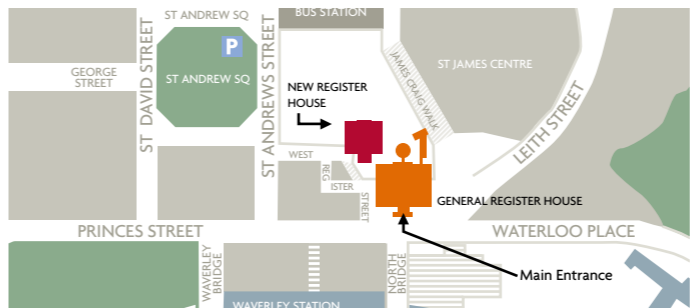




HH21/70/19/112



JC26/1909/7



Crime and Criminals

PRISONERS

NRS holds a range of historical records of prisons from across Scotland, dating from 1657 onwards. The main records for researching prisoners are the prison registers (HH21), which note particulars of the trial and sentence, as well as varying personal details of inmates, such as place of birth, occupation, age, height and religion. The few prison registers that contain photographs of prisoners, such as those in Greenock and Perth, have been digitised, and are available on Virtual Volumes in our search room.

A handy summary list of the prison registers in NRS is included in our online 'Crime and Criminals' Research Guide. The list notes the references of the few prisons whose records are preserved in the Sheriff Court records. Recent records are closed to the public.

Administrative records for Scottish prisons (HH12) occasionally contain references to individual prisoners, and there are also a small number of files for individual prisoners (HH15), details of which can be found on the catalogue.

You can also find prisoners in the census records, 1841-1911, available through our website www.scotlandspeople.gov.uk

OTHER RECORDS

Admiralty Court: The Admiralty Court (AC) dealt with crimes committed on the high seas or in harbours and cover the period 1557 to 1830 when the court was abolished. They include criminal trial reports for the period 1705-1830.

Burgh Courts: Minor offences within royal burghs were tried by the burgh courts (B); our catalogue lists the surviving burgh court records and shows whether they are held by us or a local archive. They are not indexed.

Justices of the Peace courts: The Justice of the Peace courts (JP) also dealt with minor offences. NRS holds a few JP Court records, but most are held in local authority archives. JP records are unindexed.

Transportation: Information on prisoners sentenced to transportation can be found in the registers of the local prisons serving the courts where they were sentenced. Convicts were shipped from England, and more information can be found in the transportation registers, 1787-1870, at The National Archives, available online (or NRS microfilm copies, RH4/160/1-7). A small series of transportation papers (JC41) can be found in the High Court records for the period 1653-1853.

Witchcraft: Witchcraft was a criminal offence until 1736. Witchcraft trials may be found in the records of the High Court (JC), Privy Council (PC) and local kirk sessions (CH). In addition to the main series of High Court papers, JC40 contains a number of indictments, summonses and verdicts in witchcraft cases c.1572-1709. Start by searching the online Survey of Scottish Witchcraft database.

NRS OPENING HOURS

The Historical Search Room in General Register House is open to the public, Monday to Friday, 9:00 to 16:30, except for certain public holidays. Please note that many of our records are out-stored and we require 24 hours' notice before they can be produced. We recommend that you contact the Historical Search Room before visiting.

All correspondence and enquiries should be sent to:
National Records of Scotland
H M General Register House
2 Princes Street
Edinburgh
EH1 3YY

www.nrscotland.gov.uk
www.nrscotland.gov.uk/about-us/contact-us
Tel: 0131 535 1314



HH21/70/97/1

Aberdeen 28 August 1804
We have inspected the Body of Jean McHenry,
and found that a small shot had penetrated through
her Breast into the Chest, passing through a part
of the Lungs into the Heart, and We have no doubt
that this Wound was the Cause of her Death

JC26/1804/5



John Hume, shoe maker in Stirling -
his wife also polluted on house to the said John
Hume
* Peter King shoe maker in Stirling
* William Simpson Gardner in Stirling
Andrew Riddle Copper Smith in Stirling

SC67/7/124

GETTING STARTED

National Records of Scotland (NRS) holds a huge number of records relating to crime and criminals. Sometimes you are more likely to find information about a person who committed a crime than about a respectable law-abiding citizen. Information about crime and criminals can be found in the historical records of criminal courts, the Crown Office and prisons.

This leaflet outlines some of the main records that may help your research. You will find more information in the Research Guide 'Crime and Criminals' on the NRS website www.nrscotland.gov.uk/research/guides/crime-and-criminals. You can also search our online catalogue for more information.

Please note that some records, such as those from the Police and Police Courts, are usually held by a local archive. It is also useful, when beginning a search for criminal records, to gather information such as court dates from newspapers. These can help locate trial records and entries in prison registers.

The most detailed guide to the records in NRS is our official book *Tracing Your Scottish Ancestors*, ed. Tristram Clarke (Birlinn, 6th edition revised 2015). It explains, step by step, how to use our records.

HIGH COURT OF JUSTICIARY

The principal source of information on crime and criminals is the records of the High Court of Justiciary (JC), which has jurisdiction over serious crimes such as murder, rape, treason, counterfeiting and crimes of a sexual nature. Prisoners who were sentenced to transportation were always tried in the High Court.

Finding records of individual trials depends on the date. Most case papers from 1800 onwards are now listed by the criminal's name in our catalogue. For some cases more than 100 years old, the victim of the crime can also be searched by name. Pre-1800 case papers are not catalogued in detail and you have to search the boxes, arranged by year and place of trial (High Court or Circuit Court).

Formal records of trials from 1576 onwards are found in the High Court's minute books, which summarise court proceedings (JC6-JC9), and the High Court books of adjournal (JC2-JC5), and for circuit courts since 1890 (JC15).

NRS normally receives records from the High Court that are more than 10 years old. Please note that many High Court records are closed to the public for 100 years and permission for access has to be obtained from the Court.

LORD ADVOCATE'S DEPARTMENT

Another major source for researching criminal trials for the period after 1812 is the precognitions (AD14-AD15). These contain the Crown's preparations for prosecution, including the written statements of witnesses.

As precognitions provide a snapshot of the local community, they are a wonderfully rich source of firsthand information about individuals, economic conditions, contemporary attitudes and even language.

The precognitions relate to serious crimes tried at the High Court, and those less than 100 years old are closed to public access.

If a precognition is available there will usually also be a record of a trial at the High Court, although cases do not always come to a trial. If you cannot find a precognition, beware the temptation of concluding there was no trial, because records do not always survive.

SHERIFF COURT RECORDS

Sheriff Courts deal with both criminal and civil cases. Criminal trials are for lesser crimes, commonly theft and assault.

There are different types of sheriff court trials. More serious cases are heard before a sheriff and jury, and are known as solemn trials. The records may be known by different names in our catalogue: criminal court books, criminal records, criminal registers, jury trials, libels and indictments. Less serious cases heard before the sheriff sitting alone are called summary trials. From the 1890s brief case details were entered in 'criminal and quasi-criminal roll books' or 'records of summary trials'. For most of the 20th century there were also separate trials for juveniles.

Our catalogue lists the records we hold for each Sheriff Court (SC), grouped as 'Criminal Courts'. Individual criminal trials are not indexed, so you need to search through records to find them. From the 19th century onwards most of the courts kept criminal cases separately from civil case records, but in the earlier period they were often mixed together and you need to search the civil 'processes'.

Please note that NRS normally receives Sheriff Court records more than 25 years old. The exceptions are Kirkwall and Lerwick Sheriff Courts, whose records are held at Orkney and Shetland Archives respectively.