









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

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)

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)

Execution of Testament

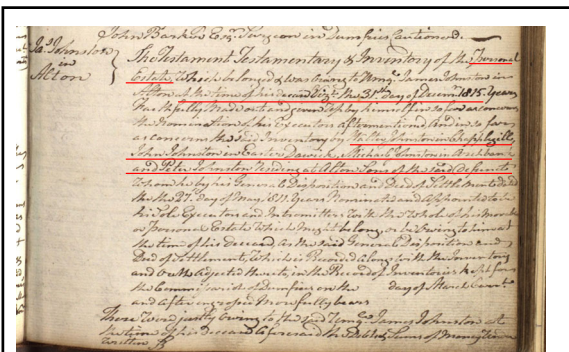
- Widow’s and bairns’ part were automatically handled
- Executor only had to give up the *deids part* for confirmation to the Commissary Court
- If no *deids part* in the testament, it was taken up by next of kin by confirmation
- If no widow or kids, next nearest kin (brothers/sisters) distributed equally

Important Terms

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

Testament Testamentar

- Consists of four parts:
 1. Introductory clause
 2. An inventory of the deceased's possessions
 3. Confirmation clause
 4. Copy of the will
- If will isn't attached, reference to where it is files, usually Register of Deeds



Testament: James Johnston, 1816

Land Records

Land Records

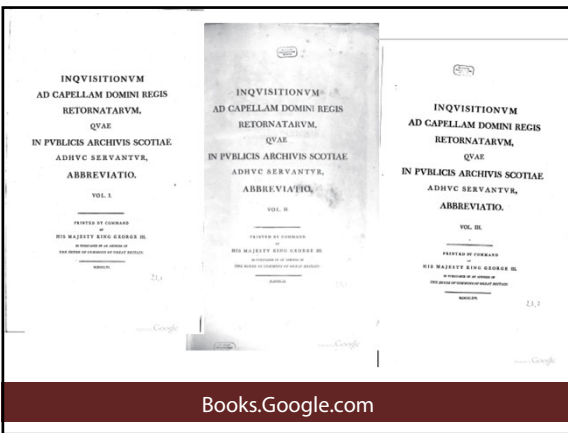
- Until 2004 Scotland had a feudal system
- All land belonged to the Crown
- Ownership passed to immediate “vassal”
- Originally military duty for land granted
- Became payment of *tiends* (tithes) of produce or money
- Heirs did not automatically inherit land

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

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



Books.Google.com

JONESON, de Applegirth, 175, 891.
JONESTOWN, JHONESTOWN, JONSTOWN:
 Adamson, 385.
 Alexander, de Eshescheill, 324.
 Andrea, de Milnebank, 171.
 — de Rutonyde, 230.
 — de Tarnour, 388.
 Archibald, de Eshescheill, 132, 145, 198, 397.
 Gavinus, 51, 80.
 Georgius, 384.
 — de Girthel, 206.
 Gilbertus, de Wamfra, 71.
 Guilhelmus, 301.
 — de Eshescheill, 152, 145, 159, 229, 363.
 — de Newbie, 34.
 Harbertus, 382, 386.
 Jacobus, 55, 79, 120, 122, 132, 144, 230, 259, 336.
 — de Beirholme, 51, 52.
 — de Brakenyde, 268, 338.
 — de Darlagh, (vel Earslag), 805.
 — de Dunskeill, miles, 23, 53, 56, 119.
 — de Eodem, 83, 56, 119, 395.
 — de Midligill, 52, 80.
 — (Dumfries), de Westerhall, 839.
 — de Westreus, 159, 397, 398.

(1577) **Maii 31, 1699.**
ADAMUS CRAIK de Arbigland, Arves Galilini Craik de Arbigland super proprio terro de Dunsford, natus—in hinc ubi hinc parochia 19 curatus terrarum de Kilmorye, natusque. The Case antiqui exorta, infra parochiam de Dalgoon, redimitionem per hunc Thomam Young de Gullilill.—A. E. cum. N. E. —(Vide Kirkcudbright). N. 133.

(1583) **Feb. 21, 1699.**
EDMUNDUS MAXWELL filius Georgii Maxwell de hinc, Arves Janeta Maxwell uxoris dei Georgii, natus—in dimidio anni redimio 1700. correspondente 30000. de 30 milibus terrarum de Holwa, et 20 milibus terrarum de Blackford, tanquam propria parochia 40 mercatorum terrarum de Castella, infra parochiam de St. Mungo et mercatorum de Annandale—E. Id. alle f. nar. N. 174.

(1590) **Apr. 23, 1700.**
IOHANNES JOHANNSTON de Westerhall, Arves maritus Dami Jacobi Johannis de Westerhall, post/4—in 12 mercatorum terrarum

1700. DUMFRIES.

de Dalokham (vel Saklatham) iurellus infra parochiam de Westerhall et dimidionem de Kilmorye—E. 1700. N. 133. p. 1000.

1700. **de Dalokham** (vel Saklatham) iurellus infra parochiam de Westerhall et dimidionem de Kilmorye—E. 1700. N. 133. p. 1000.

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Volume 3 Dumfries Name Index

Volume 1 Dumfries Abridgement

Thomson's Volumes

Registers of Retours and Services of Heirs

NRS Reference	Description	Dates
C22-27	Registers of Retours and Papers	1530-1912
C28-30	Service of Heirs	from 1847

Indexes

Services of Heirs before 1700 (NRS reference C22)
 'Inquisitionum Retornatarum Abbreuiatio, 1425-1700'. Published in 3 volumes. Index of persons and places arranged by county in volume 3. Printed. These have been published on CD-ROM by the Scottish Genealogical Society.

Services of Heirs after 1700 (NRS reference C22 and C28)
 Each volume contains two indexes: one by the name of the heir, the other by name of the ancestor.

Indexes to Services of Heirs from 1700

Series	Volume number	Date	Format
1st	1	1700-1749	Printed
1st	2	1750-1799	Printed
1st	3	1800-1829	Printed
1st	4	1830-1859	Printed
2nd	1	1860-1869	Printed
2nd	2	1870-1879	Printed

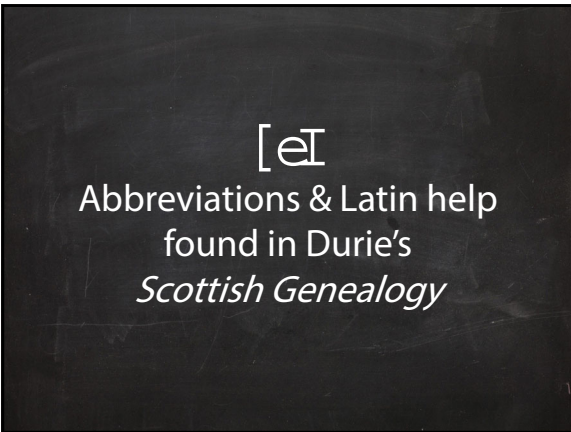
nrscotland.gov.uk/research/research-guides/research-guides-a-z/chancery-records

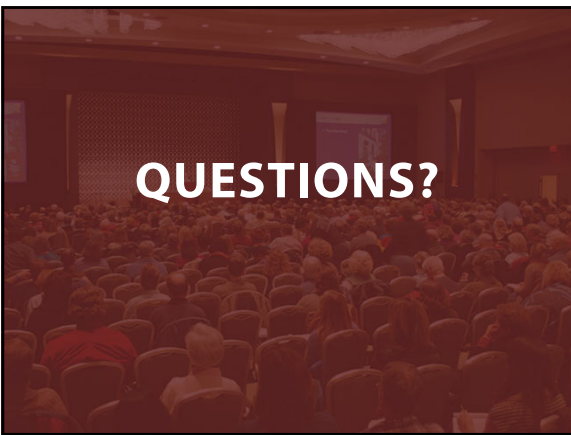
Land Records

- 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

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







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)

Scottish Legal System

Statute Law

- Comes from bodies with legislative powers:
 - Royal proclamations
 - Acts of Parliament
 - European Community Treaties

Common Law

- Comes from judgments in the courts
- Based on Scots legal tradition
- Relies on precedent
- Comes from:
 - Roman law
 - Canon law

Why court records?

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

Order of Authority

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

- Adoption Records
- Birth, Death and Marriage Records
- Buildings
- Burgh Records
- Canal Records
- Catholic Parish Registers
- Census Records
- Chancery Records
- Church Records
- Coal Mining Records
- Coats of Arms
- Commissary Court Records
- Company Registration Records
- Court and Legal records
- Court of Session Records**
- Extracted Processes
- Unextracted Processes

Court of Session Records

The Court of Session is Scotland's supreme civil court and National Records of Scotland (NRS) holds records of the court from the 16th century onwards.

Please note that although Court of Session record groups are normally freely open to public access, those dating after 1915 are currently (October 2017) subject to a temporary re-closure pending a sensitivity review. Before visiting our search rooms please contact staff for more information.

If you are visiting us to research Court of Sessions (CS) records, you may wish to print out our guides, familiarise yourself with them, and refer to them during your visit. Start with this first guide, which acts as an introduction for inexperienced searchers.

The other guides deal with different types of Court of Session records:

- [Unextracted Processes \(UPs\)](#) after 1660
- [Extracted Processes \(EPs\)](#) after 1660
- [Other Court of Session series](#)
- [Sequestrations](#)

Catalogues and finding aids

When searching for processes, you will normally have to look up:

- Our online [electronic catalogue](#)
- Card indexes
- Indexes in volumes

Unextracted processes (UPs) and extracted processes (EPs)

The distinction between the unextracted and extracted processes is simply stated:

nrsotland.gov.uk/research/research-guides/research-guides-a-z/court-of-session-records

Scottish Indexes

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Search Our Record Sets

As well as the [global search](#) it can be useful to search our historical record sets individually to find those elusive ancestors!

We have indexed historical records which will help you trace your Scottish family tree. These range from prison records to property records, health records and court records. You find out more about each record set in our [Scottish Genealogy Learning Zone](#). You can either [click here](#) to search all records simultaneously or select a category below. Visit our [coverage pages](#) to see a detailed breakdown of what you can search on this site.



Search Scotland's Criminal Database



Search Scottish Paternity Index



Search Mental Health Records



Search Court of Session Index



Search Poor Relief Records



Search Deeds Index



Search Registers of Sainies



Search Kelso Dispensary Patient Registers

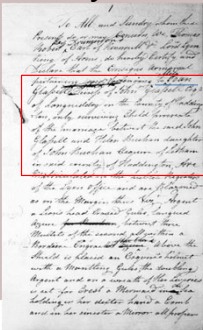
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scottishindexes.com/recordsets.aspx



Court of the Lord Lyon

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



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

Start your search
Select a category to get started

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Volume search

Search for a specific volume by reference or search all volumes by date range.

[Search for a volume >](#)

Record creator search

Search for records of a kirk session, presbytery or other court or institution.

[Search record creators >](#)

Place search

Search for all records relating to a place such as a parish, county or city.

[Search places >](#)

Virtual Volumes

Virtual Volumes results

Privacy information

You searched for - Record Creators: "Dumfries"; Search type: "all"

Showing 1 to 6 of 6 (1 pages)

Name	Description	Type	More info
Dumfries - Greyfriars kirk session	A church court that sat within the presbytery of Dumfries and the synod of Dumfries.	Church court	more View
Dumfries - St Mary's kirk session	A church court that sat within the presbytery of Dumfries and the synod of Dumfries.	Church court	more View
Dumfries - St Michael's kirk session	A church court that sat within the presbytery of Dumfries and the synod of Dumfries.	Church court	more View
Dumfries presbytery	A higher court of the Church of Scotland.	Church court	more View
Dumfries synod	A higher court of the Church of Scotland.	Church court	more View
Ordnance Survey - Dumfries county	Great Britain's national mapping agency. Records relating to Dumfries county, a county in the south west of Scotland, also known as Dumfriesshire.	Government body	more View

ScotlandsPeople Virtual Volumes

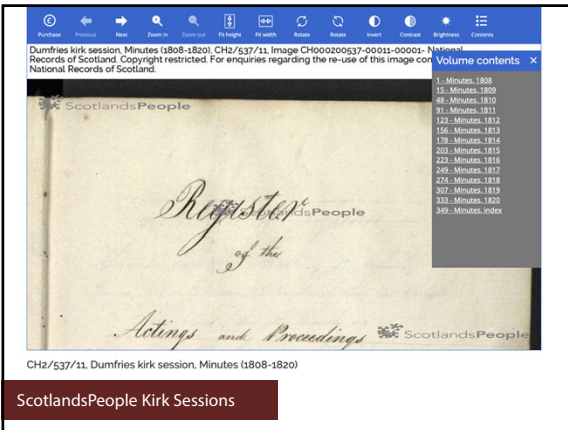
Dumfries - St Michael's kirk session

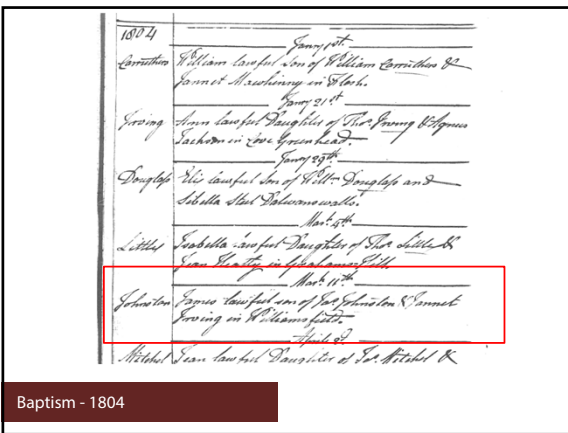
A church court that sat within the presbytery of Dumfries and the synod of Dumfries. The church was granted to Kelso Abbey at the beginning of the twelfth century.

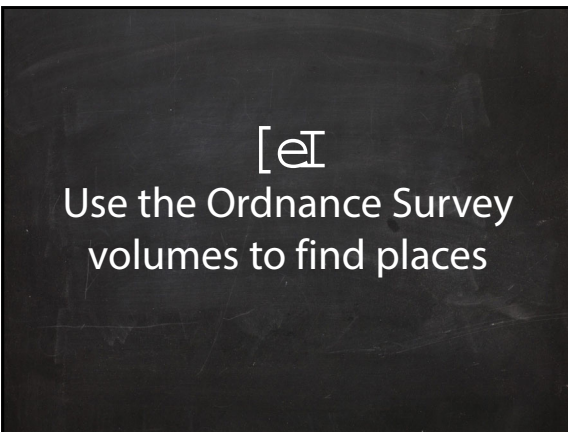
Records available

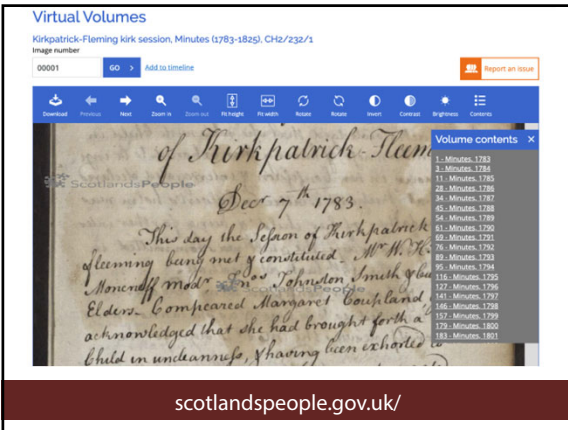
- Minutes (1712-1735) [\(CH2/537/1\)](#)
- Minutes (1735-1743) [\(CH2/537/2\)](#)
- Minutes (1743-1750), Accounts (1747-1750) [\(CH2/537/3\)](#)
- Minutes (1750-1754) [\(CH2/537/4\)](#)
- Minutes (1754-1759) [\(CH2/537/5\)](#)
- Minutes (1759-1768) [\(CH2/537/6\)](#)
- Minutes (1768-1776) [\(CH2/537/7\)](#)
- Minutes (1776-1785) [\(CH2/537/8\)](#)
- Minutes (1785-1795) [\(CH2/537/9\)](#)
- Minutes (1795-1808) [\(CH2/537/10\)](#)
- Minutes (1808-1820) [\(CH2/537/11\)](#)
- Minutes (1820-1838) [\(CH2/537/12\)](#)
- Minutes (1648-1660) [\(CH2/537/13\)](#)
- Minutes (1668-1688) [\(CH2/537/14\)](#)
- Minutes (1689-1699) [\(CH2/537/15/1\)](#)

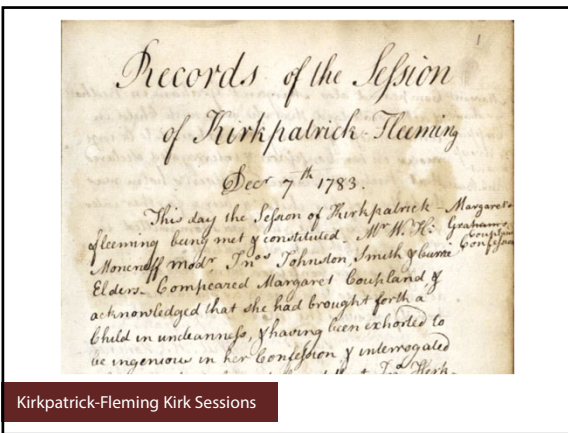
St. Michael's Kirk Sessions Records

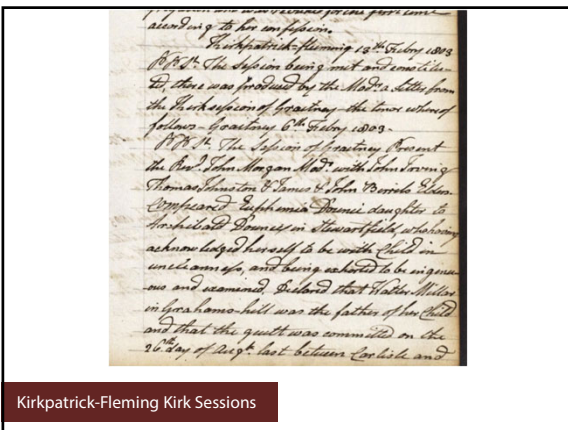












Adoption

- 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



Believe in children
Barnardos

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Support children and families arriving from Ukraine

Donate now

Barnardo's Ukrainian support helpline

barnardos.org.uk/

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.

barnardos.org.uk/



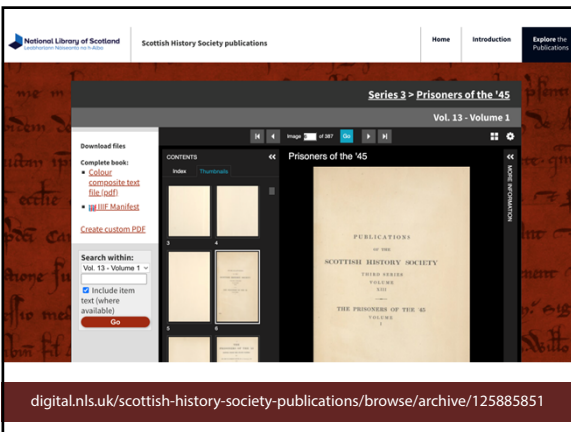






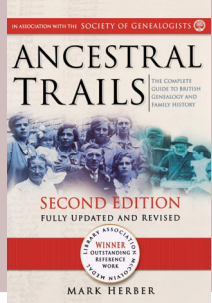
Military Records

- 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

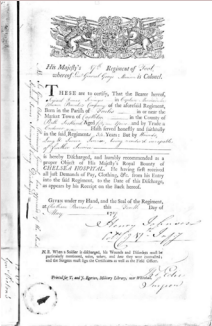


Ancestral Trails

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



Military for Life



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

[e]

Vital records may be found in military papers

Great Britain: War Office Register

Great Britain: War Office Register

Occupational Records

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

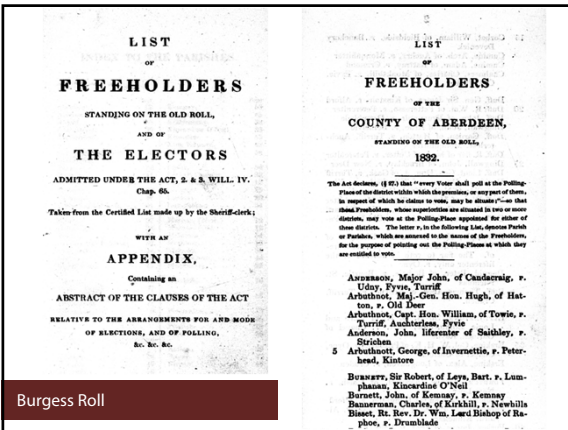
Edin burgh
ROLL
OF
EDINBURGH BURGESSES
AND
GUILD-BRETHREN,
1761-1841.
EDITED BY
CHARLES B. BOOG WATSON, F.S. Ant. Scot., F.R.S.E.

Archive.org

Roll of Edinburgh Burgesses,
1761-1841.

Abercrombie (Abercromby), Alexr., grocer, B., in r. of w. Elizabeth, dr. of David Cunninghame, baxter, B. 28 Sept. 1786
 " David, printer, B., in r. of late fr. Alexr. A., grocer 27 Mar. 1812
 " John, surgeon, B. 31 Oct. 1804
 " Major-Genl. Ralph, of Tullybody, B. and G., gratis, by act of C. 22 Dec. 1790
 " Col. Robert, of the 37th regt. of foot, and aid-du-camp to His Majesty, B. and G., by act of C. 5 July 1786
 " Capt. Wm., B. and G., gratis, by act of C. of 22 Feb. (where he is s. of Lieut.-Genl. James A., and is of the *Edinburgh* regt. of foot. 29 Febr. 1764
Aberdour, James, founder, B., by r. of w. Isobel, dr. of George Aitken, smith, B. 20 Apr. 1763
 " The Right Hon. Lord Sholtoe, B. and G., gratis, by act of C. 8 July 1761
 " Wm., founder, B., in r. of w. Helen, dr. of John Burns, mt. B. 2 Sept. 1761
Abernethy, Alexr., shoemaker, B., in r. of w. Elizabeth, dr. of Hugh Newton, weaver, B. 25 Nov. 1781
 " Alexr., baker, B., as p. to Thomas White, baker, B. 22 May 1767
 " Alexr., candlemaker, B., as p. to John Keele, candlemaker, B. 22 June 1807
 " Alexr., painter, B., in r. of late fr. Alexr. A., shoemaker, B. 8 Dec. 1807
 " James, mt., B. 10 Jan. 1782
 " James, corkcutter, B., in r. of fr. James A., mt. B. 17 Jan. 1782
 " Thomas Liddell, mt. B., in r. of fr. Alexr. A., baker; also G.

Burgess Roll



The Glasgow Trades

- Craft and trade guilds in Scotland often pre-date their counterparts in England
- Oldest Craft is the Masons of Glasgow, incorporated in 1057 by Malcolm III
- Trades meet at the Trades Hall
- Many crafts date to 1500s

Incorporated Trades - Glasgow

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



