

# THE BURNETT BANNER

**Burnett Newsletter  
(including House of Burnett News)**

**Edition No 19  
September 2012**

## NEWMARKET VISIT AND THE PIPE BAND



I spent a few days at Newmarket last week visiting two of my brothers. I was very interested to see my brother Henry's collection of model soldiers and note that he has an addition since I last inspected them. On closer inspection, I see that there is a section for the Banchory Pipe Band looking resplendent in the Burnett tartan.

The real Pipe Band went into decline during the last decade, but they have been resurrected and becoming very active again with a large number of both pipers and drummers. I hope to be reporting on their progress in the near future



*James C A Burnett of Leys*

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## NEW BURNETT CLAN MEMBER?



Some readers may not appreciate this picture. Wayne Rooney is probably the best known footballer in Britain and consequently something of a celebrity.

That he sports the Burnett motto might justify his *ex officio* Burnett Clan membership.

Wayne had damaged his leg but will be all right soon. Hence *Virescit Vulnere Virtus*, "Courage becomes greater through a wound

*The Editor*

## NOTE FROM HOUSE OF BURNETT SECRETARY

Greetings to All;

The hot dry summer, wasn't always conducive to great games. Overall I had a great time meeting old friends and making new ones. I hope everyone had a great summer.

Despite the heat it was exciting to see the numbers of Burnett's who still showed up at the events I attend. I will be attending the Wisconsin Games over the Labor Day weekend. Hope to see some of you there. Thanks to John Novotny and his Daughters we again had a Burnett representation at the Grandfather Mountain Games.

My next mission is to get someone to represent us at the Stone Mountain GA. Games.

Elections for Board of Directors to take office in Jan. 2013 will be taking place in Dec. Two Board Members will be elected for a three year terms. Throw your hat in the ring we need new ideas. The Board will also be electing the executive officers (President, Secretary and Treasurer).

Dues come due on 31 Dec. 2012. Some of you paid early and adjustments were made to others, so please look at your membership card to determine if owe dues or are good until Dec. 2013. Those who wish to pay thru Paypal please do so. If there is any confusion contact me and I will sort thing out.

Another pressing issue is the updating of e-mail address. This makes it much easier to communicate and it saves the House of Burnett money.

We continue to look for family tree information, as we try to fill in the gaps, so if you have something to add please send it in so we can publish it in the Banner.

By the time this edition of the Banner is out I will have "Locked" myself in for tour 2 (the 10 day tour). I hope lots of you join me on this tour. The more the merrier, as the saying goes. If you have trouble navigating the web sites let me know and I will talk you through it.

Yours Aye

**Leland Burnett**  
burnett@dcwis.com

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### 'ONE LINER' OF THE DAY

What do cows do for entertainment?

They rent mooovies !

## BURNETTS OF THE OLD WEST

### Peter Hardeman Burnett

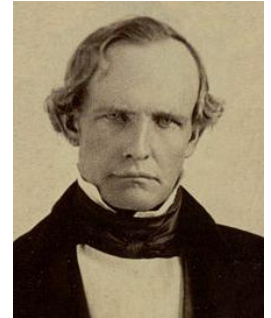
Born: November 15, 1807 in Nashville, TN

Died: May 17, 1895 in San Francisco, CA

Married: Harriet Rogers on August 20, 1828 in Bolivar, TN

Political Party: Independent Democrat

Peter Hardeman Burnett was the first Governor of the State of California serving from December 20, 1849 to January 9, 1851. He was also the first California governor to resign from office. Burnett previously served briefly during December 1849 as the territorial civilian governor of California.



Born in Nashville, Tennessee, but raised in rural Missouri, Burnett received no formal education, but educated himself in law and government. After owning a general store, he turned to his law career; in defending a group of Mormons — including Joseph Smith — who were accused of treason, arson and robbery. Burnett requested a change of venue for the court proceedings, and during transportation to the next venue, the defendants escaped.

In 1843, Burnett became part of the exodus of Easterners moving Westward, moving his family to the Oregon Country (now modern-day Oregon) to take up farming in order to solve growing debts in Missouri, an agricultural endeavor that failed. While in the Oregon Country, Burnett began his forays into politics, getting elected to the provisional legislature between 1844 to 1848. In 1844, he completed construction of Germantown Road between the Tualatin Valley and what became Portland.[1] It was during his time in Oregon that Burnett, a traditional Southern Protestant, began to question the practices of his faith, drifting his religious views more to Roman Catholicism. By 1846, Burnett and his family made the complete transition from Protestant to become Catholic.[2]

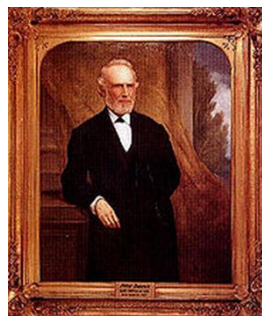
While in the Legislature, and later in the Provisional Supreme Court, Burnett proposed and openly advocated one of Oregon's first exclusion laws, barring African-Americans from moving to the territory. Blacks who did remain were to be arrested and flogged every six months until they did leave.[3] The measure successfully passed, with similar exclusion laws adopted by the Legislature over the

next several decades. Oregon's Black exclusion laws would remain in effect until 1926 when referendums removed the clause from the Oregon Constitution. The barring of Blacks from voting remained until 1927.[4]

Upon news of the discovery of gold in Coloma, California on January 24, 1848, Burnett and his family moved south to take part in the rush. After modest success in getting gold, Burnett envisioned a career in law in San Francisco, a rapidly-growing boomtown thanks largely to the Gold Rush. On the way to the Bay Area, Burnett met John Augustus Sutter, Jr., son of German-born Swiss pioneer John Sutter. Selling his father's deeded lands in the near vicinity of Sutter's Fort, the younger Sutter offered Burnett a job in selling land plots for the new town of Sacramento. Over the next year, Burnett made nearly US\$50,000 in land sales in Sacramento, a city ideally suited due to its closeness to the Sierra Nevada Mountains and the neighboring Sacramento River's navigability for large ships.[5]

In 1849, Burnett announced his intentions to return to politics. 1849 saw the first California Constitutional Convention in Monterey, where territorial politicians drafted documents suitable to admit California as a state in the United States. During the 1849 referendum to adopt the California Constitution, Burnett, now with name recognition in Sacramento and San Francisco, and a resume that included the Oregon Provisional Legislature, decided to run for the new territory's first civilian governor, replacing the string of military governors and bureaucracy from the U.S. military. Burnett easily won the election over four other candidates, including John Sutter, and was sworn in as California's first elected civilian governor on December 20, 1849 in San Jose in front of the California State Legislature.

In the first days of the Burnett Administration, the governor and the California Legislature set out to create the organs of a state government, creating state cabinet posts, archives, executive posts and departments, subdividing the state into 27 counties and

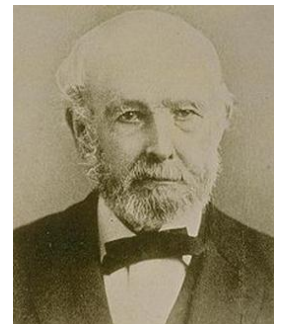


appointing John C. Fremont and William M. Gwin as California's senators to the federal U.S. Senate. Despite home proclamations and bureaucratic reorganizations that recognized California now as a U.S. state, the U.S. Congress and President Zachary

Taylor had in fact not even signed authorization of statehood for California. Part of this miscommunication was due to California's relative remoteness to the rest of the U.S. during the time, but also to over-enthusiastic attitudes by politicians and the public alike to get California into the Union as quickly as possible. Following long contentious debates in the U.S. Senate, California was admitted as a state on September 9, 1850 as part of the Compromise of 1850. Californians did not learn of their official statehood until one month later, when on October 18, the steamer Oregon entered San Francisco Bay, with a banner strapped to her rigging reading "California Is Now A State." [6]

During these advancements into statehood, Governor Burnett's popularity among the State Legislature, the press and the public plummeted. Relations between the Legislature and Burnett began to immediately sour in early 1850, when bills pressing for the incorporation of Sacramento and Los Angeles as city municipalities, with Los Angeles being a special incorporation due to its earlier pueblo status during the previous Spanish and Mexican rule, passed the State Assembly and Senate. Burnett vetoed both bills, citing special incorporation bills as unconstitutional, and that reviews for municipal incorporation were best left to county courts. While the Legislature failed to override Burnett's veto of the Los Angeles bill, it did however successfully override the Sacramento bill, making Sacramento California's first incorporated city.[7]

As in Oregon, Burnett pushed for the exclusion of Blacks from California, raising the ire of pro-slavery supporters who wanted to import the Southern slave system to the West Coast. His proposals were defeated in the Legislature. Similarly, Burnett



also pushed for heavy taxation on foreign immigrants. An 1850 Foreign Miners Tax Act, signed into law by Burnett, required every miner of non-American origin to pay US\$20. In addition to these proposals and laws, Burnett also argued heavily for increased taxation and for the expansion of capital punishment to include larceny.[5]

Characterized as an aloof politician with little support from the Legislature by the San Francisco, Sacramento and Los Angeles press, Burnett grew frustrated as his agenda ground to a halt, and his

governance style increasingly criticized. He became a regular fixture of ridicule in the state's newspapers and on the floor of the Legislature. With little over a year in office, Burnett, the first governor of the state, became the first to resign, announcing his resignation in January 1851. Burnett cited personal matters for his departure. Lieutenant Governor John McDougall replaced Burnett as the Governor of California on 9 January.

Peter Burnett founded the city of Oregon City in Butte County, California.[8]

One year after leaving the governorship, Burnett was finally able to repay the heavy debts he had incurred in Missouri nearly two decades before. He entered a number of careers, serving briefly as a justice in the California Supreme Court between 1857 and 1858, the Sacramento City Council, as well as becoming a San Jose-based lawyer, a noted proponent of Catholicism during the Victorian period, and then the president of the Pacific Bank of San Francisco. Although never venturing into politics much after the 1860s, Burnett was an active supporter of the federal Chinese Exclusion Act of 1882. He died May 17, 1895 at the age of 87 in San Francisco, and is buried in the Santa Clara Mission Cemetery at Santa Clara, California.

Peter Burnett's legacy is largely mixed. While regarded as one of the fathers of modern California in the state's early days, Burnett's openly racist attitudes towards Blacks, Chinese, and Native Americans have blackened his name today. Burnett's period in the Oregon Provisional Legislature helped facilitate the exclusion of Blacks from the state until 1926.

#### Family

Father: George Burnett

Mother: Dorothy Hardeman

Wife: Harriet Rogers

Children: Dwight, Martha, Romeetta, Armstead & Sallie

#### Books

Burnett, Peter H., Recollections and Opinions of an Old Pioneer, New York, D. Appleton & CO, 1880. And Biobooks, 1946

Burnett, Peter, H, The Path Which Led A Protestant Lawyer to the Catholic Church, New York, D. Appleton & CO, 1860. [Available digitized on Google Books at : <http://books.google.com/books?id=mxS4VvoCkDcC&printsec=frontcover&dq=the+path+which+led+a+protestant+lawyer+to+the+catholic+church&ei=r8T4S5CKDaPGMpf3kP4P&cd=1#v=onepage&q&f=true>

#### References

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2. Edward P. Spillane (1908). "Peter Hardeman Burnett". The Catholic Encyclopaedia, vol. III. Retrieved 2007-05-09.
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4. "Slavery in the Oregon Country". End of the Oregon Trail Interpretive Center. Retrieved 2007-05-09.
5. a b "Gold Rush Profile: Peter Burnett". The Sacramento Bee. Retrieved 2007-05-09.
6. LearnCalifornia.org. "California Becomes A State". State of California. Retrieved 2007-05-09.
7. Peter M. Detwiler (1996). "Creatures of State...Children of Trade: The Legal Origins of California Cities" (.HTML). Final Report and Recommendations to the Governor and the Legislature (California Constitution Revision Commission). Retrieved 2007-05-09.
8. [http://ohp.parks.ca.gov/default.asp?page\\_id=21391](http://ohp.parks.ca.gov/default.asp?page_id=21391)

#### Discussion?

Start the discussion on the Burnett Facebook Page: <http://www.facebook.com/#!/pages/Burnett/134138613279417>

#### Jackelyn Daugherty

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#### JUST A THOUGHT.....

Years ago, in 1974, when Sandra and I had the pleasure of visiting Crathes and Banchory, I came out of the restaurant at the Castle, walked to the steps at a low stone wall on which was seated a very Scottish Gentleman dressed in his kilt, hose and sporrans. A small caber was leaning against the wall which I assumed he used for walking. He was, probably, in his seventies or eighties with a well groomed moustache and beard.

The moment I said "Hello" he realized I was from the "Colonies" and we started conversing. He was a very interesting chap with an active history. When I started to depart this gentleman said something I repeat from time to time and will never forget. He said, "There is no one in the world any more Scottish than an American - with a little Scottish blood." I could not help laughing and he accompanied me in that.

#### Judge Gilbert Burnett

## Glasgow, KY Highland Games 2012



Leland with Richard Carmichael of Carmichael.  
30<sup>th</sup> Chief of the Name and Arms,  
26<sup>th</sup> Baron of the lands of Carmichael.



Scottie Band, Glasgow, KY  
High School Band



**The House of Burnett won Clan Tent Award for 2012!**  
Criteria used in judging was: friendliness, clan information, display, originality, and age inclusiveness.



The House of Burnett in the Parade of Tartans.



Clan Tent Award. Given to the House of Burnett at the  
Glasgow Highland Games

THE 147<sup>TH</sup> SCOTTISH HIGHLAND GATHERING & GAMES,  
PRESENTED BY THE CALEDONIAN CLUB OF SAN FRANCISCO  
IN PLEASANTON, CA



I had the pleasure of attending the Highland Games in Pleasanton this Labor Day weekend. These are one of the oldest and largest Games in the U.S. There were over 75 Clans represented, the Western Championships for Highland Dance competition, the IHGF (International Highland Games Federation), World Championships for heavy athletics drew athletes from all over the world. There were 30 Piping Bands from Grade One through Grade Five, with the L.A. Scotts as the featured guest band. Scottish Country Dancing had a stage with continuous performances, as did three Celtic Rock stages. There was a large Renaissance area with re-enactors ranging from Mary Queen of Scotts to Viking Warriors. There were even rides in wagons drawn by Clydesdale horses.

I attended a program on Falconry that I enjoyed very much. And, of course there were all the Burnetts I had the pleasure to meet! Below is a photo of some of the Burnetts.



*Pictured are from the Right: Barbara Krieder, (HOB Board Member), Rodney Yoder, Amanda Francken, Sherrill Barnett Westwood, George Krieder, (HOB Board Member), George Mead, (standing), Jack Westwood, (black cap), Gustavo Francken, Nick Francken and Jack & Sherrill's daughter Donna Francken*

## SIR ROBERT BURNETT

Readers may recall previous articles on Sir Robert Burnett and the question marks over the connection with the Burnetts of Leys. This was assumed since the Horn and Holly Leaves appear in his Coat of Arms. However, there had been no other connection identified.

The College of Arms advises me that the use of arms to which people had no entitlement has always been widespread and there is a tendency for people to use the arms of the principal family of their name without any thought of whether there is descent. Subsequent grants of arms regularly occur

The grant of arms to Sir Robert Burnett is dated 22 February 1812 and recorded in College of Arms Ms: Grants 26/369. The text of the patent granting the arms to Sir Robert Burnett of Morden Hall in the County of Surrey, Knight, states that "the Armorial Ensigns borne by his family not having been duly registered in the College of Arms he requested the favour of His Grace's (The Earl Marshal, The Duke of Norfolk) Warrant for the granting confirming and exemplifying of such Arms and Crest as may be proper to be borne by him and descendants". The granting Kings of Arms were Sir Isaac Heard (1730-1822), Garter King of Arms and George Harrison (1740). This is headed by Sir Robert and his wife and records their four sons Robert, Thomas, John Fassett and Charles Fassett Burnett together with three daughters and the children of the seven siblings. Sir Robert is described as "Sir Robert Burnett of Morden Hall, co: Surrey, Knight, DL and Lieutenant of the Division and J.P. for the said County, Sheriff of London and Middlesex in 1794 and late Lieutenant Colonel of the Loyal Lambeth Volunteers, Knighted at St. James's in 1794" His wife is described as "Anne daur of John Fassett of East Ham, co: Essex esquire married at St. John's Southwark"

None of this gives any clue to Sir Robert's parentage apart from the entry recording the marriage of his second daughter Elizabeth who married in 1812 Benjamin Burnett of The Temple esquire, one of the Clerks of the Crown Office in the Court of King's Bench, 1<sup>st</sup> cousin to his wife. However, they were clearly a family of note. Although the use of arms to which people have no entitlement has always been widespread and continues to this day. Consequently, the connection must remain officially indeterminate. However, unless there is good reason to suggest otherwise, Burnetts are regarded as kinsmen and treated accordingly.

One of Sir Robert's descendants, with whom I have enjoyed correspondence has found a book which does provide some information on the family. The front page is titled "Pedigree of the Family of Burnett

of Surrey and London descended from Burnett of Leys Aberdeen N.B. Collected from old pedigrees, Wills, Parish Registers, Family Bibles and living descendants by Harriet de Salis 1887". It is pretty comprehensive, and seems to bridge the gap between Burnett of Leys records and those of Sir Robert, Sheriff of London, knighted in 1795. There is a glaring anomaly in the record which has to be the subject of further research and which may be included in a future banner.

Further research is also warranted due to the personality of the author Harriet Anne de Salis. It turns out that her mother was Harriet Anne Bainbridge (nee Burnett), eldest daughter of the 4th son of Sir Robert, so she would presumably have good access to reasonably contemporary family records at the time.

However, an internet article reveals - that she was a Victorian lady with two unusual careers. She was not only a successful cookbook author but also one of the great genealogical con artists of the 19th century. Her name was Harriet Anne De Salis (née Bainbridge). And it's probably fair to say that the proof was more in her puddings than in her pedigrees!

It seems that she had quite a career in genealogy, particularly in tracing Americans' British roots, but gained a reputation for inventing what she could not find! On the other hand, any myth or otherwise about the family connection with Leys was well established before she came to document the history so she cannot take all the blame if that is untrue. But evidently she had no scruples about short-circuiting missing links (and possibly using one which would be difficult to verify), and seeing her described as "one of the great genealogical con artists of the 19th century" doesn't fill one with confidence!

Maybe more to follow

*James C A Burnett of Leys*

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## CENTINELA ADOBE

Readers may be interested that there is another chapter in the story of Robert Burnett's (later Sir Robert) ranch in California. A member of a family whose members have been friends of my family for generations and indeed related to the Burnetts, Allan Mackenzie, has a property company Mar Ventures Inc of Torrance CA, which owns small portions of Rancho Sausal Redondo which Sir Robert added to his ranch, Centinela Adobe in 1860. Allan's mother, was my godmother and her family of Innes has had close ties with the Burnetts over several centuries. By 1872, Burnett had a 25,000-acre holding that

encompassed all of the land from what is now known as Playa del Rey to Lawndale and Redondo Beach, and including communities such as El Segundo and Manhattan Beach. This area now constitutes the northern portion of Los Angeles's South Bay region, and is one of Southern California's most attractive beach proximate residential and commercial environments, the home of surf culture and the Beach Boys. The area is most notable for its seminal contribution to America's aviation and aerospace industries; Donald Douglas and Jack Northrop, whose companies' eponymous planes still ply the sky today, started their operations within Burnett's holdings. Perhaps the most famous aviation pioneer whose company was headquartered on the former Rancho was the eccentric and brilliant billionaire, Howard Hughes. From its base in Playa del Rey, Hughes Aircraft was at the forefront of American aerospace research and development until it was split up and sold in the 1990's. The company developed the world's first geosynchronous satellite and the first laser. A famous product was the huge Spruce Goose, an amphibious plane designed at the behest of the US Government to ferry 750 soldiers at a time across the Atlantic in the Second World War; unfortunately this behemoth, with the largest wingspan of any plane ever produced, only flew once. Emblematic of the economic vibrancy of the former Rancho, the vast building used to manufacture the Spruce Goose was recently converted for movie production, and it was there that the highest grossing film of all time, Avatar, was shot.

Today, the Centinela Adobe lives on as a City owned museum, located in the shadow of the world's fifth busiest airport, Los Angeles International.



*James C A Burnett of Leys*

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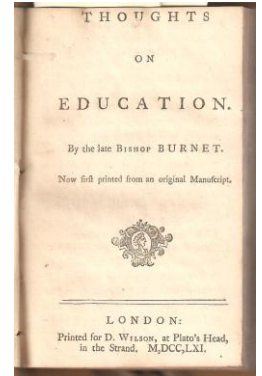
## SCOTTISH SAYING

**"Awa' an bile yer heid"**

Meaning 'Get lost!' or 'Forget it!' - and it's usually said to someone who is deemed to be talking rubbish, or wasting your time.

## BISHOP BURNETT ON EDUCATION FINAL

As for his letters, the first thing the Grecians and Romans though on, was teach their boyes the elegancies of their own tongue; for which and every city was full of the schools of rhetoricians; and perhaps the neglect of teaching boyes the purity and propriety of their mother-tongue, hath occasioned the great rudeness critics judge our westernlanguages to be guilty of; oratory in them having never been made a study before Cardinal Richelieu his correcting that colledge at Paris.



But I confesse I doe not so much approve this way of education so early; for to teach rhetoric or logick (all the difference betwixt there being that the one is reason in a court dresse, the other in a military garb) before one have arrived at a solide understandingof things, is a reversing the right order, which requires n that wee know things before wee think of ordering them. Therefore I judge the teaching of forraine languages to be the fittest work for a boy; the Latine or French are these in which all learning is now to be found, and so one of these must be exactly known and understood. But because Latine, as it is the ancients and more universal, so by a long politure hath in it I know what handsomeness peculiar to itself; as also by its long reigne in the worlde hath been and is to this day the language of learned men. I therefor conceive it necessary to presse a boy in earnest to the acquiring, and exact understanding, and facility in this tongue; but withal I must adde, that I would not so counterarre with a boy, but if I discovered either a great defect in his memory, or ane unconquerable aversion in him, so that no art could subdue it, I would not for that judge him lost, nor drive him so to it as to alienate his mind from study; since he may be a knowing mane without a word of it.

And I equally blame the French, who begin universally to neglect the Latine, and our countrymen, who insist too much upon it, and give over the education of a boy for lost, if he goe not through the grammaire.

Next I must tell you that the whole manner of teaching Latine in Scotland displeaseth me: and certainly there must be some grand error in teaching it, when dull boyes after many yeeres uselesse study therein, goe to France or Holland, and in six or eight moneths acquire a perfection in these tongues; and why might they not learn Latine so soon?

*The Editor*



## MEMORIAL TO 'ADVOCATE OF TOLERATION'

I have recently corresponded with a kinsman who is a descendant of Robert Burnet, Lord Crimond (1592 - 1661) enquiring into the genealogy of that branch of the family. Descendants of Lord Crimond included the famous theologian and historian, and his sons who included William, who went on to become Governor of New York and then Massachusetts. In our correspondence he drew my attention to the memorial plaque to Bishop Gilbert Burnet in Salisbury Cathedral and which was erected by a descendant of his son, Governor William Burnet in 1960 and it was agreed that it would be interesting to find out the identity and line of this person.

Eileen Bailey, our genealogist, has unearthed the following from copies of the Salisbury Journal 1960

"A Memorial tablet to Bishop Gilbert Burnet, Bishop of Salisbury from 1689 to 1715 will be dedicated by Dr P.B. (Tubby) Clayton on Friday, June 17, in Salisbury Cathedral.

The Tablet, carved by Cecil Scott, the sculptor, has been presented by Mrs Neville Mitchell Smith, of Pennsylvania, a descendant of the Bishop through his eldest son, William, who became Governor of New York, New Jersey and Massachusetts. Mrs Smith, now over 80, was awarded the George Medal in 1948 for her services to the cause of Freedom. She is Chairman of the British-American Society, and a member of the National Society of Americans of Royal Descent, the National Society of Colonial Dames and other American organisations associated with this country. ....Also present will be Mr A.D. Gilbert Burnett of Chelsea, direct descendant of Bishop Burnet's uncle. The Burnett family - they now spell their name with two t's - still own lands in Aberdeenshire, given them by Robert the Bruce. There was a report of the ceremony the following week, stating that the tablet was presented by 88-year-old Mrs S Fahs Smith, of York, Pennsylvania, U.S.A. Mrs Smith is a descendant of Bishop Burnet. Other descendants listed in this notice were: Mrs George Rosengarten, of Havertown, Pennsylvania, Mrs John S. Wurts of Philadelphia and 16-year-old Gilbert Burnett, who is a scholar at Bradfield College, Reading, Berks."

The A.D. Gilbert Burnett referred to as one of those attending the dedication of the memorial would have been Alexander Douglas Gilbert Burnett, b 1879, son of Alexander George Burnett of Kemnay and his wife Anna-Maria Pledge. According to a memorial tablet at Kemnay Church, A.D., Gilbert Burnett died in 1962 (two years after the dedication).[ see page 116 of Holly & Horn]. As to the other "descendants" who attended, mainly from USA, and the Mrs Neville

Mitchell Smith who presented the tablet, this opens up another whole new area of research!

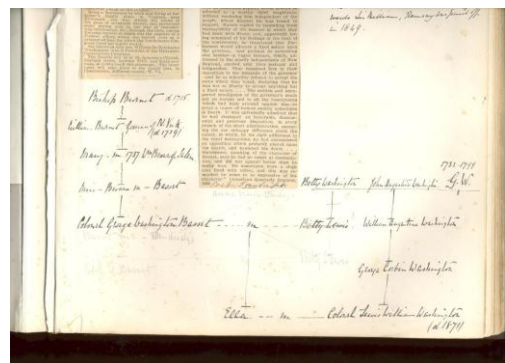
**Mrs Neville Mitchell Smith**, ( also recorded as Mrs S. Fahy Smith), commissioned the memorial to Bishop Burnet and was said to be one of his descendants. Mrs Neville Mitchell Smith was said to be "very interested in genealogy, tracing descent from British royalty". It was also said that George Washington was a relative. (see illustration for interest)

**Lucy Neville Mitchell** married **Stephen Fahy Smith** ( born 1864, an executive in the S.Morgan Smith Co. founded by his father) in Jefferson, West Virginia in 1902. They lived in York, Pennsylvania where their estate was said to have been named "Eltham" after her ancestral home. She was a member of the National Society of Magna Carter Dames. She was born in 1872 in Charleston, South Carolina, daughter of **Charles Tunis Mitchell** (b. 1816) & **Judith Frances Carter Bassett** (b. 1836 in New Kent, Virginia).

**Judith Frances Carter Bassett** was the daughter of **John Bassett** and **Betty Carter Browne**. **Elizabeth(Betty) Carter Browne** was the daughter of **William Burnet Browne & Judith Walker Carter**. **William Burnet Brown** (b. 1738 in Salem, Essex, MA.) was the son of **William Browne** (b. 1709) and **Mary Burnet** who were married in 1737 in Salem. Essex. MA. **Mary Burnet** b. 1723 was the daughter of **William Burnet (Governor of New York)** and Anna Van Horne.

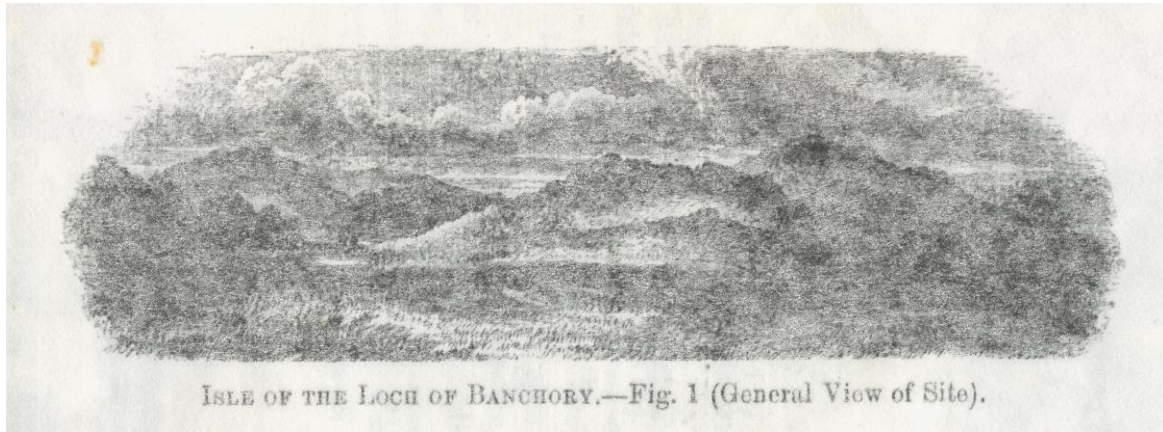
Amongst those who attended the ceremony in 1960 was **Mrs George Rosengarten, who was Anne Wright Mott** born in PA in 1886 and died Sept 1975. They were married in 1911 and lived in Haverford, Delaware. PA. Also there was **Mrs John S. Wurts** was **Dorothy Barrett Williams** born in aboutt 1895 in Illinois. She married John S. Wurts in Dec 1917 in Pennsylvania where they lived. She died in Jan 1972. Dorothy B. Wurts was found to have arrived in Southampton in June 1960. We have not yet found links to Gilbert Burnet of these but if any reader can provide more information, it would be much appreciated.

Another link in the Burnett chain.



**James C A Burnett of Leys**

## CULTIVATION ON THE LOCH OF LEYS



Readers of Crannog to Castle are well informed about the crannog or man-made island on which the Burnetts lived prior to the building of Crathes Castle. Eileen Bailey's chapter is directed more towards the history of the crannog rather than the Loch of Leys on which the crannog sits. In the mid-19th century, the loch was drained for the purpose of transforming its fertile floor into cultivatable land. This was partially successful inasmuch as the drainage caused the loch floor to dry out but in doing so, it caused it to drop thereby negating the benefits of the drainage. Consequently, it was drained again and provided some productive agricultural land. There is a slight irony attached to this since, as Eileen Bailey points out, the crannog was originally constructed on the loch partially to avoid the use of more productive land. However, times had changed and there was presumably more land available following the period of agricultural improvements.

An article in an edition of the Proceedings of the Society of Antiquities of Scotland included an illustration of the loch under cultivation and showing the general appearance of the island as it was at the time since the bottom of the lake was turned into corn land. Another gives a bird's eye view of the surface of the crannog which it can be seen that it had been occupied by a strong substantial building.

A visit to the loch to view the crannog has been an essential event during all Burnett Gatherings and will be again in 2013. Hopefully by then, plans for the clearing of the surface to produce more open water, will have started.

### *James C A Burnett of Leys*

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## VISITORS TO CRATHES

Amongst the many Burnett visitors to Crathes over the past three months were Karen Brown and her niece, Emily (right).



Unfortunately, I was only able to meet up with them for a quick lunch, but it was great to welcome yet more members of Judge Gilbert Burnett's extended North Carolina family of which he was the pioneer of the current era.

### *James C A Burnett of Leys*

## KENTUCKY BOYS

Louie David Burnett and his sons, Steven and David came to Crathes in August at the time of the Aboyne Highland Games. They are related to John Burnett of Aberdeen, through his son Thomas Burnett who was born in Old Rappahannock, Virginia 1665. His grandson John Burnett was granted land which is now in Nelson County Kentucky for fighting on the side of the colonials. I had an enjoyable round of golf with Steve and David and the photograph shows them at the Games with the Chief of the Games, Granville, Marquis of Huntly.



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## WEDDING BELLS

Those who have been to Crathes may have travelled on the reopened Royal Deeside Railway Line.

After putting it off for eight years due to family commitments, In August, Mike Smith and Tina Scott became the first couple to be married at the Royal Deeside Railway. When they saw the platform and the railway track at the Milton of Crathes, which has been restored by volunteers over the years, they decided it would be the ideal place finally tie the knot.



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## EAGLE'S FEATHERS

A recent notice from Standing Council of Scottish Chiefs on the misuse of eagle's feathers in connection with ancient titles.

The Lyon Court does not regulate the use of eagle's feathers, but certainly appreciates that their useage is linked to arms. Their use is a convention that has built up over time rather than being a point of law. However their *misuse* has become more widespread.



This is an area that clan chiefs can take control themselves, should they wish to. In various erudite publications it is suggested that overseas commissioners can wear two feathers within their territorial designation. However, it is felt that this should be caveated 'so long as the clan chief has given such permission and guidelines as to the wearing of feathers'.

The entitlement to feathers has traditionally been as follows: Clan chiefs – three, chieftains – two, and heads of armigerous families within clans, who have

matriculated in Scotland (as opposed to England or anywhere else) – one. The difficulty seems to be in the chieftain area and who is a chieftain within the clan. A clan chief might appoint a chieftain or a commissioner for good reason and it may well be appropriate for that person to wear two feathers. The question then arises of whether deputy commissioners should wear one feather or none at all. Many clan associations in the USA have a considerable number of state representatives or deputy commissioners – upwards of 30. Should they all really be sporting feathers? The main point is that there are too many people wearing feathers without realising what the historical connection is with arms, and the titles of chief and chieftain within a clan context in Scotland. Irrespective of that, it should up to each clan chief to decide and direct this aspect of clanship as they see fit.

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## BARONY COURT

From the Barony Court Book of Leys, which is displayed in the Long Gallery at Crathes Castle, we can gain an insight into the jurisdiction of times past and of what was expected of the Laird's tenants.

1623

James Paterson being convicted for deforcing John McKay into 'giving back' a horse which had been lawfully provided, was ordered to pay a fine of £40 (Scots) (about £2.50 or \$4.00) and to sit 24 hours in the stocks

1629

Three tenants are commissioned to keep order amongst all flytters (people using obscene language) and to put them in the stocks till a payment of 40/- be paid

1650

A statute was enforced by the Laird "that no tenant strike or ding any beasts as great sleith (harm) has lately been done to animals being indiscreetly struck with great staves"

1660

"The (Laird's) Steward, showing that he had been frequently reprovod for presenting 'evil baiken bread'. He replied "that he was nought abill to amend the same for the want of good barley". The Laird then decreed that "as there is ane greate pluralitie of brewers within his land, each brewer in his turn shall give weekly ane quart of barley and receive three loaves in return".

*The Editor*

## NOBLES SPELLING

Visitors to Crathes will have seen the painted ceilings in the Nine Nobles room. Whilst the subjects will be of interest to many, there are points of spelling which should also be of note. There are three different versions of the letter S on one of the beams. There is standard "S" in *Soliman* and the gothic version in *was*. There is also another in *Slew* and which also appears in the word *Christian*. The reason for this is because it was not until the middle of the 17<sup>th</sup> century that spelling became less random and the alphabet more stabilised and it was 2-300 years after printing started that it became more formalised.

Some may not know that there was no letter "J" in the English language until about 1650 . Until then, the letter "I" was used and this explains the origins of Ian and Ewan which are corruptions of John which was earlier written as Iohn. In early Shakespeare and editions of the James VI Bible, there were no "J"s. Until quite recently and particularly in the west of Scotland, students learning the alphabet would taught to pronounce "J" as "Jai" and it presumably is no coincidence that it follows "I" in the alphabetical sequence. Note the "I" and the "J" in the photographs

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