate of missing family members.

¹ My thanks go to Jane Brown, Head of Maps and Plans at the National Records of Scotland, who alerted me to the existence and potential of this fascinating source, and advised me on correct referencing. Thanks also to Professor Francis Lyall for advice on the legislation.

² National Records of Scotland [hereafter NRS], SC36/9/423, Glasgow Sheriff Court, Civil Processes, correspondence accompanying petition by John McLay, 1894, Yuile to mother, 11 June 1871.

³ T.M. Devine, *To the Ends of the Earth: Scotland's global diaspora 1750-2010* (London, 2012), p. 87.

⁴ See, for example, *House of Commons Parliamentary Papers* [hereafter *HCPP*], 404, vol. IV, 1826, *Report from the Select Committee on Emigration from the United Kingdom*; 237, vol. 2, 1826-27, *Second Report from the Select Committee*; 550, vol. V, 1826-27; *Third Report from the Select Committee*. *HCPP*, 182, vol. VI, 1841, *First Report from the Select Committee on Emigration (Scotland)*; vol. VI, 333, *Second Report from the Committee*. *HCPP* [557] 1844, *Report from Her Majesty's Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws in Scotland*.

⁵ The 1803 Act masqueraded as a piece of humanitarian legislation which would improve travelling conditions, but its real aim was to make emigration prohibitively expensive. See O. Macdonagh, *A Pattern of Government Growth, 1800-60: the Passenger Acts and their enforcement* (London, 1961).

⁶ General studies include A.J. Hammerton and A. Thomson, *Ten Pound Poms: Australia's Invisible Immigrants* (Manchester, 2005); B.S. Elliott, D.A. Gerber, and S.M. Sinke (eds), *Letters across Borders: the epistolary practices of international migrants* (Basingstoke, 2006); and David Gerber, *Authors of their Lives: the personal correspondence of British*

immigrants to North America in the nineteenth century (New York and London, 2006). With specific reference to Scotland, see, *inter alia*, M. Harper, *Adventurers and Exiles: the great Scottish exodus* (London, 2003); M. Harper, *Scotland No More? The Scots who left Scotland in the twentieth century* (Edinburgh, 2012); A. McCarthy, *Personal Narratives of Irish and Scottish Migration, 1921-65: 'for spirit and adventure'* (Manchester, 2007); T. Bueltmann, A. Hinson and G. Morton (eds), *Ties of Blood, Kin and Countrie: Scottish associational culture in the diaspora* (Guelph, 2009). Emigrant questionnaires have been analysed in M. Harper, 'Probing the Pioneer Questionnaires: British settlement in Saskatchewan, 1887-1914', *Saskatchewan History*, vol. 52, no. 2 (Fall 2000), pp. 28-46.

⁷ Recent or forthcoming studies of mental health and migration include A. McCarthy and C. Coleborne (eds), *Migration, Ethnicity, and Mental Health: international perspectives, 1840-2010* (New York, 2012); A. McCarthy, *Migration, Ethnicity, and Madness: New Zealand, 1860-1910* (Liverpool, 2015); M. Harper, 'A dysfunctional diaspora? Causes of mental illness among Scottish migrants to Canada, 1867-1914', *Neurosciences and History* (Journal of the Spanish Society of Neurology), vol. 2, no. 1 (2014), pp. 1-7; M. Harper (ed.), *Migration and Mental Health: past and present* (Basingstoke, forthcoming, June 2016).

⁸ *House of Commons Parliamentary Debates* [hereafter *HCPD*], 4 March 1881, vol. 259, col. 367, Presumption of Life (Scotland) Bill [Bill 86], Second Reading, Mr Anderson.

⁹ Quoted in *Report on Presumption of Death laid before Parliament by the Lord Advocate 1965*, Scottish Law Commission no. 34 [hereafter *Report on Presumption of Death*] (Edinburgh, 1974), p. 4.

¹⁰ *HCPD*, 4 March 1881, vol. 259, col. 367.

¹¹ *Ibid.*, col. 368.

¹² *Report on Presumption of Death*, p. 4.

¹³ See, for instance, *HCPD*, 10 August 1887, vol. 318, cols 1880-1; 16 March 1888, vol. 323, cols 1423-4; 19 April 1888, vol. 324, col. 1718; 2 July 1888, vol. 328, col. 69.

¹⁴ *Report on Presumption of Death*, p. 5.

¹⁵ *House of Lords Parliamentary Debates*. 23 May 1977, vol. 383, cols 1080-7. The comment is at col. 1081.

¹⁶ NRS, CS347/104, Court of Session, Copies of Printed Petitions, 1847-1934, Mrs Elizabeth Jerden Mein or Brogden, for William Burnley Mein, 1894. ‘The Petitioners have taken much trouble in endeavouring to trace the said William Burnley Mein. They have had advertisements inserted in various newspapers, and they have employed the services of a Liverpool detective, and have made enquiries of shipping firms, and, through Mrs Ford [his landlady], of various persons known or believed to have been his shipmates or acquaintances. But all without result.’ Mein was a merchant mariner from Melrose, who, according to the petition was ‘unsteady in his habits’.

¹⁷ In 1890, for instance, the Court of Session issued approximately 1,300 decrees, all of which would have to be examined in order to identify those that were given under the Presumption of Life Limitation Act. Information supplied by Jane Brown.

¹⁸ See below, pp. 00-00.

¹⁹ NRS, CS258/1376, Court of Session, Unextracted Processes, 17 July 1933, Mrs Margaret Flora Fraser or Fleming, for Andrew Fleming. The couple had married in 1888 in Edinburgh, but after Andrew failed to qualify as a doctor they moved in 1889 to the West Indies, where his father was in business in St Lucia. In 1891, Andrew relocated to New York to work as a nurse, while his wife remained for a year in Antigua before returning to England, keeping in touch with her husband until 1898. After that his letters were returned undelivered. The statement published alongside the petition in 1933 does not indicate the location at which Andrew was eventually discovered.

²⁰ NRS, CS347/104, 9 July 1890, Robert Leggett, brassfounder, Edinburgh and others, for David Graham Leggett.

²¹ NRS, CS347/104, 20 August 1891, Thomas Dawson Blackwood (Killin), Margaret Blackwood or Street (Dorset), Edward Norval (Melancthon, Dufferin County, Ontario), Thomas Norval (Brampton, Ontario), John Richardson (Alva), Thomas Miller (Stirling), for Robert and Thomas Dawson.

²² Ibid.

²³ NRS, CS347/104, 9 June 1893, Thomas Goldie (Kew, Melbourne), Mary Keney (Liverpool), Catherine Cooke (Shrewsbury), for Peter Goldie.

²⁴ NRS, CS347/104, 12 July 1893, James Barr Lamb, Kathleen Lamb, Florence Lamb, Charles Lamb (all Paisley); Alice Lamb or Smith (Glasgow); Alfred Jamieson Lamb (Jefferson, Green County, Iowa, USA), for Ludovic Houston Lamb (their brother).

²⁵ NRS, SC1/13/1929/9, Aberdeen Sheriff Court, Civil Processes, David Tevendale and others, for James Begg. The petitioners were located in Aberdeen, Glasgow, Lincolnshire and San Francisco.

²⁶ NRS, CS347/104, 23 June 1892, Alexander Milne, Aberdeen; Mrs Ann Massie, New York; Rev. Alexander Forbes, Woodside, Aberdeen, for William Milne.

²⁷ NRS, CS347/104, 17 May 1890, James Robertson, Advocate, on behalf of the Crown as *ultimus hoeres*, for John Kilgour. As he was illegitimate, Kilgour's estate fell to the Crown.

²⁸ For contemporary commentary on Scots in the West Indies, see Aberdeen University, Special Libraries and Archives, Jonathan Troup's Dominican Journal, MS 2070, quoted in A.I. Macinnes, M.D. Harper and L.G. Fryer (eds), *Scotland and the Americas, c. 1650-1939: a documentary source book* (Edinburgh, 2002), 260. For a modern analysis, see L.

Gramaglia, 'Migration and mental illness in the British West Indies 1838-1900: the cases of

Trinidad and British Guiana' in C. Cox and H. Marland (eds), *Migration, Health and Ethnicity in the Modern World* (Basingstoke, 2013), pp. 61-82.

²⁹ See, for instance, Dryfesdale (Dumfries); Fetteresso (Kincardine); Kiltearn (Ross and Cromarty); Kells (Kirkcudbright); Largs (Ayr) <http://stat-acc-scot.edina.ac.uk/sas/sas.asp/?action=searchtext&naecache=9&session-id=06a24eb9dfc66ddb55310c5019f05b8f&textsearchoffset=30#textsearch>

³⁰ Sir Walter Scott to Lord Montague, 1 July 1821, in J.G. Lockhart, *Memoirs of Sir Walter Scott* (London, 1914), vol. III, p. 470.

³¹ Harper, *Adventurers and Exiles*, p. 110.

³² NRS, CS347/104, 1 March 1893, Janet McGregor, Helensburgh and others, for Gregor McGregor.

³³ NRS, CS 347/192, 8 November 1920, Anne Mitchell or Campbell, for William Mitchell (her brother).

³⁴ NRS, CS347/104, 7 November 1893, Edward Shakespeare Daun, for Frank Hamilton Daun.

³⁵ NRS, CS347/192, 20 October 1916, Elizabeth Gray Walker or Patterson, Berwickshire, and Thomas Walker, East London, South Africa, for John Taylor Walker.

³⁶ NRS CS347/192, 18 October 1921.

³⁷ NRS, CS46/1950/2/96, 13 December 1949, Katherine Strachan Henderson and others, for Alexander Henderson.

³⁸ NRS, CS347/104, 20 August 1891.

³⁹ NRS, CS347/104, 8 July 1892, Donald Cameron, Clinton, Otago, New Zealand and others, for Alexander Cameron.

⁴⁰ NRS, CS347/104, 1 December 1891, James Turner Donald and others, for John Donald.

⁴¹ NRS, CS347/192, 22 March 1917, Isabella Macdonald Robertson and others, for Robert Robertson.

⁴² NRS, CS347/104, 15 June 1892, Alexander and David Currie, Brisbane, for Alexander Elphinstone Currie.

⁴³ NRS, CS347/192, 1915-21, 5 July 1921, Ninian Jamieson Finlay, WS, Edinburgh (executors) and others, for Alister Forbes Mackay, who left moveable estate of £1,200 and funds of around £1,400.

⁴⁴ NRS, CS347/104, 27 July 1894, George Ritchie Mather, for William Reston Mather.

⁴⁵ NRS, CS347/104, 15 November 1894, James McFarlane and others, for Andrew McFarlane. NRS, CS347/104, 8 May 1893, William Stocks MacFarlane, Baltimore, for John MacFarlane.

⁴⁶ NRS, CS347/192, 1915-21, 24 February 1917, Jessie Dawson and others (her children), for James Dawson.

⁴⁷ NRS, CS46/1939/11/60, Johnston Cumberland Paterson and others, for Francis Paterson.

⁴⁸ NRS, CS 46/1883/12/87, First Division, 6 March 1883, Peter Campbell and others, for Malcolm Campbell.

⁴⁹ A. Trollope, *John Caldigate* (Newcastle upon Tyne, 2008, originally published 1879).

⁵⁰ NRS, CS347/104, 12 May 1894. Advertisements in the *Otago Witness* and *New Zealand Public Opinion* in 1888, 1889 and 1893 had elicited no response.

⁵¹ NRS, CS347/104, 14 January 1892, John Drysdale, Mary Harrower Drysdale, Elizabeth Drysdale (all Ontario) and Mrs Jane Drysdale or Ronald (Annan), for Charles Drysdale (their brother).

⁵² NRS, CS347/104, 12 February 1894, William Jackson, Wishaw, for John Jackson.

⁵³ NRS, CS347/192, 1915-21, 17 May 1917, Grace Williamson or Tulloch, for Thomas Williamson (her brother).

⁵⁴ NRS, SC1/13/1919/16, 17 October 1919, George Thomson Cruickshank, for Alexander Cruickshank. The sheriff-substitute, after considering the evidence, asked George Thomson to advertise for information regarding his brother, ‘twice for two successive weeks’ in three Melbourne newspapers and in the *People’s Journal*, Aberdeen. On 18 February 1920 George Cruickshank withdrew his application, but it is not stated whether this was because Alexander had been found.

⁵⁵ R. Butler, *Eureka Stockade* (London and Sydney, 1984).

⁵⁶ Alexander Cruickshank to ‘dear friends’, 18 November 1862.

⁵⁷ For thirty-one years since their father’s death in 1888 George had been drawing, without challenge, the rents of two small cottages in West Mount Street, Aberdeen, but he wished to have his entitlement to the whole heritable estate legally confirmed. (NRS, SC1/13/1919/16).

⁵⁸ Robert Yuile to his mother, 2 September 1867, in NRS, SC36/9/423.

⁵⁹ Robert Yuile to his mother, 10 May 1868.

⁶⁰ Robert Yuile to his mother, ‘Sunday 12 [July] 1868.

⁶¹ Robert Yuile to his mother, 10 January [1869].

⁶² Robert Yuile to his mother, 4 July 1869; 20 February 1870; 1 June 1870.

⁶³ Robert Yuile to his mother, 11 June 1871.

⁶⁴ Robert Yuile, Wasatch, to his mother, 20 February 1870.

⁶⁵ Ibid.

⁶⁶ Robert Yuile to his mother, 10 March [1869].

⁶⁷ Robert Yuile to his mother, 1 October [1868].

⁶⁸ Robert Yuile to his mother, Sunday 12 [July] 1868; 1 October [1868].

⁶⁹ Robert Yuile to his mother, 30 August [1869].