

## **THE STUDY OF ILLEGITIMACY FROM KIRK SESSION RECORDS: TWO EIGHTEENTH-CENTURY PERTHSHIRE PARISHES**

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The Presbyterian church in eighteenth century Scotland was organised in a pyramidal structure. First there were the kirk sessions, responsible for controlling moral conduct at parish level, then presbyteries, responsible for church affairs of a group of parishes in one area, then synods, and finally the General Assembly which operated at national level. For the social historian, it is the kirk session records which are of most interest because they document the behaviour of social classes who do not normally appear in written records.

Blair Atholl (properly Blair & Strowan) is a large highland Perthshire parish. Fossoway (properly Fossoway & Tulliebole) is a parish in the lowland part of Perthshire. Good records of kirk session meetings survive for both of them, thus providing a useful means of comparing a highland and a lowland area.<sup>1</sup>

The session consisted of the Minister and a group of elders, who would be respected members of the community. They were not usually landowners or members of the elite (the latter might involve themselves at presbytery level but rarely at kirk session level). In the early eighteenth century, when Blair Atholl was almost entirely Gaelic speaking, mention is made of elders understanding no English,<sup>2</sup> which underlines the fact that these men were very much a part of their community, not separate from or standing above it.

As the Presbyterian Church was, after 1689, the Established Church of Scotland, the kirk session in theory had jurisdiction over the whole of its parish. At the beginning of the century some Perthshire landowners tolerated Episcopalian ministers, but after the 1715 Rebellion most of the latter were replaced by Presbyterians. This occurred at Blair Atholl, and between 1715 and 1728 the ejected Episcopalian minister kept a separate meeting house.<sup>3</sup> In practice, parishioners who attended the meeting house probably did not come under the kirk session's authority. No records have survived for this meeting house, and there is therefore no way of knowing what percentage of the parish attended it. After 1718 no one else was allowed to keep a meeting house at Blair. One of the queries which Sir

John Sinclair asked in his Statistical Survey of Scotland, compiled during the 1790s, concerned the number of dissenters in each parish; none were recorded for Blair, and therefore it seems safe to assume that the whole of that parish did come under the kirk session's authority.

This was not the case at Fossoway. The schisms which rent the Scottish kirk from the 1730s onward are too complex to be discussed here, but the minister of Fossoway recorded in the 1790s for the Statistical Account that out of a parish population of 1505, 440 were seceders from the Established Church (and thus were likely to have had their own system of moral controls).

How seriously did parishioners who fell under the kirk session's authority take it? They certainly made use of it when it came to protecting their good name. Slander and backbiting were considered sinful by the kirk, and the session provided an opportunity for parishioners who felt they had been slandered to come forward and vent their grievance. Throughout the century the session acted as mediator between aggrieved parties, taking the trouble to hear both sides and reconcile fractious neighbours.

This was, however, virtually the only type of accusation which a parishioner would bring before the session. Basically it was the job of the elders to ferret out sin and accuse the guilty. After sexual misdemeanours the most frequent sin in Blair Atholl was fighting; in Fossoway it was drunkenness. Sabbath-breaking became a much greater concern of the elders of both parishes mid-century than was the case either earlier or later. However, all these other sins paled into insignificance compared with the number of sexual offences.

This was in no way unique to Perthshire. Evidence of the same obsession with sex occurs in kirk session records throughout Scotland. There was no particular reason why this should have been the case. Such undue weight was certainly not laid on sexual offences in Scripture. Perhaps it was simply because an unmarried pregnant woman was so readily identifiable as a sinner.

Just how the community itself regarded sexual lapses is not a question one can really answer, though there are a few clues. The number of times an individual repeated the offence may be one of them, and as will be shown in Table 1 that number was high in Blair Atholl early in the century but quite low later, which may indicate that the kirk's influence grew in the course of the century. Supporting this view is the fact that by mid-century an increasing number of couples in both parishes came forward voluntarily to confess their sin instead of waiting to be cited.

The kirk session's zeal for hunting out unmarried pregnant women offers the modern historian of Scotland an opportunity to look at the subject of illegitimacy in such depth, and to compile figures for comparative purposes. It should be mentioned that demographic historians of early modern Scotland have a great advantage in two eighteenth century population estimates, both of which are considered by modern scholars to be reason-

ably reliable. The earlier census was that of Dr Alexander Webster, who used ministers of the Church of Scotland to enumerate the inhabitants of every parish in the country in 1755. During the 1790s Sir John Sinclair also used kirk ministers to compile his extensive report on each parish in Scotland; aside from giving population figures for their own time (often broken down by age and/or gender) some contributors also give estimates for earlier years. Using these figures and those compiled from kirk session records, Table 1 summarises the findings for both parishes for three different five-year periods.

**Table 1.**

<b>Blair Atholl</b> Pcp. 3257 <sup>a</sup>	Illegit. child	Ante-nuptial fornication	Relapse	Adultery	Other sins
Period 1 1718-1723 <sup>b</sup>	37	9	13	2	14
Period 2 1748-1752	47	4	4	2	18
Period 3 1775-1779	32	2	—	1	3
<b>Fossoway</b>					
Actual pop. 1765 <sup>c</sup> estimated established church members 1288 <sup>d</sup>					
Period 1 1718-1722	6	2	—	—	5
Period 2 1748-1752	10	—	2	—	13
Period 3 1775-1779	6	4	1	3	5

- That is the figure given in Webster's Census of 1755. The Statistical Account gives a figure of 3120, but the hundred-odd people were most likely to have left the area between 1780 and 1790, so I am using the first figure throughout.
- This is actually a five-year period, as there is a gap of about nine months within it.
- Webster's figure. The Statistical Account states that the population in 1780 was 1716, but such an insignificant drop in numbers does not seem worth taking account of.
- Based on the fact that in the 1790s 27% of the parish were listed as seceders.

The usual procedure was for an elder to report that a particular woman was said to be with child. She would then be called before the session and asked to name the father. Occasionally the man would deny paternity and matters would get rather complicated, but normally he would admit his guilt and both parties would make the requisite number of public appearances before the congregation. One might have expected some pressure to be put on the couple to marry, but this does not occur (though couples who did arrange to marry paid a lower fine). The explanation may lie in the fact that in most cases where the occupation of the guilty parties is mentioned it is given as 'servant' or 'servetrix.' A man needed to be able to afford to set up his own household before he could marry, and it appears the majority of those who indulged in sexual activity while still single were in no position to do so. (It should be mentioned that the subject of marriage in Scotland is quite a complex one since various kinds of 'irregular' marriages were considered acceptable by the people, even if not always by the kirk. The 1753 Act aimed at curbing clandestine mar-

riages specifically excluded Scotland — hence the popularity of Gretna Green.) One must assume that after giving birth to an illegitimate child the woman would continue to live in the parental home.

Ante-nuptial fornication meant that a married couple had indulged in sex before the wedding. The evidence would have been a child born before nine months had elapsed. This is never specifically stated in the session records, but the parish register does record infants 'begat in ante-nuptial fornication'. The child would of course be considered legitimate, though the parents would have to do penance for having anticipated the wedding day.

A 'relapse' (occasionally even a 'trilapse') was a woman pregnant with an illegitimate child for a second or third time. The total figure for illegitimate births includes those listed as 'relapsed'; the latter figure simply allows us to see to what extent illegitimate children were being born to habitual offenders rather than as a 'one-off' phenomenon.

Adulterers had to pay much higher fines and make many more appearances before the congregation than unmarried fornicators, which may be why the numbers are so low. The kirk session record never makes clear just how adultery was discovered, so there is no way of knowing if a pregnancy was involved.

Taking the crude birth rate figures which appear in **Scottish Population History** of 40.31 per thousand of the population for the Highlands and Hebrides (for Blair) and 35.10 per thousand of the population for the Eastern Lowlands (for Fossoway), it is possible to construct illegitimacy ratios, and these are shown in Table 2. (NB The notes in Table 1 also apply to Table 2. For periods 2 and 3 — i.e. after the secessions — the number of estimated Established Church members is used for Fossoway rather than the total population.)

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**Table 2. Illegitimacy ratios**

	Blair Atholl	Fossoway
Period 1	5.7%	1.9%
Period 2	7.2%	4.4%
Period 3	4.9%	2.6%

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The usual source for European illegitimacy figures are baptismal parish registers. The Fossoway parish register for this period lists only the father's name and so is not usable for this purpose. However, the Blair Atholl parish registers give the requisite information, and the numbers of illegitimate births for the same three periods, extracted from this source, are shown in Table 3 below.<sup>5</sup>

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**Table 3. Illegitimacy figures from Blair Atholl parish register**

Period 1	20
Period 2	24
Period 3	13

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The very wide discrepancy between these figures and those derived from session records is startling. At the beginning of a five year period a few couples might well have been doing penance for an illegitimate child born just before the period began, but this could not begin to explain the large number whose illegitimate offspring would appear to have remained unbaptised.

Work done on other European countries indicates that illegitimacy figures continued to rise throughout the eighteenth century.<sup>5</sup> In both our parishes, however, we find a high point mid-century and then a drop back to, or even below, earlier levels. In view of the different source used for this study, and the great discrepancy between the evidence from the kirk session records and that from the source generally used by historians of bastardy — i.e. the parish register — there would be little point in a comparison of figures. A great deal more work needs to be done on kirk session records and on Scottish parish registers before any clear patterns can be expected to emerge.

#### NOTES

1. Blair Atholl Kirk Session records and Fossoway Kirk Session records are at H.M. Register House, SRO refs. CH2/430 Vols 1-3 and SRO refs. CH2/163 Vols. 1-3.
2. **Chronicles of the Atholl & Tullibardine Families**, Vol. II, p. 142.
3. Dunkeld Presbytery Records, SRO CH2/106, 2 July 1728.
4. M. Flinn, **Scottish Population History**, 1977, p. 270.
5. Blair Atholl parish registers are at New Register House.
6. See P. Laslett, **Family Life and illicit love in earlier generations**, 1977.