

“Ae fond kiss, and then we sever!”

Finding Records of Marital Disharmony

Scottish Indexes Conference
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Where to Find Records

Civil Actions

Divorces and Legal Separations:

Edinburgh Commissary Court (1684-1830s) - National Records of Scotland ref. CC8

Court of Session (1830s-1980s) - National Records of Scotland ref. CS

Some cases indexed in the NRS online catalogue, additional finding aids available; 100-year closure period.

Aliment Cases:

Sheriff Court Processes - mainly National Records of Scotland ref. SC (some in local archives)

Small number of cases indexed by Scottish Indexes (<http://scottishindexes.com>) among Sheriff Court Paternity Decrees.

Inhibitions (Debtors):

General and Particular Registers of Inhibitions - National Records of Scotland ref. DI

Manuscript indexes available at NRS from 1781 onwards.

Criminal Actions

Desertion, Assault, Bigamy, Adultery:

Police Courts

Burgh Courts

Justices of the Peace

Sheriff Courts (summary or jury trials)

High Court of Justiciary

Prison Registers

Records at the National Records of Scotland or in local archives. Few indexes available.

Church Courts

Adultery, Separation/Desertion, Bigamy, Marital Abuse, Evidence of Legal Proceedings etc.:

Kirk Sessions and Presbyteries - National Records of Scotland ref. CH2

Available through ‘Virtual Volumes’ on ScotlandsPeople (www.scotlandspeople.gov.uk) and at NRS/local archives. Few indexes available.



Poor Relief Records

Separation/Desertion, Adulterous Relationships, Marital Abuse:

General Registers of Poor

Applications for Poor Relief

Parochial Board/Parish Council Minutes Books

Mainly held in local archives. Many general registers and applications have been indexed. Small number of indexes available online via archives' websites.

Statutory Registers & Censuses

Evidence of Divorce, Separation and Adulterous Relationships:

Censuses 1841-1911

Statutory Registers of Births, Marriages and Deaths 1855-present

Statutory Register of Divorces 1984-present

Register of Corrected Entries records divorce against original marriage record from 1860-1984

Available on ScotlandsPeople (www.scotlandspeople.gov.uk) and at the ScotlandsPeople Centre, Edinburgh. Fully indexed.

Newspapers

Reports of Legal Cases (Civil and Criminal):

National Library of Scotland

British Library

Local Libraries - some indexes available

British Newspaper Archive (www.britishnewspaperarchive.co.uk)

FindMyPast (www.findmypast.co.uk)

Search Tips

- Married women in Scotland are nearly always recorded under both their maiden and married surnames in legal and other records.
- Search catalogues, indexes and digitised newspapers using a combination of the wife's and husband's surname to identifying marital cases.
- Use digitised newspapers to identify legal cases when few indexes exist.
- Search poor relief and kirk session records for any parishes where an ancestral couple lived.
- Look for evidence of separation in censuses and statutory registers e.g. spouses living apart, small number of children born to a couple, children born outside marriage.
- Remember that someone describing themselves as widowed may be separated and either presenting themselves as a widow/widower or uncertain whether their spouse is still living.

