

NOTES AND QUERIES

AGE AT MARRIAGE OF SCOTTISH WOMEN, CIRCA 1660-1770

Contributed by R. A. Houston

The population history of Scotland before the nineteenth century is no new topic of research. We know that numbers grew during the sixteenth century, stagnated and in some decades fell during the seventeenth then began a sustained rise in the mid eighteenth century. Such broad outlines of change are probably correct but population estimates are subject to a large margin of error. Information is very scarce before c1600 and most discussion has focused on trends after c1660. Unfortunately, very few reliable statistical data are available which could resolve the important issue of the relative importance of fertility and mortality in seventeenth and eighteenth century demographic trends. Scotland apparently shared the North West European marriage pattern yet it remains unclear whether mortality, nuptiality and fertility patterns resembled those of, say, England or Sweden. Mortality and fertility were of approximately equal importance in accounting for English demographic trends until the eighteenth century when fertility became primarily important; for Sweden, mortality improvements seem to have been the main reason for eighteenth century population increase. The principal problem is the poor quality of vital registration. Baptism and marriage records are frequently imperfect and burial registration often non-existent.

Received wisdom has it that population trends were primarily determined by fluctuations in mortality with frequent crises holding back later seventeenth and early eighteenth century growth. The late eighteenth century rise in population was mainly attributable to improved life expectancy: mortality stabilised, presumably at a lower level, thanks to improved nutrition, poor relief and medical care. This implies an improvement in expectation of life at birth from the high twenties to the high thirties between the late seventeenth and early nineteenth centuries - similar to France. There is evidence to support this view and Scotland seemed to have been subjected to periodic, if localised, outbreaks of famine mortality until well into the eighteenth century. Aberdeenshire may have lost a seventh of its population thanks to harvest disasters in the 1690s though the shortages of 1740-1, 1763 and 1782 became mainly Highland phenomena. Yet, without firm figures on nuptiality and fertility it is difficult to assess their part. Some information on age at first marriage and proportions never married has been presented though this is based on single communities or specific social groups and suffers from problems of typicality and small sample size. Add to this growing religious divisions in the eighteenth century and a small surname pool, which makes accurate record linkage very difficult and the uncertainty which surrounds even the crudest of demographic

estimates is readily understood.¹ Further advances in knowledge are likely to come from the use of different techniques on apparently unpromising sources.

In 1953 John Hajnal showed that it was possible to derive the 'singulate mean age at marriage' from census documents in countries where registration of vital events was inadequate for statistical measures.² By summing the proportions of women unmarried in five year cohorts between 15 and 49 and making allowances for the population under fifteen, Hajnal was able to derive the mean number of years lived in the single state by women in his sample populations, the equivalent of the average age at first marriage. He allowed that the chances of women marrying could be influenced by levels of out-migration, mortality fluctuations and the age structure of the population while arguing that his technique had its own merits as a measure of nuptiality even where full and accurate registration existed. A worked example of Hajnal's technique is provided in the following article.

Seventeenth and eighteenth century Scotland does not possess usable census documents except for a few isolated communities. However, one unused source can provide material to which Hajnal's technique can be applied. The minute books and papers of the High Court of Justiciary contain records of statements of evidence concerning the cases brought before it: depositions.³ The Justiciary court dealt with serious offences such as murder, rape, arson and treasons and was the highest criminal court in Scotland. Its seat was in Edinburgh but after 1708 circuit judges were also sent out to try cases in regional centres. Deponents were required to give their name, occupation or status, residence, age and marital status (single, married or widowed), information which precedes the statement. Not all depositions contain this information.

Criminal court depositions are not an ideal source for demographic analysis and suffer from a number of biases the importance of which is vital to the strength of the conclusions since the data represent neither a cohort nor a census. We must show that the chances of appearing in a deposition are, as far as possible, independent of the chances of being married or single. It was legally possible for a female to marry at age 12 (males at age 14) though it was rare so to do. Women probably accounted for over a half of Scotland's population in our period but for only one deponent in five. Indeed, the legal system placed restraints on anyone of defective judgement (such as the insane) or in an obviously dependent position giving evidence in court on the grounds that they might be subjected to influence. This meant the very poor, young children, household servants and, in theory, married women giving evidence for or against her husband. Seventeenth century legal theory held that women were more passionate and compassionate than men and that their evidence should therefore be treated with caution. However, the eighteenth century did see a growing recognition both of women's personal responsibility before the law and their appearance as witnesses in court. Increasing numbers of women appeared as deponents during the eighteenth century and this means that the estimate derived below applies most properly to the first half of the eighteenth century.

There was clearly a preference for evidence given by independent adult males but where the case depended on female testimony they were used. Such practical considerations meant that women in the married and unmarried state appear in the records as deponents to events to which they were usually accidental witnesses. There is no evidence that the court discriminated against married or unmarried women when it came to taking evidence even if its attitude to women as a gender was at best ambivalent. Nevertheless, there are certain biases which should be borne in mind. First, the very poor are under-represented and the respectable middling sort over-represented. A fifth of all women deponents were classed as 'servants' and were therefore probably drawn from the lower classes. Servants were usually unmarried and their proportion in the larger towns during the 1690s was approximately the same as among deponents as a whole.⁴ Second, town dwellers account for about two fifths of the sample as a whole compared with perhaps a sixth of the total population. There is evidence to suggest that they married younger, thereby reducing the aggregate figure, thanks to superior employment opportunities and different social climate in the towns. Third, while the High Court was notionally a national institution there were large tracts of the northern and western Highlands and Islands which in practice never sent cases to Edinburgh. Private or 'heritable' jurisdictions, prevalent in this region, were abolished in 1747 but even in the 1750s there were very few deponents from the Highlands proper. However, geographical mobility from Highland to Lowland was increasingly common in the eighteenth century and some of those who said they lived in the Lowlands may have married in the north before moving. On balance, it is safer to take the figure presented above as representing Lowland Scotland, although there is some inconclusive evidence that in the north west Highlands women married at a younger age. Finally, women who appeared several times to give evidence were only counted once and can be treated as independent samples.⁵

In short, there are biases in the source but not such as would vitiate the conclusion arrived at here. The data are imprecise but the figure presented here does offer a benchmark for comparison. A total of 6088 deponents are recorded in the records of the High Court of Justiciary between 1660 and 1770 of whom 5653 were of known age and marital status. Of these, 1203 were women of whom 849 were aged between 15 and 49. It is assumed that the marital structure of those for whom status is not given is the same as the known population since knowledge of marital status must be independent of the chances of being married or otherwise. Age information supplied by deponents is probably approximate with a pronounced digital preference for ages ending in, for example, six and for rounding to, say, 40 or 50 years. Nevertheless, the ages given are unlikely to be wildly inaccurate for our purposes. The average number of years lived in the single state of those ever married by age 50 was 26.6 years. The youngest married woman recorded was aged 18 years. Of women aged 50 to 88 (the oldest female deponent) 11 per cent described themselves as single rather than widowed or married and can thus be treated as celibate throughout their reproductive careers. This figure is much lower than the 20 per cent or more suggested in *Scottish Population History*. However, since the unmarried population may have experienced higher mortality the 11 per cent figure is likely to be a minimum one.⁶ If the age at

first marriage for women at the very end of the seventeenth century and during the first half of the eighteenth was of the order of 26 or 27 and celibacy 10 per cent or higher this would exert a considerable restraint on population growth. This is what happened in contemporary England, where between c1650 and c1750, mortality and fertility were of roughly equal importance in accounting for population stagnation. Celibacy was approximately 15 per cent over this period and the mean age at first marriage for English women just under 26.⁷ Conceivably, Scotland's demographic regime before the nineteenth century was less completely determined by mortality than is conventionally assumed.

NOTES

1. M.W. Flinn (ed.), **Scottish population history**, Cambridge, 1977, pp.1-41 for an overview and pp.271-83 on marriage in the eighteenth century. N.L. Tranter, **Population and Society, 1750-1940**, London, 1985. R.A. Houston, 'The demographic regime', in T.M. Devine and R. Mitchison (eds), **People and Society in Scotland. Volume 1, 1760-1830**, Edinburgh, 1988, pp.9-26. Good local studies are rare but see R.E. Tyson, 'The population of Aberdeenshire, 1695-1755: a new approach', **Northern Scotland**, 6, 1985, pp.113-31. R.A. Houston and I.D. Whyte (eds), **Scottish society, 1500-1800**, Cambridge, 1989, introduction and chapters 1-4 provide an up to date outline of the society and aspects of the demographic regime. I am grateful to Tony Wrigley, Kevin Schurer and Jim Oeppen for their comments on an earlier draft.
2. J. Hajnal, 'Age at marriage and proportions marrying', **Population Studies**, 7, 1953, pp.111-36, especially pp.123-35 for method.
3. R.A. Houston, **Scottish Literacy and the Scottish Identity. Illiteracy and Society in Scotland and Northern England, 1600-1800**, Cambridge, 1985, chapter 2 and pp.276-80 provides a discussion of the workings of the Justiciary Court and a fuller analysis of possible biases.
4. I.D. and K.A. Whyte, 'The geographical mobility of women in early modern Scotland', in L. Leneman (ed.), **Perspectives in Scottish Social History Aberdeen**, 1988, p.97. Houston, **Scottish literacy**, p.60 provides an occupational breakdown of the 719 women whose occupation or social status is recorded 1640-1770. Direct evidence of female status is often lacking. An adult male would normally be described, if at all, by his occupation but servant is one of the few occupational designations given to women in early modern sources; women are usually described in relation to father or husband. Servants made up 37 per cent of all known designations, crafts and trades 43 per cent, gentry and professionals 11 per cent with the remainder drawn from farming backgrounds. Servants were usually younger, of lower status and more likely to be single than other female deponents.
5. Flinn, **Scottish population history**, pp.276-8. Unpublished research by the present author on Edinburgh between 1660 and 1760 provides further evidence of a lower age at first marriage for women there. Houston, 'Demographic regime', p.19 discusses the ambivalent evidence on Highland marriage age. Houston, **Scottish literacy**, chapter 2 and pp.276-80.
6. Flinn, **Scottish population history**, pp.271-83.
7. E.A. Wrigley and R.S. Schofield, **The Population History of England, 1541-1871**, London, 1981, p.260. E.A. Wrigley and R.S. Schofield, 'English population history from family reconstitution: summary results, 1600-1799', **Population Studies**, 37 1983, pp.157-84.