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**Other Records**

- Wills & Testaments
- Land Records
- Court Records
- Military Records
- Occupational Records



*Voice of*  
Rhonda R. McClure  
Senior Genealogist

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**Wills & Testaments**

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**Wills & Testaments**

- Not as useful to family historians as in other countries
- Often do not list names of relatives
- Up until 1868 only moveable property (things other than real estate) could be included in testaments

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**Laws of Inheritance**

- Eldest son inherited everything heritable (land, buildings, other immoveable property)
- Law of primogeniture (eldest son inherits) in effect from 1868 to 1964
- All other children received equal share of moveables (money, animals, tools, furniture)

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**Moveable Property**

- Anything you can pick up and move
- In testaments known as “*goods, gear, sums of money and debts*”
- Moveable property divided in three parts:
  - *Jus relictæ* – the widow’s third
  - *Legitim* – the bairns (children other than oldest) split equally
  - *Deids part* (part disposed of by deceased according to his or her wishes)

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**Execution of Testament**

- Widow’s and bairns’ part were automatically handled
- Executor only had to give up the *deids* part for confirmation to the Commissary Court
- If no *deids part* in the testament, it was taken up by next of kin by confirmation
- If no widow or kids, next nearest kin (brothers/sisters) distributed equally

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**Important Terms**

- *Testament Testamentar* – deceased left a will
- *Testament Dative* – deceased did not leave a will

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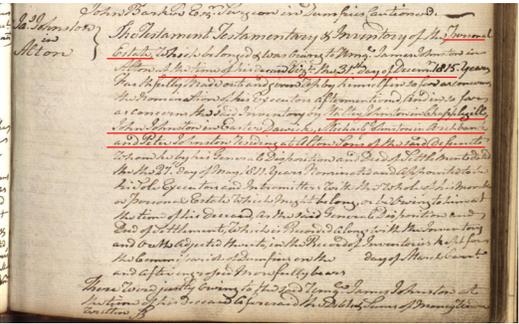
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The document is a handwritten testament in cursive script. The title at the top reads "The Testament Testamentary & Inventory of the James Johnston". The text is written in black ink on aged paper. A red ink line is drawn across the middle of the page, separating the title and introductory text from the main body of the testament. The handwriting is dense and fills most of the page.

Testament: James Johnston, 1816

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**Land Records**

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**Land Records**

- Until 2004 Scotland had a feudal system
- All land belonged to the Crown
- Ownership passed to immediate “vassal”
- Originally military duty for land granted
- Became payment of *tiends* (tithes) of produce or money
- Heirs did not automatically inherit land

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**Land Terms**

- *Heritable immoveable property*: The land under the ownership of a vassal
- *Retours of services of heirs*: Return of the jury who decides the rightful heir; goes to the Royal Chancery
- *Clare Constat*: “Clearly shows”; system used by subject superiors for their own vassals to inherit

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**Retours of Services of Heirs**

- Recorded in the records of the Chancery (NRS C22 and C28)
- Index by Thomas Thomson in 3 volumes:
  - Vol A: Special Inquisitions, Aberdeen-Kircudbright (1544-1699)
  - Vol B: Special Inquisitions, Lanark-Wigton (1544-1699)
  - Vol C: Decennial Indexes to Services of Heirs, 1700-1859; Inquisitiones Valorum; Inquisitiones de Possessione Quinquennali, 1544-1699; General Table

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### Land Records

- Also found in Sasine Registers
- *Sasine*: relates to *seize* – a landholder was seized of the land (aka physical holding of the land)
- Before 1617 handled by notaries
- After 1617 became the Register of Sasines
- Includes changes in ownership and secured debts up until 1981

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### Registers of Sasine

- Before 1781 are incomplete
- After 1781:
  - Indexes are good
  - Printed abridgements arranged by county
- Similar to deeds in America – recorded within a few days of being drawn up
- Exception: Sole heir already residing on premises

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Scottish Indexes

Home Advanced Search Record Sets Search Help Research Services Learning Zone Bookshop About Us Blog

#### Register of Sasines Index - Search Result

<p><b>Indexing Source</b> Deed Type</p> <p><b>Minute Text</b></p> <p><b>County/Countries</b> Date of Recording NRS Minute Book Reference Date of Deed NRS Volume Reference</p> <p><a href="#">Back to Search Results</a></p> <p>Share this Entry:</p> <p></p>	<p>Particular Register of Sasines Minute Book (Roxburgh, Selkirk and Peebles) Sasine</p> <p>James Burn tenant in Maxwellhughmill of an annualrent of £20 sterling furth of the Lands of Templehall or Templelands of Morebattle and tennds thereof, Parish of Morebattle, Roxburghshire, and of the said lands and tennds in security thereof, and of the principal sum of £400 sterling penalty etc, on a heritable bond and disposition by James Hope mason in Morebattle dated 8 February 1780.</p> <p>Roxburghshire 28 February 1780 RS82/8 fo. 21 8 February 1780 RS37/24</p>
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<http://www.scottishindexes.com/sasinesearch.aspx>

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**Legal History**

- Scottish law differs from laws of England and Wales even after the union of 1707
- Scotland, England, and Wales make up Great Britain
- United Kingdom is the above three plus Northern Ireland (all of Ireland prior to 1922)

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**Scottish Legal System**

<p><b>Statute Law</b></p> <ul style="list-style-type: none"><li>• Comes from bodies with legislative powers:<ul style="list-style-type: none"><li>– Royal proclamations</li><li>– Acts of Parliament</li><li>– European Community Treaties</li></ul></li></ul>	<p><b>Common Law</b></p> <ul style="list-style-type: none"><li>• Comes from judgments in the courts</li><li>• Based on Scots legal tradition</li><li>• Relies on precedent</li><li>• Comes from:<ul style="list-style-type: none"><li>– Roman law</li><li>– Canon law</li></ul></li></ul>
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**Why court records?**

- Court records include:
  - Criminal cases
  - Civil cases
  - Wills
- Valuable to family historians

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**Order of Authority**

<p><b>Criminal Courts</b></p> <ul style="list-style-type: none"><li>• High Court of Justiciary</li><li>• Sheriff Court</li><li>• District Court</li></ul>	<p><b>Civil Courts</b></p> <ul style="list-style-type: none"><li>• Supreme Court (previously House of Lords in London)</li><li>• Court of Session</li><li>• Sheriff Court</li></ul>
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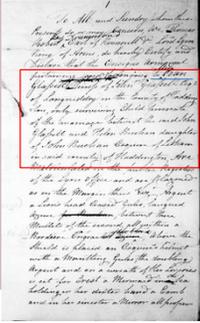






### Court of the Lord Lyon

- Heraldic and genealogical matters
- Criminal and civil enforcement of use of arms
- Right to use certain names and titles



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### Kirk Sessions

- Acted as a church court
- Responsible for:
  - Poor relief
  - Education
- Records
  - Minute books
  - Accounts and financial records
  - Deacons' Court (Free Church)
- Lists of members

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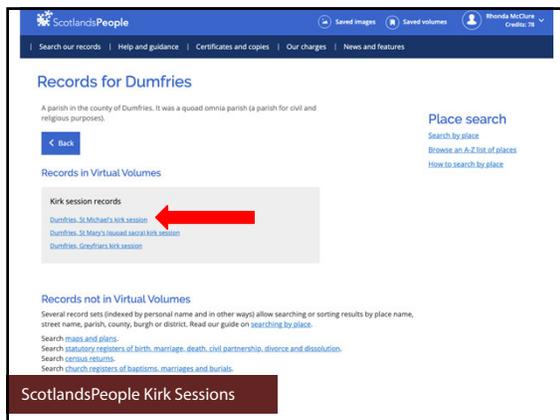
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Records for Dumfries

A parish in the county of Dumfries. It was a quasi omnia parish (a parish for civil and religious purposes).

[Back](#)

Records in Virtual Volumes

- Kirk session records
  - [Dumfries, St Michael's kirk session](#)
  - [Dumfries, St Mary's \(ruined\) sacral kirk session](#)
  - [Dumfries, Greyfriars kirk session](#)

Records not in Virtual Volumes

Several record sets (indexed by personal name and in other ways) allow searching or sorting results by place name, street name, parish, county, burgh or district. Read our guide on [searching by place](#).

Search [trails and plans](#).

Search [statutory registers of birth, marriage, death, civil partnership, divorce and dissolution](#).

Search [census returns](#).

Search [church registers of baptisms, marriages and burials](#).

Scotland's People Kirk Sessions

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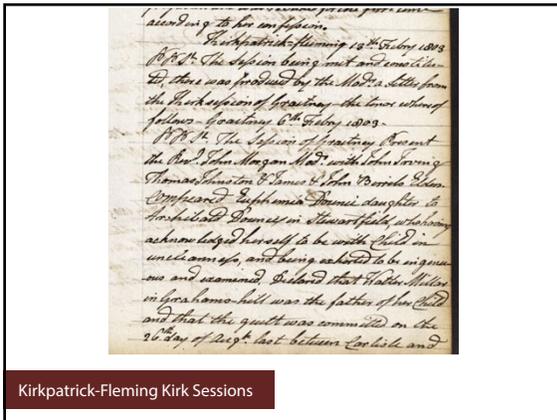
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Kirkpatrick-Fleming Kirk Sessions

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### Adoption

- Not handled legally until passage of the Adoption of Children (Scotland) Act 1930
- Arranged through Sheriff Courts (1930+)
- Private adoptions (pre-1930) were arranged by:
  - Barnardos
  - Quarriers
- Informal adoptions may be noted in birth records and census records

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**Our history**  
We've kept our promise to protect children and young people for over 150 years

**Beginnings – the Ragged School**  
Thomas John Barnardo was born in Dublin, Ireland, in 1845. As a young man he moved to London to train as a doctor. When he arrived, he was shocked to find children living in terrible conditions, with no access to education. Poverty and disease were so widespread that one in five children died before their fifth birthday. When a cholera epidemic swept through the East End, leaving 3000 people dead and many orphaned children, the young Barnardo felt an urgent need to help.



Thomas Barnardo at his desk

His first step, in 1867, was to set up a 'ragged school' where children could get a free basic education. One evening a boy at the mission, Jim Jarvis, took Barnardo around the East End, showing him children sleeping on roofs and in gutters. What he saw affected him so deeply he decided to abandon his medical training and devote himself to helping children living in poverty.

**No child should be turned away**  
In 1870, Barnardo opened his first home for boys. As well as putting a roof over their heads, the home trained the boys in carpentry, metalwork and shoemaking, and found apprenticeships for them.



<https://www.barnardos.org.uk/>

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Quarriers Care and support since 1971 About Us How we help Get involved Jobs Latest Donate

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**7** ways we can help **3** things you can do

<https://www.quarriers.org.uk/>

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**Our history**  
Quarriers is a unique, inspirational Scottish charity that grew from one man's vision to an organisation that supports thousands of people to reach their potential. Its fascinating history spans 150 years, and it all began with William Quarrier.

**William Quarrier**  
William Quarrier was born in Cross Shore Street in Greenock in 1829. After his father died, his family moved to Glasgow. Aged just seven, William began working as a pin maker, and at age eight, he was an apprentice shoemaker. He went on to become a successful shoe merchant, owning several shops in Glasgow.

**Early life**  
William Quarrier was born in Cross Shore Street in Greenock in 1829. After his father died, his family moved to Glasgow. Aged just seven, William began working as a pin maker, and at age eight, he was an apprentice shoemaker. He went on to become a successful shoe merchant, owning several shops in Glasgow.

**Inspiration**  
One night in 1864, William met a boy who was crying. He had been selling matches and some other boys had stolen them and now he would have no money. William decided that now that he was no longer poor he had to help and established a Shoeblack Brigade for children living on the streets. The boys went out cleaning shoes on their way home at the end of the day and were given a penny for each pair they cleaned.

<https://www.quarriers.org.uk/>

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**Military Records**

- Before 1707:
  - Scotland had its own military
  - They were called up as needed and dismissed after
- In 1707:
  - Governments of England and Scotland combined
  - Military of England and Scotland combined
- 1707 forward:
  - Records housed at PRO in England

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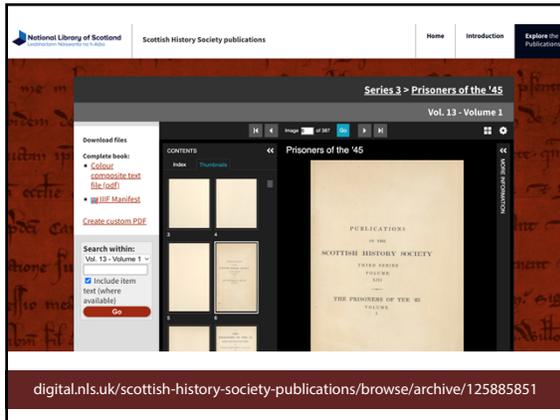
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### Ancestral Trails

- By Mark Herber
- 2nd Edition
- Offers detailed chapter on military records

The image shows the cover of the book 'Ancestral Trails: The Complete Guide to British Genealogy and Family History' by Mark Herber, 2nd Edition. The cover features a collage of historical photographs and text. It is published in association with the Society of Genealogists and has won the Outstanding Reference Work award from the Association of British Genealogists and Family Historians.

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### Military for Life

A historical document titled 'His Majesty's Regiment of Foot' with a decorative header and several columns of text. The document appears to be a military record or a list of personnel.

- Military service was an occupation for life
- Officers came from upper class
- Soldiers from working class
- Substitutes could be purchased

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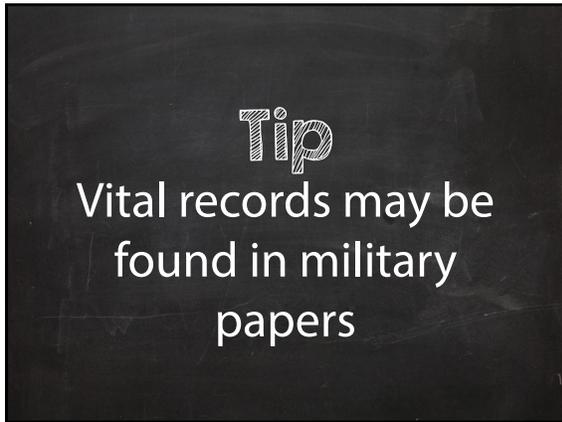
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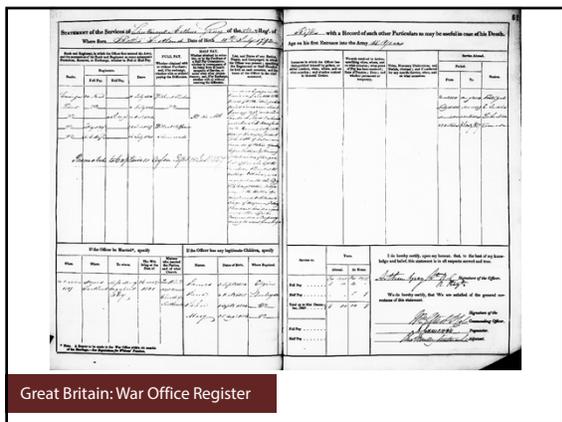
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Great Britain: War Office Register

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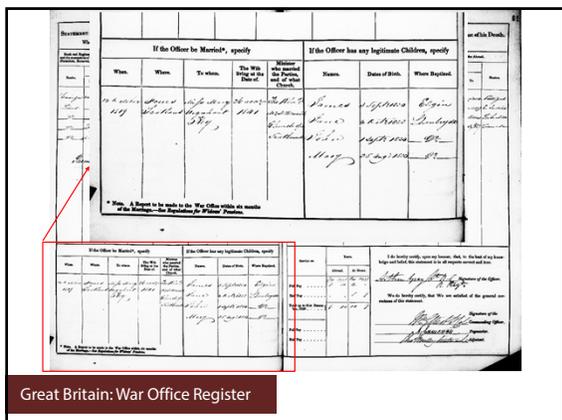
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Great Britain: War Office Register

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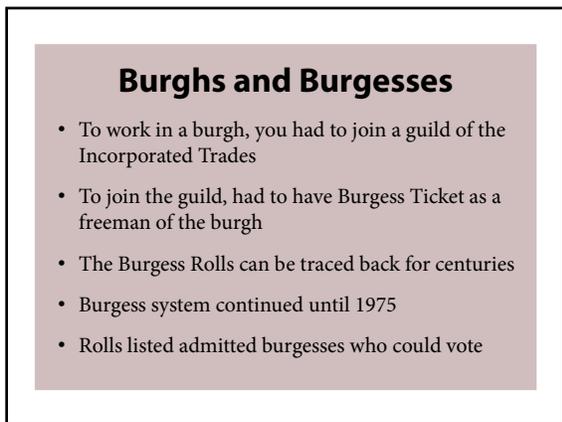
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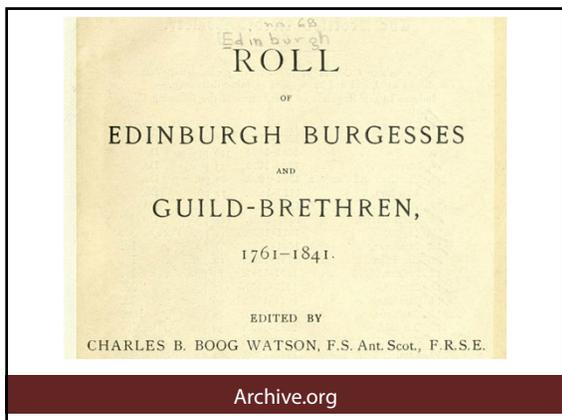
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## Incorporated Trades - Glasgow

- Hammermen (1536)
- Tailors (ca 1546)
- Cordiners (1558)
- Maltmen (????)
- Weavers (1528)
- Bakers (????)
- Skinners (1516)
- Wrights (ca 1567)
- Coopers (ca 1569)
- Fleshers (ca 1580)
- Masons (ca 1057)
- Gardeners (ca 1690)
- Barbers (1559)
- Dyers & Bonnetmakers (ca 1597)

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**RECORDS**  
OF THE  
**INCORPORATION OF BARBERS,**  
GLASGOW,  
FROM THE INCORPORATION OF CHIRURGIONS AND BARBERS.

EXTRACTED AND PUBLISHED  
BY  
**JAMES B. TENNENT**  
FROM THE RECORDS OF THE TOWN OF GLASGOW.

SUPPLEMENT BY **JAMES R. ANDERSON**

GLASGOW:  
PRINTED BY WALKER BROTHERS & CO.,  
22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200.

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# QUESTIONS?

**Hire Research Services**  
[research@nehgs.org](mailto:research@nehgs.org)

**Chat with a Genealogist**  
[AmericanAncestors.org/chat](https://AmericanAncestors.org/chat)

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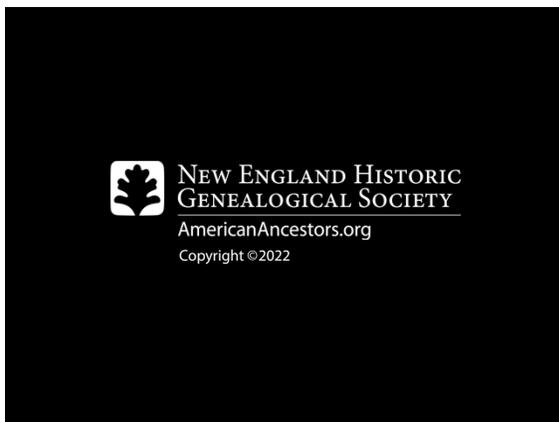
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