

## **The Statutory Registers of Births, Deaths and Marriages**

from

*Jock Tamson's bairns: a history of the records  
of the General Register Office for Scotland*

by

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This publication is now out-of-print. Its aim was to describe the three main series of records held by the Registrar General for Scotland in New Register House in Edinburgh and to set them in their historical context.

We are making the text from the chapters on the Old Parish Registers, statutory registers and census records available in portable document format (pdf) on this website. Each can be found in the further reading section of the relevant research guide. It is hoped that the content will be of interest to experienced genealogists and to a wide cross-section of the general public who value their personal and social heritage and wish to learn more about it.

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We have made minor amendments to the original text to take account of the merger of the General Register Office for Scotland with the National Archives of Scotland to form the National Records of Scotland on 1 April 2011.

We have also divided the chapter into the following sections:

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## 1. The Introduction of Compulsory Civil Registration

The Old Parochial Registers served the people of Scotland for three hundred years, not always consistently, as we have seen. While the 19th century saw an overall improvement in the keeping of these registers through much of the country, it also saw an increasing failure to record all the events which they were supposed to record. In brief, after 1800, the industrialisation of Scotland proceeded apace, and with that huge migrations of the population from rural parishes to the larger burghs. In particular, the cities became urban conurbations, with the poorer classes crammed into insanitary tenements. In the countryside, the parish system still worked, but in the slums of the cities the ministers and the session clerks lost control of and often did not know their parishioners.

At the same time there was a growing interest in medical science, in social reform and in statistics as a means of understanding and controlling social change. Health professionals and reformers were keen to know what diseases affected the population, at what age different classes or occupations of people died, and how conditions could be improved. The censuses demonstrated the size and age of the population. Statisticians proved that far more people were born and died in the country than were recorded in the Old Parochial Registers.

Arguments grew for the introduction of a system of compulsory registration of births, deaths and marriages, operated centrally by the government. In this respect, Scotland lagged behind the rest of western Europe, which mostly accepted the system introduced by the Emperor Napoleon I in France. Among the legal reforms enacted by the Napoleonic Code in 1804 was the removal of responsibility for registration from the church to the state. Exact provisions were specified for informants, registrars and register books and what the entries in the books should contain. This system was introduced into Belgium, Switzerland and some states in what is now Germany.

Following a report of a Select Committee of the House of Commons, compulsory registration was introduced into England in 1837. The Act establishing this divided England into registration districts each with a registrar, who were supervised by superintendent registrars. The registrars had to record all births, deaths and marriages occurring in their districts, and those involved were compelled to inform the registrar of all relevant details, which included the cause of death. Copies of the registers were transmitted to the General Register Office in London.

Scotland had to wait another 18 years to follow suit. In the 1830s, several attempts were made to introduce a Bill in the House of Commons, but fell because they charged the parties registering with payment of fees. In the succeeding years, reports and petitions in favour of registration came from concerned bodies such as the British Association, the Royal Colleges of Physicians and Surgeons in Edinburgh and the Life Assurance Offices of Scotland.

### 1.1 The 1847 Registration Bill

In 1847, the Lord Advocate, Lord Rutherford, introduced a Bill for registration in Scotland. In the next two years, this Bill twice passed the House of Lords, but twice got stuck in the House of Commons. There were three problems.

1. The Bill was unwisely tied to an unpopular measure to reform the Scottish law of marriage;
2. schoolmasters were disqualified from being registrars;
3. and it involved expense to the Government.

The medical and insurance professions might be in favour, but the Church of Scotland was opposed.

The General Assembly objected to the Bill in its current form. There were also petitions against the Bill from individual presbyteries and kirk sessions and from schoolmasters and session clerks. Naturally, the church was loath to lose control to the state of this influential function, but the main concern was the loss of status and income to the session clerks, who were usually schoolmasters. In 1852, the General Assembly set up a committee to consider the registration of births, marriages and deaths. This committee admitted that the existing registers were inadequate and proposed that a compulsory system under the central control of a superintending board should be established by legislation. But this system should retain the existing machinery, so that the session clerks be not deprived.

### 1.2 The 1854 Registration Act

In 1854 was at last achieved “An Act to provide for the better Registration of Births, Deaths and Marriages in Scotland”. This Act sought to establish and maintain a complete and uniform system of registration in Scotland of all births, deaths and marriages from the 1st of January 1855. The government would provide an office for “The General Registry Office of Births, Deaths and Marriages” in which the registers were to be preserved, and would appoint a Registrar General of Births, Deaths and Marriages in Scotland. Existing session clerks would be the local registrars, but thereafter these registrars were to be appointed by the parochial boards or, in the burghs, by the town councils. Registers were to be kept in duplicate, one copy to be kept by the local registrar and one copy sent to the custody of the Registrar General.

The Act attempted “to combine the utmost degree of efficiency with the utmost degree of economy”. Money was to be saved by housing the Registrar General in the existing General Register House and by not having superintendent registrars. Their role was to be filled by the sheriffs, who were to receive no extra remuneration, being paid well enough as it was. However, within a year, it was deemed necessary to create the post of examiners to inspect the registers and they had to be paid. And by 1861 it had become necessary to provide a separate building for the “Registry Office” in Edinburgh, which is the custom-built New Register House where the registers are stored and where the public may now consult them.

Registration was compulsory and free. Local registrars were paid so much per entry in their registers, but that sum was met by local assessment. The Treasury met the

central expenses of the Registrar General. However, there were financial penalties for late registration. Anyone guilty of false registration could be punished by imprisonment or transportation to penal settlements in the colonies. Annual indexes were compiled for each register and fees were charged for consulting them, as there were for consulting a register and for obtaining an extract (except for the first extract supplied freely to the informant of the event).

## 2. Setting up the Civil Registration System

The country was divided into registration districts, usually existing parishes. Each district had its own registrar. In the cities, there might be enough work for a full-time registrar, but in most of the country the local registrars were inevitably part-time. The parish councils liked to appoint those who were already public servants, both because their qualities were known and to enable them eke out their small salaries. The majority were schoolmasters or inspectors of the poor, but any suitable man who lived in and knew the locality might be appointed. They could be a shopkeeper, postmaster, farmer, joiner, etc.

### 2.1 Local registrars

Registrars were rarely provided with accommodation and had to set up their office in their own house or working premises. This could make for inconvenience. The registrar might live or work some way from a main road. In 1855, the parishioners of Chapel of Garioch complained about the office of the registrar (the school) being at one side of a large parish and when people reached there “they are subjected to the very disagreeable necessity of disclosing the object of their visit in the hearing of his scholars in ... the schoolroom where they are taught.” No chance of the neighbours not knowing their business.

Every registrar could appoint an assistant registrar, to act in case of his illness or unavoidable absence. Naturally, many appointed their sons, though others such as the local minister might be selected. Women, such as daughters, were specifically barred from this job, though some seem to have been employed, whether officially or not. Of the registrar of Pitsligo in 1876, an examiner commented “His sister is said to have done much of ... the work, as I suspect many other sisters and daughters and wives do!”

The examiners' reports are a fine source of information about the registrars and their competence. The great majority were hard-working, careful men, but there were exceptions, particularly in the early days. Old age was not necessarily a handicap. The registrar of Clyne in 1899 “who is 80 years of age did very good work”, but a more typical comment was of the Blairgowrie registrar in 1856 “a palsied old man”. In 1900 an examiner complained that “There is a tendency on the eastern District to give Registrarships to men too old to learn the work.” He pointed out to the town clerk of Arbroath “that persons incapable of doing other business should not be appointed compassionately to the office of Registrar.”

There were other problems. A registrar might appear to be incompetent or insufficiently interested in the work. The registrar of Forgan in 1856 was a young man “evidently more in love with himself than with any part of his business”. The Aberlour man in 1865 spent too much of his time “fiddling and fishing”. Registrars

could fall ill, die suddenly or even abscond. In 1874 the registrar of Glenmuick vanished along with the duplicate register for 1873. And there was the inevitable occurrence of intemperance. Fortunately for himself, the registrar of Weem in 1860 turned teetotal when he married. Getting rid of a registrar was not easy. He could only be removed by the sheriff on the petition of the parochial board or burgh magistrates or the Registrar General. Mr Alexander Dewar, the registrar for the Milton district in Glasgow, was accused in 1900 of being in a regular state of intoxication at work, but the sheriff merely warned him. Perhaps Mr Dewar was only carrying on tradition: in 1855 it was said that the registrar of Milton had been in a state of perpetual intoxication for two months.

As the entries in the registers were handwritten, all registrars were expected to write neatly and legibly. We can judge for ourselves if they always did! Some were criticised by the examiners, with such complaints as “the handwriting here is not of the bold & plain sort that is so desirable in these records. It is effeminate in its style” (Inchturre, 1856) and “Penmanship execrable & spelling bad” (Prestonpans, 1876). There were also complaints about the quality of the ink. Poor ink might fade. Registrars were supposed to use good ink from recommended suppliers and no blotting paper. There were to be no erasures in the registers, even of blots. Mistakes made before any entries were signed had to be scored through but left legible.

To keep the registers safe, the registrars were originally instructed to have a strong iron box, but from 1860, the sheriff could direct the parochial board or town council to provide a fire-proof safe. This advisable precaution was not always followed. In 1875 a fire in the manse of Glenrinnnes consumed the previous year’s books not yet transmitted to the Registrar General.

Registrars did not just wait until they were voluntarily notified by the families concerned of births, deaths and marriages. They were required to keep themselves informed of any such events happening in their district, to ensure that all were registered, by close contact with those such as ministers, midwives and undertakers.

## 2.2 District examiners

Once a year in almost all registration districts, an examiner would arrive to inspect the books. Foula and Fair Isle were inspected only every fifth year and St Kilda every tenth year. The examiners did a lot of travelling, covering huge areas, as much as nine counties. In 1860, one examiner wrote “During the past season I have examined the Register Books, and relative documents, of 242 parishes or districts - have travelled about 2780 miles, and have been officially employed, and from home, for 230 days.” Their reports make for fascinating reading. They commented not only on the character and competence of the registrars, but also on individual entries of births, deaths and marriages, and on larger social matters which impressed them.

Their comments on the individual entries in the registers were sometimes in the nature of a clarification, particularly where there were variations in surnames. Registrars were supposed to accept the spelling they were given, whatever their or the examiners’ doubts. Members of the same family could spell their surname “Dods” or “Dodds”, “Neelson”, “Nelson” or “Neilson”. In Tarbert in 1876, a son had adopted the spelling of “Maclaine” while his parents were always known as “Maclean”. Some people, legitimately born, caused perplexity by having adopted their mother’s or

stepfather's surname. Discrepancies between signatures and entered names occurred. Registrars were advised not to put too much trust in signatures: "a ploughman may sign one way today and another tomorrow." But the registrar at Knockbaan in 1858 was probably wrong in entering the father of a baby as "Harold" when he signed "Torquil" which the registrar believed to be the Gaelic for Harold.

It was not just Gaelic names which troubled the officials. Parents had total freedom to choose the Christian names of their child, but sometimes a registrar or examiner might consider a name unsuitable. Eventually, in the future interests of the child, registrars were advised by the Registrar General to try to discourage parents from giving their children abbreviated names such as "Tom", "Alex" or "Minnie" or fanciful names such as "May Peace Reign" (in 1920). Parents were also pressurised not to give a recognised male name to a female child (or vice versa) or to give the same name to two children in the one family. But stubborn parents could insist and ignore the registrar's wise advice.

Other comments by the examiners add to the information supplied in the registers, and where these comments refer exactly to a specific entry they may further satisfy the ancestor researcher.

- In 1865, there occurred in Tradeston, Glasgow, the death of a man who "had been connected with Dr Livingstone's expedition in the capacity of Engineer".
- In 1892 in Gladsmuir, died a woman "who was the last survivor of the old coal carriers employed at Penston Coal pits. The Act abolishing female employment in mines was passed in 1843."
- Some remarks were more frivolous: "The bridegroom ... was drowned in the Dee during last winter. It is feared too much Lochnagar had to do with it" (Crathie, 1876).
- Some indeed could supply the basis for a work of fiction. The death took place in West Calder in 1865 of "Andrew Waugh a landed Proprietor. His father was a labourer. He (Andrew) fortunately hurt himself in a quarry when at work and took a small shop. He thrived, and died a laird."
- And there was an unfortunate marriage in Carriden the same year "The lady was in the Perth Penitentiary when the banns were complained. A thief. She blessed her husband by leaving him 2 or 3 days after marriage, and is said to be now a Strumpet in Glasgow."

Perhaps more significant were the general social observations, such as the lack of undertakers in country districts; drunkenness at rural marriages; the way whole families in northern coastal parishes migrated during the fishing season; the high proportion of illegitimate children among the poorer classes who died in infancy; the exceptionally high mortality in the aftermath of an influenza epidemic; the dividing of school holidays to allow for "potato lifting" in October. That last inconvenienced an examiner in 1900; as did the lack of an inn in Pencaitland in 1860, which was attributed to the presence of a teetotaler of substance in the parish. In 1910 in

Lanarkshire, the large number of Polish miners with little knowledge of English made difficulties for the registrars.

### **3. Information Recorded in the Registers**

The 1854 Act specified what particulars had to be registered. Fuller details were recorded than in England, making the Scottish registers of particular value for family researchers. For the year 1855, even more information was recorded in the birth, death and marriage registers than thereafter. It was then realised that too much was being asked of the registrars and an Amending Act reduced the amount of detail they had to investigate. In the birth registers for 1855 and them only, you will find the ages and birthplaces of the father and mother, and the number of other children of the parents, whether living or deceased. In the death registers for 1855 and them only, you will find the place of birth of the deceased, how long he or she had been in the district where the death occurred, the names and ages of any children living or deceased, and the place of burial and name of the undertaker. In the marriage registers for 1855 and them only, you will find the birthplaces of the parties and the number of any children by former marriages, living or dead.

#### **3.1 Register of births**

From 1856, the particulars to be entered in the register of births were as follows.

##### **1. The surname and Christian names of the child**

An illegitimate child would usually have its mother's surname (which might be her married name). It could only have its father's surname if both father and mother requested it and both father and mother signed the register as informants of the birth. If a child was legitimated by the subsequent marriage of its parents, then that fact was noted in the margin of the birth entry. If a child's Christian names had not been chosen at the time of registration or were changed shortly afterwards, perhaps at its baptism, these names could be inserted in the register in the period of six months after registration. Longer than that required the sheriff's written authority. Some short-lived children might have no names at all. In the Canongate in 1865 died a child only known as "The Bangholm foundling".

##### **2. Date and place of birth**

Year, day of the month and hour when the child was born, and the name of the place, including the street and house number. Of course not all children were born in buildings. One may find locations such as a caravan on Glasgow Green. Quite a few children have been born in an ambulance. Indeed with some children the place and time of birth might not be known. When a child was found exposed and the mother could not be traced, then the date and time and place recorded were those of when and where it had been found. The precise time of birth was important in the case of twins.

##### **3. The child's sex, male or female.**

This was not always obvious! In cases of doubt, the registrar might require the parents to produce the child to him.



#### **4. Parents' names**

The father's names, surname, rank, profession or occupation, the names and maiden and former married surnames of the mother, and (except between 1856 and 1860) the date and place of marriage. The information of the mother's names and the marriage is invaluable to family researchers. Parties might have to produce proof of the date and place of their marriage.

#### **5. Informants**

The signature, designation and residence of the informant. Qualified informants were one of the parents or, in the event of death, illness or inability, the person in charge of the child or the occupier of the house where the child was born or the nurse present at the birth. If the informant was present at the birth, then the word "Present" was added. However, as the Regulations for Registrars reasonably pointed out "Where the mother happens to be the informant, the insertion of the word (Present) is, of course, unnecessary."

#### **6. Date**

The date when the entry was made, and the signature of the Registrar.

Still-born children were not recorded in either the birth or death registers, though children who breathed only for moments had to be entered in both. Since 1939, there has been a separate register of still-births, but it is closed to public searchers.

### **3.2 Illegitimate births**

The number of illegitimate births was a cause for concern. An examiner commented in 1860, "Illegitimacy is too common. It is not unusual for mothers to request their daughters may sign the entry at a different time from the fathers of their illegitimate children, their object being to prevent the parties meeting. The effect of such meeting has given rise to resumption of elicit [sic] intercourse." Many illegitimate children were of course a product of stable relationships, perhaps where the woman had started a new partnership after being deserted by her husband (who might have gone to America).

### **3.3 Adoption**

A positive consequence of illegitimacy was adoption. Adoption was not legally recognised in Scotland until 1930, but obviously it had always occurred. While the great majority of informal adoptions were not recorded, where the matter was drawn to their attention, registrars might record an adoption. For example, the registrar of Bo'ness was allowed to add to his register of births

- "The child whose birth is recorded in Ent. No 166 in the Regr Book of Births for the year 1872 has - with the consent of its mother - been adopted by Thos Grant, engine keeper, and his wife; and the child will henceforth bear the names Thomina Georgina Hunter Grant." However, the child's original surname remained unaltered at her birth registration entry.

From 1930, the Registrar General has kept a register of adopted children, which is open to the general public, though the link between a birth entry and an adoption entry is kept strictly confidential.

### 3.4 Infant death

It was not only the birth of illegitimate children which troubled examiners and others, but also their frequently early death. While this may in some cases have been caused by the poverty and inadequacy of the mother, more sinister causes were suspected. In particular, the examiner of the Dundee area in 1855 noted the number of infants who died shortly after birth, with no proper medical attendance. "The informants in those cases are commonly elderly women of the most suspicious appearance & character ... who can scarcely tell their errand to the Registrar, without betraying a guilty blush." The alleged cause of death was often "bowel hive, which respected medical practitioners consider neither more nor less, than a convenient term for accidentally overlaying or smothering a child." The examiner further remarked "the victims are almost universally children of the lowest and most intemperate class of society." There was a notable lack of sympathy for those subjected to extreme poverty. However, in subsequent years, perhaps as a result of the publicity given to the examiner's views, deaths from "bowel hive" were much reduced. But the problem did not disappear. In 1866, the examiner for the South of Scotland, noting such early deaths, suspected that unwanted children were being exposed to the severity of the weather or refused sufficient food.

### 3.5 The term "illegitimate"

Illegitimacy was for life. When the illegitimate person died, the word "illegitimate" was, until 1919, recorded on their death registration entry. Many respectable married persons, dying in the fullness of their years, carried this stigma to their graves.

### 3.6 Register of deaths

From 1856, the particulars to be entered in the register of deaths were as follows.

1. The surname, Christian names, and rank, profession or occupation of the deceased and whether single, married or widowed, along with the names of any spouses. If the surname had been changed, then both names were to be stated, e.g. "Hamilton (formerly Bruce)".
2. The year, day of the month and hour when the death took place and the name of the place. This information might not always be certain, as in the case of a man dying alone in a moving railway carriage. Deaths were registered in the districts where they occurred, irrespective of the place of burial. Some people died in city nursing homes, far from their parish. However, deaths by drowning were registered where the body was found or brought ashore.
3. The sex of the deceased, male or female.
4. His or her age. If there was no written proof of age, then the age stated was accepted. Of those born before 1855, ages might not be accurate. Vanity reduces the ages of many people and an informant might have been misinformed. After 1908, some people who had claimed to be over 70 to

obtain the old age pension turned out to be younger than 70 when they died a few years later.

5. The names and rank, profession or occupation of the parents of the deceased. It was not always possible to provide this valuable genealogical information. There might be no one to remember the parents of elderly people, such as those who died in the poorhouse. Even their children might not know. When William Fraser registered the death of his father, James Fraser, labourer, in the parish of Petty in 1864, James's parents were "Not Known". And children might get it wrong. When James Sinclair, farmer, died in South Ronaldsay in 1870, his son Isaac named his maternal grandmother as his father's mother.

6. The cause of death. Any medical person in attendance during the last illness was bound to send the registrar a certificate stating the cause. Registrars constantly complained of the illegible writing of such certificates! If no medical practitioner had been in attendance, as was quite common in the 19th century in rural and poorer urban areas, then the informant might provide the cause of death. This might be simply "old age" or "by the Will of God". In 1857 in Glasgow a registrar noted gleefully that a temperance hotel keeper had died from intemperance. The registrar of Watten in 1860 recorded "accidental death by a pig". As the years progressed, the causes of death were increasingly described in medical terms.

7. The signature and qualification of the informant, who was usually the nearest relative present at the death, but could be an occupier or inmate of the house where the death occurred. If a dead body was found exposed, then the informant was the person who found it or the public officer to whom the body was brought.

8. Date of registration and signature of the registrar.

### **3.7 Register of Corrected Entries**

The registrar had to inform the procurator fiscal of any death attended by violence or of which the cause was unexplained. If, on that information or otherwise, a precognition was held on the death, revealing details additional or alternative to those already reported to the registrar, then the procurator fiscal would so inform the registrar who would enter them in his register of corrected entries.

After an entry in a register had been completed, an error might be discovered, especially if there had been a precognition, or other alterations sought. The original entry could not be altered. Instead, each registrar kept a register of corrected entries in which such amendments were written, after they had been approved by a sheriff. A cross reference was noted in the margin of the original entry. Examples of corrections are changes of name, age, residence and even identity (as when a hospital told relatives that the wrong patient had died). Whole entries might be found to be fictitious and require to be cancelled.

### 3.8 Register of marriages

Entries in the birth and death registers were usually initiated by an informant visiting the registrar. The procedure for registering marriages was rather different. Before the marriage, the contracting parties had to obtain a schedule, which was completed by the clergyman at the time of the marriage and then brought to the registrar for registration of the marriage. Clergymen of all denominations could now celebrate regular marriages. Some caused problems, by not completing the schedule properly. In the 1850s, Free Church ministers were alleged to be careless in this respect, being openly hostile to the Registration Act, while the Church of Scotland and Roman Catholic clergy were keen for the new system to work properly. In 1855, one couple got married in Dundee and promptly left for America, taking their schedule with them, so that the marriage could not be registered. A registrar could be invited to attend the wedding, carrying his register (carefully protected from the elements).

Irregular marriages could also be registered, provided their existence had been established by a court of law. This route might be taken by a couple who belonged to a religious sect which did not have an officiating clergyman.

The particulars to be entered in the schedule and in the register of marriages from 1856 were as follows.

1. Year, day of the month, place and mode of celebration (i.e. according to the forms of whichever church). In 19th century Scotland marriages rarely took place in a church. The usual location was the bride's home, but hotels also became fashionable. An entry in the Applecross register in 1860 failed to name a place, because "the parties met the minister by the wayside and the marriage was solemnised at a big stone. In a wild country like the West of Scotland this mode of procedure is by no means uncommon." Some people preferred to get married away from home. In 1865, "One half of the Eyemouth marriages are solemnised in Edinburgh where the parties resort to save expense and to be free from annoyance occasioned by the uproar usual at such times." Marriages were registered in the district in which they were solemnised.

2. Signatures of the parties, their rank, profession or occupation, relationship if related, and condition (bachelor, spinster, widower or widow). Very occasionally these might be inaccurate. Bigamy might occur, and there are proven instances where people married under the name of another. In Dundee in 1855, after the banns had been called, a couple quarrelled. To save the expense of new banns, the man married another woman under the name of the first.

3. Their ages. Until 1929, the minimum age for marriage was 14 for a man and 12 for a woman. Since 1929, it is 16 for both sexes.

4. Their usual residences.

5. Names of their parents and the rank, profession or occupation of their fathers. More valuable genealogical information.

6. Signature of the officiating minister and at least two witnesses.
7. Date of registration and signature of the registrar.

Sometimes parties or witnesses or informants had to sign by a mark, in which case that had to be witnessed by two people. The extent of such instances might be a comment on the literacy of a district.

### **3.9 Additional duties for registrars**

Over the years, registrars acquired additional duties. From 1861, they were required to supervise the taking of the census in their districts. From 1864, they had to note on birth entries when a child was vaccinated. In 1866 they were required to make returns of epidemic diseases in their districts. From 1878, as an alternative to the proclamation of banns, a notice of intended marriage could be posted outside the registrar's office. They were required at various dates to inform assorted government departments of the death of pensioners and medical bodies of the death of practitioners. From the 1st of July 1940, they were authorised to perform marriage ceremonies.

### **3.10 Access to the registers**

From the beginning, the registers of births, deaths and marriages could be searched by members of the public, though for particular entries only. Browsing was and is not permitted. Nowadays, researchers may inspect the registers in Edinburgh, aided by the wonderful computer search mechanism. That would be a perfect system were it not for the contrariness of some of our deceased relatives who altered their names unofficially or who spelt their names variously during life. For total perfection, registration requires continuity and human beings are rarely consistent.