

# **Pete Wadley, “Top 20 Pre-1855 Sources for Family History in the NAS”**

**Meeting, 20<sup>th</sup> March 2010**

The National Archives of Scotland’s highly popular Outreach Officer gave a very well-received PowerPoint presentation to a packed room, and was happy to answer the audience’s many questions. I am grateful to him for his full notes, on which this report is based. Pete suggested 20 of NAS’s record classes, all of which mention individual people. Even if your ancestors turn up in any of them, there may be nothing other than a confirmation that they were alive in a certain place at a certain time. It is important to remember that none of these records was created with the genealogist in mind! *Tracing Your Scottish Ancestors* has a list of NAS category abbreviations, which are also on the NAS website.

## **1. Militia records**

Militias were organised locally and under different rules at various times. Militia records are accessed through local-authority records (County Council or Sheriff Court catalogues) or through local landowners’ private papers (Gifts and Deposits, NAS’s **GD** collections). For example, Privy Council papers **PC15/15** give details of the East Lothian Militia, 1680–83.

The largest surviving collection is from the Napoleonic period. *The Defence of Scotland*, by Prof. Arnold Morrison, has an index of places. The appropriate page gives details of where to find surviving records – e.g. Dalkeith is in a deposit from a lawyer’s office, **GD247**. Kirkcudbright Sheriff Court records (**SC16/71/1/3**) list members of the militia in Minnigaff. Though not specifically indicating family connections, there are names and ages – and heights. On the right are columns for nationality: English, Scottish, Irish or “Foreigner”.

## **2. Clubs and societies**

If you know an ancestor’s occupation, NAS staff can explain how to search to see if records were kept for any organisation he may have joined. Ancient Fraternity of Free Gardeners of East Lothian records (**GD420/34**) show that Robert Hislop of Haddington had been expelled from the society in 1812. Minute book **GD420/3** shows that he had presented a surgeon’s certificate and made a claim on the society for funds, having “for many years been afflicted with severe ulcerated legs” and being unfit for work – but the meeting agreed

*unanimously ... to delay the consideration thereof until next available monthly meeting in order that an opportunity may be afforded of making enquiry into Brother Hislop’s real situation which delay is rendered the more necessary as several of the Brothers present state that they had seen him during last week going about his ordinary employment in collecting customs apparently as well as they have known him for these several years.*

## **3. Estate papers/Land grants**

Until the mid-20<sup>th</sup> century, most people in Scotland were tenants – mainly agricultural pre-1850 or so. Usually the only organisations taking an interest in these people were the local church (for whom they represented members of the parish congregation) and the landowners (for whom they represented a source of income). A difficult but potentially rewarding trawl through the surviving estate papers is therefore recommended. It helps if you know in which parish your ancestors lived. For example, in the NAS catalogue under “Any Text”, enter “Craigmillar” and then search for rentals. Among other items, it shows a rental list from 1717. This shows that part of the land is tenanted by Robert Peacocks and other parts by Alexander and Thomas. Unfortunately, this document does not specify what the relationship between the three Peacocks actually was.

## **4. Register of Deeds**

This is where contracts are recorded and other writs created between agreeing parties in Scotland. It is a source for wills (“dispositions and settlements”), for marriage contracts, for shipping contracts, for the appointment of factors, for apprenticeship indentures (usually under the *father*)

and for other business agreements. “Books of Council and Session” (c. 1530 to the present day) means the Register of Deeds, which has a partial index of the names of the contracting parties. Large periods pre-19<sup>th</sup> century have no index, and you will have to consult minute books or wade through the Register itself; but the RD series is complete back to 1554, containing such gems as Rob Roy selling cattle to the Duke of Montrose. Only by consulting the actual document can you tell if Deeds recorded in this series will contain information useful to family historians, as the documents have no set format (other than having to contain a clause permitting registration).

## **5. Register of Sasines/Notary Public records**

The Register of Sasines is General Register House’s other big register series – a description of every change in ownership of property in Scotland since 1617. If your ancestors owned property at any time, this should show when they bought it and when it was sold or handed down.

Before 1617, you can search for property transactions in the records of the notary public, who would be called out to witness the new owner physically *seize* a piece of the land (a stone or clod of earth) when two parties agreed on the sale of a property. The notary would then create an *instrument of sasine* in his protocol book. NAS can supply a list of those books that still exist.

The sasine registers have various indexes depending on the location of the property and the date. This will be the next big series to be digitally indexed and imaged, working backwards from modern records. As it will be a long time before there is anything like a complete historical index available online, let alone images of actual documents, you should continue to plan to come to General Register House to search the Register of Sasines.

## **6. Retours**

Retours, or Services of Heirs, are documents created in the government’s Chancery department to confirm inheritance. These may explain obscure connections between generations that may not be entirely obvious. Until 1868, it was not legal to leave heritable property in one’s will. In order to have possession of inherited land made totally secure in law, it was necessary for a record to be made in the Retours. A second useful application concerns the appointment of guardians or tutors to administer the affairs of a fatherless child. From 1700, there are ten-year indexes by person served, i.e. who becomes the heir.

## **7. Pre-1855 wills**

The “ScotlandsPeople” website now has wills and inventories from the 19<sup>th</sup>-century Sheriff Court and earlier commissary courts back to the mid-16<sup>th</sup> century. If a will exists, it is likely to mention family members. Even when a will exists, a name search might bring up an inventory and not a will, because the documents were indexed directly from the original material. If the inventory is registered to “Jo. Gibb” and the will to “John Gibbe”, a search on “John Gibb” will not find the inventory. “ScotlandsPeople” lets you search on various spellings and use the “soundex” system.

The online index search is free, but you have to pay to view the documents. So, if you know that “John MacDonald” died in Glasgow in the 1880s, you may have to view several wills to find the right one, even if you may know a wife’s or children’s names. If you can visit General Register House, which uses a different search engine from NAS online (and can search on occupation), you can view all the John MacDonald wills from the 1880s before choosing one to buy.

## **8. Commissary Court records**

Pre-1820 testamentary papers are now online; but Commissary Court records are still of further use to family historians. Though some finding aids exist, it can be necessary to pore over boxes of unlisted material. Now and again, a gem turns up. Found by chance among Commissary Court Processes for Stirling (**CC21/4**) was a payment record for St Ninians parish, headed “Disorderly baptisms and marriages from Martinmas 1676 to 1<sup>st</sup> December 1679” and giving a list of people paying the Court to recognise baptisms and marriages. The document is divided by area, and the information given is limited: in this case, the father’s name and place of residence

are named but the children not. This document was created for bookkeeping purposes, not as a register of children in the parish – but this list pre-dates the Old Parish Registers for St Ninians parish, where GROS's official list shows that marriage records start in 1688.

Like many other series, these records take a committed search, as they are not indexed – and you may find nothing at all pertaining to your people. That said, NAS staff see some amazing reactions from researchers who find something unexpectedly brilliant after days of trawling! Records of divorces can be really exciting; and generally the papers have survived well.

## 9. Court of Session records

These do at least have intermittent minute books which are at times printed and *indexed*. NAS is always adding to the available indexes, and more and more Court of Session catalogues are appearing online; but considerable old-fashioned researching is still required. CS papers also contain many criminal cases – for example, historically, arson cases were heard there. Divorces were heard from the 19<sup>th</sup> century onwards.

Of all the material that NAS holds, the series of collections produced by the Court of Session is probably the most difficult to work with. All sorts of people from all positions in society are recorded in the boxes, bundles, volumes and loose documents that have been brought in from Scotland's highest civil court – but the finding aids are complicated, and you should seek specialised help before diving in. Our speaker, though based in General Register House, strongly suggests that you talk to people at West Register House, even though NAS rules have changed to allow material held at Thomas Thomson House to be viewed in either search room. (Of course, if material is on the West Register House shelves, you are still asked to go there.)

## 10. Diligence records

To enforce a decision of the Court of Session, diligence documents were produced after the case had been heard. People appear in these records most commonly in actions against bad debtors. The diligence registers have minute books and sometimes indexes, so you can trawl generally for a family name. For example, in September 1802, a husband applied for an inhibition against his own wife to stop her from selling his goods! The diligence series includes actions of **horning** (the court charging a debtor to pay or to perform as instructed), **inhibition** (the court banning the debtor from disposing of his property until his debts are paid off) and **apprising/adjudication** (the court giving a debtor's property to the creditor). Hornings were the most common form of diligence, as the other two only came into play if the debtor failed to respond to the horn.

## 11. Early Exchequer records/Fishing bounties

Rarely, the Exchequer gives out money. There is a very limited series of records of Scottish fishing fleets receiving bounties from the public purse to encourage the catch. These bounties, specifically targeting the whaling and herring-fishing industries (1750–1825, especially herring 1752–96), were paid to individual crewmen, not just the ship-owners or masters. So, the **E508** files list all the fishermen on a vessel – and their descriptions, to ensure that the right crewman turned up for his payment. This could give a basic description of your seafaring ancestor. To determine which set of vouchers you should order out, start with **E502**, the cash accounts for the relevant period, which will direct you to ships and owners operating out of various ports.

## 12. 17<sup>th</sup>-century taxes

Two record series may be of interest. (1) For the Hearth Tax (1691–95), the electronic catalogue has a list of surviving volumes under **E69**, though you should check with search-room staff, as occasionally records exist under **GD** references. Where records survive, they should list all hearth-owners. Vitally, this includes tenants who can be otherwise difficult to find 17<sup>th</sup>-century records. (2) The same applies to the 1693–99 Poll Tax (under **E70**), which was also levied on everyone (except paupers), not just landowners.

Catalogues in General Register House for these two taxes show whether records survive for the particular parish in which your ancestors lived. Even if information survives, it can be very limited. ANESFHS has produced an excellent series of Aberdeenshire Poll Books 1696.

### **13. Pre-1855 church records/Roman Catholic photocopies**

The further back you go, the more important the church was in everyday life. As well as the Old Parish Registers, you should read the corresponding minute books to get a feel for an area and to see if they mention any family names. From the minute books of the General Session in Dundee, 1702 (**CH2/1218/1**, p. 211): “The session considering the great growth of vice & immoralities in this place first as the raging sin of uncleanness, adulteries, fornication ... tipling and drinking after the appointed hours the horrid cursings & swearings ... the profaning of the Sabbath ...”. The session minute books might then go on to list those individuals who were guilty of such “crimes” – often with the names in the margin, which makes research easier.

As well as Presbyterian minute books, NAS now also has photocopies of some surviving Roman Catholic birth and marriage registers pre-1855. These are appearing on “ScotlandsPeople” in stages. If you can’t find the relevant register, check with Columba House to see what else exists. Dissenting congregations (e.g. Free Church) might be found under **CH3**. Church records are sometimes the only mention of an illegitimate child until (c. 1902/3) the Church of Scotland General Assembly stopped such recording. Clerks have sometimes scored out names!

### **14. Great Seal/Privy Seal**

Mention in these records suggests a direct connection between the individual and the Crown. From the 14<sup>th</sup> century to the 17<sup>th</sup>, these registers have been printed and indexed; and later material is indexed although not printed. Checking for a family name is perfectly straightforward. The names are in Latin, as are the documents – but, even without a reading knowledge of Latin, certain features of the document, such as place names, should be clear.

### **15. Muster Rolls**

These are the main record of individuals in the Scottish Army. *No Quarter Given* is useful. Search the Exchequer records in the NAS online catalogue under **E100** by reference number. Dating from about 1640, the 5,000 surviving rolls are organised by regiment. Usually, your ancestor would have served in the regiment of which the local landowner was colonel. These rolls list the names and places of officers and men, with ranks and a date. Unfortunately, they give few links to other family members. Although you might guess that two men with an unusual family name serving together might be brothers, the Muster Roll is very unlikely to state this explicitly. Almost all military records after 1707 are kept in London.

### **16. 18<sup>th</sup>-century taxes**

A list of what survives is under reference **E326** or **E327** online. You might find your ancestors paying the window tax (the biggest and longest-running, c. 1750–1800), horse tax, farm-horse tax, male servants tax, female servants tax (cheaper!), clock tax, watch tax or dog tax. Despite this great range of resources, it may be impossible to prove that someone named in an 18<sup>th</sup>-century tax record is part of your family. Although these tax records are commonly used by family historians, not all late 18<sup>th</sup>- and early 19<sup>th</sup>-century taxes are listed in the Exchequer series; and those mentioned in another series may be more interesting.

### **17. Inland Revenue Series**

Death or estate duties are part of this series. Earliest records date from 1796. NAS staff can explain how these records are arranged and show you how to order the record series most likely to help your research. The pre-1855 **IRS** series might include relationships of legatees, names of executors, reason for succession to heritable property, lawyer’s names and so on. Also in the **IRS** series are Land Tax records (early 19<sup>th</sup> century only, and not covering the whole of Scotland). They can be a way of carrying research back beyond 1855, when Valuation Rolls began.

## 18. Privy Council cases/High Court of Justiciary records

Court records are generally a good source of extra information (addresses, or family members): they exist in large numbers and do not concentrate on the landed classes. The High Court of Justiciary and, before 1708, the Privy Council heard cases concerning the more serious crimes. Privy Council cases are printed and indexed up to the late 17<sup>th</sup> century, though original records and their minute books must be consulted for the last few years. High Court (JC) material is less straightforwardly indexed, and advice should be sought from curatorial staff. You may be able to obtain three separate records for High Court criminal trials: (1) the bundle of papers presented in the court, known as processes or sometimes as precognitions; then (2) the minutes of the trial, then (3) the official record or Book of Adjournal, including verdict and sentence. All these items should be fairly easy to find for the period 1800–55; earlier dates require more of that box-trawling. For 18<sup>th</sup>-century court processes, you will literally be getting your hands dirty.

## 19. Work records

As well as clubs and societies related to occupations, consider the more formal records that may have been created around an ancestor's employment. Local Sheriff Court records provide "Game Certificates received and issued by the collector of the taxes for the County of Linlithgow for the years 1808 and 1809", for example, giving individuals' and employers' names.

NAS may have records created by employers themselves, or be able to point you in the right direction by using the UK National Register of Archives (NRA) website and its "search corporate name" facility. Try putting "wages book", "staff list" or "employee file" into the online catalogue as well. Equally, if you suspect that an ancestor would have had to register in order to carry out his occupation, then doctors, lawyers, publicans and, of course, gamekeepers may be found through this registration.

## 20. Sheriff Court records

These can hold all sorts of administration records, not just court cases, for a local area. The SC collections include sequestrations, medical referees' reports, small-debt registers, registration of clubs, deeds, sheriff's notebooks, juvenile court registers, aliment cases (illegitimate children), fatal accident enquiries, fiars court records – though most of these are not pre-1855. To sum up: if you know where your ancestors lived at a particular time, you are recommended to consult the relevant Sheriff Court catalogue (Aberdeen is SC1) to see what material survives.

NAS has about 10,000 titles which might hold published material that you may struggle to find elsewhere. Many are from the 19<sup>th</sup> century. By entering "Forfarshire" into the NAS electronic catalogue, our speaker came up with *Angus of Forfarshire: the land and people, descriptive and historical* – a five-volume set published in the 1880s, containing many places and family names.

In the NAS, access to records is free. You need two photographs for a reader's ticket, which is valid for three years (see NAS website). Talk to a staff member (usually Pete Wadley himself), and you'll soon be getting to grips with catalogues, indexes and the records themselves.

Liz Foubister, ANESFHS Chairman, was again able to attend our meeting, and brought a good selection of publications for sale. On a separate table, we had more of the Society's bookstock for browsing. Those present enjoyed the talk and the opportunities to meet each other and make connections. For our next meeting, on Saturday 11<sup>th</sup> September, Danny Cordiner (no. 16783), one of our Edinburgh Group's committee members, has volunteered to talk on "21<sup>st</sup>-century Technological Genealogy": computers, the Internet and DNA for family historians. Come along and find out how he'll fit it all into just an hour!