

= Sir Ewan Forbes , 11th Baronet =

Sir Ewan Forbes of Craigievar , 11th Baronet ( 6 September 1912 ? 12 September 1991 ) was a Scottish nobleman , general practitioner and farmer . At birth , he was christened " Elizabeth Forbes @-@ Sempill " , and officially registered as the youngest daughter of John , Lord Sempill . After an uncomfortable upbringing , he began living as a man at the start of his medical career in 1945 . He formally re @-@ registered his birth as male in 1952 , adopting the name of " Ewan Forbes @-@ Sempill " , and was married a month later .

In 1965 , he stood to inherit his elder brother 's baronetcy , together with a large estate . This inheritance was challenged by his cousin , who argued that the re @-@ registration was invalid ; under this interpretation , Forbes would legally be considered a woman , and thus unable to inherit . The legal position was unclear , and it took three years before a ruling by the Court of Session was finally upheld by the Home Secretary , granting him the title . The case was held in great secrecy , with the effect that it was unable to be considered in other judgments on the legal recognition of gender variance , but has become more widely known since his death in 1991 .

= = Family background = =

The Forbeses were a well @-@ established Aberdeenshire family , holders of both a barony and a baronetcy . The baronetcy had been bestowed in 1630 , and was restricted to heirs male . In 1884 Sir William Forbes , the eighth baronet , inherited his cousin Maria 's title as Lord Sempill and took the surname of Forbes @-@ Sempill . On William 's death in 1905 , both titles passed to his eldest son , John .

John , the new Lord Sempill and Baronet , was a landowner and soldier who had served with the Lovat Scouts and then the Black Watch in the South African War . He would later command the 8th Battalion of the Black Watch during the First World War , in which he was wounded at the Battle of Loos . During the 1880s , he had met Gwendolyn Prodder at the fashionable German resort of Bad Homburg ; the couple were married on 22 June 1892 . The bride , from a Cornish background , had been brought up in Wales and was an accomplished harpist .

The couple had four children . The eldest , William , was born in 1893 , shortly after their marriage . William later became an engineer , aviator , and spy . There were then two daughters ; Gwendolyn ( also known as Gwyneth ) , who died of appendicitis before Ewan 's birth , and Margaret , who later became a decorated member of the Women 's Auxiliary Air Force in the Second World War and a Justice of the Peace , before dying in a car accident in 1966 .

Finally , in 1912 , a fourth child was born , christened Elizabeth Forbes @-@ Sempill , and known to the family as " Betty " .

= = Early life = =

The issue of Ewan 's gender would later prove contentious ; the birth registration recorded a female child , but Forbes later commented that this was " a ghastly mistake " . Ewan was brought up as a girl alongside Margaret , but found childhood to be dominated by a growing gender insecurity . They spent a large amount of time playing with cousins Patrick and David , and in many contemporary photographs Forbes can be seen dressed in trousers and a male jacket , unconventional dress for a young woman of that era . In his book *The Aul ' Days* , written many years later , Forbes recalled a hatred of being " made to dress up " for social engagements , and of going to great lengths to avoid them .

Lord Sempill insisted on a " strict Scottish " upbringing for his children , which meant that they were taught to speak and write fluently in Doric as well as various European languages . Forbes refused to go away to a girls ' school , which meant being educated at home ; at fifteen , he pressed to be allowed to go overseas to attend a pre @-@ university course , and eventually settled on a co @-@ educational institution in Dresden . After coming out as a debutante in London in the late 1920s , Forbes studied in Dresden for a year , 1929 ? 1930 , before travelling through central Europe ,

visiting Prague and Vienna . In the following academic year , he continued his studies in Paris , where he attended lectures at the Sorbonne and studied the harp under the principal harpist of the Paris Opéra .

As well as the harp , Forbes was an accomplished public reciter ; in the summer of 1930 , he won the Scots Verse recital contest at the Aberdeen Music Festival , and was paid by Beltona to make a series of recordings of the poems of Charles Murray . After returning from Paris , he led a troupe of Scottish country dancers ? the " Dancers of Don " , that he had formed together with Isabella Mitchell . By this time , Forbes 's heart was set on studying medicine . However , his father refused to fund his studies , arguing that since there was more than enough work to be done managing the estate , there was no need for him to study further . Ewan resolved to fund his own studies , aiming to put aside £ 1 @, @ 000 to cover the costs . In 1933 , he studied under the psychologist Leonhard Seif in Munich , living with the British novelist Phyllis Bottome . Whilst there , he witnessed the German elections which brought the Nazi Party into power , and heard Adolf Hitler speak .

On the death of Lord Sempill in 1934 , both the barony and the baronetcy passed to William , the eldest child . Forbes inherited a farming estate at Brux , Aberdeenshire of about 1 @, @ 300 acres ( 5 @. @ 3 km<sup>2</sup> ) , and took to the new lifestyle with gusto , adopting a broad Doric accent and taking to wearing a masculine kilt .

= = Medical career = =

In 1939 , Forbes was accepted as a medical student at the University of Aberdeen , graduating in 1944 and taking up the post of Junior Casualty Officer at the Aberdeen Royal Infirmary . After a swift progression to Senior Casualty Officer , he began to work as a general practitioner in Alford , Aberdeenshire in 1945 . In addition to the normal work of a rural doctor , he was called upon to act as a medical officer for a large number of German prisoners of war who were held in the area in 1946 , due to his command of the language .

The Alford area was one of the largest medical practices in the United Kingdom , and in the winter months Dr Forbes often had to travel through ten @-@ foot snowdrifts in a converted Universal Carrier . These conditions were not entirely unfamiliar ; a trip to see an uncle in St. Moritz at the age of thirteen had led to him taking up skiing and figure @-@ skating , and winning a number of bob sled races . He did not live in Alford , but remained at Brux , appointing a medical assistant to live in the town . The farm , left in the hands of a small resident staff , quickly ran into financial troubles . To raise a large amount of money quickly , Forbes sold the practice in Alford , and returned to the farm in 1952 , running it directly as a going concern from then on .

On moving to Alford , Forbes had begun to publicly present as a man . In 1952 , he formally became male by the simple process of requesting a warrant for birth re @-@ registration from the Sheriff of Aberdeen , registering himself as male , and changing his name to Ewan Forbes @-@ Sempill . He announced this with a notice in the Aberdeen Press and Journal of 12 September 1952 : " Dr E. Forbes @-@ Sempill henceforth wishes to be known as Dr Ewan Forbes @-@ Sempill " . His plans had been known in advance to many of his patients , who were reported as universally supportive . Forbes was equally candid with the press , describing the situation to one reporter as " ... a ghastly mistake . I was carelessly registered as a girl in the first place , but of course , that was forty years ago ... the doctors in those days were mistaken , too ... I have been sacrificed to prudery , and the horror which our parents had about sex " .

A month later , on 10 October , he married Isabella Mitchell , his housekeeper for the past five years , and formerly co @-@ founder of his dance troupe . The marriage took place at the kirk in Kildrummy , which he had recently joined .

= = Inheritance and lawsuit = =

The re @-@ registration passed without much public comment , and the issue of his gender would remain a private one until 1965 . That December , his elder brother died , leaving daughters but no sons , and thus posing a problem of inheritance . The barony could be inherited by heirs male or

female , and so passed directly to Sempill 's eldest daughter Ann , but the baronetcy ? along with the bulk of the land ? would have to pass to the first male heir . The family had assumed that Ewan would inherit , as the younger brother . However , this was challenged by his cousin John Forbes @-@ Sempill , who argued that the 1952 re @-@ registration was invalid . This would mean that Forbes was still legally considered a woman , unable to inherit the title , and so it would pass to John Forbes @-@ Sempill .

At the time , gender re @-@ registration was permitted in a limited set of cases ; the leading case , decided in 1965 , had held that re @-@ registration of this form was only permitted when " the sex of a child was indeterminate at birth and it was later discovered ... that an error had been made " . The challenge was taken to the Court of Session , where the case was heard in great secrecy ? no papers were publicly filed , and the judge sat in a solicitor 's office rather than in open court to hear the case . However , the records of the case have recently been made available via the National Archives of Scotland . They show that a total of twelve medical experts were called to give evidence , and their testimony was taken by the court to indicate that Forbes was a physical hermaphrodite , which would accord with the legal requirement of " indeterminate at birth " . However , the medical evidence was not conclusive ; Professor Martin Roth observed in evidence that he felt Forbes ' condition was closer to that of a transsexual , and Professor John Strong described the medical tests involved as " not wholly conclusive " . The judge ruled in favour of Forbes , though it has been suggested that the judge desired to ensure the estate and the title was inherited by the " right " candidate , and was flexible with his judgement to obtain this result . The ruling was appealed to the Lord Advocate , who referred the matter to the Home Secretary , James Callaghan . Callaghan finally ruled in December 1968 that Forbes was the rightful holder of the title , confirming the court 's decision .

The level of secrecy of the case , which was criticised by some contemporary observers , meant that it was not properly recorded or published , and the exact facts of the argument were not known for some time . As a result , whilst it sharply differs from later rulings such as *Corbett v Corbett* [ 1970 ] , it was not able to be considered as precedent in later judgments on the legal recognition of gender variance .

= = Later life = =

On taking up the baronetcy , Forbes dropped the " Sempill " from his surname ; this had been adopted by the family in the 1880s when they inherited the barony , and there was no reason to persist once the titles were separated .

With the inheritance case settled , he left the public eye and returned to the life of a rural landowner ; he placed Craigievar Castle in the hands of the National Trust for Scotland and continued to live in his house at Brux . Forbes was an elder of the local kirk at Kildrummy , and was appointed a Justice of the Peace for Aberdeenshire in 1969 . He published a book of reminiscences of his early years in 1984 , *The Aul ' Days* .

Forbes died , leaving no children , in 1991 and was succeeded in the baronetcy by his cousin John , the man who had originally mounted the legal challenge in the 1960s . His widow Isabella survived him , dying in 2002 .