



GEN-FIND RESEARCH ASSOCIATES, INC.

Notes on Scotland Records and Searching Them

For general enquiries, it is a difficult task to institute an in-depth search without knowing a place-name for your ancestor when researching Scotland. Most records are arranged by town, parish, county or Registrar Districts and the vast majority of these are housed in a multitude of regional archives and libraries, though an ever-increasing number are now being consolidated in the National Library of Scotland. In few limited county and state-wide us with a distribution of the family 1900 information; at best, a This is always first priority, to searches are covered by the Your chances at success are much name or parish or county by which

If you do know a place-name, additional research suggestions In this case, the minimum retainer a preliminary research plan, research strategies and results in the Report.



Figure 1 - Map of the United Kingdom

National Archives of Scotland and the some minor circumstances we have a indexes that, at minimum, will provide name and most of these constitute pre-pioneer ancestor might be located. locate the family, and these index minimum advance retainer we request. better, however, if you know a town to isolate the search better.

you'll receive some research and based on information you've supplied. covers evaluation of your information, implementation of some basic evaluation of those research

HISTORICAL BACKGROUND:

“The human history of Scotland has been very turbulent and started almost 8000 years ago after the end of the last Ice Age, when early inhabitants (most likely Celtic people from the Iberian Peninsula) settled in the area now called Scotland. Around 2000 BC, their descendants raised the standing stones which can still be found all over the country. These people also built round underground houses and numerous forts. During the Bronze and Iron Ages, tribes gathered together into small kingdoms, often based around hilltop forts.

When in 82 AD the Romans marched in trying to conquer *Caledonia*, as they called it, they had to battle with the Picts, the painted people. The Romans beat the Picts but could not conquer their land. So they raised a wall to separate England from “Caledonia”. That wall is known as *Hadrian's Wall*, named after the Roman emperor Hadrianus and can still be visited in the north of England. Later the Romans build another wall, called the *Antonine Wall*, smaller and more to the north. About 400 AD the Romans had left their most northerly settlements and Scotland was divided into four peoples, each with its own king. The Picts were in the majority and shared the south with the Britons and Angles. The smallest group, the Scots, who originated from Ireland, occupied the south-west.

Only a little isolated area was Christian until the missionary St. Columba arrived from Ireland in 563 AD and founded his monastery on the Hebridian island of Iona. Under his influence Christianity spread rapidly and around 800 AD almost the whole of Europe was Christian. In that time-period the beginning of the *The Book of Kells* was written on Iona and later on finished in Ireland where it now has a place at Trinity University in Dublin. A common Christian belief made it easier for the peoples to unite and in 843 AD the Picts and the Scots united under Kenneth MacAlpin. The powerful culture of the Picts eventually disappeared. All that remained were the stones with the complicated patterns.

Around 890 AD the Vikings started to raid Scotland resulting in the occupation of the Western Isles for 370 years and the Shetlands and Orkneys for almost 600 years. In order to form an alliance against the Vikings, the Britons joined Scotia and when in 1018 the Angles were beaten, Scotland became a united kingdom.

During the 5th to 8th centuries, Scotland was invaded by Gaels (Scoti) from Ireland, the Anglo-Saxons from the continent and the Norse from Scandinavia. The Kingdom of Scotland was established in the 9th century. Because of the geographical orientation of Scotland and its strong reliance on trade routes by sea, the kingdom held close links in the south and east with the countries surrounding the Baltic Sea, and through Ireland with France and the continent of Europe. The Kingdom of Scotland was ruled by the House of Stuart from 1371.

Under the influence of Margaret, the English wife of Malcolm III of Scotland, a radical shift was started from the Gaelic culture of Scotland to the English culture of the south. Under King David I this gap became even bigger. While in the south a feudal system was introduced, the north of Scotland had its own system. Here they had their own kings like the “lord of the isles” and the clans with their chiefs.

In 1222 AD Alexander II used the lion for the first time as heraldic animal of Scotland. When his daughter died in 1290, Edward I of England installed a straw-man as king and lead a devastating invasion in 1296 that gave him the stone of destiny. Scotland was totally beaten except for William Wallace. He lead an uprising that restored hope for the Scots but he was captured six years later and was tortured to death. His successor was Robert the Bruce who formed an army and, against all odds, beat the English on the 23rd of June 1314 at Bannockburn, close to Stirling. Scotland regained its independency but it would last until 1329 before the sovereign state became final. The wars with England however continued.

The year 1371 marked the start for the big dynasty of the house of Stuarts. James I reformed the legal system and founded the first university. James the 3rd married the daughter of King Cristian from Norway and regained Shetland and the Orkneys. James the 4th was less fortunate he made a big mistake which cost the lives of 10,000 Scots during the *Battle at Flodden Field*. The most famous of the Stuarts was Mary who inherited the throne as a baby but was not very successful as a queen. After several affairs she was deposed and put into prison. She managed to escape and flee to England but was captured there and by order of Queen Elizabeth I killed after eighteen years of imprisonment. During Mary's reign Scotland changed from a Roman Catholic to a Protestant country.

Mary's son James VI reigned Scotland for 36 years when he inherited the English throne. In 1603 he moved to London and so the royal presence in Scotland ended. The Parliament of Scotland still existed but the English monopoly on trade made it more and more difficult for the Scots. Influential Scots however saw a union as the only

possibility for the Scots to get equal trading rights, while the English considered it a means to prevent the Stuarts from restore a catholic monarchy. James VII was deposed and fled to France in 1689. In 1707 the Union with England became reality.

In 1745 the grandson of James VII, Prince Charles Edward Stuart, landed secretly on the northwestern shores of Scotland with seven companions and a promise of French military support which never came. His call to put George II from the throne was only supported by some clan-chiefs (also known as the *Jacobites*), but still he was quite successful. The army of rebels halted only 125 miles from London where it lost its courage and left the inhabitants in panic. At Culloden the army of George II beat the Jacobites on 16th April 1746. Bonnie Prince Charlie became the most wanted refugee of the country, but despite the offer of a 30,000 pound reward, he was never caught.

After the *Battle of Culloden*, events changed dramatically. It was forbidden by law to wear the Tartan, play bagpipes and carry arms. The connections between the clans and clan-chiefs were broken and an entire way of life ended. The clan-chiefs became feudal lords and the area where they once ruled on behalf of their people now became their property. Wherever land could be turned into money by means of sheep-farming, forced moves of people are also known as the "highland clearances" and violence was used to get them out of their living-areas, for example in Sutherland. By the time the Highlands were a popular hunting ground during the reign of Queen Victoria, the glens were as empty as they are today.

While the clearances in the south of Scotland entered a period of economic bloom. During a large part of the 18th century Scottish tobacco traders had a major position in Europe and important cotton and coal industry developed. James Watt's improvement of the steam engine had triggered the *Industrial Revolution* and brought Scotland prosperity with Glasgow as its beating heart. The city would hold that reputation until the decline of the shipbuilding industry in the 20th century.



Figure 2 -Urquhart Castle

The 18th century Scotland entered a period known as the "*Enlightenment*" which brought forth some famous Scots, such as the philosopher David Hume, the geologist James Hutton and the poet Robert Burns. In the 19th century Scotland became famous for its architecture. A fine example is the building of the New City in Edinburgh. One of the most famous people who lived in one of these classic Georgian houses is the writer Sir Walter Scott.

The *Acts of Union of 1707* united Scotland with England into a new sovereign state called Great Britain, after 1801 known as the United Kingdom. Queen Anne was the last Stuart monarch, ruling until 1714. Since 1714, the succession of the British monarchs of the houses of Hanover and Saxe-Coburg and Gotha (Windsor) has been due to their descent from James VI and I of the House of Stuart.

After the Act of Union it soon became clear that England and Scotland were never meant to be equal. Since Westminster became the new political centre, every Scottish politician had to leave Scotland. English matters were considered to be of more importance than the Scottish ones. Frustrated by that, the Scots started the Scottish National Party in 1934. They were however not always successful, partly because of their radical ideas.

In 1996 the *Stone of Destiny*, which was taken to England by Edward I in 1296, was brought back to Scotland and can today be seen in Edinburgh Castle together with the Crown Jewels.

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During the *Scottish Enlightenment* and *Industrial Revolution*, Scotland became one of the commercial, intellectual and industrial powerhouses of Europe. Its industrial decline following the Second World War was particularly acute, but in recent decades the country has enjoyed something of a cultural and economic renaissance, fueled in part by a resurgent financial services sector, the proceeds of North Sea oil and gas, and latterly a devolved parliament. With the exploitation of north-sea oil the Scottish economy started to grow rapidly and more and more Scots wanted their country to be independent. In 1997 the English Parliament held a referendum and as a result of that the Scottish Parliament was reinstated. This was an important step and gave the Scots limited self-control and a new Parliament Building in Edinburgh in 2003. Today in 2012, the Scots are on the verge of deciding their own fate with possible separation of their lands from the United Kingdom and forming their own county.”¹

MAJOR RESOURCE COLLECTIONS:

For Scotland, the major resource collections focus around four major sources, though many more records exist which are not covered in this document. A good first step would be to consult one of the GENUKI online websites regarding the region, where a large part of the material included here was extracted from. Also, it will be good to consult this site for listings of archives and libraries in the regions for access to these sources.

Census records are excellent for Scotland and all available to 1911 are digitized and online, though most are accessible only on a pay-host of different online been a census every ten excluding 1941. However, from 1841 are of real historian. The the early census returns responsibility of the Poor and the clergy.

Most of these early returns destroyed, although in instances they have been census returns for 1841 kept and, as far as the concerned, the released after a hundred the public were given census returns in January

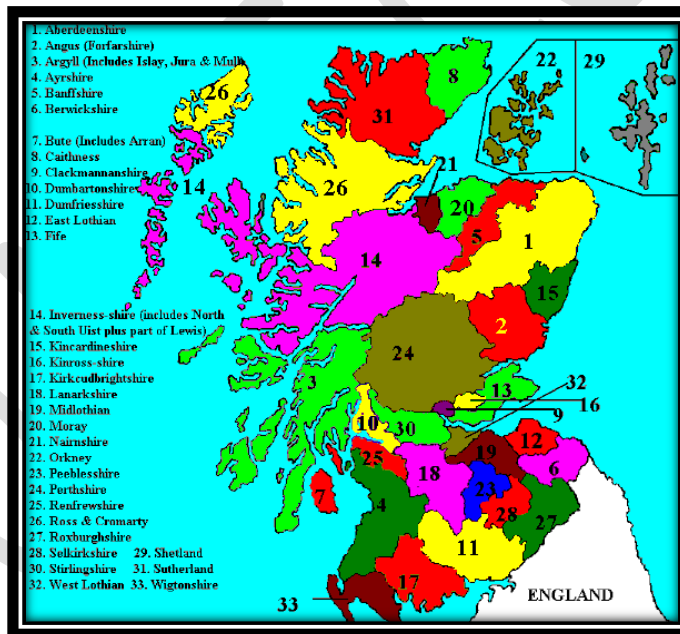


Figure 3 - Counties of Scotland

The 1841 census was previous censuses in two

Firstly, the administration passed into the hands of the Registrar General and the Superintendent Registrars, who were responsible for the registration of births, marriages and deaths. Many recent reforms, including the *1836 General Registration Act*, which had culminated in the introduction of civil registration had resulted in a new layer of central and local government.

per-view basis at a sites. There has years since 1801, only those that date value to the family administration of 1801-1831 was the Overseers of the

were unfortunately some isolated preserved. The were the first to be general public is information is years. For example, access to the 1891 1992.

¹ 'The Short History of Scotland' in *ScotlandInfo* < <http://www.scotlandinfo.eu/short-history-of-scotland>>, obtained on 6th February 2012.

When the 1841 census was being prepared, it was seen as a logical step that it should also supervise the census. Consequently, civil registration and census taking became inter-related; any change in local boundaries or districts affected them both.

Secondly, the emphasis changed from questions concerned with population size, and the numbers engaged in certain occupations and the condition of the housing stock, to a much more detailed analysis of individuals and families, and the communities in which they lived.

The information recorded on individuals has tended to increase with each census with the enumeration taken on the following dates:

10 Mar 1801	No longer exists, with a few exceptions
27 May 1811	No longer exists, with a few exceptions
28 May 1821	No longer exists, with a few exceptions
30 May 1831	No longer exists, with a few exceptions
6 Jun 1841	Now available to the public
30 Mar 1851	Now available to the public
7 Apr 1861	Now available to the public
2 Apr 1871	Now available to the public
3 Apr 1881	Now available to the public
5 Apr 1891	Now available to the public
31 Mar 1901	Now available to the public
2 Apr 1911	Now available to the public

Census returns are available at 10-yearly intervals from 1841 to the present with the exception of 1941 due to the War. However, only those from 1841-1911 inclusive are open for public access. All, with the exception of the 1841 census, give name, address, kinship, age, occupation, and place of birth. The 1851-1911 returns provide additional data elements such as: gender, relation to the head of the household and whether or not the subject was born in the county where the census was taken. The 1841 census lists only name, age (over 15 years rounded down to the nearest 5), gender, occupation, residence and whether or not the subject was born in the county where the census was taken. Remember as well that there were many small local census enumerations taken over the past several hundred years and many of these still survive and have been microfilmed. Unless the place of birth is known, it is necessary to find the subject in a census in order to know through which Old Parish Registers to search.

Only the census records over 100 years old are available to the public. The Church of Jesus Christ of Latter-day Saints Family History Library™ and the Family History Centers™ have access to all available census records (1841-1911) on microfilm, plus some street and surname indexes for large communities. The original records are housed in The National Archives at Kew, Richmond, Surrey TW9 4DU England. All of the census enumerations for the noted period are now available online at a host of different sites, but particularly thru The National Archives of Scotland (NAS) and Ancestry.

Church records (or ‘Old Parish Records’) have been collected for many centuries here and are well maintained, that which has survived, but not all have and not all for the full period of coverage. The L.D.S. (Church of Jesus Christ of Latter-day Saints) has now provided online search facilities for the I.G.I. (International Genealogical Index), which are basically extracts of these records. As well as the general search facility, there is also a Custom

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Search page allowing refined searches. Birth/Christening and Marriage records most often recorded, date from 1553 while Deaths/Burials, which were less often registered, are very sporadic after this date to their legal registration beginning in 1855 for Scotland.

In general however, original parish registers of the Church of Scotland (the Established Church for this state) prior to 1855 may be consulted at the General Register Office in Edinburgh <<http://www.gro-scotland.gov.uk/famrec/index.html>>. Copies can also be seen at LDS Family History Centres around the world. Church of Scotland records after that date, as well as records of a number of non-conformist churches (e.g. Catholic, Episcopalian, Methodist, Quaker, Jewish, Scottish Free Church) are usually held at the NAS in Edinburgh <<http://www.nas.gov.uk/>>. Baptisms and marriages in the Church of Scotland parish registers before 1855 have been indexed, with the original entries digitized, and these indexes may also be consulted at the General Register Office (GRO) in Edinburgh, in LDS family history centres around the world (on microfiche or on CD-ROM), and also online through *ScotlandsPeople* <<http://www.scotlandspeople.gov.uk/>>, which also provides digitised images of records (for a fee). There is also a national project underway to index burials before 1855, across Scotland.

Worth consulting in addition is the printed *Detailed List of the Old Parochial Registers of Scotland* which was first published in 1872 and now available thru Google Books <http://books.google.ca/books/about/Details_list_of_the_old_parochial_regist.html?id=xicEAAAIAAJ&redir_esc=y>. It provides a basic reference guide for identifying the dates for the births/baptisms, marriages/proclamations of marriage and deaths/burials in the Old Parish Registers (OPRs) held by the General Register Office for Scotland. Three appendices are also provided which list: (1) Church of Scotland records in the NAS (formerly Scottish Record Office) containing pre-1855 birth, death and marriage entries. (2) Kirk session and other material found in the OPRs. (3) Miscellaneous records containing entries from non-conformist churches relevant to the OPRs. For a printed guide to the above, please refer to "*The Parishes, Registers & Registrars of Scotland*" edited by S.M. Spiers and published by the Scottish Association of Family History Societies. This also contains parish maps for each county and a list of addresses for local Register Offices.

The Kirk Session of a parish consists of the minister of the parish and the elders of the congregation. It looks after the general well-being of the congregation and, particularly in centuries past, parochial discipline. Most Kirk Session records are held in the NAS and can be fascinating. For more information on this see Anne Gordon's *Candie for the Foundling* published by the Pentland Press in 1992.

Notes on Quaker ancestors in Scotland can be found provided by the Quaker Family History Society and they should be consulted for all Quaker records. Until 1786, there were two Yearly Meetings, at Aberdeen & Edinburgh, within which various Monthly and other subordinate Meetings existed at various times. In 1786, they were replaced by North Britain Half Years Meeting, subordinate to London Yearly Meeting. This was renamed Scotland General Meeting in 1807.

Scotland was not subject to England's *Registration, Marriage Act and Non-Parochial Registers Acts*, therefore the question of surrendering the registers did not arise. In 1867 a Digest was made along similar lines to that in England & Wales. The original registers are kept with the Meeting records.

Scottish Catholic Archives <<http://www.catholic-heritage.net/>> at Columba House, Edinburgh holds some church records and has information about Catholic Church records. Most dioceses have deposited their historical records at Columba House, and retain only current records. Much material from Scots Catholic Colleges overseas is at Columba House. The Archdiocese of Glasgow and Diocese of Paisley retain their historic records. At Columba House are *Status Animarum* from the early 19th Century (e.g. Glasgow 1808) - lists of all Catholics and in some counties (mainly in North East Scotland, e.g. Morayshire) lists of everyone. The NAS has photocopies of all pre-

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1855 Roman Catholic parish registers. More importantly than all of this however, *ScotlandsPeople* also holds a fully digitized collection of original entries and associated indexes to the Catholic parish registers dating from 1703 where the entries have survived, though most date from well beyond this period.

The L.D.S. (Church of Jesus Christ of Latter-day Saints) have now provided online search facilities for the I.G.I. (International Genealogical Index), which are basically extracts of these records. As well as the general search facility, there is also a Custom Search page allowing refined searches. Hugh Wallis has provided a search facility which simplifies searching by batch number <<http://freepages.genealogy.rootsweb.ancestry.com/~hughwallis/IGIBatchNumbers/CountryEngland.htm>>. See also Finding L.D.S. Batch Numbers (<http://www.genuki.org.uk/big/FindingBatchNos.html>).

The Scottish Jewish Archive Centre <<http://www.sjac.org.uk/>> is centralizing Jewish records, building databases, and recording burials in Jewish cemeteries (or sections of cemeteries). The numbers of Jewish records are quite small for Scotland however you should consult this centre for more on their collections.

Methodist records are in a number of archives and are thus less centralized. Generally records of rural churches went to university archives, records of city churches went to local authority archives.

Episcopal Church records also are in a variety of archives. It is best to search at the National Register of Archives <<http://www.nationalarchives.gov.uk/nra/default.asp>> to locate them. Some are at the NAS.

Green Marriages <http://www.achievements.co.uk/family_tree_names/gretna_green_database.html> is a searchable database provided by Achievements Ltd. As their website indicates, 'After 1753, when English law forbade irregular marriages, a number of people who objected to marrying in a church wed in border centres where the couple's own consent to marriage before witnesses was legal under Scottish Law. Gretna is the most famous of these. Marriages were conducted by self-appointed ministers at the border toll booths along the few roads into Scotland. The database has details of 4,500 marriages from 1795 to 1895.' Gretna area website <<http://www.gretnamarriages.co.uk/>> describes the history, and modern facilities for Gretna marriages. *Irregular Border and Scottish Runaway Marriages* was extended by Ronald Nicholson from lists prepared by others, and is held on the GRO Scotland site <<http://www.gro-scotland.gov.uk/famrec/sumrmar.html>>.

Before 1855, Church Registers may be the only source for baptisms and marriages however little on deaths or burials will be found. Prior to 1855 all this information may be found in what are termed the Old Parish Registers. These were compiled & kept by the Minister of the Church or by the Session Clerk, and tend to vary in content and accuracy over the centuries since first initiated. Some records go back to the 17th century while most begin after 1700. They seldom contain non-Presbyterian entries though non-Presbyterian subjects were often recorded in these records because of various forms of religious persecution since their inception. Though most Scotsmen were members of the Established Church (Presbyterian) finding church registers in Scotland is not always a straightforward task: A) religious affiliation must be determined, B) then the name of the respective parish as well as possibly the name of the local parish church the family may have attended, C) next whether the church still exists, and D) where its registers are now located. Most likely the registers will have been microfilmed, at least up to the turn of the 20th century. If not, the registers may still remain at the original church, they may have been lost, or they may have been sent to another local church or to a church archives. Many of these records are now deposited in the respective county record offices and most of those have now been archived centrally in the NAS as well. Some of the non-Church of Scotland records are housed in religious historical society archives throughout Scotland. The Church of Jesus Christ of Latter-day Saints Family History Library™ and the Family History Centers™ have access to 100% of these records for the Established Church and to a much lesser extent for those compiled by non-Church of Scotland ecclesiastical bodies. For all intents and purposes however, the vast majority of Established and Catholic records that have survived have been or will be digitized and will be found available thru *ScotlandsPeople*.

The contents of the Old Parish Registers will vary however normally you will find the following elements:

Christening or Baptism:	Name of child; date & place of event; father's full name; mother's given name; sometimes father's occupation.
Marriage or Proclamation:	Names of bride & groom; date & place of marriage and/or proclamation; sometimes residence of both parties or name of bride's father.
Burials:	Name of deceased; date & place of burial; sometimes, seldom names of parents are listed; sometimes, only lists of names for whom dues were paid for the mort-cloth (burial cloth). Generally, not much was recorded in these registers.

It takes some historical research to reach a likely objective. In some cases the records we want may only be at a distant archive. In other cases, it is our policy to encourage the client to correspond directly with a church if we can find an address. Whether we search the church records or supply the client with an address, we believe that a token bank draft or cheque should be given as a donation to the church as a goodwill gesture, the amount to be in proportion to the time spent or number of requests made.

Also of great importance are the **civil vital records registrations**. Civil Registration of births, marriages and deaths (known as "Vital Records" in some countries) started on 1 January 1855 for Scotland. On January 1, 1855 a civil registration system for births, marriages, and deaths was introduced in Scotland. These events were officially recorded by local District Registrars, who reported to the Scottish General Registrar Office (SGRO) in Edinburgh. The events were registered at the local registrar office, which retained a copy, so each document should be available in both the local registry office as well as the central office. A list of addresses for these is contained in *The Parishes, Registers & Registrars of Scotland* edited by S. M. Spiers and published by the Scottish Association of Family History Societies. These records are vital to family historians because of the genealogical information that they include.

The SGRO maintains a national index of all births, marriages and deaths registered in Scotland. The index for each year is split into quarters (March, June, September & December), and is arranged alphabetically by surname. From 1984 to the present, the Civil Registration Indexes are ordered by surname for the whole year. For births and deaths, the Index is organized by the date when the event was registered, not the date that the birth or death actually occurred. Marriages are shown in the quarter in which they actually took place. After 1874, births were generally registered within six weeks, according to law, and deaths within eight days.

The SGRO Indexes include the surname, first name, registration district and the volume and page of the SGRO reference.

A central copy of all civil birth, marriage and death registrations is held by the SGRO in Edinburgh. Local registrar offices hold records of and indexes to events registered in their area since 1855. Microfilmed copies of these registrations are also available through LDS Family History Centers™ around the world. The original registration records are not open to the public but you can get copies of the entries in the form of birth, marriage and death certificates. These register entries have been indexed, and the indexes are organized alphabetically for each year into quarterly volumes to 1983, and annually thereafter. Again, it is important to note that *ScotlandsPeople* has a full digitization, with indexing, of all of the known Old Parish Records and SGRO civil vital records prepared in Scotland.

As for the actual original indexes, all Indexes to these records are open to public access. Indexes and certificates are available through writing to the Scottish General Register Office, Search Unit, New Register House, Edinburgh, EH1 3YT Scotland. The Church of Jesus Christ of Latter-day Saints Family History LibraryTM and Family History CentersTM have access to the indexes from 1 January 1855 through 1955; and the civil registration certificates themselves from 1855-1875, 1881, and 1891. The actual civil registration records themselves, however, will need to be obtained through the Scottish General Register Office or via *ScotlandsPeople* Centre.

Contents of the civil registration records themselves are as follows:

- Births:** Name of child; when & where born; gender of child; name & occupation of father; name and maiden name of mother; name and residence of informant; where & when parents married (1855 and 1861-present).
- Marriages:** When & where married; names of bride & groom; when, where & how married; ages of couple; occupations & residence of couple; marital condition; fathers' names & occupations; mother's names including maiden names; signatures of witnesses.
- Deaths:** Name of the deceased; when & where died; gender & age of deceased; occupation of deceased; marital status of deceased; cause of death; name of father & mother; name & residence of informant.

An alternative (and cheaper) method of obtaining information is via the local District Register Offices. It is possible to obtain copies of BIRTH or DEATH certificates by applying directly to the Superintendent Registrar of the centre where the birth or death was registered in Scotland, without having to pay the extra search fee which New Register House levies for a postal search. The saving is considerable, since at the time of writing, this latter fee is 15 pounds sterling, to be paid for ALL postal applications, regardless of whether you have an exact search reference or not. Ordering the documents thru *ScotlandsPeople* is also significantly cheaper starting at 10 pounds sterling. The Registration Districts appropriate to particular towns have been listed on a county basis at the following website (<http://www.ukbmd.org.uk/genuki/reg/>).

Probate records are available for Scotland and are exceptionally comprehensive, existing from the 1513 to the present. "If a person wished to settle his or her affairs before death, they drew up a will, which set down their instructions as to the disposal of their possessions and named the executor whom they wished to administer the estate. The executor had to be confirmed by the court and the document drawn up by the court for this purpose is known as a *testament*. There are two types of testaments: the *testament testamentar* and *testament dative*.

The *testament testamentar* applied when the deceased died testate (leaving a will). It comprised four parts: the introductory clause, an inventory of the deceased's possessions (see below), the confirmation clause and a copy of the will, stating the wishes of the deceased regarding the disposal of the estate and naming the executor (usually a family member) he or she had chosen to undertake this task. If a copy of the will was not included, reference was made to it having been recorded elsewhere, probably in the court's Registers of Deeds.

The *testament dative* was drawn up by the court if a person died intestate (without leaving a will), in order to appoint and confirm the executor on their behalf. It comprised three parts: the introductory clause, an inventory of the deceased's possessions, and the confirmation clause. The testament dative might name a family member as executor, but if the deceased died in debt, a creditor might be appointed as executor instead. In such cases, the testament

would include a list of the deceased's debts and would exist solely for the purpose of authorising the discharge of those debts.

Under Scots Law, an individual's property was divided into two types:

Heritable property consisted of land, buildings, minerals and mining rights, and passed to the eldest son according to the law of primogeniture.

Moveable property consisted of anything that could be moved e.g. household and personal effects, investments, tools, machinery. It was divided into a maximum of three parts: the widow's part, the bairns part (all children had a right to an equal share) and the dead's part.

Before the early years of the 19th century, testaments related only to the moveable property of the deceased. However, from the early 19th century onwards, it was not uncommon to find dispositions, settlements, trust dispositions and settlements, etc. recorded in the commissary court registers, and these documents often included details of heritable property. After 1868, the law of primogeniture, where the eldest son inherited everything, still applied to heritable property unless there had been a specific disposition or bequest by the deceased to another party.

The inventory lists the moveable property belonging to the deceased at the time of his or her death. It can include household furnishings, clothes, jewellery, books, papers, farm stock and crops, tools and machinery, money in cash, bank accounts and investments, as well as money owed to creditors and money due from debtors. Often the inventory consists only of a brief, overall valuation, but sometimes it is very detailed, with the value of every item listed. As such, it can supply a snapshot of the deceased's lifestyle and help to build up a picture of what social and economic conditions were like in a particular locality at a particular time. An inventory that contains a '*roup roll*' is particularly interesting in that it itemises each lot sold in the auction and states the prices paid (sometimes with the names of the purchasers). Almost every document in the wills & testaments index contains an inventory of some kind, except where there are separate registers for wills.

Before 1823, testaments were recorded in the Commissary Court² with jurisdiction over the parish in which the person died. Commissary Court boundaries roughly corresponded to those of the mediaeval dioceses that existed before the *Reformation*, and bear no relation to county boundaries. The Edinburgh Commissary Court, as the

² Before the Reformation of 1560, bishops had the power to administer the estates of the deceased in cases of intestacy and to confirm testaments submitted to them by parish priests. For a few years after 1560, the situation was somewhat confused, but in February 1564, the first commissary court was established in Edinburgh by letters patent. Another twenty-one were set up over a considerable period, taking over the duties of the former church courts.

The districts covered by the jurisdiction of commissary courts were termed "*commissariots*" and the principal court officials "*commissars*". The geographical boundaries of the courts' jurisdiction remained the same as those of the pre-Reformation church courts and largely corresponded to the boundaries of the mediaeval dioceses. They bear no relation to present-day administrative boundaries, nor did they correspond to the old county boundaries. For example, the county of Perth was covered by Dunblane, Dunkeld and St Andrews Commissary Courts. This can cause confusion particularly when the county in which a person died bears the same name as a Commissary Court. You may also like to look at Scottish Counties in the Knowledge Base on www.scan.org.uk

The Edinburgh Commissary Court was the principal court and heard appeals from the local courts. It also had the power to confirm testaments of those who owned moveable property in more than one commissariot, of Scots dying outside Scotland ('*furth of the realm*'), and of others who held assets in Scotland.

Under the terms of the Commissary Courts (Scotland) Act of 1823, the system of commissary courts was abolished.

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principal court, also had the power to confirm testaments for those who owned moveable property in more than one *commissariot* and for Scots who died outside Scotland.

Commissary Courts were abolished in 1823 and Sheriff Courts³ assumed responsibility for confirmation of testaments from 1 January 1824, although the changeover process created a considerable overlap of dates in some courts. To find out more about the relationship between the Scottish counties and the courts, please review the Courts Map <<http://www.scotlandspeople.gov.uk/content/help/index.aspx?r=551&636>>.

The *Wills & Testaments Index*, held by *ScotlandsPeople*, contains over 611,000 index entries to Scottish wills and testaments dating from 1513 to 1901. Each index entry lists the surname, forename, title, occupation and place of residence (where these are given) of the deceased person, the court in which the testament was recorded, with the date. Index entries do not include names of executors, trustees or heirs to the estate. They also do not include the deceased's date of death, or the value of the estate. The Church of Jesus Christ of Latter-day Saints Family History Library™ and the Family History Centers™ have access to most of the indexes, by microfilm, as well.

The original entries will provide you with, generally: Name of the testator; date of death; inventory of personal goods; names of executors; places of abode; maiden names of married females; names of relatives & friends; residences; and details of bequests. Testaments do not include land transfer details.

If you are searching for a will or testament, you should bear in mind that there was no legal requirement for individuals to make a will. Indeed, comparatively few Scots actually bothered to do this. Even if someone died intestate, there was no obligation for the family to go to court to have the deceased's affairs settled. Many families sorted things out amicably amongst themselves, in which case there will be no testament. It is always worthwhile checking the indexes, however, because they can include persons from quite humble origins.

Sometimes the intervention of the court to settle the deceased's affairs was not required until many years after the death, possibly due to a dispute, therefore if a will or testament exists, it may be recorded much later than you would expect. Images of wills and testaments from 1500 to 1901 are available on the *ScotlandsPeople* site. These images are full colour, authentic facsimiles of the original documents, which are held at the NAS <<http://www.nas.gov.uk/>>. This repository holds all records after 1901. For reasons of preservation, the original documents have now been withdrawn from public use.”⁴

³ Sheriff Courts assumed official responsibility for the confirmation of testaments from 1 January 1824. However, the transfer of duties did not happen overnight. Some commissary courts continued in existence for a number of years after their statutory ‘demise’ and continued to confirm testaments (for example, the Edinburgh Commissary Court continued in existence until 1836). There is therefore considerable overlap between the testamentary records of the commissary courts and those of the sheriff courts. As such, it is advisable to check both courts during this period.

The term ‘commissary’ was not abandoned however. It continued to be used by the sheriff court when it was exercising its executry powers. The descriptions ‘commissary court’ ‘commissary’, ‘commissary depute’ and ‘commissary clerk’ all appear in the records. Each sheriff court had its own method of organising its executry records, so these records are not arranged in a consistent manner.

The commissary office of Edinburgh Sheriff Court assumed responsibility for confirming the executry of Scots abroad who died leaving moveable property in Scotland.

⁴ ‘Wills & Testaments’ in *ScotlandsPeople* <<http://www.scotlandspeople.gov.uk/content/help/index.aspx?r=554&407>> extracted on 6th February 2012.

Besides the above-noted source records, all other records, that are available to the public will be accessed by your researcher as best and as quickly as possible. The basic and most important of these, though certainly not all, are a **myriad of other sources for Scottish research:**

- 1). Deed Records
- 2). Sasine Records
- 3). Landed Estate Records
- 4). Apprenticeship Records
- 5). Cemetery Records/Headstone Transcriptions
- 6). Local Directories, Atlases, & Histories
- 7). Military Records
- 8). Kirk Session Records
- 9). Some Newspaper Collections & Manuscript Material

Information concerning Scotland preferred known to start a search:

A). Approximate Date of Emigration

B). After 1855 —

- Name of Subject

- Name of Subject's Parents or Children (or both, if known)

- Approximate Date of Birth, Marriage or Death of either Subject, Parents or Children

C). Prior to 1855 —

- Information as above, but a place-name is necessary for the Old Parish Register - or at least a name of a county in Scotland

SUMMATION:

Pre-1855 information in Scotland remains, for the most part, a worthwhile exercise and generally provides great search results. Scotland, because of its wealth of historical information and abundance of which is available to researchers, will provide great results to the average research plan. Pre-1750 research will, however, tend to lend less favorable results, at least in terms of definitive information on families. This does not mean however, that you will be unsuccessful. Only that the information for this early period is not as abundant, nor as reliable in its content. Much of your success in any genealogical research will depend upon how prolific your ancestors were in documenting their existence from locality to locality and Scotland is no different.

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2012

GEN-FIND would be happy to work with you privately on your custom search needs of these and other records in simplifying your project objectives. Please contact us today to further discuss those interests!

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