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A Cautionary Tale

If you are seeking ancestors in Caithness you will find that many Parish records are available for research, and these records can be comprehensive and detailed. There are differences of course which you must appreciate. For example, more emphasis may be given to the date of the christening of a child while the actual birth date is ignored, and must be assumed to have taken place a short time previously. Perhaps this is why birthdays were never regarded as being very important except that you were a year older...!!

In a similar vein, marriage dates can be confusing, especially when the emphasis is on the date of a contract with cautioners. Who were these cautioners and what was their purpose? Not having any legal training I sought the definition of a cautioner and append the following for your enlightenment.

A person who is described in a Scottish legal document as a 'cautioner' is someone who stood as surety or as a guarantor of the main named party, also sometimes referred to as the debtor. In this context for which the cautioner stood as surety, needn't be a financial one, but it could also be to guarantee the performance of an act, the delivery of goods, or for the performance of the duties of an office.

Therefore it follows that the contract is a sort of engagement as it might be known today, and the cautioners would be family members of the prospective bride and groom. Here my imagination runs wild...!! Were they brother of the bride and would they be ensured that the groom turned up on wedding day, – or else...!! They would make sure that the groom didn't do a runner at the last moment or jump on a ship bound for foreign parts!!

It is an obsolete term of course, and cautioners are no longer in use; - other legal means are applied if a contract is broken; or are they just known as "heavies" today??