

What follows are suggestions of twenty record classes dating before 1855, held by the National Archives of Scotland. All of them mention individual people. Some are arranged by locality some otherwise. It is quite possible that your ancestors won't turn up in any of them, it is equally possible that even if they do turn up there will be no extra information provided other than a confirmation that they were alive in a certain place at a certain time. For example tax records may indicate that Mr Smith paid £10.00 but they are unlikely to name Mr Smith's father or sometimes even at which specific address Mr Smith lived.

It is important to remember that none of these records were created with the genealogist in mind!

Also there will have to be some record types that I miss out altogether.

At first I was going to put the top twenty into some sort of order, saving the most important for last. However, as the most important item will be the one that actually gives you the information you have been missing, I have no idea what that order should be.

So, entirely at random, 20 types of record that can be found at the National Archives of Scotland that might help with your pre-1855 family history research:

1. MILITIA RECORDS

The Militia was organised locally and under different rules at various times. The largest surviving collection is from the Napoleonic period but material from other periods does exist for example the Privy Council papers **PC15/15** give details of the East Lothian Militia for 1680 – 1683. There are normally two ways into the militia records: through the local authority records - that is County Council or Sheriff Court catalogues - or through the private papers of local landowners in the GD collections.

If you are interested in exploring the militia records for the Napoleonic period I suggest you start with the publication: *The Defence of Scotland* by Arnold Morrison.

In it you will find an index of places and if you look up, for example, Dalkeith it gives a page number in the book. Look up that page and there are details of where to find surviving records. In this case a deposit from a lawyer's office **GD247**.

Another example is from a sheriff court collection, in this case Kirkcudbright Sheriff Court Records (**SC16/71/1/3**). It lists members of the militia in Minigaff. Although, like many records it does not specifically indicate family connections it does give names and ages and, interestingly, heights. I was quite surprised to see the heights of these men. Particularly fearsome must have been the McCleary brothers. The columns to the right of the names are for nationality, English, Scottish, Irish or 'Foreigner'.

2. CLUBS AND SOCIETIES

If you know extra pieces of information about an ancestor, such as occupation, it can sometimes be worth checking if there was an organisation that might represent his particular job and whether he had joined this organisation. We can explain to you how to search to see if relevant records have been kept. An example from The Ancient Fraternity of Free Gardeners of East Lothian **GD420/34** shows that a Mr Hislop has been expelled from the society. Obviously, I could not resist getting out the relevant minute book **GD420/3** to find out what crime he had committed. In fact he had made a claim on the society for funds as he was unfit for work. The minute book reads:

'A certificate was also produced of the following tenor "this is to certify that Robert Hislop residing in Haddington has for many years been afflicted with severe ulcered legs; that at this period his left leg is much worse than for some years past which at this time renders him unfit to provide for his family and in my opinion is a fit object for relief – given under my hand the 6th day of January 1812 at Haddington signed M N Williams surgeon" Which certificate having been read to & considered by the meeting they unanimously agree 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/LANDS GRANTS

Most people in Scotland before the second half of the twentieth century were tenants. Before about 1850 the majority were agricultural tenants. It is quite likely that 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. First it obviously helps if you know in which parish your ancestors lived. Let's say that the last entry for your family on ScotlandsPeople shows them living in Craigmiller in 1800. You want to know if any records from there mention them earlier than that. So I go to the catalogue and enter Craigmiller in the search field under 'Any Text' and then search for rentals. You will, among other items bring up a rental list from 1717. In it you will see 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

The register of deeds is a place to record contracts and other writs created between agreeing parties in Scotland. It is a source for wills (called dispositions and settlements) for marriage contracts, for the appointment of factors, for shipping contracts, for apprenticeship indentures and for other business agreements. If you come across the term 'Books of Council and Session' this means the Register of Deeds. Looking up the Register of deeds can be done by an index of the names of the contracting parties where it exists. For large periods before the nineteenth century no index exists and you will have to consult minute books or, potentially, wade through the register itself. However, the RD series is complete back to 1554. The Register of Deeds contains such gems as Mary's marriage contract to Darnley and Rob Roy selling cattle to the Duke of Montrose. It is impossible to tell if Deeds recorded in this series will contain information useful to family historians without consulting the actual document as there is no set format to the documents (other than having to contain a clause permitting registration).

5. REGISTER OF SASINES/NOTARY PUBLIC RECORDS

The other big register series in General Register House is that of the Register of Sasines. This is, to put it most simply, a description of every change in ownership of property in Scotland since 1617. As that rather generalised description implies this register is unlikely to be of any use to you if your ancestors did not own property at any time. If they did own property, when they bought it and when it was sold or handed down should be recorded.

Before 1617 you can search for property transactions in the records of the notary public. For those who do not know the word Sasine reflects the same etymological root as the word seizing. When two parties agreed on the sale of a property the notary public would be called out to witness the new owner physically seize a piece of the land (a stone or clod of earth). The notary would then create what was known as an instrument of sasine in his protocol book. Some of these books still exist and we can supply you with a list of those that do.

The sasine registers themselves have various indexes depending on the location of the property and the date; again we can help you start off. The sasine entries are the next big series to be digitised and may slowly become available on-line. However, because the register was created for legal purposes, the digitisation is beginning with the most modern and working backwards. As the great bulk of the collection is modern records, since property ownership became more common, it may be sometime before there is anything like a complete historical index available on-line let alone images of actual documents. For the foreseeable future, therefore, you should 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 Chancery department of the government. Their purpose was to confirm inheritance and they have particular interest to family historians as they may explain obscure connections between generations that may not be entirely obvious. Retours are particularly important before 1868 when it was not legal to leave heritable property in ones will. In order to have his possession of inherited land totally secure in law it was necessary for a record to be made in the Retours. A second useful application of Retours concerns the appointment of guardians or tutors to administer the affairs of a fatherless child.

7. PRE-1855 WILLS

Most of you will be aware of the new addition to the ScotlandsPeople website. These wills and inventories, from the nineteenth century Sheriff Court and earlier Commissary Courts date back to the middle of the sixteenth century. If a will exists it is likely to mention family members. It is therefore important to know if a will exists or not. I should tell you that a name search might bring up an inventory and not a will when a will does exist. This is because the indexing of the documents was done

directly from the original material. If the inventory is registered to 'Jo. Cunningham' and the will to 'John Cunninghame' a search on John Cunningham will not find the inventory. It is therefore important to search on various spellings and even use the 'soundex' system provided. The ScotlandsPeople site appears to make this quite easy to do although I confess that I have never actually used it. This is because General Register House still uses the old ScottishDocuments site which at first glance is less user friendly than ScotlandsPeople; but we like it! More to the point, if you use ScotlandsPeople although the index search is free you have to pay to view the actual documents. This means that if you know you have a relative 'John MacDonald' who died in Glasgow in the 1880s you may have to view several wills in order to determine which one relates to your family. You may know children's names or a wife's name for instance. If you can get in to General Register House you can view all the John MacDonald wills from the 1880s before choosing one to buy. If you do it on-line you may have to pay to view several wills to ensure you get the right one.

8. COMMISSARY COURT RECORDS

In the past Commissary Court records have mainly been searched for pre-1820 testamentary papers. As I have just described, such testaments should now be available on ScotlandsPeople, but this does not mean that Commissary Court records are of no further use for Family Historians.

There are some finding aids to the commissary court material available. However, sometimes it is necessary to pour through boxes of unlisted material which is both time consuming and sometimes unfruitful. Now and again, however, a gem can be found.

Here is an example, found by chance among the Commissary Court Processes for Stirling **CC21/4**. It is a payment record for St. Ninians Parish. The heading, as you can see, is 'Disorderly baptisms and marriages from Martinmas 1676 – 1st December 1679'. And here we have a list of people paying the court for recognising baptisms and marriages. For example: James Wilson in Craighfoul, his sone and daughters marriage (not to each other one hopes!) M. Paterson there (Craighfoul) one baptism. You will notice that sometime rather than one baptism it is recorded as one bairn! The document is divided by area and you can see that the information given is limited. In this case the father's name and place of residence is named but the children not. The document was not taken to create a register of children in the parish, but for bookkeeping purposes.

Importantly however, this list pre-dates the Old Parish Registers for St Ninians Parish where according to the list GROS have given us, marriage records start in 1688.

Like many of the record series I am talking about tonight, these records take a committed search as they are not indexed. In fact, if you wanted to search through the commissary court processes covering a period when you believe an ancestor lived in a particular commissariat it will probably take you several visits. Furthermore, also like many of the record series I am talking about tonight, there is a very good chance you will find nothing at all pertaining to your people. That said, I can't tell you the reaction we get from researchers who find something unexpectedly brilliant after days of trawling!

9. COURT OF SESSION

There is an expectation that Court of Session records will require endless trawling as well. However, there are intermittent minute books and at times a printed and INDEXED minute book. We are constantly adding to the available indexes to the Court of Session and more and more CS catalogues are appearing on-line. However, there is still much to do and considerable old fashioned researching required. There are also many criminal cases in the Court of Session papers – for example, historically arson cases were heard there rather than in the High Court of Justiciary.

You may be aware that changes to the National Archives of Scotland rules means that material held at Thomas Thomson House can now be viewed in either search room. This means that if you normally work in General Register House we will no longer send you along to the West to view material that has to be brought in from Thomas Thomson House. Of course, if material is actually on the shelves at the West, we will still ask you to go to it rather than bring it to you. The reason I am bringing this up at this stage is so that I can strongly recommend that you ignore this relaxation of the rules when it comes to Court of Session material.

The particular series of collections produced by the Court of Session is probably the most difficult material to work with we hold. 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 I suggest that before diving in you seek specialised help. As a member of Reader Services in General Register House I am not ashamed to strongly suggest that you talk to people at West Register House!

10. DILIGENCE

If you find a reference to an ancestor in the Court of Session, you may want to follow this entry up by see if any documentation was produced, after the case had been heard, to enforce the decision of the court. These enforcement documents are called diligence. The most common reasons that people to appear in these records concern actions against bad debtors. As the diligence registers have minute books and sometimes indexes running alongside them, there is nothing to stop you conducting a general trawl for a family name. For example, in September 1802 we see the case of Case of a husband applying for an inhibition against his own wife Isobel Jargon to stop her from selling his goods! The diligence series includes actions of ‘horning’ (The court charging a debtor to pay or perform as instructed by the court); Inhibition (the court banning the debtor from disposing of his property until his debts are paid off) and finally Apprising/Adjudication (the court giving the property of a debtor to the creditor). Obviously Hornings are the most common form of diligence as the other two only come into play if the debtor fails to respond to the horn.

11. EARLY EXCHEQUER RECORDS/FISHING BOUNTIES

Sometimes the exchequer is guilty of giving out money (but not often). There is a very limited series of records where the Scottish fishing fleets were given bounties from the public purse to encourage the catch. These bounties ran from 1750 to 1825 and are specifically targeted the whaling and herring fishing industries. The good thing about these records revolves around the fact that the bounties were paid to the individual crew members, not just the ship owners or masters. This means that the **E508** files list all the fishermen on a vessel and their descriptions. The reason descriptions were included was to make sure the crewman turning up for his payment was the right man. This means that potentially you will be able to get a basic description of your seafaring ancestor. In order to determine which set of vouchers you should order out it is an idea to start with **E502** the cash accounts for the relevant period which will direct you to ships and owners operating out of various ports.

12. SEVENTEENTH CENTURY TAXES

Of course mostly the exchequer is about taking money from people. Two record series exist from the late seventeenth century that may be of interest: The Hearth Tax and the Poll Tax. The Hearth Tax dates from

between 1691 and 1695 and a list of the surviving volumes can be found on the electronic catalogue under **E69**. However, you should check with staff in the search room as occasionally hearth tax records exist under **GD** references. NAS staff can show you a paper list that details these. When records survive Hearth Tax volumes should list everyone who had a hearth. Vitally, this includes tenants who can be otherwise difficult to find records of in the seventeenth century. The same applies to the 1693-1699 poll tax **E70** which was also levied on everyone (except paupers) not just landowners.

There are two drawbacks to the Hearth tax and Poll tax records that you should be aware of. Firstly, they do not survive for the whole of Scotland and you should look at the Heath Tax and Poll Tax catalogues in General Register House to see whether there are surviving records for the particular parish in which your ancestors lived. Secondly, the information provided by the material even when it has survived can be very limited.

13. PRE-1855 CHURCH RECORDS/ROMAN CATHOLIC PHOTOCOPIES

The further back you go the more important the church was in the everyday life of a parish. As well as the old parish registers which I am sure you are familiar with, you should read the corresponding minute books, both to see if the family is mentioned therein or to get a feel for an area. Sometimes they paint a very rosy picture of a town. The following is from the minutes books of the General Session in Dundee 1702 (**CH2/1218/1 page 211**): ‘The session considering the great growth of vice & immoralities in this place first as the raging sin of uncleanness, adulteries, fornication...tippling 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 we also have photocopies of some of the surviving Roman Catholic registers of birth and marriage a source prior to 1855. Now these have been digitised they are appearing in stages on ScotlandsPeople. If you can’t find the relevant register you should check with Andrew Nichol down in Columba House to see what else exists.

14. GREAT SEAL/PRIVY SEAL

Very few of your ancestors will appear in the Great Seal or Privy Seal material. This is because mention in these records suggests a direct connection between the individual and the crown and this is obviously fairly unusual. However, from the fourteenth to the seventeenth century these registers have been printed and indexed and later material is indexed although not printed. Checking for a family name therefore 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

The main record of individuals in the Scottish Army is the Muster Rolls which are in the Exchequer records. Use our on-line catalogue to search under **E100** in reference number. They date from about 1640. Because they are organised by regiment you have to know which regiment your ancestor might have served in. Or of course you could look through all 5,000 surviving rolls! The best bet is that your ancestor would probably have served in the Regiment of which the landowner was Colonel. These rolls list the names and places of officers and men with ranks and a date. Unfortunately, they are unlikely to give you much in the way of links to other family members, although you might guess that two men of unusual family name serving together might be brothers, the Muster Roll is very unlikely to explicitly state this.

16. EIGHTEENTH CENTURY TAXES

We have a series of taxation records from the eighteenth century that you can use. Look on-line under the reference **E326** or **E327** to get a list of what survives. You might find your ancestors paying the window tax, horse tax, farm horse tax, male servants tax, female servants tax (cheaper), clock tax, watch tax, dog tax, watchdog tax... (I am only joking about that last one). Despite this great range of resources it is important to remember the caveat I mentioned right at the start of this presentation. Even if you think you have found a record of someone in whom you are interested it may be impossible to prove, from an eighteenth century tax record, that he is connected to your family. Imagine that you have traced your family back to a particular parish. You might get an Income Tax register, like this one for that parish and discover that someone of that name was paying the tax and how much. Even if an address within the parish is mentioned, how will you know if this person is a family member or simply someone with the same surname as your line? Although these taxes are commonly used by family historians not all late eighteenth and

early nineteenth century taxes are listed in the exchequer (**E**) series and those mentioned in another series may be more interesting.

17. INLAND REVENUE

Another tax series you may like to look at are death or estate duties which are part of the records of the Inland Revenue (**IRS** series). We can give you a detailed explanation of how these records are arranged and show you how to order out the record series most likely to help your research. The earliest records in the **IRS** series date from 1796. The pre-1855 **IRS** series might include relationships of legatees, names of executors, reason for succession to heritable property, lawyer's names etc.

However, this image is from another series of **IRS** records that might be of interest. This is a land tax record, the equivalent of the Valuation Rolls except prior to them starting in 1855. However, this series does not cover the whole of Scotland and is only available for the early nineteenth century. However, it can be a way of carrying back valuation roll research beyond 1855.

18. PRIVY COUNCIL CASES/HIGH COURT OF JUSTICIARY

It is certainly good news if your ancestor was a convicted criminal, although probably not for him. Court records are generally a good source for extra information, such as addresses or family members. It is a source that does not concentrate on the landed classes and they are records that exist in large numbers. The High Court of Justiciary and before 1708, the Privy Council heard cases concerning the more serious crimes. The Privy Council cases are printed and index up to the late seventeenth century. Strangely the last few years have not been published and original records and their minute books must be consulted. The indexing of the High Court (**JC**) material is less straightforward and advice should be sought from curatorial staff. I am much braver regarding **JC** records and will not send you directly to the West! You may be able to obtain 3 separate records for criminal trials in the High Court. Firstly, the bundle of papers presented in the court sometimes known as processes sometimes as precognitions, then the minutes of the trial, then the official record or Book of Adjournal including verdict and sentence. For the period 1800 – 1855 all these items should be fairly easy to find, earlier dates require more of that box

trawling. For eighteenth century court processes you will literally be getting your hands dirty.

19. WORK RECORDS

I have already mentioned clubs and societies related to the occupation of an individual. You should also consider the more formal records that may have been created around an ancestor's employment. The records of the local sheriff provide us with 'a Record of Game Certificates received and issued by the collector of the taxes for the County of Linlithgow for the years 1808 and 1809'. In this book are game keepers certificates from Linlithgow 1809. There are also lists of game certificates in this book, which are the names of those licensed to shoot game and a note of payments made. For example, John Smith and Andrew Walker were gamekeepers to the Earl of Hopetoun.

We may also have the records created by the employers themselves and if we do not have the employer's records we may be able to point you in the right direction by using the NRA web-site and its search corporate name facility. Try putting 'wages book' 'staff list' or 'employee file' into our on-line catalogue as well. Equally, if you suspect that an ancestor would have had to register in order to carry out his occupation, doctors, lawyers, publicans and, of course gamekeepers may be found through this registration.

20. SHERIFF COURT RECORDS

The Sheriff Court records can hold all sorts of administration records for the area not just court cases. The game keeper's certificates we have just seen was a Sheriff Court record, right at the start of this presentation we saw the militia list for Minigaff which was also a Sheriff Court record. Other item you might find in the **SC** collections include: sequestrations, medical referees reports, small debt registers, registration of clubs, deeds, sheriff's notebooks, juvenile court registers, aliment case (illegitimate children), fatal accident enquiries, fiars court records... However, I am cheating now as most of those I have just listed are not pre-1855. Let's just say: If you know where your ancestors lived at a particular time, I would recommend that you consult the relevant sheriff court catalogue to see what material survives.

Of course I have not been able to talk about all the resources we hold in the National Archives, for example we have a small library (about 10,000) titles which might hold published material that you may struggle

to find elsewhere. Many titles in our library are from the 19th century and it can be searched electronically. For example by putting Forfarshire into the catalogue I came up with Angus of Forfarshire the land and people, descriptive and historical, a five volume set published in the 1880s which contains many places and family names.