

ASPECTS OF ILLEGITIMACY IN VICTORIAN DUMFRIESSHIRE

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Scotland has been termed the 'classic country in the study of illegitimacy' and, as outlined in Chapter 1, this thesis represents a response to calls made for further microstudies investigating nineteenth century Scottish bastardy. Primarily concerned with detailing the 'mechanics' of illegitimacy, the main case-study concentrates on the 1876-81 birth cohorts from two adjacent parishes in Dumfriesshire (Dryfesdale and Lochmaben), exhibiting contrasting levels of illegitimate fertility. The rationale behind this spatial and temporal choice of locality study was influenced by other recent unpublished doctoral theses relevant to the study of bastardy in Scotland, and is fully explained in the opening chapter.

In broad terms, following an outline of the research design and methodology in Chapter 2, the main text of the thesis can be divided into two halves. The first 'half', comprising Chapters 3 to 5, details the treatment of bastardy under the Scottish system of civil registration, and presents information on the socio-economic background to Dryfesdale and Lochmaben. Close attention is paid to the legalities surrounding marriage practices and birth registration, and an emphasis placed on the need to appreciate naming customs when investigating bastardy in the Scottish context. Inter-parochial comparisons of bastardy are made between Dryfesdale and Lochmaben, and intra-parochial comparisons examine the situations of illegitimates in relation to their legitimate peers.

The second 'half' of the thesis, comprising Chapters 6 to 8, links civil registration data with data extracted from the 1881 census enumerators' returns. A tendency for bastard-bearers to return to their parental homes to bear their illegitimate offspring is observed and, amongst these women, illegitimacy is shown to have been strongly associated with farm service. However, pragmatic difficulties associated with the interpretation of nineteenth century information about female occupations, especially in relation to Scottish agrarian practices, suggest that it is unwise for the researcher to attempt to draw too sharp a distinction between farm and domestic servants in a rural environment. Regarding the illegitimates themselves, an analysis of family and household structure highlights the crucial role played by the grandparents in the upbringing of these children.

An on-going theme throughout the thesis, is a re-appraisal of the significant debate between Ian Carter and Christopher Smout about definitions of marriage and the reliability of civil registration data as a basis for constructing measurements of illegitimate fertility. By substituting irregular marriage (notably by 'habit and repute') for Carter's ill-defined notion of 'common law' marriage, the re-appraisal is first offered in Chapter 3, but is not finally concluded until Chapter 8, when the phenomenon of cohabitation is explored in detail. Whilst it is proposed that Carter was justified in raising an element of doubt about the overall reliability of nineteenth century Scottish civil registration, no empirical evidence was found to support his contention that illegitimate birth registration was largely a matter of subjective interpretation. Consequently, Smout's stance in the debate is upheld, and the calculation of illegitimate fertility rates based on the statistics of civil registration is supported.

The thesis is concluded in Chapter 9, and included in the Appendices are examples of Victorian certificates of civil registration, plus a number of county and parish level correlations between the various accepted demographic measurements of illegitimate fertility.

Dedication

With thoughts of Hannah Phillips (née Paddock), a nineteenth century Salopian dairymaid.

Acknowledgements

My initial debt is to Joe McCormack and John Hickey, then both of the Department of Social Anthropology and Sociology at the New University of Ulster, for their encouragement to continue studying at the postgraduate level. Secondly, to the Department of Education for Northern Ireland, for their provision of funding to undertake a research project of this nature.

Since being in the Department of Economic and Social History at Edinburgh University, my greatest debt is to my main doctoral supervisor, Michael Anderson. Not only has he been able to decipher meaning from my initial draft chapters, but he has also provided consistently sound advice and inspired a general enthusiasm for all matters demographic and historical. Special thanks are also due to my second supervisor, Elspeth Turner, for her general encouragement, perceptive recommendations and assistance with proofreading the final draft.

Other persons associated with the Department of Economic and Social History, to whom thanks are owed, are numerous. In particular I would like to acknowledge the assistance of the following: John Banasik, Andrew Dalgleish, Roger Davidson, Hamish Maxwell-Stewart, Rosalind Mitchison, Donald Morse, Bob Morris, and John Welford. The general fellowship afforded to me by past and present 'residents' of the postgraduate 'flat' has been much appreciated, as has the good natured sense of humour and reality provided by the secretaries of the department.

The bulk of the research for the thesis was conducted at the General Register Office (New Register House) in Edinburgh, and thanks are due to various members of the staff there, especially Sheila Mackenzie and the 'RAs'. Similarly, the staff of Edinburgh University Library have provided much help in the locating of relevant background source materials.

Finally, a note of very personal thanks to my wife Tracy Paddock, without whose longstanding patience and persistent understanding this thesis would never have reached completion. I am very grateful to her and (more recently) to our son, Thomas, for sleeping through the nights.

Declaration

I declare that this thesis has been composed by me and that it is the product of all my own work.

Rory Paddock

There is a very popular opinion that the surname of a bastard is that of its mother. The supposition is absolutely erroneous. A bastard is 'fillius nullius', and in the eye of the law is no more the child of its mother than the child of its father.

Arthur Charles Fox-Davies and P.W.P. Carlyon-Britton, A Treatise on the Law Concerning Names and Changes of Name (London: Elliot Stock, 1906), p. 107.

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Abbreviations

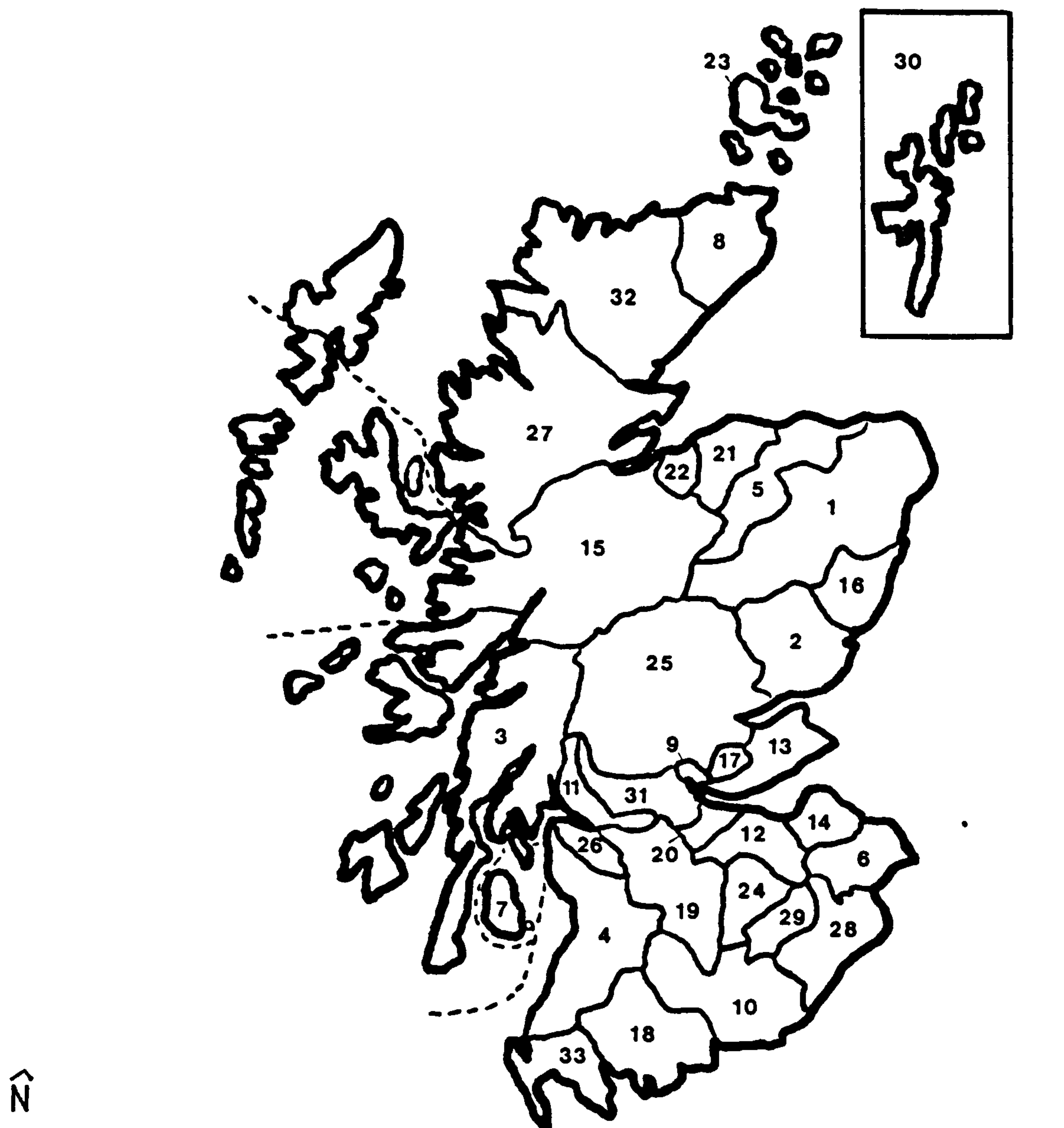
B	Birth Register(s)
C	Census Enumerators' Return(s)
D	Death Register(s)
DAR	<u>Detailed Annual Report(s) of the Registrar-General of Births, Deaths, and Marriages in Scotland.</u>
DS	Domestic Servant(s)
ED	Enumeration District (Census)
FS	Farm Servant(s)
GS	General Servant(s)
IFR	Illegitimate Fertility Rate
Ih	Coale Index of Illegitimate Fertility
IR	Illegitimacy Ratio
M	Marriage Register(s)
MDB	Morse Data Base (Scottish Parish Level Coale Fertility Indices), Department of Economic and Social History, Edinburgh University
NRH	General Register Office, New Register House, Edinburgh
NSA	<u>The New Statistical Account of Scotland. (1830s and 1840s)</u>
OS	Ordnance Survey
OSA	<u>The Statistical Account of Scotland 1791-1799. (2nd ed.)</u>
QR	<u>Quarterly Return(s) of the Births, Deaths, and Marriages Registered in the Divisions, Counties, and Districts of Scotland.</u>
RCE	Register(s) of Corrected Entries (Births, Deaths and Marriages)
RD	Registration District (Births, Deaths and Marriages)
TSA	<u>The Third Statistical Account of Scotland. (1940s and 1950s)</u>

Data References (NRH) - Examples

B1876/820/35	Birth in 1876; RD 820 (Dryfesdale); entry number 35
D1876-81/840	Deaths 1876-81; RD 840 (Lochmaben)
M1867/813a/7	Marriage in 1867; RD 813a (Applegarth); entry number 7
C1881/820	Census 1881; RD 820 (Dryfesdale) - returns for whole district
C1881/820/3/46	Census 1881; RD 820 (Dryfesdale); ED 3, household schedule number 46
RCE840/1/89	Register of Corrected Entries RD 840 (Lochmaben); Book 1, page 89

Combined with the use of certain abbreviations listed above, the footnote referencing system adopted for use in this thesis is based on, Kate L. Turabian, A Manual for Writers of Research Papers, Theses and Dissertations, 1st British ed. (London: William Heinemann, 1982).

Map A Scottish Counties.

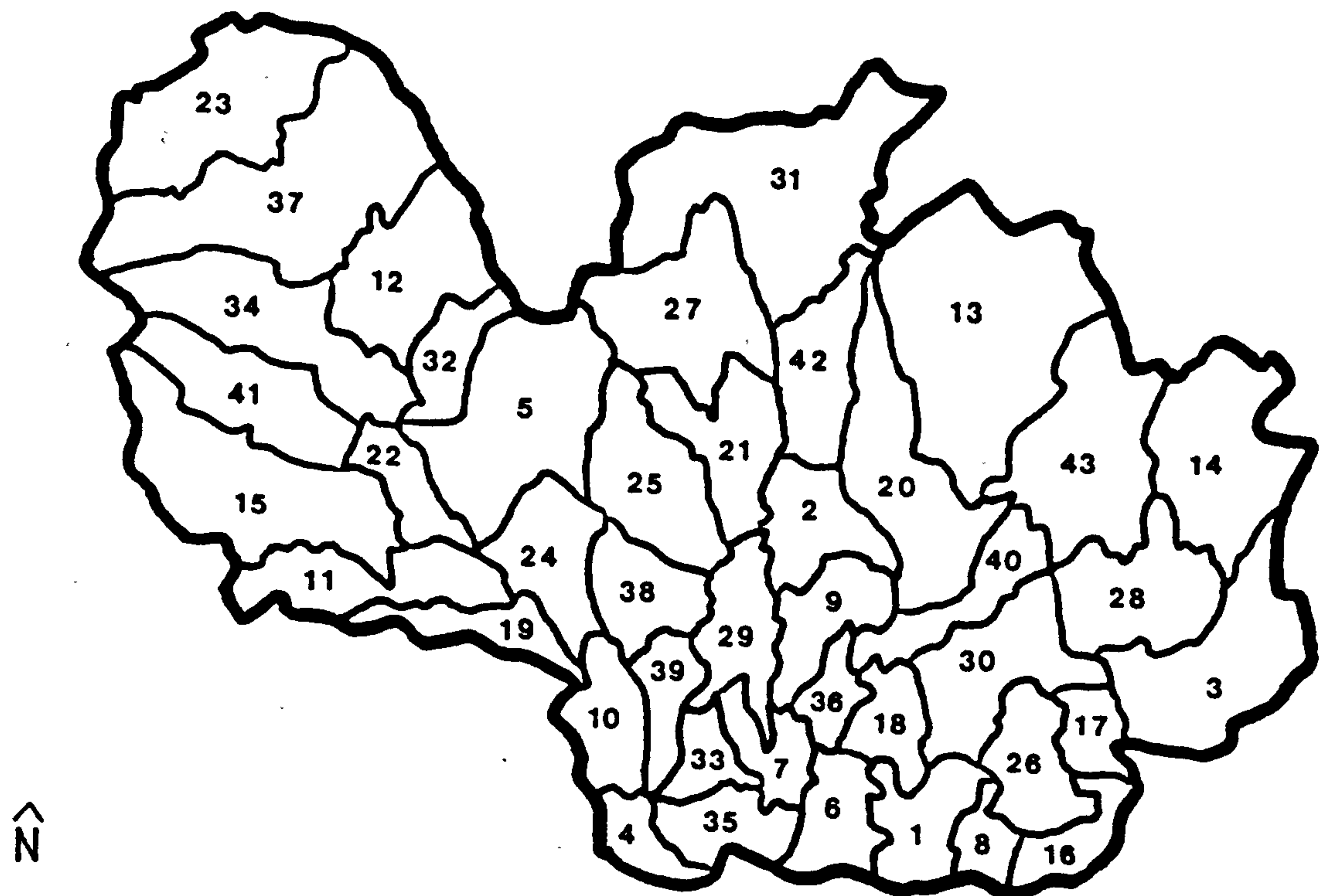


Scale: 100 miles to 1.5 inches.

Key: 1 Aberdeen	12 Edinburgh/Midlothian	23 Orkney
2 Angus/Forfar	13 Fife	24 Peebles
3 Argyll	14 Haddington/E.Loathian	25 Perth
4 Ayr	15 Inverness	26 Renfrew
5 Banff	16 Kincardine	27 Ross & Cromarty
6 Berwick	17 Kinross	28 Roxburgh
7 Bute	18 Kirkcudbright	29 Selkirk
8 Caithness	19 Lanark	30 Shetland
9 Clackmannan	20 Linlithgow/W.Loathian	31 Stirling
10 Dumfries	21 Moray/Elgin	32 Sutherland
11 Dunbarton	22 Nairn	33 Wigtown

Source: Michael Flinn, ed., Scottish Population History (Cambridge: Cambridge University Press, 1977), p. xxiii.

Map B Dumfriesshire Civil Parishes.



Scale: 10 miles to 1 inch

Key:

1 Annan	12 Durrisdeer	23 Kirkconnel	34 Penpont
2 Applegarth	13 Eskdalemuir	24 Kirkmahoe	35 Ruthwell
3 Canonbie	14 Ewes	25 Kirkmichael	36 St. Mungo
4 Carlaverock	15 Glencairn	26 Kirkpatrick-Fleming	37 Sanquhar
5 Closeburn	16 Gretna	27 Kirkpatrick-Juxta	38 Tinwald
6 Cummertrees	17 Halfmorton	28 Langholm	39 Torthorwald
7 Dalton	18 Hoddum	29 Lochmaben	40 Tundergarth
8 Dornock	19 Holywood	30 Middlebie	41 Tynron
9 Dryfesdale	20 Hutton	31 Moffat	42 Wamphray
10 Dumfries	21 Johnstone	32 Morton	43 Westerkirk
11 Dunscore	22 Keir	33 Mouswald	

Source: General Register Office for Scotland, Civil Parish Map Index, Guides for Researchers, no. 1, p.13.

Map C Dryfesdale and Lochmaben Parishes

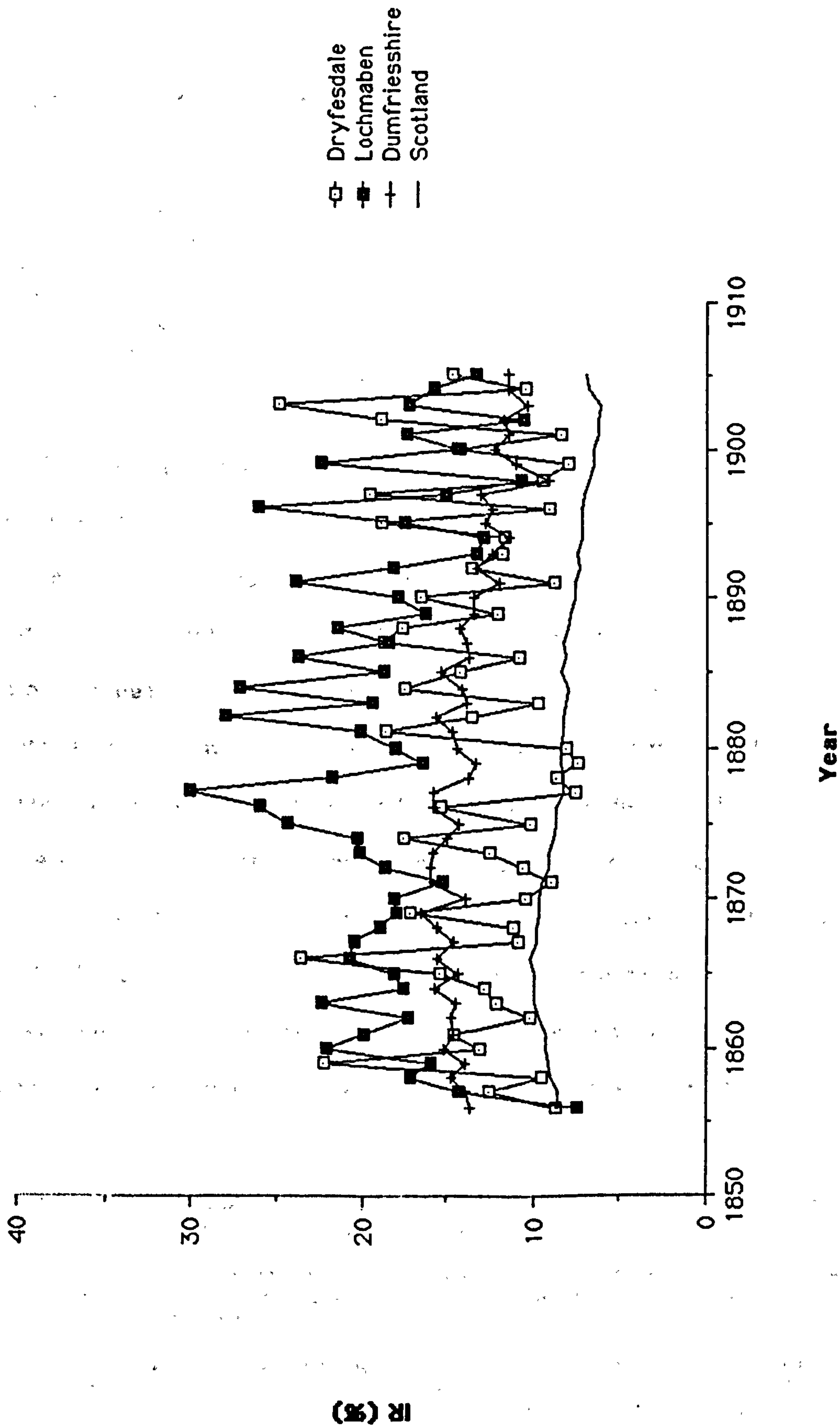


↑
N

T = Templand; M = Marjoribanks (Bogle Hole); B = Barras; Ln = Lochmaben Burgh;
Hk = Heck; G = Greenhill; H = Hightae; S = Smallholm; L = Lockerbie.

Source: OS Dumfriesshire 1864, 1" to 1 mile (reduced B4 to A4).

Graph A Illegitimacy Ratios, Selected Localities, 1856-1905



Sources: 2-51 DARs (1856-1905)

CHAPTER 1

INTRODUCTION: RECENT RESEARCH ON BASTARDY IN VICTORIAN SCOTLAND

1.1. Background: The Need for More Empirical Research

It is not, quite honestly, a task which a historian can expect to do well without a great more work on detailed primary sources than I have undertaken: careful study of such demographic sources as the census enumeration returns and the original registrar's books of births and marriages could, for instance, greatly extend our understanding of the social context of illegitimacy and bridal pregnancy.¹

The year 1976 witnessed the publication of the first major modern scholarly study of the important socio-historical phenomenon of sexual behaviour outside marriage in Victorian Scotland: T.C. Smout's "Aspects of Sexual Behaviour in Nineteenth Century Scotland".² Despite Smout's modest introductory appeal for further research to be conducted on Victorian extramarital sexual behaviour (quoted above), a measure of the significance of this pioneering article is, that it sparked off the only modern academic debate to be solely concerned with the question of Scottish illegitimacy in Victorian times: the debate between T.C. Smout and Ian Carter over the reliability of Scottish illegitimacy statistics.³ Indeed, Ian Carter, Smout's adversary in this debate, was adamant in stating that his reservations concerning the use of illegitimacy statistics, "must not be construed as a general criticism of this

¹ T.C. Smout, "Aspects of Sexual Behaviour in Nineteenth Century Scotland", in Social Class in Scotland: Past and Present, ed. A. Allan MacLaren (Edinburgh: John Donald, 1976, p. 55.

² Ibid., pp. 55-85. The paper was reprinted, with only minor adjustments, as chapter 7 in Bastardy and Its Comparative History, ed. Peter Laslett, Karla Oosterveen and Richard M. Smith (London: Edward Arnold, 1980), pp. 192-216.

³ The debate is contained in two articles, Ian Carter, "Illegitimate Births and Illegitimate Inferences", Scottish Journal of Sociology 1/2 (April 1977), pp. 125-35; and T.C. Smout, "Illegitimacy - A Reply", Scottish Journal of Sociology 2/1 (November 1977), pp. 97-104.

important paper".⁴

The criticism levelled by Carter at Smout's pioneering article, focused on the potential for fundamental discrepancies between the legal and social definitions of marriage, and consequently legitimacy status, as used by the district registrars responsible for documenting births after the introduction of civil registration in Scotland in 1855. According to Carter (who likened the interpretation of bastardy from illegitimacy statistics based upon evidence derived from these birth registers, to the controversial usage by Durkheim of suicide rates "to understand ecological and sociological variations in suicide"⁵), there is evidence to suggest that the definition of marriage in Victorian Scotland was largely subjective. By implication, therefore, modern researchers should cease to view illegitimacy and illegitimacy statistics as an 'objective fact' or 'facts' and, instead, concentrate on examining bastardy in relation to the social meaning of marriage.

Whilst few would disagree with the emphasis placed by Carter on illegitimacy as a social construct, variously determined by different cultural and legal definitions of marriage,⁶ Smout countered this critique, by arguing that the whole basis of Carter's understanding about nineteenth century Scottish marriage practices (and of especially common law marriages), was essentially

⁴ Carter, p. 125.

⁵ Ibid., p. 131.

⁶ In nineteenth century Scotland, for example, unlike in the remainder of the British Isles, the subsequent marriage of the parents of an illegitimate child could legitimise the birth. George Seton, Practical Analysis of the Acts Relating to the Registration of Births, Deaths, and Marriages in Scotland, 5th ed. (Edinburgh: William Green, 1861), pp. 41-42. Aside from the indirect influence of the 1854 Act of Civil Registration (17 & 18, Vict. c. 80), concerning the registration of births, between 1836 and 1926 there were no statutes affecting the status of illegitimates or illegitimacy in Scotland. Scottish Law Commission, Family Law: Illegitimacy, Consultative Memorandum no. 53 (Edinburgh: Scottish Law Commission), pp. 2-7. For a diagrammatic illustration of the steps to unwed motherhood, see Phillips Cutright, "Illegitimacy: Myths, Causes and Cures", Family Planning Perspectives 3/1 (January 1971), p. 27, figure 1.

flawed and inaccurate.⁷ It is perhaps partly as a consequence of Smout's persuasive line of argument that the only two microstudies of Victorian Scottish bastardy to have been published since the Carter/Smout debate (although both are limited in content), made no significant allusion to the controversy over the consistency of definitions of illegitimacy to be found in the civil birth registers.⁸ The modern investigator of nineteenth century Scottish bastardy is thus still in a position of having no empirical data with which to test the validity of either Carter's assertions, or Smout's defence.

For a researcher interested in answering the call made by Smout for further microstudies of bastardy in Victorian Scotland⁹ (a call repeated by the Scottish historical demographer T.H. Hollingsworth¹⁰), the paucity of empirical data directly relating to the dispute between Smout and Carter was clearly a situation deserving rectification. Moreover, the case for obtaining empirical data at a micro-level, was further strengthened by a background reading of the material pertaining to the legalities surrounding marriage in Victorian Scotland. This reading (notably of the "Report of the Royal Commission into the Law on Marriage"¹¹) raised serious questions over the extent to which Smout was correct in stressing that contemporary Victorian learned opinion was

⁷ Smout, "Illegitimacy", p. 98.

⁸ Alasdair Roberts, "Illegitimacy in Catholic Upper Banffshire", Scottish Journal of Sociology 3/2 (April 1979), pp. 213-24; and Donna L. Baker, "A Demographic Study of Ceres Parish, Fife, 1841-1861", Scottish Genealogist 30/4 (December 1983), pp. 113-20. Roberts acknowledged the Carter/Smout debate in his introduction, likening the dispute to that "involving moralists and statisticians, which took place at the time" [p. 213], but made no attempt to empirically test Carter's theories, whilst Baker never mentioned the debate at all.

⁹ Smout, "Sexual Behaviour", p. 55 and "Illegitimacy", p. 102.

¹⁰ T.H. Hollingsworth, "Illegitimate Births and Marriage Rates in Great Britain", in Marriage and Remarriage in Populations of the Past, ed. J. Dupâquier (London: Edward Arnold, 1981, p. 450. Hollingsworth's paper presents a useful analysis of the occupations of Scottish bastard-bearers 1883 [pp. 446-49]; an investigation detailed and further explored in Chapter 6 of this thesis.

¹¹ Parliamentary Papers 1867/68, XXXII.

unanimously agreed upon the definition(s) of marriage (especially irregular marriage by 'habit and repute') in Scotland.¹² This in turn suggested a need to gain a complete understanding of the legalities surrounding marriage and marriage registration, prior to investigating illegitimacy in nineteenth century Scotland. From this follows in the thesis a re-appraisal of the Carter/Smout debate, a re-appraisal that supplies an ongoing theme throughout the course of the thesis. For the moment, however, doubts about the reliability of Scottish illegitimacy statistics must be held somewhat in abeyance, whilst the interpretation of their analysis is briefly considered.

As detailed by Smout, the introduction of civil registration in Scotland in 1855, and the computation of illegitimacy statistics based on this procedure, revealed three 'salient and remarkable' points about bastardy in the country.

Firstly, illegitimacy was on average higher in Scotland than in England and most of Europe. Secondly, it was generally higher in the countryside than in the towns, which was unusual in a European context. Lastly, it was very much higher in some parts of the countryside than in others.¹³

Since it was first suggested by contemporary Victorian observers, the 'national shame' of the standing of Scottish bastardy in its European context, has been re-assessed and Scotland found not to have been as extreme a case as once believed.¹⁴ Nonetheless, the enduring locality persistence of variations in levels of illegitimate fertility in Scotland (illustrated at the county level in Maps

¹² Smout, "Illegitimacy", p. 97.

¹³ T.C. Smout, A Century of the Scottish People 1830-1950 (London: Collins, 1986), p. 166. Chapter 6 of this book summarises the nineteenth century debates on the causes of illegitimacy, as first presented by Smout in his article "Sexual Behaviour".

¹⁴ Peter Laslett, "Introduction: Comparing Illegitimacy over Time and Between Countries", in Bastardy, p. 41.

1.1 to 1.3. ¹⁵), has led Peter Laslett to comment: "Scotland can perhaps be called the classic country in the study of illegitimacy, at least in the English speaking world". ¹⁶ For, whilst the relative degree of variation in levels of illegitimate fertility was larger in Scotland than in England (though smaller than in Ireland), ¹⁷ Laslett suggested that the Scottish bastardy figures "represent the most detailed set of such statistics which we have been able to work out for any country over so lengthy a lapse of time". ¹⁸ Arguably, therefore, our empirical test of the reliability of records of civil registration in relation to bastardy is crucial not only in evaluating the Carter/Smout debate itself, but also for sustaining Scotland's position of significance in the academic investigation of bastardy in its wider European context.

Moreover, in contrast to England, the amount of modern research into the question of illegitimacy in nineteenth century Scotland is woeful. In, for example, arguably the most significant historical work to be published on illegitimacy in the last decade, Bastardy and Its Comparative History, the substantial section on illegitimacy in Britain ¹⁹ re-printed Smout's pioneering article first published in 1976, but presented no modern case-studies on Scottish bastardy. ²⁰ This situation is to an extent understandable for the period preceding the introduction of civil registration in Scotland, when the

¹⁵ The levels of illegitimate fertility presented in these maps are measured according to the Coale index of illegitimate fertility (Ih). For a concise outline of the precise derivation of the various Coale indices of fertility, see Michael S. Teitelbaum, The British Fertility Decline (Guildford; Princeton University Press, 1984), pp. 52-56.

¹⁶ Laslett, "Introduction" to Bastardy, p. 41.

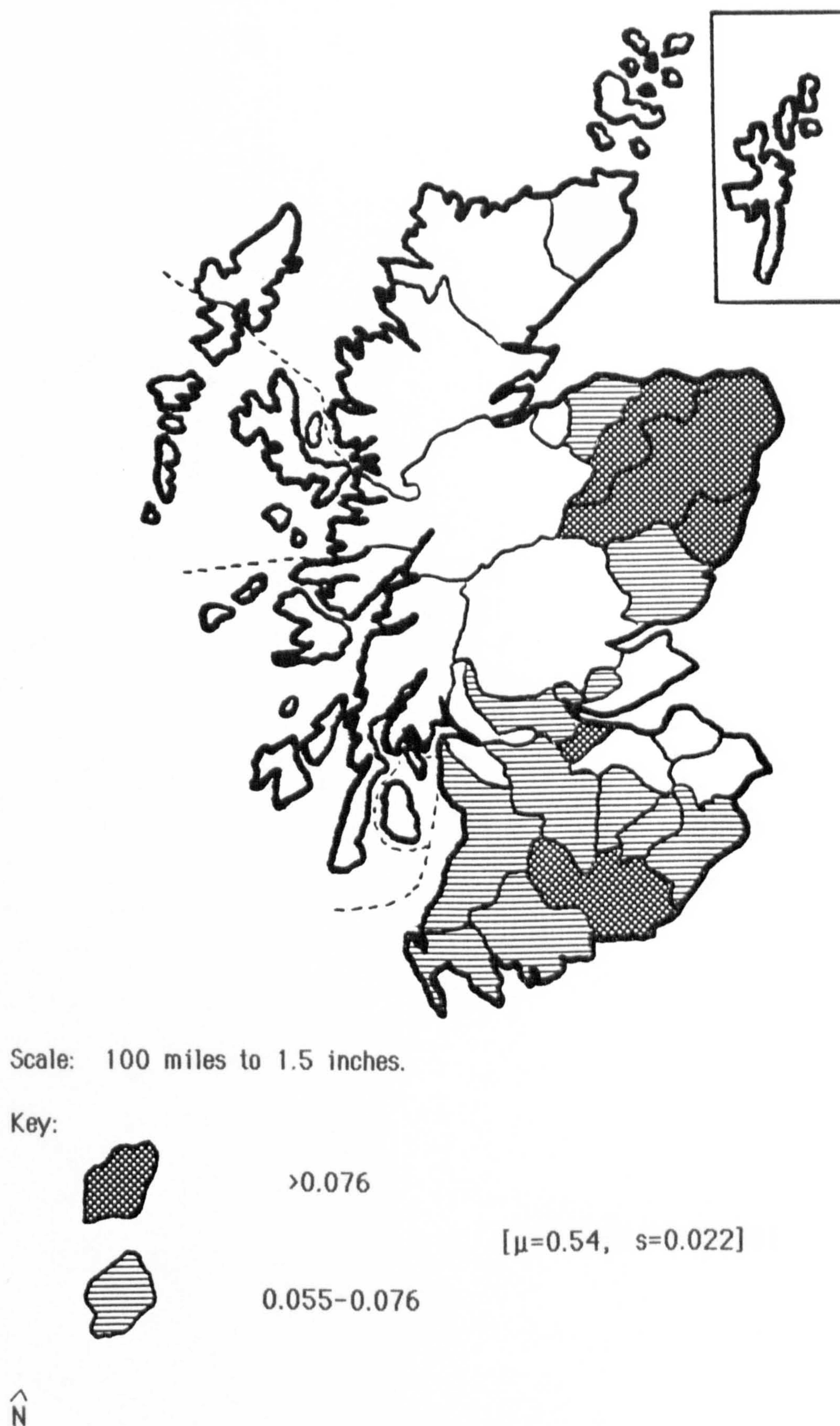
¹⁷ Ibid.

¹⁸ Ibid., p. 43.

¹⁹ Bastardy, pp. 71-246.

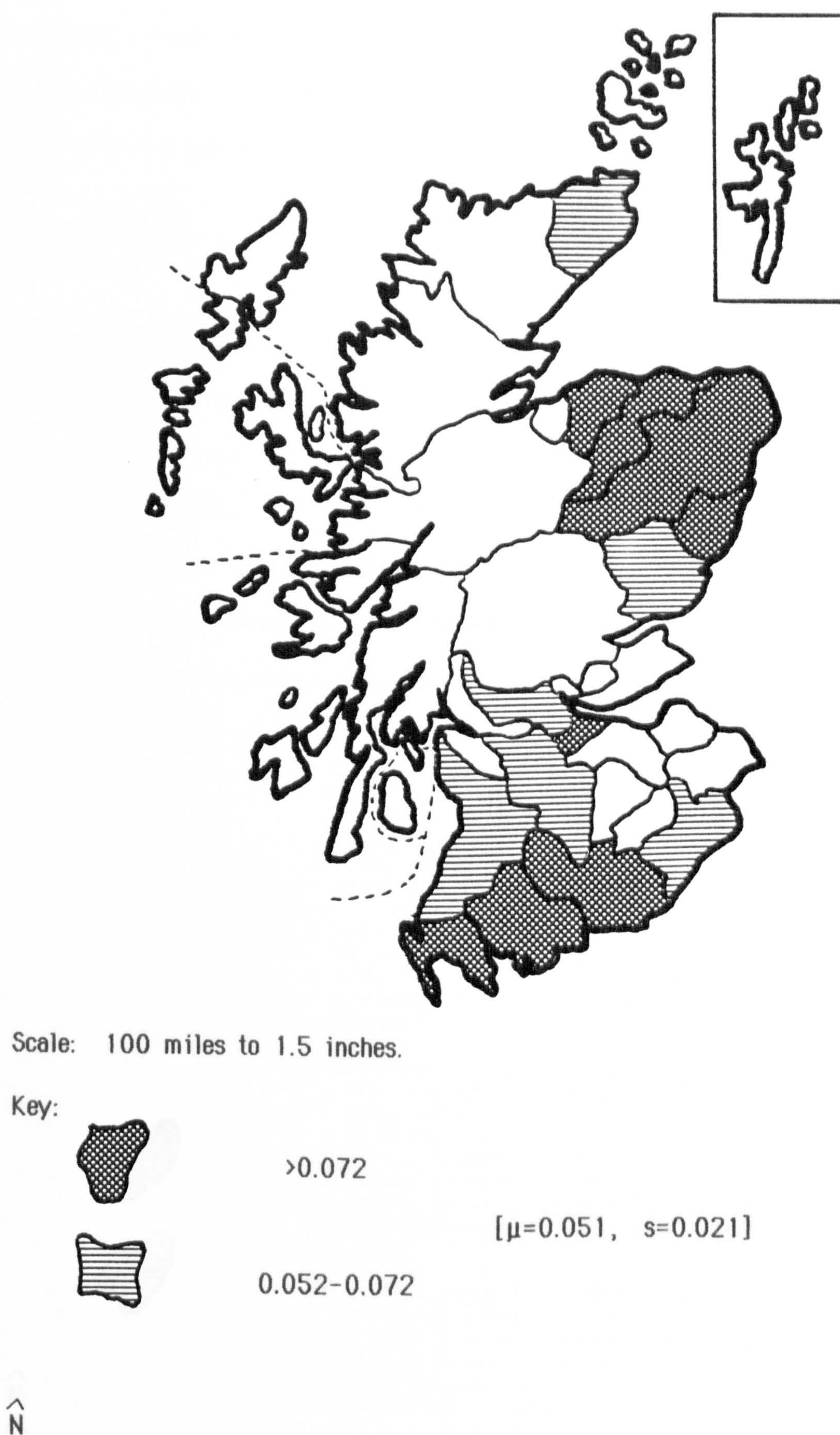
²⁰ Robert's case-study was published at about the same time as Bastardy, whilst Baker's did not appear until a few years afterwards. See footnote 8 above.

Map 1.1. Scottish Counties (shaded) with I_h Values above the National Mean, 1861.



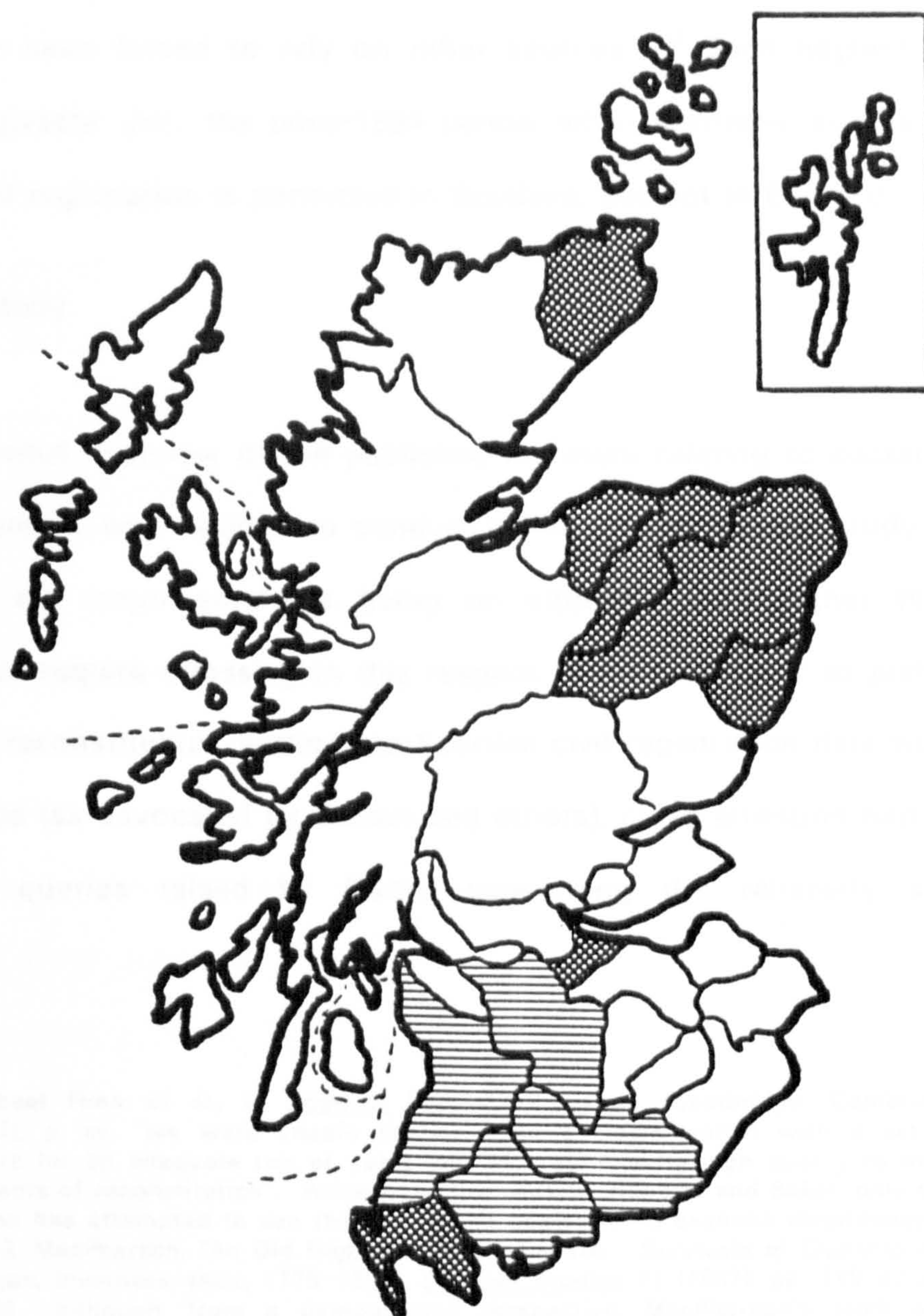
Source: Michael S. Teitelbaum, The British Fertility Decline (Guildford: Princeton University Press, 1984), p. 152, Table 6.10b.

Map 1.2. Scottish Counties (shaded) with lh Values above the National Mean, 1881.



Source: See Map 1.1..

Map 1.3. Scottish Counties (shaded) with lh Values above the National Mean, 1901.



Scale: 100 miles to 1.5 inches.

Key:



>0.047



0.034-0.047.

$[\mu=0.033, s=0.014]$

↑
N

Source: See Map 1.1..

quality of parochial registration is generally deemed to have been poor,²¹ so that modern researchers of illegitimacy in Scotland during the period prior to 1855 have largely been forced to rely on other sources.²² Such neglect is, however, less forgivable for the post-1854 period, when academic access to the records of civil registration is permitted in Scotland, but not in England.²³

1.2. The Present Study

Following an initial overview of the published literature relating to bastardy in Victorian Scotland, it was decided to conduct a micro-level locality study of illegitimacy, with the major emphasis being on empirical work rather than theory. Two points require stressing in this respect. Firstly, in order to justify the application of reconstitution methods to Scottish civil registration data from the Victorian period (as advocated by Smout and others), close attention had to be paid to the queries raised by Carter concerning the reliability and

²¹ According to Michael Flinn et al., in Scottish Population History (Cambridge: Cambridge University Press, 1977), p. xv, "we were unable to find even a single parish with a set of [ecclesiastical] registers for an adequate run of years and of a sufficiently high quality to meet the exacting requirements of reconstitution". Aside from the work by Roberts and Baker, only one other recent publication has attempted to use the 'Old Parish Registers' to examine illegitimacy at the micro-level: Alan G. MacPherson, "An Old Highland Parish Register. Survivals of Clanship and Social Change in Laggan, Inverness-shire, 1775-1854", Scottish Studies 11 (1967), pp. 149-92 and 12 (1968), pp. 102-08. Although, from a demographic perspective, MacPherson's work only discusses crude aggregate statistics of illegitimacy.

²² See Leah Leneman and Rosalind Mitchison, "Scottish Illegitimacy Ratios in the Early Modern Period", Economic History Review, 2nd ser, 40/1 (February 1987), p. 41, who base their study of bastardy on kirk session registers instead. Some earlier findings about illegitimacy, obtained by examining kirk session registers, are also to be found in, Leah Leneman, "The Study of Illegitimacy from Kirk Session Records: Two Eighteenth-Century Perthshire Parishes", Local Population Studies 31 (Autumn 1983), pp. 29-33. Although not available during the course of research for this thesis, a more detailed account of the work by Leneman and Mitchison on Scottish bastardy has just been published in book form: Rosalind Mitchison and Leah Leneman, Sexuality and Social Control. Scotland 1660-1780 (Oxford: Basil Blackwell, 1989).

²³ A pragmatic reflection of the current situation in England is that, although civil registration was introduced in England and Wales in 1837, Jean Robin's two recent and excellent articles on bridal pregnancy and illegitimacy in the Devonshire parish of Colyton during the period 1851-1881, had to rely primarily on evidence derived from baptismal registers. Jean Robin, "Prenuptial Pregnancy in a Rural Area of Devonshire in the Mid-Nineteenth Century: Colyton, 1851-1881", Continuity and Change 1/1 (May 1986), pp. 113-24; and "Illegitimacy in Colyton, 1851-1881", Continuity and Change 2/2 (August 1987), pp. 307-42.

consistency of illegitimate birth registration. Secondly, as Baker noted in the conclusion to her case-study of illegitimacy in Victorian Fife, the "demographic study of family life, especially in Scotland, is an open field in which little has been done".²⁴ So, before one can meaningfully apply wider European theories of illegitimacy to the Scottish case, students of bastardy in Victorian Scotland need to concentrate on establishing a much greater understanding of the 'mechanics' of illegitimacy.²⁵ However, in order to delineate the bounds of the case-study undertaken for this thesis, reference must be made to some very recent and (as yet) unpublished research on nineteenth century Scottish bastardy.

Two particular doctoral theses, both still underway at the time this project was begun, played a crucial role in determining the bounds of the case-study undertaken in this thesis. The first, by Donald Morse (also of Edinburgh University), included the creation of a new database of statistics of illegitimate fertility for late-Victorian Scotland.²⁶ The second, by Andrew Blaikie of London University, incorporates a micro-level locality study of nineteenth century

²⁴ Baker, p. 119.

²⁵ Periodic reference throughout the course of the thesis is nevertheless made to certain important theories, such as Laslett's 'bastardy prone sub-society', or Levine's notion of 'marriage frustrated not promiscuity rampant', although Michael Anderson's praiseworthy summary outline of these major theoretical debates concerning European illegitimacy, negates their repetition here. Michael Anderson, Approaches to the History of the Western Family (London and Basingstoke: Macmillan, 1980), pp. 21-22 and 54-59. Nonetheless, some mention should perhaps be made of the increasing (and largely anthropological) shift in emphasis towards viewing illegitimacy as a positive, rather than solely negative or dysfunctional, demographic contribution to society. Emphasised, for example, by G.N. Gandy in 1979 ["Illegitimacy in a Handloom Weaving Community: Fertility Patterns in Culcheth, Lancs., 1781-1860" (D.Phil. thesis, Oxford University, 1979), pp. 1-12], this theoretical perspective has even more recently been stressed by Pier Paolo Viazzo ["Illegitimacy and the European Marriage Pattern: Comparative Evidence from the Alpine Area", in The World We Have Gained, ed. Lloyd Bonfield, Richard M. Smith, and Keith Wrightson (Oxford: Basil Blackwell, 1986), pp. 119-21] and, in the Scottish context, has been used at the micro-level to illustrate how bastardy in twentieth century Islay, constitutes a significant factor in recruiting permanent residents to an area where emigration is high. Margaret Byrne, "Illegitimacy and Change in a Hebridean Island" (M.A. thesis, Queen's University of Belfast, 1980), pp. 35-40.

²⁶ Donald J. Morse, "The Fertility Decline in Scotland" (Ph.D. thesis, University of Edinburgh, 1987).

illegitimacy in north-east Scotland. ²⁷

Being in the same department as Donald Morse at Edinburgh University, knowledge about his particular research field (the description and investigation at the local level of the onset of the 'demographic transition' in Scotland ²⁸) was first-hand. ²⁹ By contrast, knowledge about Blaikie's work only became apparent more indirectly, ³⁰ the title of his thesis in progress being merely, "Community and Kinship in Nineteenth-Century Scotland". ³¹ A letter from Andrew Blaikie did, however, reveal that his research interests into illegitimacy were largely focussed around the Banffshire parishes of Marnoch and Rothiemay. ³² Consequently, in order to avoid any possibility of duplicating Blaikie's research, a pragmatic decision taken early in the design of my research project, was to confine any micro-level analysis to an area outwith the north-east of Scotland. Furthermore, because a copy of Blaikie's completed and successful thesis could not actually be obtained until 1988, when the research for my own project had been largely completed and the analysis and

²⁷ J.A.D. Blaikie, "Illegitimacy in Nineteenth Century North-East Scotland" (Ph.D. thesis, Queen Mary College, University of London, 1987).

²⁸ Morse, p. 10. The theory of demographic transition refers to the demographic movement of a society typified by high levels of fertility and mortality, to one maintaining both fertility and mortality at a low level (*ibid.*, p. 3).

²⁹ I wish to express my sincere gratitude to Donald Morse, both for his general assistance as a fellow postgraduate, and for the generous access he afforded me to the results of his endeavours prior to the completion of his own thesis. The database created by Morse is referred to as the 'Morse Data Base' (or MDB) in this thesis, although original and final versions sometimes require to be distinguished by the terms 'initial' or 'duplicate' (see the notes to Appendix 2 for a fuller explanation of the difference between these two versions of the database).

³⁰ A note of thanks is due here to Rosalind Mitchison of Edinburgh University, for initially bringing this work to my attention, and to Christopher Smout of the University of St. Andrews, for confirming some of the details by letter. Christopher Smout to Rory Paddock, 15 February 1985, Personal Correspondence.

³¹ Institute of Historical Research, Historical Research for University Degrees in the United Kingdom, Theses in Progress, no. 45/2 (London: Institute of Historical Research, 1984), s.v. no. 1999.

³² Andrew Blaikie to Rory Paddock, 6 March 1985, Personal Correspondence. My thanks are due to Andrew Blaikie for outlining certain basic aspects of his research into Scottish bastardy.

writing-up begun, a further pragmatic decision was taken not to amend the main analysis in this thesis by repeated reference to Blaikie's substantial contribution to the study of Scottish bastardy. Given that both theses involve case-studies of bastardy at the micro-level, too close reference to Blaikie's work was deemed inadvisable in case it should distort the interpretation of my own results and, consequently, further mention of Blaikie's work is confined to the concluding chapter of this thesis.

Based upon published aggregate civil registration material, used in conjunction with the printed data from the 1881, 1891 and 1901 decennial censuses, the primary concern of Morse's thesis was the construction of three data sets of Coale fertility indices (including 1h, the Coale index of illegitimate fertility) for the entire country, *at the parish or registration district level*. As such, Morse's results provide a highly valuable refinement of the work conducted by Teitelbaum at the county level for the British Isles as a whole, and the database itself constitutes the most detailed and comprehensive set of fertility measurements for late-nineteenth century Scotland currently available. Accordingly, it was decided to utilise this data (admittedly at the time in its initial draft form), to assist in isolating the area to be chosen for in-depth analysis in relation to bastardy in this thesis. To this end, four main criteria were considered of importance.

Firstly, in order to comply with the earlier decision not to overlap the research with Blaikie's case-study, the locality had to be outwith the north-east of Scotland, although the choice of a locality somewhere in the south-west of the country was relatively straightforward in this respect. Following close behind the north-east (as illustrated by Maps 1.1. to 1.3.), the south-west was an area of the country well-known for its consistently high levels of

illegitimacy during the second half of the nineteenth century.³³ Moreover, unlike Linlithgow, in particular,³⁴ the south-west was considered an area sufficiently removed from the central industrial-belt of Scotland, to allow for a subsequent meaningful comparison of findings with those obtained by Blaikie for the predominantly rural north-east region.³⁵

Having decided on the south-west as the general region for inspection (following Leneman and Mitchison, here defined as the counties of Wigtown, Kirkcudbright and Dumfries³⁶), the second criterion was that the locality had to be of adequate physical and social dimensions, so as to enable some form of micro-level analysis to be both practicable and profitable. In this respect, E.A. Wrigley has suggested that an "ideal parish for reconstitution might perhaps be one whose population lay between 1,000 and 2,500, whose area was, say, 10,000 acres, whose main settlement lay towards the centre of the

³³ See also, Flinn et al., pp. 350-51, Table 5.4.1.; Laslett, "Introduction" to Bastardy, pp. 42-45, Figures 1.5(a) to 1.5(d); and Teitelbaum, p. 152, Table 6.10b. These figures and tables also illustrate that relatively high levels of illegitimate fertility in the south-west persisted long into the twentieth century. Furthermore, according to Leneman and Mitchison (although the cut-off date for their examination of kirk session records was 1780), the south-west was one of only two regions (the other being Ayrshire) to experience an upward trend in illegitimacy dating from the 1750s ["Scottish Illegitimacy Ratios", p. 49].

³⁴ The significance of Linlithgow (or West Lothian), as a county with consistently high levels of illegitimate fertility, is not apparent in Flinn's tabulation of 'Illegitimacy ratios by counties, 1855-1939' [Table 5.4.1]. An observation illustrative of the greater sensitivity of *Ih* as a measurement of illegitimate fertility, and indicative of the value of both Teitelbaum and Morse's recent contributions to the greater understanding of Scottish bastardy. Discussions about the relative merits of the various measurements of illegitimate fertility are to be found in a number of works on the subject of illegitimacy, although that presented by John Knodel and Steven Hochstadt in their paper "Urban and Rural Illegitimacy in Imperial Germany" [in Bastardy, pp. 285-89], is particularly informative because of their statistical correlations between *Ih*, the illegitimacy ratio and the illegitimate fertility rate [ibid., p. 287, Table 12.1]. Comparable correlations computed for the Scottish data used in this thesis, are presented in Appendices 1 and 2. These findings confirm that there exists a more significant correlation between *Ih* and the illegitimate fertility rate (IFR), than between *Ih* and the illegitimacy ratio (IR). An observation especially true at the county level, but also apparent at the parish level.

³⁵ Mitchison and Leneman have, however, since commented on a marked difference between the north-east and south-west, in terms of their disparate trends in eighteenth century levels of illegitimacy, noting that: "Whatever explanations can help in the understanding of the nineteenth century customs in these two regions of high illegitimacy they will clearly have to be different from one another". Sexuality and Social Control, p. 231.

³⁶ Ibid.

parish".³⁷ By listing all parishes in the south-west according to population size in 1881 (the earliest available of Morse's three data sets), and checking their geographical characteristics in the 'Statistical Accounts of Scotland',³⁸ it was thus possible to draw up a short-list of possible parish localities.

The third criterion was to identify a locality that was not completely atypical of the south-west as a region. It is hard to define atypicality in an area as large as Galloway and Dumfries, and any conclusions to be drawn about typicality must necessarily be somewhat subjective. Nevertheless, the importance of such a criterion, in the context of this research specifically into bastardy, can be illustrated by reference to Neil Tranter's extensive work on nineteenth century Portpatrick in Wigtownshire.³⁹ Tranter's work is unique in the Scottish context, being the only published in-depth micro-study to systematically explore demographic and socio-economic change in a nineteenth century Scottish parish; utilising the methods of aggregation and family reconstitution. Nonetheless, as Tranter frankly admits, being a commercial port and later holiday resort, Portpatrick "cannot be regarded as typical of nineteenth century communities",⁴⁰ let alone representative of the predominantly agrarian south-west of Scotland. Indeed, his choice of Portpatrick as a locality for micro-level analysis, would appear to have been more influenced by the availability of suitable historical documents (such as the

³⁷ E.A. Wrigley, "Family Reconstitution", in An Introduction to English Historical Demography, ed. E.A. Wrigley (London: Weidenfeld and Nicolson, 1966), p. 105.

³⁸ OSA, NSA and TSA.

³⁹ See, N.L. Tranter, "The Reverend Andrew Urquhart and the Social Structure of Portpatrick in 1832", Scottish Studies 18 (1974), pp. 39-62; "The Demographic Impact of Economic Growth and Decline: Portpatrick, 1820-1891", Scottish Historical Review 57 (1978), pp. 87-105; and "Nineteenth Century Portpatrick: An Empirical Study of the Relationship Between Economic Change, Population Growth and Social Structure", Scottish Journal of Sociology 4/3 (October 1980), pp. 265-89.

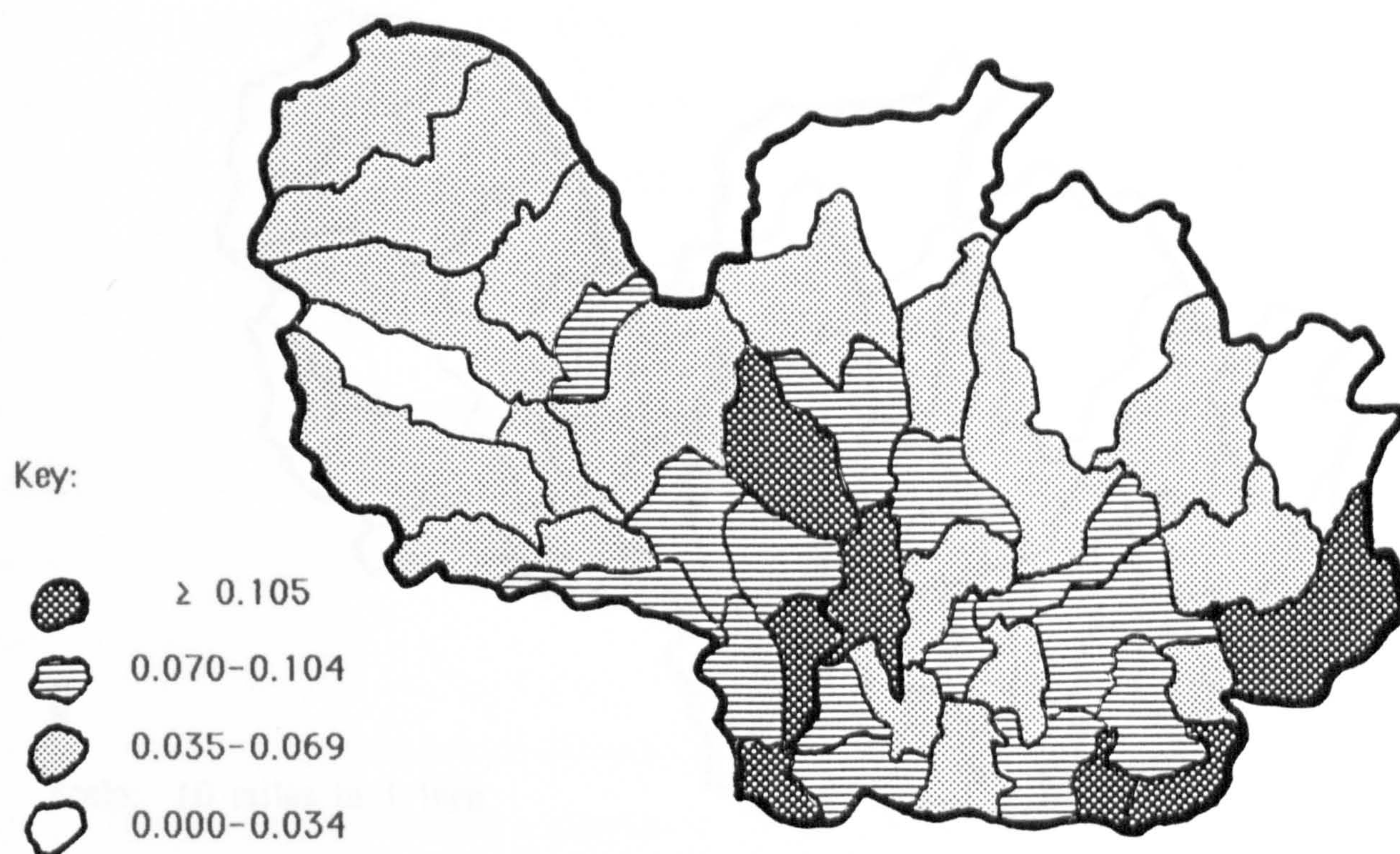
⁴⁰ Tranter, "Nineteenth Century Portpatrick", p. 266.

Urquhart census), than by a desire for representativeness. No microstudy can claim to be fully representative of any area or period and, in this respect, Tranter's choice of locality is perfectly justifiable. However, his work was concerned with investigating a *whole range* of socio-demographic phenomena, whereas this thesis is primarily concerned with investigating only one: illegitimacy.⁴¹ As such, a desire that this study might offer the possibility of wider applicability, was viewed as being of greater significance to this research than it had been for Tranter. Thus, for example, agriculture, whilst not necessarily uniform throughout the region, was at least common to all parts of the south-west, and parishes dominated by other highly localised forms of industry were therefore discounted from further consideration.

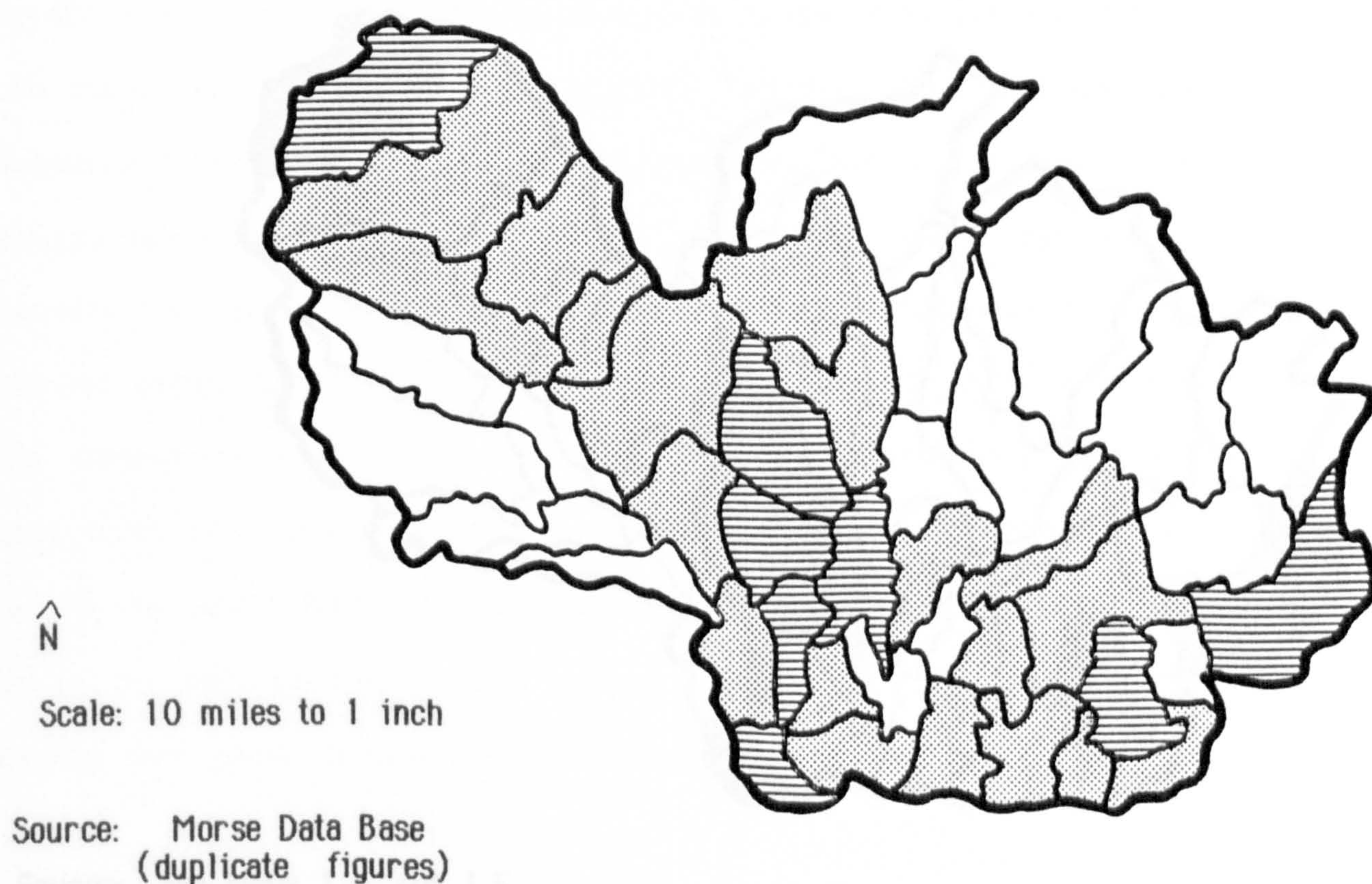
Fourthly, given the locality persistence of Scottish illegitimacy, it was deemed appropriate that the case-study should be capable of reflecting some form of contrast between relatively high and low levels of illegitimate fertility at the parish level. In this respect, the choice of two adjacent parishes, rather than one single parish, was considered advisable. A visual analysis of contrasting areas of high and low illegitimacy, at the parish level, was made feasible by mapping the 1h data obtained from Morse's research, and Maps 1.4. to 1.7. illustrate this for Dumfriesshire. As is apparent from an inspection of these maps, an area roughly in the centre of Dumfriesshire was particularly remarkable for the locality persistence of high levels of illegitimate fertility, whilst the adjacent areas immediately to the west and east both experienced consistently lower levels of illegitimate fertility. These particular maps are

⁴¹ On the question of illegitimacy, Tranter notes that, "I have not attempted to cover all aspects of demographic change in nineteenth-century Portpatrick, only those most likely to be affected by the alterations which occurred in the nature of the parish's economy: one important item not included, the variations in illegitimacy rates, will be treated separately in a subsequent publication" ["Demographic Impact", p. 88, footnote 1]. To the best of my knowledge, this publication has yet to appear in print.

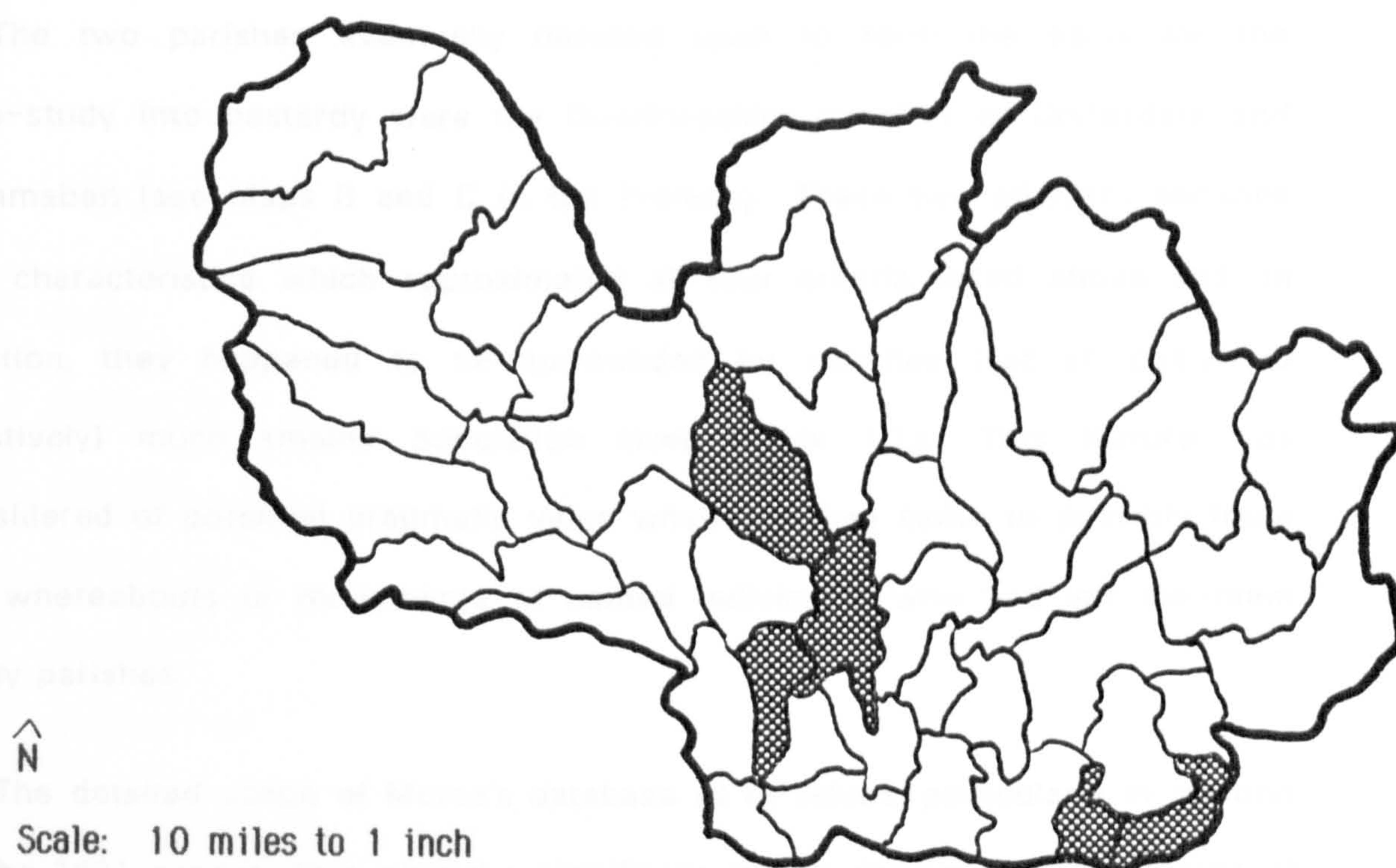
Map 1.4. Ih Values, Dumfriesshire Parishes, 1881.



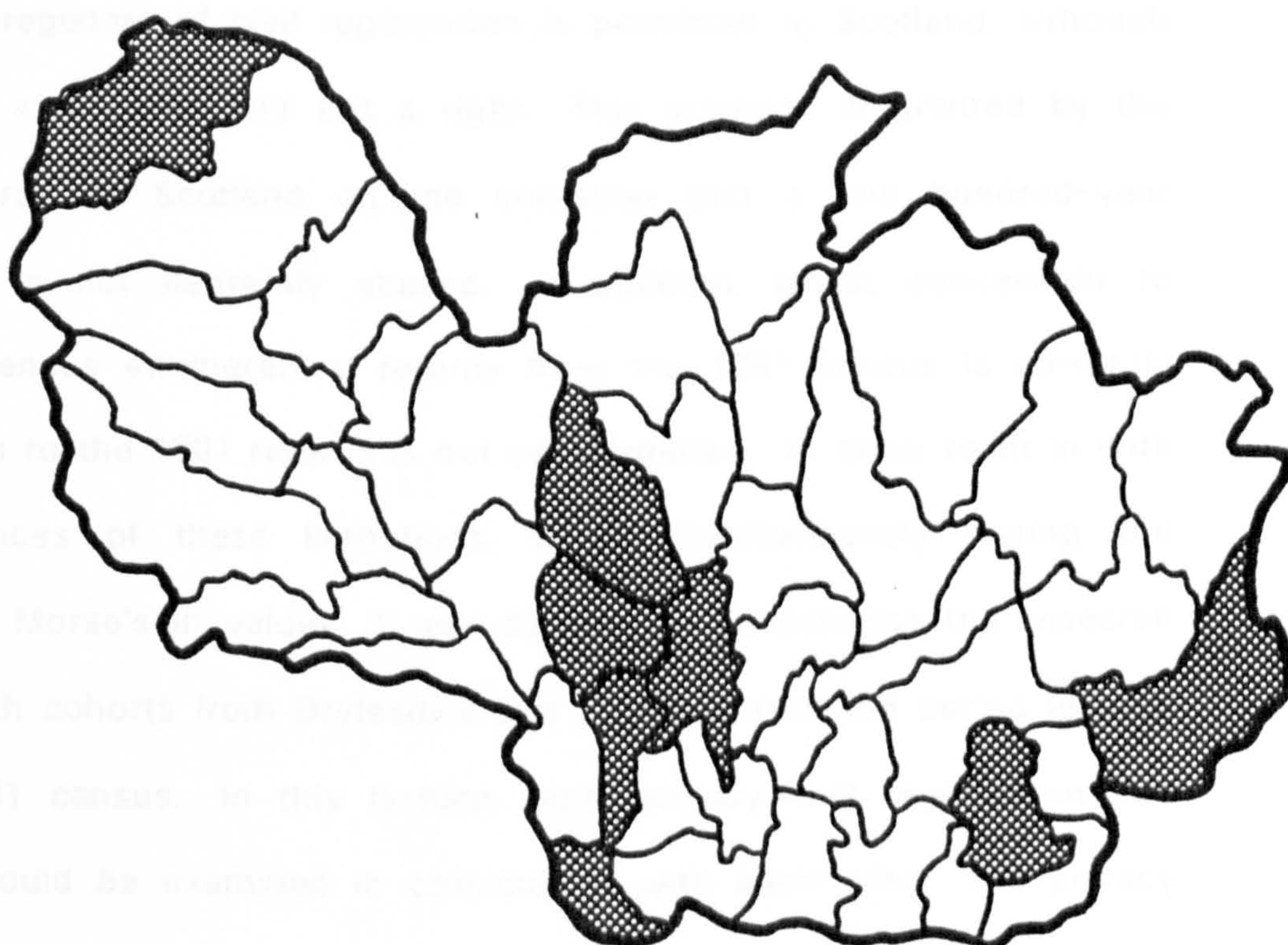
Map 1.5. Ih Values, Dumfriesshire Parishes, 1901.



Map 1.6. Dumfriesshire Parishes (shaded) with I_h Values above one Standard Deviation (0.036) from the Mean (0.075), 1881.



Map 1.7. Dumfriesshire Parishes (shaded) with I_h Values above one Standard Deviation (0.023) from the Mean (0.047), 1901.



Source: See Maps 1.4. and 1.5..

reproduced here because it was in this area that the two adjacent parishes finally chosen for in-depth scrutiny were located.

The two parishes eventually decided upon to form the basis for the case-study into bastardy were the Dumfriesshire parishes of Dryfesdale and Lochmaben (see Maps B and C in the Preface). These two adjacent parishes had characteristics which approximated all four criteria listed above and, in addition, they happened to be surrounded by parishes that all contained (relatively) much smaller population sizes (Table 1.1.). This feature was considered of potential pragmatic value when the time came to possibly trace the whereabouts or movements of named individuals who had left the main study parishes.

The detailed usage of Morse's database of lh values, particularly in relation to the 1881 census, thus played a significant role in determining the choice of locality for micro-analysis. Furthermore, for pragmatic reasons, the period leading up to the 1881 census also became the temporal focus of the Dryfesdale and Lochmaben investigation. As mentioned previously, academic access to the registers of civil registration is permitted in Scotland, although this access is a privilege and not a right. This privilege is granted by the Registrar-General for Scotland on the condition that a one hundred-year privacy ruling is not flagrantly abused. In addition, whilst concession to examine the census enumerators' returns from the 1891 census is currently allowed, access to the 1901 returns is not yet permitted. In order to fit in with the consequences of these limitations, whilst simultaneously basing the case-study on Morse's lh values, it was decided to concentrate the research around the birth cohorts from Dryfesdale and Lochmaben in the period leading up to the 1881 census. In this fashion, both primary civil registration and census data could be examined in conjunction with each other, the privacy

Table 1.1. Dumfriesshire Parishes: lh Values and Population Figures, 1881 and 1901

<u>Parish</u>	<u>1881</u>		<u>1901</u>	
	<u>lh</u>	<u>Popn.</u>	<u>lh</u>	<u>Popn.</u>
Annan	0.077	4,943	0.052	6,378
Applegarth*	0.088	1,671	0.032	1,639
Canonbie	0.105	2,723	0.077	1,959
Carlaverock	0.108	1,051	0.085	841
Closeburn	0.064	1,505	0.047	1,275
Cummertrees	0.049	1,068	0.052	938
Dalton*	0.053	579	0.027	563
Dornock	0.145	814	0.050	871
Dryfesdale	0.064	2,971	0.046	3,130
Dumfries	0.071	16,841	0.039	18,146
Dunscore	0.054	1,405	0.031	1,055
Durrisdeer	0.057	1,107	0.047	970
Eskdalemuir	0.031	543	0.031	441
Ewes	0.021	337	0.030	261
Glencairn	0.056	1,737	0.013	1,490
Gretna	0.122	1,212	0.068	1,250
Halfmorton	0.049	497	0.027	346
Hoddam	0.069	1,445	0.052	1,415
Holywood	0.083	1,078	0.030	939
Hutton*	0.057	814	0.026	663
Johnstone*	0.085	1,002	0.055	800
Keir	0.052	745	0.027	540
Kirkconnel	0.063	1,019	0.075	1,248

Table 1.1. (cont.)

<u>Parish</u>	<u>1881</u>		<u>1901</u>	
	<u>lh</u>	<u>Popn.</u>	<u>lh</u>	<u>Popn.</u>
Kirkmahoe	0.086	1,250	0.051	1,106
Kirkmichael*	0.143	849	0.087	748
Kirkpatrick-Fleming	0.093	1,464	0.099	1,466
Kirkpatrick-Juxta	0.059	1,064	0.040	980
Langholm	0.041	4,612	0.028	3,500
Lochmaben	0.130	2,816	0.094	2,388
Middlebie	0.082	1,927	0.039	1,823
Moffat	0.026	2,930	0.018	2,799
Morton	0.084	2,118	0.037	1,872
Mouswald*	0.084	558	0.037	475
Penpont	0.052	1,176	0.055	923
Ruthwell	0.090	868	0.035	766
St. Mungo*	0.071	653	0.022	567
Sanquhar	0.062	2,255	0.038	2,309
Tinwald*	0.098	861	0.081	741
Torthorwald*	0.209	990	0.098	779
Tundergarth*	0.080	466	0.055	403
Tynron	0.015	416	0.031	334
Wamphray	0.068	1,309	0.021	1,020
Westerkirk	0.040	478	0.027	415

* Parishes adjacent to and surrounding Dryfesdale and Lochmaben.

N.B. The coefficient of determination (r^2) for lh and population in both 1881 (0.0001) and 1901 (0.0009), reveals no significant correlation between population size and the level of illegitimate fertility.

Source: Morse Data Base (duplicate figures).

ruling adhered to, and the Registrar-General's privilege respected.⁴²

1.3. Chapter Outline

In further answering the call for more case-studies into nineteenth century Scottish bastardy, utilising primary census and civil registration data, this thesis attempts to provide the first detailed and systematic analysis of issues relevant to the Carter/Smout debate. Furthermore, by linking evidence derived from the civil birth registers with material contained in the census enumerators' returns, the 'mechanics' of illegitimacy during the late-Victorian period are rigorously explored.

Following an outline of the research design and methodology adopted in the investigation (Chapter 2), the main text of the thesis begins in Chapter 3, with an examination of Scottish marriage practices and civil registration. My re-appraisal of the Carter/Smout debate, substituting marriage by 'habit and repute' for Carter's vague concept of common law marriage, is offered in this chapter, although the debate is not finally reconciled until Chapter 8, when the phenomenon of cohabitation is explored in detail. In Chapter 4, the socio-economic background of Dryfesdale and Lochmaben parishes is outlined, and a discussion of the standardised information available from the birth registers entered into. This discussion compares the findings for bastard children with those for their legitimate peers, and the format of presentation is always such as to allow for some comparison between Dryfesdale and Lochmaben. Chapter 5 continues the examination of bastardy from the records of civil registration, by discussing the additional information about paternity,

⁴² I am indebted to both the Registrar-General for Scotland, for granting me this privilege, and to Michael Anderson for assisting with my application for academic access.

domicil and subsequent legitimation found in some birth entries. Both Chapters 5 and 6 provide much of the background information necessary for a contextual examination of bastardy, and for a complete understanding of the treatment of illegitimacy under civil registration.

The one piece of information relevant to the study of bastardy as contained in the birth registers, but not detailed in the preceding chapters, is occupation. Chapter 6 investigates the occupations of bastard-bearers in the context of the census-determined at risk population group (all non-married women in the fertile age-range 15-49), and the theme of occupation is continued in Chapter 7, which concentrates on the relationship between bastardy and service (and more particularly farm service), providing new evidence about a tendency for bastard-bearers to return 'home' to bear their illegitimate offspring.⁴³ In Chapter 8, the focus shifts away from the parents, to an examination of the family and household situations of children from the case-study, highlighting the significant part played by grandparents in the upbringing of illegitimates, and questioning the role of cohabitation as a cause of high levels of illegitimacy.

In broad terms, the main text of the thesis can be divided into two halves. The first half, comprising Chapters 3 to 5, details the treatment of bastardy under civil registration, and the second half (Chapters 6 to 8), links material about bastardy with evidence derived from the census enumerators' returns. Arguably, it is the conclusions to be drawn from the second half of the thesis that are the most significant, but much of this part of the investigation would not have been possible without a sound understanding of the background to the area under scrutiny, and the workings of civil registration as applied there.

⁴³ A draft version of Chapter 6 won an award of 1,000 pounds for the 1988 Jeremiah Dalziel Prize in British History at Edinburgh University.

The thesis is concluded in Chapter 9, which presents an overview of the findings about illegitimacy in Victorian Dumfriesshire, makes certain comparisons with some of the results obtained by Andrew Blaikie for the north-east of Scotland, and offers a number of suggestions for further research into nineteenth century Scottish bastardy.

2.1. Prelude

As outlined in the Introduction, the inspiration behind this thesis was the call for micro-level analyses into the phenomenon of illegitimacy in nineteenth century Scotland, and the starting point taken as the recently produced Morse Data Base of parochially-based Scottish *lh* values, calculated around the 1881, 1891 and 1901 decennial censuses. In many respects, the academic investigation of bastardy in nineteenth century is still very much in its infancy and, as such, the primary concern of this thesis is with investigating the 'mechanics' of illegitimacy, rather than with the theoretical debates concerning the causes of illegitimacy.

Indeed, currently, the only modern academic debate to be concerned purely with the question of illegitimacy as it existed in Victorian Scotland, is that between Ian Carter and T.C. Smout, over the reliability of civil registration data as an historical source for the examination of bastardy. As a result of the empirical doubts about reliability raised in the Carter/Smout debate, the assessment of the Scottish system of civil registration, and a re-appraisal of the arguments contained in this debate, feature as a fundamentally important and ongoing theme throughout the course of this thesis. In terms of the overall aim of the thesis, however, to examine *all* aspects of the birth entries for the 1876-81 birth cohorts from Dryfesdale and Lochmaben, both in relation to other civil registration data and the 1881 census enumerators' returns, the research and analysis is conducted on the level of a twofold comparison.

According to the *lh* values for Dumfriesshire recently produced by Donald

Morse, despite their having similar populations in 1881, Dryfesdale consistently recorded a relatively much lower level of illegitimate fertility than adjacent Lochmaben. The temporal consistency of regional patterns of bastardy, even at the sub-county level, is a highly significant finding to emerge from Morse's work, and one aspect of this twofold comparison, is to explore this phenomenon at the parochial level, by comparing the situations of illegitimates in Dryfesdale, with those in neighbouring Lochmaben.

In addition to acquiring some understanding about the overall socio-economic background to the two parishes of Dryfesdale and Lochmaben, it was adjudged that the most rewarding manner whereby this inter-parochial comparison could be achieved, was by conducting a second, intra-parochial, comparative analysis. An intra-parochial contextual comparison of both the illegitimates, in relation to their legitimate peers and, of the bastardry prone, in relation to the at risk population group. Arguably, at the sub-parish level, it is this relationship of illegitimates to legitimates, and of illegitimacy to legitimacy, that constitutes the immediate wider social context into which any meaningful interpretation of bastardy must surely be placed.¹

Just as the intentions of the thesis were twofold, so too was the research for the project, and the format of its presentation can broadly be divided into two sections. The first section, comprising Chapters 3 to 5, examines the Carter/Smout debate in some depth, describes the socio-economic background

¹ See, for example, the results of Donna L Baker's investigation into illegitimacy in the Fife parish of Ceres. Donna L. Baker, "A Demographic Study of Illegitimacy in Ceres Parish, Fife, 1841-1861", *Scottish Genealogist*, 30/4 (December 1983), pp. 113-20. Although Baker established numerous features of illegitimacy in Ceres (information valuable in its own right), her treatment of illegitimacy in isolation, severely restricts the wider conclusions that can be drawn from the evidence she presents. Take, for example, her treatment of illegitimate birth seasonality (discussed further in Chapter 4), whereby she compares her results with those presented by Laslett for England, yet fails to make any comment about the overall seasonality of births in either Ceres parish, the county of Fife or Scotland as a whole [p. 116].

to Dryfesdale and Lochmaben parishes, and generally concentrates on the examination of bastardy at the micro-level in relation to the registers of civil registration. The second section, comprising Chapters 6 to 8, furthers the analysis of bastardy and the accompanying assessment of the civil registration procedure, by linking civil registration data with that derived from the 1881 census enumerators' returns.

The choice of the 1876-81 birth cohorts from Dryfesdale and Lochmaben as the basis for the case-study, and of the 1881 census as the linchpin for the second stage of the analysis, was justified in the Introduction. However, it remains in this chapter to discuss the design of the research itself, including an outline of the core group of individuals examined in both stages of the investigation, and to explain the methodology used in the overall analysis.

2.2. Research Methodology

In brief, the methodology adopted for the analysis of bastardy in Victorian Dryfesdale and Lochmaben in this thesis, can best be defined as that of 'semi-automated partial family reconstitution'. Semi-automated in the sense that use was made of computers to ensure a consistency in the handling of data, but not relied on entirely for the purposes of data analysis. And, partial family reconstitution, in that recognised and accepted methods in historical demography were adopted for the specific aim of investigating illegitimacy in Victorian Scotland.

2.2.1. Partial Family Reconstitution

The choice of family reconstitution as the underlying methodology for a micro-level analysis was largely straightforward. Although not without its limitations, family reconstitution has now become a tried and tested

methodological approach to the investigation of small-scale communities of the past and, as such, requires little explanation here.² The choice of *partial* family reconstitution does, however, require some further comment.

Family reconstitution can be implemented in two main ways. Firstly, it can be used to reconstruct genealogical relationships covering an entire parish (or similar administrative district) over a long period of time,³ or it can be utilised on a more task-orientated basis, to analyse specific aspects of a community.⁴ The case for using either 'complete' family reconstitution, or 'partial' family reconstitution, has been put rather succinctly by Myron P. Gutmann and Randy Wyrick in their demographic case-study set in seventeenth and eighteenth century Belgium.

To obtain complete fertility data one needs to do complete family reconstitution. If we need less than complete fertility data, we might be able to save a great deal of time by devising a shortcut which will not require complete family reconstitution with its large number of repeated sorting and linking operations.

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² For a concise outline and critique of what Michael Anderson has termed the 'demographic approach' to family history, see Chapter 2 of his work, Approaches to the History of the Western Family 1500-1914 (London and Basingstoke: Macmillan, 1980), pp. 17-38.

³ See, for example, the case-studies presented in E.A. Wrigley and R.S. Schofield, The Population History of England 1541-1871 (London: Edward Arnold, 1981). Typically, English case-studies in historical demography are confined to the 'parish register era' (c.1540-c.1840), because academic access to the post-1836 records of civil registration in England (and Wales) is largely prohibited. In Scotland, this is not the case, and academic access to the post-1854 records of civil registration can be obtained on permission from the Registrar-General for Scotland. Nonetheless, as noted in the Introduction, there are privacy restrictions on the use of material less than one hundred years old.

⁴ See, for example, Jean Robin's recent and highly valuable articles on prenuptial pregnancy and illegitimacy in the Devonshire parish of Colyton: "Prenuptial Pregnancy in a Rural Area of Devonshire in the Mid-nineteenth Century: Colyton, 1851-1881", Continuity and Change, 1/1 (May 1986), pp. 113-24, and "Illegitimacy in Colyton, 1851-1881", Continuity and Change, 2/2 (August 1987), pp. 307-42. The observation that, even for the Victorian period, Robin had to rely primarily on parish register data in these two studies, is a pragmatic reflection of the restrictions imposed on the academic access to civil registration data in England.

⁵ Myron P. Gutmann and Randy Wyrick, "Adapting Methods to Needs: Studying Fertility and Nuptiality in Seventeenth- and Eighteenth-century Belgium", Historical Methods, 14/4 (Fall 1981), pp. 163-71.

To what extent the advantages of partial family reconstitution outweigh those of complete family reconstitution, in terms of the long-term historical investigation of past society, is perhaps a debatable point. Nonetheless, in terms of the analysis of illegitimacy, in the context of a doctoral thesis, there appeared little doubt about the decision to use partial rather than complete family reconstitution.

Moreover, aside from the time-scale of a doctoral thesis, and the fact that illegitimate fertility constitutes only a part of overall fertility,⁶ there appeared two further advantages to the choice of partial family reconstitution as the underlying methodology in a thesis investigating illegitimacy in Victorian Scotland. Firstly, the point additionally emphasised by Gutmann and Wyrick, that partial family reconstitution is a flexible methodology,⁷ seemed appropriate in the context of a modern field of study still very much in its infancy. Secondly, use of partial family reconstitution, allowed for the research to concentrate solely on the post-1854 registers of civil registration, without necessitating recourse to the earlier ecclesiastical registers of vital registration from a period when the quality of such registration is generally considered to

⁶ According to Flinn et al., although sometimes above nine per cent, the illegitimacy ratio for Scotland during the second half of the nineteenth century, never actually exceeded ten per cent of total births. Michael Flinn ed., Scottish Population History (Cambridge: Cambridge University Press, 1977), pp. 350-51, Table 5.4.1. Nonetheless, in terms of analysing overall fertility, as Morse has commented, "nine or ten per cent of all births is, even in strictly demographic terms, not insignificant. Indeed, as far as the level of marital fertility is concerned, the Princeton authors argue that a fall of ten per cent or more can be seen as compelling evidence of an 'irreversible decline. So, when the proportion of births outside marriage reaches 16 per cent or more, as apparently it did in parts of north-east Scotland, regional differences must be accounted for". Donald J. Morse, "The Decline of Fertility in Scotland" (Ph.D. thesis, University of Edinburgh, 1987), p. 64.

⁷ Gutmann and Wyrick, p. 170

have been very poor in Scotland. ⁸

Partial family reconstitution, as opposed to complete family reconstitution thus appeared well-suited to an investigation of illegitimacy based upon the values calculated for only the last quarter of the nineteenth century. ⁹ Similarly, a semi-automated approach to the data analysis was also adopted in the thesis although, to explain this decision, a discussion of nominal record linkage (itself the basis for family reconstitution) has to be entered into.

2.2.2. Nominal Record Linkage and Semi-automation

Family reconstitution, in the form of nominal record linkage, can either be achieved entirely manually ¹⁰ or, nowadays, by means of recourse to computers. ¹¹ A purely manual procedure of nominal linkage was rejected on the grounds that computerisation increases consistency in data handling, whilst the decision not to fully automate the reconstitution project was based on an appraisal of Scottish naming customs.

Nominal record linkage has been defined by Wrigley as, "the process by which items of information about a particular named individual are associated

⁸ Flinn et al., pp. 45-51. A point confirmed by a pilot investigation conducted into the parish registers of both Dryfesdale and Lochmaben, in relation to the early years of civil registration. For example, in terms of illegitimate birth registration, during the last five years of ecclesiastical registration (1850-54), a total of eleven illegitimate births in Dryfesdale, and twelve in Lochmaben, were identified as having been registered (some retrospectively) in the 'Old Parish Registers' [OPR820/2 and 840/3, NRH]. Whereas, in the first five years of civil registration (1855-59), the number of illegitimate births registered was 56 in Dryfesdale, and 72 in Lochmaben [B1855-59/820 and 840, NRH].

⁹ One pragmatic consequence of this decision, however, was that because some persons bearing children around the time of the 1881 census would undoubtedly have been born prior to 1855, the age-structure of bastard-bearers is one aspect of illegitimacy not examined as part of this thesis.

¹⁰ The basic requirements of manual family reconstitution are comprehensively outlined by E.A. Wrigley in his paper "Family Reconstitution", in E.A. Wrigley ed., An Introduction to English Historical Demography (London: Weidenfeld and Nicolson, 1966), pp. 96-159.

¹¹ See, E.A. Wrigley ed., Identifying People in the Past (London: Edward Arnold, 1973).

with each other into a coherent whole in accordance with certain rules".¹² In order to adapt these general rules of linkage to any given case-study,¹³ it is crucial to have a thorough understanding of the most basic requirement of nominal record linkage: names.

With the basic data source for this particular investigation being the civil registers of birth, death and marriage, a logical starting point for any discussion of Scottish naming customs and laws, was to consider the treatment of names under the system of civil registration. If we compare the Scottish system of civil registration with its southern counterpart, two revealing points of contrast about the treatment of names emerge. Firstly, on Scottish birth certificates, both the forename and surname of a child are explicitly stated, whereas on English birth certificates, only the forename of the child is given and the surname has to be inferred from the details of the parents.¹⁴ Secondly, in the national annual indexes of death, the deaths of married women in Scotland are indexed under their maiden surnames as well as their husbands' surnames whereas, in England, their deaths are only indexed under their husbands' surnames.¹⁵

¹² E.A. Wrigley, "Introduction" to Identifying People, p. 5.

¹³ The main demographic rules of nominal record linkage are detailed in E.A. Wrigley and R.S. Schofield, "Nominal Linkage by Computer and the Logic of Family Reconstitution", in Identifying People, pp. 73-75. Apart from some modification to rule 9, (which states that "... the names of the principal on two records should agree before a link is made"), allowing for surname changes as well as spelling variations, these guidelines for record linkage were adhered to throughout the course of the thesis.

¹⁴ Compare the examples of birth certificates (or schedules) presented in Appendix 3.

¹⁵ A summary of the procedures of both the English and Scottish systems of civil registration is contained in D.V. Glass, Numbering the People (Farnborough: Saxon, 1973), pp. 118-45 and 181-205, whilst more detailed information can be found in G.T. Bisset-Smith, Vital Registration (Edinburgh: Wm. Green, 1907) and Herbert Davey, The Statutes Relating to the Registration of Births, Deaths, and Marriages (London: Hadden Best, 1899). Furthermore, popular genealogical reference works tend to give some very practical advice about the everyday workings of the General Register Offices: St. Catherine's House in London, for England and Wales; and New Register House in Edinburgh, for Scotland. Two such reference works found to be particularly helpful in this context were, Noel Curren-Briggs and Royston Gambier, Debrett's Family Historian (Exeter: Webb and Bower, 1981), and Alwyn James, Scottish Roots (Loanhead: Macdonald, 1981).

Initially, such discrepancies might appear as relatively minor differences in administrative detail, only significant in that the Scottish system records more information than the English system. However, on an examination of the legal basis to naming practices in Scotland, it becomes apparent that these differences in administrative detail actually reflect quite different social customs embodied in the laws of the two lands. In the first instance, the recording of children's surnames on birth certificates reflects the point that in Scotland, unlike in England, the use of surnames is not governed by any precise code of inheritance.^a

In Scotland names (apart from titles and other dignities, and business and trade names) are a matter of usage. A legitimate child is almost invariably given the surname of his father. The former Scottish practice was for an illegitimate child to take his father's surname, but it is nowadays more usual for the child to take the mother's surname. The mother, of course, may well have assumed the name of the child's father if she is cohabiting with him.¹⁶

Following on from this point, in Scotland, the taking by a woman of a man's surname on marriage is purely a matter of personal choice.

Until recently a Scots woman never dropped her maiden surname, or took her husband's name at all, and married women signed with their maiden names. The modern practice [of taking on the husband's surname] arose from the upper classes adopting English custom, but even so, a married woman is formally described as 'Mrs Elizabeth Mackintosh or Gordon of Glenbracken'. The Registration Act of 1854, whose forms have been based on the law of England (where the identity and name of a woman is, on marriage, entirely sunk in her husband's), has given some currency to English practice, but in Scotland any change on marriage is purely voluntary.¹⁷

¹⁶ Scottish Law Commission, Family Law: Illegitimacy, Consultative Memorandum, no. 53 (Edinburgh: Scottish Law Commission, 1982), pp. 142-43.

¹⁷ Viscount Dunedin et al., Encyclopedia of the Laws of Scotland, 1926-30 ed., s.v. "Name and Change of Name". Under the influence of Norman law, the practice of married women retaining their maiden surnames is also a feature of the Channel Islands. See Lawrence R. Burness, "Genealogical Research in the Channel Islands", Genealogists' Magazine 19/5 (March 1978), 170-72.

It would be inappropriate to infer from the legality of Scottish naming practices that, by the second half of the nineteenth century, the ascription of names in Scotland was entirely different from in England. Indeed, as the above quotation illustrates, the mid-nineteenth century introduction of civil registration in Scotland encouraged many Scots to adopt English practices. Nonetheless, when examining a complex social phenomenon such as illegitimacy, the implications of these observations about naming practices seemed clear. Not only did a reconstitution study set in Scotland have to allow for commonly encountered spelling variations,¹⁸ but it also had to allow for the possibility of complete names changes.¹⁹ For, following the example of probably Victorian Scotland's two most famous illegitimate sons, J. Keir Hardie and J. Ramsay MacDonald, one cannot assume consistency in the use of names.²⁰

¹⁸ "Inconsistencies in spelling arise either because of errors in writing (for example through a transposition of characters), or because of different character representation of phonetic sounds" [Wrigley and Schofield, "Nominal Record Linkage by Computer", p. 98]. Variations in the spelling of surnames were verified by reference to the following compendia on British and Irish surnames: a) George F. Black, The Surnames of Scotland (New York: Public Library, 1946); b) Edward MacLysaght, The Surnames of Ireland, 5th ed. (Dublin: Irish Academic Press, 1980); c) T.J. Morgan and Prys Morgan, Welsh Surnames (Cardiff: University of Wales Press, 1985); and d) P.H. Reaney, A Dictionary of British Surnames (London: Routledge & Kegan Paul, 1958). For a commentary on the reliability of the earliest three of these four works, see Brian S. Turner, "Distributional Study of Family Names", Ulster Local Studies, 8/3 (Winter 1983), p. 6.

¹⁹ A problem frequently encountered in modern Scandinavia, where patronymics (and matronymics) are still common, and "people often change their names to avoid common names like Svenson, Petersson, Larson". Ian Winchester, "A Brief Survey of the Algorithmic, Mathematical and Philosophical Literature Relevant to Historical record Linkage", in Identifying People, p. 130. Indeed, there is evidence to suggest that in certain Norse-influenced parts of Scotland, the patronymic naming system did not give way to inherited surname ascription until the late-nineteenth century. See, for example, A. Sandison, "Patronymics in the Shetlands", Genealogists' Magazine 19/3 (September 1977), p. 104.

²⁰ James Keir Hardie was born in 1856 at Legbrannock, Lanarkshire, the illegitimate son of a farm servant, Mary Keir (or Kerr), and the following year his father was named in a paternity action as William Aitken, miner. It was not until three years later, in 1859, that Mary Keir married a ship's carpenter by the name of David Hardie. Kenneth O. Morgan, Keir Hardie (London: Weidenfeld and Nicolson, 1975), p. 4, and Iain McLean, Keir Hardie (London: Allen Lane, 1975), pp. 1-2. As for James Ramsay MacDonald, who was born in 1866 at Lossiemouth, Morayshire; "his birth certificate described him as 'James McDonald Ramsay, child of Anne Ramsay'. His father, whose name was not recorded, was probably a Highlander named John Macdonald, who had worked as a ploughman on the nearby farm of Claydale, where the young Annie Ramsay was for a time in service". David Marquand, Ramsay MacDonald (London: Jonathan Cape, 1977), p. 5.

In terms of attempting to computerise the data in this thesis, therefore, it was considered advisable to allow for manual record linkage, and to restrict the use of computers to maintaining data consistency, rather than for performing intricate analysis. Consequently, in addition to being based on partial family reconstitution, the methodology adopted in this thesis was semi-automated in its application.

2.3. Research Design

Once the decision had been taken to semi-automate the research, a choice had to be made concerning the type of computer and computer package to be used for data handling and storage. The choice of computer was largely a pragmatic consequence of studying at Edinburgh University. Readily available, the powerful Edinburgh Multi Access System (EMAS) ²¹ mainframe computer presented itself as an obvious choice, ²² whilst the choice of computer package was influenced by an earlier Edinburgh University doctoral thesis by John Holley, that utilised record linkage techniques in order to examine certain demographic aspects of Victorian century Scotland. ²³

Although not concerned with the analysis of bastardy, Holley's research design was considered relevant to this thesis on two main counts. Firstly, the

²¹ Currently EMAS-A, but here simply referred to as EMAS.

²² Familiarisation with the use of the EMAS computer, and its various packages or routines, was achieved by attendance on a number of short courses run by the Edinburgh Regional Computing Centre (ERCC) based at Edinburgh University.

²³ John Christopher Holley, "The Redivision of Labour: Two Firms in Nineteenth Century South East Scotland" (Ph.D. thesis, University of Edinburgh, 1978). Primarily concerned with investigating the origins and effects of the division of labour during industrialisation at the local level, Holley's thesis examines relevant demographic features of the labour forces under close scrutiny, notably by linking household data from the census enumerators' returns with evidence about income derived from wage books. I wish to express my thanks to Bob Morris, of the Department of Economic and Social History, for pointing me in the direction of Holley's work, and to John Welford (also of Edinburgh University), for his general advice on computing matters.

methodological approach adopted by Holley was in fact that of semi-automated record linkage and, secondly, Holley's work was based on Scottish material, including the decennial census enumerators' returns. The basis to Holley's semi-automated research design was the use of the EDIT word processing package, in conjunction with the SORT/MERGE routine, capable of sorting information either alphabetically or numerically and of merging completely separate files containing data keyed in the same format.

Ideally suited to handling fixed format data, such as the records of both civil registration and the census enumerators' returns, a further advantage of Holley's procedure was that data coding could be kept to a minimum, ensuring maximum flexibility for later analysis.²⁴ The intricacies of database management are more than adequately explained in Holley's thesis,²⁵ and do not require elaborate repetition here, nonetheless, an outline of the adaptation of the procedure to this thesis is necessary.

2.3.1. Civil Registration Data

2.3.1.1. Births

The core group selected for investigation in this thesis comprised *all* children born within the five-year period immediately preceding the 1881 decennial census, whose births were registered in the Dumfriesshire parishes of Dryfesdale and Lochmaben. The 1881 Census of Scotland was taken on the

²⁴ Ibid., p. 173.

²⁵ Ibid., pp. 15-18 and Appendix A. Other useful advice about the practicalities of alpha-numeric fixed formatted database management, is to be found in Stephen Jackson's article, "Using Micro-databases in Local History: Bromborough Pool, 1861", The Local Historian 16/5 (February 1985), pp. 266-77.

night of 4 April, and the 1876-81 birth cohort as defined here thus runs from 5 April 1876 to 4 April 1881. In total, the 1876-81 birth cohort numbered 865, with 451 births being registered in Dryfesdale and 414 in Lochmaben.

Following the pilot investigation into the comparable reliability of ecclesiastical and civil birth registration in Dryfesdale and Lochmaben,²⁶ the initial stage of the investigation was to extract the information about the 865 births in the 1876-81 birth cohort. Examples of birth schedules (or certificates) are to be found in Appendix 3, and all the information about birth, parentage and registration for the 865 cases in the 1876-81 birth cohort was transcribed onto individual 5" by 8" sized record cards.

Subsequent to transcription, all the information contained on the record cards was transferred for storage and sorting onto the mainframe EMAS computer, using the EDIT word processing package. Each birth entry or 'record' was assigned an individual identifier based on the system of registration district codes employed at New Register House,²⁷ and each variable (for example, names, dates, places, occupations) assigned a fixed position in the record 'string'. The data was not coded *per se*, although a system of space-saving abbreviations was adopted (for example, I for illegitimate and L for legitimate). Separate files were created for Dryfesdale and Lochmaben births entitled DRYFB and LOCHB, and transcript examples of birth record strings are illustrated in Figure 2.1..

Master copies of DRYFB and LOCHB were kept unaltered, and any

²⁶ See footnote 8 above.

²⁷ A complete list of registration district codes can now be found in the General Register Office for Scotland's booklet, Index to Registration Districts, Guides for Researchers no. 2. See also the examples of data references given on p. vii of the Preface.

subsequent sorting or merging of files was achieved using easily created copies of the originals, numbered in the fashion DRYFB1, DRYFB2, etc.. These duplicate files could then be edited, for example to isolate only illegitimate births, by 'dropping' all records containing an 'L' rather than an 'I' in the relevant character column pertaining to legitimacy status, without interference to the original database.

As in Holley's thesis, record linkage itself (here based on the guidelines of Wrigley and Schofield) was achieved manually after record sorting.²⁸ For example, in order to determine births to the same parents or parent, the record strings in both the Dryfesdale and Lochmaben birth files were sorted nominally, and name groupings then examined visually for similarities in parentage and other variables such as place of birth. The two files could then be merged, and again sorted nominally, to reveal any parents who had borne children in both parishes. Indeed, dependent upon the particular phenomenon under close scrutiny at each stage of the analysis, all variables keyed in the same format could be sorted and merged to allow for both linkage and subsequent statistical analysis.²⁹

²⁸ See footnote 13 above. Surnames changes were identified in the record linkage procedure after surname matches had been achieved, by nominally linking the residual records according to forenames, and checking for consistencies in the remaining variables.

²⁹ Small-scale statistical calculations were performed using a Canon Scientific Statistical Calculator (F-73P), whilst large-scale (taken as involving over twenty figures) or complex calculations (such as chi-square or correlation coefficients) were run through SPSS-X on EMAS. Again, instruction in the use of SPSS-X was received from courses run by the ERCC, although some results were later re-checked using the more recently acquired Department of Economic and Social History's Apple Macintosh (Plus) micro-computers. The interpretation of statistical results was based on standard textbooks of statistics, and on Roderick Floud's, An Introduction to Quantitative Methods for Historians, 2nd ed. (London: Methuen, 1979).

2.3.1.2. Deaths and Marriages

Details extracted from the death registers for Dryfesdale and Lochmaben (used for example in the construction of infant mortality rates), were entered and formatted on the computer in a similar fashion to that of the birth records, and stored in two master files entitled DRYFD and LOCHD. Once merged and sorted, the newly created birth and death files could easily be examined to establish nominally-based record linkages.

Marriage certificates (used for example to examine the extent of irregular marriage), were searched for in New Register House using printed copies of the birth files, and the information also computerised. Again, the formatting of marriage variables was similar to the examples for birth record strings presented in Figure 2.1., and two master files of marriage records (DRYFM and LOCHM) created.

Although the core civil registration data used in the study was stored in six master files (DRYFB, LOCHB, DRYFD, LOCHD, DRYFM and LOCHM), at various stages of the thesis it was considered expedient to extend the investigation to include additional persons not necessarily directly connected with the 1876-81 Dryfesdale and Lochmaben birth cohorts. The precise details of these diversifications are explained during the course of the text of the thesis, but it should be noted that any additional information was also stored on computer,

Figure 2.1. Transcript Examples of Birth Record Strings

	<u>Variables</u>	<u>Abbreviations</u>	<u>Column Nos.</u>
<u>a) Legitimate Birth</u>			
Identifier	B1877/820/66	B77820066	1-9
Child's Surname	Hall	HALL9	11-15
Child's Forename(s)	William Crawford	WMCD99	17-22
Sex	Male	M	24
Legitimacy Status	Legitimate	L	26
Date of Registration	2 October 1877	021077	28-33
Date of Birth	24 September 1877	240977	35-40
Place of Birth	Sydney Place, Lockerbie	SYPLLOCK	42-49
Father's Surname	Hall	HALL9	51-55
Father's Forename(s)	Robert	RT9999	57-62
Father's Occupation	Shoe Merchant	SHMT	64-67
Mother's Surname	Hall	HALL9	69-73
Mother's Forename(s)	Agnes	AG9999	75-80
Mother's Maiden Surname	Crawford	CRAWF	82-86
Mother's Occupation	-	9999	88-91
Date of Marriage	14 September 1867	140967	93-98
Place of Marriage	Biggar, Lanarkshire	623X	100-103
Informant	Father (Present)	FRP	105-107
<u>b) Illegitimate Birth</u>			
Identifier	B1879/840/45	B79840045	1-9
Child's Surname	Gowanlock	GOWAN	11-15
Child's Forename(s)	Mary Douglas	MYDS99	17-22
Sex	Female	F	24
Legitimacy Status	Illegitimate	I	26
Date of Registration	20 June 1879	200679	28-33
Date of Birth	3 June 1879	030679	35-40
Place of Birth	Hightae, Lochmaben	HTAELAND	42-49
Father's Surname	-	99999	51-55
Father's Forename(s)	-	999999	57-62
Father's Occupation	-	9999	64-67
Mother's Surname	Gowanlock	GOWAN	69-73
Mother's Forename(s)	Grace	GC9999	75-80
Mother's Maiden Surname	-	99999	82-86
Mother's Occupation	Farm Servant	FS99	88-91
Date of Marriage	-	XXXXXX	93-98
Place of Marriage	-	XXXX	100-103
Informant	Mother	MRP	105-107

- Notes: a) Surnames shortened up to first five characters.
b) Maximum of three forenames allowed for, each abbreviated to two characters.
c) Abbreviated references to place of birth distinguish between town and landward.
d) Blank spaces filled by the character X or figure 9.
e) Certain registration district codes can include a letter after the number.
f) Columns 109-32 used for additional comments.
g) Separate lists of all abbreviations maintained and periodically updated.

Sources: B1877/820/66 and B1879/840/45, NRH.

and formatted in a similar manner to that described above. ³⁰

2.3.2. Census Data

Census data extracted from the 1881 census enumerators' returns for Dryfesdale and Lochmaben, was computerised in much the same fashion as that outlined above for birth records. A separate record string was created for each individual named in the census returns, although household groupings could always be determined by reference to the first seven numbers of the identifier. Thus, for example, the four residents in the household of John Scott (presented as transcript evidence in Figure 8.1. of Chapter 8), ³¹ were assigned the following identifiers based on the registration district number (820), enumeration district (6) and household schedule number (36): 820603601, 820603602, 820603603, and 820603604. Whilst occasional reference was made to both the 1871 and 1891 census returns, because such searches were infrequent and not uniform, only data from the 1881 census was actually

³⁰ The choice of a core group for investigation that periodically required extension during the course of the research is perhaps a point for criticism. Arguably, however, the choice of a sample that was sufficiently flexible to allow for alteration as the research progressed (notably in a largely uncharted field of research) is a more important consideration. Moreover, the background investigation into Scottish naming patterns further dictated that the temporal and spatial bounds of the case-study should be kept as limited as possible. For, in Scotland, unlike in England, the later development of hereditary surnames, the predominance of a patronymic nomenclature, and the influence of the clan system all combined to produce a situation whereby there exists considerable duplication of certain surnames in particular districts [Black, pp. xxiv-xxx; Reaney, pp. xlvii-l; and Laws of Scotland, s.v. "Name and Change of Name"]. In communities where the duplication of surnames is common, the difficulties incurred in distinguishing between persons of the same name have traditionally been overcome by the informal ascription of nicknames called by- or to-names. According to Black, the use of to-names in Scotland was most frequent in areas of the Borders, West Highlands and North-east [pp. xxx-xxxii], and their usage to distinguish one family from another has in fact been noted amongst the prevailing surnames (Kennedy, Nicholson, Rae, Richardson and Wright) in the district around Lochmaben [OSA, p. 391]. The difficulty for the historian attempting to distinguish between persons of the same name, however, is that the system of to-names was informal, and is consequently not encountered in documentary evidence of an official nature. If to-names cannot be relied upon for assistance by the historian, the logical solution to overcome the problem of surname duplication is to restrict the period and area under study to a scale that is sufficiently large or flexible to produce meaningful results, yet which is manageable enough to prohibit excessive numbers of mistaken identity in nominal record linkage.

³¹ C1881/820/6/36.

computerised, and the two master census files were called DRYFC and LOCHC. However, as with the civil registration data, the expansion of the study to include parishes adjacent to and surrounding Dryfesdale and Lochmaben, meant that other smaller census files were periodically created.

Due to fixed formatting, the actual linkage of birth and census records was largely unproblematical, nonetheless, one particular difficulty did have to be overcome. Unlike in Ireland, for example, where each parish is sub-divided into smaller administrative districts called townlands,³² in nineteenth century Scotland it was the parish itself that nationwide constituted the smallest administrative district. Consequently, when sub-dividing the parishes of Dryfesdale and Lochmaben into their constituent areas (for example when conducting a spatial analysis of place of birth), it was decided to use the census enumeration districts as the basis for this sub-division.

However, because individual streets were sometimes divided between different enumeration districts in the census, whilst entries in the civil registers made no such distinction, it was necessary to make a number of adjustments to the original enumeration districts. These adjustments were made in conjunction with a close scrutiny of the six inch to one mile Ordnance Survey Maps of the area,³³ and any necessary alterations kept to a minimum. Nonetheless, the alterations did entail the creation of an additional town district in both parishes, and all the relevant details and changes are presented in Map

³² Donal F. Begley, ed. Irish Genealogy - A Record Finder (Dublin: Heraldic Artists, 1981), pp. 43-47. Standardised as a basic land division in the seventeenth century, there are approximately 64,000 townlands in Ireland, ranging in size from under one acre to over 7,000 acres.

³³ 1:25,000 ser., sheets 42, 43, 50, 51 and 56 (surveyed 1850s, published 1860s, revised 1890s), National Library of Scotland Map Room. Note that Marjoribanks in Lochmaben was earlier called Bogle Hole; Princes Street, West Street; and Queen Street, East Street. Similarly, Mains Street in Lockerbie, Dryfesdale was earlier called Townfoot. The four changes in street names all appear to have occurred shortly after 1881.

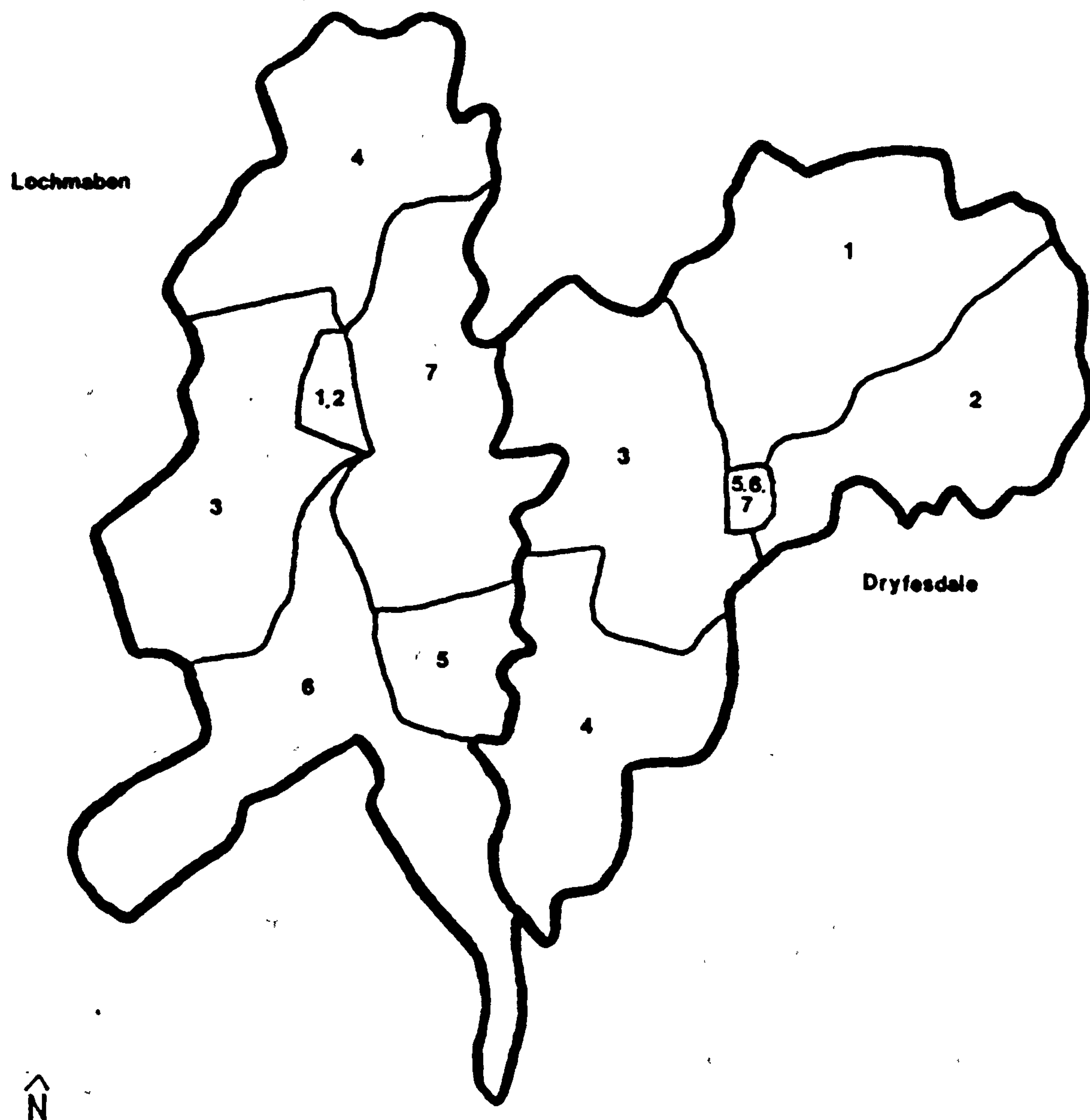
2.3.3. Confidentiality, Historical Scholarship, and the Treatment of Names

One pragmatic consequence of the earlier observation that in Victorian Scotland children, and more especially illegitimate children, could acquire the surname of either their mother or father, was that names not only constituted the mainstay of nominal record linkage in the study, but also the subject matter for investigation in their own right. In this respect, most notably when discussing matters such as paternity, some mention of individuals by reference to their full names appeared inevitable during the course of the text. However, the social reality that in British society stigma (whether experienced or perceived) can be attached to illegitimacy, meant that confidentiality was considered a factor that could not simply be ignored when detailing case-histories from the recent past. Consequently, prior to concluding the outline of the research methodology and design adopted in the thesis, it remains to comment on the treatment of names in the text of the work.

In many ways, the treatment of names in works of historical demography is very much a case of academic scholarship versus confidentiality.³⁴ Equally, however, it is also a question influenced by the sensitivity of the particular data being examined, and the historical period to which the data refers. Thus, for example, when detailing (British) bastardy case-studies from the parish register

³⁴ See, for example, the queries raised by Michael Anderson about the use of pseudonyms when outlining case histories, in his review article, "Continuity and Turmoil in Industrial Cities", Journal of Family History, 10/2 (Summer 1985), pp. 196-205. According to Anderson, the widespread usage of pseudonyms can serve to undermine historical scholarship by preventing source verification and, as a consequence of which, the overall interpretation of evidence. Moreover, were such a strategy to become widespread in history, Anderson asked: "how long will it be before someone publishes a book in which a considerable part of the material is totally fabricated? And how long will it ever be possible to check whether case studies represent anything other than atypical extremes if it is impossible ever to check the individuals concerned?" [p. 205].

Map 2.1. Dryfesdale and Lochmaben: Approximate Boundaries of Census Enumeration Districts, 1881.



Scale: Approx. 1" to 1.75 miles.

N.B. Figures refer to original Enumeration District numbers.

Sources: C1881/820 and 840, NRH.

Table 2.1. Dryfesdale and Lochmaben: Alterations to, and Principal Locations of, Enumeration Districts.

<u>Original</u> <u>ED</u>	<u>Alterations</u>	<u>Principal Location(s)</u>	<u>Adjusted</u> <u>ED</u>
<u>(a) Dryfesdale</u>			
1	Plus 2/16 and 17; 3/1-3 Less 1/1-8 and 45-51	Landward - North	5
2	Less 2/16 and 17	Landward - East	6
3	Plus 4/1 Less 3/1-3, 62-76 and 79	Landward - West	7
4	Less 4/1	Landward - South	8
5	Less 5/100-108	Lockerbie - South (Townfoot or Mains St.)	1
6	Plus 1/45-51 Less 6/1-43	Lockerbie - East (Bridge St., Sydney Pl.)	2
7	Plus 1/1-8; 3/62-76 and 79 Less 7/39-98, 168-71 and 179	Lockerbie - North-West (Townhead, Dryfesdale Pl.)	3
-	Constituted from: 5/100-108; 6/1-43; 7/39-98, 168-71 and 179	Lockerbie - Central (High St.)	4
<u>(b) Lochmaben</u>			
1&2	Constituted from: 2/114-76	Burgh - North (Barras, Marjoribanks)	1
	Constituted from: 1/1-11, 63-77 and 106-19; 2/1-113	Burgh - Central (Townhead, Castle St., East or Queen St., West or Princes St.)	2
	Constituted from: 1/12-62, 78-105 and 120-27	Burgh - South (Bruce St., High St.)	3
3	Less 3/60-63	Landward - West	4
4	None (Templand Village: 4/1-52)	Landward - North (Templand)	5
5	None (Hightae Village: 5/1-79)	Landward - Hightae (Hightae and Greenhill)	6
6	Plus 3/60	Landward - South-West (Smallholm)	7
7	Plus 3/61-63	Landward - East (Heck)	8

Sources: C1881/820 and 840, NRH; OS Dumfriesshire 25" and 6" to 1 mile maps.

era (c.1540-c.1840), authors from the Cambridge Group for the History of Population and Social Structure made no attempt to conceal the identities of bastardy-connected individuals or families,³⁵ whereas Jean Robin (also from the Cambridge Group), when dealing with illegitimacy in the Devonshire parish of Colyton during the period 1851-1881, pursued the deliberate policy of using forenames only, and omitting all references to surnames.³⁶ Accordingly, when dealing with a potentially sensitive subject such as illegitimacy, the more recent the historical period under scrutiny, the greater the attention paid to the protection of personal privacy by members of the Cambridge Group.

The merits of the approach adopted by the Cambridge Group have much to recommend them, making allowance for both confidentiality and source verification and, in terms of the period under scrutiny, the strategy adopted by Robin was obviously the most appropriate for the current investigation. However, because Robin never attempted any discussion of surname ascription, and could thus afford to omit all surname references, her strategy was not considered entirely satisfactory in the Scottish context. As a consequence of which, the strategy for presenting names finally adopted in this thesis was one of compromise. A compromise that allowed for mention of full names when presenting either transcript evidence or when discussing name ascription, but which otherwise obscured surnames by using a system of abbreviations. In all cases precise footnote references are given to enable source verification, whilst the frequent use of abbreviated surnames ensures that the use of full names is kept to a minimum, and confidentiality protected except when absolutely necessary.

³⁵ See, for example, Peter Laslett, Karla Oosterveen and Richard M. Smith, eds. Bastardy and Its Comparative History (London: Edward Arnold, 1980), pp. 71-246.

³⁶ Robin, "Illegitimacy", p. 334, footnote 35.

The usual format adopted for these abbreviations, was to capitalise the first and last letters of any given surname. Thus, for example, a woman by the name of Catherine Richardson, would become Catherine RN in the thesis. Equally, however, the abbreviation RN could represent other surnames, such as, Robertson, Robson, or Rogerson. Surnames prefixed by Mc- (Mac- and M'- being standardised to Mc-) or O'-, were abbreviated to the prefix, plus the first letter of the stem name. The abbreviated form of McDonald was thus McD, but McD could also represent other surnames such as McDougall or McDermot. Similarly, the name O'Donovan would become O'D, but O'D could just as easily represent O'Driscoll or O'Donoghue.

Surnames that underwent phonetic spelling variations in the source materials (for example, Irvine to Irving, or McNulty to McInulty), were standardised according to the more usual form of the name as given in one or other of the major compendia on surnames.³⁷ Where applicable, individuals with the same forenames and abbreviated surnames, were differentiated by means of reference to their place of residence. Thus, Catherine RN (Hightae) and Catherine RN (Templand), although both resident in the parish of Lochmaben, would be separate individuals.

This final system for treating names and named individuals in the presentation of the results was considered satisfactory on three counts. Firstly, it was not too cumbersome as to be unwieldy in the narrative. Secondly, it kept mention of full names to a minimum, yet allowed for the discussion of naming patterns in relation to illegitimacy. Thirdly, it preserved the anonymity of the majority of persons used for illustrative purposes (whether directly

³⁷ See footnote 18 above.

connected with bastardy or not), whilst maximising academic integrity by providing for evidence verification.

CHAPTER 3

CIVIL REGISTRATION, MARRIAGE AND THE CARTER/SMOUT DEBATE

3.1. Introduction

What is needed is a study not so much of bastardy as of marriage. How many 'apparent' couples were never married? ¹

Illegitimacy is not a biological state of being, it is a social construct determined and governed by the institution of marriage. It is neither spatially nor temporally static. In Scotland, for example, the concept that under certain circumstances a child can be born illegitimate, yet subsequently legitimated by the later marriage of its parents, dates back to the time of canon law under Alexander III. Whereas, under English law, despite attempts as far back as 1235 to introduce the canon law of legitimation by subsequent marriage, this was not made legal until the passing of the 'Legitimacy Act' in 1926. ² Ideally, therefore, to be able to accurately determine the legitimacy status of a child, one requires detailed information about the marital status of its parents. Thus, from an historical perspective, evidence about illegitimacy relies heavily on the accuracy and survival of marriage records.

The evidence for the existence of illegitimacy can be deduced by the historian from records of vital registration in one of two overlapping ways. Firstly, it can be ascertained from an overt statement of bastardy, as

¹ Anthea Newman, "An Evaluation of Bastardy Recordings in an East Kent Parish", in Bastardy and Its Comparative History, ed. Peter Laslett, Karla Oosterveen, and Richard M. Smith (London: Edward Arnold, 1980), p. 148.

² Viscount Dunedin et al., Encyclopedia of the Laws of Scotland, 1926-30 ed., s.v. "Legitimation".

exemplified by the inclusion of the word 'illegitimate' on Scottish birth certificates of the nineteenth century. ³ Secondly, it can be inferred from a lack of corroborative information to suggest that the parents were in fact married. In contrast to Scotland, civil birth certificates from England and Wales have never contained an overt bastardy statement, and illegitimacy has always had to be inferred from the absence of details about paternity or the different surnames of the parents. ⁴

Consequently, to be competent at examining any records of vital registration, with the eventual aim of establishing more about the nature and causes of a complex phenomenon such as illegitimacy, the historian must first acquire a working knowledge of three interlinked social conventions: a) the regulations circumscribing the validity of marriage; b) the practicalities concerning the registration of both birth and marriage; and c) any other features of a society, such as naming customs or practices, that might have a bearing on the inference of illegitimacy.

The quote from Anthea Newman at the beginning of this chapter refers to the need to appreciate the complexities of marriage when dealing with English illegitimacy, at a time when the procedures for both celebrating and recording marriage were not uniform. ⁵ A similar need has been shown in the case of Scottish illegitimacy in the exchange of views between Ian Carter and Christopher Smout, at a time when the registration of marriage was closely

³ See the examples presented in Appendices 3 and 4.

⁴ See the example of an English birth certificate presented as part of Appendix 3.

⁵ Uniformity, by way of the ecclesiastical regulation of marriage, in England and Wales was largely achieved by the passing of 'Lord Hardwicke's Marriage Act' in 1754. Nonetheless, an acceptable alternative to church marriage was not allowed for until 1837, with the introduction of civil registration.

regulated, yet the means by which marriage could be validated were highly diversified. Namely, the period after the introduction of civil registration in 1855, but prior to the replacement of 'irregular' marriage with civil marriage in 1940.⁶

The exchange of views between Smout and Carter largely focused on features of illegitimacy and common law marriage in the north-east of Scotland. Nonetheless, Carter raised a number of "severe epistemological problems"⁷ that are of relevance to the examination of illegitimacy throughout Scotland. As such, the debate between Carter and Smout about the intricate relationship of illegitimacy and common law marriage is, arguably, the single most significant modern contribution to the academic investigation of bastardy in nineteenth century Scotland. In this chapter a re-appraisal of the Carter/Smout debate is offered, the implications of which are tested in the subsequent two chapters, but not finally reconciled until Chapter 8.

By re-examining the 1865 "Report of the Royal Commission on the Laws of Marriage",⁸ it is proposed that Carter's argument floundered for the most part on his inability to distinguish sufficiently between the concept of common law marriage, and the pragmatism of irregular marriage. Furthermore, that whilst much of Smout's defence of his position was justified, as a result of Carter's

⁶ Following the publication of T.C. Smout's, "Aspects of Sexual Behaviour in Nineteenth Century Scotland", in Social Class in Scotland: Past and Present, ed. A. Allan MacLaren (Edinburgh: John Donald, 1976), pp. 55-85, the main debate is contained in two articles: Ian Carter, "Illegitimate Births and Illegitimate Inferences", Scottish Journal of Sociology 1/2 (April 1977), pp. 125-35; and T.C. Smout, "Illegitimacy - A Reply", Scottish Journal of Sociology 2/1 (November 1977), pp. 97-104. Smout's line of argument was further continued in his subsequent publication, "Scottish Marriage, Regular and Irregular, 1500-1940", in Marriage and Society, ed. R.B. Outhwaite (London: Europa, 1981), and his opinions are summarised in his more recent work, A Century of the Scottish People 1830-1950 (London: Collins, 1986), pp. 159-80.

⁷ Carter, p. 125.

⁸ Parliamentary Papers, 1867/8 32.

lack of clarification and in a concern to establish the quantifiable, Smout did tend to underplay the extent to which contemporary learned opinion was divided on the question of what constituted certain types of irregular marriage. Consequently, although Smout's overall interpretations are not challenged, until examined in the light of empirical research, it is contended that some of Carter's reservations about the consistency of civil registration should not be dismissed out of hand.

3.2. Scottish Marriage

3.2.1. The Basic Forms of Marriage

In itself, the very existence of a report such as the "Royal Commission on the Laws of Marriage" reflects a degree of concern, albeit from a middle and upper class perspective, about the condition of one of any nation's most fundamental social institutions. Despite the report's undoubted social bias, in what it can tell us about contemporary learned opinions and legal definitions it is an invaluable source of historical evidence.⁹ What then constituted marriage in Victorian Scotland?

When discussing Scotland, the report outlined three main types of marriage currently operating at the time. One 'regular' and two 'irregular'.

Professing to be founded upon this principle [that the basis for marriage is consent], the language of the Scottish law recognizes three distinct modes of constituting marriage: one called 'Regular', and two called 'Irregular'. *Regular* marriages are those which are solemnized according to certain rules of procedure, established by custom or statute, in the presence of a

⁹ The report was used extensively by Smout in his paper, "Scottish Marriage", but not in his pioneering article on nineteenth century "Sexual Behaviour".

minister of religion; corresponding, therefore, with the various modes of marriage (except that by a Civil Registrar) authorized by law in England and Wales. ¹⁰ *Irregular* marriages are those which are not thus solemnized: the first class of irregular marriage being said to be constituted '*per verba de praesenti*', i.e. by some present interchange of consent to be thenceforth man and wife, privately or informally given; and the second class, '*per verba de futuro, subsequente copula*', i.e. by a promise of consent to be husband and wife, followed at a subsequent time by carnal intercourse. ¹¹

Apart from outlining the three types of marriage contract, this quotation is particularly useful in that it reflects the existence of a somewhat paradoxical situation. Despite there being no state provision for civil marriage, as was the case elsewhere in the Britain, in Scotland both 'church' (i.e. regular) and 'non-church' (i.e. irregular) forms of marriage co-existed. A juxtaposition which, because of its complexity, is of direct relevance to the discussion of illegitimacy in the Carter/Smout debate. To fully comprehend this situation, and its relevance to this debate, some discussion of the underlying notion of consent in marriage has to be entered into.

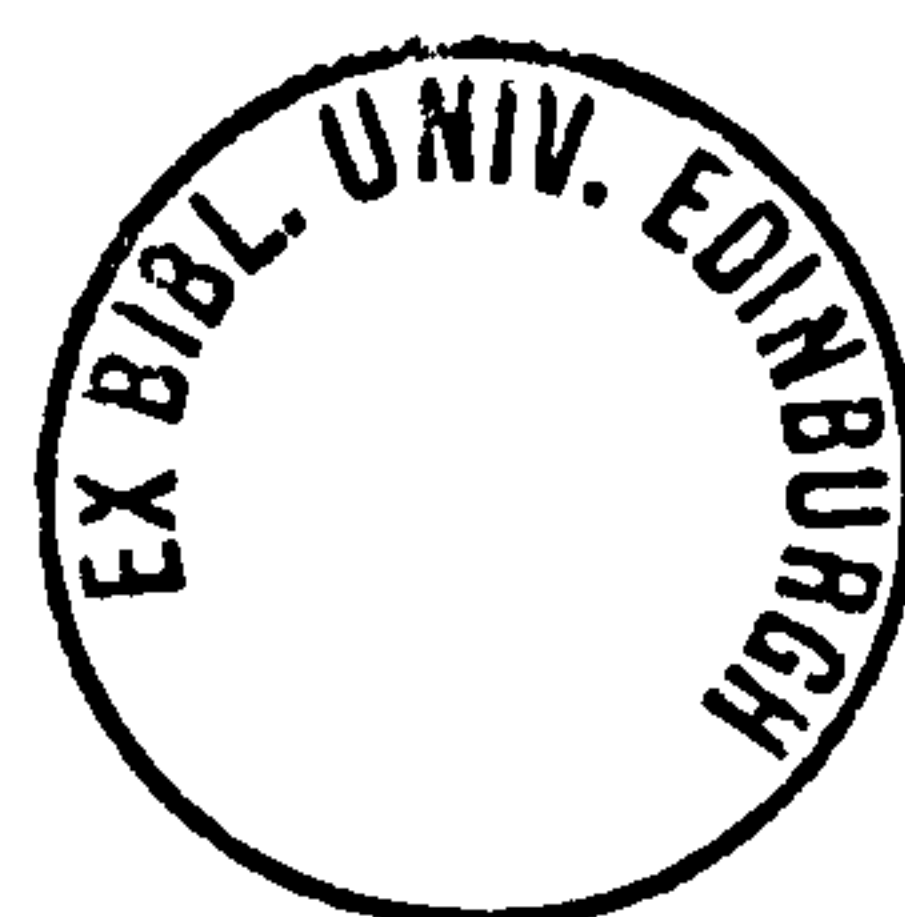
3.2.2. The Notion of Consent in Marriage

The principle that 'consent makes marriage' applied equally to regular and irregular marriage, and was stressed by the Royal Commissioners when they quoted Lord Deas' judgment on the matter. ¹² It is worth quoting his words here, for it is contended later that it was in his footsteps that the line of

¹⁰ For an outline of marriage under the English system, see Olive Anderson, "The Incidence of Civil Marriage in Victorian England and Wales", *Past and Present* 69 (1975), 50-87.

¹¹ "Laws of Marriage", p.xvii.

¹² Ibid., p. xvi. At the time of the enquiry, Lord Deas had recently presided over a pertinent legal case: *Leslie versus Leslie*.



argument presented by Carter followed. Which, if correct, could present a formidable obstacle to any modern study of Scottish illegitimacy. For how would the historical investigator be able to deduce which couples had been married, and which couples not?

No form or ceremony, civil or religious, no notice before or publication after, no consumation or cohabitation, no writing, no witnesses even are essential to the constitution of this, the most important contract which two private parties can enter into, whether as affecting their domestic arrangements or the pecuniary interests of themselves and their families. Matrimonial consent may be verbally and effectually interchanged when no third party is present; and if it can be proved, even at the distance of years, by subsequent written acknowledgments or oath of reference, or in any other competent way, that such consent was seriously and deliberately given, the parties will be held to have been married, from that time forward, whether they have cohabited in the interval or not. ¹³

According to Lord Deas, then, the essential requirement for a relationship to be considered as a binding union or marriage, was that some form of earnest consent had been freely exchanged between the parties concerned. However, as can be seen from the Royal Commissioners outline of the main types of marriage, ¹⁴ certain legal restrictions were imposed on this principle.

Commenting on the potential discrepancies over marriage, the Royal Commissioners also quoted George Seton's opinion on the matter. George Seton was a leading contemporary commentator on the procedures of civil registration and the intricacies of marriage and illegitimacy, and was considered by Smout to have been an informed observer. ¹⁵ Seton's comments serve to illustrate that contemporary legal opinion over marriage was by no means

¹³ Ibid.

¹⁴ See the quotation in section 3.2.1.

¹⁵ Smout, "Sexual Behaviour", p. 62.

explicit or unanimous.

The law makes clear and full provision for contracts affecting the sale of houses and lands, horses and dogs, and goods and chattels of every description; and why marriage, the most important of all human contracts, should not be as anxiously defined and provided for, and thus placed beyond the reach of both fraud and doubt, appears to be one of the greatest anomalies in the law of a Christian country. ¹⁶

Given the crucial role of marriage in society, why then had this legal situation remained ill-defined for so long?

A complete historical breakdown of the development of this state of affairs is beyond the scope of this thesis and has been examined elsewhere. ¹⁷ Nevertheless, the Royal Commissioners noted that the convoluted situation dated back to the Canon Law of pre-Reformation Scotland. ¹⁸ Smout has argued that in their desire to break with Rome in the sixteenth century, Protestant reformers faced the dilemma of attempting to promote a concept of individualism, whilst simultaneously maintaining a sufficient degree of social control over their followers. The Council of Trent in 1563, although Roman Catholic in doctrine, did produce a number of practical means for effecting such control and in this fashion was not entirely disparate from the Reformists aims of achieving a 'Godly Commonwealth'. One of these means was the imposition of strict ecclesiastical rulings governing the celebration of marriage.

In Scotland, whilst the Presbyterian Church, similar to the Roman Catholic Church, made definite attempts to strengthen its control over the populace by

¹⁶ "Laws of Marriage", p. xxx.

¹⁷ See, J.R. Hardy, "The Attitude of the Church and State in Scotland to Sex and Marriage, 1560-1707" (M.Phil. thesis, Edinburgh University, 1978) and Smout, "Scottish Marriage". The outline of Scottish marriage presented here is largely based on these two sources.

¹⁸ "Laws of Marriage", p. xvi.

discouraging any form of non-church or irregular wedding, it could never bring itself totally to oppose its existence.¹⁹ In effect, the individualistic ethos of Protestantism was to ensure that the essential principle underlying any form of marriage contract was to remain the exchange of freely given consent. The consequence of which was the curious juxtaposition and survival of both irregular and regular marriage in Scotland. Embodying varying degrees of state endorsement as they did, how then did these different forms of marriage work?

3.2.3. Regular Marriage

When writing about the custom of handfasting, A.E. Anton clearly illustrated how regular marriage was based on the principle of consent when he wrote that, "Marriage was indeed one of the sacraments, but it differed from the others in that the parties to the marriage were themselves the ministers of the sacrament".²⁰ Although the presence of an officiating minister and two witnesses was required for a marriage to be regular, it was the couple themselves who consented to and so effected the contract. Essentially, the Church controlled the situation by making the event one of public concern.

Indeed, this emphasis on the notion of consent was so strong that (unless

¹⁹ A series of seventeenth century acts and re-enactments imposed penalties on persons contracting clandestine or irregular marriages in Scotland and on Scots marrying elsewhere in the British Isles, without first having had the banns proclaimed in their parish kirk. In this fashion, according to Smout, irregular marriage was "simultaneously illegal and valid" ["Scottish Marriage", p. 205]. There were five of these acts: a) 1641 Car. I c. 12, 'Act Discharging Unlawful Marriages'; b) 1649 Car. II c. 105, 'Act Against Clandestine Marriages'; c) 1661 Car. II c. 246, 'Act Against Clandestine and Unlawful Marriages'; d) 1695 Wm. c. 15, 'Act Against Irregular Baptisms and Marriages'; and, e) 1698 Wm. c. 6, 'Act Against Clandestine and Irregular Marriages'. They were partly repealed by the 1711 'Act of Toleration', and by the nineteenth century had largely fallen into disuse.

²⁰ A.E. Anton, "Handfasting' in Scotland", Scottish Historical Review 26 (October 1958), p. 94.

a clandestine union)²¹ in the event of a marriage being rendered null and void due to the existence of some original impediment, and as long as the infringement had been performed unintentionally (for example, if the parties concerned were unaware of being close relatives), any issue born before the declaration of nullity remained legitimate. Anton's statement is useful for illustrating the relationship between the notion of consent and regular marriage but, to fully appreciate the restrictions placed upon this principle, some idea of the development of the laws pertaining to church weddings is also necessary. Not only does an appreciation of this development assist in the understanding of what precisely constituted a regular union, additionally, it helps explain why the juxtaposition between church and non-church marriage persisted as long as it did.

3.2.3.1. Increased Leniency

Subsequent to the Reformation and the recognition of Protestantism as the established religion in Scotland, for a regular marriage not to be rendered clandestine, the attendant minister had to be of the Church of Scotland. Regular marriage in Scotland has never had to have been performed in a recognised place of worship (as was the case in England and Wales after the passing of Lord Hardwicke's Marriage Act) but, wherever it took place, a minister and at least two witnesses had to be present at the ceremony. Furthermore,

²¹ As Smout has pointed out, in popular usage the terms 'clandestine' and 'irregular' are frequently thought of as being synonymous when, in fact, they are distinct and very different ["Scottish Marriage", p. 205]. In its most basic form, an irregular marriage was one performed without an attendant clergyman. Whereas, as Viscount Dunedin et al. stressed: "Clandestine marriage, properly used as a term of Scots law, denotes a marriage constituted with a religious ceremony, but not satisfying the requirements of the law either (i) because it has been celebrated by a minister without due proclamation of banns or [after 1878] notice by the registrar, or (ii) because it has been celebrated by a layman assuming the character of a minister" [s.v. "Marriage"]. Anton has noted the existence of a similar misnomer between 'handfasting' and irregular marriage [p. 94].

the recently established Church of Scotland also insisted that the prerequisite banns had to be read out in the *parish* kirk.

Over time a number of these restrictions were alleviated, but originally they applied equally to everybody desiring a church wedding, whether Catholic, Dissenter, Episcopalian or whatever. Ironically, Smout believes that this very enforcement was a strong influencing factor behind why the practice of irregular marriage survived for as long as it did. By allowing non-members of the Established Church an alternative to church weddings, irregular marriage meant that people did not have to ⁿu_{dergo} the rites of an opposing religious denomination. ²²

Following in the wake of the union with England and Wales, the 1711 Act of Toleration allowed Episcopalian ministers in Scotland to administer baptismal and marital rites on members of their own congregations. Largely due to the anticipated lack of cooperation of the Church of Scotland clergy in this matter, Episcopalians were also permitted to have banns proclaimed in their own churches. ²³

Yet, it was not until over a century later, in 1834, that similar concessions were made to other religious groups. In that year, Parliament decreed that all recognised clergymen could celebrate the matrimonial service for members of their own denominations, ²⁴ although, their banns still had to be read out in the parish kirk. Not until a decade after the Royal Commission on marriage, in

²² Smout, "Scottish Marriage", pp. 218-19.

²³ 1711 10 Ann c. 7.

²⁴ 1834 4 & 5 Wm. IV c. 28, 'An Act to Amend the Laws Relative to Marriages Celebrated by Roman Catholic Priests and Ministers not of the Established Church in Scotland'.

1878, was any form of alternative to this arrangement introduced.²⁵

In that year, under the Marriage Notice (Scotland) Act, a couple about to marry, instead of having to publicise their intentions by means of banns alone, were given the alternative of lodging an official notice with the local registrar of births, deaths and marriages. Notwithstanding this, until 1940, when the system was brought more into line with the rest of the United Kingdom, for the marriage to be regular it still had to be attended by a recognised cleric along with two witnesses.²⁶ Thus, from the time of the Reformation in Scotland right up until the start of the Second World War, the major distinguishing feature between regular and irregular marriage was that the former was 'church' and the latter 'non-church'.

To summarise. For a regular marriage to be properly constituted, the following conditions had to be fulfilled: a) the couple had to be habile (*i.e.* eligible to marry each other) and freely give their consent to so do; b) the ceremony had to be performed in the presence of an officially designated cleric. Dating from 1834, this could be a minister or priest from any recognized denomination; c) the intention to marry had to be publicly announced before the wedding took place. Prior to 1878, this was in the form of banns read out in church and with the exception of Episcopalians who could use their own churches, this had to be a parish kirk. From that year, a secular alternative available to all was introduced, which involved giving notice to the local Registrar; and d) as well as the minister, at least two other witnesses had to be present at the ceremony. Furthermore, after 1855 and the introduction of civil

²⁵ 1878 41 & 42 Vict. c. 43.

²⁶ 1939 2 & 3 Geo. IV c. 34, 'Marriage (Scotland) Act'. Section 5 of this act stated quite clearly that, "No irregular marriage by declaration de presenti or by promise subsequente copula contracted after the commencement of this Act shall be valid."

registration, all the above conditions had to be confirmed and registered with the civil authorities. ²⁷

3.2.4. Irregular Marriage

Having thus looked briefly at regular marriage and acknowledging the role played by consent in its constitution, it is now possible to examine in greater detail the types of irregular marriage extant in Victorian Scotland. Irregular marriage was non-church in orientation and, as such, could be

constituted by the parties consenting without ceremony to take each other for husband and wife either (i) by declaration *de praesenti*, or (ii) by promise *subsequente copula*, or (iii) by cohabitation and habit and repute, the last mode being more properly an inference from the subsequent conduct of the parties that there has been a marriage under one of the two foregoing forms. ²⁸

Apart from the distinction that irregular marriage was not ecclesiastical in orientation, there were two other crucial differences between this form of nuptiality and regular marriage. Firstly, witnesses were not a prerequisite to an irregular marriage being valid and, secondly, even after the introduction of civil registration in 1855, there was no compulsion for persons marrying irregularly to register the event with the civil authorities. ²⁹

Consequently, as there was no requirement for these marriages to be performed in public, witnesses not being a prerequisite, the notion of consent is even more fundamental when considering such contracts. Moreover, without

²⁷ 1854 17 & 18 Vict. c. 80, "An Act to Provide for the Better Registration of Births, Deaths, and Marriages in Scotland".

²⁸ Dunedin et al., s.v. "Marriage".

²⁹ Ibid.

a legal requirement for irregular marriages to be registered, problems could be encountered when trying to establish that consent had been freely given and a legal union thus contracted. A problem of direct relevance to both the registration of irregular marriages at the time, and to the modern historical researcher investigating the nature of illegitimacy in the past.

One of the major Victorian concerns about irregular marriage, on which contemporary opinion was divided, centred around the question of whether or not the exchange of consent amounted to a pre-contract to marriage, or an actual marriage itself. In what ways, then, did the Victorian legal profession agree and disagree on the question of irregular marriage?

3.2.4.1. Per Verba de Praesenti

Judging from the replies to their circulars and interviews, the Commissioners concluded that there was sufficient agreement to suggest that even if not actually a 'complete' marriage, as a pre-contract, this form of exchange "was held to be a diriment impediment to any subsequent marriage of either of the partners thereto, except with the other of them."³⁰ Thus, by rendering as bigamous any subsequent marriage with a different partner, an irregular union of this sort was considered, to all intents and purposes, to give the couple involved the status of being wed and for their children to be legitimate.

³⁰ "Laws of Marriage", p. xix.

3.2.4.2. Per Verba de Futuro, Subsequente Copula

As to this second form of irregular marriage, involving a future promise to become wed followed by sexual intercourse, there was much less consensus of opinion. Not only was it argued by some to be on the level of a pre-contract, but Lord Deas went as far as to refine his earlier comments on the leading principle of consent.

It may or may not be, that the law in such cases presumes consent. I am speaking, not of presumption, but of fact. And whatever the law for its consistency may presume, there may unquestionably be a marriage by promise *subsequente copula* ... where, in point of fact, consent has never been interchanged, and where the parties do not even know that the law holds them to be married persons. ³¹

Both sides of the Victorian debate over irregular marriage appear to have agreed on the question of what a promise of marriage *de futuro, subsequente copula* entailed, but disagreed on whether or not it constituted a pre-contract to marriage or an actual marital union in itself. All agreed that to be more than just an act of sexual intercourse this form of marriage had to involve either "a *written* promise of future marriage," or "a promise, *afterwards confessed upon oath*". ³² Where the two factions disagreed, was that one side believed that either of these actions were enough to constitute a marriage (rendering as bigamous any subsequent marriage of either partner), whilst the other side viewed the situation as merely a pre-contract, requiring the pronouncement of a judicial sentence during the lifetime of both partners before it could be called a

³¹ Ibid.

³² Ibid.

marriage. Arguably, then, dependent on the opinions of those concerned, the offspring of such a liaison could either be considered legitimate or illegitimate.

The Royal Commissioners finished their investigation into this question, by concluding that the point was still doubtful, "and has never been made the subject of legal decision". Nonetheless, they did come down in favour of the view that a promise *de futuro, subsequente copula* did constitute an irregular marriage, when they commented that it "seems to be that most commonly entertained". Arguing that the difficulty with consent was overcome when,

according to this view, a presumption is raised, (either by what is called a 'fiction', or by a fixed and arbitrary rule of law,) that at the moment of the *copula* a present interchange of consent to be husband and wife, in performance of the previous promise, took place between the parties. ³³

Not only was there divided opinion amongst the legal profession as to whether or not this form of irregular marriage constituted a pre-contract or a binding union, in practice there was also a third possible type of irregular marriage examined by the Royal Commissioners. This form of irregular marriage was known as marriage by 'habit or repute', and is what equates to the 'common law' marriage of modern Scotland.

3.2.4.3. Habit and Repute

Sometimes known by its fuller title of marriage by 'Cohabitation with Habit and Repute', rather than indulging in some form of concubinage, this arrangement consisted of a couple cohabiting in Scotland, at both bed and

³³ Ibid.

board, in a stable relationship and considering themselves to be as 'man and wife'. There was no legally prescribed minimum period of time before this form of association could be considered as marriage, but the couple must have given the impression of being married for a 'reasonably' long stretch of time.

34

The Royal Commission commented that this sort of practice was "common to every system of enlightened jurisprudence", but stressed that its true nature was frequently misconstrued. According to the law, it was not "another distinct mode of contracting marriage" rather, "it is merely evidence of marriage".³⁵ Nonetheless, the Commissioners acknowledged that, in common practice, there may have been considerable discrepancy between the legal and popular views on this point, with popular opinion tending to see it not just as evidence, but as a mode of contracting marriage. Furthermore, they added "that the popular view may perhaps indicate more truly than the theoretical doctrine the practical working of the law of habit and repute in Scotland."³⁶

Legally, the all important question again concerned the notion of consent, in the form of original intention. If a couple had intended to live as man and wife, then habit and repute could be taken as evidence of a married situation. However, if there was never any such intention, or the couple had just slipped into such a way of life over time, then there was no marriage. In which case a couple were merely 'living together', or existing in a state of 'concubinage' (as the Victorians tended to refer to non-marital consensual unions), and their children would therefore be considered illegitimate.

³⁴ Ibid., pp. xx-xxi.

³⁵ Ibid., p. xx.

³⁶ Ibid.

3.2.5. Summary

By re-examining the Royal Commissioner's report on the state of marriage in Victorian Scotland, it has been possible to see that there was an element of disagreement amongst the legal profession over what precisely constituted certain types of irregular marriage. Opinion was most divided over the question of marriage *per verba de futuro, subsequente copula*, but recognition was also given to the existence of a disparity between the official and popular attitudes as to what marriage by 'habit or repute' actually meant. In the official view it was considered to be a means of proving, as opposed to contracting, marriage, whereas, according to certain popular attitudes, the reverse could be the case.

Prior to leaving the question of marriage, however, it is essential to appreciate the ways in which both regular and irregular marriages could be recorded and registered. This is important on two counts. Firstly, it is through the medium of such records that the modern historian can empirically analyse the relationship between marriage and illegitimacy. Secondly, the registration, or lack of registration, of irregular marriages had a direct bearing on the legal presumption of legitimacy.

There exists under Scots law, a strong presumption that a child born in wedlock is the legitimate offspring of its mother and the man to whom she is married. Indeed, it can sometimes be difficult to prove otherwise.³⁷ However, this legal presumption only applied to an irregular marriage *if the union had*

³⁷ Dunedin et al., s.v. "Affiliation".

been declared (or convicted) and so made public. ³⁸ There was no compulsion for people to register irregular marriages, even if they had been declared in court, but civil registration was obviously an effective means of establishing that such a marriage had been declared. If declaration was questioned, but could not be proved, then the legal presumption of legitimacy did not necessarily apply. In this crucial respect, therefore, aside from the legal disputes over what precisely constituted certain forms of irregular marriage, there was arguably scope for registrars to interpret the definition of illegitimacy in different ways. The laws surrounding the definitions of marriage, especially irregular marriage, must therefore be understood in conjunction with the regulations governing the registration of marriage.

3.3. Civil Registration

3.3.1. Marriages

3.3.1.1. General Procedures

Apart from a residency qualification introduced in 1856, ³⁹ the only other comprehensive law applicable to all forms of marriage was that the consent between eligible partners had to be freely given. Upon this basic principle a number of other restrictions were placed according to either ecclesiastical or civil codes. As outlined above, church marriage was termed 'regular', and its constitution was closely monitored, whereas non-church or 'irregular' marriage

³⁸ Ibid.

³⁹ 1856 19 & 20 Vict. c. 96. An Act frequently referred to as 'Lord Brougham's', because of his involvement in its enactment. The residency qualification of twenty-one days, was largely aimed at preventing southern couples eloping and marrying quickly in Scotland.

involved fewer bureaucratic constraints, although its vows were equally as binding as those of regular marriage. Significantly, however, there did exist the *potential* for disagreement over whether certain forms of irregular constituted marriage *per se*, or merely the pre-contract to subsequent marriage.

The civil registration of births, deaths and marriages was introduced into Scotland in 1855, coming under the control of the Registrar General for Scotland.⁴⁰ The system was centrally organised from a national Registry Office in Edinburgh (New Register House), and the country divided up into registration counties and districts. The Registration counties largely corresponded to the civil counties, and the registration districts to either civil or ecclesiastical parishes.⁴¹

Each district had to appoint a registrar, who was required by law to record all the vital events occurring within his jurisdiction. Births, marriages and deaths were to be recorded in a prescribed manner, in separate standardised registers. A duplicate copy of each register was to be maintained, and both sets of registers were to be annually inspected and authenticated by the Sheriff of the relevant county. Subsequent to inspection, one copy of each register was sent to the General Register Office in Edinburgh (where national annual indexes of births, deaths and marriages were compiled), whilst local registrars held the other set of registers "a strong Iron Box".⁴²

Whilst church session clerks were encouraged to make a note of the

⁴⁰ 1854 17 & 18 Vict. c. 80.

⁴¹ The constituent registration counties and districts are described in the DARs, which also contain details of any annual alterations to district or county boundaries.

⁴² *Ibid.*, s. 22.

proclamations of banns in their parish registers,⁴³ prior to 1855 there had been no legal requirement to record actual marriages. Consequently, the 1854 Registration Act had considerable impact on the reliability of Scottish marriage statistics. However, because the Registration Act only enforced the legal registration of regular marriages, the reliability of the post-1854 statistics on irregular marriage is questionable.⁴⁴

3.3.1.2. Regular Marriage

After 1854, no persons could marry regularly without first obtaining from the district registrar, a schedule with the relevant details of the two parties recorded on it. This had to be presented to the minister or priest at the ceremony, along with proof of the proclamation of banns (or after 1878, of the registrar's notice). On successful completion of the ceremony, the schedule was signed by the couple themselves, the minister and the two witnesses. It was then up to the newly married parties, under a penalty of up to ten pounds and within three days, to return the completed schedule to the registrar.⁴⁵ Therefore, unless clandestine, no church marriage could proceed without having first been authorised by a district registrar. Nonetheless, the responsibility for completing the legal procedure, unlike in England and Wales, lay with the newly weds themselves. The legal requirements could be simplified by requesting the presence of the local registrar at the marriage ceremony, but the potential for delay or even negligence of the law was there.

When questioned about this state of affairs by the Royal Commissioners in

⁴³ "Laws of Marriage", p. xxiii.

⁴⁴ See section 3.3.13..

⁴⁵ 1854 17 & 18 Vict. c. 80, s. 46.

1865, George Seton admitted that a number of the "poorer classes" sometimes 'forgot' to comply with the law, and suggested that it might be more efficient if the officiating minister were to forward the completed schedule instead. He also mentioned that no check was necessarily made on the number of schedules issued prior to marriage, because numbering usually only occurred at the time of engrossment, when completed schedules were returned.⁴⁶

Nonetheless, the general impression given by Seton was that cases of delay or negligence were rare and usually not intentional. If the problem had been recognised as endemic, then the official attitude towards the ten pounds fine would have been far stricter in its implementation than how he records it as having been. Apart from a number of initial prosecutions at the commencement of civil registration, "to make a few examples", Seton stated that,

the general tendency has been to work the statute in a lenient way, and not to resort to prosecutions except where there was evident intention and wilfulness on the part of the parties.⁴⁷

Consequently, whilst the system of registering regular marriage did rely to an extent on the willing compliance of the couples themselves, there appeared little urgency to alter the situation. Clearly, the implication was that few people who married regularly attempted to avoid having the event correctly registered. As with the actual means of contracting marriage, it was with irregular unions that there existed contemporary debate over the reliability of

⁴⁶ "Laws of Marriage", Appendix, p. 94.

⁴⁷ Ibid.

the official system of civil registration.

3.3.1.3. Irregular Marriage

Subsequent to Lord Brougham's Marriage Act of 1856, irregular marriage could be effectively registered in one of three ways: by conviction; by decree of declarator; or by Sheriff's warrant. However, only the third method entailed the direct registration of irregular marriage, the other two methods constituting the means of *establishing* irregular marriage, which could then be used as evidence for registration. In all cases of *registered* marriage, the actual format of marriage was indicated in the appropriate column of the marriage certificate.

⁴⁸

a) Registration by conviction dated back to the Scottish Parliamentary Acts against clandestine marriage, whereby it was possible to arrange to be fined for contracting an irregular union. This did not jeopardise the marital contract in any way, but did reflect the somewhat paradoxical treatment of irregular marriage by the Church of Scotland in earlier years. Under this legislation, the conviction was brought before a Magistrate or Justice of the Peace on a complaint from the Procurator-Fiscal, and the act of so doing created the necessary evidence for registration. This procedure cost twenty shillings.

b) A decree of declarator also involved a court appearance, and cost the same as a conviction. The actual procedure involved a couple swearing on oath (in a Court of Session) that they were married, and producing any required evidence of their situation. In a similar manner to a conviction, this meant that the marriage was proved and thus eligible for registration.

⁴⁸ See Appendix 3.

c) A third and much cheaper alternative (at five shillings), was introduced in 1856 as part of Lord Brougham's Marriage Act. Whilst primarily aimed at halting the flow of southern couples getting married in border villages like Gretna Green and Lamberton Toll, this act also made direct provision for the registration of irregular marriages. Under this legislation, a couple marrying irregularly could (within three months of the event) make a joint application for registration to the Sheriff. If the Sheriff was satisfied that a valid union had been contracted, then he could issue a warrant for the event to be recorded by the registrar of the district in which the event took place.

3.3.1.4. The Reliability of Registration of Irregular Marriage

The question mark over the reliability of levels of registered irregular marriage, was a point that added fuel to an existing dispute between the English and Scottish Registrars General concerning the overall accuracy of their respective systems. The English Registrar General claimed that many irregular marriages went unrecorded in Scotland. In turn, the Registrar General for Scotland denied such accusations, claiming that the reason why few irregular

marriages were registered, was because few were celebrated. ⁴⁹

On the subject of the frequency of irregular marriage, the 1865 Royal Commission on marriage came to three main conclusions. Firstly, that when it did occur, it was mainly amongst the poor. Secondly, "It seems, however, to be generally agreed, that the proportion of the total number of irregular to the total number of regular marriages is extremely small." Thirdly, that despite this last remark, and recorded in the same paragraph as it, that there was *no* statistical evidence, to base any firm conclusions on. In fact, they issued a stern warning on the matter.

It must be remembered, however, that no irregular marriages can be registered, except such as are (1) the subjects of prosecution (real or nominal) under the Acts against clandestine marriages, or (2) ascertained by decrees of declarator, or (3) registered under a sheriff's warrant, upon the joint application of both parties, within three months after the marriage contract. It is, therefore, quite impossible to rely upon the General Registry as furnishing any data, upon which even a loose estimate of the total number of irregular marriages actually contracted can be formed. ⁵⁰

⁴⁹ Debates concerning levels of efficiency, between the respective Registrars General for Scotland and England and Wales, were lively sources of controversy in the late nineteenth century. One important such debate, dating from the 1870s, has been outlined by Smout and was used in his analysis of irregular marriage ["Scottish Marriage", pp. 221-22]. In this instance, the English Registrar General accused the Scots of inefficiency in their registration of irregular marriages and consequently distorting their ratios of legitimate births to marriages. The Scottish Registrar General vehemently denied this accusation, stating categorically that this was not the case and that, anyway, irregular marriage was rare. Such debates reflect a degree of rivalry between the two Registrar Generals and it is likely that neither wanted to lose face to the other, so their comments should be used with caution. Nevertheless, modern investigations into the question of the relative accuracy of the respective systems of civil registration have generally concluded in favour of the Scottish one having been the more reliable. In the case of birth registration, for example, it has been adjudged that there was less under-registration when the responsibility of registering births was placed on the parents, rather than with the registrars. Under the Scottish system of civil registration this had always been the case. Whereas, in England and Wales, the shift of emphasis from the registrars to the parents was not enforced until 1874 [37 & 38 Vict. c. 88, 'An Act to Amend the Law Relating to the Registration of Births and Deaths in England, and to Consolidate the Registration of Births and Deaths at Sea']. See, for example, D.V. Glass, "A Note on the Under-Registration of Births in Britain in the Nineteenth Century", *Population Studies* 5/1 (July 1951), 70-88; and Michael S. Teitelbaum, *The British Fertility Decline* (Guildford: Princeton University Press, 1984), pp. 56-68.

⁵⁰ "Laws of Marriage", p. xxii.

In his paper on Scottish marriage, Smout investigated the claims of the Scottish Registrar General in the light of there being no legal requirement to register irregular marriages. His conclusions, based on the comments of related or interested experts on marriage practices and the local registrars, agreed with the first two conclusions of the Royal Commission quoted above. Essentially, "that irregular marriage was extremely rare except in a few Border ^rparishes and among such people as tinkers" and furthermore, from the 1860s, ^A"that they were tending to die out even in Border parishes." Thus, Smout deduced that, even if the Scottish Registrar General had been over-enthusiastic in his statements, his conclusions that "very few irregular marriages were registered because very few took place", were likely to have been accurate. ⁵¹

However, what is surprising, is that Smout apparently downplayed the third conclusion and warning of the Royal Commissioners. For, although initially somewhat hesitant about the conclusion, Smout went on to use the Registrar General's figures for irregular marriage as the basis for a number of statistical comparisons. In turn, and upon this, is based an otherwise plausible theory explaining the subsequent rise in irregular marriage (and the synchronous decline in illegitimacy), ⁵² in a fashion similar to that of civil marriage in the remainder of Britain. ⁵³

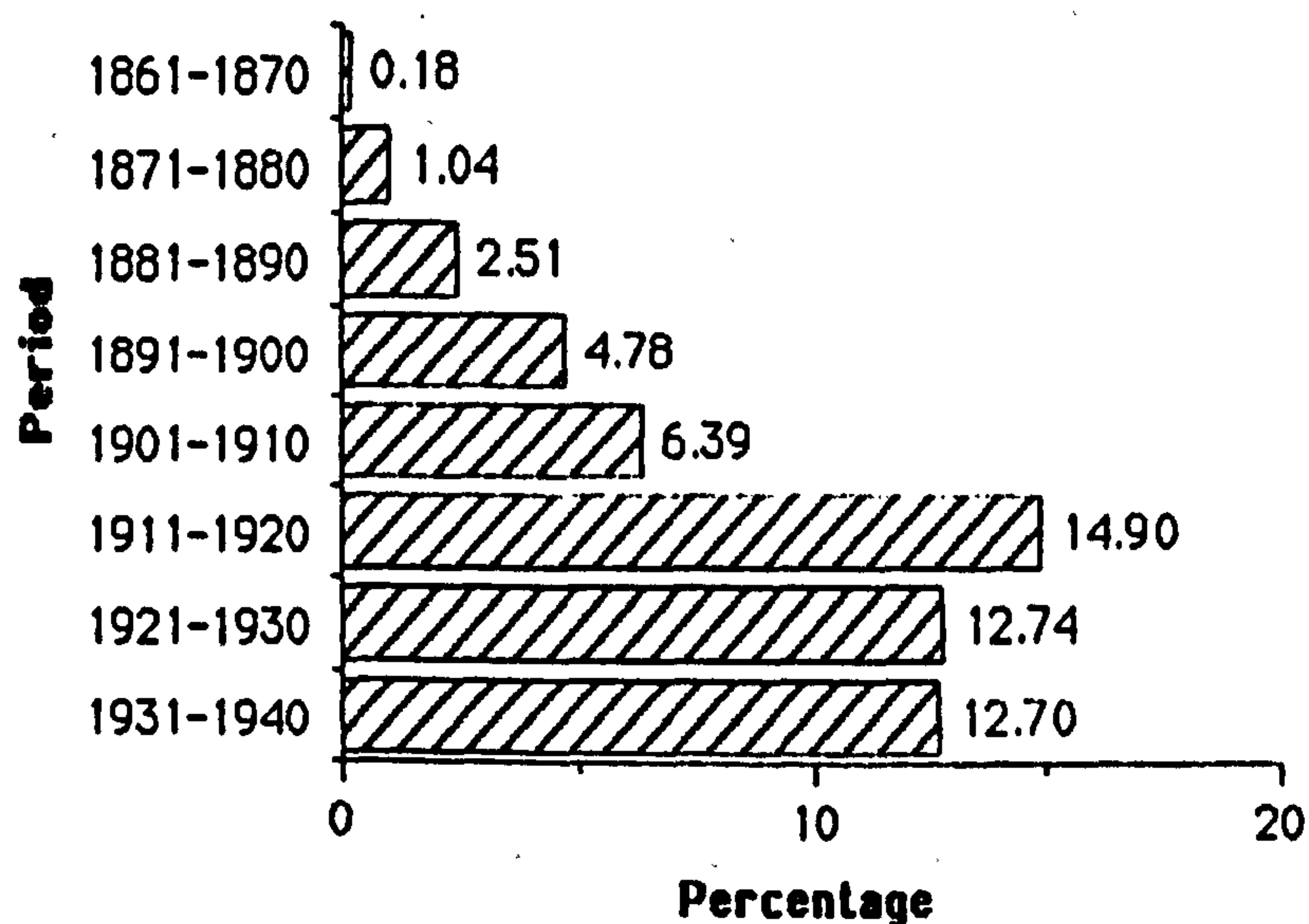
Whilst not disputing the essence of Smout's proposal, that there was a rise in the popularity of irregular marriage after the mid-nineteenth century, the nationally recorded numbers were so low for the earlier period (especially for the years 1855-70), that it would only have taken a handful of such marriages

⁵¹ Smout, "Scottish Marriage", p. 222.

⁵² See Graphs 3.1. and 3.2..

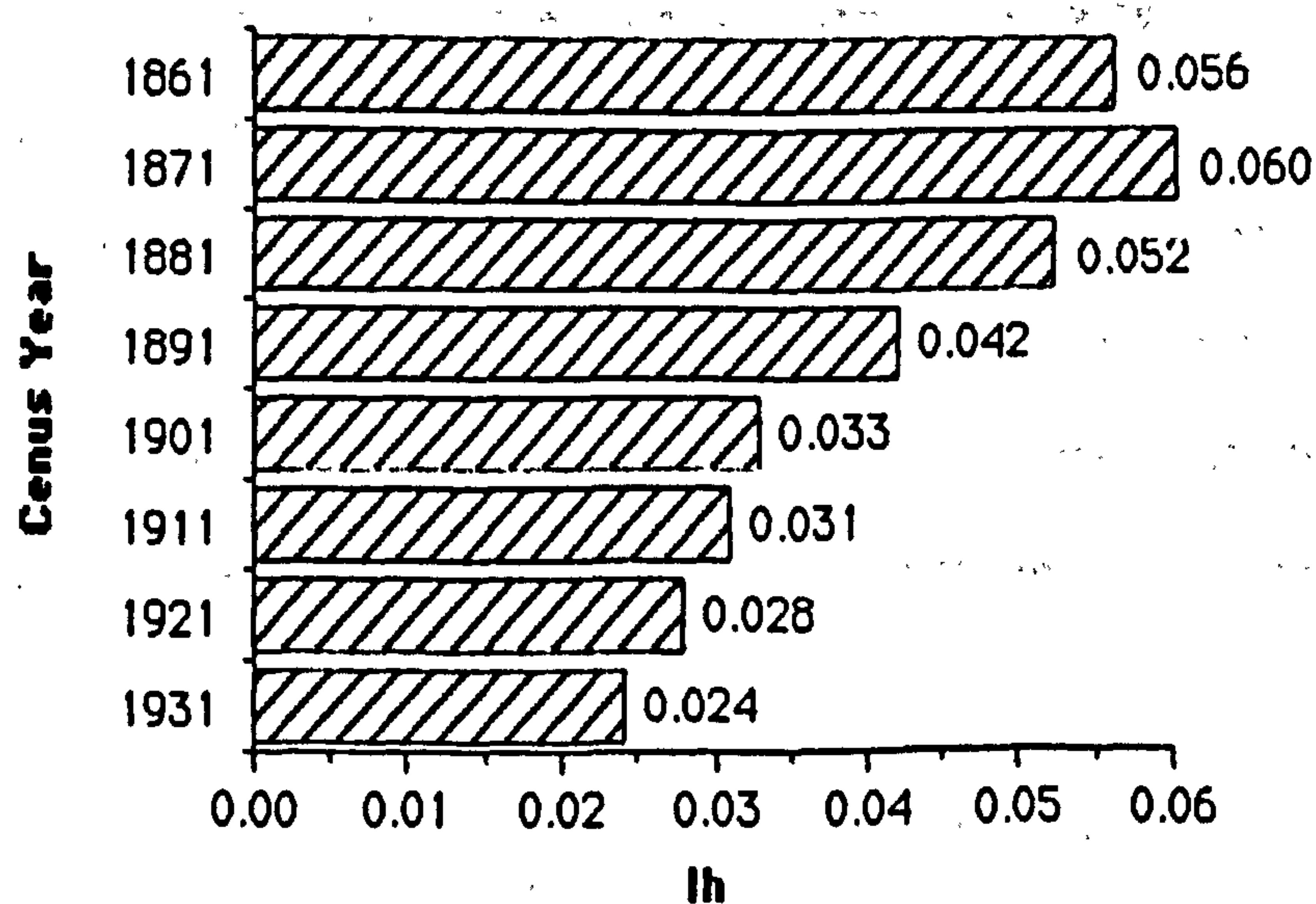
⁵³ Ibid., pp. 222 ff.

Graph 3.1. Irregular Marriages as a Percentage of all Scottish Registered Marriages, 1861-1939



Source: T.C. Smout, "Scottish Marriage, Regular and Irregular 1500-1940", in Marriage and Society, ed. R.B. Outhwaite (London: Europa, 1981), p. 222, Table I.

Graph 3.2. Extra-marital Fertility (Ih), Scotland, 1861-1931



Source: Michael S. Teitelbaum, The British Fertility Decline (Guildford: Princeton University Press, 1984), p. 152, Table 6.10b.

to go unnoticed for these earlier figures become meaningless.⁵⁴ Whereas, as it stands, Graph 3.1. suggests that there was no significant rise in irregular marriage until the early twentieth century. Either way, there appears to be enough of a doubt as to make the researcher of the Victorian period keep an open mind on the question of the accuracy of recording irregular marriages, prior to entering into any detailed micro-study. What, then, of the registration of births in nineteenth century Scotland?

3.3.2. Births

3.3.2.1. General Procedures

As with the registration of marriages, there were certain regulations that applied to all births, whether legitimate or illegitimate. The major distinction between the two arose in connection with the recording of paternity details. Mandatory for legitimate births, details of paternity were supplementary to the basic requirements surrounding the registration of illegitimate births.

Under a penalty of up to twenty shillings, either the parent(s), occupier of the premises in which the birth occurred, or the attendant nurse, were required to report the birth of a child to the local registrar. This was to be carried out within twenty-one days of the birth. After which period, the registrar was encouraged to find out about any unregistered births and, either in writing or by personal communication, request the relevant person(s) come forward. If this obligation was not fulfilled, a fine of up to a maximum of forty shillings could be imposed on the person(s) concerned. If a three month period were to

⁵⁴ The total number of irregular marriages registered between 1861 and 1880 was 304, or 0.64% of all Scottish marriages registered [100 DAR, (1954), p. 437].

lapse, then the parent(s) or guardian had to present a written declaration to the Sheriff, before registration could proceed. Only one qualified informant was required to attend registration but, if details of paternity were to be included at the time of registration of an illegitimate birth, then *both* parents had to attend in person.

Alterations to birth entries, apart from minor clerical errors, were effected with reference to a separate register of corrected entries. The subsequent establishment of fatherhood, for example by means of a paternity action, could be recorded at a later date by recourse to the register of corrected entries. Similarly, an alteration in the legitimacy status of a child, such as that effected by the subsequent marriage of the parents of an illegitimate child, could also be referenced in the registers of birth by way of the registers of corrected entries. Authorised copies (certificates) of entries in the birth registers contain alterations and/or additions referenced in the registers of corrected entries, but the two sets of registers are maintained separately in New Register House.

Initially very extensive, the amount of information requested at registration was considerably reduced after the first year of civil registration. After 1855, however, the information required remained largely unchanged throughout the rest of the Victorian period. The inclusion of marriage particulars, in the case of legitimate births, was temporarily suspended between 1856 and 1860, but re-introduced the following year. The inclusion of marriage particulars on legitimate birth certificates, and the explicit statement of bastardy on illegitimate ones, was mainly what differentiated Scottish birth certificates from their southern counterparts during the Victorian era. One further difference, however, (relevant to naming practices) was that Scottish certificates stated the surname of the child being registered, whatever its legitimacy status, and did not leave it to inference from information given about the parent(s).

3.3.2.2. Marriage Particulars

In terms of family reconstitution, or similar historically orientated methodologies, the inclusion of marriage details on birth certificates is highly significant. In theory, at least, one has a direct link to the marriage of the parents, which can be substantiated by means of nominal record linkage. Of course, in practice, human error and loss of memory can, and do, sometimes complicate the situation. Still, in terms of both the time spent in research and the accurate identification of individuals, this is a key piece of information. In the following chapter, the information about marriage for legitimate births is examined in the Dryfesdale and Lochmaben case-study, and the results related to the debate on marriage between Carter and Smout.

3.3.2.3. The Explicit Statement of Bastardy

The explicit statement of bastardy contained in Scottish (illegitimate) birth certificates of the Victorian period is significant on a number of counts. Firstly, it avoids the sort of confusion that can occur with English records when illegitimacy has to be inferred from parental details. Whilst the distinction may appear clear enough when explained in the abstract, in practice it is not uncommon for the inference to be mistaken.⁵⁵

Secondly, not only does this make the identification of illegitimates a much easier task in Scotland than in England or Wales, it also means that Scottish registrars of the Victorian period, if carrying out their duties properly, had to

⁵⁵ See, for example, Don Steel, Tracing Your Family History (London: B.B.C., 1986), p. 32. Don Steel, a professional genealogist, warns against mistaking illegitimate birth certificates with "no overt indication of bastardy" for legitimate births and, in the example given, a researcher examining an English illegitimate birth certificate in which paternity had been acknowledged at the time of registration, "missed its significance - supposing that it referred to a married couple".

make a conscious and verifiable decision about the legitimacy status of the children they registered. As such, the explicit statement of bastardy constitutes an important consideration in the interpretation of the Carter/Smout debate presented in the last section of this chapter. ⁵⁶

3.3.2.4. The Stated Surname

Similar to the explicit statement of bastardy, the definite statement of childrens' surnames on birth certificates in Scotland is an important idiosyncrasy of the Scottish system of civil registration. ⁵⁷ The significant point to note in terms of civil registration procedures is that, as with the explicit statement of bastardy, Scottish registrars had to make a conscious decision as to which surname the child was to be registered under. Unlikely to have caused any problems with legitimate births, the question of which surname was ascribed to a bastard child might not always have been a straightforward decision.

3.3.3. Summary

An appreciation of the regulations surrounding the civil registration of both marriages and births is crucial to an understanding of illegitimacy in Victorian

⁵⁶ It should be noted that, during the entire course of the research for this thesis, three illegitimate birth certificates were located that did not contain an overt statement of bastardy. Verifiable as illegitimate births by reference to the relevant annual totals of illegitimate births given at the registration district level in the DARs, one of these (a twin birth) occurred in Dryfesdale in 1880 [B1880/820/68 and 69] and is presented in transcript form as part of Appendix 4. The second also occurred in Dryfesdale (in 1881), and was discovered when searching for repeaters from the 1876-81 case-study [B1881/820/66], whilst the third (in the parish of Tinwald), was identified as part of the subsequent wider investigation into bastardy in parishes adjacent to and surrounding Dryfesdale and Lochmaben presented in Chapter 7 [B1880/849/9]. Interestingly, all three birth entries took the same format, and the marriage alluded to in each of the three cases proved to have been accurately detailed [M1875/813a/4; M1869/820/18; and M1867/849/2].

⁵⁷ Compare the Scottish and English birth certificates presented as part of Appendix 3.

Scotland for a number of reasons. The declaration of irregular marriages, for example, had a direct bearing on the legal presumption of legitimacy. The civil registration of irregular marriages, whilst not always equivalent to a declaration, was an effective means of establishing that the publication of such unions had taken place. Furthermore, given a degree of controversy about what exactly constituted certain forms of irregular marriage, there was the potential for registrars to acknowledge differing schools of thought. Moreover, in Victorian Scotland, registrars were required to make a number of conscious decisions and explicit statements about the legitimacy status of bastard children.

Altogether, there would appear to have been a considerable amount of responsibility placed on the shoulders of registrars, especially when faced with instances where marital status and legitimacy may not have been straightforward matters to decide upon. That is not to say that registrars *did* have difficulties with such responsibility, but that the *potential* for discrepancy of opinion existed. Having thus examined the legalities surrounding both marriage and civil registration, we are now in a position to evaluate the Carter/Smout debate in the light of this information.

3.4. The Carter/Smout Debate Re-appraised

3.4.1. Outline of the Debate

Rachel Filinson, in her article on illegitimacy in Aberdeen since the 1950s, gave the following summary of the Carter/Smout debate.

Smout maintained that official registrations of illegitimate births were an accurate representation of the amount of illegitimacy, and that the high rates in north east Scotland were related to a system of farming which permitted single women to raise children unassisted by male partner or parents. Carter, in contrast, likened illegitimacy statistics to suicide statistics, claiming that they were flawed by their derivation from the

subjective definitions of enumerators and that Smout's account of the context in which illegitimacy occurred did not rest on any statistical foundation. He suggested that the high rates were evidence of stable and binding unions rather than single parenthood.⁵⁸

Accordingly, Filinson pronounced that "Smout and Carter disagreed on both the utility and analysis of the data".⁵⁹

Disagreed upon the utility and analysis of illegitimacy statistics they may have done, but Carter had the highest admiration for the remainder of Smout's pioneering work on sexual behaviour in Victorian Scotland, and plainly stated as much in the introduction and conclusion to his critique.⁶⁰ Thus, whilst Carter's critique of Smout's work raised "severe epistemological problems" about the use of illegitimacy statistics,⁶¹ the debate is one of a technical nature and not one between academics working from diametrically opposed theoretical standpoints.

Carter likened illegitimate fertility rates to statistics on suicide, and incorporated recent criticisms of Emile Durkheim's renowned^{ed} work on suicide to support his argument.⁶² Illegitimacy and suicide, unlike birth and death, are defined socially and not biologically. Thus, Carter argued, there are two major objections to their rates being used in a quantitative fashion. Firstly, the social definitions of these phenomena can vary from one social group to another. Secondly, that the public officials such as coroners or registrars, presiding over the final status definitions, are not always consistent in their judgments. The

⁵⁸ Rachel Filinson, "Illegitimacy in Aberdeen", Journal of Biosocial Science 14 (April 1982), p. 141.

⁵⁹ Ibid.

⁶⁰ Carter, pp. 125 and 133.

⁶¹ Ibid., p. 125.

⁶² Ibid., p. 131.

key line of argument being that:

we cannot know whether different registrars used the same subjective definition of marriage, and thus systematically included or excluded children of common law marriages from the illegitimacy figures, or whether any one registrar was consistent over time in his usage. ⁶³

Carter then launched a strong attack on the quantitative analysis of illegitimacy statistics based on data obtained from the civil birth registers stating that, whilst the "research strategy of recognising the difficulties involved in using certain kinds of data and then proceeding as if those difficulties, once recognised, no longer exist is deeply embedded in sociological work on both illegitimacy and suicide. ... we should have the courage of our convictions; if suicide rates and illegitimacy rates are necessarily unsound then we should stop using them." ⁶⁴ This was clearly a strong criticism of Smout, whose quantitative analytical usage of illegitimacy statistics was central to his pioneering paper on sexual behaviour.

Smout's reply to this challenge was to accuse Carter of having totally misinterpreted the whole nature of Scottish nuptiality, and thereby reached conclusions of spurious validity. ⁶⁵ According to Smout, there never existed in Scotland the sort of "common law marriages which the partners regarded as stable and binding but which had not been contracted in law", ⁶⁶ argued by Carter as having been the underlying reason for discrepancies in the definition

⁶³ Ibid.

⁶⁴ Ibid., p. 133.

⁶⁵ Smout, "Illegitimacy", p. 98 ff.

⁶⁶ Carter, p. 132.

of illegitimacy by registrars. Smout's defence was strikingly logical, yet full of compassion and understanding.

What there were sometimes, then as now, were stable alliances between couples who lived together. Such alliances were occasionally described as 'akin to ordinary marriage' in terms of their durability and the faithfulness of the partners, but there is not a shred of evidence to show that the couples thought that by living together they were thereby *married* then, any more than they do today, or that their children were not illegitimate.⁶⁷

For Smout, "The registration of a child as illegitimate, then, recognised what contemporaries took to be an objective legal and social fact."⁶⁸

Unfortunately for Carter, in the face of such a powerfully articulate defence, his criticisms paled into insignificance. The single most important reason why Carter's argument failed, was because he never adequately defined the type of 'common law' marriage that he was attempting to refer to. Consequently, Smout was able to correct Carter's misinterpretation, and to nullify the basis of these criticisms. It is the contention in this thesis, therefore, that the reason why Carter failed to define what sort of common law union he was referring to and, consequently why his critique was so open to dismissal, was because the whole issue of Scottish marriage in the nineteenth century was highly complex. In short, Carter does not appear to have grasped some of the essential complexities of Scottish marriage, in particular irregular marriage, and so produced a fanciful social construct that never had any basis in reality.

It is an interesting exercise in re-appraisal, however, to substitute Carter's vague and ill-defined notion of 'common law' marriage with that of irregular

⁶⁷ Ibid.

⁶⁸ Ibid.

marriage *per se*. The rationale for which is that Smout used, as the mainstay of his defence, contemporary Victorian opinions about irregular marriage.⁶⁹ If this substitution is performed, then the *major* weakness of Carter's argument is removed. Because, it could be asserted, he was merely following the line of argument proposed by men like Lord Deas. Furthermore, in the light of the evidence of the previous two sections of this chapter, it could be said that Smout underplayed the extent to which Victorian learned opinion was agreed upon as to what precisely constituted certain types of irregular marriage. To deal with these points in reverse order.

3.4.2. The Underestimation of Ambiguity

In the previous discussion about the reliability of irregular marriage registration,⁷⁰ the point was made that Smout ignored the warning by the Royal Commissioners about the use of numbers of irregular marriages contracted. Of more significance than Smout's desire to utilise the easily quantifiable, however, is the observation that he underplayed the extent to which nineteenth century legal opinion was agreed about the constitution of irregular marriage.

As a prelude to the defence of his position, Smout stated the following:

This short paper is an attempt to restate and to defend my conclusions. Since they are based on the assumption that illegitimacy statistics, though not perfect, are nevertheless useful guides to real differences in social behaviour, I first consider his [Carter's] contention that they are 'necessarily unsound' and that 'we should stop using them'. This claim rests on the assumption that there was some uncertainty about what

⁶⁹ Smout, "Illegitimacy", pp. 98.

⁷⁰ Sub-section 3.3.1.4.

constituted a marriage - i.e. that a farm servant might define as a marriage what the registrar would reject as one. *It needs to be emphasised that there is no evidence whatever of such ambiguity in contemporary minds* [my emphasis]. The law of Scotland recognised marriages undertaken by vows before a clergyman or before secular witnesses; it also recognised as a marriage an alliance where there had been promises of future marriage followed by sexual intercourse (though such promises had to be proven in writing or subsequently by oath before the alliance could be recognised as a marriage); thirdly it recognises marriages 'by habit and repute', where friends and neighbours testified they believed the couple who had lived together to have been married even if there was no other evidence that they were married. It was said by those who had a close knowledge of Scottish marital customs that, by the mid-nineteenth century, marriages in the last two forms were extremely rare, and, indeed, that marriage except before a clergyman had become, except in the Scottish borders, exceptional.⁷¹

Aside from the implication in this summary of the Scots law on marriage, that marriage in front of secular witnesses (i.e. one form of marriage *per verba de praesenti*) was a form of regular rather than irregular marriage, there is clearly a disparity between Smout's emphasis, and certain of the views and conclusions expressed in the Royal Commissioners report of 1865 instanced in the previous sections of this chapter.

Smout himself admitted to having been perhaps rather impetuous in assuming that, rather than to cohabiting couples, the vast majority of illegitimate births occurred to unattached single mothers.⁷² Self appraisal aside, the earlier discussion of marriage in this chapter suggests that he was also somewhat impetuous in stating that there was never any ambiguity amongst contemporary minds about certain forms of irregular marriage. In this respect, if the institution of irregular marriage is substituted for his adversary's

⁷¹ Smout, "Illegitimacy", pp. 97-98. The footnote reference after this paragraph was to the 1865 Royal Commission into the laws of marriage, the primary source used for the earlier discussion of marriage in this chapter.

⁷² Ibid., p. 98.

ill-defined notion of 'common law' marriage, then Carter's argument takes on greater validity because it could be viewed as following in the wake of Victorians such as Lord Deas.

3.4.3. Substitution of Irregular Marriage for 'Common Law' Marriage

As illustrated in section 3.2.4. above, Lord Deas held the opinion that under certain circumstances, especially with marriage *per verba de futuro, subsequente copula* there could be instances where people might not know the exact legal status of their union together. That is not to say that they did not know whether or not they were married, but that there was room for a margin of dispute between the legal and popular definitions of whether or not this form of marriage constituted a pre-contract to marriage, or a marriage in itself. A situation similar to the legal controversy over marriage by habit and repute.

Arguably, this sort of ambiguity over irregular marriage was the sort of union 'which had not been contracted in law' that Carter was attempting to define. Surely, it was not Carter's intention to actually refer to an otherwise absurd and unrealistic situation whereby numerous people were unaware of the true nature of their marital situations. The point that Carter was trying to make would not, therefore, have been that people did not know their own marital situations, but that there could have been a discrepancy between 'official' and 'popular' definitions of marriage. A discrepancy that arose not so much from the meanings attributed to marriage by ordinary people, but from the learned gentlemen who debated such legal intricacies.

The logic of this argument is further supported by knowledge about the practicalities of birth registration. It has previously been noted that individual registrars had to make explicit decisions about the legitimacy status of the

children whose births they registered. If, then, different registrars were influenced by opposing legal views about the precise details of what constituted certain forms of irregular marriage, then Carter's contention that "we cannot know whether different registrars used the same subjective definition of marriage", ⁷³ would appear to have some justification. It is not so much a case that we *cannot* know whether or not registrars were consistent in their definition of marriage and legitimacy status. It is a case that, in the absence of empirical research into the registration of illegitimate births, we *do* not know.

3.5. Conclusion

The contention of the re-appraisal of the Carter/Smout debate offered as part of this chapter, has been that when the definition of 'common law' marriage in Carter's argument is rectified, his doubts about the consistency of illegitimate birth registration can be said to have contained some validity. The greatest value of Carter's argument is in terms of further research. Carter's criticisms of Smout are best viewed as a warning to future investigators of Scottish bastardy not to assume a consistency in definition of marriage and, consequently, of illegitimacy. Until Carter's doubts are negated empirically, they remain a nagging contention to the quantification of illegitimacy statistics.

Two main conclusions can be drawn from this examination of civil registration and marriage in Victorian Scotland, and the re-appraisal of the Carter/Smout debate. Firstly, Newman's call for an examination of marriage data as well as illegitimacy data, when investigating bastardy, can be seen to

⁷³ Carter, p. 132.

have been justified. Illegitimacy is socially defined with reference to marriage, and before the former can be meaningfully investigated, the latter has to be clearly understood. In the context of nineteenth century Scotland, however, a complete understanding of the legal and social definitions surrounding marriage is not always easy to acquire, a point evidenced by Carter's confusion over common law marriages.

Intricately connected with this understanding of the state of marriage, is the need to fully appreciate the circumstances surrounding civil registration. Civil registration provides the evidence for the empirical analysis of both marriage and illegitimacy, and without these records the work of the historian is highly circumscribed. Alongside of which must be placed knowledge about any other practices, such as naming customs, that might affect a viable interpretation of the records of civil registration.

The second major conclusion is that studies of Scottish bastardy, such as the present micro-level investigation, should take heed of the warnings raised by Carter. The overall feeling may be that Carter's doubts will be refuted, but until there is empirical evidence to support this notion, his concern about the consistency of registrars' definitions of illegitimacy should not be dismissed out of hand. The considerable advantage of a micro-level investigation, however, is that it provides the necessary opportunity whereby Carter's allegations can be tested.

CHAPTER 4

DRYFESDALE AND LOCHMABEN: HISTORICAL BACKGROUND AND INITIAL

FINDINGS FROM THE 1876-81 CASE-STUDY

4.1. Introduction

In Chapter 1, it was noted that the two Dumfriesshire parishes chosen to form the basis of the investigation into illegitimacy in this thesis, Dryfesdale and Lochmaben, both had similar populations in 1881, but contrasting levels of illegitimate fertility.¹ The purpose of this chapter then is twofold. Firstly, to provide background information on the socio-economic development of the two parishes concerned. Secondly, to begin the comparative analysis of illegitimacy in the two parishes, by examining civil registration data about the 1876-81 birth cohorts from Dryfesdale and Lochmaben.

Emphasis in the second section of this chapter is placed, not simply on a comparison of the information about illegitimacy *between* the two parishes, but also on a comparison of the situations between illegitimates and legitimates *within* each parish. Where applicable, evidence relevant to the continuing theme of the Carter/Smout debate is discussed, although questions concerning paternity, subsequent legitimation and the double registration of births are examined separately in the following chapter. Certain aggregate data from the 1881 census enumerators' returns is used in this chapter, but the nominal linkage of census and civil registration data is not attempted until the second

¹ In 1881, Dryfesdale had a population of 2,971 and an *Ih* value of 0.064, whilst Lochmaben had a population of 2,816 and an *Ih* value of 0.130. See Table 1.1. (and Graph A, p. xi).

half of the thesis. ²

4.2. The Historical Background

4.2.1. Prelude

In this section, a variety of printed works are used to provide an insight into the historical context of nineteenth century Dryfesdale and Lochmaben. ³ Where appropriate, however, details from the decennial censuses, including the enumerators' returns for 1881, are utilised to substantiate or elaborate points of interest arising out of the secondary material. Despite an overall similarity in the agricultural bent of the two parishes, there arise from this brief overview of the background to Dryfesdale and Lochmaben some noteworthy points of contrast.

4.2.2. Dryfesdale

Named after the Dryfe Water, that flows for about three miles through the north-western part of the parish prior to entering the river Annan, Dryfesdale is one of six constituent parishes of the district of Mid Annandale in central Dumfriesshire. ⁴ Separated by the river Annan from the parishes of Lochmaben to the west, and Dalton to the south, Dryfesdale is seven miles in length, varying in width from a mile in the south, to five and a half miles in the centre

² Chapters 6 to 8.

³ General background information about both parishes is to be found in all three 'Statistical Accounts of Scotland': a) OSA "Dumfriesshire", pp. 98-113 (Dryfesdale - 1790) and 385-95 (Lochmaben - 1791/2); b) NSA "Dumfries", pp. 377-97 (Lochmaben - 1835) and 451-59 (Dryfesdale - 1836); and c) TSA "The County of Dumfries", pp. 305-15 (Lochmaben - 1952, revised 1956) and 316-29 (Dryfesdale - 1952, revised 1958).

⁴ The other five parishes being Dalton, Hoddam, Lochmaben, St. Mungo and Tundergarth.

and three miles in the north. To the north, Dryfesdale is bounded by the parish of Applegarth, and to the east by the parishes of Hutton, Tundergarth and St. Mungo. Situated in the natural communications routeway of the How of Annandale, the parish contains one major settlement – the market town of Lockerbie.⁵

In addition to giving twenty-nine farmers with addresses in the parish,⁶ a late-nineteenth century county directory⁷ listed the following businesses under Dryfesdale (the majority being in the town of Lockerbie): two Agricultural Implement Makers; one Auctioneer; one Bacon Curer; four Bakers and Confectioners; four Banks; two Blacksmiths; two Booksellers, Stationers and Printers; three Boot and Shoe Makers; three Chemists and Druggists; one Coach Builder; one Cooper; two Clog Makers; one Coal, Lime and Tile Merchant and Agent; eight Drapers; two Fleshers; one Game Dealer; one Grain, Manure and Seed Merchant; twelve Grocers and General Merchants (four being licenced to sell spirits); six Hotels and Posting Houses (one temperance); one

⁵ In the context of an investigation into sexual behaviour, it is worth noting the existence of an entertaining tradition concerning the origin of the name Lockerbie. First told to me by an ex-resident of the town, Roger Davidson of the Department of Economic and Social History at Edinburgh University, the tradition records the name Lockerbie as having derived from the advice given to a cuckold townsman, to keep his unfaithful wife indoors – or to 'lock her by'. In view of the comparison with adjacent Lochmaben, the tradition is perhaps somewhat paradoxical, and a more plausible (if mundane) explanation of the origin of the name concerns the growth of the town as a border keep, the 'stronghold of Lockhart' – or 'Lockhart's bie' [TSA, p. 317]. Nonetheless, the tradition is old, and one contributor to the Dumfries Monthly Magazine of September 1825 made the following comment (in connection with the tradition) about the propensity for such tales to arise over time: "The town is of an origin sufficiently remote to allow the mingling of a large share of tradition with its history – an opportunity which the creative imagination peculiar to Scotland's peasantry has never, in any instance, suffered to pass unimproved". Lockerbie: Miscellaneous Newscuttings, p. 10.

⁶ In 1881, 35 household heads (32 males and three females) in Dryfesdale were enumerated as being working farmers [C1881/820]. Of these 35 farms, the acreages of two were not recorded but of the remaining 33 farms, 12 were equal to or below 100 acres in size (36.36%), whilst the other 21 were all above 100 acres (63.64%). However, for a more complete breakdown of farm size in the parish (dating from 1870), see Appendix 9.

⁷ Ayrshire, Dumfriesshire, Wigtownshire and Kirkcudbrightshire Business Directory (Edinburgh: Charles Lamburn, 1893), s.v. "Farmers" and pp. 206-8. Although published in 1893, some twelve years after the 1881 decennial census, this was the most suitable business directory dating from the second half of the nineteenth to be located.

Ironmonger; one Joiner and Builder; one Lead Merchant; two Meal and Corn Merchants; one Newspaper (the Annandale Herald); one Painter and Paperhanger; two Saddlers and Harness Makers; two Slaters and Plasterers; five Solicitors and Notaries; one Spirit Dealer; one Surgeon; three Tailors and Clothiers; and one Watch Maker and Jeweller. Essentially a directory intended for individual rather than corporate reference, the compilers of this directory presumably saw fit not to make any mention of the Caledonian Railway's workshops in Lockerbie, but the overall impression to be gained from this source is of an agriculturally-orientated parish, containing a prosperous market town. ⁸

Primarily an agricultural parish, then, Dryfesdale contained hilly pastureland to the north-east, and generally flat well cultivated land to the south-west. In the New Statistical Account of Scotland, Dryfesdale was described as having 10,400 acres of land under cultivation (or in occasional tillage), with a further 240 acres capable of cultivation with profit, and 250 acres of woodland. ⁹ Despite the local fame of the parish for its great annual event, the Lockerbie Lamb Fair, ¹⁰ and the scope for arable farming in the valley of the river Annan,

⁸ For an economic breakdown of the occupations of household heads in 1881 (according to Armstrong's economic or industrial classification of occupations), see Table 4.1..

⁹ NSA, pp. 451-59.

¹⁰ Held annually on or around the 14th August from about 1680 until its demise during the second half of the nineteenth century, the Lockerbie Lamb Fair (or Tryst) was an event of major local significance, and one of the premier fairs in Scotland. Situated near to the border with England, on one of the major communication routes between Scotland and the South (now the A74), Lockerbie was in an ideal position for Scottish sheep farmers to meet with English dealers. Aside from the serious business of sheep trading, the Lamb Fair was a also great social occasion that attracted scores of people from miles around. Along with the Sacrament, held in July, the Lamb Fair constituted one of the two main holidays in the Dryfesdale calendar. Vivid descriptions of the business meetings and carnival events that took place at the Lamb Fairs can be found in the local newspaper. See, for example, 'Whey Punsh' [John Irving], "Lockerbie Fifty Years Ago", Annandale Herald, 29 May 1902. Similar to the goings on at the Lamb Fair, and despite the overt religious nature of the 'Occasion' (i.e. the Sacrament), this event has also been described as being of benefit to the local innkeepers, "so that with crowds of holiday-makers and others the day of the Sacrament in a measure degenerated into one of merry-making and excessive indulgence". Thomas Henderson, Lockerbie: A Narrative of Village Life in Bygone Days (Lockerbie: Herald Press, 1937), p. 176.

Table 4.1. Dryfesdale and Lochmaben: Industrial Classification of Occupations of Household Heads, 1881 Census
(figures in parentheses are percentages).

<u>Occupational Sector</u>	<u>Dryfesdale</u>			<u>Lochmaben</u>		
	<u>Male</u>	<u>Female</u>	<u>Total</u>	<u>Male</u>	<u>Female</u>	<u>Total</u>
Agriculture	114 (22.85)	18 (11.11)	132 (19.97)	140 (29.29)	30 (16.13)	170 (25.60)
Mining	1 (0.20)	-	1 (0.15)	14 (2.93)	-	14 (2.11)
Building	66 (13.23)	-	66 (9.98)	66 (13.81)	-	66 (9.94)
Manufacture	74 (14.83)	18 (11.11)	92 (13.92)	69 (14.44)	18 (9.68)	87 (13.10)
Transport	54 (10.82)	2 (1.24)	56 (8.47)	20 (4.18)	-	20 (3.01)
Dealing	60 (12.02)	24 (14.81)	84 (12.71)	40 (8.37)	10 (5.38)	50 (7.53)
Industrial Service	43 (8.62)	-	43 (6.51)	48 (10.04)	-	48 (7.23)
Public & Professional	38 (7.61)	2 (1.24)	40 (6.05)	24 (5.02)	5 (2.69)	29 (4.37)
Domestic Service	20 (4.01)	25 (15.43)	45 (6.81)	15 (3.14)	15 (8.06)	30 (4.52)
Property Owning & Independent	2 (0.40)	17 (10.49)	19 (2.87)	7 (1.46)	17 (9.14)	24 (3.61)
Indefinite/ Dependent	27 (5.41)	56 (34.57)	83 (12.56)	35 (7.32)	91 (48.92)	126 (18.98)
Total	499 (100)	162 (100)	661 (100)	478 (100)	186 (100)	664 (100)

Sources: C1881/820 & 840, NRH; W.A. Armstrong, "The Use of Information About Occupation", in Nineteenth-Century Society, ed. E.A. Wrigley (Cambridge: Cambridge University Press, 1972), pp. 226-310.

by far the most predominant form of agriculture practised in the parish has for a long time been dairying. Indeed, during the course of the nineteenth century butter and cheesemaking became established as the staple industry of the parish. ¹¹

As the nineteenth century progressed, so the population of Dryfesdale steadily increased. Rising from 1,607 in 1801, to 2,409 in 1851, by 1891 the population of the parish stood at 3,233, nearly twice what it had been at the start of the century (Graph 4.1). ¹² In the first half of the twentieth century the population levelled off somewhat, only increasing to 3,376 by 1951. Unlike many rural parishes, therefore, whilst Dryfesdale experienced a degree of population stagnation in the early part of this century, it did not suffer from population decline during the latter part of the nineteenth century. Compare, for example, the population trend experienced in Dryfesdale, with that for the adjacent and surrounding parishes (Graphs 4.1, ^{4.4. and 4.5.} _A). As illustrated by a comparison of these graphs, out of twelve parishes in the vicinity, Dryfesdale was the only one to experience continuous population growth during the second half of the nineteenth century.

The underlying reason behind Dryfesdale's population rise during the nineteenth century was entirely due to the increasing prosperity of Lockerbie,

¹¹ TSA, p. 321.

¹² In terms of religious affiliation, the population of Dryfesdale was predominantly Presbyterian. In 1879, of 1052 acknowledged members of the three main Presbyterian denominations, 44.20% belonged to the congregation of the Established Church, 28.04% to the Free Church, and 27.76% to the United Presbyterian Church. Robert Howie, The Church and the Churchless in Scotland (Glasgow: David Bryce, 1893), p. 6, Table 14. As an indication of increased expansion and diversification amongst the population of Lockerbie, however, a Roman Catholic chapel was founded and built in the town in 1880, and an Episcopal church founded in 1890 and erected in 1893. TSA, pp. 324-25.

an observation reflected in Graph 4.²..¹³ Earlier agricultural improvements and innovations, especially those connected with the manufacture of linen during the second half of the eighteenth century, had turned Lockerbie from what one amateur historian (the namesake of the writer of the description of Dryfesdale in the OSA) has described as a place of "wretched hovels built out of mud and field stones" into a "little village, having neat thatched cottages" by the turn of the nineteenth century.¹⁴ This increased vitality of the town was given further impetus in 1847 (at a time when weaving and stocking-making were on the decline) with the opening of the Caledonian Railway line, linking Glasgow and Edinburgh to Carlisle. This event, combined with the subsequent opening of a connecting line to Dumfries and the setting-up of a railway workshop in Lockerbie, converted the "quiet rural village into a hive of industry".¹⁵

In retrospect, the hive of industry that was once Lockerbie, was to be relatively short-lived. The Caledonian Railway workshops were closed with the amalgamation of the railways after the First World War and soon afterwards passenger traffic to Dumfries ceased. Nonetheless, during their heyday of the Victorian period the railway workshops provided an important source of employment in the parish of Dryfesdale.¹⁶ Furthermore, at "the time that the railway was giving new prosperity to the town, the great houses around the parish were linked up with the prosperous China tea trade, and several millionaires had their country seats near Lockerbie. Even at the beginning of

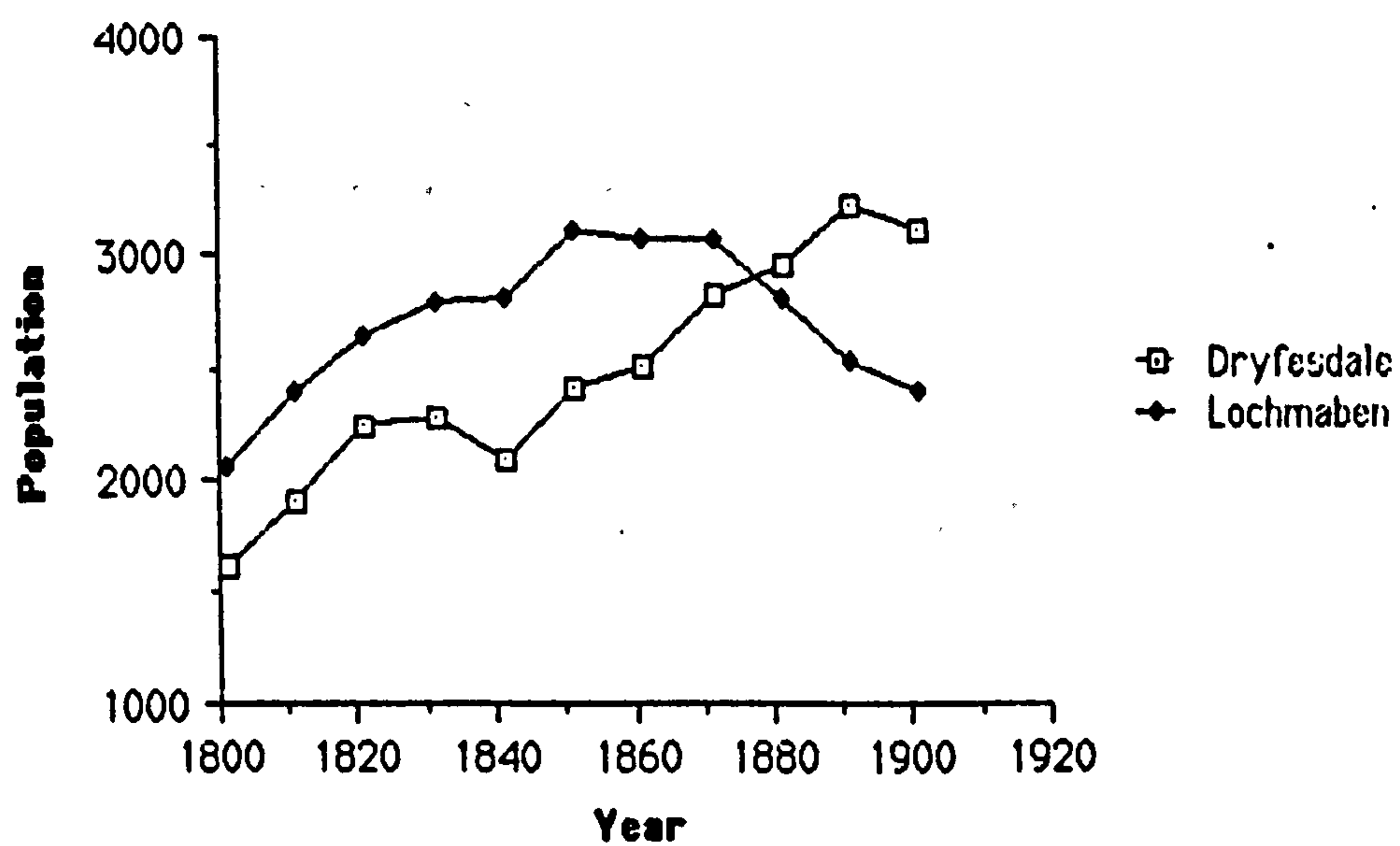
¹³ Furthermore, as Graph 4.4. shows, the population of the landward part of the parish actually declined somewhat as the nineteenth century progressed.

¹⁴ Henderson, pp. 25-29.

¹⁵ John King Hewison, Dumfriesshire (Cambridge: Cambridge University Press, 1912), p. 164.

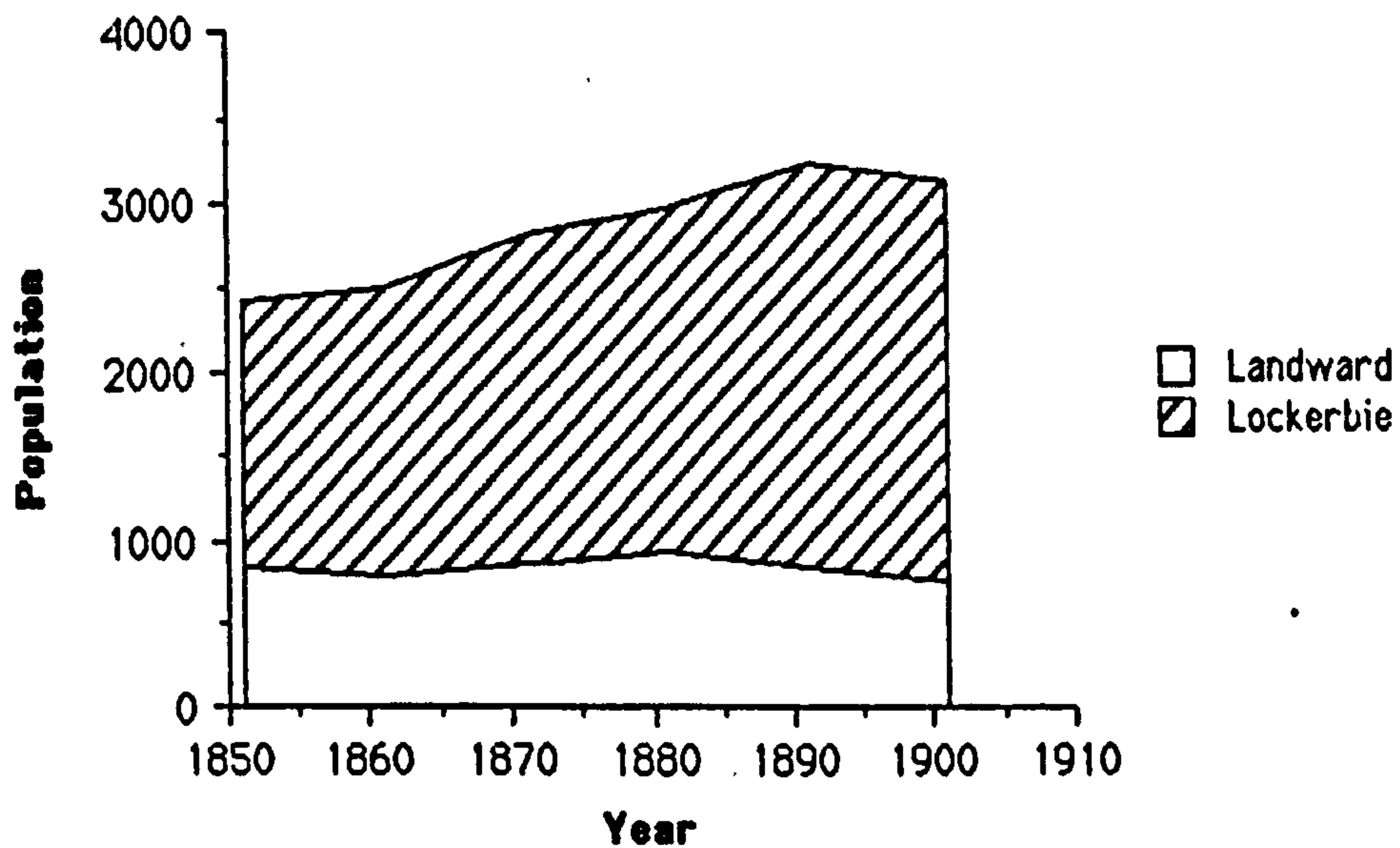
¹⁶ In 1881, 41 households were headed by men employed in (stated) railway occupations [C1881/820]. A figure that represented some 8% of households headed by males (Table 4.1.).

Graph 4.1. Population: Dryfesdale and Lochmaben parishes,
1801-1901

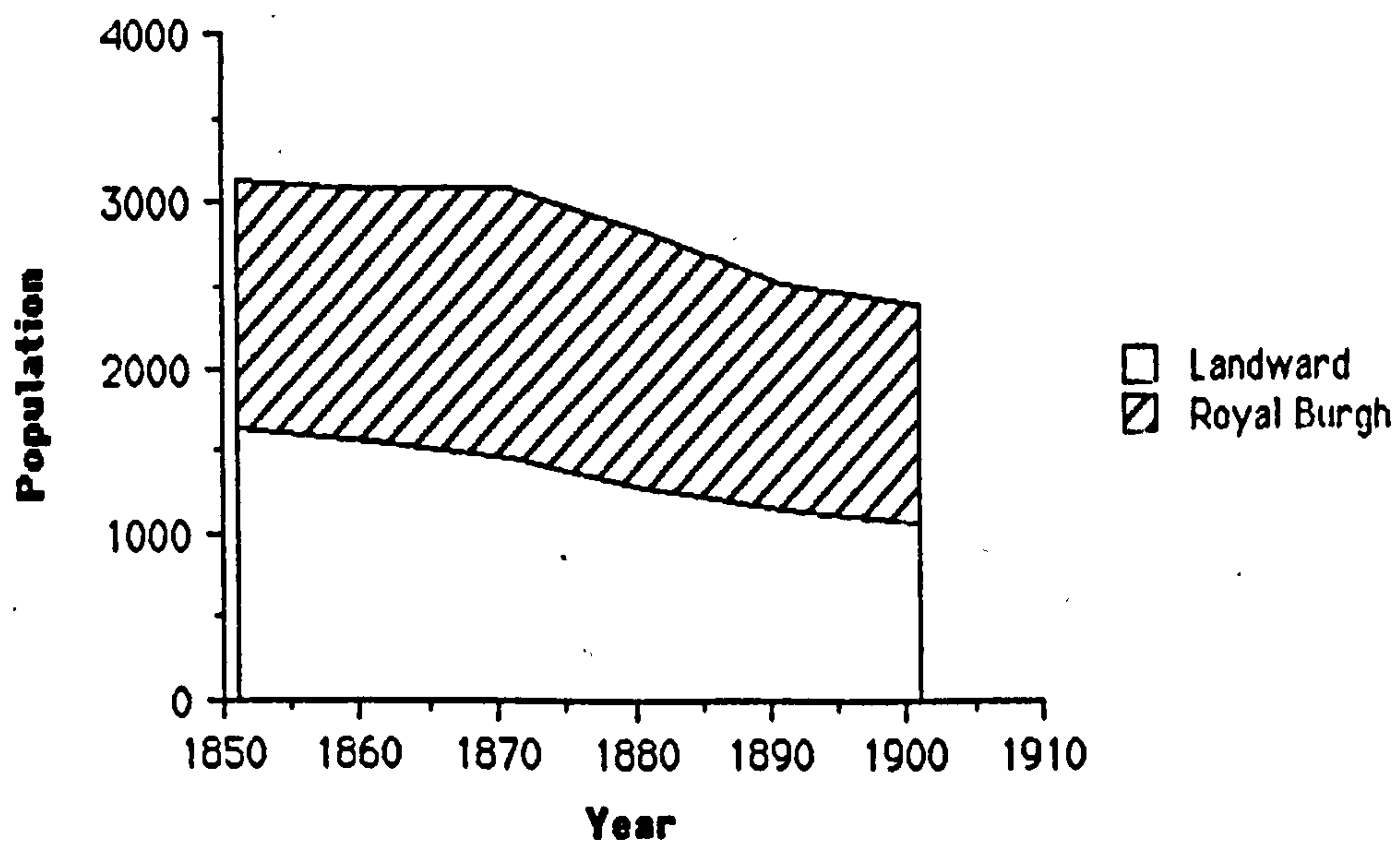


Sources: Census of Great Britain, 1851 and Census of Scotland, 1861-1901.
Parliamentary Papers, 1852/3 [c.1632] LXXXVI; 1862 [c.3013] L;
1872 [c.592] LXVIII; 1882 [c.3320] LXXVI; 1892 [c.6755] XCIV;
and 1902 [c.1257] CXXIX. Note that the 1851 census report gives a
retrospective summary of the results for the 1801-41 censuses.

Graph 4.2. Dryfesdale: Town and Landward Populations, 1851-1901

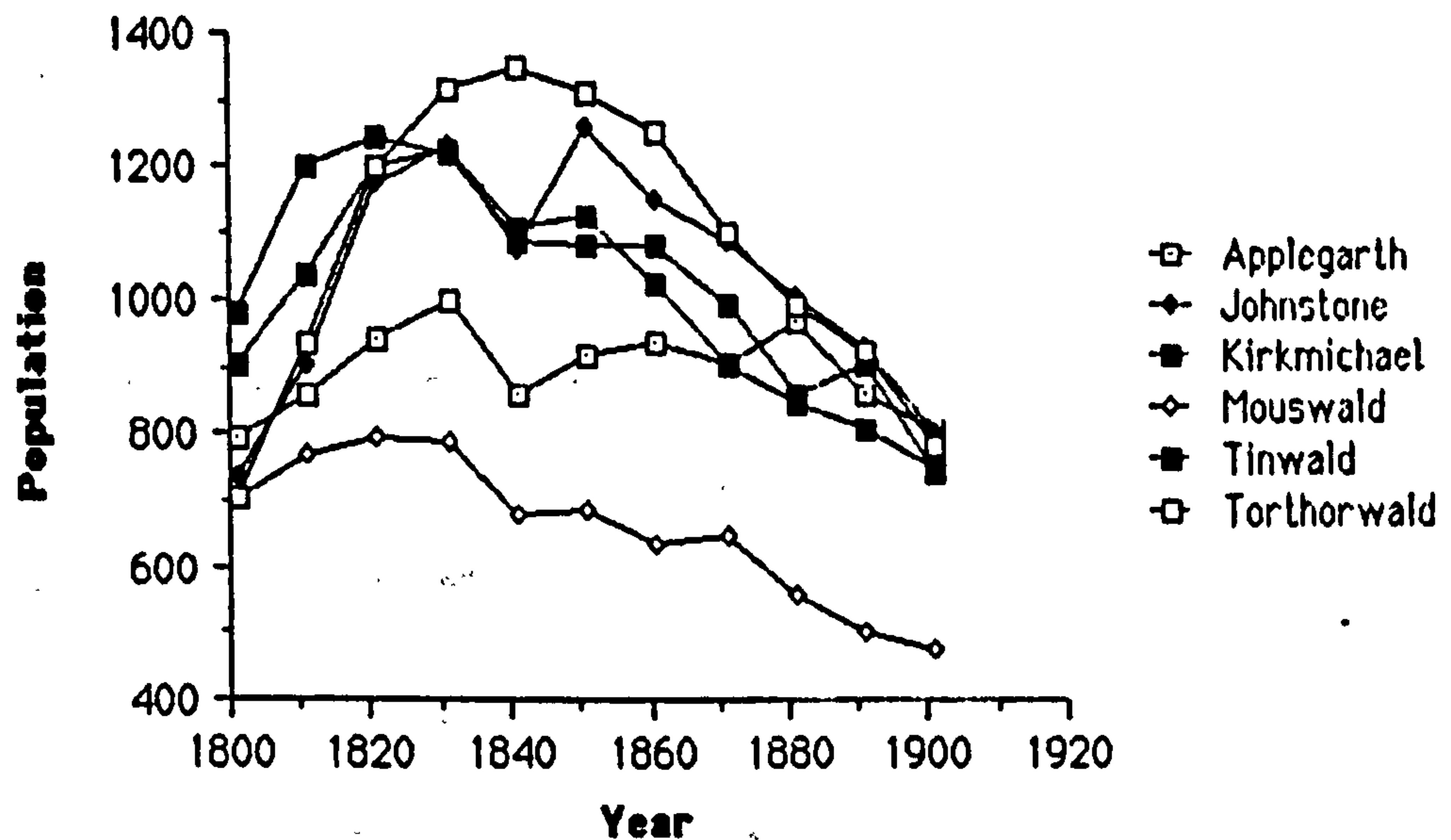


Graph 4.3. Lochmaben: Burgh and Landward Populations, 1851-1901

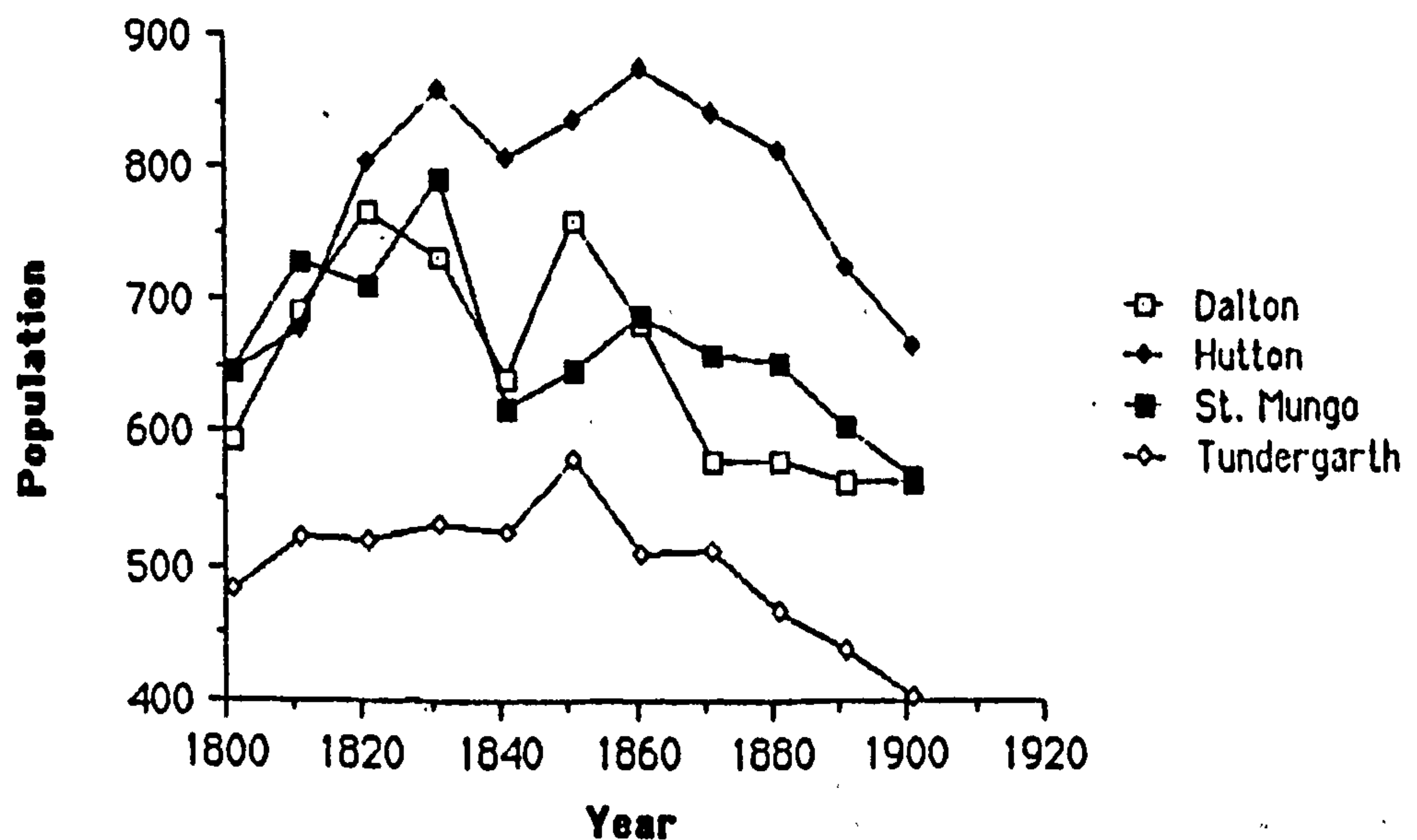


Sources: As for Graph 4.1..

Graph 4.4. Population 1801-1901: Parishes Adjacent to either Dryfesdale or Lochmaben, with lh values >0.080 in 1881



Graph 4.5. Population 1801-1901: Parishes Adjacent to either Dryfesdale or Lochmaben, with lh values ≤ 0.080 in 1881



Sources: As for Graph 4.1.; and MDB (duplicate figures).

the twentieth century, the town was claimed to be the eighth wealthiest in Scotland, in spite of its small size".¹⁷

Despite the undoubted wealth of certain Lockerbie residents, the worldwide connections of some local individuals and the strategic positioning of the town as a railway and communications centre, a further revealing comment about the narrow horizons of the populus of the parish was made by the Rev. J.C. Steen. Writing in the 1950s, Steen noted that for "many generations Dryfesdale was a 'kingdom' in itself, with its people living and marrying within a close area. In the last 30 years the composition of the population has completely changed and I believe that today more than half the population are incomers not 30 years in the area".¹⁸

Having only settled in Lockerbie in 1927,¹⁹ by the 1950s Steen was himself an incomer of not thirty years and so his knowledge of the social structure of the parish during its prosperous era would not have been first-hand. Nonetheless, his observation is an interesting one in that it contradicts the sort of mental image one might otherwise construct about Lockerbie in the last quarter of the nineteenth century. An image of dynamism, prosperity and vitality.²⁰

¹⁷ TSA, p. 319. William Jardine, one of the founders of the famous firm of Jardine, Mathieson and Company, was born and is buried in the adjacent parish of Lochmaben. Writing about this point in the account for Lochmaben, R. Fraser noted that because a number of "heads of this firm returned to the district on retiral that their estates acquired the collective title of 'Chinatown' among the inhabitants" [p. 309].

¹⁸ Ibid., p. 320. The Rev. Steen was the writer of this account of Dryfesdale.

¹⁹ Ibid., p. 322.

²⁰ Steen's notion that Dryfesdale had for many years been a 'kingdom' in itself, was possibly somewhat impressionistic, and is perhaps best viewed in the wider context of the county of Dumfries. In 1881, for example, whilst nearly half (48%) the total number of household heads in Dryfesdale were born in either the parish itself (31.32%), or an adjacent parish (16.94%), 79% were born within the bounds of Dumfriesshire (Table 4.2.).

This notion of some form of duality in the social make-up of Dryfesdale might simply be a reflection of class differentials, with the wealthier inhabitants having the greatest opportunities for broadening their geographical horizons. Nonetheless, the study of illegitimacy is primarily associated with the lower orders in society,²¹ and the implication that for the bulk of the population, at least, Dryfesdale was a to some extent 'kingdom' in itself is thus of some possible significance. It would be totally naive to assume that parochial boundaries marked the full extent of people's horizons, either physically or socially, but the observation that the two neighbouring parishes of Dryfesdale and Lochmaben had marked and protracted disparities in their levels of illegitimate fertility must have some explanation in the nature of their past societies.²²

4.2.3. Lochmaben

Dryfesdale's neighbouring parish of Lochmaben is bounded by Johnstone and Applegarth parishes to the north, Dryfesdale to the east, Dalton and Mouswald to the south, and Torthorwald, Tinwald and Kirkmichael to the west. From north to south the parish of Lochmaben is nine miles in length, varying in

²¹ T.C. Smout, "Aspects of Sexual Behaviour in Nineteenth Century Scotland", in Social Class in Scotland: Past and Present, ed. A Allan MacLaren (Edinburgh: John Donald, 1976), pp. 55-83.

²² A revealing insight into the social, if not physical, distance between Lockerbie and Lochmaben during the time of the Napoleonic Wars is revealed by the Lockerbie born and bred amateur historian, Thomas Henderson, in his re-telling of a local story about a French Prisoner of War having caused a sensation by "running away to Lochmaben" to get married to a Lockerbie woman [Henderson, p. 51]. The story is interesting in the context of the current discussion, not so much for the sensationalism of the inter-marriage itself, but because of Henderson's implication that, for the purposes of elopement, Lochmaben was considered sufficiently far away and that the path there was a well trodden one [p. 52]. During the Napoleonic Wars, approximately twenty French Officer Prisoners of War were billeted on parole at any one time in both Lockerbie and Lochmaben, and instances of fornication between the soldiers and local women are to be found in the Kirk Session Books [See, for example, John Wilson, The Churches of Lochmaben, vol. 2 (Lochmaben: John Wilson, 1971), p. 22]. Moreover, Henderson went as far as to attribute the origin of certain local surnames, such as Baptie (from Baptisti), Arnauld (from Arnaud) and Lorraine, to this earlier presence of the French Prisoners of War [pp. 51 and 104].

breadth from three and a half miles to one and three quarter miles. The southern end of the parish is divided into two forks of unequal size, the one to the west being a mile and a quarter by three-quarters of a mile, and the one to the east three miles long and half a mile wide. Physically, Lochmaben is shaped like a narrow trough, undulating and rising to the north, south and west with a number of natural lochs in its centre. The largest of which, for obvious reasons, is known as the Castle Loch. Covering an area of 10,750 acres the parish of Lochmaben is very similar in geographical size, if not shape, to neighbouring Dryfesdale.

There is some dispute over the precise meaning of the name Lochmaben, but little doubt that it is in some way connected with the prominent Castle Loch,²³ near to which is situated the Royal Burgh and market town of Lochmaben. The town's burghal status dates back to the late thirteenth century, to a time when its rents were due to the Scottish royal family of Bruce. Often stated as being 1612 in earlier works on the subject, the present royal charter of the burgh has now been established as dating back to 1440.²⁴ Along with the burgh of the same name, Lochmaben also contains five villages, Templand to the north of the town and Hightae, Heck, Greenhill and Smallholm to the south-east of the burgh.²⁵

²³ William Graham, in his work entitled, *Lochmaben: Five Hundred Years Ago* (Edinburgh: Wm. P. Nimmo, 1865), gave four possible origins for the name Lochmaben: a) Loch Maighdean, i.e. lake of the fair or maidens; b) Loch-maol-ben, i.e. lake near the smooth topped hill; c) Loch St. Magdalen, the patron saint of the parish; and d) Loch-ma-ban, or lake in the white plain [pp. 1-2]. The fourth derivation refers, either to the light appearance of the loch when contrasted to the darker ridge to its west, or to the fact that in late summer the loch is frequently covered by a white mist. However, two further possible derivations are also mentioned in the TSA, pertaining an ancient British prince by the name of Mabon and a Celtic deity called Maponus [p. 307].

²⁴ Compare the descriptions of the burgh's history as given in the NSA and TSA.

²⁵ See Map C. By the second half of the nineteenth century, of these five villages, only Templand and Hightae were of any great size. Taking Templand to include Broadslack, and Smallholm to include Welldale, the 1881 census enumerators' returns listed 52 households in Templand [C1881/840/4/1-52], 79 in Hightae [C1881/840/5/1-79], 18 in Greenhill [C1881/840/5/93-110], 14 in Heck [C1881/840/7/28-41], and only eleven in Smallholm [C1881/840/6/2-11].

Just as the burgh of Lochmaben has royal connections, so to do the four south-easterly villages of Hightae, Heck, Greenhill and Smallholm. Known as the 'Royal Four Towns', the system of land tenure associated with these villages is somewhat unusual in that it emanates directly from the Crown. The original 'King's Kindly Tenants' or 'Crown Rentallers', as they have come to be called, supposedly received their grants of land from Robert the Bruce as a reward for services rendered in the wars with the English and, in what was at that time a volatile area, for providing a reserve force to man the castle at Lochmaben.

The maintenance of a Scottish garrison at Lochmaben ceased with the Union of the Crowns, and in 1603 the feudal services of the 'kindly' tenants were commuted to small quit rents, payable originally in kind but later in cash.²⁶ Due to the fact that their agreements of tenancy emanated directly from the Crown (with the land being leased in perpetuity), the kindly tenants were afforded fixity of tenure as well as considerable flexibility if they wished to transfer tenancies. Partly as a consequence of these privileges, and partly because of the fertility of the holm grounds surrounding the Royal Four Towns, at various stages in their history the kindly tenants incurred jealous hostility from the constables or keepers of the Castle at Lochmaben. Indeed, on a number of occasions in the past, petitions were made to and sustained by the Crown, ensuring that the kindly tenants maintained their prerogative.²⁷

On the question of the kindly tenants' continuity over time, Thomas Henderson has noted that for "long years these holdings were handed down

²⁶ Graham, p. 99.

²⁷ NSA, pp. 387-88.

from father to son".²⁸ Indeed, according to the Rev. J.H. Thomson of Hightae, there were reckoned to be about seventy kindly tenants living in and around the Royal Four Towns at the start of the nineteenth century and that, whilst their numbers declined somewhat during the course of the century, he estimated their number to be about forty by the close of the century, when he considered them to still form an identifiable group.²⁹

The village of Templand, lying two and a half miles north of the town of Lochmaben (and said to been part of the lands once belonging to the Knights Templar), was influenced considerably in its development by the nearby quarry at Corncockle.³⁰ One of six main red-sandstone producing quarries in Dumfriesshire,³¹ Corncockle Quarry supplied easily wrought yet durable stone for many public buildings in Glasgow and elsewhere. At one time Lochmaben was well-noted for the skills of its masons, "some of whom worked at their craft in the United States throughout the summer season and returned home for the winter".³² With the gradual replacement of stones with bricks in the

²⁸ Thomas Henderson, The Royal Four Towns of Lochmaben (Lockerbie: Herald Press, 1953), p. 3. Henderson went on to claim that it was amongst the kindly tenants that such local names as Carruthers, Kennedy, Rae, Richardson and Wright flourished [p. 4].

²⁹ J.H. Thomson, "The Kindly Tenants of the Four Towns of Lochmaben" Transactions of the Dumfriesshire and Galloway Natural History and Antiquarian Society, 2nd ser., 14 (1897/8), p. 73. The notion of continuity amongst the population of the Royal Four Towns would appear to be substantiated by evidence from the 1881 census enumerators' returns. Table 4.2. presents data about the birthplaces of Lochmaben householders in 1881, and from this it can be seen that some 43.52% were born in the parish itself (a further 18.83% were born in an adjacent parish). In Templand, the percentage of household heads born in the parish was lower than the parochial average (23.08%), whereas in Hightae (the largest of the Royal Four Towns), the percentage was well above the average for the parish as a whole (68.35%). Overall, 81.58% of Lochmaben householders were born in Dumfriesshire, a figure similar to the 79% of Dryfesdale householders born in the county.

³⁰ In 1881, all 14 Lochmaben householders occupied in the mining sector (Table 4.1.) were engaged in quarrying. Moreover, of the 52 households in Templand, approximately one-fifth (19.23%) were headed by men holding occupations directly associated with quarrying.

³¹ The other five quarries being situated at Closeburn, Corsehill, Cove, Gatelawbridge and Locharbriggs. Hewison, pp. 78-79.

³² TSA, p. 310. Of the 66 male householders working in the building sector in 1881 (Table 4.1.), very nearly half were enumerated as being either masons (26) or stonemasons (6) [C1881/840].

building trade, however, the quarry declined in prominence as the nineteenth century progressed and was shut down after the First World War.

Writing about the town of Lochmaben itself in 1836, the compiler of the The New Statistical Account of Scotland commented that there were "no manufactories or trade of any kind carried on, so as to induce strangers to settle in the burgh".³³ Flax growing and weaving had once constituted a significant cottage-based industry in the parish and large quantities of hand-woven brown linen were sold annually.³⁴ Wider economic changes meant that the looms were later adapted for use in stocking-making, but even the hosiery trade was on the decline by the latter part of the century, when Lochmaben came to rely primarily on agriculture as its staple industry.³⁵

During the last decade of the nineteenth century, the following businesses were listed as having Lochmaben addresses (the majority being in the burgh of Lochmaben)³⁶: two Bacon Curers; one Bank; two Blacksmiths; one Bookseller; four Boot and Shoe Makers (including one Clogger); one Chemist; three Coal Merchants and Agents; three Drapers; one Flesher; thirteen Grain and General Merchants; four Hotels and Posting Houses; three Joiners and Cartwrights; one Painter; one Saw Miller; one Solicitor; two Surgeons and Physicians; five Tailors and Clothiers; and one Watch Maker and Jeweller.³⁷ In addition to this,

³³ NSA, p. 392.

³⁴ Ibid., pp. 392-93. During the earlier part of the century, it was estimated that 60,000 yards of unbleached linen were sold annually to English markets.

³⁵ By 1881, of the 87 household heads engaged in manufacture in Lochmaben (Table 4.1.), one was described as a stocking knitter, four as stocking weavers, 14 as stocking makers, two as woollen framework knitters, and four as woollen weavers, but only one as a cotton weaver [C1881/840].

³⁶ Business Directory, 1893, s.v. "Farmers" and pp. 204-6.

³⁷ See also Table 4.1.

forty-eight farmers were listed as having addresses in Lochmaben.³⁸ Accordingly, whilst Lochmaben had twice as many farms (and farming households) than Dryfesdale,³⁹ it had fewer rural businesses.⁴⁰

The trend of population decline in Lochmaben during the second half of the nineteenth century, is charted in Graphs 4.1. and 4.3.. Unlike Dryfesdale, the populations of both the burgh and parish of Lochmaben were in decline during this period. Similar to Dryfesdale, however, the bulk of the population in the parish were Presbyterian in terms of religious affiliation. Indeed, during the latter part of the nineteenth century, the only churches in the parish were those representing the congregations of the three main Presbyterian denominations.⁴¹ In 1879, the number of acknowledged members of these three congregations stood at 1049 (only three persons less than the comparable figure for Dryfesdale), of whom 48.62% belonged to the Established Church, 36.61% to the Free Church, and 14.77% to the United Presbyterian Church.⁴²

4.2.4. Summary

In summarising this very brief insight into the historical background of Dryfesdale and Lochmabnen parishes, it would seem fair to conclude that by

³⁸ In 1881, 77 households were headed by working farmers (68 males and nine females), representing 45.29% of householders engaged in agriculture in the parish (Table 4.1.). Similar to Dryfesdale, the acreages of two of these farms were not recorded in the census enumerators returns, but of the remaining 75, 51 (68.00%) were equal to or below 100 acres in size, whilst the other 24 (32.00%) were all above 100 acres [C1881/840]. According to the 1881 decennial census, then, Lochmaben had twice as many farms (and farming households) as Dryfesdale but, proportionately, half as many farms over 100 acres in size. See also Appendix 9.

³⁹ Although, proportionately, half as many farms over 100 acres in size.

⁴⁰ Forty-nine, as compared with 81 listed for Dryfesdale in 1893.

⁴¹ TSA, p. 312.

⁴² Howie, p. 6, Table 14.

the latter part of the nineteenth century, although both agriculturally-orientated parishes with broadly similar economic structures, it was Dryfesdale that contained the market town with the wider sphere of influence. Moreover, Dryfesdale (and more specifically the town of Lockerbie) was experiencing a time of expansion and relative prosperity, whilst the fortunes of Lochmaben were in reverse (an observation reflected by population growth in Lockerbie, as compared with population demise in the burgh of Lochmaben). ⁴³

Despite a temptation to straightaway attribute the disparity in levels of illegitimate fertility between the parishes of Dryfesdale and Lochmaben during this period to their relative differences in economic prosperity, to do so would be to act rashly. If trends in population alone can be taken as some measure of prosperity, then (as a comparison of Graph 4.1. with 4.5. shows) relatively low levels of illegitimate fertility, as experienced in Dryfesdale, were also a feature of parishes experiencing population decline (or stagnation), as they were of a parish expanding in population. ⁴⁴ Nonetheless, certain aspects of an explanation in terms economic differentials are worth considering and, in Chapters 6 and 7 of the thesis, the relationship between bastardy and female occupations is explored in some detail. ⁴⁵

Another interesting observation to be made about the parishes of Dryfesdale and Lochmaben from this brief resume of their history, concerns the question of insularity. For, despite the geographical proximity of the two

⁴³ See Graphs 4.4. and 4.5..

⁴⁴ For more precise details about population and lh values for the adjacent and surrounding parishes figured in Graphs 4.4. and 4.5., see Chapter 1, Table 1.1..

⁴⁵ Jean Robin, for example, in her recent article "Illegitimacy in Colyton", commented that, "the greater economic freedom which lacemaking gave to Colyton girls could have left them feeling freer to enter into sexual relations with their boys at an earlier age, regardless of the consequences". Continuity and Change 2/2 (August 1987), p. 324.

adjacent parishes, and given an apparently high level of population mobility within Dumfriesshire, both parishes would appear to have maintained a degree of relative autonomy from each other. Inter-migration between the two parishes would not appear to have been any more extensive than with other adjacent parishes (Table 4.2.), and there is even some evidence (certainly within Lochmaben) to suggest an element of sub-parochial autonomy.⁴⁶ Culturally, this sort of independence (even within either parish), could be a significant factor in determining different attitudes towards bastardy.

However, prior to considering the relative merits of such explanations, the state of illegitimacy as it existed in Dryfesdale and Lochmaben during the second half of the nineteenth century has yet to be investigated. To this end, the next section begins the current case-study into illegitimacy, by examining information extracted from the records of civil registration. Arguably, it is when civil registration data is nominally linked (as in the second part of this thesis) that the most meaningful results are achieved. In this respect, similar to the preceding section, the following section provides further useful background information, necessary for the continued examination of bastardy in Dryfesdale and Lochmaben. This aspect of the following section notwithstanding, certain important findings about both illegitimacy itself, and its treatment under the Victorian system of Scottish civil registration, arise from the ensuing investigation into the 1876-81 birth cohorts from Dryfesdale and Lochmaben.

⁴⁶ J. Michael Phayer, for example, has demonstrated that in one Austrian parish (Obergrafendorf), illegitimate fertility at the parish level does not necessarily reflect sexual conduct at the settlement level. "Subcommunal Bastardy and Regional Religion: Micro and Macro Aspects of the Debate on the Sexual Revolution", *Journal of Sex Research* 17/3 (August 1981), pp. 204-23.

Table 4.2. Dryfesdale and Lochmaben: Birthplaces of Household Heads, 1881 Census (figures in parentheses are percentages).

<u>Birthplace</u>	<u>Dryfesdale</u>		<u>Lochmaben</u>		<u>Total</u>	
Dumfriesshire	521	(78.82)	560	(84.34)	1081	(81.58)
Dryfesdale	207	(31.32)	20	(3.01)	227	(17.13)
Lochmaben	24	(3.63)	289	(43.52)	313	(23.62)
Applegarth	34	(5.14)	14	(2.11)	48	(3.62)
Dalton	8	(1.21)	10	(1.51)	18	(1.36)
Hutton	17	(2.57)	5	(0.75)	22	(1.66)
Johnstone	23	(3.48)	26	(3.92)	49	(3.70)
Kirkmichael	5	(0.76)	23	(3.46)	28	(2.11)
Mouswald	7	(1.06)	3	(0.45)	10	(0.75)
St. Mungo	23	(3.48)	13	(1.96)	36	(2.72)
Tinwald	8	(1.21)	18	(2.71)	26	(1.96)
Torthorwald	5	(0.76)	11	(1.66)	16	(1.21)
Tundergath	6	(0.91)	2	(0.30)	8	(0.60)
Rem. of Dumfriesshire	154	(23.30)	126	(18.98)	280	(21.13)
Scotland - Other Counties	98	(14.83)	72	(10.84)	170	(12.83)
Galloway*	30	(4.54)	29	(4.37)	59	(4.45)
Ayr	6	(0.91)	6	(0.90)	12	(0.91)
Lanark	6	(0.91)	6	(0.90)	12	(0.91)
Peebles	6	(0.91)	1	(0.15)	7	(0.53)
Roxburgh	3	(0.45)	2	(0.30)	5	(0.38)
Selkirk	2	(0.30)	-	-	2	(0.15)
Rem. of Scotland	45	(6.81)	28	(4.22)	73	(5.51)
Outwith Scotland	42	(6.35)	32	(4.82)	74	(5.58)
England & Wales	28	(4.24)	23	(3.46)	51	(3.85)
Ireland	14	(2.12)	7	(1.05)	21	(1.58)
Abroad	-	-	2	(0.30)	2	(0.15)
Total	661	(100)[†]	664	(100)[†]	1325	(99.99)

* Galloway includes the counties of Kirkcudbright and Wigtown.

[†] Figures do not always sum to total due to rounding.

Sources: C1881/820 and 840, NRH.

4.3. Civil Registration and Illegitimacy

4.3.1. Prelude

In the preceding section, a brief outline of the socio-economic background to nineteenth century Dryfesdale and Lochmaben was presented. It is within this wider cultural and economic context that any final conclusions to be drawn about bastardy in Victorian Dumfriesshire must be placed. However, prior to drawing any such conclusions, the 1876-81 case-study into illegitimacy needs to be detailed.

This section opens the 1876-81 case-study of bastardy in Dryfesdale and Lochmaben, by examining the standardised information recorded under the Scottish system of civil registration.⁴⁷ In addition to analysing information relevant to the question of illegitimacy contained in the registers of births, nominally-linked evidence from the marriage registers is examined in relation to the on-going Carter/Smout debate, and the death registers are similarly exploited to investigate levels of infant mortality. Indeed, it is a discussion about marriage that begins the Dryfesdale and Lochmaben case-study.

4.3.2. Marriages

⁴⁷ Standardised information is taken here to refer to the details common to all certificates of either birth, death or marriage. Supplementary details, namely information about double registration, paternity and subsequent legitimation, are examined in the following chapter. Information about parental occupations contained in the birth registers also varies, according to the legitimacy status of the child, and is analysed separately in Chapters 6 and 7. For examples of certificates (schedules) of birth, death and marriage, see Appendix 3. In addition to which, Appendix 4 presents transcript examples of illegitimate birth registration taken from the Dryfesdale and Lochmaben case-study.

4.3.2.1. Rationale

Following the advice of Anthea Newman, to consider marriage when investigating bastardy, ⁴⁸ the starting point chosen for the examination of illegitimacy in Dryfesdale and Lochmaben during the period leading up to the 1881 decennial census, is the question of matrimony. In order to accurately test Carter's modified hypothesis, whereby there may have existed some doubt over the legitimacy status of children born to couples married irregularly (and more specifically by virtue of habit and repute), it is not only important to establish whether or not the parents of illegitimate children cohabited, but also to establish the precise marital status of parents bearing legitimate children.

The investigation of cohabitation, in relation to the parents of illegitimate children, is only feasible by means of linking census and civil registration data and, as such, is not presented until Chapter 8 of the thesis. In contrast to this, however, evidence about marriage can be analysed using civil registration data alone. Post-1860 Scottish certificates relating to the birth of legitimate children contain details about both the date and place of the parents' marriage and, by verifying this information with reference to the actual marriage certificates, it should thus not only be possible to confirm that the parents were indeed married, but also to establish the relative proportion of parents married regularly and irregularly. ⁴⁹

Evidence to suggest that a large proportion of the parents of legitimate children from the Dryfesdale and Lochmaben case-study were married

⁴⁸ Quoted at the start of Chapter 3.

⁴⁹ See the examples of marriage certificates (schedules) presented in Appendix 3.

irregularly, might serve to complicate the discussion of bastardy by introducing an element of uncertainty as to the definite legitimacy status of their children. Conversely, evidence revealing that the majority of these parents married regularly would almost certainly remove any question of any doubt concerning the legitimacy status of their offspring. Detailed knowledge about the manner in which the parents of registered legitimate children married, thus provides a sound basis for the subsequent comparison of the situations of these children, with those overtly stated as having been illegitimate at the time of birth registration. Moreover, by checking marriage details obtained from birth certificates with actual marriage certificates, this whole exercise lends itself to being a test of the accuracy of one of the most crucial demographic features to distinguish the Scottish system of civil birth registration from its (analytically) inferior southern counterpart: the provision for the inclusion of marriage details on birth certificates.⁵⁰

4.3.2.2. Procedure

In order to achieve both a test of accuracy, and avoid endlessly searching for any highly elusive marriages, it was decided to treat *each* legitimate birth certificate as an independent historical document, liable to a margin of error in its own right. For pragmatic reasons, however, only those marriages that occurred in Scotland after the introduction of civil registration in 1855, could be

⁵⁰ In so doing, of course, an assumption about the greater accuracy of marriage certificates over birth certificates is being made. All civil registers are subject to genuine recording (or transcription) errors, but given the close proximity in time of a marriage and its registration (sometimes even the same day), it is realistic to assume that few mistakes were made as the result of memory lapse. In contrast to which, the recalling of marriage particulars when registering a subsequent birth (possibly many years later), would have been subject a time-induced error of memory. Thus, whilst neither a marriage certificate nor a birth certificate is entirely free from error (especially when detailing more subjective descriptions such as occupation), with regard to the details about date and place of marriage, it is reasonable to assume a relatively high level of accuracy for the civil recording of weddings.

verified.⁵¹ Excluding instances of double birth registration involving birth outwith the two parishes concerned,⁵² but therefore treating twin and sibling births separately,⁵³ there were 401 registered legitimate births for the 1876-81 period in Dryfesdale, and 320 in Lochmaben. Three births in Dryfesdale and two in Lochmaben recorded pre-1855 marriages in Scotland, whilst 28 and 16 respectively detailed marriages outwith Scotland (mainly in England).⁵⁴ The number of certificates recording post-1854 marriages in Scotland was thus 370 in Dryfesdale and 302 in Lochmaben.⁵⁵

Utilising the annual national indexes of marriages held at the General Register Office in Edinburgh, and allowing for a margin of error of two years either side of the stated year of marriage, a search was made for the post-1854 Scottish marriage certificates relating to these 672 birth certificates. The separate alphabetical listing of male and female marriage partners in these indexes, along with place of marriage, allowed for both the year and place of marriage to be corroborated prior to examining the actual marriage registers. Once located, the details of each marriage certificate were transcribed and later entered into a newly created alpha-numeric file on the EMAS mainframe computer. Using the SORT/MERGE package, this data was then combined with a file containing the details originally extracted from the birth certificates, and

⁵¹ The checking of pre-1855 Scottish marriages would have involved the use of parish registers, an exercise decided against in the research design of the thesis, whilst cost and difficulties of access prohibited the checking of marriages celebrated outwith the country.

⁵² Three in Dryfesdale [B1878/820/71; B1879/820/62; and B1880/820/36], and one in Lochmaben [B1879/840/22]. Cases of double registration, referred to as 'domicil cases' in this thesis, are examined in the following chapter.

⁵³ There were five sets of legitimate twin births in both Dryfesdale and Lochmaben, and one set of illegitimate twins in Dryfesdale. Excluding 'domicil cases' born outwith either Dryfesdale or Lochmaben, the total numbers of illegitimate births from the 1876-81 birth cohort were 45 and 89 respectively. See Chapter 2 for further details about the 1876-81 birth cohorts.

⁵⁴ In all, these 39 births pertained to 34 couples.

⁵⁵ Born to 235 couples in Dryfesdale and 209 couples in Lochmaben.

the two sets of data compared.

In instances where the marriage certificates were not easily identifiable,⁵⁶ the marriage details transcribed from the relevant birth entries were re-checked to ensure that any error was not one of transcription on my part. Certain marriages were found as the result of a second examination of the annual marriage indexes, but a number were not found at all. In these cases, the relevant marriage registers for the district and five-year period concerned were also examined, an exercise unsuccessful in revealing any further relevant marriages. By implication, therefore, the inability to find these unlocated marriage entries was not a result of any failure to include them in the national annual indexes of marriage. As detailed more fully in the following section, the failure to locate such marriage entries must, therefore, have been due either to marriage under-registration (or possibly non-registration in the case of irregular marriages), or to a margin of error greater than two years either side of the year of marriage stated on the birth certificates.⁵⁷

Pragmatically, because certain birth certificates only gave calendar details of the month and year of the parents' marriage (as opposed to the day, month and year⁵⁸), when comparing the two sets of marriage particulars, the accurate or correct recording of nuptiality was taken as relating to simply the month,

⁵⁶ For example, the marriage in 1876 of Francis Quin(n), of Bridge Street, Lockerbie, to Mary Con(n)olly, is indexed under the surname 'Queen' in the national marriage index for that year.

⁵⁷ Note that, any discrepancies in the place of marriage, were covered by the initial cross-referencing of male and female names.

⁵⁸ In Lochmaben, for example, 36 legitimate birth certificates (11.92%) made no mention of the precise day of the parents' wedding.

year and place of marriage.⁵⁹ The findings of this investigation into the accuracy of recording marriage details on birth certificates, enumerating the number of birth certificates rather than the number of married couples, are presented in Table 4.3., and Table 4.4. gives information about place of marriage.

4.3.2.3. Results

Table 4.3. does not present details about the type of marriage, whether regular or irregular, for the simple reason that *all* the located marriages were of the one sort: regular. However, as Table 4.3. does illustrate, the recording of marriage particulars on birth certificates was by no means perfect. Nonetheless, the particulars were accurate to the month, year and place of marriage in 85.71% of the combined total of 672 birth certificates examined. In contrast to only one instance of an error involving place of marriage,⁶⁰ the commonest error was for the stated year of marriage to be incorrect (4.87% in Dryfesdale and 12.25% in Lochmaben), implying that for the calculation of

⁵⁹ Moreover, the memories of certain informants concerning the precise day of their wedding, were sometimes found to have been less than perfect. Take, for example, the case of one Dryfesdale ploughman, Samuel CL. The births of four of Samuel's children occurred within the period of the 1876-81 case-study, and in all four cases he acted as the informant at the time of registration. Despite his being consistently accurate in recalling the month (and place) of his wedding, Samuel never achieved complete accuracy as to the combined day and year of the event. His date of marriage was recorded once as the 22 November 1869 [B1876/820/43], once as the 24 November 1866 [B1879/820/37], and twice as the 23 November 1868 [B1877/820/84 and B1881/820/14]. His marriage certificate, however, gives his date of marriage as the 24 November 1868 [M1868/847/2]. Whilst it is fair to comment that the majority of inaccuracies pertaining to located marriage certificates were attributable to fathers (in Dryfesdale, 28 out of the 31 cases of inaccuracy involving located marriage certificates listed in Table 4.3., and in Lochmaben, 48 out of 52 such cases), any conclusions to be drawn from this observation must be made in relation to the overall proportion of fathers who acted as the informant (see Table 4.5. for details). Furthermore, only one error listed in Table 4.3. was directly attributable to an informant other than a parent of the child concerned. On this occasion the informant was the child's grandmother, and the margin of error was one month [B1877/840/52].

⁶⁰ B1881/840/21 and M1878/81/3. The stated place of marriage in this case was Lochmaben, when in reality the marriage was celebrated in the parish of Cummertrees. The other details in this instance were all correct (even to the day of the wedding), and this error may well have been due to the registrar for Lochmaben simply inserting the name of his registration district by mistake.

**Table 4.3. Dryfesdale and Lochmaben: Extent of Accuracy of Marriage
Details Recorded on Legitimate Birth Certificates (post-1854
Scottish marriages only), 1876-81 Case-study**

<u>Extent of Accuracy</u>	<u>Stated Year of Marriage</u>			<u>Total</u>	<u>(%)</u>
	<u>1855- 64</u>	<u>1865- 74</u>	<u>1875- 81</u>		
<u>a) Dryfesdale</u>					
Correct month, year and place	51	165	116	332	(89.73)
Incorrect month, correct year and place	-	6	6	12	(3.24)
Incorrect year, correct month and place	6	6	6	18	(4.87)
Incorrect month and year, correct place	-	1	-	1	(0.27)
Incorrect place, correct month and year	-	-	-	-	-
Not Located	1	5	1	7	(1.89)
Total	58	183	129	370	(100)
<u>b) Lochmaben</u>					
Correct month, year and place	38	101	105	244	(80.79)
Incorrect month, correct year and place	1	4	7	12	(3.97)
Incorrect year, correct month and place	11	18	8	37	(12.25)
Incorrect month and year, correct place	-	2	-	2	(0.66)
Incorrect place, correct month and year	-	-	1	1	(0.33)
Not Located	-	4	2	6	(1.99)
Total	50	129	123	302	(99.99)
<u>c) Combined</u>					
Correct month, year and place	89	266	221	576	(85.71)
Incorrect month, correct year and place	1	10	13	24	(3.57)
Incorrect year, correct month and place	17	24	14	55	(8.18)
Incorrect month and year, correct place	-	3	-	3	(0.45)
Incorrect place, correct month and year	-	-	1	1	(0.15)
Not Located	1	9	3	13	(1.93)
Total	108	312	252	672	(99.99)

N.B. Details verified from marriage registers, using national annual indexes, and allowing for a margin of error of two years either side of stated year of marriage.

Sources: B1876-81/820 and 840; M1855-81/Various, NRH.

Table 4.4. Dryfesdale and Lochmaben: Marriage Place of Legitimate Children's Parents (located post-1854 Scottish marriages only), 1876-81 Case-study (figures in parentheses are percentages).

<u>Place of Marriage</u>	<u>Dryfesdale</u>		<u>Lochmaben</u>		<u>Total</u>	
Dumfriesshire	190	(82.25)	172	(83.50)	362	(82.84)
Dryfesdale	83	(35.93)	5	(2.43)	88	(20.14)
Lochmaben	8	(3.46)	107	(51.94)	115	(26.32)
Applegarth	7	(3.03)	-	-	7	(1.60)
Dalton	5	(2.17)	1	(0.48)	6	(1.37)
Hutton	4	(1.73)	2	(0.97)	6	(1.37)
Johnstone	3	(1.30)	4	(1.94)	7	(1.60)
Kirkmichael	2	(0.87)	3	(1.46)	5	(1.14)
Mouswald	1	(0.43)	3	(1.46)	4	(0.91)
St. Mungo	5	(2.17)	1	(0.48)	6	(1.37)
Tinwald	4	(1.73)	2	(0.97)	6	(1.37)
Torthorwald	-	-	-	-	-	-
Tundergarth	5	(2.17)	-	-	5	(1.14)
Rem. of Dumfriesshire	63	(27.27)	44	(21.36)	107	(24.49)
Scotland - Other Counties	41	(17.75)	34	(16.50)	75	(17.16)
Galloway*	11	(4.76)	19	(9.22)	30	(6.87)
Ayr	3	(1.30)	3	(1.46)	6	(1.37)
Lanark	12	(5.19)	4	(1.94)	16	(3.66)
Peebles	1	(0.43)	-	-	1	(0.23)
Roxburgh	1	(0.43)	-	-	1	(0.23)
Selkirk	-	-	-	-	-	-
Rem. of Scotland	13	(5.63)	8	(3.88)	21	(4.81)
Total	231	(100)	206	(100)[†]	437	(100)[†]

* Galloway includes the counties of Kirkcudbright and Wigtown.

[†] Figures do not always sum to total due to rounding.

Sources: B1876-81/820 and 840; M1855-81/Various, NRH.

certain demographic measurements requiring very precise details, such as the proportion of first births conceived prior to wedlock, reference to birth certificates alone is insufficient.⁶¹ However, for the purposes immediately at hand, the level of accuracy can be taken as being very high. In less than two per cent of the total number of cases examined (1.89% in Dryfesdale and 1.99% in Lochmaben), was no marriage certificate located.

The 13 birth certificates from which the relevant marriage certificates could not be located within a five-year period, related to eleven sets of parents – six in Dryfesdale and five in Lochmaben. However, partial family reconstitution, combining the evidence from the birth certificates of siblings, reduces this number to nine couples (five in Dryfesdale and four in Lochmaben).⁶² Moreover, the marriage certificates pertaining to a further two couples (one each in Dryfesdale and Lochmaben), were inadvertently located during the course of searches for marriages of other persons with similarly spelled surnames married at around the same time.⁶³ Consequently, the actual number of marriage certificates not located as part of this exercise related to

⁶¹ As with illegitimate fertility, the proportion of confirmed legitimate first births (to couples from the 1875-81 marriage cohort) conceived pre-nuptially, was higher in Lochmaben than in Dryfesdale. Counting twin births singly, in Dryfesdale, 21 out of 65 first births (32.31%) were born within eight and a half months of marriage, whereas in Lochmaben, out of 71 first births, the comparable number was 31 (43.66%). The choice of a cut-off point of eight and a half months in this calculation, was based on the rationale presented by P.E.H. Hair in his article, "Bridal Pregnancy in Rural England in Earlier Centuries", *Population Studies*, 20 (November 1966), p. 233.

⁶² For example, in the case of Robert and Janet CN of Lockerbie, although the marriage particulars recorded on the birth certificates of both their children born within the 1876-81 period were inaccurate [M1870/821/74], the margin of error was eight years in one case [B1877/820/43], but only one year in the other [B1879/820/73]. In the second case, from Lochmaben, the marriage details were correct for one child [B1877/840/22 and M1876/840/8], but seven years and one month disparate for the other [B1879/840/55].

⁶³ In the case of the birth of Joseph SG [B1880/820/61], the year of his parents' marriage was mistakenly entered in the register as 1855 when, in fact, it was 1875 [M1875/864/1]. In that of Mary Isabella GN [B1876/840/10], the transposition of the figures '7' and '6' in the year 1876, otherwise concealed the reality that she was born less than a month after her parents' marriage [M1876/821/3].

only seven couples, four couples with five children in Dryfesdale,⁶⁴ and three couples with four children in Lochmaben.⁶⁵

4.3.2.4. Interpretation

As a consequence of this investigation, we can state with confidence that of the 235 couples in Dryfesdale, 98.30% were married regularly, and that of the 209 couples in Lochmaben, 98.56% were so married. Given a margin of error in the region of two per cent in each parish, it would seem perfectly acceptable to assume that the remaining handful of couples were also married regularly. However, to err on the side of caution, it is perhaps best to state that a maximum of two per cent of couples in both Dryfesdale and Lochmaben were married irregularly.⁶⁶ Nevertheless, any attempt to suggest that the 34 couples (married either in Scotland prior to 1855, or outwith the country entirely) not included in this survey were not married regularly, would appear to have little justification.

T.C. Smout has calculated that the level of irregular marriage in Scotland stood at 0.18% of all *registered* marriages during the 1860s, and 1.04% in the

⁶⁴ B1877/820/42 and 62; B1879/820/41; B1880/820/71 and 79. The four marriages were supposedly celebrated at Glasgow in 1865, Gretna in 1867, Southwick in 1874, and Thornhill (Morton) in 1878.

⁶⁵ B1877/840/11; B1878/840/76; B1879/840/72; and B1880/840/52. The three marriages were recorded as having taken place at Lochmaben in 1869, and at Gretna Green in 1871 and 1878.

⁶⁶ This note of caution was influenced by the observation that of the seven couples for whom no marriage certificate was located, three were stated as having married in the parish of Gretna. Out of the 437 located marriages, 362 (82.84%) were celebrated in Dumfriesshire, of which only two occurred in the parish of Gretna [B1876/820/65 and M1868/827/2; B1878/820/21 and M1876/827/2]. Thus, out of a total of five Gretna marriages, the certificates for three were not located. Given the close association between irregular marriage and Gretna Green (even for Scottish couples), it is feasible that these three instances were examples of unregistered irregular marriage. 'Claverhouse', for example, has noted that, despite the encouragement to register irregular marriages provided by increasing social security benefits, even in 1928 only 18 of the 275 (6.54%) of the irregular marriages recorded as having been conducted at Gretna Green were actually registered with the civil authorities. 'Claverhouse' [Meliora Smith], Irregular Border Marriages (Edinburgh and London: Moray Press, 1934), pp. 136-40.

1870s.⁶⁷ The findings of this investigation certainly confirm that (apart from in a parish such as Gretna, renowned for its association with irregular marriage) irregular marriage was uncommon during this era, and they provide no cause for concern about the legitimacy status of registered legitimate births in Dryfesdale and Lochmaben during the period 1876-81. The parents of a handful of legitimate children may have been married irregularly, and the marriages possibly not registered but, at around two per cent, this proportion of the total number of married couples was very small. Moreover, even if these few couples were married irregularly by habit and repute, thus raising some vestige of doubt about the true legitimacy status of any children born to them, their influence upon the pattern of bastardy in Dryfesdale and Lochmaben in the 1870s and 1880s would have been so minimal as to be negligible.

The possibility that certain children registered at birth as being illegitimate were in fact legitimate, born to couples cohabiting as if husband and wife, is not explored until Chapter 8 of the thesis. In the meantime, however, the investigation into bastardy can proceed with the confidence that there is little doubt about the true legitimacy status of their peers registered as being legitimate.

4.3.3. Births

4.3.3.1. The Informants

By all accounts, ever since the introduction of civil registration in 1855, the

⁶⁷ T.C. Smout, "Scottish Marriage, Regular and Irregular 1500-1940", in Marriage and Society, ed. R.B. Outhwaite (London: Europa, 1981), p. 222.

level of birth under-registration in Scotland has been low. ⁶⁸ This bureaucratic triumph can be attributed to the 1854 Act of Registration which, rather than putting the onus of responsibility on the local registrar (as in England and Wales prior to 1874), made birth registration primarily the responsibility of the parents or parent. ⁶⁹

According to the 1854 Act of Registration, apart from the parents or parent of an infant, the persons otherwise required to register a birth included the occupier of the house in which the event occurred, and any attendant nurse, ⁷⁰ a clause that aimed to achieve maximum efficiency in the registration procedure, both by providing an alternative in case of accident or illness on the part of the parent or parents, and by placing the onus of responsibility on all persons in any way connected with the birth. By implication, therefore, it would be unwise to conjecture that the informant recorded as registering a birth necessarily played a dominant role in the subsequent upbringing of that child. Equally so, however, it would be unrealistic not to assume that there were social customs regulating the choice of informant.

Details as to who in fact did act as informant at the registration of the Dryfesdale and Lochmaben births from the 1876-81 cohort, are presented in Tables 4.5. and 4.6.. For the legitimate children (Table 4.5.), whilst a handful of births were registered by persons other than stated relatives of the children (0.42%), the apparent tendency was as one might expect, with 86.50% of births being registered by the children's fathers (88.13% in Dryfesdale and 84.44% in

⁶⁸ For a discussion about the relative merits of the English and Scottish systems of civil registration, see Chapter 3, footnote 49.

⁶⁹ 1854 17 & 18 Vict., c. 80, c. 27.

⁷⁰ Ibid.

Lochmaben), a finding presumably reflective of the dominant position held by men in Victorian society. The remaining births were registered by the children's mothers (9.00%), their grandparents (2.25%), or their aunts and uncles (1.83%). Consequently, the births of the vast majority of legitimate children were registered by close relatives and, among these relatives, registration would appear to have been a task considered a father's preserve.

Unlike legitimate births, which could be registered by either of a child's parents, the father of an illegitimate child was only entitled to register the birth if he acknowledged paternity, and if he attended registration in person with the mother. As Table 4.6. shows, the acknowledgement of paternity at the time of birth by the fathers of bastard children was not common. Out of a total of 133 illegitimate births, paternity was only acknowledged at registration on three occasions (2.26%). The complex question of paternity is discussed in some detail in the following chapter but, accepting in the meantime that acknowledgement of paternity was rare, one might expect the majority of illegitimate births to have been registered by the children's mothers. Referring again to Table 4.6., we can see that this was indeed the case. In all, 64.66% of the illegitimate births were registered by the children's mothers. However, this figure is a good twenty percentage points lower than the proportion of fathers registering legitimate births.⁷¹

The explanation for this observed disparity is not to be found in a

⁷¹ Overall, only 41 of the total 844 birth certificates under scrutiny in this section (4.86%), involved informants signing by their mark (x). In Dryfesdale, the informants at the registration of 14 legitimate births signed by their mark (five fathers, seven mothers and two grandmothers), whilst only a further two grandmothers registering illegitimate births signed likewise. In Lochmaben, twelve legitimate birth were registered by informants signing by their mark (five fathers, six mothers and one aunt), whereas eleven mothers and two grandfathers registering illegitimate births could not sign their own names. If one considers that, proportionately, a combined total of 20% of mothers registering legitimate births signed by their mark, as compared with only two per cent of fathers, any correlation between illiteracy and illegitimacy would merely appear to have been a pragmatic reflection of the gender divide.

Table 4.5. Legitimate Births: Person Registering Birth, Dryfesdale and Lochmaben, 1876-81 Case-study (figures in parentheses are percentages).

<u>Relationship to Child</u>	<u>Dryfesdale</u>		<u>Lochmaben</u>		<u>Total</u>	
Father	349	(88.13)	266	(84.44)	615	(86.50)
Mother	35	(8.84)	29	(9.21)	64	(9.00)
Grandparent	7	(1.77)	9	(2.86)	16	(2.25)
Aunt/Uncle	3	(0.76)	10	(3.32)	13	(1.83)
Non-relative	2	(0.50)	1	(0.32)	3	(0.42)
Total	396	(100)	315	(100)	711	(100)

Table 4.6. Illegitimate Births: Person Registering Birth, Dryfesdale and Lochmaben, 1876-81 Case-study (figures in parentheses are percentages).

<u>Relationship to Child</u>	<u>Dryfesdale</u>		<u>Lochmaben</u>		<u>Total</u>	
Father	1	(2.27)	2*	(2.25)	3	(2.26)
Mother	21	(47.73)	65	(73.03)	86	(64.66)
Grandparent	13	(29.55)	17	(19.10)	30	(22.56)
Aunt/Uncle	9	(20.45)	4	(4.49)	13	(9.77)
Non-relative	-	-	1	(1.12)	1	(0.75)
Total	44	(100)	89	(99.99)	133	(100)

* Mother accompanied by father.

Sources: B1876-81/820 and 840, NRH.

significantly larger number of non-kin registering illegitimate births, but in the greater proportion of close relatives who registered the births of their bastard kin. Indeed, very nearly one third of all illegitimate births (32.33%) were registered by close relatives of the children apart from their parents. Of these close relatives, the majority were grandparents of the children, accounting for close to a quarter of all registered bastard births (22.56%).

To what extent acting as the informant at birth registration signified a dominant role in the future upbringing children must be a debatable point, especially if a significant factor influencing the choice of informant was that many mothers were still recovering after the birth. Nonetheless, this observed connection between illegitimates and kin other than their parents, and especially their grandparents, is a theme recurrent throughout the course of this thesis. In the context of the later research, combining information gained from civil registration with that deduced from the census enumerators' returns,⁷² a possible explanation for the number of grandparents registering is proposed in connection with evidence indicating a trend amongst bastard-bearers to return to their parental homes to give birth to their offspring. At this stage of the thesis, however, it is sufficient to note a connection between illegitimacy and the grandparents of illegitimate children is apparent even from the birth registers themselves, a connection that could only be detected by comparing the birth certificates of bastard children with those of their legitimate peers.

⁷² See especially Chapters 7 and 8.

4.3.3.2. Time Interval Between Birth and Registration

In addition to stipulating the persons required (or eligible) to register births, the 1854 Act of Registration also specified the time period during which registration should be conducted. Ordinarily, births were required to be registered within twenty-one days from the day after the day of birth.⁷³

Where known about independently, failure or neglect to register a birth within twenty-one days prompted a reminder from the registrar (either verbal or written), and incurred the possibility of a fine not exceeding one pound. Following such a reminder, and on the threat of a fine not exceeding two pounds, a birth had to be registered within three months after the day of birth. Further failure or neglect to register a birth necessitated the intervention of the Sheriff, payment of costs, and the possibility of a fine not exceeding five pounds.⁷⁴ Delay or refusal to register a birth, whether deliberate or circumstantial, could thus be both inconvenient and expensive for the persons concerned.

No births were registered after a time interval exceeding three months from the date of birth in either Dryfesdale or Lochmaben, although 77 of the 844 births examined in this section (9.12%), were found to have been registered after a period of three weeks from the date of birth. Given that, according to D.V. Glass, it was precisely these regulations concerning failure to register births within specified periods that placed the onus of responsibility for registering births primarily on the parents (thereby ensuring that birth

⁷³ 1854 17 & 18 Vict., c. 80, s. 27.

⁷⁴ *Ibid.*, s. 31.

under-registration was minimal), ⁷⁵ it seemed worth examining this nine per cent of the overall births in greater detail.

In terms of legitimacy status, 48 of the children whose births were not registered until after three weeks from their date of birth were legitimate, whilst the remaining 29 were illegitimate. Proportionately, therefore, out of a total of 711 legitimate births 6.75% were registered late, whilst out of 133 illegitimate births, 21.80% were registered late. Clearly, then, a considerably larger proportion of illegitimate, as opposed to legitimate, births were registered late.

Breaking these figures down parochially, however, we find that it was only amongst the bastard children of Lochmaben, that delayed birth registration was prevalent to any great extent. In Dryfesdale, 5.30% of legitimate births and 6.82% of illegitimate births, were registered after three weeks from the date of birth. Similarly, in Lochmaben, the registration of 8.75% of legitimate births was delayed, but amongst the illegitimate children, just under thirty per cent (29.21%) of births were registered late.

Initially, it was thought that these findings might in some way have reflected a greater proportion of illegitimate births registered by persons other than the parents, but this was not found to have been the case. Not only was the proportion of mothers registering illegitimate births lower in Dryfesdale than in Lochmaben (Table 4.6.), but of ten illegitimate births in Lochmaben

⁷⁵ D.V. Glass, "A Note on the Under-Registration of Births in Britain in the Nineteenth Century", Population Studies 5/1 (July 1951), pp. 70-71.

registered after 32 days from the date of birth, ⁷⁶ in only one case was the informant not the mother of the child. ⁷⁷

Circumstances alone may have accounted for many births – both legitimate and illegitimate – having been registered late, although one possible explanation for the large number of cases of delayed registration in Lochmaben, might be that (after the lapse of three weeks) the registrar of the parish was less efficient than his counterpart in Dryfesdale at persuading bastard-bearers to register their children's births. ⁷⁸ Nonetheless, the overall impression is that, in Lochmaben at least, the greatest hesitancy to register births was amongst the bastard-bearers.

4.3.3.3. Place of Birth

In order to facilitate a sub-parochial level examination of place of birth according to legitimacy status, details about the children's birthplaces were grouped into both town and landward areas, ⁷⁹ and adjusted census enumeration districts. ⁸⁰ Twin births were counted singly and, for each locality

⁷⁶ Statistically, for the illegitimate births in Lochmaben, the mean time interval in days between birth and registration was 21.17, with a standard deviation of 10.57. Consequently, the illegitimate births in Lochmaben registered after 32 days from the date of birth can be taken as instances in which registration was significantly delayed.

⁷⁷ In this instance the informant was an aunt [B1880/840/23].

⁷⁸ A possibility supported by the evidence presented in Appendix 6, in relation to the registers of corrected entries as discussed in the next chapter.

⁷⁹ In the initial few years after the introduction of civil registration, vital events occurring in the landward part of Lochmaben were entered in different registers from those occurring within the Burgh. Although the two sets of registers were combined in 1860, the subsequent use of the prefixes 'L' and 'B' (prior to the entry number), made this stage of analysing place of birth in Lochmaben a matter of routine. Even in Dryfesdale, however, where no such distinction had ever been made, town births usually stated 'Lockerbie', whilst landward births stated Dryfesdale, and so were easily distinguished. Any problems about the precise place of birth were resolved by referring to the large scale 6" to 1 mile Ordnance Survey maps of the area.

⁸⁰ Adjustments necessary for the linking of place of birth with the 1881 census enumeration districts are explained in Chapter 2, and detailed in Table 2.1..

within Dryfesdale and Lochmaben, the illegitimacy ratio calculated. By counting the number of non-married women aged 15-49 resident in each area in the 1881 census,⁸¹ it was also possible to calculate the more reliable measure of illegitimacy, the illegitimate fertility rate.⁸² These details and findings are presented in Table 4.7. for Dryfesdale, and table 4.8. for Lochmaben.

As expected, the illegitimacy ratio for the whole of Lochmaben parish (22.03%) was higher than that for Dryfesdale (10.00%) but, at the district-level within each parish, the ratio varied considerably. In Dryfesdale, the illegitimacy ratio varied from 3.23% (Landward - South) to 21.43% (Landward - West) and, in Lochmaben, from 4.55% (Landward - West) to 41.03% (Burgh - North). Combining the districts into town and landward areas, however, an interesting trend can be observed. In Lochmaben, the illegitimacy ratio was appreciably higher in the burgh than in the landward part (27.96 and 16.97 respectively).⁸³

One of the most significant features about the regional pattern of illegitimacy in Victorian Scotland, noted originally by the Registrar-General in the 1850s, was that bastardy was "generally higher in the countryside than in the towns, which is unusual in a European context".⁸⁴ Yet, at the sub-parochial level in Lochmaben

the extent of bastardy was more pronounced in the market town of the same name, than in its rural hinterland.

⁸¹ C1881/820 and 840.

⁸² See Chapter 1, footnote 34.

⁸³ A trend confirmed in Lochmaben by the illegitimate fertility rate (59.77 for the burgh and 36.45 for the landward area).

⁸⁴ T.C. Smout, A Century of the Scottish People 1830-1950 (London: Collins, 1986), p. 166.

Table 4.7. Dryfesdale: Illegitimacy Ratio (IR) and Illegitimate Fertility Rate (IFR) by District of Birth (Adjusted), 1876-81 Case-study (figures in parentheses are percentages).

<u>District of Birth</u>	<u>No. of Births, 1876-81</u>					<u>Non-Married Women</u>	
	<u>Illegitimate</u>	<u>Legitimate</u>	<u>Total</u>	<u>IR</u>	<u>aged 15-49</u>	<u>1881</u>	
							<u>IFR</u>
Lockerbie	30 (68.18)	294 (74.24)	324 (73.64)	9.26	302		19.87
1) South	4 (9.09)	67 (16.92)	71 (16.14)	5.63	56		14.29
2) East	14 (31.82)	99 (25.00)	113 (25.68)	12.39	70		40.00
3) North-west	8 (18.18)	70 (17.68)	78 (17.73)	10.26	85		18.82
4) Central	4 (9.09)	58 (14.65)	62 (14.09)	6.45	91		8.79
Landward	14 (31.82)	102 (25.76)	116 (26.36)	12.07	142		19.72
5) North	3 (6.82)	29 (7.32)	32 (7.27)	9.37	42		14.29
6) East	1 (2.27)	10 (2.52)	11 (2.50)	9.09	24		8.33
7) West	9 (20.46)	33 (8.33)	42 (9.55)	21.43	53		33.96
8) South	1 (2.27)	30 (7.58)	31 (7.04)	3.23	23		8.70
Dryfesdale Parish	44 (100)	396 (100)	440 (100)	10.00	444		19.82

Sources: B 1876-81/820 and C1881/820, NRH.

Table 4.8. Lochmaben: Illegitimacy Ratio (IR) and Illegitimate Fertility Rate (IFR) by District of Birth (Adjusted).
1876-81 Case-study (figures in parentheses are percentages).

<u>District of Birth</u>	<u>No. of Births, 1876-81</u>			<u>IR</u>	<u>Non-Married Women</u>	
	<u>Illegitimate</u>	<u>Legitimate</u>	<u>Total</u>		<u>aged 15-49</u>	<u>IFR</u>
Burgh	52 (58.43)	134 (42.54)	186 (46.04)	27.96	174	59.77
1) North	16 (17.98)	23 (7.30)	39 (9.65)	41.03	26	123.01
2) Central	27 (30.34)	85 (26.98)	112 (27.72)	24.11	84	64.29
3) South	9 (10.11)	26 (8.25)	35 (8.66)	25.71	64	28.12
Landward	37 (41.57)	181 (57.46)	218 (53.96)	16.97	203	36.45
4) West	2 (2.25)	42 (13.33)	44 (10.89)	4.55	44	9.09
5) North	14 (15.73)	42 (13.33)	56 (13.86)	25.00	32	87.50
6) Hightae	15 (16.85)	35 (11.11)	50 (12.38)	30.00	50	60.00
7) South-west	4 (4.49)	34 (10.79)	38 (9.41)	10.53	41	19.51
8) East	2 (2.25)	28 (8.89)	30 (7.43)	6.67	36	11.11
Lochmaben Parish	89 (100)	315 (99.98)	404 (100)	22.03	377	47.21
Templand Village	12 (13.48)	28 (8.89)	40 (9.90)	30.00	11	218.18
Hightae Village	13 (14.61)	27 (8.57)	40 (9.90)	32.50	35	74.29

Sources: B1876-81/840 and C1881/840, NRH.

The same tendency is perhaps observable when we consider Hightae and Templand, the two villages of any real size in the parish of Lochmaben. Amongst the five landward districts in Lochmaben, the two containing the villages of Templand (Landward - North) and Hightae (Landward - Hightae), stand out as the rural districts with both the highest illegitimacy ratio and rate of illegitimate fertility (table 4.8.). By isolating the details for the villages of Templand and Hightae from the remainder of their respective districts, it is further apparent that it was the level of bastardy in the villages themselves that accounted for this finding (Table 4.8.). Indeed, reckoned at 218.18, the rate of illegitimate fertility in Templand was particularly high.

In Dryfesdale, which contained no major settlements aside from Lockerbie, a town versus rural contrast was not as distinct (only being apparent in terms of the illegitimacy ratio), but it is interesting to note that, within the countryside (at a level not considered by the Registrar-General), relatively high levels of illegitimate fertility may not have been so much a feature of the rural hinterlands, as of the larger settlements servicing these farming districts. This is a finding that contrasts with the overall picture of illegitimacy in Victorian Scotland at the national level, whereby the towns and cities recorded the lower bastardy figures.

It would be over-simplistic to imply that there existed any direct causal relationship between small towns and villages and illegitimacy, although there is evidence to suggest that such an apparent connection was not simply confined to Victorian Scotland. Jean Robin, for example, in her recent spatial analysis of 'bastardy-connected households' in Victorian Devonshire observed a

similar trend in the pattern of rural illegitimacy.⁸⁵ Not only did the proportion of bastardy-connected housefuls vary considerably between the five constituent districts (or tythings) of Colyton parish, but Robin additionally found that "tything 1, representing the southern half of Colyton town, contained more bastardy-connected housefuls than the other four tythings put together".⁸⁶

At the time of writing, Robin commented that the predominance of bastardy-connected housefuls in the southern half of Colyton town was 'remarkable'. Even more remarkable, perhaps, is the comparison of her findings with those about illegitimate fertility in Dryfesdale and Lochmaben. For in both studies, utilising different methods of analysis, purely rural sub-parochial districts emerge as the areas of the Victorian countryside least strongly associated with bastardy. Moreover, in certain districts of each parish, the bastardy prone would appear to have constituted a predominant element of the localised culture.

In view of these comparable findings, it is worth concluding the investigation into place of birth, by quoting Robin's comments about the implications of these potential 'colonies' of the bastardy prone, on the spatial dimension of a possible bastardy prone sub-society.

Now these colonies of the bastardy prone may have grown up because their members tried to obtain housing close to each other; because the rest of society did not wish to live in close proximity to them; because their living accommodation was so poor that no-one else wanted to take it up; or because the

⁸⁵ Robin, pp. 331-35. Based on the 1861 decennial census, Robin's definition of a bastardy-connected houseful was any household "together with attached lodgers and/or boarders, containing any female who had in the past borne a bastard, or who would do so in the future up to 1881; any male or female bastard; and any male who had married in the past or would marry in the future up to 1881, a bastard or a bastard-bearer" [p. 332].

⁸⁶ Ibid. The greatest proportion of bastardy-connected housefuls was 25% (tything 1), and the lowest 11% (tything 4).

parish authorities deliberately segregated them. But those who lived in such groupings can justifiably be regarded as true members of a bastardy prone sub-society, separated in their living areas from the rest of their fellow townsmen, and linked through a combination of environmental influences ⁸⁷

4.3.3.4. Birth Seasonality

Details about birth seasonality, for both legitimate and illegitimate children in Dryfesdale and Lochmaben, are presented in Tables 4.9. and 4.10.. Classified according to month of birth, Tables 4.9. and 4.10. also give an approximate month of conception.⁸⁸ Graphs 4.6. to 4.9. illustrate the monthly proportions of births, according to legitimacy status and parish of birth, and show standard deviations from the mean (8.33 in all four cases).

For both legitimate and illegitimate births, the standard deviation from the mean was lower in Lochmaben (1.34 for legitimates and 2.22 for illegitimates), than in Dryfesdale (1.96 for legitimates and 3.12 for illegitimates), a finding which suggests there was a general tendency for births in Lochmaben, whatever their legitimacy status, to have been spread more evenly throughout

⁸⁷ Ibid., p. 335. Whilst Robin found evidence to support the existence of a geographically-orientated bastardy prone sub-society, "direct descent from one bastard to another was very limited, with only three per cent of the total sample of bastard-bearers [115] being known to be illegitimate themselves" [p. 339]. Thus, her findings contrasted somewhat with Laslett's original proposal, whereby the bastardy prone sub-society was defined as consisting of "a series of bastard-producing women, living in the same locality, whose activities persisted over several generations, and who tended to be related by kinship or marriage". Peter Laslett, "The Bastardy Prone Sub-society", in Bastardy and Its Comparative Study, ed. Peter Laslett, Karla Oosterveen and Richard M. Smith (London: Edward Arnold, 1980), p. 217. As reasoned in Chapters 1 and 2, this thesis does not consider the question of inter-generational bastard-bearing, because this would have involved recourse to parish registers, at a time when their comprehensiveness remains a matter for debate.

⁸⁸ The standard demographic procedure for estimating month of conception, is to subtract nine months from the month of birth. Thus, a birth in January implies conception in April, and a birth in February implies conception in May, etc.. See, for example, David Gaunt, "Illegitimacy in Seventeenth- and Eighteenth-Century East Sweden", in Bastardy ed. Laslett et al., p. 324, Table 13.4.

Table 4.9. Dryfesdale: Seasonality of Births by Legitimacy Status, 1876-81
Case-study (figures in parentheses are percentages).

<u>Month of Birth</u>	<u>Legitimate Births</u>		<u>Illegitimate Births</u>		<u>Total Births</u>		<u>Month of Conception</u>
January	26	(6.57)	6	(13.64)	32	(7.27)	April
February	32	(8.08)	3	(6.82)	35	(7.95)	May
March	49	(12.37)	2	(4.55)	51	(11.59)	June
April	25	(6.31)	5	(11.36)	30	(6.82)	July
May	45	(11.36)	4	(9.09)	49	(11.14)	August
June	32	(8.08)	4	(9.09)	36	(8.18)	September
July	26	(6.57)	5	(11.36)	31	(7.04)	October
August	38	(9.60)	3	(6.82)	41	(9.32)	November
September	29	(7.32)	3	(6.82)	32	(7.27)	December
October	37	(9.34)	1	(2.27)	38	(8.64)	January
November	30	(7.58)	4	(9.09)	34	(7.73)	February
December	27	(6.82)	4	(9.09)	31	(7.04)	March
Total	396	(100)	44	(100)	440	(99.99)	

Source: B1876-81/820, NRH.

Table 4.10. Lochmaben: Seasonality of Births by Legitimacy Status,
1876-81 Case study (figures in parentheses are percentages).

<u>Month of Birth</u>	<u>Legitimate Births</u>		<u>Illegitimate Births</u>		<u>Total Births</u>		<u>Month of Conception</u>
January	23	(7.30)	8	(8.99)	31	(7.67)	April
February	24	(7.62)	6	(6.74)	30	(7.43)	May
March	26	(8.25)	5	(5.62)	31	(7.67)	June
April	27	(8.57)	8	(8.99)	35	(8.66)	July
May	34	(10.79)	4	(4.49)	38	(9.41)	August
June	30	(9.52)	7	(7.87)	37	(9.16)	September
July	28	(8.89)	7	(7.87)	35	(8.66)	October
August	17	(5.40)	9	(10.11)	26	(6.44)	November
September	29	(9.21)	7	(7.87)	36	(8.91)	December
October	25	(7.94)	7	(7.87)	32	(7.92)	January
November	24	(7.62)	10	(11.24)	34	(8.42)	February
December	28	(8.89)	11	(12.34)	39	(9.65)	March
Total	315	(100)	89	(99.99)	404	(100)	

Source: B1876-81/840, NRH.

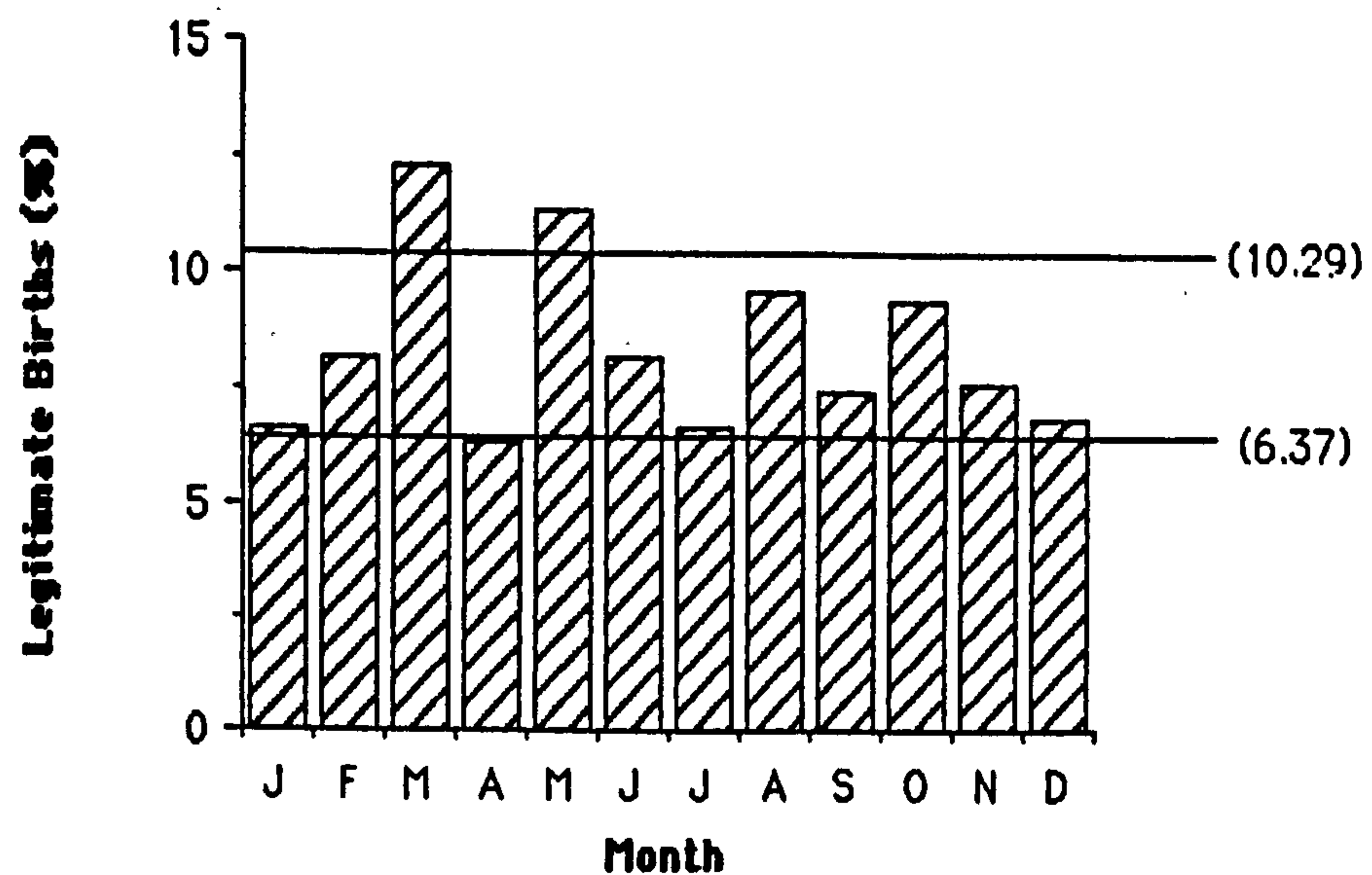
the twelve months of the year, than was the case in Dryfesdale. Statistically, however, there existed no significant seasonal correlation between either type of birth in each parish, or births of the same legitimacy status between parishes. Values for the coefficient of determination (r^2) were all low, and as follows: a) legitimate and illegitimate births in Dryfesdale - 0.3844; b) legitimate and illegitimate births in Lochmaben - 0.2025; c) legitimate births in both Dryfesdale and Lochmaben - 0.0049; and d) illegitimate births in both Dryfesdale and Lochmaben - 0.0676.

Nonetheless, the overall impression to be gained from a comparative examination of Graphs 4.6. to 4.9., is that there was a greater similarity in the seasonal pattern of births according to legitimacy status, than according to parish of birth. In Lochmaben, for example, proportionately the largest number of legitimate births *and* smallest number of illegitimate births both occurred in May (10.79% and 4.49% respectively). Similarly, in Dryfesdale, the proportion of legitimate births during May (11.36%) exceeded the standard deviation from the mean (1.96), whilst the proportion of illegitimate births (9.09%) remained close to the mean itself (8.33), an observation indicative of the possibility that different factors (or similar factors, but to differing extents), affected the timing of legitimate births as compared with illegitimate births.

Proportionately, legitimate births were commonest in the months of March and May, whereas illegitimate births reached their peak during the winter months of November through to January. Thus, whilst the summer would have been the peak time for the conception of legitimate children, springtime was the apex for illegitimate conceptions. Apart from noting this finding of a difference in the peak times for the conception of legitimate and illegitimate children, it is difficult to draw any firm conclusions about the cause or causes of the trend itself. If, however, we examine seasonality in terms of crude

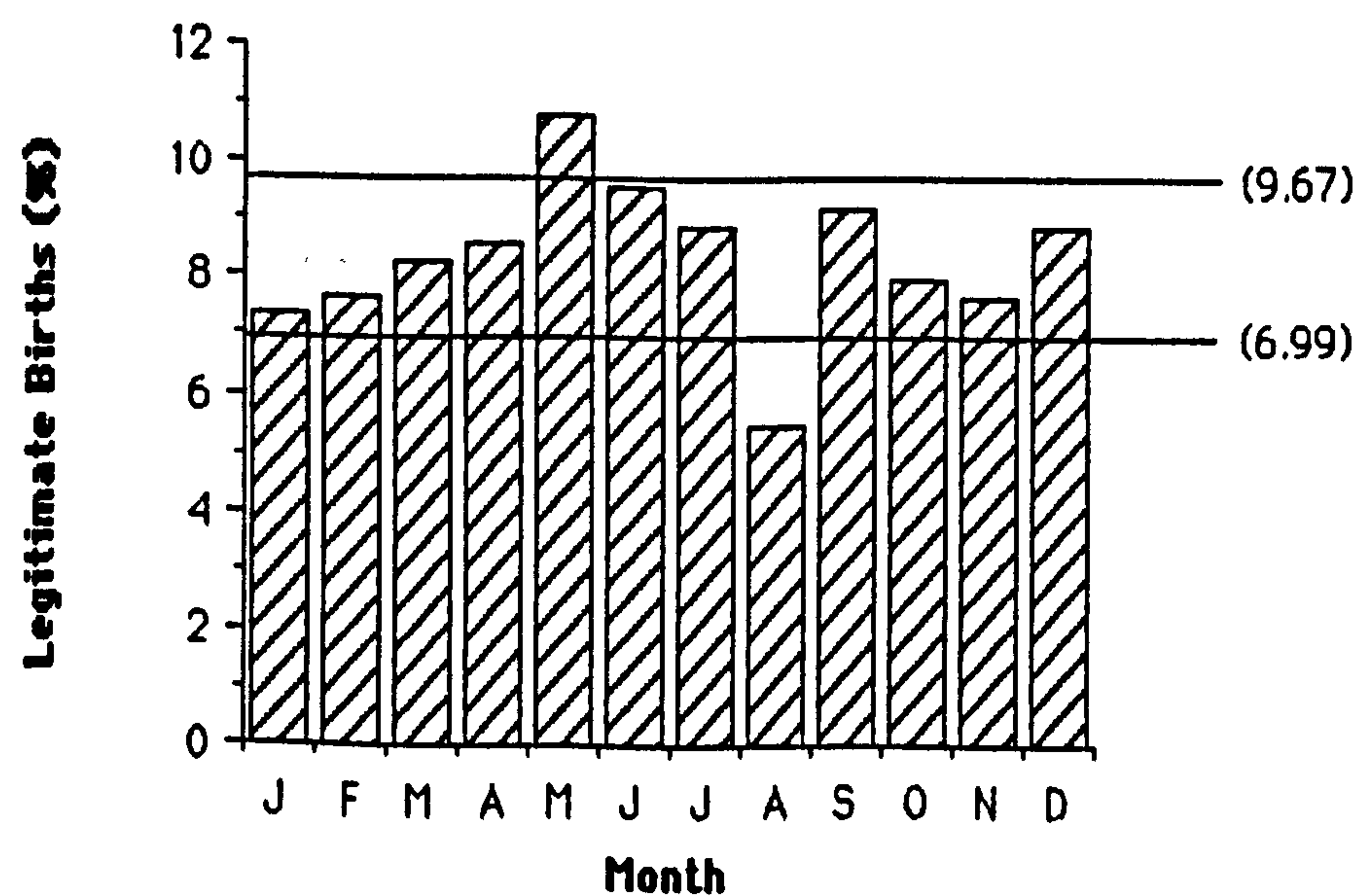
Graph 4.6. Dryfesdale: Monthly Proportion of Legitimate Births, 1876-81 Case-study

($n=396$, $\bar{x}=8.33$, $s=1.96$)



Graph 4.7. Lochmaben: Monthly Proportion of Legitimate Births, 1876-81 Case-study

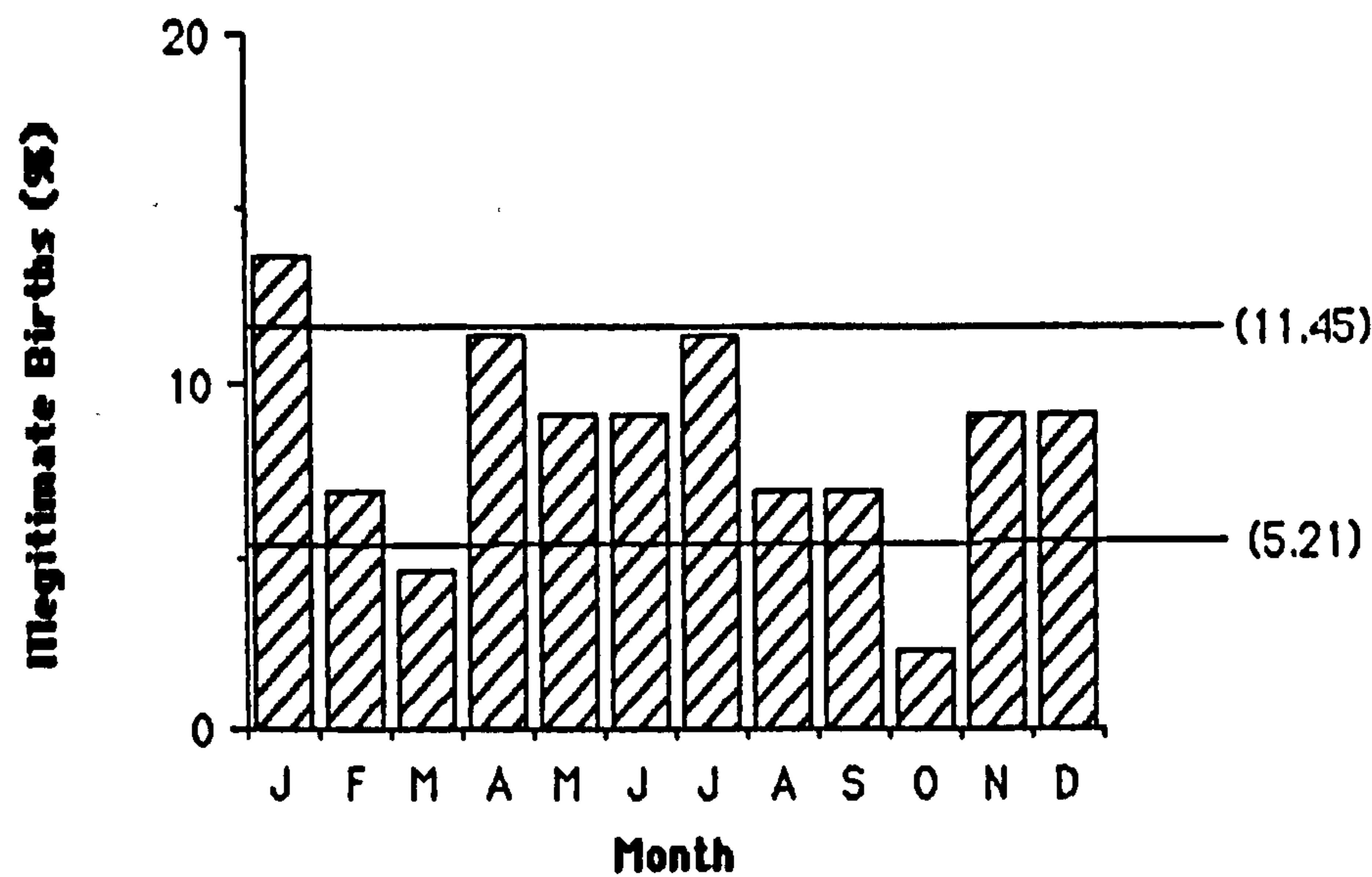
($n=315$, $\bar{x}=8.33$, $s=1.34$)



Sources: Tables 4.9. and 4.10..

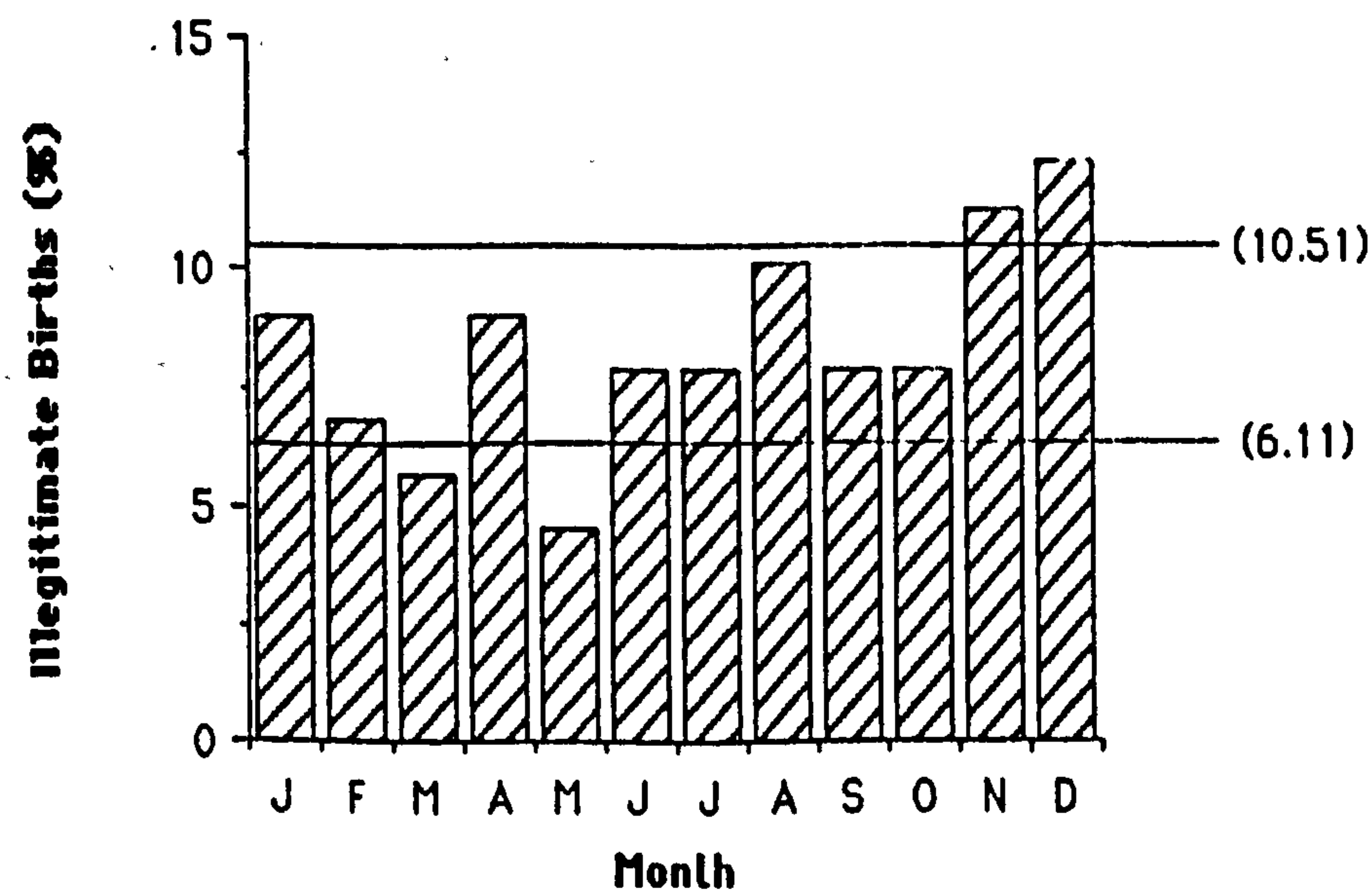
Graph 4.8. Dryfesdale: Monthly Proportion of Illegitimate Births, 1876-81 Case-study

(n=44, $\bar{x}$ =8.33, s=3.12)



Graph 4.9. Lochmaben: Monthly Proportion of Illegitimate Births, 1876-81 Case-study

(n=89, $\bar{x}$ =8.33, s=2.22)



Sources: Tables 4.9. and 4.10..

numbers, instead of proportional values, one possible explanation does emerge.

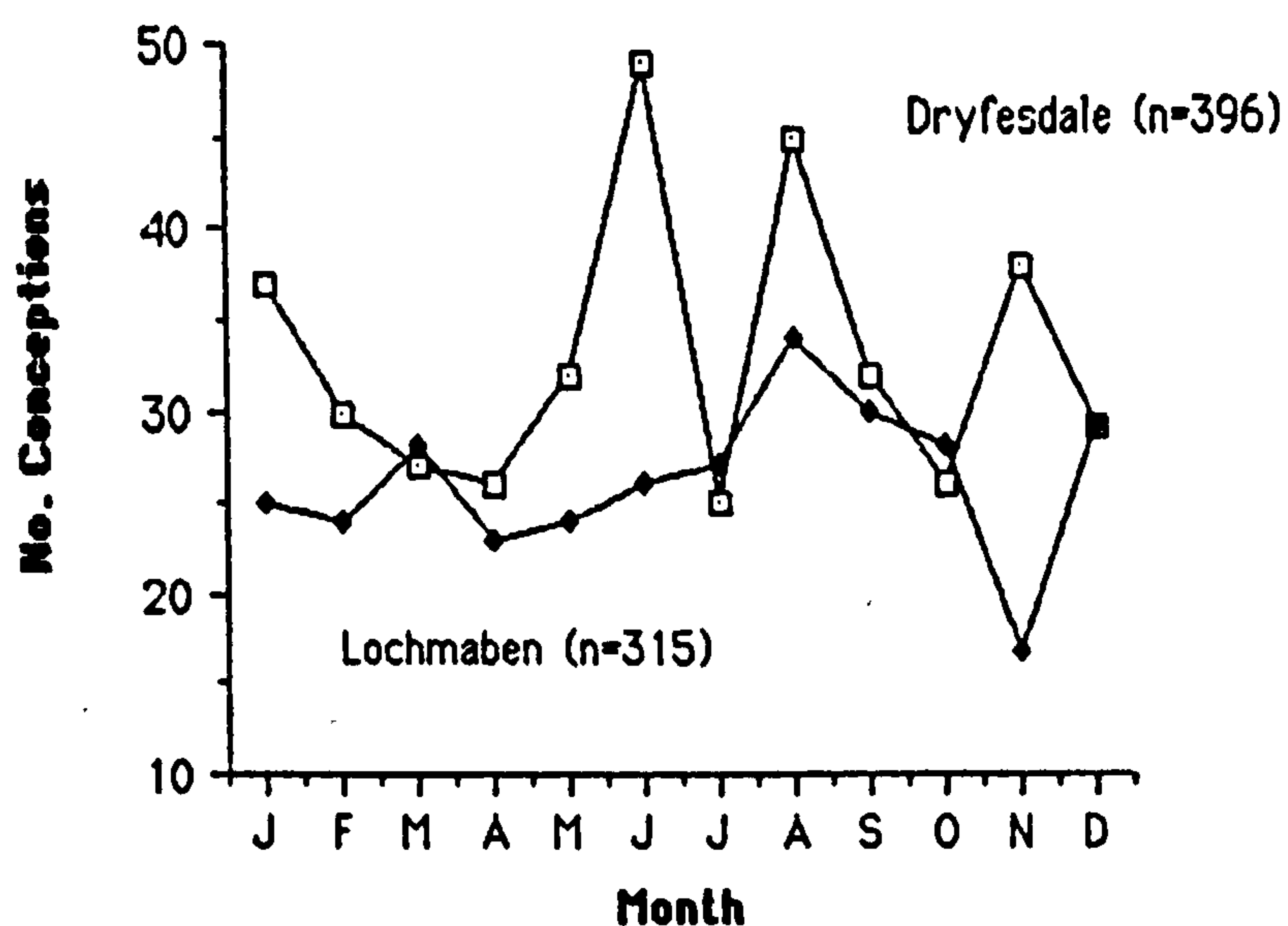
Graphs 4.10. and 4.11. represent the monthly seasonality of legitimate and illegitimate conceptions, according to the actual number of births concerned (396 legitimate and 44 illegitimate in Dryfesdale, and 315 legitimate and 89 illegitimate in Lochmaben). Although, as shown above, any conclusions to be drawn from a comparison of these graphs cannot be held as statistically reliable, it is worth noting two trends apparent in the graphs. Firstly, whilst the monthly pattern of seasonality amongst legitimate conceptions was markedly different in Dryfesdale as compared with Lochmaben (Graph 4.10.), there was some similarity between the timing of illegitimate conceptions in the two parishes (Graph 4.11.). Thus, of the two, illegitimacy may have been the less random. Secondly, in addition to springtime, the occasions when illegitimate conceptions peaked (most noticeably so in Lochmaben), were in July and at around October/November time, indicating the possible influence of a specific factor, or factors, at these points in the year.

Indeed, it is tempting to speculate that peaks in the number of illegitimate conceptions in the spring and autumn might, in some way, reflect the suspicions of certain contemporary Victorian commentators, who attributed the cause of high levels of illegitimacy to the traditionally ribald behaviour associated with servant hiring fairs held at these times.⁸⁹ Moreover, a further peak in illegitimate conceptions in July would coincide with midsummer festivities such as the Sacrament.⁹⁰ However, the evidence presented about

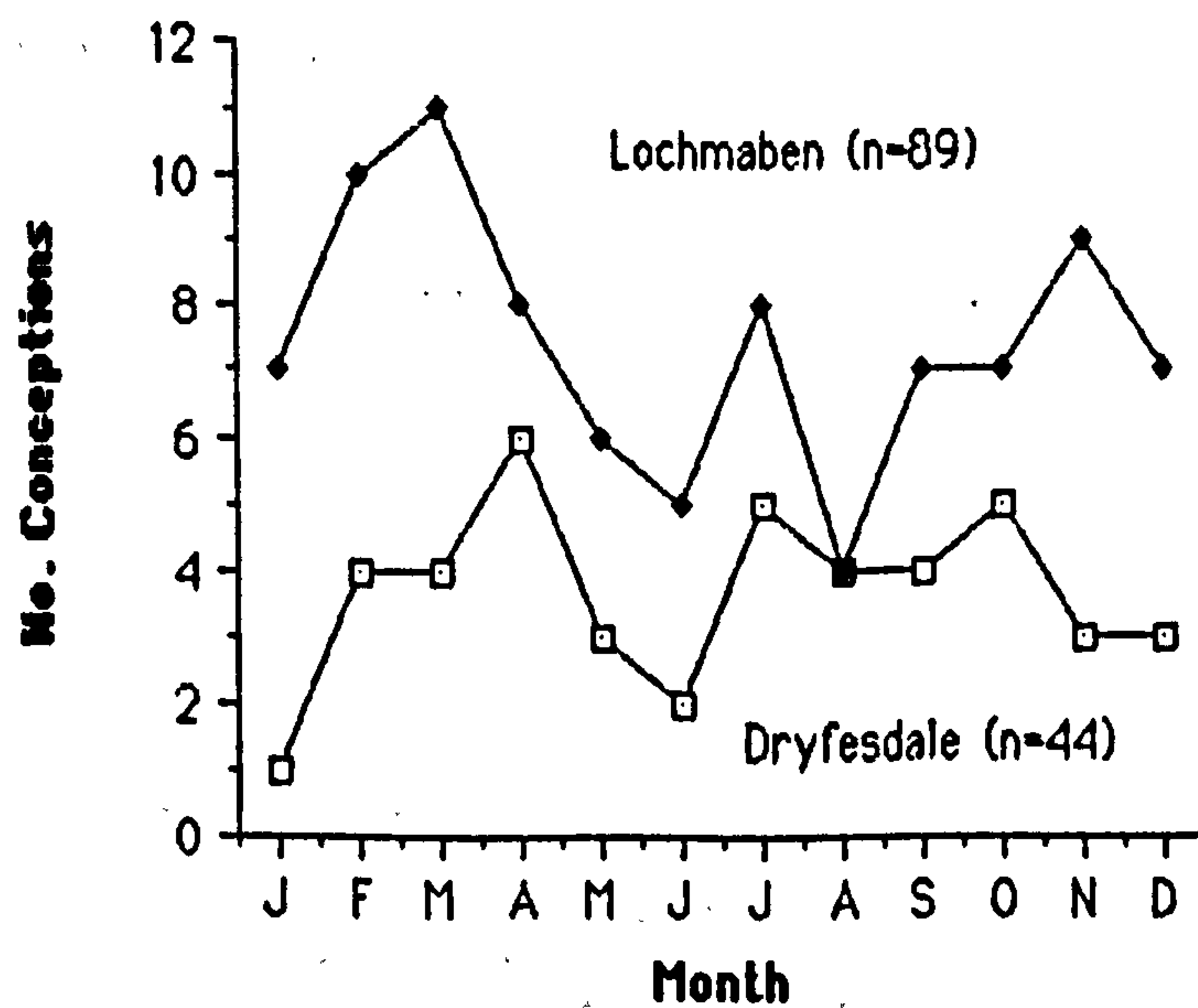
⁸⁹ See, for example, William Cramond, Illegitimacy in Banffshire: Facts, Figures and Opinions (Banff: Banffshire Journal Office, 1888), pp. 25-6, who found a similar correlation between the conception of illegitimate births and the dates of feeing markets in the county of Banff. Bi-annual hiring fairs in Lochmaben and Lockerbie were held in April and October [NSA, pp. 390 and 458].

⁹⁰ See footnote 10 above.

Graph 4.10. Seasonality of Legitimate Conceptions, 1876-81
Case-study



Graph 4.11. Seasonality of Illegitimate Conceptions, 1876-81
Case-study



Sources: Tables 4.9. and 4.10..

the seasonality of births and conceptions in this section, is not sufficiently conclusive to support the proposal that there existed a definite causal link between illegitimacy and major rural fairs. Furthermore, on the question of a possible relationship between illegitimacy and hiring fairs in Banffshire, T.C. Smout has previously made the pertinent point that, "hiring-markets no less demonstrably Bacchanalian", occurred in other areas of the Scottish Lowlands where levels of illegitimate fertility were much lower than in either Banffshire or Dumfriesshire.⁹¹ Nevertheless, in the absence of evidence to the contrary (about either birth seasonality throughout the Scottish Lowlands, or the timing of illegitimate conceptions in relation to legitimate conceptions),⁹² it is perhaps fair to surmise that, *in relation to legitimate conceptions*, illegitimacy in Dryfesdale and Lochmaben may have been more susceptible to fluctuations in the agricultural calendar.

4.3.4. Deaths

4.3.4.1. Infant Mortality Rate

One further indicator of difference between the relative situations of legitimates and illegitimates, calculable from civil registration data, is the infant mortality rate. Usually expressed per 1,000 live-births, the infant mortality rate measures the number of infants dying prior to their first birthday, during a

⁹¹ Smout, p. 64.

⁹² Published evidence about illegitimacy in the Fifeshire parish of Ceres records that, out of 79 illegitimate births, "an overwhelming number, 22 to be exact, were born in September and October, indicating January and February as popular months for conception". Donna L. Baker, "A Demographic Study of Illegitimacy in Ceres Parish, Fife, 1841-1861", Scottish Genealogist 30/4 (December 1983), p. 116. Regretably, however, Baker's paper made no attempt at comparing the seasonality of legitimate and illegitimate conceptions.

specified period of time. ⁹³ Often regarded as a highly sensitive indicator of social conditions, there do exist problems with the precise interpretation of the infant mortality rate, although Rosalind Mitchison has concluded that it is safe to view it as an indicator of "both material conditions and social organisation".

⁹⁴

In order to calculate the infant mortality rate, it was necessary to extract information about deaths from the death registers for Dryfesdale and Lochmaben. Details of the deaths of all children dying prior to the age of one, for the period 1876 to 1882 inclusive, were transcribed from the death registers held at New Register House, and entered into the EMAS mainframe computer. Again, as with the investigation into marriages, this information was nominally-linked with birth entries from the Dryfesdale and Lochmaben case-study using the SORT/MERGE package.

One common limitation of the infant mortality rate, as frequently calculated using annual aggregate figures, is that deaths are "not related precisely to the population at risk, for some infants dying in a given year were born in the previous year, and some born in the year under consideration will die in the following year". ⁹⁵ This particular limitation does not apply here, because (partial) family reconstitution is being used to link individual deaths with actual births, thus achieving a precise measurement of the infant mortality rate for

⁹³ Roland Pressat, The Dictionary of Demography (Oxford: Basil Blackwell, 1985), s.v. 'infant mortality rate'.

⁹⁴ Rosalind Mitchison, British Population Change Since 1860 (London: Macmillan, 1977), p. 52. Demographically, meaningful interpretation of the infant mortality can be complicated by very virtue of its sensitivity, possibly reflecting a wide range of socio-economic conditions. Historically, its use is complicated by medical improvements in the terminology of cause of death [Ibid., pp. 49-52]. No attempt was made in this thesis to enter into the complex medical analysis of cause of death.

⁹⁵ Pressat, s.v. 'infant mortality rate'.

the 1876-81 birth cohort. However, family reconstitution used in this fashion, linking births and deaths in the same parish yet ignoring out-migration, does mean that the rates presented here only apply to the 'reconstitutable minority'.⁹⁶ What, then, were these rates as they applied to legitimate and illegitimate children in Dryfesdale and Lochmaben from the 1876-81 birth cohort?

Counting twin births separately, of the 401 legitimate children born in Dryfesdale during the 1876-81 study period, 29 were registered as having died in their parish of birth prior to reaching the age of one. Six of these 29 deaths were neonatal (20.69%)⁹⁷ and, expressed per 1,000 live births, the infant mortality rate for the legitimate birth cohort in Dryfesdale was thus 72.32. Of the 45 children in the Dryfesdale illegitimate birth cohort, ten died before their first birthday (three in the first month of life), resulting in a much higher infant mortality rate of 222.22. In Lochmaben, 31 of the 320 legitimate children died in their first year of life (eleven or 35.48% as neonates), giving an infant mortality rate of 96.87, whilst 15 of the 89 illegitimates died in the same period (five or 33.33% being neonatal deaths), resulting in a comparable rate of 168.54.

Thus, whilst the proportions of neonatal deaths were not ^sdisimilar, ranging from roughly a quarter to a third of the deaths in each of the four cohorts, there was a marked difference in the infant mortality rates. Nationally, the infant mortality rate in Scotland for the period 1880-82 has been calculated at 127,⁹⁸ and it is interesting to note that in both Dryfesdale and Lochmaben, the

⁹⁶ For details of loss through out-migration (and the overall number of deaths), by legitimacy status, of children from the 1876-81 Dryfesdale and Lochmaben case-study, see Chapter 8, Table 8.2.. Attempts at tracing individuals from Dryfesdale and Lochmaben in the adjacent and surrounding parishes proved largely unsuccessful, but are discussed at greater length in Chapters 7 and 8.

⁹⁷ Deaths within the first month (28 days) of life are termed neonatal. Pressat, s.v. 'infant mortality'.

⁹⁸ Mitchison, p. 50.

rates for the two legitimate cohorts fell well below this national average, whereas the infant mortality rates for the two illegitimate cohorts were well above it. Indeed, in Lochmaben, the infant mortality rate for the illegitimate birth cohort was nearly twice that for their legitimate peers, and in Dryfesdale, it was more than three times as great.⁹⁹

Accordingly, acknowledging that these calculations only pertain to the reconstitutable minority, it would seem fair to conclude that the life expectancy of illegitimate children reaching their first birthday, in both Dryfesdale and Lochmaben, was considerably lower than that for their legitimate peers. In this respect, there would appear to have been a considerable difference in the material and social conditions surrounding the upbringing of legitimate and illegitimate children in Dryfesdale and Lochmaben.

4.3.5. Summary

In summarising this section, which has presented the initial results of the 1876-81 Dryfesdale and Lochmaben case-study, it seems appropriate to stress three points. Firstly, in relation to the on-going examination of the Carter/Smout debate, it can be stated with confidence that, under the Scottish system of civil registration, births registered as being legitimate in this part of Victorian Dumfriesshire, referred to children whose parents had nearly all been married regularly. In terms of the parents of legitimate children, therefore, we

⁹⁹ If we combine the numbers of legitimates and illegitimates in each parish, the overall infant mortality rate for the 1876-81 cohort was 87.44 in Dryfesdale and 112.47 in Lochmaben. Interestingly, however, as Lochmaben was the parish with the higher level of illegitimate fertility (see footnote 1 above), this observation only serves to compound the somewhat paradoxical situation regarding the relationship between illegitimacy and infant mortality, as it existed in nineteenth century Scotland as a whole. At the national level, Mitchison has observed that, whilst infant mortality rates were generally highest for illegitimate children in both Scotland and England, "Scotland combined a relatively low infant mortality rate with high illegitimacy" [p. 49]. Yet, with regard to illegitimacy and infant mortality in Dryfesdale and Lochmaben, the parish with the higher level of illegitimate fertility, also experienced the higher rate of infant mortality.

know that irregular marriage was rare, and that the legitimacy status of their offspring was truly legitimate. However, whether the implication of this finding is that children whose births were registered as illegitimate, were unlikely to have been the product of irregular marriages contracted by virtue of habit and repute, remains to be investigated.

Secondly, following on from the previous point, whilst the primary concern of this thesis is an investigation into the social phenomenon of illegitimacy, the initial results of an examination of the records of civil registration have shown the value of considering the situations of illegitimates in relation to their legitimate peers. Aside from the need to consider bastardy in its wider social context, it is when information about the circumstances of illegitimates and legitimates are compared, such as in the discussions about place of birth, birth seasonality and infant mortality, that the interpretation of any emergent trends becomes more meaningful.

Thirdly, the overall impression to be gained from both the comparison of legitimates and illegitimates, and the comparison between Dryfesdale and Lochmaben, is that there existed more similarities in the situations of the two sets of bastard children, than between the legitimate and illegitimate children in either parish. The observation that certain features of illegitimacy were common to both parishes supports the notion that an association with bastardy may have resulted in some form of identifiable cultural sub-society within each parish. One pragmatic consequence of this observation, however, is that any attempt at identifying the cause or causes underlying the different levels of illegitimate fertility in Dryfesdale and Lochmaben, might prove difficult to achieve.

4.4. Conclusion

In the first section of this chapter, the historical background to Dryfesdale and Lochmaben was presented, showing that although both agriculturally-orientated parishes, there existed a marked contrast between their relative levels of economic prosperity. During the period under consideration, the town of Lockerbie in Dryfesdale was experiencing a time of expansion and growth, whilst both the burgh and parish of Lochmaben were undergoing economic stagnation and population decline.

Moreover, despite the close proximity of the two parishes and a generally high level of population mobility within the bounds of Dumfriesshire, there was little evidence to suggest much movement of populace between the two parishes. Thus, despite a strong mutual association with the wider culture of south-western Scotland, Dryfesdale and Lochmaben were in some ways relatively isolated from each other. Of the two, with an element of relative autonomy apparent in certain of its village settlements, Lochmaben would seem to have been the more isolated, a notion of insularity presumably reinforced by the economic prosperity being experienced in neighbouring Dryfesdale.

Neither their economic differences, nor the limitations of their social horizons, are alone sufficient to explain the difference in the levels illegitimate fertility between Dryfesdale and Lochmaben, although the final analysis must take these two points into consideration. Furthermore, judging by the initial results from the 1876-81 case-study, there is little to distinguish the situations of illegitimates in Dryfesdale from those in Lochmaben, and this finding only serves to compound the difficulty in explaining the disparity in bastardy levels between the two parishes. Nonetheless, the investigation into illegitimacy, utilising the records of civil registration, has shown the positive advantage of a

contextual analysis comparing the situations of bastards with their legitimate peers. Consequently, in the remainder of the thesis, the greater emphasis is placed on the examination of bastardy in relation to its wider social context, than on the straight comparison between illegitimates in Dryfesdale and Lochmaben. Data, however, is consistently presented in a format that allows for both angles of the twofold comparison attempted in the thesis to be examined.

5.1. Introduction

In the previous two chapters the evidence for the study of illegitimacy has been examined both at the theoretical level, in relation to the Carter/Smout debate, and at a pragmatic level in the context of the 1876-81 case-study of Dryfesdale and Lochmaben. The standard evidence that can be extracted from the registers of civil registration has been used both to comment on the Carter/Smout debate, and to examine other trends in illegitimacy apparent in nineteenth century Dumfriesshire. In addition to the standard information available from civil registration data there does exist, however, a pool of material supplementary to the basic criteria for registering births.

In a study primarily concerned with the question of illegitimacy this additional information can be dealt with under three headings: a) Double Registration; b) Paternity and, c) Subsequent Legitimation. It is the intention of this chapter to examine this supplementary evidence along two parallel and complementary lines of approach. Firstly, to analyse whatever information this source of evidence might reveal in relation to the overall investigation into nineteenth century Scottish illegitimacy. Secondly, to assess the usefulness of the civil registers, as an historical source, both for the sake of this and future studies utilising civil registration material, and with respect to the questions about the consistency and reliability of this data raised in the Carter/Smout debate but not, as yet, fully resolved.

5.2. Double Registration

5.2.1. Prelude

Double registration is a term used to refer to the duplicate registration of a birth in instances where the district of usual residence, or domicile, of the child's parent(s) differed from that in which the birth itself occurred. Especially useful today, when so many births take place in the institutionalised surroundings of a maternity hospital or specialised wing of a general hospital, ¹ the original act of Scottish registration included the following proviso requesting the implementation of double registration, as and when the need arose.

Where the Parish of any child's *Birth* shall be different from that of its Parents' *Domicil*, the Registrar of the Parish of Birth, *within 8 days* after the entry of the Birth in his Registers, shall transmit a copy thereof to the Registrar of the Parish of Domicil, if known to him, who shall forthwith transcribe the entry into *his* Registers, and shall mark on the (outer) *Margin* of such entry the name of the Parish of Birth. ²

Ideally, above and beyond the standard format of information required, ³ birth certificates pertaining to cases of double registration should contain an additional reference to the place of domicile of the relevant parent. In the case of a legitimate birth the place of domicile was normally determined by that of

¹ According to Wendy Savage, only about one per cent of births in Britain today occur at home. *A Savage Enquiry* (London: Virago Press, 1986), p. 175.

² Cited in George Seton, *Practical Analysis of the Acts Relating to the Registration of Births, Deaths, and Marriages in Scotland*, 5th ed. (Edinburgh: William Green, 1861), p. 43.

³ See Appendix 3 for examples of standard Birth Schedules (or Certificates).

the father, and in the case of an illegitimate birth by that of the mother.⁴ Thus, in cases of double registration there exist in the birth registers *two* separate entries for the birth of *one* child. Indexed separately in the annual indexes of births compiled at New Register House, it is important to note that the initial entry only (i.e. the one registered in the place of birth *not* domicile) was counted in any aggregate calculations or publications produced under the auspices of the Registrar-General for Scotland.⁵

5.2.2. Research Potential

If adhered to with regularity, the procedure of double registration should provide useful supplementary evidence of value to many retrospective demographic analyses incorporating methods of family reconstitution. For example, one question often raised in discussions about levels of fertility concerns the extent to which there was, or was not, a tendency for married women to return to their parental homes and/or native parishes to bear children, and especially first-born children. A pragmatically difficult problem to resolve in many reconstitution studies, such a predilection, if widespread (whether as a consequence of personal motivation or social pressure), could have significant implications for the results of studies based upon the birth (or baptismal) records of any one single administrative (or ecclesiastical) unit. In theory, at least, the additional information provided on Scottish birth certificates as a direct result of the procedure of double registration, could be

⁴ Seton, p. 44. "In connexion with the Registration Acts, it [domicil] is generally regarded as equivalent to the Usual Residence of the Father in the case of a legitimate, and of the Mother in the case of an illegitimate child".

⁵ Information obtained from NRH and verified personally for the information extracted during the course of this research. Ordinarily, the initial entry of registration is also the one transcribed for the purposes of obtaining a certified copy of an entry of birth that has been double registered.

utilised to help solve such an entangled historical question.

An example taken from the case-study at hand serves to illustrate the richness of information provided about any one Scottish family group in the case of a double registration. We may take the example of Thomas BK and his wife Margaret TR as the case in point. Married at Hightae in the parish of Lochmaben on 19 June 1877, Thomas BK occupied a farm at Laneside in the parish of Troqueer, just across the county boundary in Kirkcudbrightshire. Margaret, however, was a native of Hightae and returned there to bear her first legitimate child. The child's birth was registered at Lochmaben eighteen days after the event by Margaret's brother, David TR. ⁶ Apart from the fact that Margaret was born in the parish of Lochmaben, all this information is available from the one birth certificate. The birth certificate for the second child of Thomas and Margaret BK, also located within the 1876-81 case-study, further revealed that Margaret did not simply return to Hightae from Troqueer to bear her ^{first} child. ⁷

Similar to the question about married women returning 'home' to bear children, in terms of studying trends in illegitimacy, such additional information about individual mobility could constitute significant evidence in the important debate over regionality. Based solely upon information about place of birth, as opposed to place of conception, regional patterns of illegitimacy deduced from measurements of fertility are inherently circumscribed by the nagging question of whether or not unmarried women also tended to return to their parental homes to bear offspring.

⁶ B1878/840/37.

⁷ B1880/840/16.

5.2.3. Research Limitations

5.2.3.1. Consistency of Double Registration

However, prior to utilising the additional information about, and contained in, cases of double registration to attempt to answer questions of the type mentioned above, one crucial aspect of the registration procedure has to be investigated. The point relates equally to instances of legitimate and illegitimate births, but is not dissimilar to the question of doubt raised by Carter in his influential debate with Smout over definitions of legitimacy and the consequences this might have on the recording of illegitimate births by different registrars. Essentially, to what extent were registrars consistent in their recording, and transmitting to other registrars, the additional information required about domicile in cases of double registration?

Given the availability of wider evidence suggesting quite high levels of mobility (especially occupationally related transitional mobility) amongst the people of Victorian Scotland and, judging by the limited number of total cases of duplicate registration encountered during the course of this research, there might appear to be some element of doubt about the completeness of such a registration procedure. In all, out of a total of 865 births, both legitimate and illegitimate, extracted from the birth registers of Dryfesdale and Lochmaben for the years 1876-81, only 22 were examples of double registration. Arguably, perhaps, 22 is too small a number to constitute a realistic estimate of the true numbers involved.

Despite a cautious element of doubt being raised by the paucity of examples encountered, from these figures alone it is impossible to tell whether or not the BKs were an atypical example. In themselves, small numbers do not

establish that births eligible for double registration were being omitted by the registrars concerned. However, from other examples of double registration, it is possible to identify instances where such a course of action might have been appropriate, but was not implemented. One such example is the case of John MR and his wife Jane McR.

Married in the parish of Lochmaben in 1873, and similar to the example of the BKs, the births of two of the children of John and Jane MR were located in the 1876-81 case-study of Lochmaben. At the time of their marriage John MR was working as a telegraph instructor and resident in Edinburgh, whilst Jane McR was a spinster living at South Carthat in the parish of Lochmaben. Although the births of both their children were registered at Lochmaben during the 1876-81 case-study, in only one case was the birth double registered.⁸ At this time (1877) the place of domicil for John MR was recorded as having been in Edinburgh. As the family were not located in the 1881 census enumerators' returns for the parish of Lochmaben, a reasonable assumption would be that they were still domiciled in Edinburgh at this date. Despite this probability, combined with the observation that the father was again recorded as working for the Post Office, the birth of their other child was recorded only in the 1879 birth register for Lochmaben.⁹

Whilst it is certain that the MR family were not present in the 1881 census of Lochmaben, their residence in Edinburgh at that time must remain an assumption. To establish this point as being factual would entail an extensive search of the 1881 census for Edinburgh to locate the family as having still

⁸ B1877/840/49.

⁹ B1879/840/41.

been resident there. Such an investigation is beyond the scope of this thesis and would lead to considerable diversion from the main theme of the study. Nonetheless, in the light of the evidence from Lochmaben, the conjecture that the MR family were still resident in Edinburgh at the time of the 1881 census remains perfectly viable. In which case, the birth of their second child located in the case-study should have been double registered when, in fact, it was not.

As a consequence of examining examples such as the BK and MR families in the limited number of cases of double registration located in this study, the possibility of inconsistency amongst the registrars of Dryfesdale and Lochmaben cannot be ignored. Regretfully, therefore, the most significant phrase in the above quotation would appear to be the clause of exemption from registering a birth twice. Whereby, a registrar was only required to "transmit a copy thereof to the Registrar of the Parish of Domicil, *if known to him,*" (my emphasis).

5.2.3.2. Definition of Domicil

In addition to the possibility of inconsistency amongst registrars when recording cases of double registration, contemporary opinion expressed doubt over the reliability of a procedure based upon an ambiguous term such as domicil. George Seton, for example, when discussing the above quotation made the following observation that, "No legal term appears to be more vague and indefinite than the word Domicil".¹⁰

What evidence then, if any, can be obtained from the limited numbers of

¹⁰ Seton, p. 44.

domicil cases ¹¹ located in this case-study to investigate Seton's implied concern over the accuracy of the procedure of double registration. Out of a total of 22 domicil births, eight were registered in Dryfesdale and fourteen in Lochmaben. Two of the eight domicil cases in Dryfesdale and six of the fourteen in Lochmaben related to the births of illegitimate children. Of these eight illegitimate domicil cases, the births of two of these children occurred within the parish of Lochmaben, whilst the remaining six births all took place outwith the two parishes being examined in detail. Of the fourteen remaining births, in Dryfesdale three occurred within the parish and three outwith it and in Lochmaben seven within and one without. The initial point to make then is that a pragmatic distinction has to be made between whether a particular birth was registered originally within the parish concerned, or subsequently registered there in the form of a duplicate registration (a distinction that applied equally to all births, whatever the legitimacy status of the child concerned).

Details about place of birth and place of domicil for the 22 domicil cases located in the 1876-81 case-study of Dryfesdale and Lochmaben are presented in Table 5.1. It should be noted that although 22 domicil cases were extracted as part of the case-study, because one involved a birth in the parish of Lochmaben and parental domicil in the parish of Dryfesdale, the true number of births concerned was 21 not 22. ¹²

The first observation to be made about the information contained in Table

¹¹ As cases of double registration will henceforth be referred to throughout the course of this thesis.

¹² B1880/840/34 and B1880/820/36. Due to complexities of this nature and, depending on what precisely is being investigated at the time, some or all domicil cases are omitted at certain stages of analysis after this section on Double Registration.

5.1. Is that, whilst the majority of cases were limited in geographical range to Dumfriesshire (or to nearby parishes in the adjacent county of Kirkcudbrightshire), the distances involved in a few cases could be quite extensive. One legitimate birth involved parental domicil in Preston in Lancashire and three others related to the midland belt of Scotland, running from Glasgow through to Edinburgh. One illegitimate case involved a birth in Glasgow and domicil in Dryfesdale.

In itself such an observation is probably not very significant, merely reflecting that the geographical mobility of the majority was limited in scope, but that the mobility of a minority of the population could be quite extensive. If, however, a comparison is made between the legitimate and illegitimate cases and between the numbers initially registered in the study area, an interesting trend does appear to be revealed. It would appear from Table 5.1. that the majority of legitimate domicil cases involved parental residence outwith the study area. This is a finding not inconsistent with notions about mothers returning to their original (or at least earlier) places of residence to bear some, if not all, of their children. In contrast to this finding, however, the reverse situation would appear to have been true for the illegitimate domicil cases. In the majority of illegitimate domicil cases the births occurred outwith the study area.

The crucial factor for commenting further on this particular observation, about a distinction between legitimate and illegitimate domicil cases, concerns the very definition of domicil itself. Theoretically, as noted earlier by Seton, in the case of legitimate births domicil was to be determined ordinarily by the usual residence of the father and in illegitimate cases by that of the unmarried mother. Later research in this thesis reveals that, whereas the vast majority of the fathers of legitimate children were householders in their own right, only the

Table 5.1. Domicil Cases: Place of Birth (initial registration) and Place of Domicil (duplicate registration), by Legitimacy Status, 1876-81 Case-study.

<u>Place of Birth</u>	<u>Place of Domicil</u>

a) Dryfesdale: Legitimate Births

Dryfesdale	Preston (Lancs.)
Dryfesdale	Coatbridge (Lanark)
Dryfesdale	Eskdalemuir
Lochmaben	Dryfesdale
Langholm	Dryfesdale
Dumfries	Dryfesdale

b) Lochmaben: Legitimate Births

Lochmaben	St. Ninnians (Stirling)
Lochmaben	Edinburgh (Edinburgh)
Lochmaben	Troqueer (Kirkcudbright)
Lochmaben	Troqueer (Kirkcudbright)
Lochmaben	Hoddam
Lochmaben	Tinwald
Lochmaben	Dryfesdale
Dunscore	Lochmaben

c) Dryfesdale: Illegitimate Births

Glasgow (Lanark)	Dryfesdale
Hawick (Roxburgh)	Dryfesdale

d) Lochmaben: Illegitimate Births

Lochmaben	Applegarth
Lochmaben	Irongray (Kirkcudbright)
Dalry (Kirkcudbright)	Lochmaben
Kirkpatrick-Juxta	Lochmaben
Kirkmahoe	Lochmaben
Johnstone	Lochmaben

N.B. Unless indicated otherwise, all place references are in Dumfriesshire.

Sources: B1876-81/820 and 840, NRH.

minority of unmarried mothers were heads of their own households. Indeed, many unmarried mothers seem to have been reliant on their parents for the necessary support in bringing up their illegitimate offspring.¹³ Given this sort of evidence from household structure, it would seem reasonable to assume that there would not have been too much difficulty for a registrar to determine the 'correct' place of domicile in the case of a legitimate birth, but considerable scope for interpretation in the case of illegitimate births. As mentioned above, the essential problem in an illegitimate case is whether or not the unmarried mother's place of domicile was determined by where her parents (if still alive) lived, or where she herself lived and/or worked.

On this important distinction, between whether an unmarried mother's place of domicile was determined by her own place of residence or by that of her parents (if different), lies the most meaningful interpretation of the apparent difference in trends between legitimate and illegitimate domicile cases. With only one reference to a city, and then with a precise street location,¹⁴ it was feasible to examine the 1881 census enumerators' returns for both the places of birth and stated places of domicile involved in the eight illegitimate domicile cases. One child, William BS, was known to have died prior to the date of the 1881 census and one of the mothers, Margaret AK, was known to have married in the intervening period.¹⁵ Nevertheless, only three of the children and two of the bastard bearing women were located in person.

The three children located, Mary GS, Elizabeth ST and William ST (not close relatives), were all found to have been living with their grandparents at the

¹³ This observation is raised in the section on paternity and discussed more fully in Chapter 8.

¹⁴ B1879/820/87 - Norfolk Street, Glasgow.

¹⁵ D1876/840/43 and M1880/840/11.

time of the 1881 decennial census.¹⁶ With the two STs, their grandparents' households were identified as having been at the stated places of domicile whereas, in the case of Mary GS, the household was one and the same as her place of birth.

Of the two mothers located, Ellen GS and Mary BS, both were found in the locations of their children's places of birth rather than at their stated places of domicile. Ellen was the mother of Mary GS, and Mary the mother of William BS. Similar to Ellen GS, Mary BS was also found to have been resident with her parents,¹⁷ and her son to have died nearby.

Thus, in two out of these four cases the stated place of domicile would appear to have been equivalent to the residence of the children's grandparents, whereas, in the other two cases, the place of domicile appears to have referred to the abode of the mothers (although, in both of these last two cases the mothers' place of abode appears to have been somewhat transitory). Even if the birth did not occur at in the home of a mother's parents, the influence of the grandparents was apparent in all four of these cases.

It was therefore considered a worthwhile exercise to establish whether or not the grandparents in the remaining four illegitimate domicile cases could be located at either the place of birth or stated place of domicile. Utilising the methodology of partial family reconstitution, it was possible to identify the households of all four sets of maternal grandparents. In the cases of the AK,

¹⁶ C1881/865/5/8, C1881/820/6/88 and C1881/840/4/28. In the case of Elizabeth ST, her place of birth in the census was incorrectly given as Dryfesdale. In fact she had been born at Hawick, and the birth double registered at Dryfesdale [B1878/820/88]. Brought up in the parish of Dryfesdale, errors such as those relating to Elizabeth ST are likely sources of error amongst domicile births. Some measure of the extent of inaccuracy amongst children's stated places of birth in the census returns can be gained from the discussion about grandchildren in Chapter 8.

¹⁷ C1881/840/1/116.

RN and TR families, grandparental residence was found to have been consistent with the stated place of domicil.¹⁸ However, in the case of the MT family, grandparental residence was located at the place of birth and not domicil.¹⁹

Consequently, even though not all the eight bastard bearers and their children could be identified in person, the households of all eight sets of maternal grandparents were located at either the place of birth or stated place of domicil. The significant role played by grandparents in the raising of illegitimate children is a recurrent theme in this thesis, and is explored in depth in Chapter 8. For the discussion at hand, what is significant about this finding is that the definition of domicil for unmarried mothers could, and did, vary according to individual circumstances. The majority of illegitimate domicil births may have occurred outwith the study area (Table 5.1.) but, because the definition of domicil varied, this cannot reliably be used as evidence for establishing trends in the movement of non-married mothers. Moreover, certain repeaters such as Catherine ST, mentioned below, bore their illegitimate children in different places.²⁰

5.2.4. Summary

Unfortunately, evidence about discrepancies between individual domicil cases tells us little about the extent to which registrars' interpretations differed.

¹⁸ C1881/840/2/63, C1881/820/6/179 and C1881/840/5/38.

¹⁹ C1881/840/1/90.

²⁰ Repeaters were identified by extracting all births from Dryfesdale and Lochmaben for a period of ten years either side of the 1876-81 case-study and, using the SORT/MERGE package on EMAS-A, nominally linking this data with information about bastard-bearers from the case-study itself. Counting all cases of domicil birth, the 47 illegitimates in Dryfesdale were born to 43 bastard-bearers, of whom, 16 (37.21%) were positively identified as repeaters. In Lochmaben, 50 repeaters (64.10%) were identified out of the 78 bastard-bearers of the 93 children in the 1876-81 case-study. Accordingly, then, repetition would appear to have been a distinctive feature of the higher level of illegitimate fertility recorded in Lochmaben. B1866-91/820 and 840.

Or, indeed, if these 'exceptions' constituted the norm. Consequently, despite the promising amount of additional information about place of birth and place of residence contained in these domicil cases, the lack of substantive evidence is such that other means of examining important trends in illegitimacy must be devised. The evidence gained from an examination of double registration, and the located examples of domicil cases, is enough merely to suggest two points about the procedure. Firstly, the consistency by which registrars recorded cases of domicil can be called into question and, secondly, the term 'domicil' was open to considerable flexibility of interpretation. Nonetheless, these conclusions are by no means concrete and must be viewed as pointers to further research, rather than results in themselves.

There is, however, one definite statement that can be made about the pragmatic use of domicil cases in investigating illegitimacy. They do provide a very useful additional, if not necessarily consistent, means for establishing whether or not a woman was a repeater. Catherine ST of Templand Village, for example, bore two illegitimate children prior to her marriage to Thomas SN in 1883.²¹ Although, only one of her illegitimate children was actually born in the parish of Lochmaben, her other child was born at Dyke in the nearby parish of Kirkpatrick-Juxta and the birth double registered in the birth registers of Lochmaben as a domicil case. Although both her children were located in the 1881 census for Templand Village as residing with their grandparents,²² the fact that Catherine ST was a repeater was apparent from the birth registers alone, and did not require further corroboration from the census enumerators' returns. An observation worthy of note for any future studies of Scottish

²¹ B1877/840/34, B1879/840/40 and M1883/840/2.

²² C1881/840/4/28.

illegitimacy examining solely the birth records of one particular parish or registration district.

5.3. Paternity

5.3.1. Prelude

Similar to the domicil cases discussed in the previous section, under the Scottish system of civil registration the recording of details about paternity, in cases of illegitimacy, was supplementary to the basic information required by law. Unlike the registration of legitimate births, requiring information about both parents, the registration of illegitimate births only necessitated inclusion of details about the mother. Reflective, perhaps, of both a male-dominated society and of certain prejudicial attitudes towards non-married mothers, it is not surprising then that information about paternity can be hard to come by in studies of illegitimacy. Illustrative of this inherent limitation Professor Smout, for example, has recorded the results of an investigation into a sample of 679 illegitimate births in Scotland for the year 1861, revealing that information about paternity was registered in just under a quarter of those cases extracted.

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Indeed, not only was evidence of paternity supplementary to the

²³ T.C. Smout, "Aspects of Sexual Behaviour in Nineteenth Scotland", in Social Class in Scotland: Past and Present, ed. A Allan MacLaren (Edinburgh: John Donald, 1976), p. 68. Interestingly, in the context of the regionality of Scottish illegitimacy, this finding was somewhat complicated by evidence suggesting considerable regional variation in the recording of details about paternity. Indeed, "the proportion of known fathers varied from 38 per cent in Orkney, 36 per cent in Lewis and Harris, and 34 per cent in Banff, to 22 per cent in Shetland, 15 per cent in East Lothian and only 10 per cent in Wigtown". Although, the orderings of the figures for the island areas, when compared with those from Banff and Wigtown, preclude any straightforward correlation between the regionality of illegitimacy and the proportion of known fathers. At this period the south-west and north-east were areas of high illegitimacy, whereas the islands were areas of low illegitimacy. See Map 1.1.

registration of illegitimate births, its inclusion in such cases was subject to strict controls. Excluding cases of subsequent legitimation, which are dealt with in the following section, details of paternity could be included on illegitimate birth certificates in either one of two prescribed ways. Firstly, the father could attend the initial registration in person, along with the mother, and acknowledge paternity then and there. In this case details about his name and occupation would be entered directly into the birth register alongside those of the mother. Secondly, paternity could be established by means of a legal petition, or paternity action, brought against the father and successfully upheld in a recognised court of law.

The distinction between these two methods of recording fatherhood, either by acknowledgement at the time of registration or as the result of a subsequent paternity action, would appear to be of some significance when analysing the whole question of the paternity of illegitimate children. Subject to the intricacy of whether or not a father was coerced in some manner, or whether he acted purely out of his own free will, the acknowledgement of paternity at the time of registration does imply a greater sense of responsibility on the part of the father than does the establishment of paternity by means of a subsequent legal action. Superficially, at least, the second method distinctly implies an element of attempted avoidance of responsibility by the fathers concerned.

Smout omitted to note the manner in which the 160 odd cases of paternity from the 1861 sample of illegitimate births were registered, but I would contend that the distinction is an important one. The whole question of examining paternity is one fraught with difficulties, none more so than a lack of background information as to the extent and make-up of the male, to use a possible irony, 'at risk' population group. Consequently, the ensuing discussion

of paternity takes as its starting point an examination of the differences between the two methods of recording paternity on illegitimate birth certificates. We may only be capable of limited inference from the small numbers of men involved, but at least some insight into an important distinction between them might lead to some interesting clues about the wider context of illegitimacy in nineteenth century Dumfriesshire.

5.3.2. Paternity Acknowledged or Paternity Established

Prior to examining the paternity examples located in the Dryfesdale and Lochmaben case-study, it is worth elaborating briefly on the criteria regulating the two methods of recording information about the fathers of illegitimate children. The acknowledgement of paternity at the time of initial birth registration was quite straightforward. The one significant point to remember about this method is that *both* the mother and the father had to be present at the time of registration, a point stressed heavily in the original act of registration.

In the Case of an illegitimate Child it shall not be lawful for the Registrar to enter the Name of any Person as the Father of such Child, unless at the joint Request of the Mother and of the Person acknowledging himself to be the Father of such Child, and who shall in such Case sign the Register as Informant along with the Mother. ²⁴

In the appropriate entry of the birth register the word "illegitimate" would have been written under the full name of the child, but there would obviously have been no reference to parental nuptiality.

The exception to the legislation quoted above was that which applied to

²⁴ 1854, 17 & 18 Vict. c.80, s.35.

subsequent paternity actions.²⁵ In this case, after the paternity had been established by a competent court of law,²⁶ the relevant details of the action were sent out (within ten days) to the district of registration by means of schedule F, and recorded in the register of corrected entries. A note of this correction was then inserted by the registrar in the outer margin of the appropriate entry in the birth registers.²⁷ Any subsequent authorised copy of this birth entry would then be issued in its amended format, although the original birth register only contains the reference to the relevant page number in the register of corrected entries.²⁸

In the introduction to this section, the point was made that these two methods of registering paternity implied differing levels of paternal responsibility towards unwed mothers and their illegitimate offspring. Given, however, the stringent rules applying to the acknowledgement of paternity at the time of original registration (rules far more stringent than in the case of legitimate births), some knowledge about the time lapse between the date of birth of an illegitimate child and the date at which subsequent paternity was established would appear to be of considerable significance. An average time lapse in the region of a few months might simply be a reflection of the difficulty some parents experienced in simultaneously attending registration. If,

²⁵ Ibid.

²⁶ The norm was for declarations of paternity to be made by the mothers of illegitimate children, and this was the case in all the examples examined during the course of this thesis. Nonetheless, legally a father could make a declaration of paternity but, unlike in the case of a mother, any such declaration had to be made within twelve months of the date of the illegitimate child's birth. Scottish Law Commission, Family Law: Illegitimacy, Consultative Memorandum, no. 53 (Edinburgh: Scottish Law Commission, 1982), p. 38.

²⁷ See Appendix 5 for examples of both schedule F and a paternity action transcribed from a register of corrected entries.

²⁸ In New Register House, the physical separation of the registers of corrected entries from the actual birth registers (themselves shelved by year of registration rather than district), can cause the modern researcher considerable time and legwork.

for example, notions of 'fertility testing' or theories such as Levine's 'marriage frustrated' did underly much nineteenth illegitimacy, then some fathers may simply have been temporarily absent and so unable to attend registration. In such cases, the recognition of paternity by a subsequent legal petition might not have actually been against the will of the father, but simply a pragmatic utilisation of the alternative method of registering paternity. In these circumstances, the fact that a paternity action was brought against a man by a woman does not, in itself, tell us that the man was an unwilling partner to the event. The problem is a delicate one to handle, but some knowledge about the time interval between birth and paternity action might suggest whether or not the majority of the men concerned were willing participants. What then were the circumstances surrounding the recording of paternity in the 1876-81 case-study for Dryfesdale and Lochmaben?

Excluding, for analytical purposes, domicil cases in which the place of birth was outwith the study area (none of which affected the investigation of paternity), and counting singly the only example of a twin birth, paternity was either acknowledged or established for five illegitimate births in Dryfesdale and sixteen in Lochmaben. Out of the respective totals of illegitimate births, 44 in Dryfesdale and 89 in Lochmaben, the proportions of cases in which paternity was either acknowledged or subsequently established, amounted to only 11.36% in Dryfesdale and 17.97% in Lochmaben (results not inconsistent with some of the lowland Scottish figures counted in the 1861 sample of illegitimate births listed by Smout).²⁹

²⁹ Due to the small number of cases containing information about paternity, it was decided best for this part of the analysis to examine the combined figures for Dryfesdale and Lochmaben, rather than to attempt two parallel investigations.

If we examine the manner in which these instances of paternity was either acknowledged or established, the results are clear. Of the five instances of paternity located in Dryfesdale, only one was as the result of fatherhood having been acknowledged at the time of original birth registration. Similarly, in Lochmaben, fourteen of the total of sixteen examples gave details of the fathers as the result of subsequent paternity actions. The acknowledgement of paternal responsibility by the father at the time of birth registration, as compared to the subsequent establishment of fatherhood by means of a paternity action, was rare. Indeed, with the father under no legal obligation to do so, the acknowledgement of paternity at registration may only have applied to exceptional cases of illegitimacy.

In the light of other evidence suggested in this thesis, it was further apparent that two of the three examples involving acknowledgement of paternity constituted two of the most unrepresentative instances of illegitimacy traced during the course of the study. The example from Dryfesdale concerned the only case of true 'concubinage' to be located in the entire study,³⁰ whilst one of the two examples from Lochmaben related to Janet RS, an unmarried mother who was still at school.³¹ In this second example, not only was the mother known to have been a schoolgirl,³² but there is evidence to suggest that her partner was also very young and, as such, both individuals were

³⁰ This particular case is discussed in some detail in Chapter 8, section 8.2.3.

³¹ Not located in the 1881 census enumerators' returns, Janet was described as being a "scholar" on the birth certificate of her illegitimate child [B1880/840/62]. The child, William McKnight SL, died at the age of four weeks [D1880/840/45].

³² See Chapter 6, Tables 6.1. and 6.2. for an outline of the occupations of the other bastard-bearers from Dryfesdale and Lochmaben, none of whom were still at school.

presumably highly susceptible to external social pressures.³³ In the context of bastard-bearers in the two parishes concerned, two of the three instances of paternity acknowledgement could not be said to have been typical examples of illegitimacy.³⁴ The norm then, if a majority of a minority group can be termed as such, was for paternity to be established after birth registration by means of a legal suit.³⁵

5.3.3. Paternity Actions

The individual motivations behind the acknowledgement of paternity at the time of birth registration seem to have been somewhat idiosyncratic. But what of the motivations underlying the pursual of paternity actions. Paternity actions were the most common form by which fatherhood could be recorded on illegitimate birth certificates, yet as a proportion of the total number of bastardy cases, they still constituted a minority group. Why then were

³³ The father, William John SL, was described on both the birth and death certificates of his illegitimate son as being an "Apprentice Blacksmith". A suspicion confirmed by reference to the 1881 census enumerators' returns, in which William's age was given as having been 18 [C1881/840/2/4].

³⁴ The third example, referred to the birth of Gavin Johnstone DN, the son of Agnes JE a Farm Servant from Templand Village and David DN a Ploughman from the parish of Halfmorton [B1880/840/1].

³⁵ Somewhat ironically, under Scots law the acknowledgement of paternity, as opposed to its later establishment, is only evidence for, and not legal proof of, fatherhood. Unlike legitimate births, there is "no legal presumption that a man who is named in the Register of Births as the father of an illegitimate child is the child's father" [Scottish Law Commission, p. 21.]. A technicality of Scots law only brought into use when acknowledged paternity is disputed, in itself this presumption does not provide a meaningful explanation as to why comparatively few men acknowledged paternity at the time of birth registration. What it does help to explain, however, is the otherwise curious case of Mary CL. A repeater from Marjoribanks known to have borne eight illegitimate children, there was no evidence of paternity for either of her two children born within the sample period. However, in the case of her first recorded bastard child, Margaret (born in 1871), paternity was both acknowledged at the time of registration and subsequently established for the same man by means of a paternity action [B1872/840/1 and RCE840/1/52] (The gap between the two events was two and a half years, during which time Mary bore no other illegitimate children. In the following twelve years, however, she gave birth to a further seven bastards. In the only other case where paternity was established, the father was a different man from the one previously identified [B1881/840/48]). Whether or not this legal technicality was widely known, and so encouraged unwed mothers to pursue paternity actions rather than attempt to persuade the fathers to acknowledge paternity at the time of registration, cannot be determined. Nonetheless, amongst the class of women concerned, such an in-depth familiarity with the intricacies and workings of the law would seem unlikely.

paternity actions pursued by unwed mothers in these particular cases, and was there any uniformity between these cases?

5.3.3.1. Time Elapsed Since Birth

These questions are especially difficult to answer because there is no evidence about the total number of *attempted* paternity suits. What information there is, only concerns those cases that were undoubtedly successful in establishing paternity.³⁶ Nonetheless, with this limitation kept in mind, one significant factor that might shed some light on the motivations behind paternity actions concerns the time elapsed between birth and paternity action. Arguably, a short time interval would suggest that a man was relatively willing to accept responsibility for his actions, whereas a lengthy time interval would imply the opposite. Details about time lapse between birth and paternity action are presented in Table 5.2.

The shortest time interval, in the case of Mary BL of Bridge Street, Lockerbie and William TN of Castlemilk in the parish of St. Mungo,³⁷ at five weeks was indeed brief. However, the longest interval extended to over five years in the example of Liliash GE and John BN.³⁸ Resident in the household of her widowed father at the time of the 1881 census,³⁹ by the time the paternity action came to fruition in 1886, Liliash GE was resident in English Street,

³⁶ An examination of Sheriff Court Records held at the S.R.O. only revealed information about paternity actions already located in the registers of corrected entries. No details of any unsuccessful cases could be found. See, for example, the Diet Books for Dumfriesshire SC/15/2. Thus, whilst this source acts as a useful check that registrars recorded paternity actions in the registers of corrected entries, the investigation was left with no information about any failed paternity suits.

³⁷ RCE820/1/53.

³⁸ RCE840/1/109.

³⁹ C1881/840/4/52.

**Table 5.2. Paternity Actions: Places of Birth and Residency, Ranked
According to Time Lapse Between Date of Child's Birth and Date of
Paternity Action, 1876-81 Case-study.**

<u>Child's Place of Birth</u>	<u>Parents' Place of Residence at Paternity Action</u>		<u>Birth/Paternity Time Lapse (weeks)</u>
	<u>Mother</u>	<u>Father</u>	
Dryfesdale	Dryfesdale	St. Mungo	5
Lochmaben	Lochmaben	Dumfries	16
Lochmaben	Lochmaben	Tinwald	19
Lochmaben	Lochmaben	Lochmaben	25
Lochmaben	Kirkmichael	Wamphray	31
Dryfesdale	Dryfesdale	Mouswald	37
Lochmaben	Applegarth	Dumfries	47
Lochmaben	Lochmaben	Southdean (Roxburgh)	60
Lochmaben	Lochmaben	Glasgow (Lanark)	77
Lochmaben	Applegarth	Hutton	82
Lochmaben	Lochmaben	Lochmaben	86
Lochmaben	Dunscore	Lochmaben	113
Lochmaben	Motherwell (Lanark)	Motherwell (Lanark)	122
Dryfesdale	Dryfesdale	Annan	197
Lochmaben	Lochmaben	Glencairn	253
Lochmaben	Lochmaben	Lochmaben	257
Dryfesdale	Dryfesdale	Dryfesdale	259
Lochmaben	Dumfries	Kirkmahoe	280

N.B. a) Unless otherwise indicated, all place references are in Dumfriesshire.

b) Time lapse calculations rounded to the nearest whole week.

Sources: B1876-81/820 and 840; RCL820/1 and 840/1, NRH.

Dumfries. The mean time span between birth and paternity action at 109 weeks, or over two years, was certainly quite lengthy. Indeed, in only four out of the total 18 examples of paternity actions was the interval between birth and successful court action less than six months. It is hard to see from these time intervals that the fathers made any real effort to assist the mothers in establishing the paternity of their illegitimate offspring.

^k
Background evidence discussed by Smout suggests that the 'unbourgeois' and 'unpeasant' sexual mores of the Lowlands "did not regard refusal to accept responsibility [for paternity] by the man as a very grave sin".⁴⁰ Yet the question of who was ultimately responsible for the economic 'burden' of an illegitimate child, is considered by Smout to be a crucial question in the examination of illegitimacy in Victorian Scotland.⁴¹ One further intriguing piece of information, relevant to the question of economic responsibility, did arise from an examination of the dates involved in paternity actions.

The deaths of only two of the 18 illegitimate children concerned were located in the death registers for Dryfesdale and Lochmaben, but in both cases the children died *prior* to the date of the relevant paternity actions. Samuel Beattie WS, the son of Mary Hume WS and David GN, both of Lochmaben, was born at Castle Street on 9 March 1877,⁴² and died aged 12 weeks on 3 June 1877.⁴³ However, the paternity action against his established father was not passed by the Sheriff Court of Dumfriesshire until 7 September 1877, three

⁴⁰ Smout, p. 80.

⁴¹ Ibid. See also Smout's precis of this discussion in his later book, A Century of the Scottish People 1830-1950 (London: Collins, 1986), pp. 168-72.

⁴² B1877/840/21.

⁴³ D1877/840/21.

months after Samuel's death. ⁴⁴ Similarly, Margaret Scott WT was born on 3 January 1881 at West Street, Lochmaben and died when aged only five months old in June of the same year. ⁴⁵ Yet the paternity action brought by her mother, Susan WT, against her father, Matthew JE of Dumfries, was not completed until late November 1881. ⁴⁶

At the risk of reading too much into the available evidence this, somewhat surprising, observation does tend to imply that the mothers were not simply pursuing paternity actions for the sake of economic support. ⁴⁷ Instead, that some ulterior motivating force underlay their reasons for pursuing paternity actions. Certainly one woman was described as being poor in the paternity action against the father of her illegitimate child, ⁴⁸ and no doubt none of the single mothers had recourse to vast financial resources. However, it is hard to see why paternity actions in these two cases of infant death would have been pursued for financial reasons alone. For, in neither case, were the children concerned still alive at the date of the paternity actions. Unless the mothers lied extensively, there is no way that these particular children could be described as having been an economic 'burden' to their mothers at the dates when their paternity actions were upheld in court. An attempt at further

⁴⁴ RCE840/1/60.

⁴⁵ B1881/840/6 and D1881/840/26.

⁴⁶ RCE1840/1/75.

⁴⁷ The legal term for the determination or ascertainment of a child's paternity is affiliation. According to Viscount Dunedin et al., the question of paternity usually tended to arise in cases of affiliation that were financially or economically motivated. Encyclopedia of the Laws of Scotland, 1926-30 ed., s.v. "Affiliation". Subsequent to the 1853 Evidence Act [s.3], the parents of an illegitimate child were the principal witnesses in any legal actions relating to affiliation. Nonetheless, the onus to establish paternity was on the pursuer. In all the paternity actions located in this case-study, the pursuer was the woman. Interestingly, if the defender (i.e. the father) did not tender himself as a witness, in itself this action was not to be regarded as an admission of guilt [Ibid.].

⁴⁸ "Poor Mary Irving" of Queen Street, Lochmaben. RCE840/1/83.

exploring this intriguing observation was made by investigating the familial support systems of the unwed mothers involved.

When discussing the whole question of economic support for illegitimate children, Smout has maintained that the existence of opportunities for female employment in the Lowlands allowed non-married women to support their bastard offspring. "If a girl had an illegitimate child she could often hand it over to her own mother to look after in her cottage, and pay over part of her wage for its keep".⁴⁹ In this sort of hypothetical situation, support for the bastard child would not only have been afforded by the income of the unwed mother, it would also have resulted from the existence of a wider familial support system. A support system prepared to shoulder the 'burden' of rearing an illegitimate addition to the extended family. The question then arose in the research, as to whether or not this sort of wider familial support system did exist for the majority of the women who took out paternity actions. If such a system did exist, then surely any argument for viewing paternity actions as purely economic concerns would be further reduced.

5.3.3.2. Familial Support

By examining the 1881 census enumerators' returns for Dryfesdale and Lochmaben, some insight into the familial support systems of those cases of illegitimacy involving paternity actions can be gained. Of the four cases from Dryfesdale all four bastard children were located in the 1881 census. On all four occasions these children were found to have been resident with their mothers, but in the households of their grandparents, a sure sign of at least

⁴⁹ Smout, Scottish People 1830-1950, p. 171.

some form of familial support. In Lochmaben, with a larger number of cases and with two children known to have died prior to the 1881 census,⁵⁰ the situation was slightly more complex, but nonetheless similar to that found for Dryfesdale.

In Lochmaben, out of the thirteen children thought to have been alive by the time of the 1881 census, seven were located in the enumerators' returns for the parish. Of these seven located children, six were located as living in the households of their grandparents. In five of these six cases the child's mother was also present in the household. In only one example, that of Margaret BK and her son Robert, was a child living in a household headed by an unmarried mother.⁵¹ Although a number of children appear to have moved out of Lochmaben by the time of the 1881 census, of those that remained, the majority were resident in three-generational households. The evidence for wider familial support therefore did exist.

The whole issue of children's residence with their grandparents is the subject of an entire chapter later in the thesis but, for the purpose at hand, a brief glimpse into the household situations of these children under discussion strongly suggests a good deal of familial support. In itself, evidence for the existence of familial support does not, of course, preclude finance as an important consideration in the pursual of a paternity action. In reality such

⁵⁰ The case of Samuel Beattie WS mentioned above. Margaret Scott WT, the other child known to have died before the date of a successful paternity action against her father, did not die until after the actual census date.

⁵¹ C1881/840/2/7. The only other person in the household was another illegitimate child of Margaret BK, William BK, who was born in 1872 [B1872/840/6]. The limited evidence as to whether the phenomenon of illegitimacy repetition had any effect on the pursual of paternity actions is somewhat inconclusive. Out of the total of 18 cases in which paternity actions were pursued, nine related to mothers who were proven repeaters and nine to singletons.

decisions were no doubt the result of a number of combined factors.⁵² Nonetheless, when considered with the curious evidence about the two children who died prior to the dates of their fathers' paternity actions, it does support the notion that ulterior motives, apart from straightforward financial worry, were influential in the decisions of certain women to pursue paternity actions.

A fully meaningful interpretation of such qualitative human feelings is not something one can establish from an analysis based solely on birth and census records, but it does provide a useful pointer for future research into the question of paternity and illegitimacy. Indeed, I would go so far as to suggest that what these cases of paternity actions represent, are the instances where unwed mothers hoped to marry the fathers of their illegitimate children. We do not know whether any paternity actions failed, so one cannot assess the overall number of women who desired such an outcome of their illicit liaisons. But it is not unreasonable to contend that these were the women who persevered towards marriage. Some, like Mary CL, must have become highly disillusioned, and may even have given up all hope of later marriage. As to the outcome of the others, this question is discussed in the next section dealing with subsequent legitimation.

⁵² What influence concerned parents of non-married mothers might have had on their daughters' actions is, regrettably, an unknown quantity. Occasional references to the parents of non-married women can be found in paternity actions (as can references to later spouses), but this information would appear to have been given instead of an occupation. In all cases the actions were brought about at the request of the mothers themselves, and none of these particular examples related to cases drawn from the 1876-81 case-study. [See, for example, RCE840/1/49 in which an Esther RN was described as having been the daughter of and resident with her father, Archibald RN, a mason in Lochmaben. Similarly, in RCE820/1/63, a Margaret CN or LE was described as having been the wife of William LE, a coachman in Lockerbie.]

5.3.3.3. Fathers' Occupations

Expressing a cautionary note on the analysis of the sample of 1861 illegitimate births that, "middle-class men had an advantage when it came to concealing paternity, and they may be better represented in the three-quarters of the cases where the father was not disclosed", ⁵³ Smout still concluded that the occupation of fathers was "overwhelmingly working class". ⁵⁴ The findings of this current investigation concurred with Smout's findings about occupation, but suggest that any interpretation of this observation is compounded by the finding that no reliable means of defining the 'at risk' male population could be identified.

Of those fathers who were identified by means of paternity actions, apart from one individual for whom no details about occupation were given, none could obviously be described as having belonged to the middle or upper classes. One individual was described as a farmer, an occupational category fraught with difficulties of interpretation, ⁵⁵ but the remainder were all from solidly working class backgrounds. The other named occupations included: blacksmith, farm servant, herd, joiner (2), mason, labourer (2), plasterer (2), ploughman (2), railway fireman (2), and slater. These then are findings that match Smout's investigations into the occupations of known fathers of illegitimate children.

Apart from the observation that these occupations were ones common to

⁵³ Smout, "Sexual Behaviour", p. 68.

⁵⁴ Ibid.

⁵⁵ See, for example, W.A. Armstrong, "The Use of Information about Occupation", in Nineteenth-Century Society, ed. E.A. Wrigley (Cambridge: Cambridge University Press, 1972), p. 225.

the vicinity of Dryfesdale and Lochmaben in the period concerned, they are perhaps only remarkable for the number of skilled or semi-skilled trades represented. These fathers may well have been from the working class, but the majority of them had perfectly respectable occupations in the socio-economic context of a rural environment. The important question, in terms of this investigation, appeared to be whether or not there was any way of defining this 'at risk' male population group.

Much of the overall aim of this thesis concerns an attempt to view those individuals connected with bastardy in their wider context. To achieve this aim, attention is paid to relating those individuals concerned, with those individuals at risk in the wider community. The subsequent analysis of the occupations of the mothers of illegitimate children, for example, ⁵⁶ achieves this goal by treating the unmarried mothers, located in the 1876-81 birth extracts, as a sub-set of all non-married women located in the 1881 census. Admittedly, such a procedure is based upon somewhat of an assumption, but it is one that is widely accepted in historical demography. Indeed, it is inherent in the compilation of all age-specific fertility measurements based upon the linkage of birth and census information. ⁵⁷

Based upon the criterion that birth and census information can be obtained for a defined administrative or ecclesiastical unit, the essential weakness in this approach is that it takes no account of the mobility of individuals in and out of the selected locality. Crucial evidence about place of conception is largely beyond the historian's grasp but, because birth certificates give details about

⁵⁶ See Chapter 6.

⁵⁷ The validity of this assumption is later called into question and discussed in greater detail in Chapter 7.

place and date of birth, one can be sure of the presence of an unmarried mother in a selected locality at a specific time. In cases of illegitimacy where paternity was only established by means of a subsequent paternity action (i.e. in the majority of cases), ⁵⁸ there can be no such assurance about the father. Unless paternity was acknowledged at the time of the original birth registration, when the father was requested to attend in person, then birth certificates do not provide evidence as to the whereabouts of the father at the time of either birth or registration.

The very mobility of the fathers, as illustrated in Table 5.2., combined with a lack of confirmation as to their place of residence at the time of their children's births (not to mention places of conception) and evidence revealing that examples of paternity actions were themselves in a minority compared with total illegitimate births, precludes the identification of an at risk male population of which these men may have constituted a sub-set. Unlike the later analysis of non-married mothers in this thesis, further examination of the fathers of illegitimate children must be restricted to crude numbers located. Similar to the potential of domicil cases, evidence drawn from paternity actions must necessarily be highly limited, and largely qualitative, as to what it can tell us about illegitimacy.

5.3.4. Summary

In many ways the evidence for paternity, as indicated by the examination of the fathers' occupations, was frustratingly limited. That the known fathers came from working class backgrounds fits with the overall picture of sexual

⁵⁸ In the three cases of acknowledged paternity, one father was resident outwith the parish of his child's birth.

morality in Victorian Scotland as presented by Smout, but tells us little about the actual relationship between these men and the women whose bastard children they fathered.

Nonetheless, by detailed examination of the procedures by which paternity was recorded under the system of civil registration, some insight into this relationship was achieved. The later establishment of paternity, as opposed to its acknowledgement at the time of birth registration, was seen to be the more usual fashion in which details of the fathers were recorded in illegitimate birth certificates. And, more significantly, the reasoning behind why women pursued subsequent paternity actions can be argued as not having been purely economic in motivation.

Moreover, by examining the registers of corrected entries, the main source for paternity actions, in their wider context some further evidence relevant to the Carter/Smout debate was uncovered. There was certainly evidence to suggest that the registers of corrected entries were not always used consistently by individual registrars but, when located, examples of such inconsistency were found to have been equally applicable to legitimate as well as illegitimate people.

Evidence about paternity is undeniably restricted in many ways but, if handled carefully and examined in the context in which such information was recorded, a good deal more can be learned about illegitimacy than might initially be suspected.

5.4. Subsequent Legitimation

5.4.1. Prelude

The third feature of civil registration that allowed supplementary information to be included in the birth registers, was as a consequence of the subsequent legitimization of illegitimate children due to the later marriage of their parents. In the nineteenth century this was a legal technicality peculiar to Scotland.⁵⁹ As with paternity actions, the medium by which the ensuing additional information about the parents could be included in a birth certificate was through use of the registers of corrected entries. The conditions surrounding the implementation of this procedure, as detailed in the original act of registration, were as follows:

In the event of any Child, registered as illegitimate, being legitimated per subsequens matrimonium, the Registrar of the Parish in which the Birth of such illegitimate Child was registered shall, upon Production of an Extract of the Entry of such Marriage in the Register of Marriages, note in the Margin of the Register opposite to the Entry of the Birth the Legitimation of such Child per subsequens matrimonium, and the Date of the Registration of such Marriage".⁶⁰

The one proviso being that, if paternity had *not* already been acknowledged at the time of birth registration or subsequently established by means of a paternity action, a Sheriff's warrant granted upon the *joint application of both parents* was required before the registrar could make any note of legitimization and subsequent marriage in the margin of the birth registers.⁶¹

⁵⁹ Smout, Scottish People 1830-1950, p. 168.

⁶⁰ 17 & 18 Vict. c.80, s.36.

⁶¹ *Ibid.*

5.4.2. The Evidence

Superficially, at least, the evidence from the Dryfesdale and Lochmaben case-study about subsequent legitimation and delayed marriage appears straightforward. Including all domicil cases, none of the 140 illegitimate children whose births were registered in either Dryfesdale or Lochmaben during the 1876-81 sample period, were recorded as later being legitimated by a subsequent marriage. Obviously, a number of these children would have died too early in life for any subsequent marriage of their parents to have been recorded. Nonetheless, as Table 5.3. clearly shows, throughout the twenty year period 1870-89, in what must be stressed was a region of comparatively high levels of illegitimacy, only *one* example of a subsequent legitimation was recorded in the registers of corrected entries for both Dryfesdale and Lochmaben. Even given the relatively high levels of infant mortality amongst illegitimate children, this is too low a proportion for the paucity of subsequent legitimations to be attributed to infant deaths alone. Clearly, more than a handful of bastard children survived long enough for their parents to have later married. Consequently, if this evidence is accurate, legitimation due to subsequent marriage was a very rare social phenomenon in the vicinity of Dryfesdale and Lochmaben.

However, in the light of ^{Supplementary} evidence presented about the inconsistency of recording death precognitions, ^{in Appendix 6} and given that the registering of subsequent legitimation was optional and not obligatory, the accuracy of this evidence must be called into question. Arguably, what this evidence actually tells us is that the *recording* of legitimation due to subsequent marriage was rare, and, not necessarily, that later marriage and subsequent marriage were virtually unknown amongst those involved with bastardy. For, similar to irregular marriages, and provided that the parties marrying were considered to have

Table 5.3. Number and Type of Corrections in the Registers of Corrected Entries, Dryfesdale and Lochmaben, 1870-89.

<u>Types of Correction</u>	<u>Number of Corrections</u>	
	<u>Dryfesdale</u>	<u>Lochmaben</u>
Paternity Actions	36	52
Precognitions of Death	52	21
Firstname Alterations or Additions	10	7
Surname Alterations	-	1
Date Alterations	3	1
Subsequent Legitimations	-	1
Alterations of Legitimacy Status	2	-
Divorce	1	-
Total	104	83

N.B. The figures for paternity actions exclude one repeated entry in the Dryfesdale register, and three repetitions in the Lochmaben register.

Sources: RCE820/1 and 840/1, NRH.

been the parents of the child or children concerned, legitimation due to subsequent marriage did not have to be registered to be legally valid or binding.

According to Viscount Dunedin et al.,

In contrast to judicial records, the register of Births, Deaths, and Marriages kept under the Act of 1854, though admissible as evidence to the effect that the entries appearing therein were duly made in compliance with the statute, is neither by the Act itself, nor according to legal principle, evidence of the facts which the entries profess to record. ⁶²

With regard to the legitimation of a bastard child *per subsequens matrimonium*, the generally accepted ^{stance} of Scots law was that a child could only be legitimised if there had been no legal impediment to the marriage of the parents at the time of conception. Under this judgement, for example, a child conceived in adultery could not be legitimised. ⁶³

In this context the records of civil registration again provide evidence for, and not proof of, vital events pertinent to the analysis of illegitimacy. Consequently, to assess whether or not subsequent legitimation and delayed marriage were as rare as the registers of corrected entries imply them to have been, we must return to the wider evidence about the parents of illegitimate children as deduced from the reconstitution study.

5.4.3. Paternity and Delayed Marriage

In returning to the wider evidence about the parents of illegitimate children,

⁶² Laws of Scotland, s.v. "Legitimation".

⁶³ Ibid.

the researcher is heavily constrained by the the paucity of information about known fathers. Historically, the only available evidence about known fathers comes from examples of acknowledged or established paternity. As mentioned in the previous section, paternity was known in less than a quarter of cases of illegitimacy in both Dryfesdale and Lochmaben. Excluding the rather exceptional case of Isabella GY/WR/ST,⁶⁴ the fathers of twenty illegitimate children born within the sample period were known.⁶⁵

Acknowledging the limitations of this data, of the twenty mothers concerned, nominal record linkage established that five subsequently married. All five instances related to cases of established and not acknowledged paternity, and in one case the marriage was to a man named earlier in the relevant paternity action. Whilst this demonstrated that few women may have actually managed to marry the men whom they took out paternity actions against, at least one women did. Yet, in the birth registers themselves, there is no reference to this child having been subsequently legitimated.

The women concerned was Betsy GR of Bridge Street, Lockerbie. Betsy is known to have had three illegitimate children prior to the time of her eventual marriage in 1882,⁶⁶ and there is no record of any of them having died prior to this date. The paternity action related to her first illegitimate child and, by implication, the other two may also have been fathered by the same man. The eldest child was born in 1877, the second one in 1880, and the third in 1882. It is worth elaborating somewhat on these dates, however, because it was also in 1882 that the paternity action came to fruition.

⁶⁴ For a full description of this case, see Chapter 8, section 8.2.3..

⁶⁵ See section 5.3.2.

⁶⁶ B1877/820/53, B1880/820/45, B1882/820/36, and M1882/820/13.

With the changeover of registrars in Dryfesdale at this period, the three births were recorded by three different registrars. However, in 1882 the same registrar, Alexander Cameron, registered the birth of Betsy's third illegitimate child, the success of her paternity action against the father of her first illegitimate child, and then her marriage to the same man, Joseph GM. All these transpired over a period of three months. The name of Betsy GR must surely have struck a chord with Alexander Cameron in the summer months of 1882, yet he never recorded the subsequent legitimation of her eldest child. And, of equal significance, if the other two children had been fathered by Joseph GM, nor did he or Betsy GR succeed in having them recorded as being legitimated by their marriage.

The example of Betsy GR may be the only instance of an unwed mother later marrying an established father of one of her children, but it constitutes a fascinating insight into the circumstances surrounding the recording of subsequent legitimation. In cases where paternity had not already been established, the registering of subsequent legitimation was the responsibility of the parents concerned. However, in the case of her eldest son who was still living in 1882, the responsibility was ostensibly that of Alexander Cameron. The evidence does tend to imply that neither the registrar, nor the parents, were terribly concerned about the social or legal significance of subsequent legitimation.

Furthermore, out of all the illegitimate offspring reconstituted to establish the phenomenon of repetition amongst unwed mothers, only one additional example of a subsequent legitimation was discovered. This instance referred to Catherine Broatch Nichol of Lochmaben, a repeater known to have borne

three illegitimate children between 1876 and 1883.⁶⁷ Catherine's marriage did not take place until 1897 (in Glasgow), and was only identified by virtue of the fact that the birth registration of her third child did contain a reference to subsequent legitimation. Interestingly, the subsequent legitimation was dated in 1901 and, judging by the details presented in the register of corrected entries, it was the child herself, rather than her parents or the original registrar, who was concerned about recording the subsequent legitimation.⁶⁸

Apart from shedding some light on the notion of stigma attached to illegitimacy (or more accurately the absence of stigma during the nineteenth century), this example was of further interest in one important respect. The man Catherine Broatch Nichol eventually married was called Benjamin Thomson Little,⁶⁹ and two of Catherine's known bastard children had Little as a middle name. The question of how widespread was the use of a father's surname to advertise paternity was considered important for two reasons. Firstly, it has been observed elsewhere and is a useful social indicator in its own right.⁷⁰ Secondly, evidence from the use of surnames as forenames might provide further clues as to the whole discussion of subsequent legitimation.⁷¹

⁶⁷ B1876/840/41, B1881/840/47, and B1883/840/78.

⁶⁸ RCE/820/2/29.

⁶⁹ Ibid.

⁷⁰ See, for example, Anne Harris, "Christian Names in Solihull, Warwickshire, and Yardley, Worcestershire, 1540-1729", Local Population Studies 19 (Autumn 1977), 28-33.

⁷¹ In the face of no records that deliberately recorded details of paternity, Jean Robin utilised evidence about surnames used as forenames as one means of identifying women thought to have married the fathers of their illegitimate children. "Illegitimacy in Colyton, 1851-1881", Continuity and Change 2/2 (August 1987), 314-15. In Robin's study, seven women (15% of those who married) were identified by such means as having married probable fathers.

5.4.4. Surnames as Forenames

Betsy GR's third illegitimate child had the name Pagan, a surname largely peculiar to the south-west of Scotland,⁷² as a middle name. Consequently, if the use of surnames as middle names for bastard children were consistently used to advertise paternity, the theory that all her offspring were fathered by the same man would be negated. Initially, therefore, to examine naming customs, only those children with known fathers were examined.

In total out of the children with acknowledged or established fathers, eight had middle names that were also surnames.⁷³ In three of these eight cases the child's middlename was the same as that of the established father. The ascription of surnames as middle names to advertise paternity was clearly a possibility, but by no means an accepted norm. The middle name Little would appear to have been an example of paternity advertisement, whereas the use of Pagan was still ambiguous.

As no hard and fast rule could be deduced about naming patterns cases of children with known fathers, two further examples from the reconstituted sample serve to illustrate the point that not all potential cases of subsequent legitimation were recorded in the registers of civil registration. One example refers to a singleton, the other to a repeater. In neither cases were the relevant children recorded as having died prior to the subsequent marriage.

a) Elizabeth Gibson of Barras. Known to have borne four illegitimate children prior to her marriage to William Beattie in 1885, none of the births of

⁷² George F. Black, The Surnames of Scotland (New York: Public Library, 1946), s.v. "Pagan".

⁷³ The name-pairs were as follows: Allan-Richardson; Beattie-Gibson; Brown-Brown; Bryden-Bryden; Irving-Mundell; Scott-Johnstone; Scott-Scott; and Smith-O'Neil.

Elizabeth's offspring recorded details of paternity.⁷⁴ In order of birth the forenames of Elizabeth's children were registered as follows: Isabella; William Beattie; David James Beattie; and Mary Jane. Although the fourth child did not have Beattie as a middle name, the marriage between Elizabeth Gibson and William Beattie was celebrated just over one month after this birth.

b) Janet Paterson of Mossknowe, Hightae. Janet (or Jannet) Paterson gave birth to only one illegitimate child, James Grierson Ritchie Paterson, who was born in 1878.⁷⁵ Two months after the birth of her son, Janet married a man by the name of Grierson Ritchie.⁷⁶ Somewhat confusingly, the maiden surname of Janet's mother, Ann Paterson, was also Grierson.⁷⁷ Consequently, on her marriage certificate she is recorded as being called Janet Grierson Paterson. Thus, even if her son inherited the middle name Grierson from his grandmother, rather than from his (assumed) father, at least the middle name Ritchie was probably an advertisement of paternity.

The ensuing difficulties caused by the dropping and/or adding of surname forenames and surnames are discussed in relation to linkage with the census enumerators' returns in a later chapter. Nonetheless, it was apparent from this part of the investigation that the use of surnames as forenames to advertise paternity did suggest a number of further examples whereby legitimation due to subsequent marriage was not registered.

⁷⁴ B1874/840/7, B1879/840/88, B1881/840/87, B1885/840/21, and M1885/840/7.

⁷⁵ B1878/840/11.

⁷⁶ M1878/840/4.

⁷⁷ Ibid.

5.4.5. Summary

Following in the wake of the discussion about paternity in the preceding section, the investigation into subsequent legitimation has shown that, as with the bastard-bearing population as a whole, only a minority of women who pursued successful paternity actions progressed to marriage. That is marriage within the bounds of the local community in which their illegitimate offspring were born. Of these women, only a very small proportion were found to have actually married the men it has been suggested they were pursuing for more than purely economic gain.

Nonetheless, there was evidence to suggest that, whilst the Scottish system of civil registration made allowances for the recording of subsequent legitimation, it was seriously under-registered. Given the regulations governing the registration of subsequent legitimations, and combined with the lack of any ensuing legal status, it is difficult to assess the extent to which this under-registration was purposeful. With some evidence to imply negligence on the part of certain registrars, much of this under-registration would appear to have stemmed from a lack of concern to register subsequent legitimation on the part of the parents concerned. If subsequent legitimation were to be used as some form of measurement of the need to disguise illegitimacy, then there is little evidence to suggest that the parents of illegitimate children felt stigmatised as a consequence of their pre-marital sexual activities.

5.5. Conclusion

As a general rule, what this chapter has confirmed is the need, when investigating a social phenomenon as complex as illegitimacy, to fully understand the contemporary workings of the nineteenth century system of

civil registration. Indeed, it would have been impossible to interpret meaningfully the available evidence without first having appreciated the intricate relationship that existed between the law and the procedure of civil registration. It is only in the light of this relationship that the historical investigator can begin to piece together the resultant brief insights into peoples' actions and the motivations behind these actions.

Evidence has been presented to support the note of caution raised about civil registration by Carter in his debate with Smout, and examples of negligence and inconsistency on the part of registrars were identified. Allowance for human error in historical research is nonetheless somewhat of a constant and, significantly, no particular bias against illegitimacy was identified. Carter's doubts about the consistency and reliability of civil registration data largely pertained to the question of illegitimate births, but the evidence for error and inconsistency affected illegitimate and legitimate persons alike.

The registers of corrected entries, the primary source for much of the material supplementary to civil registration, were found to have been lacking in a number of respects. Certain weaknesses contained within this source did apply specifically to illegitimacy, such as paternity actions and subsequent legitimations, but inconsistency in the recording of death precognitions would have applied to all persons whatever their legitimacy status. It was the registers of corrected entries as an historical source, rather than in their specific treatment of illegitimacy, that have been called into question in this chapter.

Those limitations that did relate specifically to illegitimacy did, however, establish the need for at least partial family reconstitution when investigating bastardy. Levels of delayed marriage and subsequent legitimation, for example,

cannot be deduced from the registers alone without recourse to some form of nominal record linkage. However, even after nominal record linkage, evidence for delayed marriage was scarce and the lack of concern shown for registering cases of subsequent legitimation was suggestive of a community in which stigma over illegitimacy did not feature prominently.

Conversely, investigation into paternity actions produced the contention that economic gain alone, did not constitute sufficient reason to explain the motivations behind why some women took out legal suits against the fathers of their illegitimate offspring. Nonetheless, even if emotional attachment was a crucial motivating factor, only a small proportion of those bastard-bearers that did eventually marry, were definitely found to have married the fathers of their illegitimate children. Under these circumstances, theories purporting that high levels of illegitimacy were as the result of 'frustrated marriage' or notions of 'fertility testing', are not supported by the evidence from Dryfesdale and Lochmaben.

With regard to the overall investigation into bastardy at the micro-level in Dryfesdale and Lochmaben there does, however, remain one aspect of nineteenth century Scottish (illegitimate) birth certificates yet to be examined: the occupations of bastard-bearers. Consequently, in the following chapter the relationship between bastardy and occupation is explored in some detail.

CHAPTER 6

OCCUPATION

6.1. Introduction

what is needed is occupationally specific data on illegitimacy which preferably relates illegitimate conceptions to the numbers at risk – and we have at present little data of this kind.¹

For the year 1883, as part of his report to the Registrar-General of Births, Deaths and Marriages in Scotland, R.J. Blair Cunynghame included a unique tabulation of the occupations of 10,010 mothers of illegitimate children.² The occupational classification used in the tabulation was based on seven major categories of female employment,³ and the information presented according to the regions, counties and principal towns of Scotland. However, in accordance with the sentiments expressed by Michael Anderson (as quoted above), T.H. Hollingsworth has remarked about Cunynghame's original piece of work that, "unless we have some idea of how many unmarried and widowed women were in each of these categories in the various areas, and especially in the counties, the tabulation will tell us very little".⁴ In short, to produce

¹ Michael Anderson, Approaches to the History of the Western Family 1500-1914 (London and Basingstoke: Macmillan, 1980), p. 56.

² 29 DAR (1883), p. xiv, Table Vc. A condensed version of this table, distinguishing 'urban' and 'rural' bastard-bearers, is reproduced in Michael Flinn, et al., Scottish Population History (Cambridge: Cambridge University Press, 1977), p. 359, Table 5.4.8.

³ a) Domestic servant; b) Agricultural Servant; c) Seamstress; d) Factory Worker; e) Professional; f) Non-professional; and g) Occupation Not stated [ibid].

⁴ T.H. Hollingsworth, "Illegitimate Births and Marriage Rates in Great Britain 1841-1911", in Marriage and Remarriage in Populations of the Past, ed. J. Dupâquier (London: Edward Arnold, 1981), p. 447.

meaningful results, the analysis of bastardy and occupation needs to relate data about the occupations of known bastard-bearers to the occupational structure of the 'at risk population group': non-married women in the fertile age-range 15-49.

In common with other social investigators of the Victorian period, Cunynghame was not alone in the manner in which he presented data about occupation and bastardy. William Cramond, for example, established that in the Banffshire parish of Marnoch during the period 1858 to 1886, 53% of the bastard-bearers were domestic servants, but did little to relate this figure to the occupational structure of the parish for single women in the fertile age-range.⁵ More recently, however, T.H. Hollingsworth has attempted to analyse the relationship between bastardy and occupation with reference to the at risk population group.⁶ Although based on the questionable assumption that, "no married women were working in Scotland" in the 1880s,⁷ by relating Cunynghame's information about occupation to aggregate published data about overall (age-specific) female occupation from the 1881 census, Hollingsworth nonetheless managed to approximate occupationally-related illegitimate fertility rates for Cunynghame's (adjusted) categories of female employment.

According to these results, bastard-bearing was strongly associated with both domestic and agricultural service, although rural and urban domestic service were not found to be comparable, and the association of agricultural

⁵ William Cramond, Illegitimacy in Banffshire: Facts, Figures and Opinions (Banff: Banffshire Journal Office, 1888), pp. 21-25. Nonetheless, the observed association between bastardy and the 'working class', did undergo intensive scrutiny on the part of nineteenth century investigators. See, for example, John M. Strachan's series of articles that explore illegitimacy, bridal pregnancy and working class customs of courtship, "Immorality in Scotland", The Scotsman, 20 May 1870, p. 6; 2 June 1870, p. 5; and 7 June 1870, p. 5.

⁶ Hollingsworth, pp. 446-49.

⁷ *Ibid.*, p. 447.

service with illegitimacy varied considerably from region to region, being weak in the north-east, but strong in the centre and south-west of Scotland.⁸ Somewhat regrettably, however, in terms of the 'mechanics' of illegitimacy at the local level, modern researchers into bastardy in nineteenth century Scotland have done little to follow the lead set by their Victorian predecessors, and furthered considerably by Hollingsworth.⁹

Consequently, as part of the locality study into illegitimacy in Dryfesdale and Lochmaben, the current chapter attempts to rectify this lacuna, by relating civil registration data on the occupations of identified bastard-bearers, to occupational data from the 1881 census enumerators' returns for the 'at risk population group'. By so doing, it is hoped to further our knowledge about the intricacies of the relationship between bastardy and occupation. Nonetheless, prior to being able to conduct such an analysis, a number of significant decisions had to be made concerning the choice of occupational classificatory scheme, and the chapter opens with a detailed discussion of the available options.

6.2. Choice of Occupational Classification Scheme

Excluding 'domicil' cases,¹⁰ counting the one example of an illegitimate twin

⁸ Ibid., pp. 448-49.

⁹ See Donna L. Baker, "A Demographic Study of Illegitimacy in Ceres Parish, Fife, 1841-1861", *Scottish Genealogist* 30/4 (December 1983), pp. 113-20, and Alasdair Roberts, "Illegitimacy in Catholic Upper Banffshire", *Scottish Journal of Sociology* 3/2 (April 1979), pp. 213-24.

¹⁰ Examples of 'domicil' births were discussed in some detail as part of Chapter 5.

birth singly,¹¹ and making the necessary allowances for bastardy repetition,¹² the basic information about the occupations of bastard-bearers from 1876-81 Dryfesdale and Lochmaben case-study is presented in Table 6.1..

According to Armstrong, in his extensive investigation into the classification of occupations from the nineteenth century census returns, the allocation of occupations into analytical categories should ideally be made according to one or other of two major criteria: (a) by industrial grouping (i.e. economic function); or (b) by social ranking (i.e. social class). The alternative, is to "concentrate attention on an occupational group as such where sizeable numbers are concerned and there are important matters at issue (for example, coal miners, hand-loom weavers, railway engine drivers or farmers)."¹³ Despite Armstrong's primary recommendation to categorise occupations according to either economic function or social class, the scheme finally adopted for analysing the occupations of bastard-bearers in the Dryfesdale and Lochmaben case-study was based on the alternative criterion (occupational status), and this choice of classificatory scheme requires further justification.

6.2.1. Economic Function

Despite Armstrong's first recommendation to classify nineteenth century occupations according to economic function (and the usage made of this scheme in Chapter 4, Table 4.1. of this thesis), this option was rejected on two

¹¹ B1880/820/68 and 69.

¹² Fourteen repeaters with the same occupation given at each birth were counted singly, and Betsy GR of Bridge Street, Lockerbie, although described as the 'Daughter of a Road Surfaceman' on one of her children's birth certificates [B1880/820/45], was treated as a 'Housekeeper', the more specific occupational description given on the birth certificate of another of her illegitimate children born between 1876 and 1881 [B1877/820/53].

¹³ W.A. Armstrong, "The Use of Information about Occupation", in Nineteenth-Century Society, ed. E.A. Wrigley (London: Cambridge University Press, 1972), pp. 191-92.

**Table 6.1. Dryfesdale and Lochmaben: Occupations of Bastard-bearers,
1876-81 Case-study (figures in parentheses are percentages).**

<u>Occupation</u>	<u>Dryfesdale</u>		<u>Lochmaben</u>	
Domestic Servant	13	(30.95)	24	(32.43)
House Servant	3	(7.14)	-	-
Housemaid	4	(9.52)	-	-
Housekeeper	2	(4.76)	-	-
General Servant	1	(2.38)	-	-
Farm Servant	11	(26.19)	37	(50.00)
Agricultural Labourer	1	(2.38)	5	(6.76)
General Labourer	1	(2.38)	1	(1.35)
Dressmaker	1	(2.38)	4	(5.41)
Milliner	1	(2.38)	-	-
Miller's Daughter	1	(2.38)	-	-
Widow of a Pauper, formerly a Farmer	-	-	1	(1.35)
Widow of a Blacksmith	1	(2.38)	-	-
Daughter of a Landed Proprietor	-	-	1	(1.35)
Shop Assistant	1	(2.38)	-	-
Scholar	-	-	1	(1.35)
Not Stated	1	(2.38)	-	-
 Total	 42	 (99.98)	 74	 (100)

Sources: B1876-81/820 and 840, NRH.

inter-related counts.

Primarily, an economic classification of female occupations appeared to offer little advantage or distinction over classification according to occupational status, the least favoured of Armstrong's options, but the scheme utilised by Hollingsworth in his re-appraisal of Cunynghame's original tabulation of bastard-bearers occupations dating from 1883.¹⁴ For example, because the majority of bastard-bearers from both Dryfesdale and Lochmaben were involved in either the agricultural or domestic 'sectors' of employment (Table 6.1.), classification along the lines of Armstrong's economic categories would have involved only two major economic groupings: a) 'Farming' (AG.1); and b) 'Indoor Service' (DS.1).¹⁵ Equally, however, classification according to occupational status (as used by Hollingsworth), would also involve the same two major categories, only this time termed 'Agricultural Servants' and 'Domestic Servants'.¹⁶

Secondly, any possibility of sub-dividing female occupational categories according to economic function was prohibited in the case of Dryfesdale and Lochmaben because, unlike his counterpart in Dryfesdale, the registrar for Lochmaben was less specific or thorough in his recording of bastard-bearers occupations on illegitimate birth certificates. For example, referring again to Table 6.1., it is apparent that the registrar for Dryfesdale used certain specific terms of reference for domestic service occupations, such as 'Housemaid' or

¹⁴ Hollingsworth, p. 449, Table V. The following were the approximate (national level) illegitimate fertility rates by occupational status calculated by Hollingsworth from Cunynghame's original tabulation of bastard-bearers occupations in 1883: a) 'Domestic Servants' - 38.4; b) 'Agricultural Servants' - 27.1; c) 'Seamstresses' - 12.7; d) 'Factory Workers' - 13.9; e) 'Not Employed' - 10.7; and f) 'Widows' - 14.0.

¹⁵ Armstrong, pp. 255-310.

¹⁶ See footnote 14 above.

'Housekeeper', whereas the registrar for Lochmaben was content to only record the more generic term 'Domestic Servant'.¹⁷ Consequently, whilst this observation re-inforces the necessity for occupational classification of some sort, with the eventual aim of comparing information about bastardy and occupation between the parishes of Dryfesdale and Lochmaben, it also implied that the 'common denominator' for a principal female employment such as domestic service must be the generic category itself: domestic servants. Yet, as suggested above, there appeared no significant difference between the occupational status grouping 'Domestic Servants', and Armstrong's economic category of 'Indoor Service' (DS.1). Given that Hollingsworth's classification scheme was based upon the criterion of occupational status, the logical decision was thus to favour his choice of scheme rather than follow Armstrong's economic categorisation.

6.2.2. Social Class

The pragmatic difficulties involved in sub-dividing categories of bastard-bearers occupations in the Dryfesdale and Lochmaben case-study, understandably applied equally to classification according to social class as well as by economic function. However, social class as the primary basis for

¹⁷ The question of the ambiguities and variations behind the nomenclature of domestic service in nineteenth century England has been investigated in a number of recent papers by Edward Higgs, "The Tabulation of Occupations in the Nineteenth-Century Census, with Special Reference to Domestic Servants", Local Population Studies, no. 28 (Spring 1982), pp. 58-66; "Domestic Servants and Households in Victorian England", Social History 8/2 (May 1983), 201-10; "Domestic Service and Household Production", in Unequal Opportunities. Women's Employment in England 1800-1918, ed. Angela V. John (Oxford: Basil Blackwell, 1986), pp. 125-50; and "Women, Occupations and Work in the Nineteenth Century Censuses", History Workshop Journal, no. 23 (Spring 1987), pp. 59-80. Higgs has made the pertinent point that in the census enumerators' returns a domestic servant could be defined in two ways, either by occupation per se or by relationship to the household head. In the nineteenth century domestic service was not simply an occupational category, it also referred to a variety of social obligations and relationships within broadly similar work contexts. The comparison of occupations in this chapter only deals with domestic service as an occupational title, the wider and more complex social relationships within the familial and household contexts are explored in the following two chapters.

occupational classification was rejected in this study for a number of additional reasons.

As the basis for exploring the relationship between bastardy and occupation, the categorisation of occupations according to socio-economic class has recently been used by Jean Robin, in her innovative locality study of illegitimacy in Victorian Colyton. According to Robin, amongst the bastard-bearers of Colyton,

we find that the great majority (62 or 69 per cent) were lacemakers. Of the rest, seven (8 per cent) were servants, five (6 per cent) were dressmakers or milliners, one (1 per cent) was a grocer, another a draper's assistant, and one an almsperson; while 13 (14 per cent) had no recorded occupation. This, however, is not a very satisfactory classification because of the overwhelming importance of lacemaking, which could be combined with household duties and child-rearing, and was therefore not limited to one particular social group. ¹⁸

Robin's solution to this dilemma was to:

look at the occupations of the husbands in the case of widows and the woman whose spouse had left her, and of the fathers in the case of single women, and classify the mothers of illegitimate children accordingly. ¹⁹

By so doing, Robin was able to conclude that bastard-bearing was predominantly associated with the "labouring group", "since 57 per cent of the bastard-bearers came from this class, while only 36 per cent of all male

¹⁸ Jean Robin, "Illegitimacy in Colyton, 1851-1881", Continuity and Change 2/2 (August 1987), pp. 310-11.

¹⁹ Ibid., p. 311.

household heads in Colyton in 1861 did so." ²⁰

Nonetheless, despite the rationale underlying Robin's choice of occupational classificatory scheme, and the conclusiveness of her findings, the applicability of a method based on social class distinctions was still considered doubtful in terms of the aims of this thesis, involving a locality study set in Victorian Scotland.

Firstly, as outlined in the introduction to this chapter, the specific aim of this part of the investigation is to examine bastard-bearers occupations in relation to *their* at risk population group. Clearly, any classification scheme based on male occupations would not be capable of addressing this particular issue in the research. Moreover, when investigating female occupations, the argument against using a classificatory scheme based upon male lines, has been given further justification by writers of the developing 'feminist school' of social historians. Diana Gittins, for example, has argued that, because women have traditionally created their own social networks with other women, their occupations should be classified according to "their own relations to the socio-economic system" and not "according to their husband's social class, occupation and income". ²¹

Secondly, even if one were to concentrate on the social classification of female rather than male occupations, as acknowledged by both Armstrong and

²⁰ Ibid. Robin's five "social and economic groups" were outlined in her earlier paper on pre-nuptial pregnancy in Colyton, and appear to represent some form of attempt at combining Armstrong's suggested economic and social schemes of occupational classification. Jean Robin, "Prenuptial Pregnancy in a Rural Area of Devonshire in the Mid-Nineteenth Century: Colyton, 1851-1881", Continuity and Change 1/1 (May 1986), 115-17. The five classes she devised were: a) Landed Proprietors and Members of the Professions; b) Farmers and Dairymen; c) Self-employed Business Owners; d) Small Wage-earning Craftsmen or Tradesmen; and e) Labourers.

²¹ Diana Gittins, Fair Sex: Family Size and Structure, 1900-39 (London: Hutchinson, 1982), pp. 20-28.

Robin,²² nineteenth century schemes of social classification tend to suffer from a 'bunching effect', producing one group that is 'swollen' in comparison with the others. Arguably, therefore, especially when dealing with female occupations in 'low-wage' economies (such as Dryfesdale and Lochmaben), the socio-economic distinctions between individuals within the 'lower' groups are likely to have been relatively small,²³ and consequently very difficult for the historian to reflect with any degree of accuracy in relation to bastard-bearing.

Thirdly, in the light of existing research into bastardy in Victorian Scotland, it was also considered doubtful whether any categorisation of occupations based upon social class distinctions, would actually shed any further light on the 'mechanics' of illegitimacy in the Scottish context. T.C. Smout, for example, has already demonstrated why, despite a male "espousal of the double standard" and "better opportunities for concealment", illegitimate births "among upper class and middle class women were extremely rare", and thus illustrated that mothers of illegitimate children largely came from the 'working class'.²⁴ In terms of furthering research into Scottish bastardy, therefore, it is important not merely to re-establish that mothers of illegitimate children largely came from the working class (arguably apparent from Table 6.1. as it stands), but to identify those sections of the working class most disproportionately associated with bastard-bearing.

²² Armstrong, pp. 211-14; and Robin, "Prenuptial Pregnancy", pp. 116-18. It should be noted that Robin's research into bastardy and occupation in Victorian Colyton, was seriously hindered by the inability to gain access to the post-1836 civil birth registers in England and Wales, which contain information about bastard-bearers' occupations.

²³ Ibid., p. 118.

²⁴ T.C. Smout, "Aspects of Sexual Behaviour in Nineteenth Century Scotland", in Social Class in Scotland: Past and Present, ed. A Allan MacLaren (Edinburgh: John Donald, 1976), p. 56.

6.2.3. Occupational Status

Consequently, despite Armstrong's recommendation that nineteenth century occupations should ideally be classified according to either economic function or social class, both these criteria were eventually rejected in the Dryfesdale and Lochmaben case-study, in favour of categorisation according to occupational status.

As one final point in this discussion about the choice of classificatory scheme adopted for this part of the investigation, aside from reiterating that classification according to occupational status was used by both Cunynghame and Hollingsworth, it is worth considering the following statement made by Diana Gittins (in relation to marital fertility and occupational analysis), which highlights one further merit of categorisation based upon occupational status.

There are marked differentials in fertility between occupational groups, and occupation often appears to be more closely related to fertility than social class; for example, while textile workers and miners would be classified as 'skilled working class', textile workers have manifested a relatively low level of fertility since the middle of the nineteenth century, while just the reverse was the case for miners. Work, if classified in terms of social class, offers little insight into the nature or location of the work situation itself, i.e., whether it is isolated or involves interaction with large numbers of other people, whether it occurs at home, in someone else's home, in a factory or other premises distinctly separate from the home. ²⁵

6.3. Categories of Occupational Status

Having argued the case for adopting a classification scheme based upon

²⁵ Gittins, p. 27.

occupational status rather than social class or economic function, the next stage is to outline precisely what categories of occupational status were to be utilised in the analysis.

The unique tabulation of occupations of the mothers of illegitimate children devised by Cunynghame, and re-worked by Hollingsworth, has previously been mentioned in the course of this chapter. As the categories used by both Cunynghame and Hollingsworth were defined by occupational status, it was decided to take this as a basis for deciding upon the categories to be used in this chapter.

6.3.1. Servants

The initial categories defined by Cunynghame were 'Domestic Servant' and 'Agricultural Servant'. Apart from Hollingsworth's observation that the second of these two groupings presumably included farmers and fisherwomen,²⁶ as well as farm servants and agricultural labourers, little adjustment was required for these two categories.

Because Dryfesdale and Lochmaben are not on the coast, there were no fisherwomen amongst either the bastard-bearers or the entire at risk group. No attempt was therefore made to deal with fisherfolk. However, as the sample area was heavily reliant on agriculture as one of its main industries, the question of which category to place farmers in had to be decided upon. Cunynghame does not specify whether or not there were any farmers amongst the 1883 bastard-bearers and Hollingsworth was only able to intimate that, if there were any, they would most likely have been included in the category

²⁶ Hollingsworth, pp. 447-48.

'Agricultural Servant'.²⁷

The distinction that appeared to be relevant for this study was not literally whether or not a person was strictly in service, *per se*, but whether or not they were *employed* in domestic or agricultural work. As a farmer was likely to have been either an employer of labour or at least self-sufficient, as opposed to being an employee, it was considered more meaningful to separate farmers from other agricultural workers.

At this stage, it should be emphasised that this part of the investigation, in attempting to investigate the relationship between the occupational status of bastard-bearers with that of the at risk group, was *not* primarily concerned with examining the direct affect giving birth to an illegitimate child had on female employment or unemployment.²⁸ It was, therefore, considered justifiable to follow Armstrong's advice that, "persons described as retired should be classified on the basis of their previous occupations."²⁹

As a result of this decision, a single woman described in the census enumerators' returns as being 'Formerly Domestic Servant', was categorised as a domestic servant rather than being unemployed. As is discussed in greater detail in section 6.3.4.3., only those women for whom no previous or subsequent occupation could be established were considered to have literally been without any occupation or stated form of income.

The initial two categories adopted for use in this study therefore were, (a) Domestic Servants – covering all those employed in some form of household

²⁷ Ibid.

²⁸ This point is discussed in greater detail in the following chapter.

²⁹ Armstrong, p. 211.

work, and (b) Farm Servants - including all those employed in agricultural labour. The use of the word 'Farm' rather than 'Agricultural' was adopted in the second category purely for the sake of convenience.

6.3.1.1. General Servants

The adjustments made so far to these initial two categories of domestic and farm servants were straightforward. There was, however, one difficulty encountered when analysing the data for Dryfesdale and Lochmaben. A number of servants in both the birth registers and the census returns were simply entitled as 'Servant' or 'General Servant'. This posed the question of how to deal with the problem of unspecified servants.

In a largely rural society such as that identified for this case-study, and especially for those women working as servants on farms, it is feasible that household and farm chores might have sometimes overlapped. This is a situation most likely to have occurred on small, largely family-run farms, of which there were a significant number in the south-west of Scotland.³⁰

In this respect, the terms domestic and farm servant must be taken to refer to the *primary*, and not necessarily entire, work roles of those women employed in household and agricultural jobs. Even for those women living in either of the two towns of Lochmaben or Lockerbie, we cannot presume that 'General Servant' referred simply to general domestic service. For if living with their parents or other relatives they could have easily walked each day to a

³⁰ R.H. Campbell, "Agricultural Labour in the South-West", in Farm Servants and Labour in Lowland Scotland 1770-1914, ed. T.M. Devine (Edinburgh: John Donald, 1984), p. 61, stated that farm sizes in the south-west of Scotland during the later nineteenth century tended to remain small or of "moderate size" - defined as from 100 to 300 acres - "due to the operational requirements of dairying". In both the parishes of Dryfesdale and Lochmaben the principal type of farming was that of dairying [TSA pp. 311 and 320].

nearby farm to work more as general farm, rather than general domestic, servants.

Consequently, in dealing with unspecified servants, it was decided to create a temporary analytical category entitled 'General Servants'. Once the overall number of servants had been identified and distributed amongst the three categories of domestic, farm and general servants, it would then be possible to distribute proportionally the general servants amongst the initial two groups of domestic and farm servants. This solution was considered to be the most meaningful way of categorising unspecified servants and also had the added advantage of being analytically flexible.³¹

To give an example of how this procedure worked, let us look at the case of servants in Lochmaben parish. According to the 1881 census enumerators' returns for Lochmaben, the at risk population group consisted of a total of 179 specified domestic or farm servants, and a total of 35 unspecified servants, giving a grand total of 214 servants resident in the parish. Of the specified servants, 129 (72%) worked primarily as domestic servants and 50 (28%) as farm servants (Table 6.3.). The 35 unspecified general servants were then added to the domestic and farm service categories according to the ratio 72:28. The total number of domestic servants was therefore increased by 25 to 154 (71.43%), and the total number of farm servants by 10 to 60 (28.57%). In this manner, the grand total of non-married women aged 15-49 stated in the census as having been employed in some form of service remained at 214, but the temporary category 'General Servants' could then be discarded for further comparative purposes.

³¹ A variety of methods of proportionally distributing 'General Servants' were eventually attempted in the final analysis (see section 6.4.3).

6.3.2. Clothing Workers

The third category employed in Cunynghame's tabulation was that of 'Seamstress'. This, on consideration of what Hollingsworth had to say about the misleading oversimplification of this title, was renamed 'Clothing Workers' in this study.

The third category, 'seamstress' is a separately classified occupation in the Census of 1881, as part of Order 18 'Dress'. Only 5442 women aged 15-44 gave seamstress as their occupation, however, and it seemed wiser to interpret Cunynghame's returns as using 'seamstress' for all workers in the clothing industry. The main group in this was 'milliner, dressmaker, and staymaker' with 35 758 women aged 15-44. The illegitimacy rates otherwise imply very immoral seamstresses and very virtuous dressmakers which sounds rather unlikely. Female tailors, shoemakers, glovemakers, haberdashers etc. should also, very probably, be considered as seamstresses in such a crude classification.³²

Handloom weaving, and especially stockingmaking, had at one time been a significant cottage industry in the vicinity of the sample area, although by the late nineteenth century its importance had declined considerably.³³ Nonetheless, after domestic and farm work, clothing workers still formed the largest single employment group for women. The significance of the clothing trade for female employment in the area is reflected in the proportion of non-married women in the at risk group that could be classed as clothing workers along the lines suggested by Hollingsworth. In Dryfesdale, 16% of the at risk group were made up of non-married clothing workers, and in Lochmaben the figure was 9%.

³² Hollingsworth, p. 448.

³³ TSA, p. 39.

As a number of dressmakers and other clothing workers appear in Table 6.1., the third category adopted for this category was that of 'Clothing Workers', as outlined in the above quotation.

6.3.3. Other Paid Workers

Cunynghame's fourth occupational category was entitled 'Factory Worker'. In its titular form such an occupational grouping would have understandably been inappropriate for a largely rural area such as that of Dryfesdale and Lochmaben. Hollingsworth's re-working of Cunynghame's tabulation, however, revealed that similar to the title 'Seamstress' the category 'Factory Worker' was over-simplistic and consequently somewhat misleading.

As it turned out, the category 'Factory Worker' was not merely confined to those women employed under the factory system, but covered *all* non-married women aged 15-44 in every kind of paid employment aside from agriculture, domestic service and the clothing trade. This was a classification that, therefore, included women from such diverse occupations as shopkeeping to schoolteaching, as well as all factory workers.

The rationale behind Cunynghame's decision to group a large number of diverse occupations into one category entitled 'Factory Worker', was presumably based upon the observation that, after clothing workers, factory employees made up the next largest single occupational grouping amongst bastard-bearers. Quite why he did not distinguish between factory workers and other paid employees, can only be left to supposition. The most logical supposition is that no one type of factory worker, or other occupational grouping, made up a significantly large enough category in its own right.

Whatever the precise reasoning behind Cunynghame's decision, the fact that

he did devise a sort of 'catch-all' category for other paid workers was a pertinent methodological point relevant to this case-study. As Tables 6.1. illustrates, in both Dryfesdale and Lochmaben combined together, after the occupations related to agriculture, domestic service and the clothing trade had been accounted for, there was no one single occupational grouping of any great significance. This was a finding that was endorsed by the diverse nature of the occupational structure of the entire at risk population group of non-married women under the age of fifty.

The decision to lump all other workers together in one single category was thus given some justification. Any attempt to sub-divide such a category, in this case-study, would have been meaningless for the numbers involved would have been too small to have been of any statistical significance.

As there were no factory workers to be found in either Dryfesdale or Lochmaben, the only alteration made to Cunynghame's fourth category was to alter its title from that of 'Factory Worker' to 'Other Workers'. In this case-study, therefore, the category 'Other Workers' includes *all* non-married women aged 15-49 who were in any form of employment apart from those engaged in agriculture, domestic service or the clothing trade.

6.3.4. Women not in Employment

Assuming Hollingsworth's understanding of Cunynghame's classificatory methods to have been accurate, the decision to use this tabulation as a basis for occupational classification in this chapter was so far proving to have been sensible. For, apart from a number of relatively minor adjustments, Cunynghame's categories could be both practically and meaningfully applied to this case-study.

Unfortunately, the same could not be said to be true of Cunynghame's last three categories: 'Professional', 'Non-Professional' and 'Occupation not Stated', the three categories devised by Cunynghame to deal with those women not in employment or about whom the birth certificates gave no occupational information.

In his comments about his tabulation, Cunynghame pointed out that the terms 'Professional' and 'Non-Professional' did not apply to the female occupations per se, these having been dealt with in his first four categories, but to the daughters of professional and non-professional men respectively.³⁴ Although this sort of social classification had been argued against for use in this part of the research, it did appear to have the initial advantage of coping with entries like, 'Miller's Daughter' or 'Daughter of a Landed Proprietor', both of which were encountered amongst the illegitimate births for the sample area.

The possibility of utilising some form of social classification for those single women described in terms of their fathers' occupations was not immediately disregarded, even at this stage of the investigation, especially as a proportion of single women in the census enumerators' returns were also similarly described. As in the research conducted by Robin, it also posed a possible solution for categorising widows when described in terms of their deceased husbands' occupations.

However, apart from the fact that the large-scale adoption of a social class style of classificatory scheme had been argued against, two additional points were considered of significance in justifying its rejection. The first point was related to the comments made by Hollingsworth, concerning the 'daughter'

³⁴ 29 DAR (1883), p. xvi.

categories discussed below. The second point related to an empirical discrepancy that was found to exist between the recording of widows' occupational statuses in the birth registers and in the census enumerators' returns.

6.3.4.1. Daughters

In his reappraisal of Cunynghame's tabulation, Hollingsworth noted a major limitation of using the two categories 'Professional' and 'Non-Professional'.

Unfortunately, we cannot use the distinction between unemployed daughters of professional and non-professional men, since, although we know the ratio of such fathers in each county, we do not know to what extent the daughters of each group took up employment before marriage, and it is not likely to have been the same. We must, therefore, take all unmarried women aged 15-44 and subtract all employed women to obtain a 'not working' category.³⁵

Due to the fact that the nineteenth century aggregated census tabulations made no allowance for marital status in their figures on female employment, Hollingsworth's re-worked county estimates for his 'not working' category were occasionally negative, an under-estimation difficult to rectify because of the unquantifiable effect of married female workers.

Fortunately, in a micro-study on the scale of this current research, the sort of problems of estimation encountered by Hollingsworth can be avoided. In dealing with the original census returns, as opposed to previously tabulated aggregate results, purpose-orientated tables can be devised from the raw data to suit the particular questions being posed.

³⁵ Hollingsworth, p. 448.

Rather than attempting any form of classification of 'daughters' based upon social class lines, as in Cunynghame's original tabulation, the question of consistency within this chapter could be maintained by following the sort of example set by Hollingsworth, with the added advantage of having no problems of estimation.

The fifth category decided upon for this chapter was, therefore, a 'Not Working' category, largely made up of 'daughters'. However, this categorisation soon had to be altered when the problem of widows was further explored.

6.3.4.2. Widows

The whole implicit assumption underlying the equating of 'daughters' with unemployment was based upon the observation by Cunynghame, and accepted by Hollingsworth,³⁶ that his last category of 'Occupation Not Stated' consisted mainly of widows.³⁷ This equation of widows with 'Occupation Not Stated' was a very useful analytical observation, because it removed the otherwise awkward problem of how to deal with such an unspecified group of individuals.

The evidence from this investigation, however, did not support Cunynghame's rather over-simplistic assumption about widowhood and the recording of occupational status. Whilst it is true to say from the evidence of this investigation that the small number of widows recorded as being bastard-bearers were all ascribed their occupational status from that of their deceased husbands (see Table 6.1.), there is no explicit difference between this practice and that of recording unemployed daughters by the occupational

³⁶ Ibid.

³⁷ 29 DAR (1883), p. xvi.

status of their fathers. Yet the two cases were separated into different categories by both Cunynghame and Hollingsworth.

Furthermore, the only bastard-bearer to have literally nothing recorded for her occupation was neither a widow nor a single woman, but a 'runaway' from Roxburghshire, who was now cohabiting with a man other than her husband: Isabella Gray, Scott or Walker.³⁸ Living in High Street, Lockerbie in 1881 with her cohabiting partner, she was described as being 'Formerly Domestic Servant', and was a recent in-migrant to the parish of Dryfesdale (see Figure 8.1.). Consequently, not only was she the only bastard-bearer to have been truly a case of 'Occupation Not Stated', she was also an anomaly to the area and general trends observed, but her former occupation was also revealed as being that of a domestic servant. The very last thing she was was a widow with no discernable occupation.

However, these examples form only a handful of cases and Cunynghame's observation about widowhood and 'Occupation Not Stated' was based upon 385 such cases. The real objection to Cunynghame's decision to categorise all widows under 'Occupation Not Stated', whilst at the same time distinguishing 'daughters' as being without any occupation, came from the census enumerators' returns.

Admittedly, Cunynghame never attempted any comparison of bastard-bearers to the at risk population and so did not consult any original census enumerators' returns in the compilation of his unique tabulation of illegitimacy statistics. However, Hollingsworth did attempt to use the

³⁸ The case of Isabella Gray/Scott/Walker is discussed at some length in Chapter 8, in relation to the practice of cohabitation.

aggregate census figures to give greater meaning to Cunynghame's observations, and the whole purpose of this chapter was to relate bastard-bearers to the at risk population group as taken from the original census returns. Consequently, whilst not necessarily relevant to Cunynghame, the manner in which unemployed persons and persons for whom no information was given were dealt with, is of vital importance to the work of both Hollingsworth and myself.

By examining how the at risk group of widows in the 1881 census returns for Dryfesdale and Lochmaben were described, it is possible to see that the majority of these women *were* in employment and only a minority had no occupation or had no occupational details recorded about them. For example, Appendix 7 shows that in Dryfesdale there were a total of 32 widows aged under 50 in 1881. However, as the appendix shows, of these 32 widows, 26 can be categorised as having had a specified paid occupation. A further 2 were of independent means, and only 4 were recorded specifically as having no occupation or were women for whom no information about occupation was given. Similarly, Appendix 7 shows that out of a total of 25 widows aged under 50 in Lochmaben, the majority (17) had specified occupations or were of independent means.

The apparent conclusion to be drawn from this observation is that, for the at risk population, the leaving of occupation as blank or the recording of 'No Occupation' would seem to have been more applicable to the category of 'daughter' rather than widow, as Cunynghame observed for the 1883 illegitimate birth certificates. The implications for this study, therefore, were that Cunynghame's last three categories of 'Professional', 'Non-Professional' and 'Occupation Not Stated', even with Hollingsworth's adjustments, were *all* unsuitable for use in this particular comparison of the occupations of

bastard-bearers with those of the at risk population. This was a conclusion that was not immediately apparent from reading either Cunynghame's work or Hollingsworth's re-appraisal of it.

6.3.4.3. Unemployed and Unspecified Women

Establishing the inapplicability of both Cunynghame's and Hollingsworth's final categories for use in this project was obviously an important stage in the research. It was, however, somewhat time-consuming and still left the question of how all unemployed and unspecified non-married women should be categorised.

The first decision to be made, concerning these women, was not to devise a segregated category for widows, such a large proportion of the at risk group of widows having been stated as being in employment.³⁹ The major distinguishing feature being whether or not a woman was employed or not, it was decided to include any working widows amongst the four occupational categories previously established in this chapter; namely, 'Domestic Servants', 'Farm Servants', 'Clothing Workers', and 'Other Workers'. This left a mixture of single and widowed women, some of whom were described as 'daughter of ...' or 'widow of ...', some who were of independent means and others for whom no information about occupation was given.

As a solution to this problem, it was finally decided to treat those women of independent means (for example, annuitants) and those women whose occupational status was recorded in terms of their fathers' or deceased

³⁹ As outlined in section 6.3.1. of this chapter, the employed categories are used here to include women whose previous occupations are known, but who were described as being a 'Retired ...' or 'Formerly ...'.

husbands' occupations, as one separate category, entitled 'Independent or Family Means', and to treat all women for whom no occupational information was given or who were recorded as 'No Occupation' or 'None', as another category entitled 'Not Stated'. ⁴⁰

Thus, whilst single and widowed women who were unemployed were distributed between both 'Independent or Family Means' and 'Not Stated', this had the advantage of separating between those women for whom some information was available and those for whom literally none was. For example, where a woman was described as being a 'Miller's Daughter' one can presume that at the time she was supported by her family. By contrast, in the case of a woman described as having 'No Occupation', we have no idea whether or not she was supporting herself or being supported by relatives. ⁴¹

It was then possible to do either one of two things for the 'Not Stated' category: (a) to ignore them completely from the results, or (b) to include them amongst the other five categories in a proportional manner similar to that in which general servants were dealt with. ⁴²

6.3.5. Final Categories

As a result of investigating the applicability of Cunynghame's initially very attractive scheme of classification to this research project, it can be seen that

⁴⁰ These 'Not Stated' women could not be placed in any specific occupational category, because no details about any previous or subsequent employment or means of support were given in the 1881 census enumerators' returns.

⁴¹ In contrast to its immediate predecessor, the 1881 census allocated wives, daughters, scholars and other female dependents with no specified occupation to an 'Unoccupied and Non-Productive' category - Class VI. In the 1871 census such individuals had been classified according to the occupation of their husband, father or other guardian. Census of Scotland, 1881 vol. II, pp. xxv-xxvii.

⁴² See section 6.3.1.1..

a number of important adaptations had to be made. Even Hollingsworth's re-working of Cunynghame's original scheme of classification required some investigation and adjustment, an exercise that well illustrates some of the complexities involved in analysing data about nineteenth century occupations, and especially those of women. Both the aims of the project being undertaken and the format and availability of the relevant data require detailed investigation before a suitably adequate classificatory scheme can finally be devised.

Nonetheless, both Cunynghame's original scheme of classification and Hollingsworth's adaptation of it proved to be useful models from which to work, both schemes having been heavily influenced by the availability of the data at hand and the aims of their relative investigations. In relation to this project, they combined to provide certain of the justifications pertinent to the choice of the final occupational categories, whilst simultaneously highlighting some of the complex areas of investigation that required detailed examination.

The final scheme of occupational status classification adopted in this part of the case-study, analysing the relationship between the occupations of bastard-bearers and the non-married female at risk group aged 15-49, was as follows: a) 'Domestic Servants' - all types of household servants or employees; b) 'Farm Servants' - all types of agricultural servants or employees; c) 'Clothing Workers' - all non-factory workers employed in the clothing trade; d) 'Other Workers' - all types of paid employees not covered by the first three categories; and e) 'Independent or Family Means - all those of independent means (such as annuitants) or supported by their families or relatives (for example, 'daughter of a ...' or 'widow of a ...').

As well as the above five major categories of occupational status groupings, there were two further temporary or additional categories that could

be utilised separately or in conjunction with these five categories for the purposes of analysis. a) 'General Servants' – a temporary grouping used to address the problem of unspecified servants; and b) 'Not Stated' – all those for whom no information about occupation was given, or for whom no previous or subsequent occupation could be formulated (for example, 'No Occupation' or 'Retired'). For the purposes of analysis, this category could either be discarded or proportionately distributed amongst the first five main groupings.

6.4. Tabulation of Occupational Status

The raw data for the occupations of bastard-bearing mothers from Dryfesdale and Lochmaben, during the sample period 1876–81, has already been presented in Table 6.1.. Similarly, the basic marital status structure of the at risk population of non-married women aged 15–49 in 1881, is to be found in Appendix 7. Once the final occupational categories to be used in this analysis had been decided upon, it was then possible to further tabulate the occupational data accordingly. Table 6.2. presents the data for the bastard-bearers in the format of the seven analytical categories outlined in section 6.3.5 above. Similarly, the occupational data about the at risk population group (as given in full in Appendix 7), is summarised in Table 6.3.. The compilation of these two analytical tables for occupational status followed the pattern as outlined in section 6.3.5. and justified throughout the course of the chapter. The next stage, therefore, was to deal with the two temporary categories, 'General Servants' and 'Not Stated'.

6.4.1. 'General Servants'

As argued in section 6.3.1. it was decided to deal with the category entitled 'General Servants' by proportionately distributing them amongst 'Domestic

**Table 6.2. Initial Occupational Categories: Dryfesdale and Lochmaben
Bastard-bearers, 1876-81 Case-study (figures in parentheses
are percentages).**

<u>Occupational Category</u>	<u>Dryfesdale</u>		<u>Lochmaben</u>	
Domestic Servants	22	(52.38)	24	(32.43)
Farm Servants	12	(28.57)	42	(56.76)
General Servants	1	(2.38)	-	-
Clothing Workers	2	(4.76)	4	(5.41)
Other Workers	2	(4.76)	1	(1.35)
Independent or Family Means	2	(4.76)	3	(4.05)
Not Stated	1	(2.38)	-	-
Total	42	(99.99)	74	(100)

Sources: See Table 6.1..

**Table 6.3. Initial Occupational Categories: Dryfesdale and Lochmaben,
Non-married Women aged 15-49, 1881 Census (figures in
parentheses are percentages).**

<u>Occupational Category</u>	<u>Dryfesdale</u>		<u>Lochmaben</u>	
Domestic Servants	174	(39.19)	129	(34.22)
Farm Servants	33	(7.43)	50	(13.26)
General Servants	15	(3.38)	35	(9.28)
Clothing Workers	58	(13.06)	26	(6.90)
Other Workers	32	(7.21)	10	(2.65)
Independent or Family Means	54	(12.16)	48	(12.73)
Not Stated	78	(17.57)	79	(20.96)
Total	444	(100)	377	(100)

N.B. The above totals include 32 widows in Dryfesdale and 25 in Lochmaben.

Sources: C1881/820 and 840, NRH.

Servants' and 'Farm Servants'.

6.4.1.1. Bastard-bearers

For Dryfesdale, there was only one general servant who required some attention, Ann JN of Lockerbie. Although described as a general servant when she gave birth to an illegitimate child in 1876,⁴³ on an earlier (illegitimate) birth certificate she was recorded as being a 'Dairymaid'.⁴⁴ In consequence of this, she was classed under the category of 'Farm Servants' rather than 'Domestic Servants'. The categories for Lochmaben required no alteration, as there were no general servants recorded as bearing illegitimate children between 1876 and 1881.

6.4.1.2. At Risk Population

The distribution of general servants in Lochmaben was used as a working example in section 6.3.1.1, and so need not be repeated here. For Dryfesdale, there were a total of 207 specified servants, 174 of whom were domestic and 33 farm servants. Thus, of the 15 unspecified general servants, 13 (84%) were classed with the category 'Domestic Servants', and only 2 (16%) were classed as 'Farm Servants'. The number of domestic servants in Dryfesdale was thus increased to 187, and that of farm servants to 35.

⁴³ B1876/820/26.

⁴⁴ B1872/820/4.

6.4.2. 'Not Stated'

The possibilities of dealing with the 'Not Stated' category, as mentioned in section 6.3.4.3, were either to disregard them entirely, or to distribute them proportionately amongst the main five categories; in a fashion similar to the way in which general servants were distributed between domestic and farm servants. As the second choice, of proportional distribution, would not actually alter the percentage figures for the five main categories to any significant degree, the decision about which option to follow had to be of a more theoretical than empirical nature.

Given that the largest proportion of non-married women in the 'Not Stated' category were under the age of 25 (section 6.3.4.2), and were therefore soon likely to enter some form of employment, it was considered probable that their chances of employment in the area would be similar to that of the overall structure of non-married female occupations. Consequently, it was decided that, although still very much an estimate, it would be wisest not just to disregard them completely, but to distribute them proportionately amongst the main five categories.

6.4.2.1. Bastard-bearers

As mentioned in section 6.3.4.2, there was only one case of a bastard-bearer for whom no information about occupational status was given in the birth registers, Isabella Gray/Scott/Walker. The 1881 census enumerators' returns for High Street Lockerbie further revealed that she had once been a domestic servant. Consequently, she was transferred from the 'Not Stated' category to that of 'Domestic Servants' for the final analysis.

6.4.2.2. At Risk Population

For the parish of Dryfesdale, the 78 individuals grouped in the 'Not Stated' category were divided amongst the remaining five categories according to the following proportions, (a) 'Domestic Servants' - 40 (51%), (b) 'Farm Servants' - 8 (10%), (c) 'Clothing Workers' - 12 (15%), (d) 'Other Workers' - 7 (9%), and (e) 'Independent or Family Means' - 11 (15%).

Similarly, the 79 'Not Stated' women in Lochmaben were redistributed accordingly, (a) 'Domestic Servants' - 41 (52%), (b) 'Farm Servants' - 16 (20%), (c) 'Clothing Workers' - 7 (9%), (d) 'Other Workers' - 2 (3%), and (e) 'Independent or Family Means' - 13 (16%).

6.4.3. Final Results

The completed comparative tabulations of occupational status for Dryfesdale and Lochmaben respectively, are presented in Tables 6.4 and 6.5. By far the most striking, and important, observation to be made from an examination of Tables 6.4 and 6.5, is that the apparent features of illegitimacy alter drastically once the at risk population is taken into consideration.

An initial comparison between the occupational statuses of Dryfesdale and Lochmaben, without taking into consideration the at risk population, would reveal that they were similar for categories 3 to 5, but completely opposite in respect to servants. In the case of Dryfesdale, 55% of illegitimates were born to domestic servants and 31% were born to farm servants. Whereas, in Lochmaben the reverse was apparently the case, with 32% of the illegitimates being born to domestic servants and 57% born to farm servants. This strikingly reverse situation could easily lead an investigator towards a misguided interpretation.

Table 6.4. Dryfesdale: Final Occupational Categories (expected number of bastard-bearers in parentheses).

<u>Occupational Category</u>	<u>Bastard-bearers, 1876-81</u>		<u>At Risk Population Group, 1881</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Domestic Servants	23 (21.5)	54.76	227	51.13
Farm Servants	13 (4.1)	30.95	43	9.68
Clothing Workers	2 (6.6)	4.76	70	15.77
Other Workers	2 (3.7)	4.76	39	8.78
Independent or Family Means	2 (6.1)	4.76	65	14.64
Total	42 (42.0)	99.99	444	100

Chi-square = 28.915 (14.860 at the 99.5% level)

Sources: B1876-81/820 and C1881/820, NRH.

Table 6.5. Lochmaben: Final Occupational Categories (expected number of bastard-bearers in parentheses).

<u>Occupational Category</u>	<u>Bastard-bearers, 1876-81</u>		<u>At Risk Population Group, 1881</u>	
	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
Domestic Servants	24 (38.3)	32.43	195	51.72
Farm Servants	42 (14.9)	56.76	76	20.16
Clothing Workers	4 (6.5)	5.41	33	8.75
Other Workers	1 (2.3)	1.35	12	3.18
Independent or Family Means	3 (12.0)	4.05	61	16.18
Total	74 (74.0)	100	377	99.99

Chi-square = 78.463 (14.860 at the 99.5% level)

Sources: B1876-81/840 and C1881/840, NRH.

However, when the at risk population group is taken into consideration the same results reveal a very different state of affairs. For, instead of there being a sharp contrast between the two types of service, there is now much less difference. In both parishes it is the category of 'Farm Servants' that is over-represented in terms of bastardy, whilst that of 'Domestic Servants' is under-represented in Lochmaben and proportionately similar in Dryfesdale.

Even if we were to have categorised *all* the general servants as farm servants, rather than proportionately dividing them between domestic and farm servants, farm servants would still have been over-represented amongst the occupations of bastard-bearers. Accounting for proportional adjustments to the 'Not Stated' category, the percentage of farm servants in this instance would have risen in Dryfesdale from 10% (9.68%) to 13% (13.06%), and in Lochmaben from 20% (20.16%) to 29% (28.65%). Both sets of figures still being well below the respective percentages of bastard-bearing farm servants, 31% in Dryfesdale and 57% in Lochmaben. ⁴⁵

Furthermore, the statistical analysis of these results, using the 'chi-square' test, clearly confirms the connection between farm service and illegitimacy. For both the parishes of Dryfesdale and Lochmaben the χ^2 values produced were high, indicating that occupation and the propensity to bear illegitimate offspring were not independent of each other. ⁴⁶

⁴⁵ Further adjustments of this nature are presented in the next chapter.

⁴⁶ See Tables 6.4. and 6.5. for the relevant chi-square values. Whilst a rejection of the independence hypothesis is clearly confirmed by these results, because two of the 'cells' containing expected numbers were below five in value, the significance of the high chi-square figures should not be over-exaggerated. Nonetheless, both chi-square values were high enough for the independence hypothesis to be firmly rejected, and similar results were achieved when one of the problem 'cells' was compensated for by combining the figures for categories 3-5 together as one group. (My thanks are due here to John Banasik of the Department of Economic and Social History, for his invaluable assistance with the statistical part of this analysis.)

This comparison confirms Hollingsworth's supposition that in Dumfriesshire, at least, a "cultural explanation, in terms of attitudes towards agricultural work and workers would seem justified" in helping to explain the high rates of illegitimacy in the Lowlands of Victorian Scotland.⁴⁷ In this case-study, domestic servants certainly accounted for a large proportion of the illegitimate births, but in relation to the overall at risk population of non-married women aged 15-49, it was farm servants who accounted for by far the greatest magnitude of such births.

In conjunction with this finding, the other three categories of occupational status groups, 'Clothing Workers', 'Other Workers' and 'Independent or Family Means', were all shown to have been somewhat under-represented amongst the bastard-bearing population.

6.5. Conclusion

The arguments and justifications required in the finalisation of the categories to be used in this analysis of occupations were sometimes complex and lengthy, the classificatory scheme finally adopted being based upon occupational status, as opposed to social class or economic function. However, the choice made was merely a reflection of the inherent difficulties involved in analysing nineteenth century occupational structures, and especially those of women.

Once the choice of categories had been settled, a number of adjustments had to be made to enable a comparison between the bastard-bearers and the at risk population group to be practicable. Of the final five categories of

⁴⁷ Hollingsworth, p. 449.

occupational status, the one most likely to have suffered from the restrictions of grouping together individuals along approximate lines was that of 'Independent and Family Means'. Fortunately, the possible exaggeration of the at risk group in this category did not seriously weaken the conclusions to be drawn from the results.

The positive advantage, and arguably the virtual necessity, of analysing the occupations of the mothers of illegitimate children in relation to the at risk population group of non-married women aged 15-49 has clearly been illustrated. The obvious discrepancy between the analysis of bastard-bearers occupations on their own and when contrasted to the at risk group, was shown to be most apparent amongst domestic and farm servants, arguably, the most important occupational groups at the centre of any discussion about illegitimacy in nineteenth century Scotland.

Other occupational categories, including that of 'Clothing Workers', have been shown to be less prone to illegitimacy than servants, both domestic and farm. But, amongst servants, it is those employed in agriculture, at least in the south-west of the country, that deserve most attention in relation to the study of illegitimacy. Consequently the following chapter explores in greater detail, the institution of farm service in lowland Scotland, focusing on any significant implications for the analysis and interpretation of information about bastardy. An investigation that, in terms of aggregate versus reconstitution methods of historical analysis, reveals a considerable difference between research conducted at the parish level, and that conducted at the sub-parochial level.

CHAPTER 7

FARM SERVICE, MOBILITY AND ILLEGITIMACY

Now, the term farm-servant, as used to a female, is susceptible of two different applications - viz., 1st, farmhouse servant; 2nd, agricultural labourer. We question, therefore, whether it is not indifferently applied to both occupations. It would, indeed, be desirable to know what proportion of illegitimacy among domestic servants is contributed by women attached to farm houses. [sic] ¹

7.1. Introduction

Following the lead of R.J. Blair Cunynghame, as revised by T.H. Hollingsworth, the preceding chapter continued the social investigation into the nature of the relationship between illegitimacy and occupation. Based upon the implicit assumption of a static population (common to census-based demographic investigations), servants and particularly farm servants, were identified by means of aggregate analysis as having been the occupational grouping(s) most disproportionately associated with the complex phenomenon in question.

Having identified farm servants, in particular, as having been of prime importance to the investigation of patterns in illegitimacy, this chapter continues the discussion about occupation by examining the institution of farm service in greater detail. In the wake of this discussion, it was found necessary to make a number of adjustments to the calculations of the previous chapter. Furthermore, by recourse to sub-parish level analysis of the occupations of

¹ Alfred C.C. List, The Two Phases of the Social Evil (Edinburgh: Oliver and Boyd, 1861), p. 8.

bastard-bearers, certain amendments to the original conclusions about the strength of the relationship between illegitimacy and farm service were also found to be necessary.

During the course of the sub-parish level analysis, a number of questions were raised concerning household structure, mobility and unemployment levels in connection with illegitimacy, although a full discussion of household structure is deferred until the following chapter. For pragmatic reasons, however, a number of alterations to the bounds of the 1876-81 case-study were deemed appropriate at this stage of the analysis (to include evidence from parishes adjacent to and surrounding Dryfesdale and Lochmaben), and these modifications are detailed in the text.

7.2. Farm Service in Lowland Scotland

7.2.1. Prelude

In the words of Ann Kussmaul, in her classic work on English farm service, by the time of the 1851 decennial census there were "two Englands, the south and east with relatively few servants, and the north and west, with relatively few labourers".² The institution of farm service certainly declined in Britain during the course of the nineteenth century, but its demise was not uniform across the land. Nor was its decline purely linear, rather it was cyclical in character.

Commenting on this cyclical pattern of development, Kussmaul went on to

² Ann Kussmaul, Servants in Early Modern England (Cambridge: Cambridge University Press, 1981), p. 19. Similar evidence concerning the contrasting rural populations of mid nineteenth century England, is to be found in P.R.A. Hinde, "Household Structure, Marriage and the Institution of Service in Nineteenth-Century Rural England", Local Population Studies 35 (Autumn 1985), 43-51.

say:

The incidence of service in husbandry did not remain fixed, but rose and fell in two major cycles from c.1450 to c.1900. Only the first phase of the second cycle, the abandonment of service in the late eighteenth and early nineteenth centuries, has been generally noted by modern historians. Board of Agriculture reports, Parliamentary Papers, and the 1851 census all strongly attest to this collapse, at least in the south and east. Before that, however, the incidence of service had declined from a probable high point in the fifteenth century to a trough in the mid seventeenth century, and then rose sharply to a second peak in the mid eighteenth century. After the mid nineteenth century, in the north and west, the incidence rose again.³

According to T.M Devine, the course that farm service in lowland Scotland followed was more akin to that of north-west, rather than south-east, England.

4

7.2.2. The Long-hire and Co-residence

In his introductory chapter Devine argued that, far from being an archaic survival from an earlier era, farm service in the nineteenth century remained a dynamic and constituent part of progressive agriculture in lowland Scotland, the rationale underlying the retention of farm service in this region having been influenced by three major interdependent factors.

Firstly, late eighteenth and early nineteenth century agrarian, demographic and industrial developments in the lowlands of Scotland all combined to produce a situation in which there was stiff competition for labour. In such an environment, the system of labour recruitment that best suited the interests of

³ Kussmaul, p. 97.

⁴ T.M. Devine, "Introduction: Scottish Farm Service in the Agricultural Revolution", in Farm Servants and Labour in Lowland Scotland 1770-1914, ed. T.M. Devine (Edinburgh: John Donald, 1984), pp. 1-8.

Scottish employers was one that maximised their control over the workforce.

For capitalist farmers, the institution of farm service, whilst not a new phenomenon, was well suited to their needs because of two of its main characteristics. In the first place, the annual or bi-annual hiring contracts common to farm service meant that workers were maintained for relatively lengthy periods of time. And, in the second place, the custom of boarding unmarried servants on the farm or steading ensured, in theory at least, that the farmer gained some degree of social control over his employees.⁵

Secondly, the physical conditions in Scotland, influenced by climate and soil type, dictated that farming be mixed rather than specialised, as in some of the southern English cereal regions. Production within both mixed and specialised farming increased with agrarian change, but the ensuing demands on the respective labour forces were radically opposed.

In the south of England, for example, increases in specialised arable cultivation accentuated both the seasonality of farming and the seasonal employment of labour within it. The short-term employment of day labourers was thus well-suited to the developments in farming practices southern England, whereas in lowland Scotland the working year was expanded rather than contracted by the growth of mixed husbandry. The agricultural cycle of sowing, growing and harvesting continued naturally, but the changing demands of this region meant that the long-hire practice of farm service not only

⁵ At this point it is worth quoting what Kussmaul had to say on the general distinctions between farm servants and day labourers: "Despite the wide generic and variant uses of 'servant' and the very occasional variant uses of 'labourer', farm servants were normally differentiated from day-labourers by the words 'servant' and 'labourer'. The words connoted two clusters of attributes. A 'servant' was hired by the year, lived with his or her master, and was unmarried; a 'labourer' was hired by the day, week or by the task, had his or her own residence, and was either married or still living with his or her parents" [p. 135].

survived, but prospered during the nineteenth century.

Thirdly, the dominant position that horsepower played in Scottish agriculture of the last century influenced the retention of farm service because it helped maximise productivity levels. By hiring ploughmen on an annual or bi-annual basis, and by boarding them in the steading, "Scottish farmers obtained two more hours' work than those in southern England", ⁶ a phenomenon that was reflected in the elite position held by ploughmen amongst the Scottish rural workforce. ⁷

7.2.3. Female Labour and Traditional Modes of Dependence

Aside from the long-hire and co-residence (features of farm service that were common to the institution throughout Britain) another of its distinctive characteristics apparent in the Scottish lowlands was the large number of females it involved. Widespread throughout the lowlands, the large-scale employment of women applied to day labouring as well as to farm service, ⁸ but tended to be heavily circumscribed by various traditional modes of dependence.

Alastair Orr, for example, has explained the high proportion of female farm labour, and the absence of a day-labouring force in the south-east lowlands, in terms of the obligations and family contracts involved under the 'bondager'

⁶ Devine, p. 5.

⁷ Ian Carter, Farmlife in Northeast Scotland 1840-1914 (Edinburgh: John Donald, 1979), pp. 138-42, gives some working examples of the prestigious position held by horsemen in the farm labour squad. In turn, the hierarchy amongst horsemen was strict and enhanced by The Society of the Horseman's Word. The Horseman's Society was a secret, but not exclusive, guild that Carter claims to have been a singularly successful and early example of trade unionism [pp. 154-56].

⁸ T.M. Devine, "Women Workers, 1850-1914", in Farm Servants and Labour, p. 98.

system.⁹ Unpopular amongst farm servants, the bondager system suited the requirements of capitalist production, whilst simultaneously perpetuating traditional forms of employment. The custom of labour-tying involved in the bondager system avoided the need to create a new and alien body of day labourers, because it provided a convenient and traditionally endorsed pool of casual female labour at peak periods such as harvest time.¹⁰

Another traditional mode of dependence influencing the structure of female employment in agriculture, was that which resulted from the gender division of labour, whereby, despite the widespread usage of female labour, women, whether as wives or daughters, were still regarded as dependents.¹¹ Thus, in an area such as the south-west of Scotland where dairying prevailed, whilst women worked at a wide variety of farm chores the elite positions, those tasks entailing the direct management of horses, remained a male preserve and females had the monopoly of cheesemaking and milking.

7.2.4. Categories of Female Farm Labour

According to Devine, during the second half of Queen Victoria's reign, there were four broad categories of female farm workers in lowland Scotland: a) Regular or full-time workers, b) Family workers, c) 'In-and-out Girls and, d) Seasonal or part-time workers. Apart from the variety of possible

⁹ Alastair Orr, "Farm Servants and Farm Labour in the Forth Valley and South-East Lowlands", in Farm Servants and Labour, pp. 29-54.

¹⁰ Under the bondager system a married ploughman (or hind) was housed in a tied cottage and required, in turn, to provide a fieldworker during the harvest season. The bondager was frequently a close relative of the hind, either his wife, daughter or sister. If he had no such eligible relative, then the hind had to hire, board and lodge another female, or occasionally boy, worker. As bondagers were only paid by the farmer for the peak periods during which their services were needed, the hinds were responsible for maintaining them at other times [ibid.].

¹¹ Devine, "Women Workers", pp. 99-102.

combinations within and between these categories, the most striking observation to be made about them, is the extent to which farm size influenced the type of worker employed.¹²

Large farms tended to be able to employ both regular workers, like the specialist dairywomen of the south and west or the outworkers of the south-east, as well as seasonal labourers when the need arose. As illustrated by Carter's example of the labour squad in operation at Ardlaw farm in 1880,¹³ family workers were unlikely to be used to any extent on the larger farms. Furthermore, the job descriptions on these farms appear to have been relatively clear-cut and straightforward.

On the smaller and medium-sized farms, however, the situation was much more convoluted, being complicated by the use of familial labour and a frequent blurring of job descriptions. Perhaps the best example of blurred job descriptions (as intimated by the quotation from List presented at the start of this chapter), was to be found amongst the category of workers known as 'in-and-out' girls. Numerous in Dumfriesshire, as their name implied, these women worked at both domestic chores inside the farmhouse and farm chores outside of it. They had no fixed hours of labour and had to be versatile enough to turn their hands to any task required of them.¹⁴

Family workers were commonest on farms of under 100 acres and, similar to the 'in-and-out' girls, did all manner of jobs on the steading and had no set hours for work. The distinguishing feature of these women was that they

¹² Ibid., pp.103-11.

¹³ Carter, pp. 138-42.

¹⁴ See also Carter, pp. 101-2.

worked on their own family's farms and usually received no cash payment for their efforts. The work of these individuals was notoriously arduous, and invoked a good deal of contemporary debate over their conditions and motivations.¹⁵

7.2.5. Summary

In summarising the characteristics of Victorian farm service, and the role played by female workers in the agricultural workforce of lowland Scotland, four main points relevant to the on-going discussion of illegitimacy and occupation can be deduced. Firstly, there is the underlying point that female labour played a crucial role in the agricultural workforce of lowland Scotland. Secondly, in contrast to the south and east of England, the institution of service remained an integral part of agrarian practices and development. Thirdly, farm size was probably the single most important factor influencing the type of labour hired on farms. Fourthly, on small and medium-sized farms (common in predominantly dairying regions such as Dumfriesshire), there was a persistent tendency for female job descriptions to become blurred, even to the extent where domestic and farm service might overlap.

These observations do not negate the findings of the previous chapter, but they are useful in highlighting the need for certain statistical adjustments and for further investigation into the relationship between illegitimacy and farm service. Adjustments to the categorisation of potential female familial labour, and further investigation into the nature of the relationship between domestic and farm service.

¹⁵ Devine, "Women Workers", p. 108.

7.3. Female Familial Farm Labour

7.3.1. Prelude

The decision taken in the previous chapter to group all female agricultural job descriptions under the umbrella category of 'Farm Servants' was certainly justified. For, whilst the distinctive qualities of labouring and service were a reality, the potential for the obscuring of job descriptions implies that, within a historical context, any attempt at too fine a distinction between occupational titles must be highly circumspect. However, this takes little account of the important distinction between familial and hired labour. Arguably, in an area such as Dumfriesshire where service predominated over labouring and where small to medium-sized farms were common, it is the distinction between familial and hired labour rather than that between types of hired labour that is the more significant.

Clearly, therefore, some adjustment to the calculations performed in the previous chapter was required to take account of the fact that all dependents, including farmers' dependents, were categorised along with those of independent means in the group 'Independent or Family Means'. In the context of aggregate analysis at the parish level, this could be satisfactorily achieved by means of relatively straightforward statistical re-calculations. The group of single women for whom adjustments of this sort were required were those who had been enumerated in the census returns as being farmers' dependents.

7.3.2. Farmers' Dependents

Under the classificatory scheme finally adopted in the previous chapter, entries pertaining to the non-married relatives of farmers were allocated to the

category 'Independent or Family Means', as opposed to that of 'Farm Servants'. However, by transferring farmers' dependents to the category 'Farm Servants' (and making any necessary re-adjustments to the proportional distribution of non-married women from the categories 'General Servants' and 'Not Stated' ¹⁶), it was statistically practicable to test for what effect the designation of these women as familial farm workers, might have had on the conclusion that bastard-bearers were over-represented amongst the category 'Farm Servants'.

7.3.3. Re-calculations for Farmers' Dependents

As shown in Appendix 7, ¹⁷ the 1881 decennial census returns for Dryfesdale contained 18 non-married farmers' daughters in the age group 15-49 and two farmers' sisters. Those for Lochmaben contained, respectively, 17 daughters and three sisters. Each parish therefore contained 20 non-married farmers' dependents amongst the non-married female at risk population group aged between 15 and 49. None of the bastard-bearers in either Dryfesdale or Lochmaben were farmers' dependents. ¹⁸

The other figures necessary for these re-calculations are all presented in tables 6.3. to 6.5. of the preceding chapter. However, to re-cap on them, in Dryfesdale, there was a total of 444 non-married women between the ages of 15 and 49 in the at risk population group. Of these, 174 were categorised as domestic servants, 33 as farm servants, and 15 as general servants. The 'Not

¹⁶ The rationale behind these proportional distributions is outlined in sections 6.3. and 6.4. of the previous chapter.

¹⁷ Category 6 - 'Independent or Family Means'.

¹⁸ One possible exception to this was Mary KG/ML, who was described as being the widow of a 'pauper, formerly a farmer' on the birth certificate of her illegitimate child [B1880/840/69]. However, as she was later described in the census as being 'Formerly General Servt. Domestic' [C1881/840/6/56], no re-adjustment was made in her case.

Stated' category consisted of 78 individuals. In Lochmaben, the total was 377, with 129 domestic servants, 50 farm servants, 35 general servants, and 79 in the 'Not Stated' category.

The original results revealed that, in relation to the at risk population group of non-married women in the fertile age range, bastard-bearers were over-represented amongst the category 'Farm Servants'. In Dryfesdale, the category of 'Farm Servants' accounted for 40% ($3\frac{9}{4}$.95%) of bastard-bearers, whereas, in the at risk population group, the same occupational category included only 10% (9.68%) of the non-married women. Similarly, in Lochmaben, 57% (56.76%) of bastard-bearers were classified under the occupational category 'Farm Servants', whilst only 20% (20.16%) of the at risk population was so categorised. ¹⁹

With none of the bastard-bearers having been described as farmers' dependents on their children's birth certificates, there was no alteration to the proportions of bastard-bearers in the category 'Farm Servants'. Amongst the at risk population group, the inclusion of 20 farmers' dependents in both Dryfesdale and Lochmaben, with the category 'Farm Servants', produced only a relatively minor increase in the proportional sizes of this category. In Dryfesdale, the increase was only a matter of five percentage points, rising from 10% to 15% (14.86%). In Lochmaben, the increase was only one percentage point greater than that for Dryfesdale, rising from 20% to 26% (26.26%). Consequently, the statistical re-adjustment to count farmers' dependents as familial farm workers, was not considered sufficiently significant to amend the original conclusion about a connection between farm service and

¹⁹ See Tables 6.4. and 6.5..

bastardy.

In addition to this re-calculation, it was also decided to test for an extreme case in which, along with farmers' dependents, *all* general servants were classified as farm servants (as opposed to being proportionately distributed between both the farm and domestic servant categories). The results of this re-calculation produced a revised figure of 18% (18.02%) for the 'Farm Servants' category in Dryfesdale, and a corresponding figure of 34% (33.69%) in Lochmaben. Whilst both results were somewhat above the original results of 10% in Dryfesdale and 20% in Lochmaben, they were both still well below the respective proportions of bastard-bearing farm servants, 31% in Dryfesdale and 57% in Lochmaben. Therefore, given the improbability that all general servants were in fact farm servants, even this result was not considered sufficient to refute the original conclusion. Bastardy was still considered to have been over-represented amongst the category 'Farm Servants'.

7.3.4. Summary

The re-calculations presented above were considered necessary in view of the possibility that farmers' dependents might have acted as familial labour on farms, and so could equally have been described as farm workers rather than farmers' dependents. Statistically, in the case of farmers' dependents, their inclusion in the analytical category 'Farm Servants' made no appreciable difference to the original results. Bastard-bearing was still seen to have been disproportionately associated with farm, as opposed to domestic, service. Moreover, even the inclusion of all general servants with the category 'Farm Servants', was not considered sufficient to refute outright this original conclusion.

These re-calculations were, however, still based on the assumption that

domestic and farm servants were distinct occupational categories. However, as deduced from the outline of characteristics of farm service in lowland Scotland, this assumption required some further investigation and could not be accepted at face-value. In order to examine the possibility that domestic and farm service could overlap, and to assess the impact any resultant blurring of job descriptions might have on the interpretation of the results obtained to date, the research had to move away from aggregate analysis and to concentrate on evidence compiled from the experiences of known servants.

In this respect, the next stage of the research had to rely on information obtained from known bastard-bearers identified in the 1881 census. Because we do not have any information about the occupations of non-married women who did not bear bastard children, apart from that contained in the census returns, we cannot make occupational comparisons of the sort practicable in the preceding section and chapter. Whilst this inevitably precluded further occupational analysis in relation to the at risk population group, and prohibited statistical comparisons of the sort so far conducted, this limitation is partly countered by the realisation that such an investigation would likely steer the research away from its original intention, towards an overall investigation of female employment. However warranted such research may be, it is not justifiable in a thesis primarily concerned with illegitimacy.

7.4. Sub-parish Level Analysis of Occupation

7.4.1. Prelude

In identifying the known bastard-bearers from the 1876-81 sample in the 1881 census enumerators' returns, it is important to appreciate that in so doing the researcher is making a methodological transition from aggregate analysis at

the parish level, to individual analysis at the sub-parish level. Commenting on the relationship between these two levels of analysis, J. Michael Phayer has previously called for the 'subcommunal' analysis of bastardy to, "determine whether illegitimate fertility of the parish accurately describes the sexual conduct at the settlement level".²⁰

Similar to the calculation of parish level illegitimate fertility measurements, like the *Ih* values computed by Morse for Scotland in 1881, 1891 and 1901,²¹ the occupational analysis presented in the previous chapter was based upon an accepted demographic assumption: namely, that bastard-bearers in any given parish constituted a sub-set of the census-determined non-married female population of child-bearing age. Thus, whilst assumptions of this sort are common to (and often necessary for) much demographic analysis, this chapter provides an opportunity to investigate the relationship between the two levels of analysis.

Significantly, the identification of known bastard-bearers in the 1881 census enumerators' returns (by means of partial family reconstitution as outlined in Chapter 2) proved, in a somewhat negative fashion, to be most revealing. Large proportions of the 42 bastard-bearers in Dryfesdale and 74 bastard-bearers in Lochmaben (50% and 57% respectively) could *not* be located

²⁰ J. Michael Phayer, "Subcommunal Bastardy and Regional Religion: Micro and Macro Aspects of the Debate on the Sexual Revolution", Journal of Sex Research 17/3 (August 1981), p. 207. According to Phayer, investigation into bastardy at the subcommunal level has been restricted by both the 'tedious' nature of reconstitution work, the intrinsic nature of records based on administrative or ecclesiastical units, and a general belief that because the small size of many parishes there has been an assumption that "the bastardy ratio evenly mirrors the conduct of all members of the parish" [p. 206]. In Britain, discussion about the whole conceptual framework of the community has recently been advanced by the publication of Charles Pythian-Adams' book, Re-thinking English Local History, Local History Occasional Papers, 4th ser., no. 1 (Leicester: Leicester University Press, 1987).

²¹ Donald J. Morse, "The Decline of Fertility in Scotland" (Ph.D. thesis, University of Edinburgh, 1987).

in the 1881 census returns for their respective parishes. In itself, this finding goes some way towards questioning the implicit assumptions of dependency so crucial to aggregate demographic analyses and the calculations performed in the previous chapter. How can one group of women be utilised statistically as a sub-set of another larger group, when half of them cannot be found in the second group?

Nonetheless, because the census is a snapshot of a community as it existed on one particular night, whereas the aggregate analysis is conducted in relation to data extracted from a much wider time-span, the discrepancies between the parish and sub-parish levels of analysis should not immediately be over-exaggerated. Indeed, the strong locality-persistence of both high and low levels of illegitimate fertility (as evidenced by the mapping of Morse's *Ih* values²²), acts as a testament in itself to the generalised reliability of aggregate analysis at the parish level.

Thus, whilst such findings should not be ignored, the more meaningful observation to be made about the paucity of bastard-bearers located in the 1881 census, concerns the question of mobility. This finding raises a score of intriguing questions concerning the propensity to bear illegitimate offspring, and the overall relationship between illegitimacy, servant mobility, and social structure. These questions are addressed in the following chapter. Consequently, after examining the occupations of the individual bastard-bearers located in the 1881 census, and concluding the investigation into illegitimacy and occupation, the next course of action was to attempt an investigation of patterns of mobility.

²² See, for example, Maps 1.4. to 1.7..

7.4.2. The Located Bastard-bearers

The basic occupational details about the known bastard-bearers identified in the 1881 census enumerators' returns for Dryfesdale and Lochmaben are presented in Tables 7.1. to 7.5.. Following on from the previous chapter, all domicil cases were excluded from this stage of the analysis and multiple births were enumerated singly. Similarly, women who bore more than just the one illegitimate child during the 1876-81 period (as opposed to verified repeaters), were only counted in relation to the illegitimate birth closest in proximity to the date of the census.

Tables 7.1. and 7.2. compare, for both Dryfesdale and Lochmaben, the occupations of the mothers at the time of their illegitimate children's births, with their occupations as extracted from the 1881 census enumerators' returns. Information about individual bastard-bearers and their occupational designations is presented in Tables 7.3. to 7.5.. In both sets of tables occupational groupings are based upon the initial occupational categories as devised in the previous chapter. In the second set of tables, repeaters have been identified by means of an asterisk and, where applicable, occupations at the time of illegitimate births subsequent to the date of the 1881 census are also shown.²³ Relationship to the head of household is also included in these tables. Some reference to this relationship is made during the course of this section, although a fuller analysis is deferred for inclusion with a wider discussion of household structure.

²³ Due to the life-cycle orientation of service, and the decennial gap between censuses, inter-censal comparisons of occupation were only utilised in conjunction with aspects of partial family reconstitution, and are not presented here for purposes of analysis and interpretation.

Table 7.1. Dryfesdale: Comparison of Occupational Categories of Bastard-bearers Located in the 1881 Census, 1876-81 Case-study (figures in parentheses are percentages).

<u>Categories</u>	<u>Birth Certificates</u>		<u>Census</u>	
Domestic Servants	10	(47.62)	13	(61.91)
Farm Servants	3	(14.29)	2	(9.52)
General Servants	1	(4.76)	1	(4.76)
Clothing Workers	2	(9.52)	2	(9.52)
Other Workers	2	(9.52)	1	(4.76)
Independent or Family Means	2	(9.52)	-	-
Not Stated	1	(4.76)	2	(9.52)
Total	21	(99.99)	21	(99.99)

Sources: B1876-81/820 and C1881/820, NRH.

Table 7.2. Lochmaben: Comparison of Occupational Categories of Bastard-bearers Located in the 1881 Census, 1876-81 Case-study (figures in parentheses are percentages).

<u>Categories</u>	<u>Birth Certificates</u>		<u>Census</u>	
Domestic Servants	11	(33.33)	12	(36.36)
Farm Servants	17	(51.52)	3	(9.09)
General Servants	-	-	4	(12.12)
Clothing Workers	3	(9.09)	3	(9.09)
Other Workers	-	-	1	(3.03)
Independent or Family Means	2	(6.06)	1	(3.03)
Not Stated	-	-	9	(27.27)
Total	33	(100)	33	(99.99)

Sources: B1876-81/840 and C1881/840, NRH.

Table 7.3. Occupations of Individual Bastard-bearers in the Category 'Domestic Servants' Located in the 1881 Census, Dryfesdale and Lochmaben, 1876-81 Case-study.

<u>Bastard-Bearers</u>	<u>Pre-Census</u>	<u>1881 Census</u>	<u>Post-Census</u>
<u>a) Dryfesdale</u>			
Janet BE	DS (1879)	U-Dairymaid (Dau.)	
Martha BL	DS (1878)	Gen. Serv. Dom. (Serv.)	
Maggie DN	HS (1879)	Housemaid (Dau.)	
Margaret DS	DS (1877)	U-Dom. Serv. (Dau.)	
Betsy GR *	HK (1880)	Housekeeper (Dau.)	HK (1882)
Janet HY *	HM (1881)	Housemaid-Dom. (Dau.)	
Mary Jane McD	HM (1881)	None (Dau.)	
Fanny PR *	DS (1880)	Domestic Servant (Dau.)	DS (1882)
Mary PN *	DS (1877)	Gen. Serv. Dom. (Serv.)	
Maggie SD *	HM (1881)	U-Cook Dom. (Niece)	
<u>b) Lochmaben</u>			
Mary Jane DY *	DS (1880)	Not Stated (Dau.)	DS (1885)
Lillias GE	DS (1880)	Housekeeper (Dau.)	
Ann GM	DS (1880)	Not Stated (Dau.)	
Mary Jane HS	DS (1880)	Domestic Servant (Head)	
Agnes Rogerson HN *	DS (1879)	Housekeeper (Dau.)	
Catherine IE/RS	DS (1877)	Not Stated (Dau.)	
Catherine Broatch NL *	DS (1876)	Grocer (Head)	DS (1881)
Janet RE	DS (1878)	Not Stated (Dau.)	
Janet RN (Broom)	DS (1878)	Housekeeper (Serv.)	
Georgina TR	DS (1880)	Domestic Servant (G-dau.)	
Mary Hume WS *	DS (1878)	General Servant (Dau.)	DS (1883)

N.B. DS = Domestic Servant HK = Housekeeper
HM = Housemaid HS = House Servant
U = Unemployed * = Known Repeater

Sources: B 1876-81/820 and 840; C1881/820 and 840, NRH.

Table 7.4. Occupations of Individual Bastard-bearers in the Category 'Farm Servants' Located in the 1881 Census, Dryfesdale and Lochmaben, 1876-81 Case-study.

<u>Bastard-Bearers</u>	<u>Pre-Census</u>	<u>1881 Census</u>	<u>Post-Census</u>
<u>a) Dryfesdale</u>			
Janet CD (Peatford)*	FS (1876)	Housekeeper (Head)	FS (1881)
Jessie CD (Townhead) *	FS (1880)	General Servant (Dau.)	KM (1884)
Mary JE	FS (1881)	Dairymaid (Serv.)	
<u>b) Lochmaben</u>			
Jane BK/AN *	FS (1876)	Labourer's Wife (Wife)	
Margaret BK *	FS (1880)	Farm Servant (Head)	
Mary Jane BL *	FS (1878)	Not Stated (Niece)	FS (1881)
Mary CL *	FS (1880)	Housekeeper (Dau.)	FS (1881)
Jane DY *	FS (1879)	Kitchenmaid (Serv.)	
Grace GN *	FS (1879)	Domestic Servant (Dau.)	FS (1881)
Jane GN *	FS (1878)	Not Stated (Dau.)	
Elizabeth HN *	AL (1878)	Day Worker - Agric. (Dau.)	
Mary IG *	FS (1877)	Kitchenmaid (Dau.)	
Agnes JE/DN	FS (1879)	Not Stated (Wife)	
Jane KK *	FS (1877)	Day Worker - Agric. (Head)	FS (1881)
Catherine MT *	FS (1880)	Not Stated (Dau.)	FS (1883)
Janet MT *	FS (1881)	Servant (Serv.)	
Jane MY *	FS (1881)	General Servant (Dau.)	FS (1882)
Janet RN (Hightae)	AL (1879)	Servant (Dau.)	
Janet WN *	AL (1878)	Domestic Servant (Dau.)	FS (1881)
Isabella WN *	AL (1877)	Domestic Servant (Dau.)	FS (1884)

N.B. AL = Agricultural Labourer FS = Farm Servant
KM = Kitchenmaid * = Known Repeater

Sources: B1876-81/820 and 840; C1881/820 and 840, NRH.

Table 7.5. Occupations of Individual Bastard-bearers in the Remaining Categories Located in the 1881 Census, Dryfesdale and Lochmaben, 1876-81 Case-study.

<u>Bastard-Bearers</u>	<u>Pre-Census</u>	<u>1881 Census</u>	<u>Post-Census</u>
<u>a) Dryfesdale</u>			
Barbara BL/JN	General Labourer (1880)	None (Head)	
Mary BL *	Milliner (1879)	Milliner (Dau.)	
Isabella BK	Dressmaker (1877)	Dressmaker (Dau.)	
Jane FN/SL *	Widow (1877)	Dom. Serv. (Sister)	Widow (1882)
Ann JN *	General Servant (1876)	Cook Dom. (Dau.)	
Mary LR	Miller's Dau. (1879)	Housekeeper (Sister)	
Janet ST	Shop Asst. (1880)	Flesher's Asst. (Niece)	
Isabella GY/WR/ST	Not Stated (1881)	Formerly Dom. Serv. (Boarder)	
<u>b) Lochmaben</u>			
Margaret DE	Dressmaker (1881)	Dressmaker (Dau.)	
Mary KG/ML	Widow (1880)	Formerly GSD (Head)	
Barbara MO *	Dressmaker (1876)	Dressmaker (Dau.)	Dressmaker (1882)
Isabella Kirpatrick RN *	Dau. of a Landed Proprietor (1878)	Not Stated (Dau.)	
Janet WS *	Dressmaker (1880)	Dressmaker (Head)	Dressmaker (1882)

Sources: B 1876-81/820 and 840; C1881/820 and 840, NRH (* = Known Repeaters).

By examining these five tables in detail it is clear that, from the time of their illegitimate children's births to the date of the 1881 census, there ^{were} a number of significant alterations in the occupational descriptions of certain of the located bastard-bearers. What, then, were these changes and to what extent did discrepancies in occupational descriptions occur?

7.4.2.1. The Non-Servant Categories

Prior to examining the servant categories of greatest significance to the current discussion of illegitimacy and occupation, it is worth looking briefly at the situations of those women in the categories 'Clothing Workers', 'Other Workers' and 'Independent or Family Means'. ²⁴ Whilst the numbers involved in all three categories were small, it is initially worth commenting on the proportion of bastard-bearers from these categories who were located in the 1881 census enumerators' returns.

Together, women from the three categories of 'Clothing Workers', 'Other Workers' and 'Independent or Family Means', constituted only a minority of bastard-bearers. ²⁵ However, in contrast to the various types of servants, half of whom in both Dryfesdale and Lochmaben were not located in the 1881 census enumerators' returns, most of the women from these categories were found in the census (six out of six in Dryfesdale, and five out of eight in Lochmaben). This observation presumably reflects the greater extent of occupationally-related mobility to be found within the servant categories.

²⁴ See Tables 7.1. and 7.2. in conjunction with Table 7.5.. The category 'Not Stated' is further discussed in the next section in relation to the complex question of illegitimacy and unemployment.

²⁵ Six women (14.29%) in Dryfesdale and eight (10.81%) in Lochmaben. See Table 6.2..

The second observation to be made is that there exists some confirmation of the suspicion that women from the category 'Independent or Family Means' might equally have been described as working in servant-related occupations. The two widows, Jane FN/SL and Mary KG/ML, were both identified in the 1881 census as having connections with domestic service, whilst Mary LR was described as being a housekeeper. Because the historian can never quite be sure whether the term housekeeper referred to unpaid work within the home, or to domestic employment outwith the home,²⁶ Mary LR's situation is difficult to interpret with any degree of precision. Nonetheless, the possibility of overlap with service-related occupations was clearly apparent.²⁷

Thirdly, there is the observation that of the five women from the category 'Clothing Workers' (Mary BL, Isabella BK, Margaret DE, Barbara MO and Janet WS), all retained in the census precisely the same occupational designations recorded at the time of their illegitimate children's births. Opportunities for employment in the clothing trade had declined considerably since the early part of the century,²⁸ but the bearing of illegitimate offspring would not seem to have adversely affected employment as dressmakers or milliners. In terms of the statistical re-adjustments made in the previous chapter, there was no evidence at the sub-parish level of an overlap between the clothing trade and the institution of service.

²⁶ See, for example, Edward Higgs, "The Tabulation of Occupations in the Nineteenth-Century Census, With Special Reference to Domestic Servants", Local Population Studies 28 (Spring 1982), p. 59.

²⁷ Interestingly, the observed overlap from these few cases implied connections with domestic, rather than farm, service. An observation that gave weight to the earlier statistical conclusion, whereby the inclusion of all family dependents (and general servants) with the category 'Farm Servants', did not refute the overall finding that bastardy was over-represented amongst single women engaged in farm work. See section 6.3 in the preceding chapter.

²⁸ See Chapter 4, section 4.2..

Finally, of the two women from the category 'Other Workers', little can be noted apart from to comment that neither was recorded in the census as having been connected with either domestic or farm service. Janet ST was still working as a shop assistant of sorts in the 1881 census, whereas Barbara BL/JN, earlier a general labourer, was recorded as having had no occupation.

7.4.2.2. 'Farm Servants'

Significantly, the most striking observation to be made from an examination of Tables 7.1. and 7.2. concerned the category 'Farm Servants'. Comparing the occupations given on birth certificates with those enumerated in the census, the category of 'Farm Servants' experienced a considerable reduction in numbers. In Dryfesdale the number of women categorised as farm servants was initially small, and only altered from three to two. However, in Lochmaben, the alteration in the number of women in the category 'Farm Servants' was from seventeen to three (in percentage terms, a decrease of some 82%).²⁹ In this summarised version of events, many of the mothers who were farm servants at the time of giving birth, would appear to have been incorporated into the 'General Servants' and 'Not Stated' categories by the date of the census.³⁰

If we then turn to Table 7.4., which deals specifically with women in the category 'Farm Servants', we can see that this interpretation of events is

²⁹ In contrast to the category 'Farm Servants', that of 'Domestic Servants' experienced moderate increases from the time of giving birth to the date of the census. In Dryfesdale, the number of domestic servants increased from ten to thirteen, and in Lochmaben from eleven to twelve.

³⁰ Two points should be noted at this stage of the discussion. Firstly, following the line of argument presented in the previous chapter, direct reference to un employment in the census was suppressed in favour of usual or former occupation. Discussion about the question of unemployment, and the relationship between illegitimacy and unemployment, is confined to the section dealing with the category 'Not Stated'. Secondly, due to the fact that the bastard-bearers located in the 1881 census were not all found to have been resident in the same enumeration district, these alterations in occupational status cannot simply be attributed to one lax enumerator.

partially correct. Out of a total of 20 non-migrant women from both Dryfesdale and Lochmaben in the category 'Farm Servants', only four retained agriculturally orientated occupational description in the 1881 census (Mary JE, Margaret BK, Elizabeth HN and Jane KK). Of the remaining 15 women, four fitted into the category 'General Servants' (Jessie CD of Townhead, Janet MT, Jane MY and Janet RN of Hightae), and four into that of 'Not Stated' (Mary Jane BL, Jane GN, Agnes JE/DN and Catherine MT).

One woman, Jane BK, was married in the intervening period and so transferred to the category 'Independent or Family Means'.³¹ However, of more significance to the current aims of the investigation, was the fact that the remaining seven women (Janet CD of Peatford, Mary CL, Jane DY, Grace GN, Mary IG, Janet and Isabella WN) were recorded as having domestic occupations on the night of the 1881 census.

What is even more revealing in this context, is that the five out of seven of these women who were known to have had subsequent illegitimate children, all reverted to the category 'Farm Servants' at the time of these births. Clearly, there was an element of interchangeability between the job descriptions of domestic and farm servants. One woman in particular, Jessie CD of Townhead, can be taken as an epitome of this tendency.

In 1880, at the time of the birth of her first illegitimate child, Jessie CD was described as being a 'Farm Servant'.³² Seven months later, on the night of the

³¹ In all, six out of the total of 54 bastard-bearers located in the 1881 census were enumerated as being married. One woman, Barbara BL/JN was a deserted wife and three women, Catherine IE/RS, Jane BK/AN and Agnes JE/DN had married in the period leading up to the 1881 census. However, the two WN sisters from Lochmaben appear to have been enumerated incorrectly. Resident together in their parents' household, neither sister would appear to have been cohabiting with a possible father of their illegitimate children, and no record of any marriage could be located for either of them. Both sisters were verified repeaters [C1881/840/2/44].

³² B1880/820/67.

1881 census, she was enumerated as a 'General Servant'.³³ Then, three years later, at the time of her second illegitimate child's birth, she was described as being a 'Kitchen Maid'.³⁴ Consequently, within a period of four years, Jessie CD's occupational descriptions transversed the three occupational categories 'Farm Servants', 'Domestic Servants' and 'General Servants'.³⁵

7.4.23. 'Domestic Servants'

In contrast to changes in the occupational descriptions of members of the 'Farm Servants' category, the pattern for those initially allocated to the category 'Domestic Servants' was markedly different.

Similar to the category 'Farm Servants', a number of women from the 'Domestic Servants' category did not have any stated occupation in the 1881 census (Mary Jane DY, Ann GM, Catherine IE and Janet RE), but the majority, 13 out of a total of 21 (61.90%), remained in domestic occupations. One individual, Catherine Broatch NL, experienced a complete change in occupation (perhaps reflecting a dual means of income), whereas only Janet BE transferred

³³ C1881/820/7/107.

³⁴ B1884/820/20. A year after this birth Jessie bore a third illegitimate child, and this time her occupation was recorded as 'Domestic Servant - Cook' [B1885/820/26].

³⁵ In all likelihood, Jessie CD worked as an 'In-and-out Girl'. Direct evidence for the existence of 'In-and-out Girls' could not be located in the 1881 census enumerators' returns for either Dryfesdale or Lochmaben, although it could be found in the returns for certain of the adjacent parishes. In Kirkmichael, for example, the various enumerators appear to have adopted the consistent policy of explicitly recording both the principal tasks and occupational descriptions of women employed as servants on farms. As a consequence of this, for example, we find the occupations of the two Lochmaben-born live-in female servants on the farm at Third [C1881/836/6/1] enumerated respectively as 'Housemaid (Domestic Servant)' and 'Dairymaid (Domestic Servant)'. The general impression gained from this very rural parish, is that the majority of live-in servants on farms came under the generic term 'domestic' rather than 'farm' servant. Out of a total of five such servants born in Lochmaben (no Dryfesdale-born live-in servants were located in Kirkmichael), we find two dairymaids, one general servant, one housemaid and one farm servant, all of whom were additionally recorded as being domestic servants. Precisely how the occupational descriptions used in Kirkmichael would have been treated in the published county level tables of occupation remains uncertain. What is certain, however, is that such a method of enumeration is highly informative for the historian attempting to analyse female occupations in rural areas.

from being a domestic servant to belonging to the category 'Farm Servants'. Mary Jane McD's occupation was explicitly stated as 'None' in the 1881 census, and Mary Hume WS transferred to the category 'General Servants', only to revert later to that of 'Domestic Servants'.

It would appear, therefore, that whilst the category 'Domestic Servants' underwent an element of alteration it was more stable than that of 'Farm Servants'. Furthermore, there would appear to have been less likelihood of a domestic servant being enumerated as a farm servant, than vice versa. This is an observation that fits well with the earlier outline of agricultural work, whereby chores on the farm could be both indoor and outdoor in orientation.

7.4.2.4. 'General Servants'

Whilst the investigation into farm and domestic servants at the sub-parish level revealed a considerable amount of occupational interchangeability, there was only one woman (Ann JN) described as a general servant on the birth certificate of her illegitimate child. Naturally, no general conclusions can be made about general service from this one case. Nonetheless, in line with the observations of interchangeability observed amongst domestic and farm servants, it is interesting to note that in the 1881 census Ann JN was described as a cook, and not a general servant.

7.4.3. Summary

The findings of this investigation into bastard-bearers' occupations at the sub-parish level raised a number of significant points in the overall examination of illegitimacy and occupation.

Firstly, the finding that the overlap between farm and domestic occupations

was a reality, must influence any interpretation of the statistical results obtained in the previous chapter and previous section of this chapter. For, whilst no evidence to contradict the conclusion that bastardy was over-represented amongst female farm servants was found, a clear distinction between the two main types of service cannot be presumed. Consequently, any statement to the effect that illegitimacy was disproportionately connected with females engaged in farm work, must be accompanied by the reservation that (in the area under examination) the distinction between domestic and farm roles was not always clear-cut.

Aside from the point that this reservation must necessarily reduce somewhat the significance of the statistical results obtained in the examination of the relationship between illegitimacy and occupation (a point of no great surprise when the complexities of human interaction are considered), this whole exercise has been revealing in terms of the general association between parish and sub-parish levels of analysis. The statistical analysis at the aggregate parish level was very useful in identifying an interesting trend in the relationship between illegitimacy and occupation, whilst, analysis at the sub-parish level was necessary for a balanced interpretation of these results. Following Phayer's suggestion to contrast the results pertaining to illegitimacy at the parish level, with information from the sub-parish level, was clearly justified.

Arguably, however, the sub-parochial refinement of the aggregate findings of the previous chapter, raised as many questions as it had helped to answer. One such question concerned the phenomenon already alluded to, namely that of mobility. Short-term occupationally related migration was an essential

feature of the institution of service,³⁶ but to what extent this form of temporary mobility accounted for the large number of bastard-bearers not located in the 1881 census enumerators' returns still remains to be answered.

Furthermore, the sub-parish level of analysis raises questions about the whole nature of the relationship between illegitimacy and unemployment. For, whilst existing evidence from lowland Scotland supports the aggregate-level proportional distribution of women from the 'Not Stated' category amongst the categories of stated occupation,³⁷ evidence from the sub-parish level analysis points to the possibility of different methods of enumerating unemployment between Dryfesdale and Lochmaben. In Tables 7.3. to 7.5., unemployment was only stated explicitly in Dryfesdale, whereas a lack of stated occupation only occurred in Lochmaben. Unemployment levels amongst the located bastard-bearers could, therefore, have been higher than initially thought. The temporary suspension of work is a likely consequence of child-bearing, whatever the legitimacy status of the children concerned, but was there a more enduring relationship between illegitimacy and unemployment?

These sorts of question all require some further examination, for they form an integral part of the discussion about the relationship between illegitimacy and occupation. The difficulty was how to explore such complicated phenomena.

³⁶ Whilst spatially and temporally distinct from the present study, the case of Joseph Mayett, as presented by Kussmaul, provides a classic example of servant-related occupational mobility [pp. 85-93]. See also Appendix 8.

³⁷ By comparing wage books with the census enumerators' returns John Holley, for example, has shown that the enumeration of married female textile workers in the south-east lowlands, as having had no full-time occupation, was frequently inaccurate. John C. Holley, "The Redivision of Labour: Two Firms in Nineteenth Century South East Scotland" (Ph.D. thesis, University of Edinburgh, 1978). Holley's findings have recently been summarised in tabular form by Elizabeth Roberts, in her recent publication, Women's Work 1840-1940 (London and Basingstoke: Macmillan, 1988), p. 19.

7.5. Unemployment, Mobility and Illegitimacy

7.5.1. Prelude

The clue to a possible method for investigating the intricate questions of unemployment and mobility, in relation to bastard-bearing, was eventually found in the evidence about household structure as presented in Tables 7.3. to 7.5.. If we examine the stated relationships to the heads of household in which the located bastard-bearers were resident, we find that the vast majority of women were either living in their own homes, or else in the households of close kin. An observation that was applicable even to most of the bastard-bearers from the two main servant categories. Indeed, of the 41 women from the two main servant categories located in the 1881 census, only six (14.63%) were living, in the words of Edward Higgs, as 'true servants'.³⁸ The majority (85.37%) were resident in their own homes, or in the households of their close kin.

In theory, therefore, if we could locate the families or homes of the women not located in the census enumerators' returns, then we might be able to gauge whether or not absence on the night of the census implied absolute migration or temporary work-oriented mobility from the parish(es) concerned. Not only could this evidence assist in the interpretation of unemployment and the 'Not Stated' category, it might also throw light on the crucial question of

³⁸ Higgs, p. 60. Higgs coined the term 'true' servants to refer to those individuals who were enumerated in the census returns as being servants in relation to the household head, as well as by occupational description. In contrast to this category, Higgs' identified 'servant relatives' (servants according to occupational title, but resident in the households of kin), and occupationally defined servants resident as boarders or lodgers in the households of non- (or not stated) kin. For the remainder of this thesis, the term 'home' servants is used to refer to Higgs' category of 'servant relatives'.

whether bastard-bearers returned 'home' to bear their illegitimate offspring. The ensuing difficulty, then, was how precisely to conduct this form of investigation.

7.5.2. Procedure

In the earlier discussions about occupation, the emphasis was on identifying the occupational group(s) most connected with the bastard-bearing population. Once identified, however, little mention was made about the direction of cause and effect within this relationship. Employment in, or availability of, farm service may have been one of the factors influencing the propensity to bear illegitimate offspring, or may have provided the subsequent ability to support such children, but to suggest that bastardy was in anyway a cause of farm service would be ludicrous. In contrast to which, however, a reversal of rationale is much more feasible when examining illegitimacy in relation to either mobility or unemployment. Unemployment, for example, could have been a result of bearing illegitimate offspring but, equally, it could have been influential in increasing the likelihood of a woman producing bastard offspring. Similarly, absence from the 1881 census, could have been as a result of work in service, or it could have been a consequence of bastard-bearing.

When examining occupation, per se, it was acceptable to take women who bore illegitimate children prior to the date of the census, and then try to locate them in the census enumerators' returns. Whereas, in looking at the questions of unemployment and mobility, information was needed from both before and after the census. Information about bastardy from before the census was needed to examine the impact of bastard-bearing on mobility and employment and, in turn, information about bastardy from after the date of the census was required to test for the possible effects that unemployment or mobility had on

bastard-bearing.

Arguably, when examining both unemployment and mobility, one of the most important points to establish, was whether or not those women absent from the census had homes or close kin in the parish(es) in which their illegitimate children were born. Combined with information about their occupations at the time of birth, this would give an insight ^{into} their status as migrants. Unfortunately, the very existence of the phenomenon of mobility itself presented difficulties in determining this point. For, not only were individual servants prone to migration, but so too were whole families.

Pragmatically, this meant that the analysis of two five-year periods, one before and after the census, was too long a time-span to control for familial migration. The problem was further complicated by the existence of repeaters. Certain women had already been encountered twice within the five-year period scrutinized in the earlier occupational analysis, ³⁹ but the utilisation of a ten-year period would merely serve to increase the chances of duplication in a detrimental fashion. In the case of repeaters encountered in the analysis to date, they could simply be counted once, preferably with regard to the birth occurring closest to the census. However, in cases involving repeaters who bore children either side of the census, ⁴⁰ one would be counting them twice: once in relation to births prior to the census, and once in relation to births after the census. Clearly, any such duplication would have introduced an element of bias into the results. ⁴¹

³⁹ See Chapter 6, section 6.2..

⁴⁰ See Tables 7.3. to 7.5..

⁴¹ Whether or not repetition affected mobility is, of course, a separate issue in itself.

The difficulty was resolved by limiting the period for analysis to one year either side of the census. However, because only 12 illegitimate births in Dryfesdale and 13 in Lochmaben (excluding domicil cases and counting twins singly), occurred within the year immediately preceding the 1881 census, it was considered essential to enlarge spatially the sample area. This was achieved by including the ten parishes adjacent to and surrounding Dryfesdale and Lochmaben. In alphabetical order, and showing the relevant registration district numbers, the parishes concerned are: Applegarth (813a), Dalton (818), Hutton (831), Johnstone (832), Kirkmichael (836), Mouswald (844), St. Mungo (847), Tinwald (849), Torthorwald (850) and Tundergarth (851).⁴² Whilst the necessary research into the illegitimate births of these ten parishes entailed a return to New Register House, the positive advantage of having chosen an area for which such expansion was feasible, was very much apparent.

7.5.3. The New Case-study

The total number of illegitimate births that took place in Dryfesdale, Lochmaben and the surrounding parishes during the inclusive period April 1880 to March 1882 was 163.⁴³ However, after making a number of (by now) standard adjustments for domicil and twin births, this total was reduced to 156.

⁴⁴ When further account was taken of repeaters who bore two children within

⁴² See Map B in the Preface. The 1881 population figures for these parishes are given in Table 1.1., in Chapter 1.

⁴³ Applegarth - 9; Dalton - 2; Dryfesdale - 32; Hutton - 7; Johnstone - 7; Kirkmichael - 18; Lochmaben - 37; Mouswald - 9; St. Mungo - 6; Tinwald - 8; Torthorwald - 23; and Tundergarth - 5 [B1880-82/813a, 818, 831, 832, 836, 844, 847, 849, 850 and 851].

⁴⁴ There were two cases of twin births [B1880/820/68 and 69, and B1881/850/17 and 18] counted singly, and four cases of domicil [B1881/813a/10, B1881/840/11, B1881/850/25 and 26] excluded for the purposes of analysis. One further domicil birth was included in the analysis, because both the place of birth and place of domicil were within the new sample area [B1881/840/100 and B1881/849/26]. In this instance both the mother and her family were located in the parish of domicil (Tinwald), and so her details were included in the analysis. Naturally, the two references to this birth were counted only the once.

the sample period, the final number of cases available for analysis was reduced slightly to 154. ⁴⁵

Once the final group for analysis had been established, the births were grouped into four six monthly periods, two prior to the 1881 census and two after it. ⁴⁶ Six months was the minimum period considered viable (in terms of numbers), once loss through migration had been accounted for. ⁴⁷ Once this had been done, then a search in the census enumerators' returns for the relevant parish(es) of birth was made for each of the 154 mothers concerned. In all, a total of 90 bastard-bearers were located in the 1881 census as having been resident in the same parish in which the birth occurred. ⁴⁸ Some 58% (58.44%) of the total number of women who gave birth to illegitimate children in the revised case-study. For all of these 90 individuals, the full household details were extracted from the census enumerators' returns and entered into the computer in the form of a separate database.

The next stage of the research utilised partial family reconstitution (based

⁴⁵ B1880/820/44 and B1881/820/82; B1880/836/12 and B1882/836/8. In each of these two instances, the birth closest in date to the census was the one included in the analysis.

⁴⁶ April 1880 to September 1880; October 1880 to March 1881; April 1881 to September 1881; and October 1881 to March 1882.

⁴⁷ Taking each parish as a separate entity, in such a short period of time, loss of mothers through death was found to have been negligible. Only one woman, Mary McL of Mouswald, was found to have died in the period leading up to the date of the census [D1880/840/8]. In this one isolated case of death, because the illegitimate child and parents' household were identified in the 1881 census [C1881/844/2/1], the death of Mary McL was simply treated as an example of loss through individual mobility. Understandably, had there been a large number of cases of loss through death, then an independent allowance would have to have been made on this account.

⁴⁸ The results of a pilot investigation to locate the whereabouts of migrant bastard-bearers from Dryfesdale and Lochmaben, at the time of the 1881 census, largely proved unsuccessful. Only two bastard-bearers (both from Lochmaben) were positively identified in the parishes surrounding Dryfesdale and Lochmaben [C1881/849/4/6 and C1881/847/2/16]. As a consequence of difficulties encountered in the positive identification of 'movers', and due to a general lack of evidence to suggest where individual migrants might have sought employment, it was not considered worthwhile to pursue this line of investigation any further. The information about these two Lochmaben women was not utilised in the analysis, and no further attempt was made to search for migrant bastard-bearers from the surrounding parishes. Nonetheless, the considerable advantage of this decision, was that it maintained a high level of accuracy in the identification of those women who were counted for the purposes of analysis.

upon location of birth), to try and establish the 'homes' (or close kin) of those women not found in the census, and was achieved according to the following criteria. Firstly, by the location of any already born and surviving illegitimate offspring. Secondly, by utilising the information about informants in the instances when the mothers themselves did not register the birth. Thirdly, by reference to the same location in the 1871 and 1891 censuses. In this fashion, linkage was established by standard means of genealogical association.

Acknowledging certain limitations involved in this approach, familial households not located by either one of these three means were considered to have migrated from the parish concerned. These limitations take two main forms. Firstly, basing reconstitution on the places of birth of the illegitimate children ignores the possibility of familial intra-parochial migration. Secondly, mothers who may have usually been resident with non-kin (as opposed to live-in servants), are ignored. However, judging by the available evidence from the more in-depth investigation of Dryfesdale and Lochmaben, neither of these two possibilities appeared very likely within the period under examination.⁴⁹

Indeed, the overall experience gained during the course of the research, would suggest that failure of linkage due to changes in name should have been a more predominant concern:⁵⁰ a concern that affected equally all stages of an

⁴⁹ According to the above criteria, only one 'home' for the 54 bastard-bearers of the Dryfesdale and Lochmaben case-study located in the 1881 census, would have been over-looked. The household of Janet BE was the only one to have been identified as being in a different enumeration district from that which covered the location of her child's birth [B1879/820/58 and C1881/820/1/151]. Even then, the period between the birth of this child and the date of the 1881 census was greater than twelve months.

⁵⁰ In Torthorwald, for example, two of the eleven bastard-bearers positively identified in the 1881 census enumerators' returns underwent significant surname alterations. Neither of which was as the result of subsequent marriage or any form of cohabitation. Sarah Sharp [B1881/850/2] became Sarah Wilson [C1881/850/1/32], and Jane Bell [B1880/850/23] was identified as being Jane Tweedie in the census [C1881/850/4/27]. In both cases these two women were found to be living at the same location as that of their children's births and, despite Sarah Sharp's son having undergone the same change of surname, it was only the presence of these children in the same households that confirmed the identifications.

approach based upon the methodology of nominal record linkage. The net result of this, however, was that the results obtained were (if anything) likely to be under-, rather than over-, estimates of the true number of 'homes' involved, a bias that did not seriously hinder the interpretation of the observations concerning either mobility or unemployment.

In all, the 'homes' of 42 of the 64 bastard-bearers not themselves resident in the appropriate parish of their children's births, were identified according to the above criteria.⁵¹ Consequently, whilst only 58% of bastard-bearers were themselves located in the census returns for their appropriate parishes, the 'homes' for 86% (85.71%) of the 154 women were identified, a difference of considerable significance. The results of this part of the investigation are presented in Table 7.6., and analysis of the findings continued in the next section.

7.5.4. Mobility

A meaningful interpretation of the results presented in Table 7.6. is, perhaps, best achieved by means of graphical representation. In Graph 7.1., the number of bastard-bearers' families located in the census enumerators' returns is shown as a proportion of the total number of illegitimate births for the four six-monthly periods. In Graph 7.2., the number of bastard-bearers located in the census returns is represented as a proportion of the located families or 'homes'. Comparisons made between these two graphs reveal some

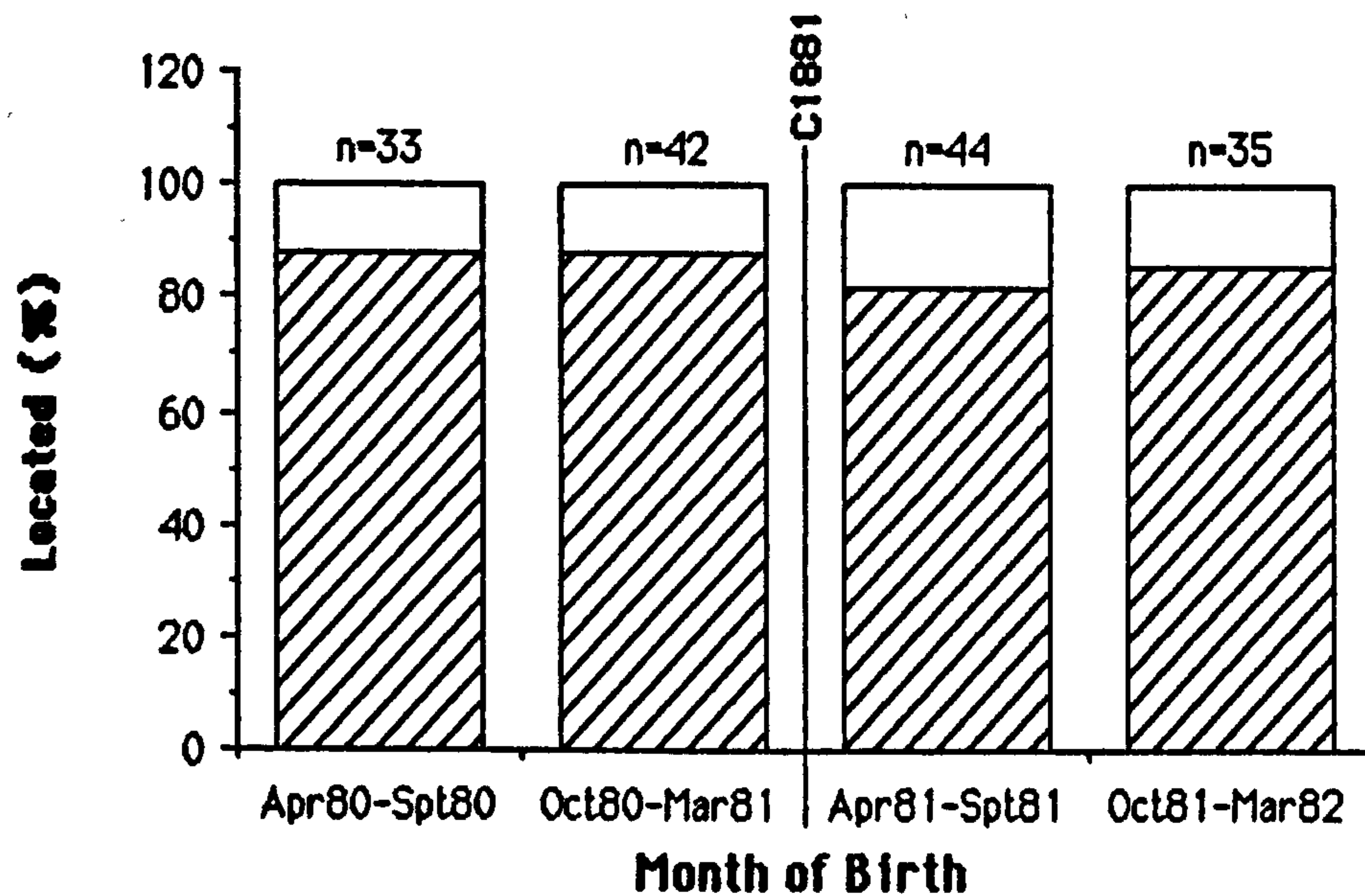
⁵¹ For this stage of the analysis, siblings or cousins with the same 'homes' were treated as separate cases. According to the occupational information given on their children's birth certificates, all 42 of these women fell into one or other of the two main servant categories. Excluding two women for whom no occupational details were given [B1880/849/9 and B1881/820/10], of the 90 bastard-bearers located in the census, 82% had domestic or farm servant occupations recorded on their children's birth certificates.

Table 7.6. Illegitimate Births April 1880 - March 1882: Mothers and their Familial Households Located in the Parish of Birth in the 1881 Census, Dryfesdale, Lochmaben and Surrounding Parishes.

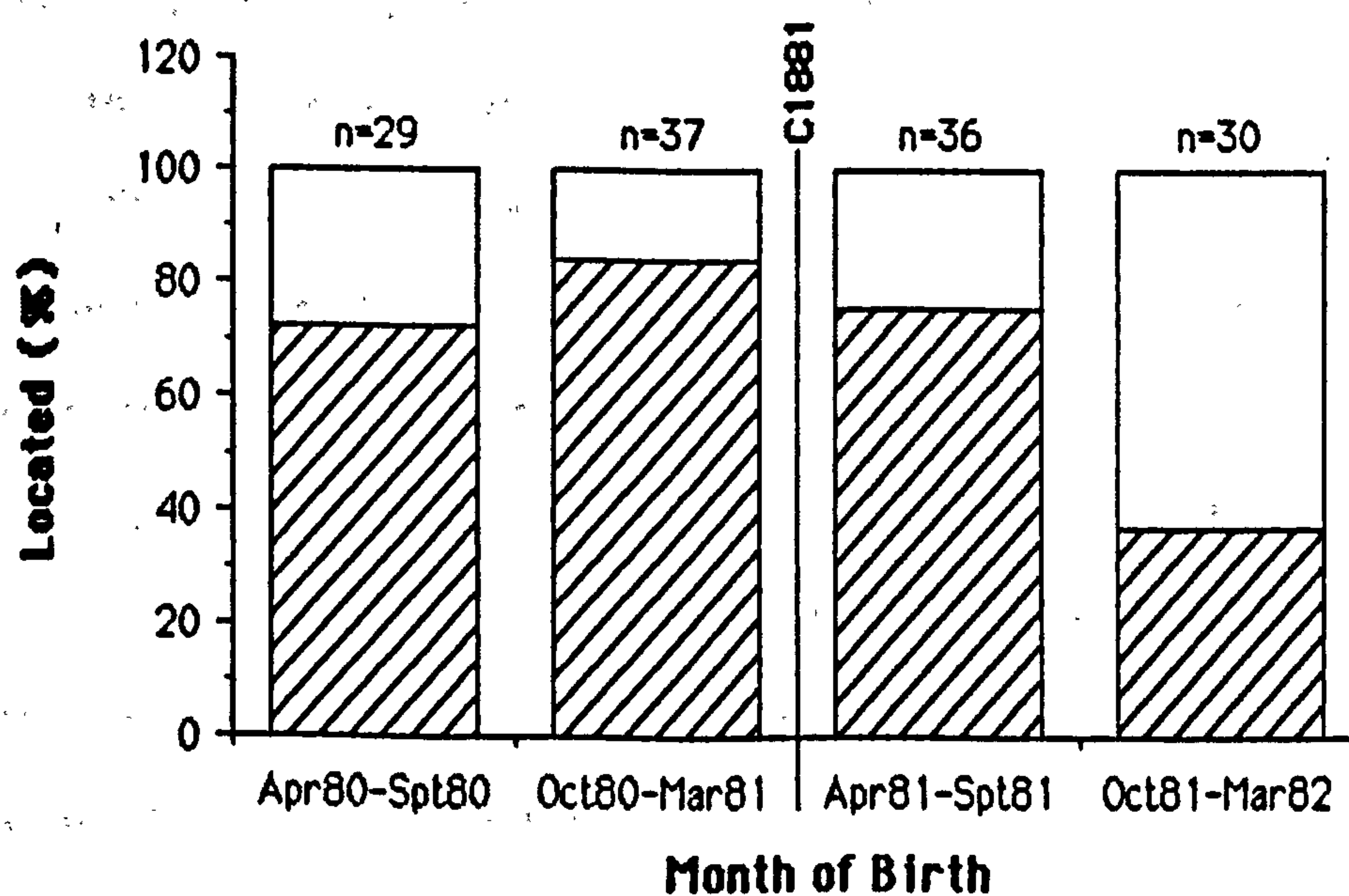
<u>Month of Birth</u>	<u>Births</u> (a)	<u>Families</u> (b)	<u>Mothers</u> (c)	<u>Percentage Values</u>	
				<u>b/a</u>	<u>c/b</u>
<u>(i) Dryfesdale</u>					
Apr 1880-Sept 1880	4	4	3	100.00	75.00
Oct 1880-Mar 1881	8	6	5	75.00	83.33
Apr 1881-Sept 1881	10	9	8	90.00	88.89
Oct 1881-Mar 1882	8	7	4	87.50	57.14
Total	30	26	20	86.67	76.92
<u>(ii) Lochmaben</u>					
Apr 1880-Sept 1880	4	3	3	75.00	100.00
Oct 1880-Mar 1881	9	7	7	77.78	100.00
Apr 1881-Sept 1881	11	10	7	90.91	70.00
Oct 1881-Mar 1882	11	10	2	90.91	20.00
Total	35	30	19	85.71	63.33
<u>(iii) Surrounding Parishes</u>					
Apr 1880-Sept 1880	25	22	15	88.00	68.18
Oct 1880-Mar 1881	25	24	19	96.00	79.17
Apr 1881-Sept 1881	23	17	12	73.91	70.59
Oct 1881-Mar 1882	16	13	5	81.25	38.46
Total	89	76	51	85.39	67.10
<u>(iv) All Parishes</u>					
Apr 1880-Sept 1880	33	29	21	87.88	72.41
Oct 1880-Mar 1881	42	37	31	88.09	83.78
Apr 1881-Sept 1881	44	36	27	81.82	75.00
Oct 1881-Mar 1882	35	30	11	85.71	36.67
Total	154	132	90	85.71	68.18

Sources: B1880-82; D&M1880-81; C1871-91/813a, 818, 820, 831, 836, 840, 844, 847, 849, 850, and 851, NRH.

Graph 7.1. All Parishes: Bastard Bearing Womens' Familial Households Located in the 1881 Census as a Proportion of Illegitimate Births April 1880 - March 1882, by Month of Birth.



Graph 7.2. All Parishes: Bastard Bearing Women April 1880 - March 1882 Located in the 1881 Census as a Proportion of Located Familial Households, by Month of Birth.



Sources: As for Table 7.6..

interesting trends.

From an examination of Graph 7.1., it is apparent that the proportion of located families remained nearly constant throughout the two-year period concerned. Indeed, the proportion of located families never fell below 80%, and never rose above 90%, of the total number of illegitimate births. In stark contrast to this finding, the proportion of located bastard-bearers in relation to the located families, varied considerably (see Graph 7.2.). Apparently, then, mobility affected individual bastard-bearers to a much greater extent than it did their families. Combined with the occupational information about the 42 absent women known to have had close kin in the parish(es) of their children's births, this suggests that the majority of women were away for the purposes of work in service.

Understandably, the closer the date of the illegitimate children's births was to the date of the census, the larger the proportion of bastard-bearers located in the census enumerators' returns: 84% in the six months immediately prior to the census, and 75% in the six months immediately following the census. Whilst the proportion of located bastard-bearers was still high in the period April 1880 to September 1880, arguably the most interesting period to examine is that covering the months October 1881 to March 1882. For, included in this period, were the women who would have conceived their illegitimate children at around the time of the 1881 census. Inevitably, any study of illegitimacy has to concentrate on the end results, the births of illegitimate children, rather on the beginning of the process, conception. Accurate knowledge about place of conception is practically impossible to obtain. Whilst few of the women concerned conveniently gave birth to their illegitimate children exactly nine months after the date of the census, the information about women who gave birth between October 1881 and March 1882, does provide an insight into

where conception may have occurred.

Accepting that this evidence can only be a approximate insight into residence at the time of conception, the indications are that the majority of bastard-bearers conceived outwith their 'home' parishes where their children were eventually born. Roughly speaking, the ratio of women conceiving outwith their 'home' parishes to those conceiving within their 'home' parishes, would appear to have been in the range of 3:2.

Moreover, if we shorten the birth period under scrutiny to just the two months of December 1881 and January 1882, we the find the apparent ratio of conceptions outwith the respective parishes of birth to conceptions within these parishes, to have been greater, if not statistically more reliable. Only one woman, Janet BL of Tundergarth, ⁵² gave birth to an illegitimate child in December 1881, whilst eight women bore their bastard offspring in January 1882. ⁵³ Of these nine women, the 'homes' of eight were located in the parish of their children's births. ⁵⁴ Of these eight cases only two, Marion CE of Johnstone and Janet PN of Tinwald, were themselves found in their respective parishes at the time of the census. ⁵⁵ The remaining six women appear to have been absent from their 'home' parishes on the night of the census, although their families were located. ⁵⁶ Statistically less reliable, of course, this is

⁵² B1882/851/1.

⁵³ Jane ML of Dryfesdale [B1882/820/8], Marion CE of Johnstone [B1882/832/1], Catherine RN of Kirkmichael [B1882/836/2], Maggie RN and Jane SH of Lochmaben [B1882/840/3 and 5], Jane CN of Mouswald [B1882/844/1], Janet PN of Tinwald [B1882/849/2], and Grace WS of Torthorwald [B1882/850/4].

⁵⁴ No reference to either Jane BE or her family could be found in the 1881 census enumerators' returns for Mouswald.

⁵⁵ C1881/832/3/42 and C1881/849/4/38.

⁵⁶ C1881/820/3/53, C1881/836/4/29, C1881/840/1/8 and 119, C1881/850/3/32, and C1881/851/1/35.

suggestive of a ratio of 3:1, rather than 3:2. ⁵⁷

The intention of this part of the analysis had initially been to examine whether or not bastard-bearing and mobility were causally related. In the light of the evidence gained from a comparison of Graphs 7.1. and 7.2., the more significant observation would appear to be that there was a tendency for women to return 'home' to bear their bastard children. This observation fits well with the earlier conclusion that bastard-bearing was largely associated with the institutions of farm and domestic service. ⁵⁸ Our conclusion must be that the more meaningful association was between service and bastard-bearing, rather than directly between mobility and illegitimacy. Mobility was an integral part of the institution of service, and not necessarily itself a cause or result of bastard-bearing.

In addition to having implications for the interpretation of regional distributional patterns of levels of illegitimate fertility, the current findings about a trend in returning 'home' to bear illegitimate offspring, has considerable relevance to the question raised by T.C. Smout concerning the persons on whom the economic burden of raising bastard children fell. ⁵⁹ This point is examined further in the following chapter, when the household structure of bastard-bearing families is investigated.

⁵⁷ Four of these women, Jane CN, Maggie RN, Catherine RN and Jane SH, gave birth to their illegitimate children during the period 3 to 6 January 1882. None of the women themselves were located in their respective parishes on the night of the census, 4 April 1881.

⁵⁸ See section 7.4. above.

⁵⁹ T.C. Smout, A Century of the Scottish People 1830-1950 (London: Collins, 1986), p. 168.

7.5.5. Unemployment and the 'Not Stated' Category

Investigation into the question of a relationship between illegitimacy and unemployment was prompted by the possibility that certain bastard-bearers from the 'Not Stated' category in Lochmaben might, in fact, have been out of work. Due to a lack of corroborative evidence, such as wage books, we cannot know for definite whether or not women in the 'Not Stated' category were actually out of work on the night of the census. Nonetheless, we can explore the question of what difference, if any, the inclusion of bastard-bearers from the 'Not Stated' category made to the observed trend amongst bastard-bearers explicitly stated in the census as being out of work.

Any analysis of unemployment had to allow for this possibility, but could not obscure the distinction between stated and implied unemployment. As in the discussion about mobility, information about unemployment is presented in both tabular (Table 7.7.) and graphical (Graph 7.3.) format. Because the proportion of 'homes' located in the 1881 census remained roughly constant (Graph 7.1.), and assuming that women from these families absent from the census were away due to employment in service, it was possible to view unemployment in terms of located families rather than simply located individuals. Maintaining the distinction between stated and implied unemployment, Graph 7.3. shows the proportion of possible unemployed women in relation to located families.

Whilst the experiences of individual bastard-bearers could be quite diverse,

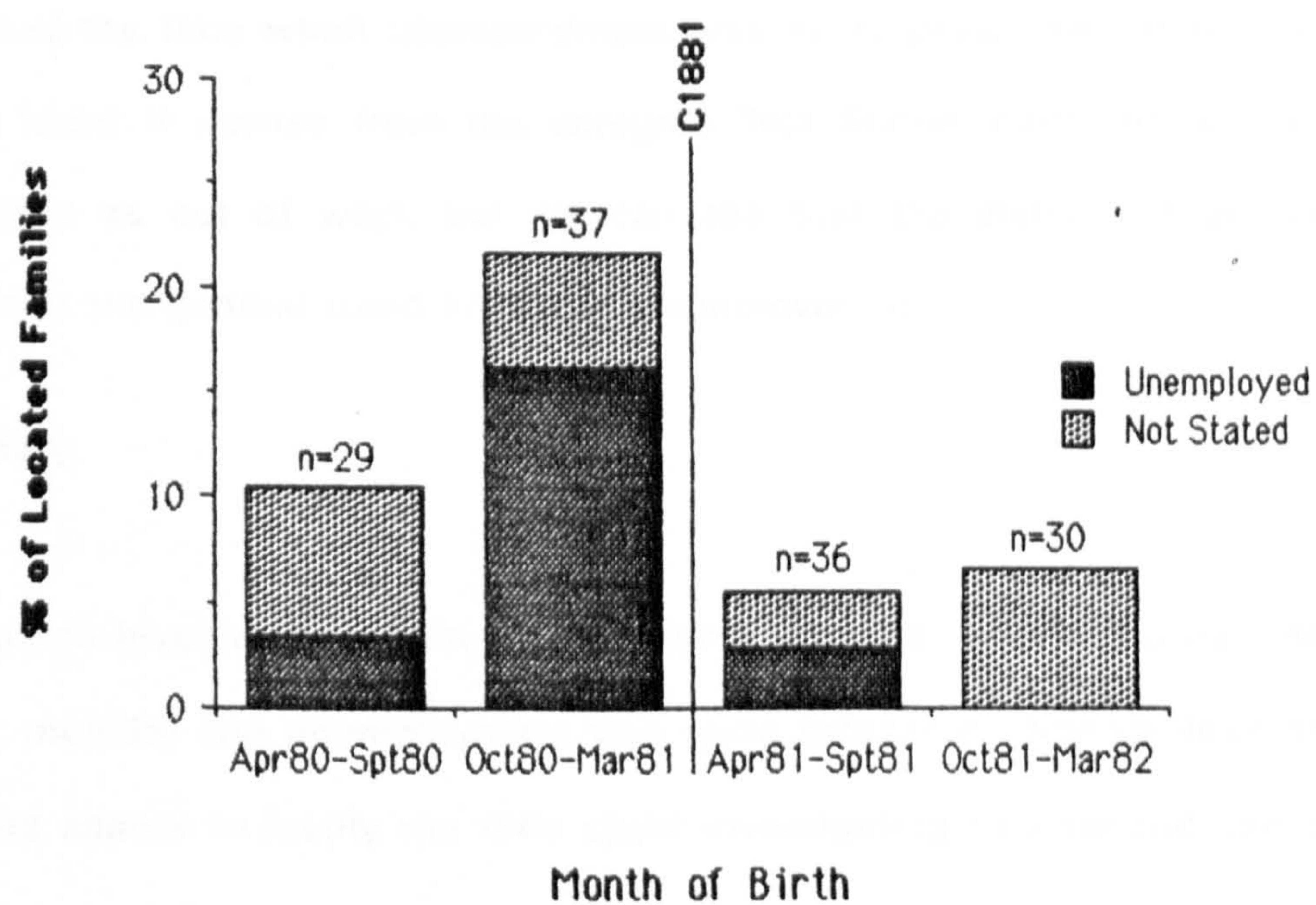
Table 7.7. Occupational Statuses of Bastard Bearing Women April 1880 - March 1882 Located in the 1881 Census, Dryfesdale, Lochmaben and Surrounding Parishes.

<u>Parishes</u>	<u>Occupation Stated</u>	<u>Stated Unemployed</u>	<u>Familial Dependent</u>	<u>Not Stated</u>	<u>Total</u>
<u>April 1880 - September 1880</u>					
Dryfesdale	2	-	-	1	3
Lochmaben	2	-	-	1	3
Surrounding Par	12	1	2	-	15
All Par	16	1	2	2	21
Total (%)	76.19	4.76	9.52	9.52	99.99
<u>October 1880 - March 1881</u>					
Dryfesdale	2	3	-	-	5
Lochmaben	5	1	-	1	7
Surr. Par.	13	2	3	1	19
All Par.	20	6	3	2	31
Total (%)	64.52	19.35	9.68	6.45	100
<u>April 1881 - September 1881</u>					
Dryfesdale	7	-	-	1	8
Lochmaben	6	-	1	-	7
Surr. Par.	9	1	2	-	12
All Par.	22	1	3	1	27
Total (%)	81.48	3.70	11.11	3.70	99.99
<u>October 1881 - March 1882</u>					
Dryfesdale	4	-	-	-	4
Lochmaben	2	-	-	-	2
Surr. Par.	2	-	1	2	5
All Par.	8	-	1	2	11
Total (%)	72.73	-	9.09	18.18	100
Combined	66	8	9	7	90
(%)	73.33	8.89	10.00	7.78	100

N.B. Stated Unemployed includes 'Formerly ...' and 'None'.

Sources: As for Table 7.6..

Graph 7.3. All Parishes: Unemployed and Not Stated Occupational Statuses of Bastard Bearers (April 1880 - March 1882) Located in the 1881 Census as a Proportion of Located Families, by Month of Birth.



Sources: As for Table 7.6..

⁶⁰ the overall trend in unemployment appears to have been relatively clear. The level of unemployment recorded in 1881, was noticeably higher for women who gave birth in the six month period immediately preceding the census, than for those women who bore their bastard children in any of the other three six monthly periods. Consequently, unemployment would appear to have been a somewhat temporary result of illegitimacy, and not itself a major cause of bastardy.

Significantly, Graph 7.3. also shows what little impact either the inclusion or exclusion of women from the 'Not Stated' category had on this overall trend in unemployment. In either case, the six month period October 1880 to March 1881 remained the time when unemployment was at its peak. Regrettably, we still do not know if women from the category 'Not Stated' could better have been described as out of work, but we can see that the distinction did not seriously affect the general trend in stated unemployment.

7.5.6. Summary

The research involved to obtain these insights into the relationship between illegitimacy, mobility and unemployment was quite extensive. Nonetheless, the results would appear to justify the time spent investigating this second sample group.

Unemployment can be seen to have been largely of a temporary nature, an

⁶⁰ As an example of the variety of individual experiences, the instances of two women from Dryfesdale, Mary JE and Maggie SD, can be instanced. Both of these two women gave birth to their illegitimate offspring less than a fortnight before the date of the 1881 census, Mary JE on 25 March [B1881/820/16] and Maggie SD on 26 March [B1881/820/20]. In contrast to which, however, on the night of the census (4 April), Mary JE was resident away from her child and parents [C1881/820/1/39] and working as a live-in servant [C1881/820/2/9], whilst Maggie SD was stated as being unemployed and living at the place she gave birth, her aunt's household [C1881/820/3/72]. See also Tables 7.3. and 7.4..

observation reflecting the physical, rather than social or economic, requirement to give up work for at least a short period of time after the birth of a child. Moreover, the pragmatic difficulties concerning the analysis of the 'Not Stated' category were also overcome.

Arguably, however, the most striking results obtained in this section related to the question of mobility. By looking at both the 'homes' of bastard-bearers, as well as the women themselves, it was possible to deduce a distinct tendency bastard-bearers to return home to bear illegitimate offspring. The majority of bastard-bearers absent from the parish in which they gave birth, had close kin living at the place where these births occurred, and were themselves known to be servants. Furthermore, an estimate of the proportion of births conceived outwith the parish(es) of birth was also achieved.

These observations about mobility have a direct bearing on certain important themes in the study of illegitimacy, notably, the interpretation of regional patterns of illegitimate fertility, and the question of the role of grandparents and other close kin in the upbringing of bastard children. Certain of these questions are explored in the following chapter.

7.6. Conclusion

The more in-depth scrutiny of the nature of the relationship between occupation and illegitimacy, as conducted in this chapter, produced a number of interesting and significant observations.

Firstly, there was the crucial point that aggregate analysis can be very useful in terms of identifying significant trends, but that a meaningful interpretation of these trends really requires recourse to additional source material. In this chapter, the additional source material was provided by wider

secondary evidence, and by means of a sub-parish level investigation into the occupations of bastard-bearers. The overall conclusion to be drawn from an analysis of these various levels of investigation was that, due to the possibility of overlap between domestic and farm labour, the earlier statistical results revealing a strong connection between farm service and illegitimacy should not be over-stressed. The association was certainly not dismissed, but can only be stated with a note of reservation.

Secondly, there was the significant conclusion that a large proportion of bastard-bearers returned 'home' to give birth to their illegitimate offspring. This trend of returning to give birth, goes a long way in explaining why so many bastard-bearers could not be located in the census returns of the parish(es) in which they gave birth. Furthermore, the investigation into the question of mobility and illegitimacy also suggested that the majority, perhaps even as many as two-thirds, of the illegitimate births in any given parish were conceived elsewhere. This is a finding that is of considerable significance to future interpretations of the regionality of illegitimate fertility,

Thirdly, the examination of unemployment and illegitimacy suggested that, if at all, bastard-bearing only had a short-term affect on levels of employment. Pragmatically, the tendency to omit female occupations in the census returns was found to be a drawback, but not an insurmountable problem, in the analysis of illegitimacy and unemployment.

Finally, it is worth commenting on an overall impression left by the investigations conducted as part of this chapter. That is, the suspicion that the parents' of bastard-bearers had a crucial role to play in the upbringing of their illegitimate grandchildren. With large numbers of bastard-bearers being in service, and periodically absent from their 'home' parishes, it is the question of household structure that is examined in the subsequent chapter.

CHAPTER 8

COHABITATION, FAMILY AND HOUSEHOLD STRUCTURE

8.1. Introduction

In the preceding chapter, the phenomenon of bastard-bearers returning to their parents' homes to give birth to their illegitimate offspring was observed. This is a finding that touches on the fundamental relationships involved in both the family and the household. The purpose of this chapter is to explore the question of illegitimacy in relation to both family and household structure.

The chapter is divided into two sections. The first looks at family and household structure from the perspective of known bastard-bearers, concentrating on the question of cohabitation with respect to the Carter/Smout debate. The second section is broader in scope, examining family and household from the perspective of the children, allowing for some form of comparison between the situations of legitimate and illegitimate children.

Apart from providing the first empirical evidence by which to test the Carter/Smout debate,¹ the main contribution of this chapter concerns the historical and sociological nature of three-generational households, and the role of grandparents in the upbringing of illegitimate children.

8.2. Cohabitation

¹ Discussed at length in Chapter 3.

8.2.1. Prelude

Demographically, 'cohabitation' is a term usually used to refer to the living together of a man and woman in a non-marital consensual union.² By definition, therefore, the two essential features of cohabitation are that a couple should coreside as if husband and wife, in a 'common law' or *de facto* relationship, but not actually be married to each other.³ Accordingly, marriage and cohabitation are mutually exclusive forms of social union and, by implication, the legitimacy status *at birth* of any children born to a cohabiting couple must be illegitimate.⁴

Despite this apparently straightforward distinction between marriage and cohabitation, Ian Carter has argued that in nineteenth century Scotland, there existed some ambiguity over the marital status of cohabiting couples.⁵ According to Carter, "we do not know how many births counted as illegitimate were to women in common law marriages which the partners regarded as stable and binding but which had not been contracted in law".⁶ This line of argument led Carter to challenge the 'objectivity' of illegitimate birth registration, and consequently the consistency and reliability of any measurements of illegitimate fertility based upon this fundamental source of demographic information.

² Roland Pressat, The Dictionary of Demography (Oxford: Basil Blackwell, 1985), s.v. 'cohabitation'.

³ However, either partner could be married to someone else.

⁴ Although, in nineteenth century Scotland, the subsequent marriage of cohabiting parents would serve to legitimise any previous illegitimate offspring.

⁵ Ian Carter, "Illegitimate Births and Illegitimate Inferences", Scottish Journal of Sociology 1/2 (April 1977), pp. 125-35.

⁶ *Ibid.*, p. 132.

Carter's argument was seriously undermined by his own inability fully to grasp the complex (and somewhat paradoxical) legality of Scottish marriage practices which, according to T.C. Smout, led him to develop a totally inaccurate concept of "common law marriages which had not been contracted in law".⁷ Nonetheless, as argued in Chapter 3, the substitution of irregular marriage (and more specifically, marriage by 'habit and repute'⁸) for Carter's vague notion of common law marriage means that, in the absence of empirical evidence to the contrary, his line of reasoning cannot be dismissed out of hand. For, were it to be confirmed that there was some historical basis to Carter's argument, then it presents a formidable challenge to arguably the most significant observation to have been made about Scottish bastardy – the distinct and temporally consistent regional pattern of illegitimate fertility.⁹

The aim of this part of the thesis, therefore, is to test Carter's hypothesis by examining the census enumerators' returns for any evidence of cohabitation in the household structure of known ^abastard-bearers. In terms of numbers, the existence of a large proportion of cohabiting bastard-bearers would lend weight to Carter's theory, whereas only a small proportion would serve to weaken it. Moreover, by recourse to partial family reconstitution, evidence about the *intent* to cohabit,¹⁰ in terms of paternity acknowledgement,¹¹ can be used to gauge whether or not any instances of illegitimate births might equally

⁷ T.C. Smout, "Illegitimacy – A Reply", Scottish Journal of Sociology 2/1 (November 1977), p. 98.

⁸ Victorian legal opinion was divided over the intricate question of whether cohabitation itself constituted a form of irregular marriage, or whether it merely provided the basis for marriage by habit and repute.

⁹ See Maps 1.1. to 1.3.

¹⁰ An important legal consideration in the acceptance of cohabitation as either the basis or proof of irregular marriage.

¹¹ With no legal requirement even to register irregular marriage, the acknowledgement of paternity, whilst relatively uncommon in cases of illegitimacy, was viewed as the best indicator of intent to cohabit.

have been registered as legitimate.

8.2.2. The Data

As a result of the investigations conducted in the previous chapter, there exist two overlapping groups of bastard-bearers, whose household structure could be examined for signs of cohabitation. The first consists of women from the main 1876-81 case-study of Dryfesdale and Lochmaben, and the second of bastard-bearers from the period 1880-82 and including women from the surrounding and adjacent parishes. However, in view of the overlap between the two groups, ¹² it was decided to concentrate here on only the 1880-82 sample. This decision was influenced by the larger number of women in this group (90 as opposed to 54), and by the closer proximity of their children's births to the date of the 1881 decennial census, a proximity in time that was considered likely to increase the chances of identifying cohabitation. Details about these women are presented in Table 8.1..

As shown in Table 8.1., a total of eleven known bastard-bearers traced in the 1881 census returns were living in households containing adult males not enumerated as being either their relatives, or relatives of the household head. Proportionately, this means that a maximum of about one in eight bastard-bearers were possibly cohabiting with the fathers of their illegitimate children (born within a year either side of the census date). ¹³ Coresidence of bastard-bearers with adult male non-kin could thus not be said to have been common, nonetheless, were all these eleven women found to have been

¹² See section 7.5.3. for further details of the make-up of these two groups of bastard-bearers.

¹³ That is, of course, excluding the possibility of incest.

Table 8.1. Dryfesdale, Lochmaben and Surrounding Parishes: Presence of Non-kin in Households of Bastard-bearers Located in the 1881 Census, 1880-82 Sample (figures in parentheses are percentages).

<u>Relationship to Household Head</u>	<u>Non-Kin Present</u>			<u>Total</u>
	<u>None</u>	<u>No Adult Males</u>	<u>Includes Adult Males</u>	
Head	11	1	1	13 (14.44)
Daughter	53	1	5	59 (65.56)
Granddaughter	4	-	-	4 (4.44)
Sister	3	-	1	4 (4.44)
Niece	3	-	1	4 (4.44)
Wife	-	1	-	1 (1.11)
Boarder/Lodger	-	1	1	2 (2.22)
Servant (True)	-	1	2	3 (3.33)
Total	74 (82.22)	5 (5.56)	11 (12.22)	90 (100)*

* Figures do not always sum to total due to rounding.

Sources: As for Table 7.6..

cohabiting, then cohabitation would have accounted for a considerable number of illegitimate births. The question then, is whether or not these eleven bastard-bearers were actually cohabiting with the coresident men in their households?

The main problem to be encountered when examining evidence about cohabitation derived from the census enumerators' returns, is to distinguish positively between simple coresidence and actual cohabitation. This distinction is crucial for the substitution of marriage by habit and repute, for Carter's vague notion of common law marriages not contracted in law. Pragmatically, unless an overt statement of cohabitation is given in the column stating relationship to the household head (such as the term 'concubine') then cohabitation, rather than coresidence, can usually only be inferred.¹⁴ In a study of this nature, however, this inherent restriction in the census data can partly be overcome by recourse to family reconstitution. Nonetheless, even then, information about paternity is not always available to confirm cohabitation. Moreover, even proof of paternity does not necessarily provide evidence of *intent* to cohabit.

Analytically, therefore, it is important to distinguish between assumed cohabitation and proven cohabitation. In this section, the terms 'covert' and 'overt' cohabitation are used to distinguish between assumed and proven cohabitation. Only when an overt statement of a de facto relationship is given in the census, or when evidence about paternity implies an intent to live as husband and wife, is cohabitation considered to have been overt. Covert

¹⁴ Anderson, p. 423, footnote 7. Cohabitation in the 1851 Census National Sample was not inferred "on the basis of situational inference (e.g. male head coresident with female lodger) alone", but deduced from apparent spousal relationships, "where the marital status of one or both partners is not given as 'married'". According to Anderson, most of these 'cohabiting couples' were probably "in fact married but failed to provide full information on their marital status".

cohabitation refers to instances in which there is circumstantial evidence to suggest more than just coresidence, but when a de facto relationship between the parties concerned cannot actually be verified as with overt cohabitation.

8.2.3. Overt Cohabitation

Out of the total of eleven bastard-bearers resident in households containing adult male non-kin, only one definite example of overt cohabitation could be identified. The woman concerned was Isabella Walker, nee Gray, alias Scott, the partner of John Scott of High Street, Lockerbie.¹⁵

Elizabeth Brown Scott, the daughter of John and Isabella Scott (nee Gray), was born at Lockerbie on 14 February 1881. The original birth entry showed Elizabeth as being legitimate, and recorded that her parents were married at Jedburgh, Roxburghshire on 12 June 1877. John Scott, a tailor by trade, registered his daughter's birth on 12 March 1881. However, three days later, on 15 March 1881, the marriage details were cancelled, Isabella's surname was altered from Scott to Walker, and the birth rendered illegitimate. All of this was achieved as a result of a deposition (also dated 15 March), signed by John Scott and Alexander Cameron (the registrar), and authorised by the Dumfriesshire Sheriff Court.¹⁶ What, then, was the background to this rather extraordinary set of events?

The 1881 decennial census was taken only a matter of weeks after the alteration of Elizabeth Brown Scott's birth certificate, and on that night, we find that both she and her mother were present in the household of her father John

¹⁵ See Figure 8.1.

¹⁶ RCE/820/1/61.

Scott (Figure 8.1). In the census, 'Lizzie' Scott was correctly enumerated as being the daughter of John Scott, whilst her mother (now with the surname Gray), was recorded as being a boarder in the household. Also present in the household was another child, Annie Scott, again described as being a child of John Scott.

On first appearances, this household entry in the census enumerators' returns strongly implies that John Scott and Isabella Gray were cohabiting, and that they were the unmarried parents of two illegitimate daughters. Although the impression of cohabitation was correct, the enumerated information is misleading on two counts. Firstly, Isabella Gray was not a single woman, she was married, but not to John Scott. Secondly, whilst it is true that Annie Scott was born in Jedburgh, she was not the (legal) daughter of John Scott.

Annie Scott was born Annie Gray Walker on 14 February 1879, at Abbey Place, Jedburgh, the legitimate daughter of one Andrew Walker and his wife Isabella Walker, nee Gray.¹⁷ According to the information contained in this certificate, Annie's parents had married at Jedburgh on 12 June 1874. A fact that was confirmed by the location of the relevant marriage certificate.¹⁸ Between the time of their marriage and the birth of Annie, Andrew and Isabella Walker had had two other legitimate children. Agnes Gray Walker was born at Jedburgh in 1875,¹⁹ and her sister, curiously named Isabella *Scott* Walker was born there in 1877.²⁰

¹⁷ B1879/792/22.

¹⁸ M1874/792/12.

¹⁹ B1875/792/29.

²⁰ B1877/792/52.

Figure 8.1. Transcript of Entry for the Household of John Scott, in the 1881 Census Enumerators' Returns for Dryfesdale.

High Street, Lockerbie

John Scott	Head	Unm.	38	Tailor	Roxburghshire,	Jedburgh
Isabella Gray	Boarder	Unm.	26	Formerly Domestic Servant	Roxburghshire,	Jedburgh
Annie Scott	Daughter		2		Roxburghshire,	Jedburgh
Lizzie Scott	Daughter		1 mo.		Dumfriesshire,	Dryfesdale

Source: C1881/820/6/36, NRH.

Quite what befell Andrew Walker and his first two daughters remains a mystery. Their deaths could not be located in Jedburgh, nor were they located in the 1881 census for Abbey Place in the same town. What would appear to have happened, however, was that, taking her youngest daughter (Annie), Isabella Walker (nee Gray) abandoned her husband and eldest children, in favour of a new partner, John Scott. Whether or not this illicit couple were forced to leave Jedburgh, or left of their own accord, cannot be ascertained. Nevertheless, what is certain is that, shortly after leaving their native town, they ended up in the prosperous and expanding railway town of Lockerbie.

Whilst temporarily resident in Lockerbie, ²¹ Isabella gave birth to a fourth daughter, this time the legal child of her new partner, John Scott. ²² Having left Jedburgh, it would appear that John Scott and Isabella Walker (nee Gray) deliberately attempted to deceive the registrar into believing that they were married to each other. In a somewhat contrived fashion, they even gave the day and month of their supposed marriage date as being identical to that of Isabella's wedding to Andrew Walker. Precisely what happened to reveal the nature of the true relationship can only be surmised. Perhaps John Scott had an attack of conscience, and admitted his misdemeanour, or possibly the registrar had suspected that something was amiss and investigated the situation for himself. All that can be stated with absolute confidence, is that at

²¹ Neither John Scott, nor his partner and two children, were located in the 1891 census enumerators' returns for Dryfesdale.

²² The marriage certificate for Andrew and Isabella Walker (nee Gray), does not record the maiden names of either of their mothers' as having been Scott. Consequently, that one of Isabella's earlier children should be given Scott as a middlename, suggests that her acquaintanceship with John Scott may have pre-dated their departure from Jedburgh by some years. That John Scott cuckolded Andrew Walker appears in little doubt, and the possibility that he may even have fathered one or more of Andrew's (legal) children cannot be ruled out entirely. Nonetheless, even if John Scott was the biological father of Annie Walker, alias Scott, under Scots law, because Isabella was still married to and had not been deserted by Andrew Walker at the time of Annie's birth, John Scott would not have been considered her legal or social parent.

the time of registering the birth of his daughter Lizzie, John Scott falsified information about Isabella's surname and the marital state of their partnership.

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Significantly, therefore, the only example of overt cohabitation to be identified in the study, concerned a couple that were recent migrants and relative strangers to the vicinity under scrutiny.²⁴ Indeed, the very anonymity afforded to the couple in this respect was likely to have been a factor influencing their attempt at deceit. This lone instance of overt cohabitation certainly did provoke problems in the recording of the child's legitimacy status, but this was not the result of any subjective definition of illegitimacy on the part of the registrar, rather it was a deliberate attempt to falsify information on the part of the cohabiting couple themselves. What then of the other ten cases of coresidence with adult males? How many of them were examples of covert cohabitation?

8.2.4. Covert Cohabitation

As mentioned earlier, the term covert cohabitation is used here to refer to bastard-bearers about whom circumstantial evidence implied cohabitation, but for whom proof of cohabitation (and especially intent to cohabit) was not conclusive. Superficially, it might be assumed that all ten remaining

²³ No record of a marriage between John Scott and Isabella Walker (nee Gray) could be located and, even if they had married irregularly and not registered the event, because Isabella would then have been a bigamist, the union would not have been considered legally binding.

²⁴ Isabella Gray/Walker/Scott was one of only three bastard-bearers from Dryfesdale (in the 1876-81 case-study), out of the 21 located in the 1881 census, to have been born outwith Dumfriesshire. The other women, both born in England, nevertheless had strong Dumfriesshire connections. Margaret DS was the daughter of Dumfriesshire-born parents [C1881/820/6/92], whilst Ann JN had lived in Dryfesdale since early childhood [C1881/820/7/110]. None of the 33 bastard-bearers from Lochmaben (1876-81 case-study), located in the 1881 census, were born outside the bounds of Dumfriesshire. Details about place of birth are presented in tabular form in Appendix 10.

bastard-bearers under scrutiny might have fitted into the category covert cohabitation. However, in only two of these ten cases was the ordering of names in the census schedule (as in Figure 8.1.) indicative of cohabitation.²⁵

In the first of these two cases, cohabitation was not apparent from the census schedule alone, but confirmed by a paternity action against the illegitimate child's father. On the night of the 1881 census, Catherine SK was enumerated as a true servant in the household of George PL, on his small farm (30 acres) at Burnside in the parish of Mouswald. Nobody else was present in the household.²⁶ Four months later, Catherine gave birth to an illegitimate child,²⁷ and some fifteen months after that, George PL was established by means of a paternity action as being the father of the child.²⁸ Presumably, then, the child was conceived whilst Catherine SK was working as a live-in servant on George PL's farm.

Nonetheless, in terms of intent to cohabit, details about place of residence in the paternity action suggest that this was not an example of proper (or overt) cohabitation. The paternity action, dated the 15th November 1882, was authorised some nineteen months after the time of the 1881 census. And, although George PL was still farming at Burnside, Catherine SK was by now resident (and presumably) working in the parish of Holywood. Unlike marriage, one of the criteria for cohabitation is coresidence. Clearly, then, this particular criterion was only briefly fulfilled in the case of Catherine SK and George PL.

²⁵ In the 1851 Census National Sample, the coupling together of names as illustrated by Figure 8.1., is considered a significant factor in the identification of possible cohabiting partners.

²⁶ C1881/844/1/7.

²⁷ B1881/844/8.

²⁸ RCE844/1/14.

Catherine's illegitimate child may well have been conceived as a result of coresidence (and possibly male exploitation), but there is not sufficient evidence to support the probability that she and George PI ever intended to live together as husband and wife.

The second example of covert cohabitation pertained to one Janet PN from the parish of Tinwald. Similar to the case of Catherine SK, at the time of the census, Janet PN resided in a household alone with one man. Only, in this instance, Janet was the head of the household, and the man, Joseph WN, was her lodger. Unfortunately, however, unlike the case of Catherine SK, there was no paternity action to identify the father of Janet's illegitimate child.²⁹ Nonetheless, because Janet's child was not born until after the date of the census, the possibility that she and Joseph WN were cohabiting could not be ruled out entirely. The paucity of further evidence in this case thus implied cohabitation, but could not prove it.³⁰

In the remaining eight cases, when combined with a lack of information about paternity, nothing in the census schedules suggested anything other than coresidence between the known bastard-bearers and the adult male non-kin present. In two of these eight cases, the men concerned were enumerated as lodgers in households headed by the bastard-bearers' parents.³¹ In three cases the men were enumerated as true servants in households headed by a parent or other close relative (one an uncle and one an elder brother) of the

²⁹ B1882/849/2.

³⁰ An examination of the 1891 census for Tinwald could not locate Janet PN or Joseph WN.

³¹ C1881/820/7/107 and C1881/840/2/148. In the case of Jessie CD of Dryfesdale, cohabitation may have been a feature of the household but, judging by the ages of her unmarried mother and the male lodger (45 and 40 respectively), it was more likely to have been in relation to her mother than herself.

relevant bastard-bearers ³² and in another case, along with some male servants, the unmarried mother herself was a true servant. ³³ Whilst, in the other two cases, the coresident men were married visitors (tramps in one instance) present with their respective wives, and living in households headed by the parents of the bastard-bearers concerned. ³⁴

8.2.5. Summary

Consequently, out of a total of eleven bastard-bearers coresident in households containing adult male non-kin, evidence from partial reconstitution revealed only one case of overt cohabitation, and two cases of covert cohabitation. Rather than one in eight, therefore, the proportion of cohabiting bastard-bearers in this particular group, was more likely to have been in the region of one in 30. Moreover, the one example of overt cohabitation, related to a runaway couple not from the vicinity of Dryfesdale and Lochmaben.

Cohabitation then, even amongst unmarried mothers heading their own households (see Table 8.1.), would appear to have been rare in this particular area of Dumfriesshire in the early 1880s. If cohabitation was rare, then so too was the possibility of marriage by habit and repute being the cause of any ambiguity in the registration of the legitimacy status of illegitimate children. As a result, there is insufficient evidence to support Carter's modified proposal, let alone his original one based on an ill-defined notion of some common law marriage not contracted in law.

³² C1881/831/2/48; C1881/836/2/19 and 5/6.

³³ C1881/851/2/11.

³⁴ C1881/831/2/17 and C1881/849/3/16.

Carter's argument stressed that there may have been a regional difference in the definition of marriage,³⁵ and fully to negate his amended argument (with the substitution of marriage by habit and repute for his unrealistic common law unions), further work on the question of cohabitation in other areas of Scotland is required.³⁶ Nonetheless, the first empirical evidence from rural Dumfriesshire, suggests that there was little subjectivity in the definition of illegitimacy, and consequently that measurements of illegitimate fertility are not based on an unsound source of data. Ian Carter raised an important epistemological query in his critique of Smout's work on bastardy, but my investigation could not find any evidence to support Carter's challenge. Overall, then, the viewpoint held by T.C. Smout is the one sustained in this thesis.

8.3. Household and Family Structure – The Children

8.3.1. Prelude

In the preceding section, the phenomenon of cohabitation was investigated by examining the households in which known bastard-bearers were located in the 1881 census. No comparison between these households, and those in which the parents of legitimate children were located was attempted, because, by definition, couples married regularly could not have been cohabiting.³⁷ Nevertheless, in order to examine whether or not there existed any fundamental

³⁵ Carter, p. 132.

³⁶ Similarly, the question of differing definitions over time has also yet to be fully explored.

³⁷ The possibility of cohabitation prior to regular marriage was, of course, covered by not isolating bastard-bearers who married before the 1881 census from the majority who did not. For confirmation about the manner in which the parents of the legitimate children were married, see Chapter 4.

differences between what might loosely be termed 'illegitimate family households' and 'legitimate family households', some form of comparison was deemed to be important. The means chosen to effect this comparison, was to concentrate on the children rather than their parents. Thus, the aim of this section is to compare the household situations in which the bastard children were located, with those in which their legitimate peers resided, and to explore in some detail any apparent discrepancies between the two.

As in the previous chapter, in order to compensate for loss of numbers through out-migration and to avoid biasing the results exclusively in favour of the 'reconstitutable minority', an element of flexibility in the approach to the analysis of household structure was found to be advantageous. In this respect, the core group of children in the case-study was ^{pa}extended somewhat when accounting for 'movers' as well as 'stayers', and also when exploring further the observed association between illegitimacy and three-generational household and family structures. The chapter goes some way in answering Professor Smout's question about who shouldered the economic responsibility of supporting illegitimate children,³⁸ and to clarifying Professor Anderson's suspicions concerning the status of 'parentless' grandchildren.³⁹ Arguably, the findings about the relationship between illegitimacy and the role of grandparents, have a significant bearing on both the pattern of illegitimacy in late-nineteenth century Scotland, and the wider historical and sociological analysis of the position of the 'extended family' in British society.

³⁸ T.C. Smout, A Century of the Scottish People 1830-1950 (London: Collins, 1986), 168.

³⁹ Michael Anderson, "Households, Families and Individuals: Some Preliminary Results from the National Sample from the 1851 Census of Great Britain", Continuity and Change 3/3 (December 1988), p. 432.

8.3.2. Mortality and Out-migration

The basic data concerning the children born in Dryfesdale and Lochmaben during the 1876-81 case-study, are presented in Table 8.2.. Excluding domicil births that occurred outwith either Dryfesdale or Lochmaben, ⁴⁰ but counting twins individually, ⁴¹ the total number of children born during the five-year period immediately preceding the 1881 census, was 446 in Dryfesdale and 409 in Lochmaben. Of these total births, 45 in Dryfesdale (10.09%) and 89 in Lochmaben (21.76%), were illegitimate.

As previously mentioned in Chapter 4, infant and child mortality was more prevalent amongst the illegimates than amongst their legitimate peers. In Dryfesdale, 49 of the 401 legitimate children in the sample (12.22%), were recorded as having died in their parish of birth prior to the date of the 1881 census, ⁴² whereas, of the 45 illegitimate births, 10 (22.22%) did not live long enough to be enumerated in the 1881 decennial census. ⁴³ Similarly, in Lochmaben, 33 of the 320 legitimate children (10.31%) and 17 of the 89 illegitimate children (19.10%), died in their parish of birth prior to the 1881 census. ⁴⁴ Therefore, migration aside, 352 legitimate and 35 illegitimate children from Dryfesdale, and 287 legitimate and 72 illegitimate children from Lochmaben, might have been expected to be located in the 1881 census

⁴⁰ For the purposes of this part of the investigation, children who were born outwith their parent(s)' parish of residence, but whose births were double registered in either Dryfesdale or Lochmaben, were treated as 'movers' and so dealt with in the second stage of analysis into children and household structure. A total of five such births were registered in Dryfesdale (three legitimate and two illegitimate), and five in Lochmaben (one legitimate and four illegitimate).

⁴¹ There were six twin births in Dryfesdale (five legitimate and one illegitimate), and five twin births in Lochmaben (all legitimate).

⁴² D1876-81/820.

⁴³ Ibid.

⁴⁴ D1876-81/840.

Table 8.2. Dryfesdale and Lochmaben: Children Located in the 1881 Census Enumerators' Returns for the Parish of their Birth, by Legitimacy Status, 1876-81 Case-study (figures in parentheses are percentages).

	<u>Legitimate</u>		<u>Illegitimate</u>		<u>All</u>	
<u>a) Dryfesdale</u>						
Deceased	49	(12.22)	10	(22.22)	59	(13.23)
Not Located	85	(21.20)	10	(22.22)	95	(21.30)
Located	267	(66.58)	25	(55.56)	292	(65.47)
Total	401	(100)	45	(100)	446	(100)
<u>b) Lochmaben</u>						
Deceased	33	(10.31)	17	(19.10)	50	(12.22)
Not Located	81	(25.31)	23	(25.84)	104	(25.43)
Located	206	(64.38)	49	(55.06)	255	(62.35)
Total	320	(100)	89	(100)	409	(100)
<u>c) Combined</u>						
Deceased	82	(11.37)	27	(20.15)	109	(12.75)
Not Located	166	(23.02)	33	(24.63)	199	(23.27)
Located	473	(65.60)	74	(55.22)	547	(63.98)
Total	721	(99.99)	134	(100)	855	(100)

N.B. The deceased category refers to those children who died in their parish of birth prior to the 1881 census.

Sources: B1876-81/820 and 840; D1876-81/820 and 840; C1881/820 and 840, NRH.

enumerators' returns for their respective parishes.

Migration, however, whether familial or individual, is and was a reality of life, and the actual number of children located in the censuses for their respective parishes was less than these optimum figures (see Table 8.2.). In Dryfesdale, the number of children *not* located in the census enumerators' returns for the parish of their birth, amounted to 85 legitimates (21.20% of the total number of legitimate children) and a further ten illegitimates (22.22% of all illegitimate children born in the parish during the 1876-81 case-study). In Lochmaben, the comparable figures were 81 legitimates (25.31%), and 23 bastard children (25.84%). Interestingly, therefore, whilst the level of (assumed) out-migration ⁴⁵ from Lochmaben was slightly higher than that from Dryfesdale, ⁴⁶ the levels of out-migration between legitimates and illegitimates within the two parishes were remarkably similar. Mobility, in the form of out-migration from the parish of birth, would thus appear to have affected legitimate children and bastard children equally. ⁴⁷

Affecting approximately one-fifth of all the children in the Dryfesdale sample, and one-quarter of those in Lochmaben, out-migration from the parish of birth accounted for a significant proportion of the children under investigation. ⁴⁸ Combined with death in infancy or childhood, out-migration

⁴⁵ The assumption here was that the children not located were 'lost' through out-migration, rather than due to any under-registration of deaths.

⁴⁶ An observation not inconsistent with the greater employment opportunities to be found in Dryfesdale. See Chapter 4.

⁴⁷ Apart from noting that the overall level of population mobility must have been high, further inference about any difference between legitimates and illegitimates in this context is restricted.

⁴⁸ The number of children found to have migrated between Dryfesdale and Lochmaben was small. Only five children from the Dryfesdale sample were located in the 1881 census enumerators' for Lochmaben, [C1881/840/1/126; 2/78; 4/15; and two in 7/39], whilst the same number of children from Lochmaben were resident in Dryfesdale at the time of the census [C1881/820/3/36; 4/13; 5/25; 5/65; and 6/130]. All ten of these children were legitimate and, for the purposes of analysis, were treated as being movers.

therefore reduced considerably the number of children available for analysis in this part of the investigation. In Dryfesdale, the number of legitimate children located in the 1881 census enumerators' returns for their parish of birth was 267 (66.58% of the total legitimate births), and the number of illegitimate children only 25 (55.56% of the total illegitimate births). Similarly, in Lochmaben, the respective figures were 206 legitimates (64.38%) and 49 illegitimates (55.06%). Thus, although the proportions of legitimate and illegitimate children not located were similar in both parishes, in relation to the initial cohort sizes, it was the two groups of illegitimates that were most adversely affected in terms of numbers lost; an excess loss amongst the illegitimates largely the result of a higher level of infant mortality than actual out-migration. Nonetheless, the proportion of children lost through out-migration could hardly have been called insignificant.

When dealing with out-migrant bastard-bearers in the previous chapter, by taking account of their occupations and locating their familial 'homes', it was possible to assume that they were largely individual migrants absent for the purposes of work. As such, if located elsewhere, the likelihood was that they would have been found living in their employers' households as coresident servants. Unfortunately, due to their young age and consequent dependancy on adult support, no such assumption could be made for out-migrant bastard children. In terms of comparing the household and family structure of legitimates with illegitimates, the resultant biasing of the investigation in favour of the stayers appeared to present an analytical problem. For how are we to know whether or not the situation of movers was similar to that of the stayers, or if different, different in what way(s)?

One possible solution to the problem considered, was to attempt to trace the whereabouts of the out-migrant children. This option, however, was hastily

disgarded as being totally impractical. Not only had such a small number of children found to have been inter-migrants between Dryfesdale and Lochmaben, but there was no precise indication as to where the children might have finally settled. ⁴⁹ Instead, it was decided to circumvent the problem by examining, as a substitute test case, the situations of children aged 0-4 in the census, but who had only migrated into either Dryfesdale or Lochmaben since birth. By classifying these children as out-migrants from their parishes of birth, as opposed to in-migrants into Dryfesdale and Lochmaben, some insight into the family and household structure of movers could be gained.

Because this approach to movers assumed that the factors influencing in- and out-migration to the study area were evenly balanced, it was by no means an ideal solution to the problem of mobility. Nonetheless, it was considered adequate in that it provided some form of yardstick by which to gauge any substantial discrepancies between the household and family structures of movers and stayers. Furthermore, it did contain one significant advantage in that all the households containing children from the 1876-81 birth cohort located in the 1881 decennial census were thereby examined. The first stage in the analysis of the household structure of children was thus to examine those born in Dryfesdale and Lochmaben, and located in the 1881 census for their parish of birth (the stayers), whilst a second stage looked at their neighbours who had recently come to the parishes concerned (the movers).

⁴⁹ Judging by the evidence presented for mobility in relation to the earlier discussion about domicil cases, the majority of children would have been located somewhere in Dumfriesshire, but precisely where remained ambiguous (Table 5.1.). See also Appendix 10.

8.3.3. Stayers

8.3.3.1. Criteria and Definitions

In order to avoid divergence from the main theme of illegitimacy in this thesis, rather than entering into a full-scale analysis of household structure (with its myriad of possible lateral and vertical kinship links),⁵⁰ attention is focused on whether there existed any *fundamental* difference(s) between the households in which the legitimate children were located, and those in which the illegitimates resided. The emphasis was thus to keep the classification of household types straightforward, meanwhile allowing for a subsequent in-depth analysis of any significant differences in family structure that might become apparent.

According to Laslett, there exist three main criteria for determining membership of a household or 'coresident domestic group': a) that "persons slept habitually under the same roof (a locational criterion)"; b) "they shared a number of activities (a functional criterion)"; and c) "they were related to each other by blood or by marriage (a kinship criterion)".⁵¹ Coresident servants, common to British households of the past, whilst not necessarily fulfilling the kinship criterion were, however, considered to form an integral part of the coresident domestic group. Similar to members of the host family, servants were also "subject to the jurisdiction of the head of the household", fulfilled the

⁵⁰ See Peter Laslett, "Introduction", to Household and Family in Past Time, ed. Peter Laslett (London: Cambridge University Press, 1972), pp. 28-32 for an outline of the main lateral and vertical kinship links. Essentially, lateral extensions refer to the presence in a household of additional kin from outwith the 'family unit', but of the same generation as the household head. Vertical extensions, either upwards or downwards, refer to the presence of other kin of a different generation to the household head. Various combinations of extensions are, of course, possible.

⁵¹ Ibid., p. 25.

locational criterion and participated in the economic life of the coresident domestic group.⁵² Thus, despite the importance of kinship in determining membership of a household, only location and function were taken by Laslett to constitute 'universal' criteria in household formation.

A far more ambiguous set of persons connected with the household were those enumerated as 'boarders', 'lodgers' and 'visitors'. Fortunately, because the decennial census enumerators' returns of the last century distinguished between households and 'housefuls',⁵³ when utilising such relatively modern historical sources, it is feasible to determine whether or not these 'inmates' fulfilled the locational criterion of household membership.⁵⁴ The question as to what extent, if at all, inmates fulfilled either the functional or kinship criteria is much harder to gauge. Consequently, for certain purposes, such as the calculation of more precise measurements of mean household size, Laslett recommended that inmates should be excluded from household analysis.⁵⁵ Given the possibility that certain children in this study could have been resident as inmates in households, however (and based more on the guidelines used in the 1851 Census National Sample), it was decided not to exclude this group of persons from the analysis of household structure.⁵⁶ Instead, their position within the household was taken to have been similar, if not identical,

⁵² Ibid., p. 26.

⁵³ The term 'houseful', as used by Laslett, denotes persons inhabiting the same 'premissis', itself defined as being "the accommodation provided by a building, or in certain cases a number of conjoined or or contiguous buildings". [p. 35-36]

⁵⁴ Following the lead of Gregory King, Laslett used the term 'inmates' to apply to persons "casually rather than permanently connected with households". p.35

⁵⁵ Laslett, p. 39 and Table 4.2., p. 133.

⁵⁶ Furthermore, Laslett (p. 44) stressed the point that his recommendations should be rejected, modified or elaborated to suit the purposes of subsequent investigations. According to the 1881 census enumerators' returns for Dryfesdale and Lochmaben, apart from a few small hotels or inns, neither parish contained any residential institutions [C1881/820 and 840].

to that of coresident servants.

The basic classification of household types adopted in this thesis, was based on both the work of Laslett, and of that conducted by Michael Anderson in relation to the 1851 Census National Sample. Due to the inference of marriage in the term 'conjugal family unit', the more comprehensive term 'family unit' was adopted to refer to the basic network of kin relationships. As defined by the 1851 Census National Sample, the structure of the family unit pertains to one or other of: a) a married couple; b) a cohabiting couple; c) two parents plus child(ren); d) one parent plus child(ren); or e) siblings.⁵⁷ The four main categories of household, with or without coresident servants and/or inmates, were defined as: a) simple family households (containing one family unit); b) extended family households (containing one family unit plus other specified kin); c) multiple family households (containing two or more simple or extended family units); and d) no family households (containing all non-kin or kin not constituting a family unit).⁵⁸

8.3.3.2. Household Size and Structure

The basic details about the structure of the households containing the 267 legitimate children in Dryfesdale, and 206 legitimate children in Lochmaben, are presented in Table 8.3.. The corresponding information for the 25 bastard children in Dryfesdale, and 49 bastard children in Lochmaben, is presented in

⁵⁷ This definition of a family unit differs significantly from Laslett's definition of a conjugal family unit in two respects. Firstly, it covers cohabiting couples and single non-married parents (essential to the investigation of illegitimacy) and secondly, it includes coresident siblings See Laslett, p. 29 and p. 31, Table 1.1.

⁵⁸ Because the children from Dryfesdale and Lochmaben under investigation were aged under five years at the time of the 1881 census, and were thus dependents, there was little necessity to account for solitary households in this schema.

Table 8.4.. These tables show the four main types of family household outlined above, and distinguish between those households containing servants and/or inmates and those free from such additions to the coresident domestic group.

In Dryfesdale, the 267 legitimate children were located in 173 households,⁵⁹ containing a total of 1130 persons. The mean household size (crude) for the households in Dryfesdale containing the legitimate children, was thus 6.53.⁶⁰ Adjusted to exclude all inmates, the figure for the corrected maximal mean household size,⁶¹ was slightly lower at 6.39.⁶² In Lochmaben, the 206 legitimate children were found to have been resident in 135 households,⁶³ with a total of 838 individuals present. The crude mean household size for the legitimate children in Lochmaben was therefore 6.21⁶⁴ and, with 23 inmates included in this calculation, the corrected maximal household size was

⁵⁹ One household [C1881/820/7/27], contained both a legitimate and illegitimate child from the 1876-81 birth cohort under scrutiny. The head of this particular household was the deserted wife, Barbara BL/JN, and of her three surviving and coresident children, two were legitimate and one illegitimate. The structure of this coresident domestic group was thus of the simple family household type, and it had to be counted twice, once as a 'legitimate family household' and once as an 'illegitimate family household'.

⁶⁰ As compared to a crude mean household size of 4.50 for the parish as an entirety (2971 individuals in 661 households) [C1881/820].

⁶¹ For definitions of the various measurements of mean household size, see Laslett, p. 133, Table 4.2.

⁶² The total number of inmates present in the 173 households was 25. Of these 25 inmates, none bore the same surname as that of the household head, although one boarder [C1881/820/6/143] and one visitor [C1881/820/5/66] had surnames the same as the wife's maiden surname.

⁶³ Five households contained both legitimate and illegitimate children, and so had to be counted twice. One was a simple family household [C1881/840/2/155], two were extended family households [C1881/840/4/28 and 6/56], and two were multiple family households [C1881/840/1/4 and 2/64].

⁶⁴ As compared with a crude mean household size of 4.24 for the whole parish (2816 persons in 664 households) [C1881/840].

Table 8.3. Dryfesdale and Lochmaben: Households of Legitimate Children Located in the 1881 Census, Showing Type of Household Structure and Presence or Absence of Servants and Inmates, 1876-81 Case-study (figures in parentheses are percentages).

Presence or Absence of Servants and Inmates (Households)

<u>Family Household</u>	<u>None</u>	<u>Servants</u>	<u>Inmates</u>	<u>Servants and Inmates</u>	<u>Total</u>	
<u>a) Dryfesdale</u>						
Simple	113	17	10	2	142	(82.08)
Extended	15	3	5	-	23	(13.29)
Multiple	5	2	1	-	8	(4.62)
No	-	-	-	-	-	-
Total	133	22	16	2	173	(100)*
	(76.88)	(12.72)	(9.25)	(1.16)		
<u>b) Lochmaben</u>						
Simple	86	13	9	3	111	(82.22)
Extended	10	2	3	1	16	(11.85)
Multiple	6	-	2	-	8	(5.93)
No	-	-	-	-	-	-
Total	102	15	14	4	135	(100)
	(75.56)	(11.11)	(10.37)	(2.96)		
<u>c) Combined</u>						
Simple	199	30	19	5	253	(82.14)
Extended	25	5	8	1	39	(12.66)
Multiple	11	2	3	-	16	(5.20)
No	-	-	-	-	-	-
Total	235	37	30	6	308	(100)
	(76.30)	(12.01)	(9.74)	(1.95)		

* Figures do not always sum to total due to rounding.

Sources: As for Table 8.2..

Table 8.4. Dryfesdale and Lochmaben: Households of Illegitimate Children Located in the 1881 Census, Showing Type of Household Structure and Presence or Absence of Servants and Inmates, 1876-81 Case-study (figures in parentheses are percentages).

Presence or Absence of Servants and Inmates (Households)

<u>Family Household</u>	<u>None</u>	<u>Servants</u>	<u>Inmates</u>	<u>Servants and Inmates</u>	<u>Total</u>
<u>a) Dryfesdale</u>					
Simple	3	-	-	-	3 (13.04)
Extended	10	-	-	-	10 (43.48)
Multiple	8	-	1	-	9 (39.13)
No	1	-	-	-	1 (4.35)
Total	22	-	1	-	23 (100)
	(95.65)	-	(4.35)	-	
<u>b) Lochmaben</u>					
Simple	3	-	1	-	4 (9.30)
Extended	14	-	1	-	15 (34.88)
Multiple	18	1	2	-	21 (48.84)
No	3	-	-	-	3 (6.98)
Total	38	1	4	-	43 (100)
	(88.37)	(2.33)	(9.30)	-	
<u>c) Combined</u>					
Simple	6	-	1	-	7 (10.61)
Extended	24	-	1	-	25 (37.88)
Multiple	26	1	3	-	30 (45.45)
No	4	-	-	-	4 (6.06)
Total	60	1	5	-	66 (100)
	(90.91)	(1.51)	(7.58)	-	

Sources: As for Table 8.2..

reckoned at 6.04. ⁶⁵

Of the illegitimates from the 1876-81 birth cohort, in Dryfesdale the 25 bastard children were located in a total of 23 households, whilst in Lochmaben the 49 such children were distributed among ^st 43 households. With 117 persons present in the 23 households in Dryfesdale, the crude mean household size of households containing illegitimate children in that parish was 5.09. Of these 117 individuals, only one was enumerated as an inmate, ⁶⁶ so the corrected maximal mean household size equated as 5.04. In Lochmaben, a total of 239 persons were present in the 43 households containing bastard children, resulting in a crude mean household size of 5.56. Six of these 239 individuals were inmates, ⁶⁷ and so the corrected maximal mean household size was calculated at 5.42.

If we combine the figures from Dryfesdale and Lochmaben (to take account of the relatively small number of 'illegitimate family households' in Dryfesdale), we find that the mean household size for the households containing legitimate children was 6.39 (or 6.23 adjusted), whilst that for the households containing illegitimate children was an average of precisely one person less at 5.39 (5.29 adjusted). Thus, although 'illegitimate family households' may have been somewhat smaller in size than 'legitimate family households', it is worth noting

⁶⁵ Although none of these 23 inmates bore the same surname as that of the household head, nearly half (ten) had that of the wife's maiden surname. Five were enumerated as boarders [C1881/840/2/48 (2); 2/135; 2/142; and 5/67], two as lodgers [C1881/840/2/155 (2)] and three as visitors [C1881/840/2/66; 4/36; and 5/50]. Therefore, taking the combined figures of like-named persons from both Dryfesdale and Lochmaben, twelve of the 48 inmates (25.00%) were probably uterine relatives of the host family. With the main emphasis of this investigation being to examine illegitimacy, rather than household and family structure per se, these tentative relationships were not followed-up. Nonetheless, the proportion of likely uterine relatives would appear to have been not insignificant.

⁶⁶ A lodger in C1881/820/7/107.

⁶⁷ All six were enumerated as being lodgers [C1881/840/2/44; 2/148; 2/155 (2); and 6/56 (2)]. It should be noted, however, that the last of these four lodgers were resident in two households that also contained legitimate children from the 1876-81 birth cohort.

that this difference was not appreciable. Household structure, in terms of mean household size at least, would not appear to have been a crucial difference between the circumstances of legitimate and illegitimate children. However, as a close examination of Tables 8.3. and 8.4. reveals, there was a marked difference in the *types* of family household in which these children lived.

If we compare the details presented about the legitimate children as presented in Table 8.3., with those about the illegitimate children in Table 8.4., we find that the most noticeable difference in household structure pertained to the proportions of simple family households, as compared with either extended or multiple family types. Essentially, the vast majority of legitimate children lived in households of the simple family household type. Indeed, the proportion so resident was practically the same in Dryfesdale (82.08%), as it was in Lochmaben (82.22%), whereas, the majority of illegitimate children were found to have been resident in either extended or multiple family households, with roughly similar proportions living in each. In Dryfesdale, 43.48% of the illegitimate children lived in extended family households, whilst 39.13% lived in households of the multiple family type. Similarly, in Lochmaben, 34.88% of the bastard children resided in extended family households, and 48.84% in households containing multiple families. ⁶⁸

Whilst a number of further differences between the household structure of legitimate and illegitimate children can be discerned from a comparison ^{is} of Tables 8.3. and 8.4., such as the emergence of the no family household type amongst the illegitimates or the larger number of servants and inmates present

⁶⁸ To allow for the relatively small number of 'illegitimate family households' in Dryfesdale, Tables 8.3. and 8.4. also give the combined figures for the two groups of children.

in the households of the legitimates, it is this fundamental difference in type of family household that is explored further in terms of family structure in Tables 8.5. and 8.6.. Tables 8.5. and 8.6. present data about the individual children (as opposed to their households), in relation to the presence or absence and marital status of their parents, specifying their relationship to the household head. It is by examining the family relationships of the children in this context, that we find some explanation of the main difference in type of household structure.

8.3.3.3. Family Structure

As table 8.5. clearly illustrates, all the legitimate children lived in households in which at least one of their parents was present. In fact, the vast majority of legitimate children, 243 in Dryfesdale (91.01%) and 183 (88.83%) in Lochmaben, lived with both their parents. Furthermore, 263 children in Dryfesdale (98.50%) and 199 in Lochmaben (96.60%), were resident in households actually headed by a parent. Of those remaining children, three in Dryfesdale (1.12%) and six in Lochmaben (2.91%), were located in households headed by a grandparent, whilst one boy in Dryfesdale lived with his mother as a boarder (0.37%), ⁶⁹ and one child in Lochmaben lived with both his parents in his uncle's household (0.48%). ⁷⁰ Clearly then, whilst the observation that none of the legitimate children lived in households without at least one parent present should not be over-exaggerated, ⁷¹ the norm for the legitimate children was to live with both their parents, in households headed by a parent (exclusively the father in this

⁶⁹ C1881/820/8/84.

⁷⁰ C1881/840/3/39.

⁷¹ Thirteen parents in Dryfesdale and seven in Lochmaben were already widowed by the time of the 1881 census, so the potential for a child to have been orphaned was certainly not negligible.

Table 8.5. Dryfesdale and Lochmaben: Presence or Absence and Marital Status of Parents in Households of Legitimate Children Located in the 1881 Census, Showing Relationship to the Household Head, 1876-81 Case-study (figures in parentheses are percentages).

<u>Presence and Marital Status of Parent(s)</u>	<u>Relationship to Household Head</u>									
	<u>Dryfesdale</u>					<u>Lochmaben</u>				
	<u>Grand- child</u>		<u>Grand- child</u>		<u>Total</u>	<u>Grand- child</u>		<u>Grand- child</u>		<u>Total</u>
	<u>Child</u>	<u>Other</u>	<u>Child</u>	<u>Other</u>		<u>Child</u>	<u>Other</u>	<u>Child</u>	<u>Other</u>	
Married Couple	242	1	1	-	243 (91.01)	178	4	1	183 (88.83)	426 (90.06)
Married Spouse Absent	8	1	1	1	10 (3.74)	14	2	-	16 (7.77)	26 (5.50)
Widower	3	1	-	-	4 (1.50)	2	-	-	2 (0.97)	6 (1.27)
Widow	10	-	-	-	10 (3.74)	5	-	-	5 (2.43)	15 (3.17)
Cohabiting Couple	-	-	-	-	-	-	-	-	-	-
Unmarried Mother	-	-	-	-	-	-	-	-	-	-
Unmarried Father	-	-	-	-	-	-	-	-	-	-
No Parent Present	-	-	-	-	-	-	-	-	-	-
Total	263	3	1	1	267 (99.99)	199	6	1	206 (100)	473 (100)

Sources: As for Table 8.2..

Table 8.6. Dryfesdale and Lochmaben: Presence or Absence and Marital Status of Parents in Households of Illegitimate Children Located in the 1881 Census, Showing Relationship to the Household Head, 1876-81 Case-study (figures in parentheses are percentages).

<u>Presence and Marital Status of Parent(s)</u>	<u>Relationship to Household Head</u>					
	<u>Dryfesdale</u>			<u>Lochmaben</u>		
	<u>Child</u>	<u>Grand- child</u>	<u>Other</u>	<u>Child</u>	<u>Grand- child</u>	<u>Other</u>
			<u>Total</u>			<u>Total</u>
Married Couple	-	-	-	-	1	1 (2.04)
Married Spouse Absent	1	-	1 (4.00)	-	1	1 (2.04)
Widower	-	-	-	-	-	-
Widow	-	-	-	1	-	1 (2.04)
Cohabiting Couple	1	-	1 (4.00)	-	-	-
Unmarried Mother	2	12	14 (56.00)	5	19	27 (55.10)
Unmarried Father	1	-	1 (4.00)	-	-	-
No Parent Present	-	8	8 (32.00)	-	17	19 (38.78)
Total	5	20	25 (100)	6	38	49 (100)
						74 (100)

Sources: As for Table 8.2..

situation).

In stark contrast to this (Table 8.6.), although 17 illegitimate children in Dryfesdale (68.00%) and 30 in Lochmaben (61.22%), lived with at least one of their parents (in cases of single parents usually the mother), only five in Dryfesdale (20.00%) and six in Lochmaben (12.24%), actually resided in households headed by a parent. The majority, 20 in Dryfesdale (80.00%) and 38 in Lochmaben (77.55%), were found to have been part of family households headed by a grandparent,⁷² a finding that goes some way in supporting the conclusion reached in the previous chapter, whereby many bastard-bearers were shown to have returned from service outwith Dryfesdale and Lochmaben to bear their illegitimate offspring.

Apart from the 20 illegitimates in Dryfesdale, and the 38 in Lochmaben, none of the remaining bastard children had a grandparent present in their coresident domestic groups. However, a further 13 legitimate children in Dryfesdale,⁷³ and eight in Lochmaben,⁷⁴ did live in family households containing a grandparent, but one who did not act as the household head. Therefore, whilst only three legitimates in Dryfesdale and six in Lochmaben had a grandparent as their household head, the total number of legitimate children living in coresident domestic groups containing a grandparent was in fact 16 in

⁷² In Lochmaben, the relationships to the household head of the five children (10.20%) in the 'other' category were as follows: a) two sibling children of a servant [C1881/840/2/164]; b) one niece [C1881/840/3/10]; c) one great-grandchild (enumerated as a grandchild) [C1881/840/5/38]; and d) one grandniece [C1881/840/5/46]. Three children were incorrectly enumerated as children when, in fact, their relationship to the household head was that of grandchild [C1881/840/2/151; 4/8; and 4/11]. In all three instances, the presence of the unmarried mother in the household possibly influenced the discrepancy in enumeration. Overall, however, in both Dryfesdale and Lochmaben, the general standard of accuracy in enumerating relationships to the household head (as opposed to other coresident kin), appears to have been quite high.

⁷³ Resident in eight households: C1881/820/1/45; 3/61 (3); 5/16; 5/82; 6/18 (3); 6/93 (2); 6/162; and 7/68.

⁷⁴ Resident in six households: C1881/840/2/68; 4/4; 4/36; 5/11 (2); 5/37; and 5/45 (2).

Dryfesdale (5.99%) and 14 in Lochmaben (6.80%). Consequently, not only did comparatively few legitimates reside with their grandparents but, when they did, the grandparents would appear to have been in a less dominant position within the household than the coresident grandparents of their illegitimate peers.⁷⁵ Evidently, the association between illegitimacy and grandparents, as observed on occasions throughout the earlier part of this thesis, had a basis in the finding that there was a strong association between bastardy and three-generational household structures.

Moreover, in view of the observation about this relationship between illegitimacy and coresidence with grandparents, it is interesting to note that, in Dryfesdale, two of the eight grandparents not heading a household were enumerated as having been unmarried.⁷⁶ What is more, an examination of the marriage certificates pertaining to the heads of these households, revealed two further instances in which the grandparents, although enumerated as widows, were in fact bastard-bearers.⁷⁷ Similarly, in Lochmaben, whilst all the six coresident grandparents not heading a household were recorded as having been widowed, the details from their children's marriage certificates suggest that at least two had been bastard-bearers.⁷⁸ This is an observation obviously complicated by the developmental cycle of the household, but one that strengthens any overall interpretation of coresidence with grandparents as

⁷⁵ For example, according to Laslett, p. 26, subjugation to the jurisdiction of the household head acts as an important criterion in the definition of a coresident domestic group.

⁷⁶ C1881/820/6/93 and 162.

⁷⁷ C1881/820/6/18 and M1875/853a/3; C1881/820/7/68 and M1860/820/2. Whether or not they subsequently married and so could have become widows is not clear.

⁷⁸ C1881/840/4/4 and M1878/838/3; C1881/840/5/45 and M1877/840/4.

having been intricately connected with the phenomenon of illegitimacy.⁷⁹

8.3.3.4. Summary

Consequently, although the classification of family household types, as presented in Tables 8.3. and 8.4., took account of *all* persons present in any given household (and thus included a wider variety of kinship relationships than presented in tables 8.5. and 8.6.), a comparison with Tables 8.5. and 8.6. is sufficient to illustrate that coresidence with grandparents was a fundamental factor influencing the observed differences in family household type between the legitimates and illegitimates.

In terms of household structure amongst the illegitimates, however, it would be unwise to lay too great an emphasis on this distinction between types of family household. For, in view of the results of the previous chapter, indicating that many bastard-bearers returned from service elsewhere to bear their illegitimate offspring, even the temporary presence of a single mother would have altered the classification of an extended family household to that of the multiple family type. Moreover, of the four no family households located (Table 8.4.), three consisted of a widowed or single head, plus grandchildren.⁸⁰ In other words, they were family households containing two generations of household members spanning three generations and, as such, could also have easily been transformed into multiple family households by the temporary

⁷⁹ By implication, therefore, the coresidence of illegitimates with their grandchildren, would appear to be an important consideration in future attempts at delineating the characteristics of bastardy prone sub-societies of the past. For a recent modification of Laslett's original model of the bastardy prone sub-society, suggesting that "direct descent from one bastard to another" [p. 339] might not be the principal historical factor in identifying such communities, see Jean Robin, "Illegitimacy in Colyton", *Continuity and Change* 2/2 (August 1987), pp. 324-40.

⁸⁰ C1881/820/7/21; C1881/840/1/65; and 2/106. The fourth no family household [C1881/840/5/46], consisted of an unmarried head, plus her niece, plus a grandniece not the daughter of the coresident niece.

presence of an unmarried mother of one of the grandchildren.

As mentioned in the prelude to this section, T.C. Smout has raised the question of who shouldered the economic 'burden' of raising illegitimate children? In the light of these findings about residency patterns, whilst any unquantifiable monetary contribution of working mothers should not be downplayed, it would seem reasonable to conclude that the grandparents (both grandfathers and grandmothers) of bastard children must have shouldered at least some of this responsibility.⁸¹ Indeed, the extent of their tolerance towards bastard-bearing must have been substantial. In the following section, the observed differences in family structure are examined in relation to the movers, and a final section explores the legitimacy status of all enumerated grandchildren.

8.3.4. Movers

⁸¹ The relative proportions of any specifically monetary contributions made by single mothers and their parents towards the economic upbringing of illegitimate children is difficult to assess, and is further complicated by a diversity in age, occupation, marital status and sex of the grandparents heading households containing bastard grandchildren. Compare, for example, the household situation of Mary TE of East Street, Lochmaben [C1881/840/2/106] with that of William DS of Bridge Street, Lockerbie [C1881/820/2/92]. Mary TE was a widow aged 70 with no stated occupation, heading a household containing just two illegitimate grandchildren (one aged nine), whereas William DS, 16 years Mary's junior, was a master joiner (employing four men) heading a household containing his wife, two working sons, his unemployed daughter (domestic servant) and her one illegitimate child. The grandchildren of Mary TE must surely have relied to some extent on monetary support from their absent (and presumably working) mother, whereas the illegitimate child present in the household of William DS may have been supported more as one of his own children, rather than as a grandchild. In terms of economic support, therefore, the important point is not how much actual income grandparents were able to provide themselves, but that by giving accommodation to illegitimate children, they allowed for the possibility of single mothers to continue working. In this respect, the coresidence of illegitimate grandchildren with their grandparents is taken here to imply a shared responsibility in the economic 'burden' of supporting bastard children. Nonetheless, for the purposes of inference about individual financial capability, details of the occupations of grandparents heading households containing illegitimate grandchildren are presented in Appendix 11.

8.3.4.1. Prelude

In Dryfesdale, a total of 108 children aged 0-4 but not from the 1876-81 birth cohort, were located in the 1881 census enumerators' returns for the parish. In Lochmaben, a total of 83 such children were identified. Somewhat coincidentally, perhaps, the number of child in-migrants of this age into Dryfesdale and Lochmaben, was therefore roughly equivalent to the number of out-migrants (95 in Dryfesdale and 104 in Lochmaben ⁸²), an observation reflective of a high level of population mobility in the vicinity of Dryfesdale and Lochmaben.

Included in these figures were five children from the 1876-81 Lochmaben birth cohort who had migrated to Dryfesdale, ⁸³ and another five children from the Dryfesdale birth cohort who had migrated to Lochmaben. ⁸⁴ The birth entries of these children had been extracted as part of the main case-study, and all ten were legitimate. In order to effect a comparison of the family structure of legitimate movers, with that of any illegitimate movers, it was obviously necessary to locate the birth entries for the remaining 181 children in this category. Thus, the initial stage of the investigation into the family structure of the movers, was to make a search for these 181 birth entries.

8.3.4.2. Problems of Identification

Table 8.7. shows the birthplaces of the movers as enumerated in the 1881 census returns. From this table, it will be apparent that not all the remaining

⁸² Table 8.2..

⁸³ C1881/820/3/36; 4/13; 5/25 and 65; and 6/130.

⁸⁴ C1881/840/1/126; 2/78; 4/15; and 7/39 (2).

**Table B.7. Dryfesdale and Lochmaben: Birthplaces of Children Aged <5
Not in Original 1876-81 Case-study (Movers), 1881 Census.**

<u>Birthplace</u>	<u>Number of Births</u>			
	<u>Dryfesdale</u>		<u>Lochmaben</u>	
	<u>Traced</u>	<u>Not Traced</u>	<u>Traced</u>	<u>Not Traced</u>
Dumfriesshire	56	7	39	7
Dryfesdale	-	2	5	-
Lochmaben	5	2	-	5
Applegarth	7	-	-	1
Dalton	1	-	2	-
Hutton	2	-	3	-
Johnstone	2	-	5	-
Kirkmichael	5	1	4	-
Mouswald	-	-	1	-
St. Mungo	3	-	2	-
Tinwald	1	-	-	-
Torthorwald	-	-	-	-
Tundergarth	5	-	-	-
Rem. of Dumfriesshire	25	2	17	1
Scotland - Adjacent Counties	20	1	21	1
Galloway	7	-	11	-
Ayr	-	-	-	-
Lanark	8	1	8	1
Peebles	-	-	-	-
Roxburgh	5	-	-	-
Selkirk	-	-	2	-
Scotland - Other Counties	11	1	4	-
Outwith Scotland	-	12	-	11
Total	87	21	64	19

Sources: C1881/820 and 840; B1876-81/Scotland - Various, NRH.

181 births could in fact be traced. A considerable number of movers, twelve in Dryfesdale and eleven in Lochmaben, had been born outwith Scotland (mainly in England). The legitimacy status of some of the children born outwith Scotland, and enumerated as children in relation to their household heads, could be inferred. For example, the household of Ann BN, a widow born in the Dumfriesshire parish of Kirkmichael, contained her four children (one aged three) all born in Carmarthenshire, Wales.⁸⁵ Presumably, in the case of this family, they had 'returned' to Scotland after the death of Ann's husband. In other cases involving siblings born in Scotland,⁸⁶ the marriage certificate of the parents' could even be traced, and the legitimacy status assumed with some certainty rather than inferred.

However, in the case of those children enumerated as grandchildren,⁸⁷ or as inmates,⁸⁸ no such inference or assumption was possible. As a consequence of this, it was decided simply to exclude from the analysis those children enumerated as having been born outwith Scotland. This decision reduced the total number of movers in Dryfesdale to 96, and in Lochmaben to 72.

A search in the annual national birth indexes at New Register House was therefore made for the remaining 91 births from Dryfesdale, and 67 births from Lochmaben. Unfortunately, this search did not turn out to be as straightforward as in theory it should have been. Apparent errors in

⁸⁵ C1881/840/1/85.

⁸⁶ See, for example, C1881/840/7/21. In this simple family household, two of the three children (aged six and four) had been born in Dumfries, and the third (aged two) in England.

⁸⁷ C1881/820/6/83 and C1881/840/5/106.

⁸⁸ C1881/820/6/20 and 114; and C1881/840/7/15.

enumeration, whether of age or place of birth, combined with the possibility (especially amongst illegitimates) of a change in surname from birth registration to census enumeration,⁸⁹ meant that the birth entries of a further nine movers into Dryfesdale, and eight into Lochmaben, could not be located. Unlike their peers who had been born outwith Scotland, whose exclusion from further analysis was the result of a deliberate decision, the exclusion of these children was enforced due to the pragmatic difficulties associated with finding their birth entries. Rather ironically, however, nine out of the total of 17 Scottish births not traced, were enumerated as having occurred in either Dryfesdale or Lochmaben.⁹⁰

Initially, it was thought that some error might have been made in extracting the data, but on re-checking the birth registers for Dryfesdale and Lochmaben, no mention of these nine births could be found. Moreover, a comparison of the details of these children with those for the out-migrant children from the parishes concerned, confirmed that they were not children from the original 1876-81 birth chort. A search in the annual national indexes of birth (held at New Register House) allowed for an age discrepancy of one year either side of the children's stated ages, but still produced negative results. As a consequence of this, it was considered probable that they were either children who had moved to Dryfesdale or Lochmaben at a very early stage in life (and that the error was one of memory on the part of the informants),⁹¹ or that

⁸⁹ Twelve percent of illegitimate stayers located in the 1881 census had enumerated surnames different from those under which their births were registered.

⁹⁰ C1881/820/2/3; 3/26; 6/127 and 134; C1881/840/2/46, 140 and 159; 5/8 and 7/34. Five of these children were resident in households headed by a grandparent, three were enumerated as boarders, and one as a niece of the household head.

⁹¹ If this was in fact the explanation, then it is possible that some or all of these children represent examples of potential domicil cases that were never actually double registered. See Chapter 5 for a discussion of domicil.

they were children whose enumerated surnames were different from their registered names.⁹²

Whatever the true explanation underlying the discrepancies in the enumeration of these children, the finding that none of them resided in simple family households would seem to suggest that some, or indeed all, of them were illegitimate. This possibility was strengthened by virtue of the finding that, of the remaining eight Scottish-born children whose birth entries were not accounted for, only one child (a step-daughter) was located as living in a simple family household.⁹³ In terms of the relationship to the household head of these other seven children, three were inmates,⁹⁴ two were nephews,⁹⁵ one was a grandchild,⁹⁶ and one had no stated relationship, but bore a different surname from the head.⁹⁷

8.3.4.3. Family Structure

It would be invidious to continue this hypothesising about the legitimacy status of the untraced births much further, but the possibility that most, if not all, of these children were illegitimate, would appear quite probable. To return

⁹² A further possibility, of course, is that these births were never actually registered at all. Whilst the level of birth under-registration in Scotland during this period was generally acknowledged to have been low [see Chapter 3, footnote 49], it is worth recording that the (possible live) birth of at least one illegitimate child in Lochmaben remained unregistered during the 1876-81 period. The result of a concealed pregnancy, this birth took place on or around 24 October 1877, however, due to an element of doubt as to whether or not the baby was stillborn, neither its birth nor death (the subsequent day) were ever actually registered. Nonetheless, the incident was reported in the regional newspaper and the mother (employed as a farm servant) was charged with concealment of pregnancy rather than infanticide, found guilty and sentenced to six months imprisonment. Dumfries and Galloway Standard, 12 December 1877, p. 4.

⁹³ C1881/840/3/17.

⁹⁴ C1881/820/5/14; 7/163 and 165.

⁹⁵ C1881/820/2/2 and 7/148.

⁹⁶ C1881/840/5/68.

⁹⁷ C1881/840/4/1.

to those children about whom concrete evidence of their legitimacy status could be obtained, the data about family structure is presented in Table 8.7.. The total number of movers whose birth entries could be positively identified, was 87 in Dryfesdale and 64 in Lochmaben. In both Dryfesdale and Lochmaben, eight of the traced movers were found to have been illegitimate.

If we examine the details about family structure as presented in Table 8.8., the picture for the legitimate children is clear. As with the stayers investigated in the preceding section, the vast majority of legitimate children resided with both their parents, in households headed by a parent (91.13% in Dryfesdale and 96.43% in Lochmaben).

Due to the small number of traced illegitimates, it is harder to draw any general conclusions about their household situations. Nonetheless, the pattern revealed in Table 8.8. would appear to be embryonic of that detailed in table 8.6.. Combining the figures for Dryfesdale and Lochmaben, it can be seen that nearly half the illegitimate movers (43.75%) lived in households headed by a grandparent, a figure very different from that of 2.22% for the combined legitimate movers. Moreover, as compared with the same figure of 2.22% for the legitimates, 62.50% of the illegitimate movers lived in households in which there was no parent present.

These are features of family structure all highly reminiscent of those identified for the illegitimate stayers. Indeed, the only difference to emerge about family structure, was an indication that more of the (illegitimate) movers lived in households headed by persons other than the children's parents or grandparents, than the (illegitimate) stayers. Of the illegitimate movers resident

Table 8.8. Dryfesdale and Lochmaben: Presence or Absence of Parents and Relationship to Household Head of Children Aged <5 (Births Traced) Not in Original 1876-81 Case-study, 1881 Census.

<u>Presence and Marital Status of Parent(s)/ Relationship to Household Head</u>	<u>Dryfesdale</u>	<u>Lochmaben</u>
<u>a) Legitimate Children</u>		
Married Couple/Child	72	54
Married Spouse Absent/Child	2	-
Married Spouse Absent/Grandchild	-	1
Widower/Child	1	-
Widow/Child	1	-
Cohabiting Couple/Child	1	-
No Parent Present/Grandchild	2	-
No Parent Present/Other	-	1
Total	79	56
<u>b) Illegitimate Children</u>		
Married Couple/Child	1	-
Unmarried Mother/Child	1	1
Unmarried Mother/Grandchild	1	1
Unmarried Mother/Other	-	1
No Parent Present/Grandchild	3	2
No Parent Present/Other	2	3
Total	8	8

Sources: As for Table 8.7..

in such households, five were enumerated as inmates,⁹⁸ and one as a niece.⁹⁹ The one legitimate mover in this situation was enumerated as a boarder,¹⁰⁰ an observation supporting the earlier tentative proposal, that the majority of Scottish-born movers whose births could not be traced were probably illegitimate.

8.3.4.4. Summary

Overall, the decision to investigate the family structure of movers, as well as the stayers of the main case-study, was considered to have been worthwhile. The evidence presented about the movers suggests that the family structure of legitimate movers differed little from that of the legitimate stayers. For the two groups of legitimate children, the norm was very much to live with both parents, in households headed by the father, a situation reflective, not only of a predominance of the simple family household structure amongst the legitimates, but of a tendency for their migration to have been familial rather than individual.

Similarly, the family structure of the illegitimate movers would appear to have been close to that of the illegitimate stayers. Illegitimates, whether movers or stayers, tended to live in households headed by a grandparent, and often in situations in which no parent was present. The family structure of the illegitimate movers did, however, differ from that of the stayers in one important aspect.

⁹⁸ C1881/820/5/14 and 6/118; C1881/840/4/9; 2/14; and 6/58.

⁹⁹ C1881/840/6/56.

¹⁰⁰ C1881/840/1/102.

Emergent in the pattern of family structure of the illegitimate movers, would appear to have been an increased tendency to live in households headed by kin other than a grandparent, or as inmates in households of (assumed) non-kin. The question of whether or not the illegitimate out-migrants from Dryfesdale and Lochmaben tended to be supported by 'guardians' of this sort, understandably cannot be answered with certainty. Nonetheless, judging by the movers analysed here, the indications are that many of the illegitimate out-migrants were probably 'boarded out' in this manner, a practice that would, presumably, still have allowed their single mothers to continue work uninhibited.

The preceding section showed how grandparents played a crucial role in the upbringing of illegitimate children, and the relationship between illegitimacy and coresidence with grandparents is explored further in the following section. Nonetheless, the role played by other kin, such as uncles and aunts, or guardian parents in the case of boarders and lodgers, should not be ignored completely. Either way, whether as kin or guardians, the crucial point is that these 'surrogate' parents provided the necessary support for the bastard-bearers to continue in employment. The economic burden of raising bastard children would thus appear to have been a shared task, reliant both on the availability of work for single women,¹⁰¹ and on a predominantly, but not exclusively, kin-orientated network of support, a network in which the grandparents of illegitimate children played a significant part.

¹⁰¹ Domestic and farm service in rural Dumfriesshire. In the Devonshire parish of Colyton, Jean Robin has observed that the predominance of lacemaking in the area, gave single women an 'economic freedom' that "could have left them feeling freer to enter into sexual relations" at a relatively early age. "Illegitimacy in Colyton, 1851-1881", *Continuity and Change* 2/2 (August 1987), p. 324. Preliminary impressions from the 1851 Census National Sample data (Anderson, p. 431), also suggest "that mothers with illegitimate children were particularly common in areas where there was a large amount of female domestic employment". Anderson, p. 431.

8.3.5. Grandchildren

8.3.5.1. Prelude

The establishing of a support network, not solely reliant on the grandparents of bastard children, is important. Not only does it help to explain the out-migration of many of the bastard children from the study area, it also helps to broaden our perspective of the socialisation procedure experienced by the illegitimates. Nonetheless, even if we combine the results for the movers (births traced), with those for the stayers, we still find that the majority of illegitimates lived in households headed by a grandparent.

In Dryfesdale, a combined total of 24 illegitimate children lived in households headed by a grandparent (72.73%), whilst in Lochmaben, 41 of the bastard children (71.93%) were found to have been part of such a household and family structure.¹⁰² Consequently, in 1881 in both Dryfesdale and Lochmaben, very nearly three-quarters of the illegitimate children born in the period 1876-81, lived in households where they were subject to the jurisdiction of their grandparents.¹⁰³

The significance of the role played by the grandparents is further increased when one remembers that, of these 24 children in Dryfesdale and 41 in Lochmaben, nearly half in each parish (eleven in Dryfesdale and 19 in Lochmaben)¹⁰⁴ had no parent present in the household. The monetary support

¹⁰² See Tables 8.6. and 8.8..

¹⁰³ Laslett, p. 26, described members of the coresident domestic group as being "subject to the jurisdiction of the head of the household", and that "this jurisdiction is usually defined by the legal system of the country or culture concerned".

¹⁰⁴ See Tables 8.6. and 8.8..

it is assumed was provided by many of the absent working mothers must, of course, not be overlooked, but clearly the influence and tolerance of the grandparents must have been considerable. To attempt to understand the position of illegitimate children without acknowledging the influence of their grandparents, would be to ignore one of the most fundamental influences on the upbringing of these children. With many single mothers out at work, often in service, the grandparents would have acted as surrogate parents.

Therefore, the aim of this final section is to explore in further detail, the nature of the relationship between bastard children and coresident grandparents. In so doing, the legitimacy status of other grandchildren, in addition to those in the under five age category, is examined in connection with their familial relationships within the context of the household.

8.3.5.2. Definitions

Information about grandchildren from two further quinquennial age-groups, 5-9 and 10-14, is examined in this section in relation to that previously obtained about the age-group 0-4. To assume, however, that all children (whether resident in households as grandchildren or not) under the age of fifteen in Victorian Scotland were dependant on their families would, of course, be an error of judgement. In the nineteenth century many children started work at a very young age. In Dryfesdale in 1881, for example, 14 of the children aged 10-14 (4.03%),¹⁰⁵ already had stated occupations, whilst in Lochmaben 24 children in this age-group (7.00%) had occupations specified in

¹⁰⁵ C1881/820.

the census returns. ¹⁰⁶ No doubt other children of this age, for whom no occupation or school attendance was recorded, already assisted in the productive economic activities of their families. Nonetheless, it is fair to state that the majority of children under the age of 15 were, by and large, still reliant on their families for support. The comparison of three quinquennial age-groups of grandchildren under fifteen, was thus deemed reasonable and practicable.

However, in order to ensure a consistency in their comparison, the criterion for defining these children as 'grandchildren', had to be the same. As a consequence of the greater attention already devoted to the youngest age group, it was considered advisable only to examine the household and family situations of those children actually enumerated as grandchildren in the census returns. In this fashion, any bias in favour of the under-fives could be minimized. ¹⁰⁷

The procedure adopted for checking the legitimacy status of children enumerated as grandchildren, was similar to that outlined for movers in the preceding section. ¹⁰⁸ Once all the details about the grandchildren had been extracted from the census enumerators' returns, a search was made for their birth entries utilising the annual national birth indexes housed in New Register House. Again, as with the younger movers, the birth entries for a number of these older children could not for various reasons be located, and only those positively identified were included in the analysis. No assumptions about

¹⁰⁶ C1881/840.

¹⁰⁷ The number of illegitimate grandchildren in Lochmaben in the 0-4 age-group was thus 39 and not 41 as mentioned above. Similarly, children resident in households containing, but not headed by a grandparent, were also excluded from this part of the investigation.

¹⁰⁸ Details about the under-fives was, of course, already available.

legitimacy status were made. ¹⁰⁹

In all, a total of 84 children aged under 15 were enumerated as grandchildren in Dryfesdale (7.66% of all children aged under 15), and in Lochmaben there were 129 enumerated grandchildren (12.57%). Clearly, then, in 1881 there were nearly twice as many grandchildren enumerated in Lochmaben, than in Dryfesdale (Table 8.9.). This is an observation of considerable interest when one recalls that in 1881 the *Ih* value for Dryfesdale (0.064), was half that for Lochmaben (0.130). ¹¹⁰ It would be inappropriate to suggest that there was a direct correlation between numbers of grandchildren and levels of illegitimate fertility. Nonetheless, it is feasible to suggest that the presence of a large number of grandchildren in any given district, might reflect a high level of bastardy. ¹¹¹ Of the 84 grandchildren in Dryfesdale, the birth entries of ten could not be located. Similarly, in Lochmaben, the birth certificates of 29 of the 129 enumerated grandchildren could not be found. The total number of grandchildren available for analysis was thus 74 in Dryfesdale and 100 in Lochmaben (Table 8.10.). Without embarking on a repetition of the hypothesising about the legitimacy statuses of the untraced births, it is sufficient to remark that (as with the under-fives) the overall impression was that many of the older untraced grandchildren were illegitimate. Interestingly, however, whilst the number of untraced births remained constant with age in Dryfesdale, in Lochmaben the number increased from three in the 0-4 age-group, to 13 in both the 5-9 and 10-14 age-groups (Table 8.10.).

¹⁰⁹ Although, the number of untraced births remained constant with age in Dryfesdale, that in Lochmaben increased quite dramatically (Table 8.10.). This was due in part to an increase in the number of children from Lochmaben born outwith Scotland, but might also reflect an increasing margin of error in enumerating age as the children grew older.

¹¹⁰ See Appendix 2, Table A.2.1..

¹¹¹ According to the initial results of the 1851 Census National Sample, 9.7% of households spanned three or more generations. Anderson, p. 426.

Table 8.9. Dryfesdale and Lochmaben: Number and Proportion of Grandchildren Aged <15 Enumerated in the 1881 Census, by Quinquennial Age-groups.

	<u>Age-group</u>	<u>No. Grandchildren</u>	<u>Total No. Children</u>	<u>% Grandchildren</u>
<u>a) Dryfesdale</u>				
	0-4	33	400	8.25
	5-9	26	349	7.45
	10-14	25	347	7.20
	Total	84	1096	7.66
<u>b) Lochmaben</u>				
	0-4	49	338	14.50
	5-9	41	345	11.38
	10-14	39	343	11.37
	Total	129	1026	12.57
<u>c) Combined</u>				
	0-4	82	738	11.11
	5-9	67	694	9.65
	10-14	64	690	9.28
	Total	213	2122	10.04

Sources: C1881/820 and 840, NRH.

Table 8.10. Dryfesdale and Lochmaben: Children Aged <15 Enumerated as Grandchildren in the 1881 Census, by Legitimacy Status and Quinquennial Age-groups (figures in parentheses are percentages).

<u>Age-group</u>	<u>Births Traced</u>				<u>Births Not Traced</u>	
	<u>Legitimate</u>		<u>Illegitimate</u>		<u>All</u>	
<u>a) Dryfesdale</u>						
0-4	5 (17.24)		24 (82.76)		29 (100)	4
5-9	6 (26.09)		17 (73.91)		23 (100)	3
10-14	11 (50.00)		11 (50.00)		22 (100)	3
Total	22 (29.73)		52 (70.27)		74 (100)	10
Adjusted	16 (26.67)		44 (73.33)		60 (100)	-
<u>b) Lochmaben</u>						
0-4	7 (15.22)		39 (84.78)		46 (100)	3
5-9	4 (14.29)		24 (85.71)		28 (100)	13
10-14	4 (15.38)		22 (84.62)		26 (100)	13
Total	15 (15.00)		85 (85.00)		100 (100)	29
Adjusted	9 (13.24)		59 (86.76)		68 (100)	-
<u>c) Combined</u>						
0-4	12 (16.00)		63 (84.00)		75 (100)	7
5-9	10 (19.61)		41 (80.39)		51 (100)	16
10-14	15 (31.25)		33 (68.75)		48 (100)	16
Total	37 (21.26)		137 (78.74)		174 (100)	39
Adjusted	25 (19.53)		103 (80.47)		128 (100)	-

N.B. The adjusted figures count siblings born to the same mother singly.

Sources: C1881/820 and 840; B1866-81/Scotland - Various, NRH.

8.3.5.3. Proportion Illegitimate

Of these 74 grandchildren in Dryfesdale, 52 (70.27%) were illegitimate, and of the 100 in Lochmaben, 85 were bastard children. Thus, although there may have been a greater number of grandchildren present in Lochmaben, than in Dryfesdale, the vast majority of grandchildren in both parishes were illegitimate (Table 8.10.). Combining the figures for Dryfesdale and Lochmaben together, we find that out of 174 enumerated grandchildren, 137 (78.74%) were illegitimate. Moreover, adjusting the figures to count siblings singly (here defined as children born to the same mother), we find that the proportion of illegitimates was even slightly higher. According to these adjusted figures, 103 out of 128 sets of grandchildren (80.47%) were illegitimate (Table 8.10.). The general association between illegitimacy and the coresidence of grandchildren with their grandparents was thus strong. However, if we examine the breakdown of figures for the different age-groups, we find that the situation was more complex than these summary results indicate.

The breakdown of grandchildren into quinquennial age-groups is presented in Table 8.10., and details about their family structure are given in Tables 8.11 and 8.12.. On examining these tables, it is here that we begin to observe the first significant difference between Dryfesdale and Lochmaben in terms of household structure, a pragmatic reflection, perhaps, of the greater prevalence of illegitimacy in Lochmaben than in Dryfesdale.

If we examine the proportions of grandchildren who were illegitimate, we find that, in Lochmaben (despite an actual decline in numbers with age) there was little difference between the three age-groups. Indeed, the proportion of illegitimates remained very consistent at around 84-85%. However, in Dryfesdale, the proportion of illegitimates amongst the grandchildren declined

Table 8.11. Dryfesdale and Lochmaben: Presence or Absence and Marital Status of Parents in Households of Legitimate Grandchildren Aged <15 (Births Traced), by Quinquennial Age-groups, 1881 Census.

<u>Presence and Marital Status of Parent(s)</u>	<u>Age-groups</u>										<u>Total</u>	
	<u>Dryfesdale</u>						<u>Lochmaben</u>					
	<u>0-4</u>	<u>5-9</u>	<u>10-14</u>	<u>0-4</u>	<u>5-9</u>	<u>10-14</u>	<u>0-4</u>	<u>5-9</u>	<u>10-14</u>	<u>No.</u>		<u>£</u>
Married Couple	1	-	-	4	-	-	5	-	-	-	5	(13.51)
Married Spouse Absent	1	-	1	3	-	-	4	-	1	-	5	(13.51)
Widower	1	1	1	-	1	-	1	2	1	1	4	(10.81)
Widow	-	-	1	-	-	-	-	-	1	1	1	(2.70)
Cohabiting Couple	-	-	-	-	-	-	-	-	-	-	-	-
Unmarried Mother	-	-	-	-	-	-	-	-	-	-	-	-
Unmarried Father	-	-	-	-	-	-	-	-	-	-	-	-
No Parent Present	2	5	8	-	3	4	2	8	12	22	(59.46)	
Total	5	6	11	7	4	4	12	10	15	37	(99.99)	

Sources: As for Table 8.10..

Table 8.12. Dryfesdale and Lochmaben: Presence or Absence and Marital Status of Parents in Households of Illegitimate Grandchildren Aged <15 (Births Traced), by Quinquennial Age-groups, 1881 Census.

<u>Presence and Marital Status of Parent(s)</u>	<u>Age-groups</u>										<u>Total</u>
	<u>Dryfesdale</u>					<u>Lochmaben</u>					
	<u>0-4</u>	<u>5-9</u>	<u>10-14</u>	<u>0-4</u>	<u>5-9</u>	<u>10-14</u>	<u>0-4</u>	<u>5-9</u>	<u>10-14</u>	<u>No.</u>	
Married Couple	-	-	-	1	-	-	1	-	-	1	(0.73)
Married Spouse Absent	1	-	1	1	1	2	2	1	3	6	(4.38)
Widower	-	-	-	-	-	-	-	-	-	-	-
Widow	-	-	-	-	-	-	-	-	-	-	-
Cohabiting Couple	-	-	-	-	-	-	-	-	-	-	-
Unmarried Father	-	-	-	-	1	-	-	1	-	1	(0.73)
Unmarried Mother	13	6	-	19	6	8	32	12	8	52	(37.96)
No Parent Present	10	11	10	18	16	12	28	27	22	77	(56.20)
Total	24	17	11	39	24	22	63	41	33	137	(100)

Sources: As for Table 8.10..

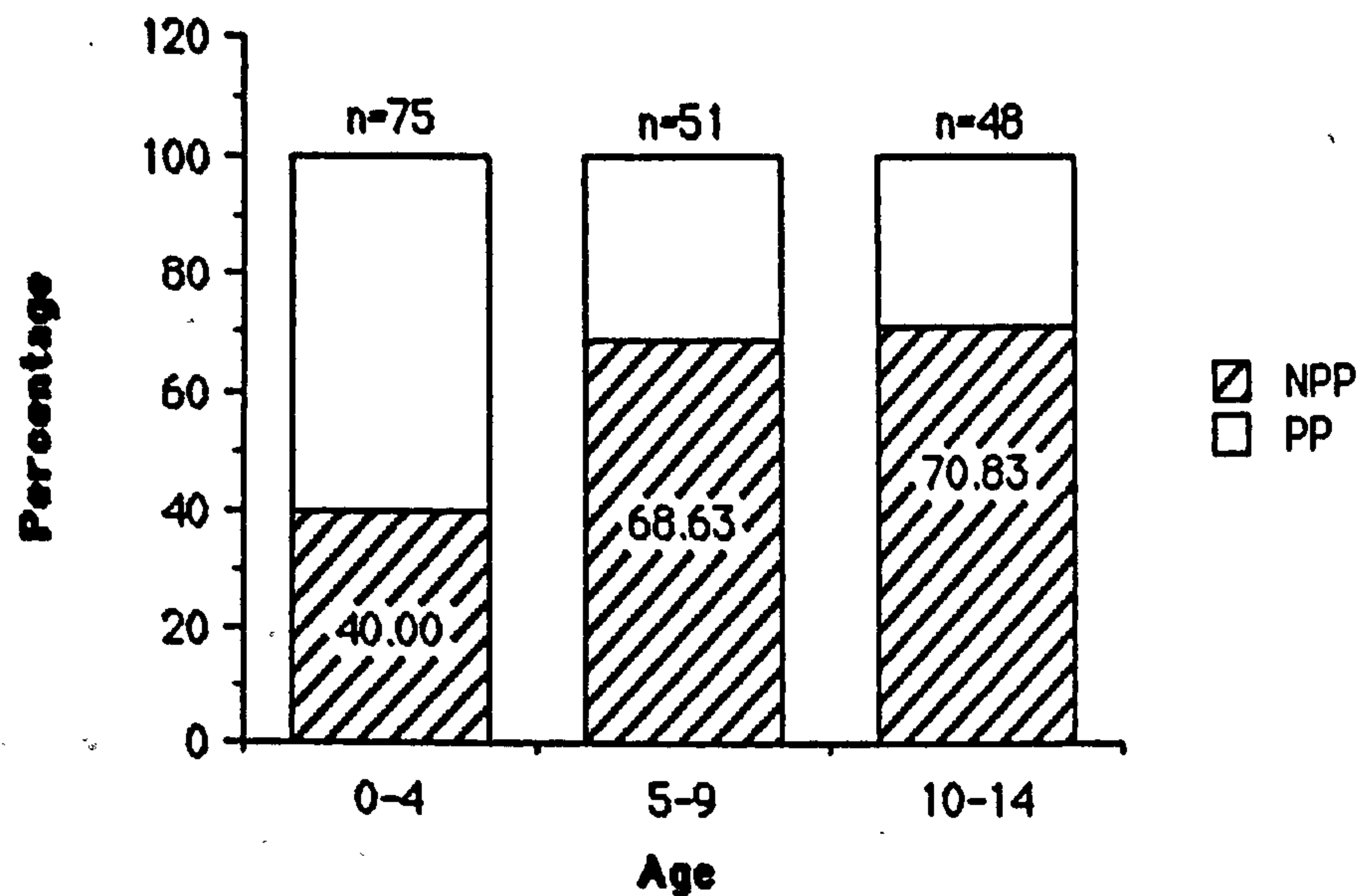
with age, reflecting both a decrease in the number of illegitimates, and a synchronous rise in the number of legitimates. In the 0-4 age-group the proportion of illegitimates was 82.76%, in the 5-9 age-group 73.91%, and in the 10-14 age-group only 50.00% (Table 8.10.). Moreover, whilst the proportions of total grandchildren living with their grandparents remained relatively constant in both Dryfesdale and Lochmaben (Table 8.9.), it was only amongst the legitimate grandchildren in Dryfesdale without a coresident parent, that any appreciable increase in numbers with age was experienced (Table 8.11.).

Graphs 8.1. and 8.2. illustrate the proportion of 'parentless' grandchildren, and the proportions of legitimate and illegitimate children amongst the 'parentless' category. Quite clearly, whilst the proportion of 'parentless' grandchildren increased with age, so too did the proportion of legitimates amongst this group. Michael Anderson has raised the point that many apparently 'parentless' grandchildren may have been illegitimate, Graph 8.2. shows that in Dryfesdale and Lochmaben this was certainly the case. However, the proportion of illegitimates amongst the 'parentless' grandchildren declined with age. In the 0-4 age-group, a staggering 93% of all 'parentless' grandchildren were illegitimate. Whereas, in the 10-14 age-group, this proportion had fallen to 65%.

8.3.5.4. Summary

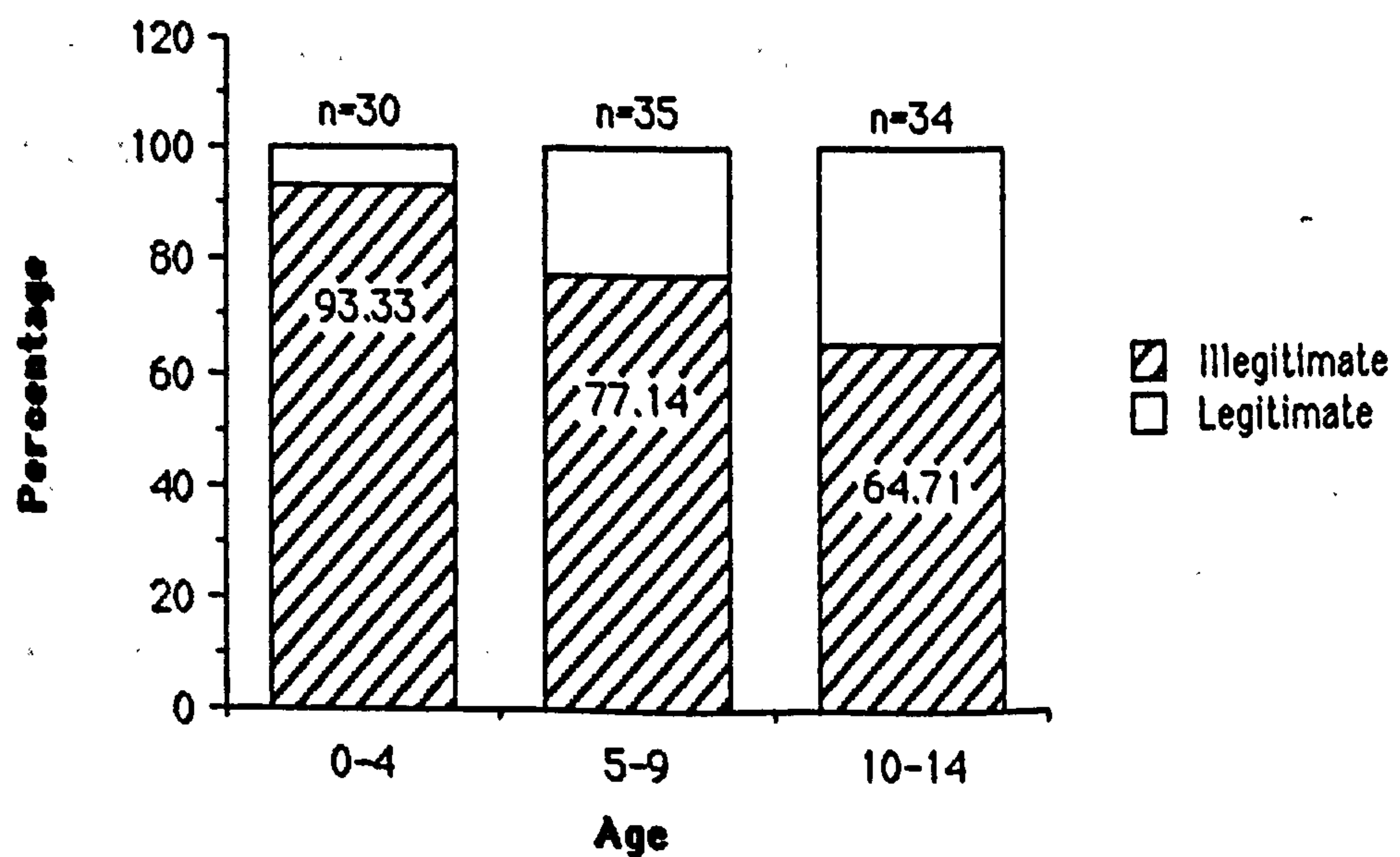
Quite why there should have been a rise in the proportion of legitimates, amongst the group of 'parentless' grandchildren, is a difficult question to answer. One possible explanation might be connected with a change in the nature of the relationship between grandparents and their grandchildren. The assumption in this discussion has been that the grandchildren were dependent for support on their grandparents (one that works well for the younger

Graph 8.1. Dryfesdale and Lochmaben: 'Parentless' Grandchildren as a Proportion of Total Grandchildren (Births Traced), 1881.



NPP = No Parent Present in Household
PP = One or Both Parents Present in Household

Graph 8.2. Dryfesdale and Lochmaben: Illegitimate 'Parentless' Grandchildren as a Proportion of Total 'Parentless' Grandchildren (Births Traced), 1881.



Sources: Tables 8.11. and 8.12..

children), but with the older children it can lose some of its validity. For, just as the grandchildren were growing in age and becoming increasingly independent, so too would their grandparents have been ageing and becoming increasingly less self-reliant. Therefore, with some of the older children, it is possible that they were supporting their grandparents rather than vice versa.

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However, the exploration of such possibilities must be left to others investigating the whole complex situation of family and household in nineteenth century society. The purpose of this section was to examine, in greater depth, the relationship between illegitimacy and the coresidence of grandchildren with their grandparents. The results of this part of the investigation into bastardy are abundantly clear. In Dryfesdale and Lochmaben in 1881, whilst age affected the proportion of illegitimates, the vast majority of all children enumerated as grandchildren were indeed illegitimate.

8.4. Conclusion

The historical investigation of family and household structure is fraught with complexities, none more so than the temporally-bound nature of sources such as the nineteenth century decennial censuses. Nevertheless, this chapter has been successful in helping to answer a number of important questions about the relationship between illegitimacy and household structure.

¹¹² A notion given some credence by the finding that, in Dryfesdale, the parents of some of the older legitimate 'parentless' grandchildren, were found to have been resident in an adjacent household [C1881/820/6/85 - John PL aged 12; C1881/820/6/110 - William BT aged 14; and C1881/820/7/135 - Margaret DN aged 13]. An observation not noted for any of the illegitimates, or younger legitimate 'parentless' grandchildren, in either Dryfesdale or Lochmaben. Some of the other legitimate children may, of course, have been orphans. As any children grow older, the chances of their becoming orphaned also increases.

Firstly, it has managed to provide some long awaited empirical evidence by which to test what remains the foremost academic debate about illegitimacy in nineteenth century Scotland – that between Ian Carter and T.C. Smout. Carter's argument was somewhat revised in Chapter 3 of this thesis yet, even allowing for this revision, insufficient evidence could be found to support his critique of Smout's use of illegitimacy statistics. Cohabitation was not found to have been a significant cause of illegitimacy in the Dryfesdale and Lochmaben area, and the objectivity of civil registration data on illegitimacy affirmed.

Secondly, this chapter has managed to provide some useful evidence about a shared economic contribution towards the upbringing of illegitimate children. Closely connected with their own ability to find and maintain employment in service, bastard-bearers would appear to have relied heavily on a network of (largely) familial support to provide board and lodging for their illegitimate offspring. In terms of the provision of such accommodation, although not exclusively, the main contributors to this crucial element in the sustenance of bastard children, were the children's grandparents. This is a finding commensurate with the trend observed in the previous chapter, whereby bastard-bearers were found to return home to give birth to their illegitimate offspring.

Thirdly, the evidence presented about 'parentless' grandchildren, has gone some way to answering Michael Anderson's suspicion that many such children were in fact illegitimate. Moreover, the overall results of this chapter, revealing a close association between illegitimacy and coresidence of children in their grandparents' households, has an important bearing on the wider sociological interpretation of the development of the family in Britain. These results suggest that any future interpretations about the role of multi-generational households in British society, would be wise to consider illegitimacy as a

significant factor in the formation of such households.

9.1. Overview of Findings

The Carter/Smout Debate

In attempting to meet the call for microstudies of bastardy in Victorian Scotland (utilising primary demographic source materials), a major inspiration behind this project was the need to provide empirical data with which to test some of the intricacies of the Carter/Smout debate. This requirement to gather empirical evidence was further justified by a realisation that, in the defence of his position against the criticisms levelled by Carter, Smout may have overstated the case for considering that contemporary Victorian learned opinion was unanimously agreed upon what precisely constituted forms of irregular marriage in Scotland.¹ In turn, this assessment has led to a re-appraisal of the debate between Carter and Smout, wherein irregular marriage (notably by 'habit and repute') was substituted for Carter's ill-defined concept of 'common law' marriage. In this fashion, it has been possible to follow Carter's advice on examining illegitimacy in relation to marriage, yet simultaneously test his critique of Smout, by searching for any evidence that either cohabitation or irregular marriage was a significant factor influencing illegitimate births, and consequently the registrars' definitions of illegitimacy.

In relation to the Carter/Smout debate, the empirical findings from an

¹ The Carter/Smout debate is detailed in Chapter 3.

investigation into marriage and cohabitation were largely conclusive for the period and locality under scrutiny. Of the parents of legitimate children from the Dryfesdale and Lochmaben case-study, some ninety-eight per cent were found to have been married regularly, thereby negating the likelihood of any discrepancy in the birth registration of legitimate children (Chapter 4). Similarly, evidence for cohabitation, amongst the parents of children registered as being illegitimate at birth, was found to have been negligible (Chapter 8). Indeed, the only example of cohabitation to be unambiguously identified pertained to a runaway couple from Roxburghshire. If cohabitation was rare then, by implication, any suggestion that irregular marriage by 'habit and repute' was a cause of possible discrepancy in the registration of births as either legitimate or illegitimate, is likely to be unfounded. Smout had earlier dismissed Carter's arguments on the grounds that his definition of 'common law' marriage was fanciful and unrealistic and, in this investigation, even by making allowance for the possibility of some overlap between what constituted cohabitation and what constituted irregular marriage by 'habit and repute', no empirical evidence could be found to support Carter's contention that the definition of illegitimacy was largely subjective.

Of all the birth certificates examined during the course of this thesis, only one identifiable 'category' might arguably be considered to have been open to an element of subjective interpretation: the birth certificates of illegitimate children born to (legally) married women, who were (and had been for some time) separated from their spouses. Illustrated in transcript form in Appendix 4 (example e.), instances of such births were both rare and evidently illegitimate, but constituted the only located examples of illegitimate birth entries which did not follow the usual format of the nineteenth century Scottish civil registration procedure, whereby illegitimate birth entries contained an explicit statement of bastardy. However, as evidenced during the course of the thesis, by not

actually writing the word 'illegitimate' on the birth certificates of children born under such circumstances, registrars were in fact following the letter of the law as regards the definition of legitimacy status whereby, under Scots Law, there exists a presumption that a husband is the father of children born to his wife unless proved to the contrary in a court of law. Arguably, therefore, by detailing the circumstances surrounding such births, registrars were capable of conveying the *de facto* illegitimate status of a child, without necessitating recourse to a court ruling on the matter. To argue, as Carter has done, that registrars were not uniform in their definitions of legitimacy status thus finds no substantiation in the empirical data examined as part of this thesis. Furthermore, by implication, Carter's wider claims about the invalidity of illegitimacy statistics calculated from aggregate birth registration data are additionally refuted, and Smout's stance in the debate is reinforced.

The General Reliability of Civil Registration Data

Despite the presentation of empirical data to refute the claims made by Ian Carter concerning the subjectivity of illegitimate birth registration, the overall investigation into the registration procedure has, however, shown that he was justified in raising a note of caution about its general level of consistency. Nonetheless, the evidence for some degree of inconsistency largely relates to the recording of supplementary details in the civil registers, and was not shown to have been unduly biased against illegitimates.

Thus, the deficiencies that it has been argued existed in the upkeep of the registers of corrected entries, and an element of inconsistency evidenced in the recording of instances of double registration (itself subject to a vagueness in the definition of 'domicil'), both applied equally to legitimates and illegitimates. Moreover, whilst there is reason to believe that subsequent legitimations went

unrecorded, the evidence for the later marriage of bastard-bearers was itself limited (at least in the parishes they bore their illegitimate offspring), and the registering of such a transition in status would have been as much the responsibility of the relevant parents, as of any registrar employed to record the matter. In this respect, any under-recording of subsequent legitimation is more likely a pragmatic reflection of a cultural attitude that did not overly stigmatise illegitimacy, than a reflection of widespread neglect of duty on the part of registrars.

However, the implications of this situation for the historian attempting to utilise the Scottish records of civil registration are by no means insignificant, and Carter must be acknowledged for originally raising some note of caution about the unquestioning usage of this data. Unlike the more standard information recorded at the time of registration, supplementary evidence (frequently included at a later date) must be handled with considerable care. It is only lamentable that, in view of the potential demographic and historical value of some of the supplementary registration material (for example, information about parents' place of domicile at the time of a child's birth), this is a finding which should highlight one particular limitation of civil registration data.

The Recording of Paternity

Evidence about paternity in cases of illegitimacy is notoriously difficult to establish, let alone interpret meaningfully, and the findings about paternity in this thesis were not exceptional in being limited. Nonetheless, in scrutinising the Scottish civil registration procedure in relation to illegitimacy, it was found necessary to make an important pragmatic distinction between the two possible ways in which paternity could be recorded in cases of illegitimacy. As

argued in Chapter 5, due to an implied distinction in the level of expressed male responsibility, fatherhood acknowledged at the time of initial birth registration needs to be distinguished from fatherhood established at a later date by means of a paternity action recorded in the registers of corrected entries.

The evidence for paternity examined as part of this thesis indicated that, of the two possible methods of advertising fatherhood, acknowledgement at the time of original birth registration was comparatively unusual. In itself, this finding tends to confirm recent doubts about the extent to which illegitimacy can be viewed as a by-product of 'fertility testing',² although evidence to suggest that unwed mothers pursued paternity suits purely for financial assistance was not forthcoming.

At this stage of the conclusion it is worth comparing these findings with those produced by Andrew Blaikie in his locality study of Rothiemay parish in Banffshire,³ for, whilst Blaikie found little evidence to substantiate a 'courtship hypothesis' of bastardy,⁴ the norm in Rothiemay during the second half of the nineteenth century was for paternity to be acknowledged at the time of original birth registration.⁵ This constitutes a pragmatic difference between our findings, with a bearing on future interpretations of evidence about paternity. Admittedly, unlike myself, Blaikie did not openly set out to explore the workings of the nineteenth century Scottish system of civil registration in relation to the

² See, for example, Rosalind Mitchison and Leah Leneman, Sexuality and Sexual Control, Scotland 1660-1780 (Oxford: Basil Blackwell, 1989), pp. 3, 182-83 and 232-33.

³ J.A.D. Blaikie, "Illegitimacy in Nineteenth Century North-East Scotland" (Ph.D. thesis, Queen Mary College, University of London, 1987).

⁴ *Ibid.*, p. 144.

⁵ *Ibid.*, p. 166.

recording of illegitimacy. Nonetheless, whilst Blaikie's thesis and mine differ considerably in this respect, ⁶ a number of salient points of similarity do emerge from a comparison of the findings presented in the two theses.

Servants and Illegitimacy

One of the most exhaustive features of the examination of illegitimacy in Dryfesdale and Lochmaben presented as part of this thesis concerned the difficulties in interpreting evidence about the occupations of bastard-bearers (and of female occupations as a whole in the context of a male-dominated society). Chapter 6 of this thesis presented a detailed aggregate analysis of the occupations of bastard-bearers (in relation to their census-determined at risk population group), and this analysis clearly indicated that bastard-bearing was disproportionately associated with female *farm* servants. It is significant, therefore, to compare this finding with Blaikie's investigations into the occupations of bastard-bearers, which established that, between 1851 and 1900 eighty-seven per cent of all known bastard-bearers in Rothiemay were classed by him as '*domestic servants*'. ⁷

However, just as Blaikie went on to comment about the bastard-bearing servants located in his study, "much the greatest proportion being 'indoor'

⁶ Apart from being locality studies set in different parts of the country, other significant points of contrast between Blaikie's thesis and mine include: a) the period covered by analysis - Blaikie's study examines the entire period from 1750 to 1900, and one of the main findings of his research is that, 'contrary to received opinion', not all pre-1855 Scottish 'Old Parish Registers' are inadequate for the purposes of certain demographic investigations [pp. 95-109]; b) the extent of theoretical interpretation - Blaikie pays greater attention to the theoretical approach to the study of Scottish bastardy, for example, Chapter 2 of his thesis is devoted to an assessment of differing class attitudes to sex in the north-east; and c) source materials - in Chapter 6, for example, Blaikie examines Poor Law records concluding that, although the implementation of policies of poor relief varied considerably between parishes [p. 267], because poor relief "could hardly have encouraged profligacy", familial support is a crucial factor to consider when investigating bastardy [p. 268].

⁷ Ibid., p. 180, Table 5.1.

agricultural workers (i.e. kitchenmaids, milkmaids and the like)",⁸ so too did a further consideration of the characteristics of female farm service in lowland Scotland (contained in Chapter 7 of this thesis), suggest the likelihood of many female farm servants in Dumfriesshire having worked as 'in-and-out-girls'. Indeed, a further sub-parochial investigation into known bastard-bearers in Dryfesdale and Lochmaben, highlighted the very real possibility of overlap between the definitions of farm and domestic servants. Thus, despite an apparent contradiction in findings about occupation, both Blaikie's work on the north-east, and my own on the south-west, suggest that the majority of bastard-bearers in both regions of Scotland were associated with forms of female agricultural service.

The Return Migration of Bastard-bearing Servants

Continuing the theme of bastardy and female service, both Blaikie and I explore the phenomenon of a return migration of servants to bear illegitimate offspring. First evidenced in Chapter 4 of his thesis (in relation to the birthplaces of bastard-bearers and their children), and further explored in Chapter 5 (by investigating census-determined levels of out-migration into service), Blaikie's research into bastard-bearing in Rothiemay during the second half of the nineteenth century, "testifies to a persuasive pattern of return migration from service".⁹ Similarly, in Chapter 7 of this thesis, again using the census enumerators' returns, but concentrating more on establishing place of residence at time of conception, evidence is presented to reveal a similar

⁸ Ibid. Although the occupations of a total of 254 bastard-bearers are given in Table 5.1, for the period 1851-1900, Blaikie does not appear to give an actual breakdown of the proportion of 'kitchenmaids, milkmaids and the like' included in his occupational category 'domestic servants'.

⁹ Ibid., p. 175.

tendency for bastard-bearers to return 'home' to bear their illegitimate offspring. The significance of a comparison of these findings is considerable. For, using different techniques of investigation, there now exists empirical evidence to suggest that, in both Banffshire and Dumfriesshire during the late-Victorian period, there existed a connection between levels of bastardy and the return migration of servants. This similarity in findings is strongly indicative that certain fundamental traits in illegitimacy were common to geographically distinct regions of Scotland.

In addition to revealing a high level of similarity in at least some of the characteristics of bastardy between the north-east and south-west lowlands of Scotland these findings also have a direct bearing on the subsequent evaluation of regional patterns of illegitimate fertility, and especially those produced by Donald Morse at the parish level for late-Victorian Scotland.¹⁰ Acknowledging the problems of an assumed static population inherent in the calculation of age-specific measurements of illegitimate fertility (such as $1h$),¹¹ and given the evidence presented by both Blaikie and myself (suggesting the return migration of servants to have been a significant feature of bastardy), the observed locality persistence of illegitimacy at the parish level in Scotland, is arguably even more remarkable than a visual examination of maps based on Morse's data first reveals (see, for example, Maps 1.4. to 1.7.). In this respect, Scotland's reputation as the 'classic country in the study of illegitimacy' is further justified.

¹⁰ Donald J. Morse, "The Fertility Decline in Scotland" (Ph.D. thesis, University of Edinburgh, 1987).

¹¹ Because the nineteenth century British census returns constitute a 'snapshot' record of a community taken on one particular night every ten years, certain demographic calculations reliant on this source for data are forced to assume a static population.

Intra-parochial Bastardy Levels

Whilst it can be argued that the findings of Blaikie's and of my sub-parochial level analyses (suggesting a return migration of bastard-bearing servants), support rather than contradict the parish level figures produced by Morse, the distinction between aggregate and reconstitution methods of analysis should not be downplayed. Indeed, a comparison of the results about bastardy and female occupations contained in Chapters 6 and 7 of this thesis serves to illustrate the need to appreciate the distinction between the two methods and levels of analysis. Nonetheless, the main advantage of locality studies, such as those conducted by Blaikie and myself, is that analysis can be conducted at a level lower than that of the parish as a distinct unit, and one further significant refinement of both our theses concerns the findings about intra-parochial variations in the levels of bastardy.

In comparing evidence about the birthplaces of illegitimates in Rothiemay, with those in the adjacent parish of Marnoch, Blaikie concludes that in both parishes, "differences at this intra-parochial, sub-communal level suggest a bastardy-proneness concentrated within certain settlements or 'fermtouns'".¹² However, in the light of evidence about the return migration of bastard-bearing servants, Blaikie is justified in questioning the extent to which such a patterning implies the existence of a "discrete 'ghettoes'" of the bastardy prone.¹³ Instead, Blaikie errs on the side of caution when dealing with evidence about the possible existence of a 'bastardy prone sub-society': "From the point of

¹² Blaikie, p. 191. This finding was most apparent in the village of Aberchirder in the parish of Marnoch [p. 190, Fig. 5.2], but see also the maps presented in the Appendix to Chapter 5 [pp. 226-31].

¹³ Ibid., p. 191.

view of demographic surveillance, the 'dangerous migrants', as Schofield puts it, 'are those who return to the parish thereby giving a false impression of continuous residence'".¹⁴ Nonetheless, Blaikie's finding can compare favourably with the results for Dryfesdale and Lochmaben, presented in Chapter 4 of this thesis.

As part of the investigation conducted in this thesis, it had been hoped that an inter-parochial comparison of bastardy between the parishes of Dryfesdale and Lochmaben might shed light on the underlying reason behind their consistently different levels of illegitimate fertility. Aside from attributing the difference to the varying economic fortunes of the two primarily agricultural parishes during the second half of the nineteenth century (outlined in Chapter 4), no ready explanation of their relative levels of bastardy has been forthcoming. Nonetheless, the identification of specific areas of 'bastardy-proneness' does suggest that the influence of highly localised cultures might be an important factor in explaining the observed persistence of different levels of bastardy and, in Lochmaben especially (where the level of illegitimate fertility was greatest), a continuity in the relative socio-geographical insularity of certain communities within the parish could be evidenced.

Particularly within the context of Scotland, wherein bastardy is primarily considered to have been a rural rather than urban phenomenon, it is interesting to note that (as is also implied by Blaikie's evidence for Marnoch especially) the evidence from Dryfesdale and Lochmaben suggests that, at the micro-level, bastardy was more strongly connected with the towns and villages than with

¹⁴ Ibid.

the farming hinterlands. This observation would appear to concur with the findings about a return migration of bastard-bearing servants, but does not itself explain why certain communities should have produced more bastard-bearers than others.

If, however, we accept the existence of differing local mores as being a significant factor underlying the regional pattern of bastardy in rural Scotland, then it is fruitful to consider the following question: in comparison with their peers from other localised cultural backgrounds, did those females engaged in service who came from 'bastardy prone communities' take with them on their travels a greater predisposition to enter into extra-marital sexual liaisons, or were their attitudes towards sexual activity such as to leave them more susceptible to male exploitation when outwith their home environment? "No doubt middle-class men had an advantage when it came to concealing paternity".¹⁵ If, however, exploitation can be viewed in terms of class, with most identified fathers of illegitimate children born in rural Victorian Scotland apparently being from the 'working class'¹⁶ then, in the words of T.H. Hollingsworth: "A cultural explanation, in terms of attitudes towards agricultural work and workers would seem justified".¹⁷

Familial Support and the Role of Grandparents

One further observation made by Blaikie about the 'mechanics' of

¹⁵ T.C. Smout, "Aspects of Sexual Behaviour in Nineteenth Century Scotland", in Social Class in Scotland: Past and Present, ed. A. Allan MacLaren (Edinburgh: John Donald, 1976), p. 68.

¹⁶ Ibid.; Blaikie, p. 181, Table 5.2; and Chapter 5 of this thesis.

¹⁷ T.H. Hollingsworth, "Illegitimate Births and Marriage Rates in Great Britain 1841-1911", in Marriage and Remarriage in Populations of the Past, ed. J. Dupâquier (London: Edward Arnold, 1981), p. 449.

illegitimacy in Rothiemay, deserves mention in a comparison with my findings about bastardy in Dumfriesshire. T.C. Smout has raised the important question, "on whom did the economic burden of looking after an illegitimate child fall?",¹⁸ and both Blaikie's researches into family and household structure¹⁹ and those presented in Chapter 8 of this thesis, indicate that familial support, and notably the contribution of grandparents, was crucial in this respect.²⁰ For example, just as the majority of illegitimate children located in the 1881 census returns for Dryfesdale and Lochmaben were found to have been resident in households headed by a grandparent, Blaikie established that the same was the case for Rothiemay during the period 1851 to 1891.²¹ Moreover, a comparison of the Rothiemay findings with similar calculations, conducted for Aberchirder in adjacent Marnoch, and for the fishing village of Findochty in the parish of Rathven (also in Banffshire), led Blaikie to comment:

One inference which may be drawn from these figures is that the incidence of illegitimacy varied positively with the proportion of households headed by grandparents. In both Rothiemay and Aberchirder, where bastardy ratios were high, proportions of households containing grandchildren were also high but in Findochty, where illegitimacy was very rare the percentage of such households was correspondingly low.²²

¹⁸ T.C. Smout, A Century of the Scottish People 1830-1950 (London: Collins, 1986), p. 168.

¹⁹ Blaikie, pp. 192-223.

²⁰ A finding for Rothiemay not contradicted by Blaikie's further investigations into the workings of the Poor Law, wherein "Most mothers of illegitimate children were not permanent paupers although many had been or would be for brief spells sufficiently impoverished to have recourse to temporary aid" [Blaikie, p. 268].

²¹ Ibid., p. 202, Table 5.12. Out of a total of 244 illegitimate children identified in the Rothiemay census returns ('overlaps' between censuses being "allocated the status accorded when first enumerated"), sixty-seven per cent were identified as being resident in households headed by a grandparent. A further three per cent were enumerated as step-grandchildren, and another two per cent as great-grandchildren, of the household head.

²² Ibid., p. 201. The proportions of households including grandchildren as given by Blaikie (Table 5.10) were as follows: a) Rothiemay - 21.0%; b) Aberchirder - 16.8%; and c) Findochty - 11.6%. Significantly, as in Dryfesdale and Lochmaben, Blaikie's researches indicated that there was an absence of cohabiting couples, and that few bastard-bearers headed their own households [pp. 209-117].

Arguably, such findings connecting illegitimacy with multi-generational household structures (as presented by Blaikie and myself), whilst crucial to an understanding of Scottish bastardy, also have implications for the wider study of the development of family types within the context of Western Europe as a whole. If bastardy is a principal factor influencing the (life-cycle) development of multi-generational family household structures, then future analyses of family and household structure must surely pay considerable attention to the possible influence of relative levels of illegitimacy. ²³

9.2. Suggestions for Further Research

As Rosalind Mitchison and Leah Leneman have pointed out in their very recent publication on illegitimacy in early modern Scotland, some degree of caution needs to be expressed when generalising about trends in illegitimacy from locality studies. ²⁴ Nonetheless, with this caution in mind, a comparison of Blaikie's findings for an area of the north-east, with my findings for a locality in the south-west, reveals much about the 'mechanics' of illegitimacy in Victorian Scotland. Despite the geographical separateness of our two locality studies, the extent of similarity between certain findings is quite remarkable and, in particular, the bastardy-related themes of agrarian service, return migration and familial support would appear to deserve further investigation.

The call for micro-level analyses of illegitimacy in Scotland would thus appear to have been warranted, and there exists much scope for further locality

²³ In terms of analysing the 1851 Census National Sample, for example, Michael Anderson has already postulated that illegitimacy might account for a significant proportion of the identified 'parentless' grandchildren. Michael Anderson, "Households, Families and Individuals: Some Preliminary Findings from the National Sample from the 1851 Census of Great Britain", Continuity and Change 3/3 (December 1988), p. 432.

²⁴ Mitchison and Leneman, pp. 11-12.

studies to be conducted. Case-studies of regions of Scotland not necessarily associated with high levels of illegitimacy would provide the basis for useful comparisons, and some investigation into patterns of urban illegitimacy would also be particularly welcome.²⁵ Furthermore, as illustrated in this thesis, Morse's recently produced database of parochial level *Ih* values now provides for Victorian Scotland a large amount of relevant material on which to base future case-studies. Additionally, as Morse himself has initiated,²⁶ there now exists considerable scope to explore in great detail the relationship between movements in illegitimate, marital and total fertility in Victorian Scotland.

In terms of period, that from 1780 until the introduction of civil registration in 1855 is undoubtedly a significant time in the history of Scottish bastardy, and a period which would ideally require more in-depth research. As Mitchison and Leneman note about their investigation into illegitimacy from 1660 to 1780 through examination of kirk session records: "Stopping in 1780 is, of course, a great pity. It means that there persists a large gap between our work and that of Professor Smout – a gap which covers the industrial revolution in Scotland and the transformation of agriculture".²⁷ Mitchison and Leneman were obliged to stop their analysis of kirk session records in 1780 "because by then many parishes were abandoning the system of [church] discipline, and study of their

²⁵ A very recent and innovative article seeking to redress the rural-urban imbalance now evident in studies of English bastardy is, Adrian Wilson's "Illegitimacy and Its Implications in Mid-Eighteenth-Century London: The Evidence of the Foundling Hospital", *Continuity and Change* 4/1 (May 1989), pp. 103-64. According to Wilson, with nuptiality being sensitive to economic fluctuations, one major distinction between eighteenth century London and 'rural preindustrial England' (affecting levels of illegitimacy), was that in London marriage was 'courtship-led', whereas in rural areas courtship was 'marriage-led' [pp. 137-38].

²⁶ Morse, Chapter 5. Significantly, according to Morse, "despite the overall minimal proportional contribution of extra-marital fertility to fertility decline overall [sic], understanding why illegitimate and legitimate fertility should decline at the same time but at different rates may in some cases provide clues to why fertility declined at all in Scotland at the end of the nineteenth century" [p. 79].

²⁷ Mitchison and Leneman, p. 14.

records convinced us that we could no longer be sure that their record of cases would be comprehensive".²⁸ Yet, notably in the north-east of Scotland, the high levels of illegitimate fertility characteristic of the second half of the nineteenth century, only began their dramatic rise during the late-eighteenth and early nineteenth centuries.²⁹ In this respect, Blaikie's observations about the reliability of the Rothiemay parish registers during this period are encouraging, suggesting that the findings of Flinn et al. (concerning the doubtful quality of Scottish ecclesiastical registers), should not necessarily preclude future locality studies of bastardy from rigorously investigating the potential value of individual 'Old Parish Registers'.³⁰

Finally, for the period dating from the very end of the last century, some form of systematic collection of oral reminiscences might provide useful information about the subsequent lives of bastard-bearers and their offspring, if not actually some insight into attitudes towards bastardy. In this respect, one source of information more usually eschewed by academics in Britain, the work of numerous genealogists who have traced their own family histories, might prove to be of some value. Unlikely to have been collected or collated in any uniform manner, this source might provide welcome supplementary evidence about aspects of illegitimacy such as naming patterns.³¹ For, as illustrated in

²⁸ Ibid.

²⁹ Ibid., p. 231.

³⁰ Michael Flinn et al., Scottish Population History (Cambridge: Cambridge University Press, 1977), p. xv. Nonetheless, with due acknowledgement of Blaikie's thesis, Mitchison and Leneman maintain that, "any systematic and large-scale study [of bastardy] would have to use some other basic material" [p. 14].

³¹ For example, as part of an investigation into patterns of migration in nineteenth century Lincolnshire, Martin White has recently utilised material published by the local family history society to good effect. Martin B. White, "Aspects of Migration in Victorian Lincolnshire" (Ph.D. thesis, University of Edinburgh, 1986), pp. 87-88, Table 4.6. Encouragingly, White further comments that, despite the questionable representativeness of individual family histories, their compilation and publication are becoming more systematic and widespread [pp. 277-78].

Chapter 5 of this thesis, background knowledge about names and naming systems is not only essential to the success of reconstitution studies, but there is evidence to suggest that a comprehensive examination of name ascription and name usage might reveal more about that most elusive aspect of illegitimacy: paternity.

Appendix 1

Correlations Between the Illegitimacy Ratio (IR), Illegitimate Fertility Rate (IFR) and Coale Index of Illegitimate Fertility (Ih), Scottish Counties, 1861-1901

Table A1.1. Correlation Coefficients, Scottish Counties, 1861-1901

<u>Coefficient of Determination (r^2)</u>			
(n=33)			
<u>Census Year</u>	<u>IR/IFR</u>	<u>IR/Ih</u>	<u>IFR/Ih</u>
1861	0.748	0.681	0.973
1871	0.657	0.639	0.977
1881	0.725	0.686	0.987
1891	0.646	0.663	0.988
1901	0.567	0.599	0.977

Sources: DARs 1860-62, 1870-72, 1880-82, 1890-92 and 1900-1902; Census of Scotland, 1861 vol II table II, 1871 vol II table II, 1881 vol II table XIII, 1891 vol II pt II table XIII, and 1901 vol II table I(2); and Michael S. Teitelbaum, The British Fertility Decline (Guildford: Princeton University Press, 1984), p. 152, Table 6.10b.

N.B. The IR and IFR values were calculated for three-year periods around each decennial census year, and these calculations are reproduced as part of Tables A1.2. to A1.6..

Table A1.2. Scottish Counties: IR, IFR and Ih values, 1861 (figures in parentheses are rank orders).

<u>County</u>	<u>IR</u>	<u>IFR</u>	<u>Ih</u>
Shetland	3.91 (32)	5.83 (33)	0.014 (33)
Orkney	5.03 (30)	8.31 (30)	0.019 (30)
Caithness	7.32 (26)	13.35 (26)	0.036 (26)
Sutherland	4.91 (31)	6.70 (32)	0.015 (32)
Ross & Cromarty	3.84 (33)	6.92 (31)	0.018 (31)
Inverness	7.54 (24)	11.96 (28)	0.031 (28)
Nairn	8.92 (15)	14.78 (25)	0.040 (25)
Moray/Elgin	12.87 (7)	27.85 (9)	0.071 (8)
Banff	15.66 (1)	37.78 (1)	0.098 (1)
Aberdeen	15.42 (2)	33.96 (2)	0.089 (2)
Kincardine	14.51 (5)	33.14 (3)	0.083 (4)
Angus/Forfar	11.75 (9)	24.36 (12)	0.062 (14)
Perth	10.60 (=10)	19.72 (20)	0.050 (20)
Fife	7.64 (22)	17.92 (22)	0.047 (=21)
Kinross	10.42 (12)	20.56 (18)	0.058 (15)
Clackmannan	8.52 (20)	23.24 (13)	0.067 (=10)
Stirling	8.79 (18)	26.23 (11)	0.067 (=10)
Dunbarton	6.96 (27)	17.64 (23)	0.047 (=21)
Argyll	6.29 (29)	12.23 (27)	0.033 (27)
Bute	7.61 (23)	10.36 (29)	0.024 (29)
Renfrew	7.35 (25)	18.49 (21)	0.047 (=21)
Ayr	9.01 (14)	27.23 (10)	0.069 (9)
Lanark	7.88 (21)	22.78 (14)	0.057 (16)
Linlithgow/W. Lothian	6.80 (28)	29.93 (6)	0.084 (3)
Edinburgh/Midlothian	8.81 (17)	17.28 (24)	0.043 (24)
Haddington/E. Lothian	8.87 (16)	21.08 (17)	0.052 (18)
Berwick	10.60 (=10)	21.36 (15)	0.051 (19)
Peebles	10.12 (13)	21.20 (16)	0.056 (17)
Selkirk	8.67 (19)	20.50 (19)	0.064 (13)
Roxburgh	11.84 (8)	28.33 (7)	0.065 (12)
Dumfries	14.87 (3)	32.11 (4)	0.080 (5)
Kirkcudbright	14.73 (4)	30.21 (5)	0.072 (7)
Wigtown	14.29 (6)	28.04 (8)	0.074 (6)

Table A1.3. Scottish Counties: IR, IFR and Ih values, 1871 (figures in parentheses are rank orders).

<u>County</u>	<u>IR</u>	<u>IFR</u>	<u>Ih</u>
Shetland	3.96 (33)	5.16 (33)	0.015 (33)
Orkney	5.08 (31)	8.56 (=31)	0.025 (30)
Caithness	10.30 (13)	19.24 (21)	0.050 (=19)
Sutherland	7.12 (28)	8.96 (30)	0.022 (31)
Ross & Cromarty	5.06 (32)	8.56 (=31)	0.020 (32)
Inverness	8.00 (26)	12.97 (28)	0.035 (28)
Nairn	8.05 (25)	13.75 (27)	0.042 (26)
Moray/Elgin	14.85 (6)	29.99 (7)	0.079 (8)
Banff	17.31 (1)	40.00 (1)	0.099 (1)
Aberdeen	14.88 (5)	35.64 (3)	0.091 (=2)
Kincardine	13.33 (7)	33.63 (4)	0.091 (=2)
Angus/Forfar	11.69 (9)	23.06 (14)	0.061 (13)
Perth	10.85 (11)	19.78 (20)	0.050 (=19)
Fife	7.75 (27)	17.62 (24)	0.048 (21)
Kinross	11.42 (8)	22.80 (15)	0.053 (=16)
Clackmannan	8.90 (18)	22.12 (16)	0.059 (14)
Stirling	8.21 (=22)	26.28 (10)	0.069 (10)
Dunbarton	6.36 (30)	16.22 (25)	0.045 (25)
Argyll	8.09 (24)	14.99 (26)	0.037 (27)
Bute	8.35 (20)	11.71 (29)	0.030 (29)
Renfrew	6.58 (29)	17.58 (23)	0.047 (=23)
Ayr	9.03 (17)	27.79 (9)	0.073 (9)
Lanark	8.21 (=22)	26.09 (11)	0.067 (11)
Linlithgow/W. Lothian	8.68 (19)	37.98 (2)	0.099 (4)
Edinburgh/Midlothian	8.27 (21)	18.11 (22)	0.047 (=23)
Haddington/E. Lothian	9.74 (15)	21.55 (17)	0.053 (=16)
Berwick	10.20 (14)	20.63 (18)	0.056 (15)
Peebles	9.15 (16)	20.17 (19)	0.052 (18)
Selkirk	10.53 (12)	23.25 (13)	0.048 (22)
Roxburgh	10.94 (10)	24.33 (12)	0.066 (12)
Dumfries	15.27 (4)	31.24 (5)	0.080 (7)
Kirkcudbright	15.50 (3)	30.97 (6)	0.083 (=5)
Wigtown	15.91 (2)	29.52 (8)	0.083 (=5)

Table A1.4. Scottish Counties: IR, IFR and lh values, 1881 (figures in parentheses are rank orders).

<u>County</u>	<u>IR</u>	<u>IFR</u>	<u>lh</u>
Shetland	5.08 (32)	5.80 (33)	0.016 (33)
Orkney	5.88 (29)	9.90 (30)	0.028 (29)
Caithness	11.00 (8)	20.53 (13)	0.053 (13)
Sutherland	6.61 (27)	10.20 (29)	0.027 (30)
Ross & Cromarty	4.85 (33)	8.14 (32)	0.020 (32)
Inverness	8.07 (16)	13.96 (27)	0.034 (27)
Nairn	10.77 (10)	19.44 (16)	0.047 (16)
Moray/Elgin	15.48 (3)	32.83 (3)	0.082 (5)
Banff	16.24 (1)	38.28 (1)	0.102 (1)
Aberdeen	13.96 (6)	33.72 (2)	0.085 (=2)
Kincardine	12.16 (7)	30.07 (6)	0.080 (6)
Angus/Forfar	9.98 (12)	19.95 (15)	0.052 (14)
Perth	8.94 (15)	15.91 (21)	0.042 (21)
Fife	6.89 (24)	15.56 (23)	0.040 (23)
Kinross	9.72 (13)	16.88 (19)	0.045 (18)
Clackmannan	8.06 (17)	18.85 (17)	0.046 (17)
Stirling	6.81 (25)	22.29 (10)	0.056 (10)
Dunbarton	5.68 (31)	13.57 (28)	0.033 (28)
Argyll	7.78 (19)	14.13 (26)	0.035 (26)
Bute	5.85 (30)	8.96 (31)	0.026 (31)
Renfrew	5.98 (28)	14.81 (25)	0.038 (=24)
Ayr	7.97 (18)	23.72 (9)	0.059 (9)
Lanark	6.76 (26)	20.63 (12)	0.054 (=11)
Linlithgow/W. Lothian	7.35 (21)	31.27 (5)	0.085 (=2)
Edinburgh/Midlothian	7.38 (20)	15.98 (20)	0.041 (22)
Haddington/E. Lothian	6.99 (23)	14.98 (24)	0.044 (19)
Berwick	10.82 (9)	20.14 (14)	0.048 (15)
Peebles	9.06 (14)	16.92 (18)	0.038 (=24)
Selkirk	7.08 (22)	15.88 (22)	0.043 (20)
Roxburgh	10.60 (11)	21.39 (11)	0.054 (=11)
Dumfries	14.98 (4)	29.18 (8)	0.073 (8)
Kirkcudbright	14.52 (5)	29.23 (7)	0.074 (7)
Wigtown	16.04 (2)	32.64 (4)	0.084 (4)

Table A1.5. Scottish Counties: IR, IFR and Ih values, 1891 (figures in parentheses are rank orders).

<u>County</u>	<u>IR</u>	<u>IFR</u>	<u>Ih</u>
Shetland	4.41 (33)	5.33 (33)	0.014 (33)
Orkney	6.59 (23)	9.28 (28)	0.025 (28)
Caithness	11.14 (8)	19.76 (9)	0.055 (9)
Sutherland	5.99 (27)	8.58 (30)	0.024 (=29)
Ross & Cromarty	4.65 (32)	7.39 (32)	0.020 (=31)
Inverness	7.25 (20)	10.47 (26)	0.030 (=23)
Nairn	9.52 (11)	12.32 (20)	0.038 (=15)
Moray/Elgin	13.16 (3)	25.75 (6)	0.073 (=3)
Banff	14.11 (2)	30.36 (1)	0.084 (1)
Aberdeen	13.04 (5)	26.22 (4)	0.069 (6)
Kincardine	12.71 (7)	28.43 (3)	0.073 (=3)
Angus/Forfar	9.46 (12)	16.52 (13)	0.042 (=13)
Perth	8.94 (13)	13.22 (17)	0.036 (=17)
Fife	5.80 (28)	11.85 (22)	0.031 (22)
Kinross	7.35 (16)	12.68 (18)	0.035 (19)
Clackmannan	5.06 (29)	8.09 (31)	0.024 (=29)
Stirling	6.04 (25)	17.08 (11)	0.044 (11)
Dunbarton	4.93 (30)	11.44 (23)	0.027 (27)
Argyll	7.58 (15)	12.18 (21)	0.033 (21)
Bute	7.33 (18)	8.63 (29)	0.020 (=31)
Renfrew	4.84 (31)	11.18 (24)	0.030 (=23)
Ayr	6.92 (22)	17.50 (10)	0.047 (10)
Lanark	6.13 (24)	16.97 (12)	0.043 (12)
Linlithgow/W. Lothian	6.01 (26)	26.04 (5)	0.072 (5)
Edinburgh/Midlothian	7.34 (17)	13.24 (16)	0.034 (20)
Haddington/E. Lothian	7.04 (21)	12.65 (19)	0.036 (=17)
Berwick	10.27 (9)	15.23 (14)	0.042 (=13)
Peebles	7.63 (14)	10.26 (27)	0.029 (=25)
Selkirk	7.26 (19)	10.98 (25)	0.029 (=25)
Roxburgh	9.85 (10)	13.88 (15)	0.038 (=15)
Dumfries	12.93 (6)	21.49 (8)	0.057 (8)
Kirkcudbright	13.09 (4)	21.89 (7)	0.062 (7)
Wigtown	16.29 (1)	28.55 (2)	0.076 (2)

Table A1.6. Scottish Counties: IR, IFR and Ih values, 1901 (figures in parentheses are rank orders).

<u>County</u>	<u>IR</u>	<u>IFR</u>	<u>Ih</u>
Shetland	4.48 (28)	5.14 (33)	0.013 (33)
Orkney	5.10 (25)	6.66 (31)	0.020 (=26)
Caithness	9.94 (7)	17.16 (8)	0.051 (6)
Sutherland	5.93 (21)	8.47 (26)	0.020 (=26)
Ross & Cromarty	4.47 (29)	6.72 (30)	0.018 (31)
Inverness	7.02 (16)	9.62 (20)	0.026 (=19)
Nairn	8.51 (12)	11.07 (17)	0.033 (=12)
Moray/Elgin	12.36 (3)	21.14 (3)	0.056 (4)
Banff	12.78 (2)	26.53 (1)	0.070 (1)
Aberdeen	11.04 (5)	21.61 (2)	0.057 (=2)
Kincardine	9.34 (9)	20.64 (5)	0.054 (5)
Angus/Forfar	8.45 (13)	12.85 (12)	0.033 (=12)
Perth	7.18 (15)	9.32 (23)	0.026 (=19)
Fife	4.69 (27)	9.20 (24)	0.024 (=23)
Kinross	6.18 (20)	11.94 (15)	0.028 (17)
Clackmannan	4.28 (31)	6.86 (28)	0.019 (=29)
Stirling	4.42 (30)	12.03 (14)	0.032 (=14)
Dunbarton	3.58 (33)	7.81 (27)	0.019 (=29)
Argyll	7.97 (14)	11.03 (18)	0.027 (18)
Bute	6.36 (19)	6.77 (29)	0.016 (32)
Renfrew	4.04 (32)	8.55 (25)	0.022 (25)
Ayr	5.64 (22)	13.07 (11)	0.034 (=10)
Lanark	5.27 (24)	13.47 (10)	0.034 (=10)
Linlithgow/W. Lothian	4.79 (26)	19.58 (6)	0.050 (7)
Edinburgh/Midlothian	6.58 (17)	10.38 (19)	0.026 (=19)
Haddington/E. Lothian	6.48 (18)	11.20 (16)	0.029 (16)
Berwick	9.43 (8)	12.06 (13)	0.032 (=14)
Peebles	8.55 (11)	9.37 (22)	0.024 (=23)
Selkirk	5.36 (23)	5.56 (32)	0.020 (=28)
Roxburgh	9.08 (10)	9.51 (21)	0.025 (22)
Dumfries	11.86 (4)	17.86 (7)	0.044 (8)
Kirkcudbright	10.57 (6)	14.88 (9)	0.042 (9)
Wigtown	13.10 (1)	20.13 (4)	0.057 (=2)

Appendix 2

Correlations Between the Illegitimacy Ratio (IR), Illegitimate Fertility Rate (IFR) and Coale Index of Illegitimate Fertility (Ih), Dumfriesshire Parishes (or Registration Districts), 1881-1901

Table A2.1. Correlation Coefficients, Dumfriesshire Parishes (or Registration Districts), 1881-1901

<u>Census Year</u>	<u>Coefficient of Determination (r^2)</u>		
	<u>IR/IFR</u>	<u>IR/Ih</u>	<u>IFR/Ih</u>
1881 (n=46)	0.703	0.719	0.742
1891 (n=40)	0.736	0.633	0.796
1901 (n=41)	0.701	0.388	0.724

Sources: DARs 1880-82, 1890-92 and 1900-1902; Census of Scotland, 1881 vol II table XIII, 1891 vol II pt II table XIII and 1901 vol II table I(2); and Morse Data Base.

N.B. 1 As in Appendix 1, the IR and IFR values were calculated for three-year periods around each decennial census year, and these calculations are reproduced as part of Tables A2.2. to A2.4..

2 The parish/registration district combinations presented in tables A2.2. to A2.4. were based on the original Morse Data Base, rather than the adjusted table of 'duplicate' figures given in Donald J. Morse, "The Decline of Fertility in Scotland" (Ph.D. thesis, University of Edinburgh, 1987), pp. 229-30. Morse's system of duplicate figures was devised "to ameliorate statistical analysis over time, and to allow the data to be 'analysed' visually by mapping it on computer" (p. 16), but was not available in this format when these tables were first produced. As the use of duplicate figures for parish/registration district combinations was not deemed to be advantageous for spatial (as opposed to temporal) correlations, and the number of such combinations in Dumfriesshire was small, no attempt was made to re-adjust the original results presented in this Appendix.

Table A2.2. Dumfriesshire Registration Districts: IR, IFR and Ih values, 1881 (figures in parentheses are rank orders).

<u>Regn. District</u>	<u>IR</u>		<u>IFR</u>		<u>Ih</u>	
Annan	15.01	(19)	30.42	(19)	0.077	(19)
Applegarth	23.38	(7)	37.97	(12)	0.074	(20)
Brydekirk	19.44	(12)	46.20	(7)	0.109	(6)
Canonbie	17.23	(15)	42.71	(10)	0.105	(9)
Carlaverock	23.81	(=5)	42.46	(11)	0.108	(7)
Closeburn	12.50	(29)	27.51	(25)	0.064	(=26)
Cumertrees	13.64	(=23)	22.60	(32)	0.049	(=39)
Dalton	14.89	(21)	24.31	(31)	0.053	(36)
Dornock	26.92	(2)	59.32	(3)	0.145	(2)
Dryfesdale	13.40	(27)	29.28	(22)	0.064	(=26)
Dumfries	14.41	(22)	27.97	(24)	0.071	(=21)
Dunscore	11.00	(32)	16.37	(40)	0.054	(35)
Durrisdeer	10.91	(33)	27.21	(26)	0.057	(=31)
Eskdalemuir	9.80	(39)	18.31	(38)	0.031	(43)
Ewes	4.00	(45)	5.85	(45)	0.021	(45)
Glencairn	13.24	(28)	24.97	(30)	0.056	(33)
Gretna	19.81	(10)	43.21	(9)	0.122	(5)
Halfmorton	8.82	(41)	10.75	(44)	0.049	(=39)
Hoddorn	13.56	(26)	25.28	(27)	0.069	(24)
Holywood	13.59	(25)	29.35	(21)	0.083	(16)
Hutton	10.45	(37)	56.91	(4)	0.057	(=31)
Johnstone	16.88	(16)	31.40	(18)	0.085	(13)
Keir	7.55	(44)	13.60	(42)	0.052	(=37)
Kirkconnel	8.04	(43)	25.00	(=28)	0.063	(28)

Table A2.2. (cont.)

<u>Regn. District</u>	<u>IR</u>		<u>IFR</u>		<u>Ih</u>	
Kirkmahoe	19.51	(11)	44.20	(8)	0.086	(12)
Kirkmichael	24.74	(4)	69.56	(2)	0.143	(3)
K'patrick-Fleming (N)	15.00	(20)	37.74	(13)	0.055	(34)
K'patrick-Fleming (S)	16.50	(17)	37.53	(14)	0.106	(8)
Kirkpatrick-Juxta	10.71	(34)	19.74	(35)	0.059	(30)
Langholm	10.12	(38)	18.39	(37)	0.041	(41)
Lochmaben	21.82	(8)	48.63	(6)	0.130	(4)
Middlebie	17.68	(14)	34.90	(16)	0.082	(17)
Moffat	10.48	(36)	12.58	(43)	0.026	(44)
Morton	19.05	(13)	36.53	(15)	0.084 (=15)	
Mouswald	20.45	(9)	28.57	(23)	0.084 (=14)	
Penpont	11.11	(31)	20.58	(34)	0.052 (=37)	
Ruthwell	23.81	(=5)	49.02	(5)	0.090	(11)
St. Mungo	15.69	(18)	20.83	(33)	0.071 (=21)	
Sanquhar	8.15	(42)	17.06	(39)	0.062	(29)
Tinwald	8.95	(40)	15.04	(41)	0.098	(10)
Torthorwald	36.08	(1)	87.06	(1)	0.209	(1)
Tundergarth	25.81	(3)	29.63	(20)	0.080	(18)
Tynron	2.78	(46)	5.05	(46)	0.015	(46)
Wamphray	13.64 (=23)		25.00 (=28)		0.070	(23)
Wanlockhead	11.25	(30)	33.71	(17)	0.066	(25)
Westerkirk	10.53	(35)	18.52	(36)	0.040	(42)

Table A2.3. Dumfriesshire Registration Districts: IR, IFR and Ih values, 1891 (figures in parentheses are rank orders).

<u>Parish</u>	<u>IR</u>		<u>IFR</u>		<u>Ih</u>	
Annan ¹	13.44	(19)	22.73	(20)	0.063	(17)
Applegarth	11.29	(31)	16.91	(27)	0.027	(=37)
Canonbie	15.94	(14)	33.95	(7)	0.085	(7)
Carlaverock	20.00	(=5)	32.41	(9)	0.092	(6)
Closeburn	16.52	(12)	34.80	(6)	0.084	(=8)
Dalton	14.29	(17)	16.83	(28)	0.053	(=20)
Dornock ²	15.70	(16)	30.00	(12)	0.076	(12)
Dryfesdale	12.82	(12)	24.88	(16)	0.061	(18)
Dumfries	11.61	(30)	19.68	(24)	0.049	(25)
Dunscore	19.18	(7)	21.50	(23)	0.052	(22)
Durrisdeer	12.66	(24)	22.22	(22)	0.034	(32)
Eskdalemuir	7.14	(36)	14.08	(34)	0.039	(30)
Ewes	20.00	(=5)	32.68	(8)	0.051	(23)
Glencairn	5.06	(40)	10.02	(39)	0.032	(34)
Gretna	12.36	(25)	23.66	(19)	0.066	(=15)
Halfmorton	21.43	(3)	38.96	(3)	0.114	(3)
Holywood ³	11.65	(29)	16.67	(=29)	0.036	(31)
Hutton	15.79	(15)	32.00	(10)	0.102	(5)
Johnstone	18.03	(9)	23.81	(=17)	0.066	(=15)
Keir	17.24	(10)	16.67	(=29)	0.048	(26)
Kirkconnel	11.76	(28)	35.90	(5)	0.067	(14)
Kirkmahoe	23.59	(2)	38.04	(4)	0.104	(4)
Kirkmichael	8.82	(33)	15.75	(33)	0.060	(19)
Kirkpatrick-Juxta	13.33	(20)	22.52	(21)	0.053	(=20)

Table A2.3. (cont.)

<u>Parish</u>	<u>IR</u>	<u>IFR</u>	<u>lh</u>
Langholm	9.29 (32)	10.98 (37)	0.027 (=37)
Lochmaben	20.38 (4)	39.59 (2)	0.118 (2)
Middlebie	5.88 (39)	10.14 (38)	0.028 (36)
Moffat	6.06 (38)	15.82 (32)	0.014 (39)
Morton	12.03 (26)	18.39 (25)	0.031 (35)
Mouswald	6.25 (37)	7.02 (40)	0.000 (40)
Penpont	12.77 (23)	27.03 (13)	0.082 (11)
Ruthwell	16.67 (11)	26.88 (14)	0.084 (=8)
St. Mungo	13.51 (18)	13.55 (36)	0.033 (33)
Sanquhar ⁴	7.88 (35)	16.03 (31)	0.044 (=27)
Tinwald	16.13 (13)	25.64 (15)	0.040 (29)
Torthorwald	31.32 (1)	66.16 (1)	0.157 (1)
Tundergarth	18.42 (8)	31.11 (11)	0.084 (=8)
Tynron	12.90 (21)	23.81 (=17)	0.044 (=27)
Wamphray	12.00 (27)	13.89 (35)	0.050 (24)
Westerkirk	8.11 (34)	17.24 (26)	0.068 (13)

- N.B.
- 1 Annan parish includes the registration districts of Annan, Brydekirk, Cummertrees and Hoddam.
 - 2 Dornock parish includes the registration districts of Dornock, Kirkpatrick-Fleming North and Kirkpatrick-Fleming South.
 - 3 Holywood parish includes the registration districts of Holywood and Terregles (Kirkcudbrightshire).
 - 4 Sanquhar parish includes the registration districts of Sanquhar and Wanlockhead.

Table A2.4. Dumfriesshire Registration Districts: IR, IFR and Ih values, 1901 (figures in parentheses are rank orders).

<u>Parish</u>	<u>IR</u>		<u>IFR</u>		<u>Ih</u>	
Annan ¹	10.89	(24)	20.72	(15)	0.052	(13)
Applegarth	5.17	(39)	8.33	(35)	0.032	(26)
Canonbie	11.92	(21)	20.62	(16)	0.077	(7)
Carlaverock	23.73	(3)	33.33	(5)	0.085	(5)
Closeburn	12.00	(20)	22.47	(11)	0.047	(=16)
Dalton	14.29	(=10)	13.60	(29)	0.027	(=33)
Dornock	12.68	(19)	21.58	(13)	0.050	(15)
Dryfesdale	14.29	(=10)	19.31	(17)	0.046	(18)
Dumfries	11.65	(23)	17.19	(24)	0.039	(=20)
Dunscore	12.70	(18)	12.23	(30)	0.031	(=27)
Durrisdeer	13.64	(14)	21.28	(14)	0.047	(=16)
Eskdalemuir	7.14	(35)	8.03	(36)	0.031	(=27)
Ewes	5.56	(38)	8.55	(34)	0.030	(=30)
Glencairn	3.66	(40)	3.65	(40)	0.013	(41)
Gretna	17.39	(7)	30.13	(7)	0.068	(9)
Halfmorton	14.29	(=10)	17.24	(23)	0.027	(=33)
Holywood ²	10.38	(28)	14.27	(28)	0.030	(=30)
Hutton	0.00	(41)	0.00	(41)	0.026	(37)
Johnstone	16.13	(8)	27.10	(9)	0.055	(=10)
Keir	10.34	(29)	10.42	(33)	0.027	(=33)
Kirkconnel	9.86	(=30)	31.96	(6)	0.075	(8)
Kirkmahoe	13.33	(16)	18.73	(19)	0.051	(14)
Kirkmichael	18.33	(6)	33.95	(4)	0.087	(4)
Kirkpatrick-Fleming ³	14.97	(9)	42.15	(2)	0.099	(1)

Table A2.4. (cont.)

<u>Parish</u>	<u>IR</u>		<u>IER</u>		<u>Ih</u>	
Kirkpatrick-Juxta	12.99	(17)	21.93	(12)	0.040	(19)
Langholm	7.30	(33)	6.44	(37)	0.028	(32)
Lochmaben	13.88	(13)	29.12	(8)	0.094	(3)
Middlebie ⁴	13.49	(15)	19.14	(18)	0.039	(=20)
Moffat	6.71	(36)	5.32	(39)	0.018	(40)
Morton	7.25	(34)	11.53	(32)	0.037	(=23)
Mouswald	8.82	(32)	11.76	(31)	0.037	(=23)
Penpont	10.53	(27)	15.75	(26)	0.055	(=10)
Ruthwell	11.76	(22)	17.70	(21)	0.035	(25)
St. Mungo	6.67	(37)	5.51	(38)	0.022	(38)
Sanquhar ⁵	9.86	(=30)	17.95	(20)	0.038	(22)
Tinwald	29.82	(1)	51.51	(1)	0.081	(6)
Torthorwald	28.26	(2)	35.52	(3)	0.098	(2)
Tundergarth	10.71	(=25)	15.62	(27)	0.055	(=10)
Tynron	19.05	(4)	22.60	(10)	0.031	(=27)
Wamphray	18.52	(5)	17.01	(25)	0.021	(39)
Westerkirk	10.71	(=25)	17.54	(22)	0.027	(=33)

- N.B.
- 1 Annan parish includes the registration districts of Annan, Brydekirk, Cummertrees and Hoddum.
 - 2 Holywood parish includes the registration districts of Holywood and Terregles (Kirkcudbrightshire).
 - 3 Kirkpatrick-Fleming parish includes the registration districts of Kirkpatrick-Fleming North and Kirkpatrick-Fleming South.
 - 4 Middlebie parish includes the registration districts of Middlebie North and Middlebie South.
 - 5 Sanquhar parish includes the registration districts of Sanquhar and Wanlockhead.

Appendix 3

Nineteenth Century Schedules (Certificates) of Civil Registration

A3.1. Scottish Schedules of Birth (A), Death (B) and Marriage (C)

A3.1.1. 1855 Schedules

A3.1.2. 1856 60 Schedules

A3.1.3. 1861-99 Schedules

N.B. In the case of an illegitimate birth where there were no marriage particulars to be recorded, the mother's maiden surname was typically replaced by details of her occupation or status. Particulars about the father of an illegitimate child were only recorded if the man acknowledged paternity at the time of registration, or if his status was established subsequently by way of a paternity action (see Appendix 5). In cases of bastardy, the norm was for the word "illegitimate" to be inserted in parentheses beneath the child's full name.

A3.2. English and Welsh Schedules of Birth (A), Death (B) and Marriage (C), 1837-99

- N.B. a) English and Welsh birth certificates, unlike their Scottish counterparts, have never given the parents' nuptial details. Nor, in the case of illegitimate births, have they ever contained an overt statement of bastardy. Similar to the Scottish system of registration, however, the father's name and occupation could be included on an illegitimate birth certificate if paternity was acknowledged.
- b) During the early years of civil registration in England and Wales exact ages were frequently not given on marriage certificates.
- c) The format of Irish certificates of civil registration was the same as that for England and Wales.

Sources: 1836 6 & 7 Wm. IV c. 86; 1854 17 & 18 Vict. c.80;
G.T. Bisset-Smith, Vital Registration (Edinburgh: Wm. Green, 1907);
Herbert Davey, The Statutes Relating to the Registration of Births,
Deaths, and Marriages (London: Hadden, Best, 1899).

SCHEDULE (A).

1855. Births in the Parish of _____ in the County (or Burgh) of *Edinburgh*. Registered by *John Smith*, Registrar.

[illegible]

[The Words and Figures in this Schedule to be filled in as the Case may be.]

SCHEDULE (B). 1855 ONLY.
1855. Deaths in the Parish of in the County (or Burgh) of Edinburgh. Registered by John Smith, Registrar.

Description of the Deceased.					Particulars of Death.				Signature of Informant.	When and where registered, and Signature of Registrar.		
No.	Name, Rank, Profession, or Occupation.	Age.	Where born, and How long in this District.	Parents' Names, and Rank, Profession, or Occupation.	If Deceased was married,		When died. Year, Day of Month, Hour.	Where died.			Cause of Death, and how long Disease continued. Medical Attendant by whom certified, and when he last saw Deceased.	Burial Place, Undertaker by whom certified.
					To whom.	Issue, in order of Birth, their Names and Ages.						
301	CANTY, M	62	County of Cork, Ireland.	Timothy Canty, Shoemaker, deceased.	Honora M'Carty.	1. Timothy, 31. 2. William, 30. 3. Mary, 29. 4. John, dec. at. 27, in 1854. 5. Catherine, dec. at. 1, in 1828. 6. Stephen, 21.	1855. February Twenty-eighth, 6h. 30m. a.m.	At 16, Cottage Lane, Edinburgh.	Pneumonia— 2 Months. As certified by H. Bloomfield, M.D., who saw deceased Feb. 27th.	Burial Ground of Greyfriars, Edinburgh. As certified by George Watkins, Undertaker.	Honora Canty, her X Mark, Widow, Informant. James Johnston, Shoemaker, Edinburgh, Witness. George Henderson, Clerk in the Register Office, Edinburgh, Witness.	1855. March 3rd. At Edinburgh. John Smith, Registrar.

[The Words and Figures in *Italics* in this Schedule to be filled in as the Case may be.]

SCHEDULE (C.) 1855
1855. Marriages in the Parish of **in the County (or Burgh) of Edinburgh.** **Registered by John Smith, Registrar.**

No.	When, where, and how married.	Signatures of the Parties.	Residence.		Age.	Rank or Profession, and Relationship of Parties (if related).	Condition.			Birthplace, and when and where registered.	Parents'		If a Regular Marriage, Signatures of Officiating Minister and Witnesses.	If Irregular, Date of Fact, Sentence of Court, or Decree of Declaration, and in what Court pronounced.	When and where registered, and Signature of Registrar.
			Present.	Usual.			If a Widower or Second or Third Marriage.	Living.	Dead.		Names.	Rank, Profession, or Occupation.			
11	On March Third, 1855, At Edinburgh: Marriage (after Banns) was solemnized between us according to the Rites and Ceremonies of the Established Church of Scotland.	William Hastings.	6 High Street, Edinburgh.	Chelmsford, Essex.	32	Carpenter.	Widower.	2	1	Born and registered on 1 May 1822, at Bristol.	Peter Hastings, deceased, and Ann Hastings, Maiden.	Upholsterer.	James Brown, Minister of High Church, Edinburgh.		1855. March 4th. At Edinburgh.
		Sophia Ann Mitchell.	4 Hamilton Place, Edinburgh.	4 Hamilton Place, Edinburgh.	20	Dressmaker.	Spinster.			Born and registered at Perth.	John Payne.	Butcher.	John Hastings, Witness.		John Smith, Registrar.
											and Sarah Mitchell, Maiden.				
											Name, deceased.				

[The Words and Figures in *Italics* in this Schedule to be filled in as the Case may be.]

ALTERED SCHEDULES which were in use from 1856 to 1860, both inclusive, superseded in 1861.

SCHEDULE (A).—BIRTH REGISTER.

18 . Births in the *Parish* (or *District*) of _____ in the *County* (or *Burgh*) of *Edinburgh*.
(1.) (2.) (3.) (4.) (5.) (6.) (7.)

No.	Surname, and Name (if given). Name, when given or altered in Baptism, or otherwise, after Registration of Birth.	When and Where Born, with Hour of Birth.	Sex.	Name, Surname, and Rank or Profession of Father.	Name, and Maiden Surname of Mother.	Signature, Qualification, and Residence of Informant, if out of the House in which the Birth occurred.	When and where Registered, and Signature of Registrar.

SCHEDULE (B).—DEATH REGISTER.

18 . Deaths in the *Parish* (or *District*) of _____ in the *County* (or *Burgh*) of *Edinburgh*.
(1.) (2.) (3.) (4.) (5.) (6.) (7.) (8.) (9.)

No.	Surname, and Name Rank or Profession and Condition (whether Married or Single, Widower or Widow).	When and Where Died, with Hour of Death.	Sex.	Age.	Parents' Names, and Rank, Profession, or Occupation.	Cause of Death and how long Disease continued.—Medical Attendant by whom certified, and when he last saw deceased.	Burial Place. Undertaker, or other Person, by whom certified.	Signature, and Qualification, and Residence of Informant, if out of the House in which the Death occurred.	When and where Registered, and Signature of Registrar.

SCHEDULE (C).—MARRIAGE REGISTER.

18 . Marriages in the *Parish* (or *District*) of _____ in the *County* (or *Burgh*) of *Edinburgh*.
(1.) (2.) (3.) (4.) (5.) (6.) (7.) (8.)

No.	When, Where, and how Married.	Signatures of Parties.	Age.	Residence.	Rank or Profession, and Condition (whether Bachelor or Widower, Spinster or Widow).	Name, Surname, and Rank or Profession of Father. Name, and Maiden Surname of Mother.	If a Regular Marriage, Signatures of Officiating Minister and Witnesses.	If Irregular, Date of Extract or Decree of Declarator, and in what Court pronounced.

The above Marriage was registered by me at *Edinburgh*, on the _____ day of _____ 18 .— Registrar.

SCHEDULE (A).						
18 . Births in the Parish (or District) of _____ in the County (or Burgh) of Edinburgh.						
	(1.)	(2.)	(3.)	(4.)	(5.)	(6.)
No.	Name and Surname.	When and Where Born.	Sex.	Name, Surname, and Rank or Profession of Father. Name, and Maiden Surname of Mother. Date and Place of Marriage.	Signature and Qualification of Informant, if out of the House in which the Birth occurred.	When and Where Registered, and Signature of Registrar.
98	<i>John</i>	<i>1861.</i>	<i>M.</i>	<i>James Walker, Wine Merchant.</i>	<i>James Walker,</i>	<i>1861.</i>
	<i>WALKER.</i>	<i>February</i>			<i>Father.</i>	<i>February 21st.</i>
		<i>Eleventh.</i>		<i>Jane Walker, M. S. Hill.</i>	<i>(Present.)</i>	<i>At Edinburgh.</i>
		<i>5h. 30m. a.m.</i>				
				<i>1856, June 12th, Edinburgh.</i>		<i>John Smith.</i>
		<i>1 North Street,</i>				<i>Registrar.</i>
		<i>Edinburgh.</i>				

[The Words and Figures in *Italics* in this Schedule to be filled in as the case may be.]

SCHEDULE (B).							
18 . DEATHS in the Parish (or District) of in the County (or Burgh) of Edinburgh.							
	(1.)	(2.)	(3.)	(4.)	(5.)	(6.)	(7.) (8.)
No.	Name and Surname. Rank or Profession, and whether Single, Mar- ried, or Widowed.	When and Where Died.	Sex.	Age.	Name, Surname, and Rank or Profession of Father. Name, and Maiden Surname of Mother.	Cause of Death, Duration of Disease, and Medical Attendant by whom certified.	Signature and Quali- fication of Inform- ant, and Residence, if out of the House in which the Death occurred.
301	William	1861.	M.	62	Timothy Canty,	Pneumonia—	Honora Canty
	CANTY.	February		Years.	Shoemaker,	2 Months.	her X Mark,
		Twenty-eighth.			(deceased).	As cert. by	Widow.
	Agricultural	6h. 30m. a.m.				H. Bloomfield,	(Present.)
	Labourer.				Mary Canty,	M.D.	John Smith,
		16 Cottage Lane,			M. S. Nicolas,		Registrar.
	(Married to	Edinburgh.			(deceased).		Witness.
	Honora McCarty.)						
[The Words and Figures in <i>Italics</i> in this Schedule to be filled in as the case may be.]							

SCHEDULE (C).							
18 . MARRIAGES in the Parish (or District) of in the County (or Burgh) of Edinburgh.							
	(1.)	(2.)	(3.)	(4.)	(5.)	(6.)	(7.)
No.	When, Where, and How Married.	Signatures of Parties. Rank or Profession, whether Single or Widowed, and Relationship (if any).	Age.	Usual Residence.	Name, Surname, and Rank or Profession of Father. Name, and Maiden Surname of Mother.	If a regular Marriage, Signatures of Officiating Minister and Witnesses. If irregular, Date of Conviction, Decree of Declarator, or Sheriff's Warrant.	When and Where Registered, and Signature of Registrar.
11	1861.	William Hastings,	32	Chelmsford,	Peter Hastings,	James Brown,	1861.
	March Second.	House Carpenter,		Essex.	Upholsterer,	Minister of High	March 4th,
		(Jour.)			(deceased) and	Church, Edin-	At Edinburgh.
	4 Hamilton Place,	(Widower.)			Ann Hastings,	burgh.	
	Edinburgh.				M. S. Payne.		John Smith,
						John Hastings,	Registrar.
	After Banns.	Sophia Mitchell,	20	4 Hamilton Place,	John Mitchell,	Witness,	
	According to the			Edinburgh.	Butcher, and	Jane Mitchell,	
	Forms of the Es-	Dressmaker,			Sarah Mitchell,	Witness.	
	tablished Church				M. S. Evans,		
	of Scotland.	(Spinster.)			(deceased.)		

[The Words and Figures in *Italics* in this Schedule to be filled in as the case may be.]

[The Words and Figures in *Italics* in this Schedule to be filled in as the case may be.]

SCHEDULE (A.)

1836.—BIRTHS in the District of <i>Marylebone, North</i> , in the County of <i>Middlesex</i> .										
No.	When Born.	Name if any.	Sex.	Name and Surname of Father.	Name and Maiden Surname of Mother.	Rank or Profession of Father.	Signature, Description, and Residence of Informant.	When registered.	Signature of Registrar.	Baptismal Name, if added after Registration of Birth.
1	7th January	James.	Boy.	William Green.	Rebecca Green, formerly Jennings.	Carpenter.	William Green, Father, Carpenter, 17, North Street, Marylebone.	9 January.	John Cox, Registrar.	

The Words and Figures in *Italics* in this Schedule to be filled in as the Case may be.

SCHEDULE (B.)

1836.—DEATHS in the District of <i>Mary-le-bone, North</i> , in the County of <i>Middlesex</i> .									
No.	When died.	Name and Surname.	Sex.	Age.	Rank or Profession.	Cause of Death.	Signature, Description, and Residence of Informant.	When registered.	Signature of Registrar.
17	4 February.	William Green.	Male.	43	Carpenter.		Rebecca Green, Widow, 17, North Street, <i>Mary-le-bone</i> .	5 February.	John Cox, Registrar.

[The Words and Figures in *Italics* in this Schedule to be filled in according as the Case may be.]

SCHEDULE (C.)

1836.—MARRIAGES solemnized at the Parish Church in the Parish of Mary-le-bone in the County of Middlesex.

No.	When married.	Name and Surname.	Age.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
1	17 March 1836.	William Hastings. Sophia Ann Mitchell.	Of full Age. Minor	Bachelor. Spinster.	Carpenter. —	3, South Street. 17, High Street.	Peter Hastings. Geoffry Mitchell.	Upholsterer. Butcher.

Married in the Parish Church, according to the Rites and Ceremonies of the Established Church, by Licence, or after Banns, by me,
James Hollingshead, Vicar.

This Marriage was solemnized { William Hastings. } in the { John Hastings.
between us, { Sophia Anne Mitchell, } Presence of us, { Geoffry Mitchell.

The Words and Figures in Italics in this Schedule to be filled in as the Case may be.

Appendix 4

Transcript Examples of Illegitimate Entries (Columns 1, 4 and 5 only) in the Birth Registers for Dryfesdale and Lochmaben, 1876-81.

<u>Entry Number</u>	<u>Column 4</u>	<u>Column 5</u>	<u>Column 4</u>
<u>a) 'Typical' Examples</u>			
B 1878/840/58	Margaret RAE (Illegitimate)	— Jane Rae, Farm Servant	Jane Rae, her X mark, Mother
B 1877/820/56	William Borthwick BLACK (Illegitimate)	— Isabella Black, Dressmaker	David Black, Grandfather (Present)
<u>b) Surname Discrepancy</u>			
B 1879/820/81	William Fleming KIRK (Illegitimate)	— Mary Jackson, Domestic Servant, Single	Hellen Kirk, Grandmother (Present)
<u>d) Widowed Mothers</u>			
B 1880/840/69	Charles George KING (Illegitimate)	— Mary King, widow of Robert Maxwell, pauper, formerly a farmer	Isabella Easton, Aunt (Present)
B 1877/820/89	Janet Steel Bell FERGUSON (Illegitimate)	— Jane Ferguson, widow, m.s. Steel	Jane Ferguson, Mother
			(cont.)

<u>e) Married Mother</u>			
B 1880/820/69	Jane BELL or JACKSON	Barbara Jackson, Mother	
Barbara Bell married 5 June 1875 to Simon Jackson, General Labourer, who she declares is not the father of the child; and further, that she has had no communication with him since they ceased to live together in May 1875			
<u>f) Domicil Case (registered Lochmaben, transcribed Applegarth)</u>			
B 1876/840/48	William BOYES (Illegitimate)	Mary Boyes, Mother	
Mary Boyes, Farm Servant (domicil - Hall, Parish of Applegarth)			
<u>g) Domicil Case (registered Hawick, transcribed Dryfesdale)</u>			
B 1878/820/88	Elizabeth SCOTT (Illegitimate)	Margaret Scott, Mother	
Margaret Scott, Domestic Servant (domicil - Lockerbie)			
<u>h) Paternity Acknowledged</u>			
B 1880/840/62	William McKnight SMAIL (Illegitimate)	Wm John Smail, Father, Lochmaben Jannet Raffles, Mother	

Sources: B 1876-81/820 and B 1876-81/840, NRH.

Appendix 5: Paternity Actions

A5.1. Transcript of a Paternity Action from the Register of Corrected Entries for Dryfesdale

In the fourth Column of Entry no 71 in the Register Book of Births for the year 1879 before the ~~(Child's Mother)~~ name of the Child's Mother Insert David Moffat, Plasterer Butt's Street Annan on the Authority of a Certificate in the Form of Schedule (F) to the following effect -

In an action relating to the Paternity of a Female Child named Mary Dorian born the fourth day of September 1879 at the instance of Margaret Dorian re-siding in Church Place Lockerbie, against David Moffat Plasterer Butt's Street Annan, the Sheriff Court of Dumfriesshire on the 19th day of June 1883 found that the said child was the (Illegitimate) Child of the Parties aforesaid -

1883 June 20th
At Lockerbie
Alex^r. Cameron
Registrar

Source: RCE820/1/80, NRH

A5.2. Example of Schedule F

SCHEDULE (F.)		
To the Registrar of the Parish [or District] of		in
the County [or Burgh] of		Take notice, That the Court
of Session [or other competent Court], upon the	Day	
of	18	, pronounced Decree in an Action before
the said Court, at the Instance of: [Pursuer's Name and Description],		
against [Defender's Name and Description], relating to the Paternity		
of [describe the Child], finding that the said Child was the illegitimate		
Child of the said [Pursuer and Defender's Names]. Witness my		
Hand, this	Day of	One thousand eight hundred
and		
[Signed by the Clerk of Court.]		

Source: 1854 17 & 18 Vict. c. 80.

Appendix 6

The Registers of Corrected Entries as an Historical Source

Following on from the discussion about the registers of corrected entries presented in Chapter 5, it was considered appropriate to comment on the overall reliability of these records as an historical source in their own right. Designed to cope with additions and alterations to the original registers of birth, death and marriage,¹ the registers of corrected entries were themselves obviously not exempt from some margin of human error. One such instance, found in the register of corrected entries for Dryfesdale, concerns the replacement in 1879 of Alexander Ferguson by James B. Cunningham as the full-time registrar of that district.

A retired schoolmaster, Alexander Ferguson died in August 1879 at the age of 82,² and was replaced briefly by an interim registrar, John Mackenzie, prior to James B. Cunningham taking up his new post. Shortly afterwards, Cunningham inserted two new entries in the register of corrected entries, adding both times the words, "Omitted to be entered by my predecessor at the proper time".³ Given Ferguson's advanced years at the time of his death, and the likelihood of disruption to the whole registration procedure caused by the death of any registrar, omissions of this sort are to be expected, and it would seem reasonable to assume that such mistakes were relatively infrequent and intermittent.⁴ However, whilst making allowances for errors of this sort, there is evidence from the register of corrected entries for Lochmaben to suggest omissions of a much greater consistency and seriousness.

Similar to the situation in Dryfesdale, the registrar of Lochmaben from 1863, Hugh B. Currie, was replaced due to death during the time of the 1876-81 case-study.⁵ If we refer back to Chapter 5, Table 5.3., showing the type of entries made in the registers of corrected entries from 1870 until 1889, it is apparent that the most commonly occurring references in both parishes were either death precognitions or paternity actions. However, if we scrutinise more closely the timing of these events we find that, in Lochmaben, prior to his death in 1880, Currie registered 30 paternity cases but only one death precognition,⁶ whilst in the subsequent nine years, a further 22 paternity cases and 20 death precognitions were registered by his successors. No such sudden fluctuation in the number of death precognitions was apparent in adjacent Dryfesdale and, in the absence of any major disaster to increase the total number of deaths in Lochmaben after 1880, one can only infer from this evidence that, for whatever reason, Hugh Currie was somewhat negligent in his updating of the death registers.

Quite why Currie should have been averse to recording death precognitions, when his detailing of paternity actions appears to have been more consistent, remains a mystery. Arguably, however, when combined with the discussion of domicil cases presented in Chapter 5, there would thus appear to be some considerable doubt about the general consistency of recording supplementary evidence under the system of civil registration. Fortunately, for the purposes of this particular thesis, illegitimates would not appear to have been any more disadvantaged in this respect than their legitimate counterparts, nonetheless, the wider implications of this finding are regrettable.

¹ Clerical errors noticed at the time of original registration could, however, be altered then and there by means of the registrar initialling any corrections.

² D1879/820/38.

³ RCE820/1/51 and 52. One entry pertained to a paternity action, the other to a death precognition.

⁴ Judging by the earliest entries in the registers of corrected entries for both Dryfesdale and Lochmaben, however, it would appear that it took a few years (up to about 1860) for their usage to become fully operational. RCE820/1 and RCE840/1.

⁵ D1880/840/50. Currie died at the age of 59 in 1880 and, after a short interim period, was replaced by Alexander McGeachan as the full-time registrar for Lochmaben.

⁶ Moreover, no death precognitions were registered by Currie prior to 1870.

Appendix 7

**Dryfesdale and Lochmaben: Occupations of Non-married Women Aged 15-49,
by Initial Occupational Categories, 1881
(component figures for widows in parentheses).**

a) Dryfesdale

Category 1 - Domestic Servants

Domestic Servant	52	(6)	General D.S.	38	(1)
Housekeeper	19	(5)	Housemaid	13	
Assistant Housekeeper	1		Housemaid D.S.	9	
Housekeeper D.S.	10		Cook	3	
Cook D.S.	14	(1)	Kitchenmaid	2	
Kitchenmaid D.S.	2		Nurse	4	
Family Nurse	1		Nurse D.S.	1	
Table maid	1		Laundrymaid	2	
Governess	2				
Total	174	(13)			

Category 2 - Farm Servants

Farm Servant	6		Byre-woman	1	
Byre-maid	1		Dairymaid	18	(1)
Outdoor Worker	2		Farm Labourer	1	
Agricultural Labourer	1		Day Worker	3	(1)
Total	33	(2)			

Category 3 - General Servants

General Servant	15	
Total	15	

Category 4 - Clothing Workers

Dressmaker	44	(4)	Apprentice Dressmaker	1	
Milliner	9		Machinist	1	
Tailor's Machinist	1		Seamstress	1	(1)
Outworker	1				
Total	58	(5)			

Category 5 - Other Workers

Pupil Teacher	4		Teacher	1	
Waitress	1		Shop Girl	1	
Flesher's Assistant	1		Grocer's Assistant	2	
Publican's Assistant	2		Draper's Assistant	1	
Hotelkeeper's Assistant	1		Confectioner	1	
Shopkeeper	1		Saleswoman	1	
Grocer	3	(2)	Licensed Grocer	1	

Warehousekeeper	1	(1)	Refreshment Roomkeeper	1	
Innkeeper (retd.)	1	(1)	Merchant	1	
China Merchant	2		Farmer	1	(1)
Laundress	3	(1)	Washerwoman	1	
Total	32	(6)			

Category 6 - Independent or Family Means

Annuitant	3	(1)	Income from Mortgages	1	
Holder of Bank Shares	1		Interest off Money	1	(1)
Living from House Property	1		Farmer's Daughter	18	
Labourer's Daughter	1		Widow's Daughter	1	
Farmer's Sister	2		Scholar	25	
Total	54	(2)			

Category 7 - Not Stated

No Occupation	40	(3)	Unemployed	1	
Retired	1		(Not Stated)	36	(1)
Total	78	(4)			

All Categories 444 (32)

b) Lochmaben

Category 1 - Domestic Servants

Domestic Servant	46		General D.S.	18	(1)
Domestic	1		Assistant in House	5	
Housekeeper	32	(1)	Housemaid	4	
Housemaid D.S.	1		Cook	4	
Cook D.S.	2		Kitchenmaid	5	
Nurse D.S.	1		Nurse	2	
Nursemaid	3		Nurse of Military Invalids	1	(1)
Laundrymaid	1		Sewingmaid	1	
Governess	2				
Total	129	(3)			

Category 2 - Farm Servants

Farm Servant	9		Agricultural Labourer	6	(1)
Byre-woman	1		Dairymaid	18	
Agricultural Dayworker	5		Farm Labourer	1	(1)
Fieldworker	3	(1)	Outdoor Worker	7	
Total	50	(3)			

Category 3 - General Servants

General Servant	24	Servant	11
Total	35		

Category 4 - Clothing Workers

Dressmaker	18	(1)	Hatmaker	1	
Milliner	1		Outworker	3	(1)
Seamstress	2		Shirtmaker	1	(1)
Total	26	(3)			

Category 5 - Other Workers

Pupil Teacher	2		Teacher	5	(1)
Grocer	2	(1)	Provision Merchant	1	
Total	10	(2)			

Category 6 - Independent or Family Means

Annuitant	5	(1)	Seaman's Fund	1	(1)
Interest off Houses	1	(1)	Lady	1	
Daughter	2		Annuitant's Granddaughter	1	
Draper's Daughter	2		Farmer's Daughter	17	
Mason's Daughter	1		Slater's Daughter	1	
Writer's Daughter	2		Agric. Labourer's Daughter	1	
Clogger's Daughter	1		Draper's Widow	1	(1)
Shoemaker's Widow	1	(1)	Farmer's Sister	3	(1)
Scholar	6				
Total	48	(6)			

Category 7 - Not Stated

None	1		No Occupation	2
(Not Stated)	76	(8)		
Total	79	(8)		

All Categories 377 (25)

Sources: C1881/820 and 840, NRH.

Appendix 8

References to Illegitimacy in Dumfriesshire from the Registrars' Quarterly Returns, 1871-81.

"There was evidently a good deal of migration in rural Scotland, quite often of unmarried expectant mothers, for a common complaint of the registrars was that a parish (substantially the same as a normal registration district in Scotland) had its illegitimacy inflated by such in-migrants, although any out-migrants were conveniently ignored."¹

In submitting their quarterly returns of births, deaths, and marriages to the General Register Office at New Register House, district registrars were requested to comment on any inconsistencies or irregularities in the number of vital events registered during the period concerned.² A selection of these comments was then published as part of the report accompanying the quarterly totals of births, marriages and deaths. In the 1860s, on average these notes took up ten pages of the published quarterly report, in the 1870s six pages, and in the 1880s only three pages.³ All references to illegitimacy from the notes of Dumfriesshire registrars during the period 1871 to 1881 have been extracted and are included in this appendix. The majority of the comments about illegitimacy merely stated the number or proportion of such births registered, however, some did attempt explanations as to the cause(s) of the phenomenon. It is interesting to note the number of times servant, or service-related practices (including the return home of servants to bear their bastard children), featured in these explanations about the cause or causes of illegitimacy.

QR 65 (March 1871), pp. 47-48.

Annan

"Of the 36 Births registered, ten are illegitimate."

Kirkpatrick-Fleming, South

mothers

to

"Of the 13 births registered, seven are illegitimate, but of these, only two properly belong to this parish. Of the other five, one was born in the Combination Poorhouse, the of two having been ejected from home by their parents, came to this parish, and the remaining two, who had been away at service, came home to their parents, where they gave birth their children."

QR 68 (December 1871), p. 53.

Brydekirk

"The three Births registered are illegitimate, the mothers of the children being domestic servants, two of them without the parish. ... the increase in illegitimacy [over the last six

¹ T.H Hollingsworth, "Illegitimate Births and Marriage Rates in Great Britain 1841-1911", in Marriage and Remarriage in Populations of the Past, ed. J. Dupâquier (London: Academic Press, 1981), pp. 443 and 445.

² QR 65 (March 1871), p. 43. "If, at any time, the Births (whether legitimate or illegitimate), the Deaths, or Marriages registered during the Quarter have been above or below average, here state what you consider to be the cause, and whether Epidemics, such as Measles, Typhus, Cholera, etc., have prevailed in the District; or if there is any other fact in the character of the Weather, Sanitary or Social Arrangements, Movement of the Population etc., which will account for the circumstance."

³ QRs 21 (March 1860) to 140 (December 1889).

years] may arise from young people going to service from home."

Kirkpatrick-Fleming, South "Of the nine Births registered, five are illegitimate. The mothers of four of the children had been at service, and the other was resident at home."

QR 69 (March 1872), pp. 51-52.

Annan "Of the 37 Births registered, eight are illegitimate."

Cummertrees "Two of the three illegitimate Births were twins."

QR 70 (June 1872), pp. 48-49.

Annan "Of the 54 Births, seven are illegitimate."

Cummertrees "Of the five Births, two are illegitimate."

Glencairn "Of the 12 Births, four were illegitimate."

QR 71 (September 1872), p. 48.

Annan "Of the 37 Births, seven are illegitimate."

Middlebie "Of the 15 Births, five are illegitimate."

Torthorwald "Births above the average. Rate of illegitimacy not so high this quarter, but still 33.3 per cent."

QR 72 (December 1872), p. 51.

Carlaverock "For the year, Marriages and Deaths are about average, but Births are below it. The proportion of illegitimate Births, however, which amounts to 40 per cent., is the highest which has occurred since the Registration Act came into force [1855]."

Torthorwald "The proportion of illegitimate Births for the year is enormously high, amounting to 50 per cent. The percentage for the previous year was fully 21."

QR 73 (March 1873), p. 48.

Dunscore "Illegitimate Births greatly above the average."

Lochmaben "Of the 25 Births recorded, seven are illegitimate; but in four of the cases the mothers do not belong to this district, but found their way here to be confined, where unfortunately there is a good deal of low house property, where cheap accommodation is obtained."

QR 76 (December 1873), p. 50.

St. Mungo "Of the 18 Births registered during the past year, 7 are illegitimate."

Torthorwald "Of the 6 Births registered during the quarter, 3 are illegitimate. For 1873, illegitimate births give a ratio of

31.8 per cent. of the total. The total ratio for 1872 stood as high as 50 per cent."

QR 77 (March 1874), p. 48.

Canonbie

"Illegitimate Births considerably above the average - no fewer than 10 of the 29 children whose births were recorded having been born out of wedlock."

QR 79 (September 1874), p. 47.

Torthorwald

"Illegitimacy vastly decreased."

QR 80 (December 1874), pp. 50-51.

Sanquhar

"Illegitimacy, 10 per cent."

Torthorwald

"Illegitimacy only 21 per cent. of the whole births."

QR 82 (June 1875), p. 49.

Torthorwald

"Illegitimacy literally 2 to 1."

QR 84 (December 1875), p. 50.

Sanquhar

"The Births are considerably below the average. It is satisfactory to note the steady decrease of illegitimacy for some years. In 1875 it has reached the comparatively low point of a little below 7 per cent.. This is partly owing to the higher rate of wages, which has apparently stimulated the enterprise of young people in the direction of marriage."

QR 85 (March 1876), p. 49.

Glencairn

"Of the 14 Births registered, four are illegitimate."

Torthorwald

"Two-thirds of the Births are illegitimate. There is no change in the social circumstances of the parish to account for this melancholy fact."

Wamphray

"Three of the four Births recorded are illegitimate."

QR 86 (June 1876), p. 49.

Torthorwald

"Of the 10 Births, six are illegitimate. The Registrar is not aware of any change in the social circumstances of the parish to account for this fact."

QR 89 (March 1877), pp. 48-49.

Glencairn

"Illegitimacy apparently on the increase. The Registrar is of opinion [sic] that were fairs abolished, and a system of registration [for hiring servants] adopted, it would have a telling effect upon the morals of our country."

Holywood

"Births above the average. This is owing to the large number of illegitimate cases, six of the 11 Births registered belonging to this class. The only reason for this proportion is

the low moral condition of the labouring class, all the mothers in the cases registered being female farm-servants."

QR 91 (September 1877), p. 47.

Tynron

"Although six Births have been registered, there has only been one Death. Nearly four years have elapsed since the Registrar required [sic] to enter the word 'illegitimate'."

QR 98 (June 1879), p. 50.

Johnstone

"The two illegitimates were the children of a woman from Belfast, who was prematurely confined on her way through the parish."

Torthorwald

"Of the nine Births, four are illegitimate."

QR 100 (December 1879), p. 50.

Applegarth

"Of the 24 Births registered during the year, six were illegitimate. This large proportion is in great measure caused by the want of sufficient house accommodation for working people, and the prevailing system of engaging male and female servants at hiring fairs."

Appendix 9

Illegitimacy and Farm Size

When discussing the extent of a capitalist mode of production in north-east Scotland, Ian Carter has previously intimated that it is not until 1912 that information on farm size below the county level becomes available for Scotland.¹ In that year the Board of Agriculture for Scotland (as opposed to Great Britain) was formed, and details about farm size at the district level were first published.² However, during the course of the research for this project, a set of nineteenth century agricultural summaries giving farm size at the parish level in Scotland was uncovered.

Although it is true that from their inception in 1866 until 1911, Board of Agriculture statistics usually only gave information about crop and stock totals at parish level,³ a detailed examination of these records held at the Scottish Record Office revealed one year that proved an exception to this rule. In 1870, for some unknown reason, the Board of Agriculture statistics additionally gave information about farm size.⁴ In this one year, for each agricultural parish in Scotland, numbers of the following were recorded: a) persons with farms, b) persons with stock, c) farms under five acres, d) farms between five and twenty acres, e) farms between twenty and fifty acres, f) farms between fifty and one hundred acres, and g) farms above one hundred acres in size.

Despite the uniqueness of the information presented in the 1870 agricultural census summaries, the choice of intervals between the ranges of farm size was not necessarily the most meaningful or practicable. Firstly, whilst the smaller farms were divided between four categories according to size, all the bigger farms were collectively grouped together in one open-ended category, effectively obscuring any distinction between numbers of medium and large sized farms.⁵ Secondly, the very fact that the final category was open-ended, means that no average farm size can be calculated. Nonetheless, the information contained in the 1870 agricultural census summaries was thought to be potentially useful, and the details for each parish in the entire country were transcribed from the original documents.⁶

Figures for the Dumfriesshire agricultural parishes are presented in this appendix, along with the 1881 values for each civil parish in the county.⁷ By arranging the data about farm size into two categories, below or equal to 100 acres and above 100 acres, it was statistically feasible to test for any evidence of a direct correlation between farm size and illegitimate fertility (admittedly in different years, 1870 and 1881 respectively). The resultant coefficient of determination (r^2) was reckoned at 0.0081, thus indicating no direct correlation, but the exercise was considered of sufficient interest to record in appendix format.

¹ Ian Carter, Farmlife in Northeast Scotland 1840-1914 (Edinburgh: John Donald, 1979), p. 12.

² Ibid.

³ Ibid., p. 11, Figure 1.1.

⁴ Agricultural Census Parish Summaries, 1st ser., 1870 AF39/1-32, SR0.

⁵ R.H. Campbell, for example, has defined medium sized farms in the south-west of Scotland as being in the range of 100 to 300 acres. "Agricultural Labour in the South-West", in Farm Servants and Labour in Lowland Scotland 1770-1914 ed. T.M. Devine (Edinburgh: John Donald, 1984), p. 61.

⁶ In conjunction with Donald Morse, this information was computerised, and is currently held in database form by the Department of Economic and Social History at Edinburgh University.

⁷ Minor adjustments in the form of combinations, found necessary to match data from agricultural and civil parishes in certain Scottish counties, was not a requirement in the case of Dumfriesshire.

**Table A9.1. Dumfriesshire: Farm Size and lh by Parish, 1870 and 1881,
(figures in parentheses are percentages).**

<u>Parish</u>	<u>lh</u>	<u>Farm Size (1870)</u>		<u>Total</u>
	<u>1881</u>	<u>Farms ≤ 100 acres</u>	<u>Farms > 100 acres</u>	
Annan	0.077	104 (78.20)	29 (21.80)	133 (100)
Applegarth	0.088	22 (46.81)	25 (53.19)	47 (100)
Canonbie	0.105	94 (70.15)	40 (29.85)	134 (100)
Carlaverock	0.108	16 (43.24)	21 (56.76)	37 (100)
Closeburn	0.064	39 (66.10)	20 (33.90)	59 (100)
Cummertrees	0.049	28 (53.85)	24 (46.15)	52 (100)
Dalton	0.053	23 (58.97)	16 (41.03)	39 (100)
Dornock	0.145	22 (57.89)	16 (42.11)	38 (100)
Dryfesdale	0.064	48 (64.86)	26 (35.14)	74 (100)
Dumfries	0.071	117 (86.67)	18 (13.33)	135 (100)
Dunscore	0.054	66 (73.33)	24 (26.67)	90 (100)
Durrisdeer	0.057	24 (60.00)	16 (40.00)	40 (100)
Eskdalemuir	0.031	11 (40.74)	16 (59.26)	27 (100)
Ewes	0.021	5 (27.78)	13 (72.22)	18 (100)
Glencairn	0.056	70 (82.35)	15 (17.65)	85 (100)
Gretna	0.122	32 (57.14)	24 (42.86)	56 (100)
Halfmorton	0.049	10 (31.25)	22 (68.75)	32 (100)
Hoddam	0.069	34 (58.62)	24 (41.38)	58 (100)
Holywood	0.083	39 (60.00)	26 (40.00)	65 (100)
Hutton & Corrie	0.057	28 (53.85)	24 (46.15)	52 (100)
Johnstone	0.085	24 (48.98)	25 (51.02)	49 (100)
Keir	0.052	28 (75.68)	9 (24.32)	37 (100)
Kirkconnel	0.063	22 (68.75)	10 (31.25)	32 (100)

Table A9.1. (cont.)

Kirkmahoe	0.086	56 (68.29)	26 (31.71)	82 (100)
Kirkmichael	0.143	26 (60.47)	17 (39.53)	43 (100)
Kirkpatrick-Fleming	0.093	41 (56.16)	32 (43.84)	73 (100)
Kirkpatrick-Juxta	0.059	27 (55.10)	22 (44.90)	49 (100)
Langholm	0.041	66 (89.19)	8 (10.81)	74 (100)
Lochmaben	0.130	92 (78.63)	25 (21.37)	117 (100)
Middlebie	0.082	63 (62.38)	38 (37.62)	101 (100)
Moffat	0.026	38 (69.09)	17 (30.91)	55 (100)
Morton	0.084	58 (89.23)	7 (10.77)	65 (100)
Mouswald	0.084	18 (56.25)	14 (43.75)	32 (100)
Penpont	0.052	21 (70.00)	9 (30.00)	30 (100)
Ruthwell	0.090	32 (66.67)	16 (33.33)	48 (100)
St. Mungo	0.071	23 (71.87)	9 (28.13)	32 (100)
Sanquhar	0.062	56 (87.50)	8 (12.50)	64 (100)
Tinwald	0.098	27 (52.94)	24 (47.06)	51 (100)
Torthorwald	0.209	47 (74.60)	16 (25.40)	63 (100)
Tundergarth	0.080	27 (65.85)	14 (34.15)	41 (100)
Tynron	0.015	21 (87.50)	3 (12.50)	24 (100)
Wamphray	0.068	20 (62.50)	12 (37.50)	32 (100)
Westerkirk	0.040	5 (25.00)	15 (75.00)	20 (100)
Total	0.075	1670 (67.20)	815 (32.80)	2485 (100)

$$r^2 = 0.0081$$

Sources: Scottish Record Office AF 39/9 and MDB (duplicate figures).

Appendix 10

Birthplaces of Selected Groups of Non-married Women Located in the 1881 Census Enumerators' Returns [three tables, A10.1. to A10.3.]

**Table A10.1. Dryfesdale and Lochmaben: Birthplaces of Bastard-bearers
Located in the 1881 Census, 1876-81 Case-study (figures in
parentheses are percentages).**

<u>Birthplace</u>	<u>Dryfesdale</u>	<u>Lochmaben</u>	<u>Total</u>
Dumfriesshire	18 (85.71)	33 (100)	51 (94.44)
Dryfesdale	13 (61.90)	- -	13 (24.07)
Lochmaben	1 (4.76)	25 (75.76)	26 (48.15)
Applegarth*	- -	1 (3.03)	1 (1.85)
Carlaverock	- -	1 (3.03)	1 (1.85)
Dalton*	1 (4.76)	- -	1 (1.85)
Hoddorn	- -	1 (3.03)	1 (1.85)
Johnstone*	- -	2 (6.06)	2 (3.70)
Kirkpatrick-Juxta	1 (4.76)	- -	1 (1.85)
Mouswald*	1 (4.76)	- -	1 (1.85)
Tinwald*	- -	1 (3.03)	1 (1.85)
Torthorwald*	1 (4.76)	2 (6.06)	3 (5.56)
Scotland - Other Counties	1 (4.76)	- -	1 (1.85)
Roxburgh	1 (4.76)	- -	1 (1.85)
Outwith Scotland	2 (9.52)	- -	2 (3.70)
England	2 (9.52)	- -	2 (3.70)
Total	21 (99.99) [†]	33 (100)	54 (99.99) [†]

* Parishes adjacent to Dryfesdale and/or Lochmaben.

[†] Figures do not always sum to total due to rounding.

Sources: B1876-81/820 and 840; C1881/820 and 840, NRH.

**Table A10.2. Dryfesdale, Lochmaben and Surrounding Parishes:
Birthplaces of Bastard-bearers Located in the
1881 Census, 1880-82 Sample.**

<u>Birthplace</u>	<u>No.</u>	<u>%</u>
Dumfriesshire	86	95.56
Dryfesdale	18	20.00
Lochmaben	16	17.78
Applegarth*	4	4.44
Carlaverock	1	1.11
Dalton*	3	3.33
Dornock	1	1.11
Dumfries	1	1.11
Glencairn	1	1.11
Hoddorn	2	2.22
Holywood	2	2.22
Hutton*	2	2.22
Johnstone*	6	6.67
Keir	1	1.11
Kirkmichael*	7	7.78
Langholm	1	1.11
Mouswald*	5	5.56
St. Mungo*	2	2.22
Tinwald*	5	5.56
Torthorwald*	4	4.44
Tundergarth*	4	4.44
Scotland - Other Counties	2	2.22
Kirkcudbright	1	1.11
Roxburgh	1	1.11
Outwith Scotland	2	2.22
England	2	2.22
Total	90	100[†]

* Parishes adjacent to Dryfesdale and/or Lochmaben.

† Figures do not always sum to total due to rounding.

Sources: As for Table 7.6..

Table A10.3. Dryfesdale and Lochmaben: Birthplaces of Non-married Women Aged 15-49, 1881 Census (figures in parentheses are percentages).

<u>Birthplace</u>	<u>Dryfesdale</u>		<u>Lochmaben</u>		<u>Total</u>	
Dumfriesshire	359	(80.86)	326	(86.47)	685	(83.43)
Dryfesdale	168	(37.84)	17	(4.51)	185	(22.53)
Lochmaben	24	(5.40)	202	(53.58)	226	(27.53)
Applegarth	20	(4.50)	8	(2.12)	28	(3.41)
Dalton	4	(0.90)	6	(1.59)	10	(1.22)
Hutton	13	(2.93)	1	(0.26)	14	(1.71)
Johnstone	14	(3.15)	8	(2.12)	22	(2.68)
Kirkmichael	4	(0.90)	2	(0.53)	6	(0.73)
Mouswald	2	(0.45)	1	(0.26)	3	(0.37)
St. Mungo	14	(3.15)	2	(0.53)	16	(1.95)
Tinwald	7	(1.58)	5	(1.33)	12	(1.46)
Torthorwald	4	(0.90)	7	(1.86)	11	(1.34)
Tundergarth	7	(1.58)	1	(0.26)	8	(0.97)
Rem. of Dumfriesshire	78	(17.57)	66	(17.51)	144	(17.53)
Scotland - Other Counties	58	(13.06)	39	(10.35)	97	(11.82)
Galloway*	19	(4.28)	21	(5.57)	40	(4.87)
Ayr	6	(1.35)	3	(0.80)	9	(1.10)
Lanark	9	(2.03)	3	(0.80)	12	(1.46)
Peebles	-	-	-	-	-	-
Roxburgh	5	(1.13)	1	(0.26)	6	(0.73)
Selkirk	1	(0.23)	-	-	1	(0.12)
Rem. of Scotland	18	(4.05)	11	(2.92)	29	(3.53)
Outwith Scotland	27	(6.08)	12	(3.18)	39	(4.75)
England & Wales	21	(4.73)	10	(2.65)	31	(3.78)
Ireland	2	(0.45)	-	-	2	(0.24)
Abroad	4	(0.90)	2	(0.53)	6	(0.73)
Total	444	(100)	377	(100) [†]	821	(100) [†]

* Galloway includes the counties of Kirkcudbright and Wigtown.

[†] Figures do not always sum to total due to rounding.

Sources: C1881/820 and 840, NRH.

Appendix 11

**Grandparents of Coresident Illegitimate Children:
Age, Occupation, Marital Status and Sex, 1881 Census, Dryfesdale and
Lochmaben, 1876-81 Case-study.**

Dryfesdale

Lochmaben

a) Married Grandfathers

Carter (57)
Joiner - master (54)
Labourer - general (56)
Labourer - general (57)
Mason (61)*
Mole Catcher (52)
Mole Catcher (54)
Nail Maker (52)
Rabbit Trapper (48)
Railway Engine Driver (57)
Shepherd (54)

Annuitant (54)
Farmer - 30 acres (64)
Farmer - 90 acres (44)
Farm Manager (77)
Gardener (59)
Labourer (50)
Labourer (64)
Labourer (65)
Labourer - general (65)
Mason (48)
Mason (61)
Mason - formerly (67)
Platelayer (46)
Railway Porter (48)
Slater (60)
Stocking Maker (47)
Quarryman - freestone (54)
Woollen Weaver (56)

b) Widowed Grandfathers

Grocer (49)

Carter (57)
Gardener (70)
Sawyer (66)
Stocking Maker (70)
Quarryman - freestone (54)

c) Married Grandmothers

Agricultural Labourer (49)*
Labourer's Wife (50)*

d) Widowed Grandmothers

Not Stated (52)
Outdoor Worker (51)

Not Stated (45)
Not Stated (60)
Not Stated (61)
Not Stated (62)
Not Stated (69)
Not Stated (70)
Seamstress (53)

e) Unmarried Grandmothers

Cook - domestic (54)
Day Worker (45)

Agricultural Day Worker (64)

* Married Spouse Absent

Sources: B1876-81/820 and 840; C1881/820 and 840, NRH.

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