

Tips for Researching Women in Scotland

“In Scotland, a woman retained her maiden name throughout her lifetime. Although she may have used a husband’s surname while married, she was recorded in parish registers and many other records by her maiden name, and might have reverted to this name if predeceased by her husband. Knowing a woman’s maiden name may be the key to beginning successful research in Scotland. On the other hand, there may be confusion if you have not identified a woman’s name correctly as her maiden name or her married name.”

Sherry Irvine p. 3 Your Scottish Ancestry: A Guide for North Americans

The maternal ancestors were part of the traditional Scottish naming pattern; e.g. eldest daughter named for mother’s mother, second daughter named for father’s mother, third daughter named for mother.

Marriages did not require a church wedding or any public ceremony at all to be legal. The minimum age was 12 for girls and 14 for boys. Parental consent was not required. These were called “irregular marriages” but were legal.

Records of Notaries Public

Deeds, including marriage settlements and settlements of testaments, could be registered with many different courts,

Inheritance rights were largely fixed by law, reducing the utility of wills and testaments. Until 1868, land HAD to be inherited by the eldest surviving son. If no sons, survived, the daughters inherited the land in equal shares. If no children survived, the spouse inherited. A daughter inheriting an equal share of land with her sisters was called an heir portioner.

For property other than land, at least 1/3 HAD to be left to the surviving spouse and at least 1/3 HAD to be left to surviving children. If there were no surviving children, at least 1/2 HAD to be left to the surviving spouse. Scots could make a testament directing how the balance of his or her property (other than land) would be passed on. The relict (widow) had the

use of 1/3 of the land for her lifetime; like the dower rights of widows under English common law. In Scotland, this was called “life rent”.

Land records

Very few people of either sex owned land in Scotland.

Records of daughters (heir portioners) inheriting land will be in a the Retours aka the Services of Heirs.

Like the Land Registry system we are familiar with, transfers of ownership of land was registered in a Register of Sasines. There was a General Register of Sasines from 1617 – 1868 as well as a multitude of Royal Burgh Registers of Sasines and Particular Registers of Sasines. From 1869 to the present, all land transfers and transactions are registered in the County Register only. Women could own land in some circumstances. Women are most frequently found in these records named as the spouse of the vendor.

Civil Registration

Maiden names of mothers recorded in birth, marriage and death registrations
1855 only – age and birth place of mother and father in birth registrations
marriage registrations – state whether the bride is a spinster or a widow
witnesses may be relatives of the bride

death registrations – informant is usually a relative

Women are indexed both under their married name and their maiden name
UNLESS, as a widow, she reverted to her maiden name, in which case, she
will be recorded just by her maiden name.

Census

At a minimum, you get the first name, approximate age and place of birth of the wife/mother. Census also gives women’s approximate date and parish of birth. 1841 – whether born in county or not; 1851 and later parish and county of birth.

Mother-in-law, wife’s brother or spinster sister, grandmothers, etc. may be found in the census living with their extended family.

Daughters’ first names suggest the names of their grandmothers.

Names, ages and places of birth of children give more birth, marriage and death registrations to try for mother's maiden name.

Wife's parents or siblings may well be living nearby.

Church records

IGI incorporates Old Parish Registers: therefore an easily consulted index of the OPRs. The OPRs include many nonconformists.

Baptisms, readings of banns, marriages and burials

Baptismal records give the mother's name, often the mother's maiden name.

Banns were read in the home parishes of both the bride and groom.

Marriage records could include the mothers' names.

Burial records could include the names of the parents for a child and the name of the surviving spouse.

Lists of communicants, communion rolls

Lists of those paying rent for seats in church

Discipline of women by the kirk session. Kirk session records begin before parish registers.

Relief provided to the poor

Marriage banns read in the bride's as well as the groom's home parish. The marriage probably occurred in the bride's parish.

Remember that widows may have reverted to their maiden name and been buried under their maiden name – or have remarried and been buried under the next husband's name.

Monumental inscriptions and lair records

Lair i.e. burial plot, could belong the wife's family rather than the husband's family or the couple.

Poor Law Records

1845 legislation which shifted the responsibility for caring for the poor from the parish; resulted in better record keeping
married women generally also identified by their maiden names

Court records

Women were involved in court cases as accused, victim, witness, complainant and defendant, although less often than men. More women involved at the lower level courts.

Marriage matters, including legal separations and divorces, were heard in the church courts until 1760.

The Commissary Court in Edinburgh granted divorces from 1563 to 1830. Commencing in 1830 the Court of Session granted divorces.

Divorce available since 1560.

Directories

These began in the late 18c. I was surprised at how many women are listed in 19c directories, both as private persons and as trade and business persons.

Moy, moyr Scots for mother

A man could become a burgher or join a craft guild marrying the daughter of a member. One had to become a burgher to practice a trade or even do business in a burgh. The records will state that X, married to Y, daughter of Z, is admitted or enrolled as a burgher or member of the guild or craft corporation.

Licenses were required to sell alcoholic drink commencing 1756. These licenses were granted by the Burgh Court or the Justice of the Peace. Since women sold alcoholic drink, they applied for and were granted such licenses.

Valuation Rolls from 1855 list those liable to pay property taxes, that is, heads of households where the rent was greater than 4 pounds. It would, therefore, list more prosperous widows and spinsters who were heads of households.

Electoral Rolls: Women were given the right to vote in burgh council and county council elections in 1889 IF they were unmarried or not living with their husbands AND were proprietors or tenants of land with an annual rent of more than 10 pounds per year.

Records of school teachers, such as their appointment by the kirk session, include reference to the relatively few school mistresses as well as the school masters.

Register of Nurses 1885 – 1930 at the Scottish Records Office

Biographical dictionaries and published genealogies such as Who's Who and The Scots Peerage include a small number of biographies for women. More often, the names of mothers and wives, including maiden names, appear in the biographies of men.

Hearth Tax 1691 – 1695 tax on landowners and tenants (i.e. major tenants)

Poll Tax 1693 – 1699 tax on all adults who did not depend on charity