

Scottish Ancestry Beyond the Clans

Scottish Emigration

Before 1700, 100,000 Scots had settled in Ireland.

By the end of the 18th Century, 150,000 Scots had settled in America

Feudal Land Tenure, Baronies & Titles

Feudalism came to Scotland in the 12th Century when Scottish and Normans intermarried. This feudal system was finally abolished in 2004.

Royal Charters & Treaty of Union 1710

Webster's Account of the Population of Scotland in 1755

First UK National Census – 1801

Schoolmasters collected census information

Most did not list by name and were just totals

Unfortunately, the census returns for 1801-1831 were not preserved in their complete form. However, some areas for these years do survive and can be found in local authority libraries and archives. See Cyndi's List and National Records of Scotland for currently online listing of early Census records.

Pre-1841 Census Records

Enumerators (schoolmasters) were asked to provide statistical returns for the 1801 to 1831 censuses but some kept lists of householders along with other details notably occupations. Most of the surviving pre-1841 census entries are found in the kirk session records with a few in the Old Parish Registers.

1841-1911 Census Records

1921 Census - Will not be released until 2022

1931 Census – Destroyed in a fire during WWII

1941 Census – Not done due to war

Census Alternatives?

National Registers – 1915-1918 & 1930-1937

- 1915 National Registration: The records have not survived.
- 1939 National Registration - In December 1938 it was announced in the House of Commons that in the event of war, a National Register would be taken that listed the personal details of every civilian in Great Britain and Northern Ireland. This Register was to be a critical tool in coordinating the war effort at home. It would be used to issue identity cards, organize rationing and more. Now available on findmypast.com

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Scottish Marriages

- **Regular Marriages** - In the late Middle Ages and early modern era, women could marry from the age of 12 (while for boys it was from 14) and, while many girls from the social elite married in their teens, most in the Lowlands married only after a period of life-cycle service, in their twenties. In some cases, marriage may have followed 'handfasting', a period of betrothal, which in the Highlands may have effectively been a period of trial marriage.
- **Irregular Marriages** - Under early modern Scots law, there were three forms of "irregular marriage" the agreement of the couple to be married and some form of witnessing or evidence of such. An irregular marriage could result from mutual agreement, by a public promise followed by consummation.
- **Cohabitation and repute**
- All but the last of these were abolished by the Marriage (Scotland) Act 1939, from 1 July 1940. Prior to this act, any citizen was able to witness a public promise.
- A marriage by "cohabitation with repute" as it was known in Scots Law could still be formed; popularly described as "by habit and repute", with repute being the crucial element to be proved. In 2006, Scotland was the last European jurisdiction to abolish this old style common-law marriage or "marriage by cohabitation with repute", by the passing of the Family Law (Scotland) Act 2006.

Statutory Registers

- Birth from 1855-2006 – image restriction 100 years
- Marriage from 1855-1933 – Image restriction 75 years
- Death from 1855-2006 – image restriction 50 years

Old Parish Registers 1553-1854

- Burials were not commonly registered in the Parish Register but can be found in the Kirk Session Records. Not all Parish records have survived.
- There were no Old Parish Registers for Deaths. Records for deaths were most often recorded in the Kirk Sessions. They were recorded as burial costs and mortcloth rentals not as a death. **Caution!** – Entries for these records usually occur after the event and could be weeks later when payment is made.

Church and Religious Records

- **Kirk Session Records** - The Kirk Session was the local church court. These records have been digitized at the Scottish National Archives but are not online, as yet.
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Mortcloth Rentals - A mortcloth (from the Latin *mors* meaning death) was a ceremonial cloth draped over a coffin (or a corpse if the family could not afford a coffin) at a funeral. Mortcloths were available to hire from the Kirk Sessions.

Trades, Crafts, Professions and Offices

Post Office Trade Directories <http://digital.nls.uk/directories/index.html>

- Courts and the Legal System

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- National Courts
- Court of Session
- Privy Court
- Admiralty Court
- Court of the Exchequer
- Local Courts
- Sheriff Courts
- Commissary Courts
- Burgh Courts
- Justice of the Peace Courts
- Franchise Courts
- Criminal Courts & Prisons
- Military Tribunal
- Burgh Records

Inheritance

- After someone died, their moveable estate was often confirmed prior to 1800 in the Commissary Courts to an executor. If a will was left, a document called a testament testamentar was granted; if no will was left, an inventory was drawn up instead, and the moveable estate conveyed to an executor via a testament dative. However, bear in mind that if a will was left, it only dealt with about a third of the estate, for prior to confirmation, the estate was split into three parts – the jus relictæ (aka the widow's part), the legitim (the aka the 'bairn's pairt of gear'), for the children), and the deid's part, for the deceased to bequeath through a will to whomever he or she wished.
- Note that the eldest son was often not named in such documents, for a very good reason – under the rules of primogeniture, he was entitled to the 'heritable' estate, although women could also inherit. This was the immoveable estate (land & structures).
- If there was no male heir, the prospective incumbent to the heritable estate, this 'apparent heir' had to first prove his or her right to inherit. This was done through a jury based process called the Services of Heirs, which could be heard before sheriffs or burgh courts. The records are held at the NRS, but genealogically rich indexes, citing why someone was able to inherit and noting their relationship to the deceased, have been published from 1700-1859 on CD by the Scottish Genealogy Society and can be accessed from the FamilySearch Library.

Maps

Land – Valuation Rolls

Historical Tax Rolls

- Carriage Tax Rolls, 1785-1798

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- Cart Tax Rolls, 1785-1798
- Clock and Watch Tax Rolls, 1797-1798
- Dog Tax Rolls, 1797-1798
- Farm Horse Tax Rolls, 1797-1798
- Female Servant Tax Rolls, 1785-1792
- Hearth Tax Records, 1691-1695
- Horse Tax Rolls, 1785-1798
- Inhabited House Tax, 1778-1798
- Land Tax Rolls, 1645-1831
- Male Servant Tax Rolls, 1777-1798
- Poll Tax Rolls, 1694-1698
- Shop Tax Rolls, 1785-1789
- Window Tax, 1748-1798
- Consolidated Schedules of Assessed Taxes, 1798-1799
- Clock and Watch Tax Rolls
- Wheel Carriage Tax Roll
- Land Tax Rolls, 1645-1831

Heraldry

Clans and Families - A Scottish clan (from Gaelic *clann*, "children") is a kinship group among the Scottish people.

Tartans & Crest Badges

Online Resources

Scotland's People www.scotlandspeople.gov.uk

National Records of Scotland <https://www.nrscotland.gov.uk>

www.schoolrecords.org.uk

www.electoralregisters.org.uk

National Archives of Scotland www.nas.gov.uk

National Register of Archives of Scotland www.nas.gov.uk/nras/register.asp

Scottish Archive Network www.scan.org.uk

National Library of Scotland www.nls.uk

Scottish Documents www.scottishdocuments.com

Scottish Handwriting www.scottishhandwriting.com

Scottish Genealogy Society www.scotsgenealogy.com

Burgh Records <http://www.scotsgenealogy.com/Links/BurghRecords.aspx>

FindMyPast.com

Ancestry.com

Books

Scottish Genealogy and Understanding Documents for Genealogical and Local History
by Dr, Bruce Durie