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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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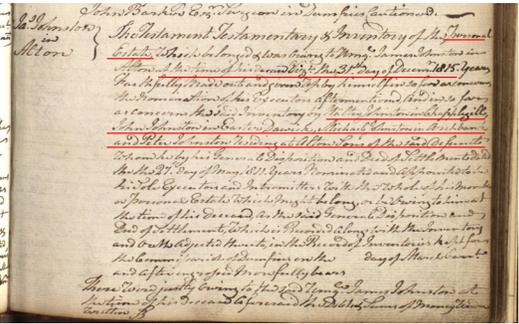
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The image shows a page from a handwritten testament document. The text is written in cursive and includes the title "The Testament, Testamentary & Inventary of the James Johnston". The document is dated 1816. A red box at the bottom of the image contains the text "Testament: James Johnston, 1816".

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><a href="#"></a> <a href="#"></a> <a href="#"></a> <a href="#"></a> <a href="#"></a></p>	<p>Particular Register of Sasines Minute Book (Roxburgh, Selkirk and Peebles)</p> <p>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</p> <p>28 February 1780</p> <p>RS82/8 fo. 21</p> <p>8 February 1780</p> <p>RS37/24</p>
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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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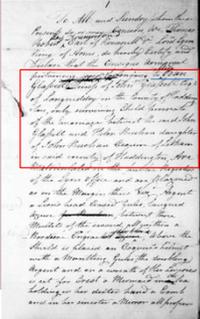






### Court of the Lord Lyon

- 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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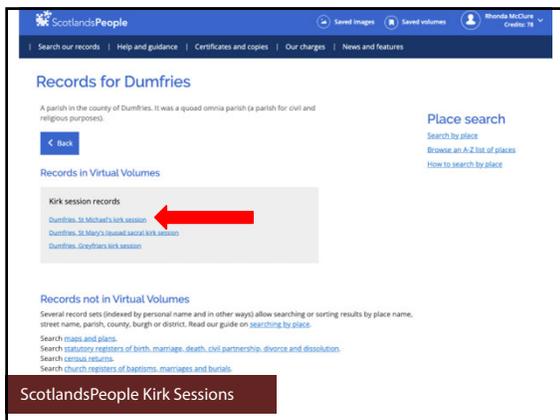
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Records for Dumfries

Records in Virtual Volumes

- [Dumfries, St Michael's kirk session](#)
- [Dumfries, St Mary's kirk session](#)
- [Dumfries, Greyfriars kirk session](#)

Records not in Virtual Volumes

Scotland's People Kirk Sessions

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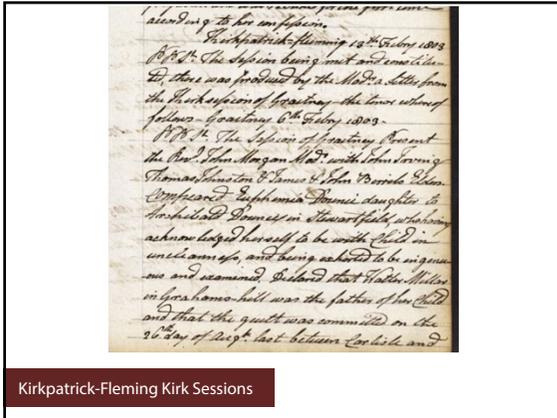
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Kirkpatrick-Fleming Kirk Sessions

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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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**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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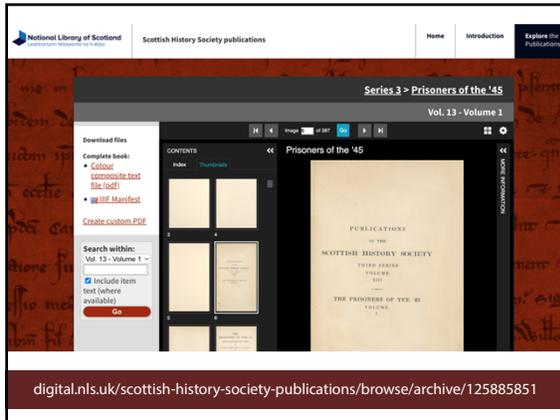
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### Ancestral Trails

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

The image shows the front cover of the book 'Ancestral Trails' by Mark Herber. The cover is white with a red and blue design. It features the title 'ANCESTRAL TRAILS' in large, bold letters, with 'THE COMPLETE GUIDE TO BRITISH GENEALOGY AND FAMILY HISTORY' written below it. The author's name 'MARK HERBER' is at the bottom. A circular badge on the cover says 'WINNER OF OUTSTANDING REFERENCE WORK AWARD'. The cover also includes a photograph of a group of people.

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### Military for Life

The image shows a historical document, likely a military record or a letter, with a decorative header and several paragraphs of text. The text is written in an old, cursive script. The document is titled 'His Majesty's 5th Regiment of Foot'.

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

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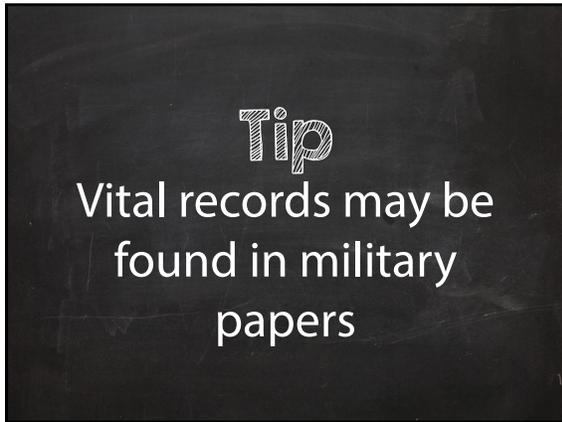
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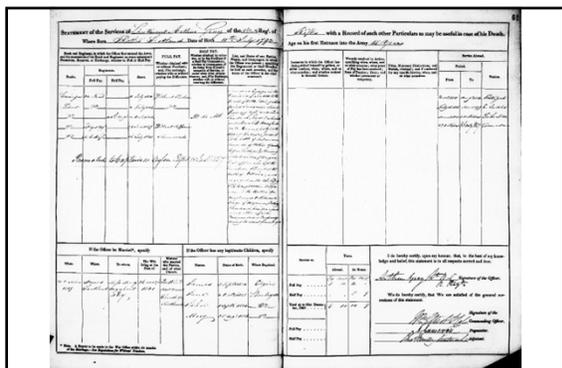
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Great Britain: War Office Register

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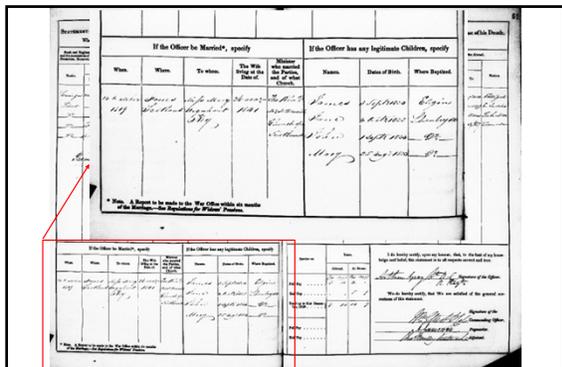
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Great Britain: War Office Register

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**Burghs and Burgesses**

- To work in a burgh, you had to join a guild of the Incorporated Trades
- To join the guild, had to have Burgess Ticket as a freeman of the burgh
- The Burgess Rolls can be traced back for centuries
- Burgess system continued until 1975
- Rolls listed admitted burgesses who could vote

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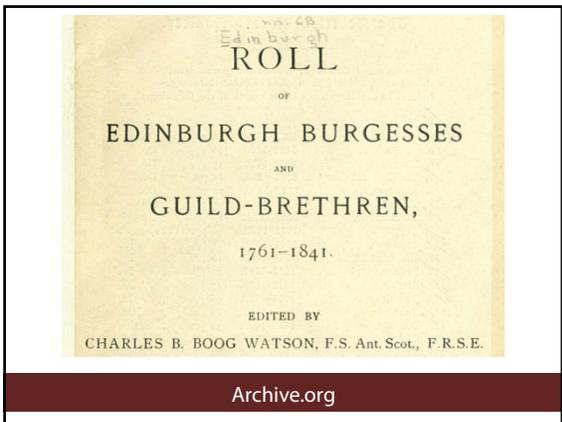
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**Consultations**

Book a one-on-one consultation with a genealogist and receive help with your family history research!

AmericanAncestors.org/Expert-Help/Consultations

SCAN ME

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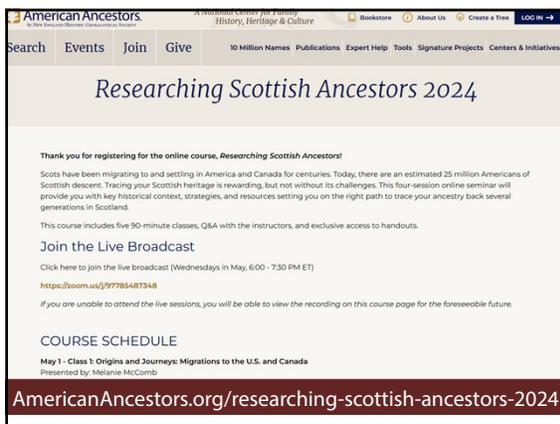
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## Researching Scottish Ancestors 2024

Thank you for registering for the online course, *Researching Scottish Ancestors*!

Scots have been migrating to and settling in America and Canada for centuries. Today, there are an estimated 25 million Americans of Scottish descent. Tracing your Scottish heritage is rewarding, but not without its challenges. This four-session online seminar will provide you with key historical context, strategies, and resources setting you on the right path to trace your ancestry back several generations in Scotland.

This course includes five 90-minute classes, Q&A with the instructors, and exclusive access to handouts.

### Join the Live Broadcast

Click here to join the live broadcast (Wednesdays in May, 6:00 - 7:30 PM ET)

<https://zoom.us/j/97785487348>

If you are unable to attend the live sessions, you will be able to view the recording on this course page for the foreseeable future.

### COURSE SCHEDULE

May 1 - Class 1: Origins and Journeys: Migrations to the U.S. and Canada  
Presented by: Melanie McComb

[AmericanAncestors.org/researching-scottish-ancestors-2024](https://AmericanAncestors.org/researching-scottish-ancestors-2024)

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**THANK YOU!**

AmericanAncestors.org

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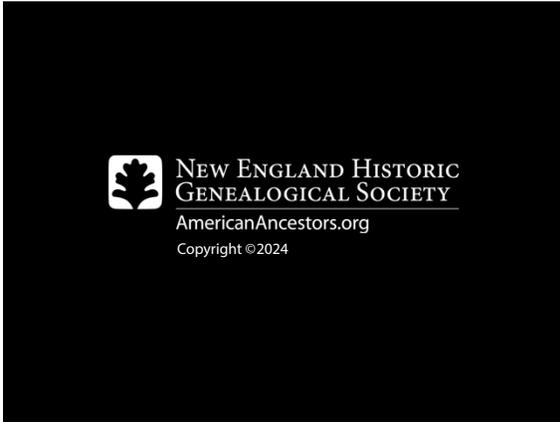
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