

# 'Hereby discerns and ordains': Sheriff Court Registers of Decrees and Their Relationship to Other Records

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Sheriff court records are a rich and diverse source for historical researchers. Among the most useful sheriff court records are extract decrees, which were issued to enforce court decisions. These decrees cover a wide range of matters: civil disputes over non-payment for goods and services, tenant evictions, people seeking protection from their creditors, poor relief applications, single mothers seeking alimony, interdicts and compensation. The article examines how the extract decrees relate to other sheriff court records, highlighting other aspects of the court's operation and the records that were created as a result. Relations to non-court records are also investigated. The extent to which sheriff court decrees survive is investigated, and an initial indication is given of the relative proportions of different types of decree. Not all applications to sheriff courts resulted in decrees and not all decrees were recorded, and an attempt is made to determine how frequently decrees were extracted.

Sheriff court records are arguably an under-used source, particularly among family historians.<sup>1</sup> This is unfortunate, as they are a wide-ranging and fascinating resource. The surviving records from Scotland's 61 sheriff courts<sup>2</sup> are mostly held in the National Records of Scotland (NRS).<sup>3</sup> They date back to the sixteenth century and even earlier in a few cases, and they continue up to the present day.<sup>4</sup>

As well as records of the courts' official business, in some cases they also include records produced by other entities – several courts include Lieutenancy or militia records, for example, giving details of surveys of men of military age during the Napoleonic Wars.<sup>5</sup>

<sup>1</sup> The two postgraduate courses in genealogy or family history offered by Scottish universities scarcely mention sheriff court records at all, while one of the standard books on Scottish genealogy offers little more than a paragraph on the topic.

<sup>2</sup> Some of these 61 sheriff courts have since closed.

<sup>3</sup> The exceptions are records from Kirkwall and Lerwick Sheriff Courts, which are held by the local archives in Orkney and Shetland.

<sup>4</sup> Sheriff court records are generally transferred to the National Records of Scotland (NRS) after 25 years: see [http://www.scotcourts.gov.uk/docs/default-source/default-document-library/sheriff\\_court\\_records\\_schedule.pdf?sfvrsn=6](http://www.scotcourts.gov.uk/docs/default-source/default-document-library/sheriff_court_records_schedule.pdf?sfvrsn=6) for the current Schedule of Sheriff Court Records for Preservation and Destruction.

<sup>5</sup> For example, Dornoch (NRS SC9/87), Wick (NRS SC14/84), Kirkcudbright (NRS SC16/71), Inverness (NRS SC29/72) and Portree (NRS SC32/32).

The NRS catalogue lists over 250,000 items in the sheriff court records collections. This article looks at one particular subset of them – usually referred to as ‘Registers of Extract Decrees’<sup>6</sup> or similar – giving an overview of why these records were created, what they contain and how they relate to other records, both within the sheriff court records and within records produced by other organisations.

The three main types of sheriff court record that this article will discuss are minute books, processes and decrees. Minute books represent a log of the court’s business. In theory they should cover every case before the court, although there are gaps in the records and, judging by the content of some of them, not every sheriff clerk was perhaps as diligent as he ought to have been in recording information on court proceedings. Although coverage in minute books should be comprehensive, the information they contain regarding individual cases is often very limited. At best, they will contain the names and designations of parties to the case (referred to as pursuers and defenders), together with an indication of the nature of the case, and the dates of hearings. At worst, they will simply be in the form *Smith v. Jones*, with dates.

It is important to recognise that not all decrees were extracted. The proportion of decrees that were extracted varies, but an initial indication can be found in a number of minute books that are annotated to indicate that the decree in a particular case had been extracted. So for example about 38 per cent of decrees issued by Aberdeen Sheriff Court in 1786–88<sup>7</sup> were marked as extracted, while in Banff in 1846–52,<sup>8</sup> the equivalent figure was approximately 40 per cent. This is of course a small sample, so the figures should be treated with caution.<sup>9</sup>

At the other end of the scale are processes. These include the actual documents led as evidence in proceedings before the sheriff, as well as documents relating to court procedures. As such they contain the most information regarding individual cases, but their survival is very limited in relation to the overall caseload, and in many cases – where for instance the defender failed to make an appearance or failed to offer a defence, thereby losing the case by default – it is likely that no process would have been created in the first instance. Where processes survive, they can be a fascinating resource, often containing direct witness testimony in their own words and other detailed

<sup>6</sup> The term decree was used to refer to a decision of a sheriff court. An extract decree was one in which a party to the case was issued a formal written copy of the court’s ruling, usually for the purpose of enforcing the decision.

<sup>7</sup> NRS SC1/8/9 Aberdeen Sheriff Court, Minute Book of Decrees, 1786–88.

<sup>8</sup> NRS SC2/8/14 Banff Sheriff Court, Decree and Extract Decree Book, 1846–88.

<sup>9</sup> A preliminary limited review of the ‘A’ and ‘B’ registers, the maintenance of which became standard practice in sheriff courts towards the end of the nineteenth century, suggests that the proportion of all decrees extracted had increased somewhat by this time.

documents.<sup>10</sup> From a practical perspective, processes are time-consuming to search, despite the ongoing efforts of NRS staff to catalogue the collection down to item level.

A decree was the judgment laid down by the court. A decree was extracted when one of the parties needed to provide evidence of the court's ruling. As previously mentioned, not all decrees were extracted and, in addition, not all extract decrees were recorded. Even with those caveats, the registers of decrees offer a wealth of information relating to sheriff court cases and serve as a useful halfway house between minute books and processes. Coverage is less comprehensive than minute books and the detail is less than would be contained in a process, but they have the advantage of being relatively straightforward to search.

Around 880 registers of decrees survive from before 1900 with the earliest, from Haddington Sheriff Court, dating from 1556.<sup>11</sup> There are, however, significant gaps: of 58 sheriff courts with decrees predating 1900, only 24 have any from before 1820. There is a recurring gap from the late eighteenth century to around 1820 or later: Glasgow Sheriff Court has a good collection of decrees from 1748 to 1786, after which there is a break in the records until 1846; Aberdeen has fourteen registers before 1700, but only four for the entire nineteenth century and even they only cover five years.

The text of the decrees is fairly formulaic. Each decree starts with the *sederunt*, giving the dates of the hearing and the name of the sheriff or sheriff substitute hearing the case. This is followed by the names and designations of the pursuer and the defender. There is then a brief summation of the court's ruling and details of the action to be enforced. In most cases covered by registers of decrees, the action simply involves payments to be made by one party to the other.

The types of decrees extracted reflect the diversity of the sheriff court's operations. Between 1830 and 1857, Alloa Sheriff Court records include 994 extract decrees.<sup>12</sup> Of these, 513 (51.6 per cent) are decrees for payment. A further 182 decrees (18.3 per cent) involve aliment and/or affiliation. There are 60 decrees (6.0 per cent) for expenses, 55 for ejection or removing (5.5 per cent), and 45 (4.5 per cent) decrees of discharge.<sup>13</sup> There are also smaller numbers of decrees for damages and solatium (25, 2.5 per cent), sequestration (23, 2.3 per cent), interdicts (21, 2.1 per cent) and delivery (16, 1.6 per cent).

The most common type is a decree for payment. These are often for goods provided or services rendered but not paid for, but may also involve enforcement of promissory notes or bills. Payment decrees may be of use in researching

<sup>10</sup> Not all of these documents are official in nature. Some of them can be deeply personal including, for instance, private correspondence between the parties.

<sup>11</sup> NRS SC40/7/1, Haddington Sheriff Court, Extract Decree Books, 1556–71.

<sup>12</sup> NRS SC64/7/1–3, Alloa Sheriff Court, Register of Decrees, 12 March 1830–10 September 1857.

<sup>13</sup> A decree of discharge released an individual from an obligation, often as a trustee or executor.

commercial links in nineteenth-century Scotland. Most involve local links among merchants and traders, although commercial entities from much further afield are not uncommon. Some industries are more heavily represented in the decrees for particular sheriff courts: of 994 decrees extracted for Alloa Sheriff Court (1830–57), 104 of them (10.5 per cent) have someone involved in the alcohol industry, either as a pursuer or defender.

Another common form of decree is ejection and removing. These are effectively eviction orders, allowing owners to regain possession of their property. Mostly these are individual cases, but in some instances large-scale evictions can be found among the decrees: the records of Stornoway Sheriff Court<sup>14</sup> contain an extensive series of decrees of removing at the behest of James Matheson around the time he was building Lews Castle just outside Stornoway. This is a useful example of groups of related decrees setting out part of a bigger picture.

Other types of decree that individually may not be particularly useful can collectively tell a wider story. *Cessio bonorum* was a form of debtor protection. In return for surrendering their property, debtors could obtain protection from imprisonment for their debts. Perhaps significantly, eligibility for a *cessio bonorum* was contingent on the debts having been accrued through misfortune rather than malfeasance. The debtor's property was vested in a trustee acting on behalf of the creditors and the property would then be sold by public roup, with the proceeds divided up among the creditors. One important difference between a *cessio* and a bankruptcy was that a *cessio* did not cancel debts, it merely prevented debtors from being sent to jail, or liberated them if they were already imprisoned. Any future earnings could be attached to the initial debts and used to pay off any remaining creditors.

The Court of Session maintained a Register of *Cessio Bonorum Processes*<sup>15</sup> until they were abolished in 1913.<sup>16</sup> These registers give the designation of the debtor and the trustee, and the date and court of the hearing. As with the relationship between sheriff court minute books and registers of decrees, not every *cessio* register entry has a corresponding decree.

Many *cessio* decrees do not contain much additional information as to the origin of the debts or the particulars of the creditors, but some sheriff clerks recorded a great deal more detail than others. The *cessio bonorum* decree for Hugh Munro, a clerk from Balchraggan in Logie Easter, granted by the Sheriff Court at Tain in 1865, names 54 creditors, almost of all them relatively local. Taken collectively, it may be possible to use these *cessio* decrees to produce an outline of commercial networks operating in nineteenth-century Scotland, at least in certain districts.

<sup>14</sup> NRS SC33/5/3, Stornoway Sheriff Court, Record of Extract Decrees, July 1849–November 1857.

<sup>15</sup> NRS CS336/1–4, Court of Session: Register of *Cessio Bonorum Processes*, 1857–1914.

<sup>16</sup> Bankruptcy (Scotland) Act 1913, 3 & 4 Geo. 5 c. 20.

There are a number of relatively uncommon types of decree varying in their content and interest:

- Interdicts required parties to take, or refrain from taking, specified actions. On 20 April 1866,<sup>17</sup> the Earl of Seafield was granted an interdict against six local residents (Ann and Sarah Macdonald, Rebecca Chisholm, Catherine Mackintosh, Duncan Mackintosh and Catherine Thomson or Chisholm), prohibiting them from entering the Earl's deer forests in Glenurquhart and from cutting ferns. Although not reported in the decree, this may have been linked to the Victorian obsession with fern collecting, which was at its height around this time.<sup>18</sup>
- Decrees of delivery require the defender to deliver up to the pursuer specified goods or property, or in some cases, children. In August 1866, Isabella Macrae of Moniack in Kirkhill, and her father and brother Farquhar senior and Farquhar junior, were ordered to 'deliver' her only daughter, Alexandrina, to her ex-husband, Donald MacDiarmid, now resident at Stobcross Street, in Glasgow.<sup>19</sup>
- Decrees for expenses were the equivalent of awarding costs against one party in a case. Where the minute books contain minimal detail, this may be the only way to determine the nature of certain cases recorded in them.
- A decree for maills and duties was a mechanism by which creditors could attach the income from heritable property over which they hold security, for instance by ensuring that rents due to debtors by their tenants could be paid directly to the creditors.

Another major aspect of the work of the sheriff court involved oversight over the operation of legislation underpinning the slowly emerging welfare state. Demographic and religious shifts in the mid-nineteenth century led to a number of important changes in the care of the poor and those deemed 'lunatics', with legislation resulting in a gradual transition from largely ecclesiastical or charitable structures to formally instituted state bodies, with the concomitant expanded need for civil legal oversight and means of redress through the court system.

The Lunacy (Scotland) Act 1857 established rules for involuntarily committing individuals to an asylum. In normal circumstances, two medical certificates were required for a patient to be sent to an asylum. However, in cases of emergency, one medical certificate was sufficient if a sheriff issued a decree authorising it.<sup>20</sup> Such decrees can be found scattered throughout the sheriff court registers from 1858. These decrees were then submitted to the General Board of

<sup>17</sup> NRS SC29/7/34, Inverness Sheriff Court, Register of Extract Decrees, 9 January 1865–10 June 1869.

<sup>18</sup> See, for example, P. D. A. Boyd, 'Ferns and Pteridomania in Victorian Scotland', *The Scottish Garden*, Winter 2005, 24–9, <http://www.peterboyd.com/pteridomania2.htm>.

<sup>19</sup> NRS SC29/7/34.

<sup>20</sup> Lunacy (Scotland) Act 1857, 20 & 21 Vict. c. 71, s. 86.

Commissioners in Lunacy by the asylum to which the patient was committed. The Board of Commissioners would then formally ratify confinement.

The Board's copies of the decrees are usually to be found among the Notices of Admission<sup>21</sup> maintained by the Board, and references are often made to them in the General Register of Lunatics in Asylums.<sup>22</sup> There are also occasional mentions of the operation of sheriff courts in relation to asylum patients in the minute books of the Board of Commissioners.<sup>23</sup>

On 22 April 1871, the Sheriff Court at Stirling ordered John McGivering, son of Mary Owens or McGivering living at Rosebank, Dunipace, to be sent to the Stirling District Asylum at Larbert 'therein to be detained until his cure, or until caution be found for his safe custody'.<sup>24</sup> John had been apprehended at Dunipace, and charged with assault, and was considered 'in a state threatening danger to the Lieges'.

The General Register of Lunatics in Asylums entry<sup>25</sup> for John shows that he was admitted on 24 April 1871 to Stirling District Asylum, where he remained until his death on 11 April 1881. The decrees themselves don't always state the reasons for committing the patient to an asylum, but the Notices of Admission should contain at least one medical certificate, giving the physician's observations regarding the patient and what he had been told by the patient's friends and family. In turn the Notices of Admission can lead to the more detailed records produced by individual asylums, including clinical notes, which can provide a wealth of information on each patient.<sup>26</sup>

Another piece of welfare legislation that intersects with the work of the sheriff courts, and that is reflected in the registers of decrees, is the Poor Law (Scotland) Act of 1845. The Poor Law Act made provision for two avenues of appeal by applicants for poor relief. If an individual was unhappy with the level

<sup>21</sup> NRS MC2, Notices of Admissions, 1858–1917.

<sup>22</sup> NRS MC7/1–14, General Register of Lunatics in Asylums, 1858–1915.

<sup>23</sup> NRS MC1/2–12, The General Board of Commissioners in Lunacy in Scotland: Minute Books, 1857–1914.

<sup>24</sup> NRS SC67/5/20, Stirling Sheriff Court, Register of Decrees, 1866–1871.

<sup>25</sup> NRS MC7/3, General Register of Lunatics in Asylums, 1870–1876.

<sup>26</sup> Where clinical notes survive for asylums, they can provide a remarkable amount of information on the patients, their habits and their behaviour. Superintendents in Scottish asylums often pioneered new treatments for mental-health patients, and the physicians were evidently concerned with keeping detailed information to help with their research. Historic patient records for Glasgow Royal Asylum and the Crichton Royal Asylum in Dumfries have been digitised and are available free on the Wellcome Library website, Gartnavel Royal Asylum: <http://wellcomelibrary.org/collections/digital-collections/mental-healthcare/gartnavel-royal-hospital/> and Crichton Royal Asylum: <http://wellcomelibrary.org/collections/digital-collections/mental-healthcare/crichton-royal-hospital/>.

of relief granted, they could appeal to the Board of Supervision, which had the power to investigate applications and enforce higher rates of relief.<sup>27</sup>

The second route of appeal was triggered where an applicant was refused any relief at all. In such cases, applicants could apply to the sheriff court, which had the power to grant interim relief and order applications to be reconsidered by Parochial Boards. Decrees of this nature are generally referred to in the Board of Supervision minute books.<sup>28</sup>

Sheriff court decrees interact with the operation of the 1845 Act in other ways. The Act retained the system of industrial settlement, whereby paupers are determined to belong to specific parishes, based on their place of birth or an extended period of residence. Sometimes disputes arose between Parochial Boards over liability for funding the relief of individual paupers; these could be settled through the sheriff courts, with Inspectors acting as litigants on behalf of the boards. In September 1875, for instance, Alexander Chalmers, Inspector of Poor for Kilsyth, was ordered by Stirling Sheriff Court to pay interim relief to Alexander Patrick.<sup>29</sup> Inspectors could also pursue individuals for non-payment of poor assessment.

The Poor Law Act also required relatives to look after their own impoverished family members. Usually this involved siblings or parents and children, but in some cases other relations were involved. In February 1876, Dundee Sheriff Court heard a petition<sup>30</sup> from Alexander Masterton, aged 80, and his 75-year-old wife, from Bannockburn. They were described as ‘very old persons ... very infirm and ... quite unable to do anything for their own support’. They sought relief from William Stiven, accountant, Dundee, who was the factor *loco tutoris* of their grandson, David Masterton. David had evidently been left funds in trust by his late father, John Masterton, a grocer in Dundee. Alexander and his wife argued that ‘the income of the Pupil’s funds ... is more than sufficient for the pupil’s maintenance and admits of him contributing at least six shillings a week towards the support of his indigent grand parents’. The court agreed, and William Stiven was ordered to pay relief to Alexander and his wife.

The Poor Law Act gradually shifted responsibility for poor relief away from kirk sessions to parochial boards. This had become necessary due to the decline in the proportion of the population retaining membership of the established Church, particularly after the Disruption of 1843. One consequence was the secularisation of relief for single mothers. Where the kirk session was responsible for alimending single mothers, it played a dual role, as provider of both financial support and ‘moral’ judgement. By transferring responsibility from ecclesiastical

<sup>27</sup> These appeals are recorded in the Minute Books of the Board of Supervision, NRS HH23/1–23, for the period from 1845 to 1894.

<sup>28</sup> *Ibid.*

<sup>29</sup> NRS SC67/5/21, Stirling Sheriff Court, Register of Decrees, 1871–1877.

<sup>30</sup> NRS SC45/6/19, Dundee Sheriff Court, Extract Decree Books, 24 April 1873–4 April 1876.

to civil authorities, the 1845 Act subtly altered the dynamics when single mothers sought alimony for their children.

Certainly from the perspective of family historians, one of the most useful and common types of decree was that of affiliation and alimony. Unmarried mothers could pursue the fathers of their children to recover the expense of giving birth and raising their children. There are several points that should be borne in mind when searching registers of decrees for affiliation and alimony cases:

- Territorial jurisdiction was based on the residence of the defender,<sup>31</sup> usually the father. This means that many affiliation and alimony decrees are found in sheriff courts distant from the child's birthplace or residence.
- There was apparently no time bar on the requests for decrees to be extracted. On 9 June 1830, a decree<sup>32</sup> was granted by Stirling Sheriff Court to Grizzle Higgin in Carronshore against Thomas McEwan, a workman at the Falkirk Foundry, awarding her two guineas in inlying expenses and £6 annually in alimony until the child turned fourteen. This decree was finally extracted on 8 March 1867, more than 37 years after the child was born.<sup>33</sup>
- It was not necessarily the mother who sought alimony for a child. If the mother had died, it could be another relative, often the child's grandparent. There are also cases where an unrelated person agreed to take in a child, and then sought alimony through the courts.<sup>34</sup>
- The child is generally not named in the decrees. The father's designation is given (name, occupation, residence), and a date of birth is given for the child, albeit usually qualified by 'on or about'. This can be frustrating, as the date of birth given in decrees is often out by a few days, and occasionally even the year stated is wrong. This can make identifying the child to whom the decree refers more difficult.<sup>35</sup>

<sup>31</sup> This is the case for sheriff court actions generally, but it imposes particular challenges to those researching affiliation and alimony cases, as it was not uncommon for fathers of illegitimate children to leave their home district. Equally, unmarried women who became pregnant while working away from home often returned to their home parish to give birth.

<sup>32</sup> NRS SC67/5/20.

<sup>33</sup> The absent father had died not long before this decree was extracted, leaving a not insubstantial sum in his testament (NRS SC67/36/53), but making no mention of his illegitimate child. It may be that the mother had perhaps learned of his death and finally sought payment of the money she was due for her child; or the child, by now an adult, may have sought an extract decree to support a claim for a share of his father's estate.

<sup>34</sup> For instance, in 1875, at Inverness Sheriff Court, Pennel Grant at Carrbridge sued Donald Forbes at Connage, Abernethy. In 1867, Grant had agreed to take in Forbes' daughter in return for payment for alimony. Forbes continued to pay alimony for his daughter until 1870, but then stopped paying. Grant was awarded £22 1s in alimony. NRS SC29/7/36, Inverness Sheriff Court, Register of Extract Decrees, 15 July 1870–4 August 1877.

<sup>35</sup> For example, Margaret Barrie in Lanark pursued John Muir, a labourer, in Lanark Sheriff Court. The sheriff court decree (NRS SC38/7/32) gives the child's date of birth as 24 April 1855, but the birth record gives the date of birth as 24 April 1856.



- Payment orders consisted of three separate elements: inlying charges, usually at a fixed rate; aliment until the child reached a specific age, often twelve or fourteen, or was able to support itself (the amount being set at a reasonable level based in part on the father's level of income); and interest on late payments, generally charged at five per cent per annum.

Affiliation and aliment cases are particularly important for family historians. Under the system of civil registration introduced in Scotland in 1855,<sup>36</sup> fathers of illegitimate children could only be named in birth registers if they attended registration in person and acknowledged paternity to the registrar. As a result, illegitimate births where only the mother is named on the birth record can represent what genealogists often refer to as a 'brick wall'.

Affiliation and aliment decrees can break down these brick walls. If the father failed to provide aliment for his child, the mother (or another person caring for the child) could pursue him in the sheriff court for aliment. If the mother was successful, the father would be ordered to pay maintenance for his child (or children). At this stage, the sheriff clerk was supposed to issue what was known as a Schedule F notification, instructing the registrar to annotate the original birth register entry with an entry in the Register of Corrected Entries (RCE), naming the father of the child. In practice, though, this was not always done.<sup>37</sup>

In the first 20 years of civil registration (1855–74), approximately 2,130,000 births were registered in Scotland.<sup>38</sup> About 151,800 of these entries do not contain the name of the father, just over 7 per cent of the total.<sup>39</sup> This figure varied greatly from one registration district to another. In some districts the rate was nearly one-third – Strichen, Aberdeenshire (31 per cent), and Dalry, Kirkcudbright (29.6 per cent) are two examples – while in parts of Orkney and Shetland, for instance, the figure was below 1 per cent.

Nor would all or even most single mothers pursue the fathers of their children for aliment through the sheriff courts. A survey of four counties (Perthshire, Clackmannanshire, Fife and Stirlingshire) indicates that somewhere around 7–9 per cent of births with no father named resulted in a sheriff court decree.<sup>40</sup>

<sup>36</sup> The Registration of Births, Deaths, and Marriages (Scotland) Act, 1854, 17 & 18 Vict. c. 81.

<sup>37</sup> In a sample of 31 sheriff court affiliation and aliment decrees from 1860 to 1874, nine had no corresponding RCE entries in the statutory birth registers. This is an admittedly very small sample, and from the first fifteen years after the RCE was introduced, so should be treated with caution, but it is indicative that the legislation was not always followed to the letter.

<sup>38</sup> Finding the exact number is complicated by the fact that births were sometimes recorded in two different registers if, for example, the mother was away from home when the child was born. This was particularly the case for single mothers, who not infrequently gave birth in a different parish from their usual residence.

<sup>39</sup> This figure understates the illegitimacy rate, as many illegitimate birth entries named the father.

<sup>40</sup> The figure for Dundee births is significantly lower, although the registers for Forfar Sheriff Court were not included in the survey, and there may be other effects specific to the more urban nature of Dundee that affect this result.

The actual proportion of single mothers pursuing aliment through the sheriff courts would be higher, as not every case resulted in an extract decree, although calculating the figure would be challenging for a variety of reasons.<sup>41</sup>

The transition from ecclesiastical to civil courts to resolve matters of affiliation and aliment is hinted at by a comparison between the records of sheriff court and kirk sessions regarding cases to establish paternity over the first 20 years of the operation of civil registration (1855–74). Twenty-three districts in Fife were examined, with 158 sheriff court decrees found to identify unnamed fathers. Kirk session records for these parishes identified 355 fathers in the same period. However, the number of sheriff court decrees rose from 56 (1855–64) to 100 (1865–74), an increase of 78.6 per cent, while the number of cases before kirk sessions fell in the same period from 208 to 147, a fall of 29.3 per cent. As the kirk sessions ceased to be liable for poor relief, they appear to have become less assiduous in disciplining unmarried parents. Initial impressions from research into later periods suggest that this shift continues after 1874.

Follow-up research has already commenced with a view to extending the reach – both geographic and temporal – of the resources (indexes and abstracts) already developed. In particular, a summary is being prepared of the Edinburgh Sheriff Court registers of decrees covering a much wider period than has been done for Alloa Sheriff Court, as referred to previously. A second area ripe for further research is that of *cessio bonorum* decrees, as mentioned above. While the individual *cessio* decrees are in themselves often not particularly informative, abstracting the information they contain for a wider time period may provide some useful insights into the commercial and economic networks of nineteenth-century Scotland.

Over the course of the nineteenth century, the duties expected to be undertaken by the sheriff courts evolved substantially. New legislation entailed greater supervisory powers for sheriff courts, as in part indicated in this article. Extending the time span of coverage of indexes and abstracts of surviving sheriff court records could shed some light on this gradual change.

A survey as necessarily brief as this article can only provide a limited overview into the nature of sheriff court records. With hundreds of thousands of items, though, it is clearly a vast and varied collection that can amply repay research efforts.

<sup>41</sup> Children born in Perthshire in 1855–74 are subject to decrees in at least nineteen sheriff courts around Scotland, from Dingwall to Kirkcudbright.