

Lancashire Family History & Heraldry Society



Chorley Branch Education Group Talk Handout Further Steps Illegitimacy (Extract from Genealogy.com)

Illegitimate Children and Missing Fathers

Working Around Illegitimacy

by Donna Przecha

There are many pitfalls in climbing the family tree, but there are usually certain things you can count on. For example, it is fairly reasonable to assume that a child will have its father's surname. If a woman was named Joan Whittier, you naturally assume her father was also named Whittier. We are used to struggling to discover the mother's maiden name, but we feel pretty confident of the father's surname. Be prepared, however, because, at some point in your family history research, you are likely to encounter an illegitimate child and that is when all of the rules will change.

In researching this subject, I found that most of the information on Web sites and in genealogy books pertained to Britain and America. Illegitimacy existed, of course, in other countries and, so far as I could discover, the attitudes and ways of recording it were much the same.

What is Illegitimacy?

Illegitimacy may be obvious or very well concealed. The most obvious definition is that the mother and the father were not married at the time of the child's birth. However, it can also mean that the entity or institution recording the birth did not recognize the marriage. One of the most common areas of dispute is between the civil authorities and the church. A couple may be married in the eyes of the church, but not in the eyes of the state, as in Italy from 1860 to 1929. Conversely, a couple may have had a civil marriage, but it was not recognized when it came to having the child baptized in a church. For many years in England, a Catholic or non-conformist marriage had no meaning. The couple also had to be married in the Anglican Church. Also, in England if a man married his deceased wife's sister, the marriage was not considered valid and the children were illegitimate.

How to Recognize a "Bastard" in The Records

An illegitimate child was usually recorded as such in the parish registers. The most common description was "base born," "natural" or "bastard" child. The parish records in most countries and times did not spare the mother or child and usually managed to get the "shameful" facts recorded. Even if the record only asked for names, the recorder would squeeze in a descriptive term. One of the most useful publications on this subject is *Illegitimacy* by Eve McLaughlin (Varneys Press: Aylesbury, Bucks., England: 1992). In it she mentions other terms including "spurious," "imputed," "misbegotten," "ignotus" (Latin for unknown), "filius populi" (unidentified local man) and "filius nullius" (stranger or unknown man). If the child is said to be the "reputed" son of John Smith, it means the father either admits it or it has been proven. The "imputed" son means he doesn't admit it, but the mother is accusing him.

You also know there is a breath of scandal when the child is "John Jones, son of Mary Jones and John Smith." If the mother is hedging her bets, she will name the child John Smith Jones. If she and the father later marry, they can quietly drop the surname Jones and little Johnny will simply become junior. In a few years everyone will have forgotten his doubtful origin. While wealthy families -- and in the 19th and 20th centuries, middle class families -- often named their children with two surnames, in earlier times amongst the poorer classes, two surnames usually meant doubtful parentage.

Other nationalities also often gave unique names to their children born "on the wrong side of the blanket." In Italy a child might be given the surname Proietti (cast out), Trovato (foundling) D'Ignoti (unknown) or Esposito (from the Latin meaning "of this place"). In Hispanic records, a child might be called "hijo natural." Even recording the child as "hijo de" when other entries read "hijo legitimo de" suggests an irregularity. (Tracing Your Hispanic Heritage by George R. Ryskamp). In Quebec, many children were recorded under the surname "Inconnu" (unknown). See <http://www.virtuel.qc.ca/simmons/attach1.htm> .

A better-concealed "love child" might be one that is passed off as the youngest child in a large family. In fact, instead of being the youngest of the siblings, it might be the oldest of the grandchildren. It was not unknown for granny to tie a bit of padding around her middle while keeping her eldest daughter out of sight for a few months. You might be suspicious if the last child came several years after the next youngest sibling. In more recent times, a delayed birth certificate could indicate an irregularity, especially if the other children had timely certificates registered.

Different Ways of Looking at the Situation

The records you will be looking at will probably reflect one of the following attitudes:

- **Shame, shame** -- The church preached against this sin.
- **Who's going to pay?** -- The officials in charge of welfare weren't concerned about the morality, but the cost of maintaining an indigent mother and child.
- **Just the facts, ma'am** -- Civil records more often simply recorded the facts without being concerned about the morality or cost.

How the situation was viewed also depended on the people involved. Many historians believe that illegitimacy wasn't as much a stigma in earlier times as it became during the Victorian era and later. Probably the most common situation was the young farm couple who was just a bit late in getting married. As long as the young man didn't desert her, they married and settled in the community and were respected citizens. A rich man's mistress might not have the respect of everyone but with money behind her, she lived quite well and was accepted in a certain segment of society. It was not so easy for the village girl who was taken advantage of by a man of higher social status who had no intention of marrying her. A single woman with a child had little opportunity to earn her own way. If she had a supportive family, she stayed in the village with her family and raised her child, perhaps later marrying in her own class. If there was no one to help, she

could soon be lost to poverty or prostitution which could lead to more illegitimate children.

Another type of illegitimacy that is very difficult to prove is when a married woman has a child by a man other than her husband. The law assumes that a child is the legitimate issue of a husband if the husband and wife are living together. (If he has been off to war for two years, that is another story.) Family tradition is usually the source of truth in this case. The husband's sister or niece will know the true facts and always remember -- and probably grumble about -- how "that woman" put it over on her brother/uncle. The most detested form of illegitimacy was the child who resulted from incest. This child usually did not survive.

Social Attitudes

How the mother and child were treated by society varied greatly depending on the time, the country, the religion of the people involved, how much money the family had and its social status, how powerful the woman's family was and the general religious and social climate. Some religions cast out an unwed mother or physically punished her.

There was probably less disapproval amongst the nobility and wealthy. Many feel the illegitimate children of the upper classes did not suffer any disadvantage. Certainly many received titles, married well and had a great deal of power. They lived very well compared to the lower classes, but within their own class they operated under rules that would be highly discriminatory today. Because property and wealth were involved, there were laws regulating the upper classes that the poorer folk didn't have to worry about.

Anyone who was not legitimate was not entitled to a name or to inherit. Sons of royalty may be granted titles, but they were not entitled to inherit the title from their father. If they were recognized by their fathers and allowed to use the family heraldry, it had to be indicated on the coat of arms that the line was illegitimate. There have been hundreds of royal bastards, but rarely have they taken over the title from their fathers. Charles I of England had no legitimate and many illegitimate sons, but his brother followed him as king. William the Conqueror, who was illegitimate, managed to succeed his father as Duke of Normandy, but this was through military force, not inheritance.

While a mistress of a wealthy man might live quite well and be accepted in a certain segment of society, her situation was still precarious. Even if everyone knew who was the father of her children, she had no legal claim on the man. She was entitled to no inheritance from him. She was provided for only if he did so before his death.

The daughters of the wealthy were usually supervised rather closely so "getting into trouble" wasn't as much of a problem. A marriage alliance was worth lots of money so the daughters were kept pure until married off. However, if a woman of the wealthier classes became pregnant, she could be shipped off to the country castle to wait out her time. The child would be quietly farmed out for a fee and no one would be much the wiser. If the woman was married, the child would probably just be passed off as belonging to her husband.

Prior to the industrial revolution, most of the lower classes were farming families living in villages. The women in America, England and many countries had quite a bit of freedom to associate with the young men of the farms and villages.

"Bundling" where the courting couple was allowed to lie down, fully dressed, on a bed was common in early America and in Norway

(http://web.staffs.ac.uk/schools/humanities_and_soc_sciences/census/illegit.htm#Over). The young man really didn't stand much of a chance because there was so much pressure for him to marry the young lady if she got "in a family way." Her father (with his hunting rifle) probably lived a few doors away and she may have had three or four brothers. The village priest knew what was going on and would be gently prodding the future father. With the whole village giving him dirty looks and nudges, he either had to marry her or leave town.

"Who Is Going to Pay?"

If the parties did not resolve the situation themselves, then the local authorities often got involved. If a woman without a husband could not support herself and her child, then it became the responsibility of the local parish (in England) or the local civil authorities (in the U.S.). The first thing they attempted to do was identify the father and make him pay support for the child. This has created quite a few helpful genealogical records, among them "bastardy bonds." In both England and the U.S. they would haul the woman in and demand that she name the father of the child. Many of these records have been preserved with the parish records. If she named the father, he would then be held responsible for the child's care and would have to sign a bond guaranteeing payment.

These bastardy bonds survive in county records in many areas of the U.S. In England, if the woman would not name the father and if she was from another parish, she might be forcibly transported back to her parish of birth for them to support her. (Dumping the poor into another jurisdiction is still practiced to this day.) All of this was carefully documented in civil or church records relating to the poor.

Changing Society Increases Illegitimacy

Once the Industrial Revolution began, women migrated to cities to work in factories or become servants in strangers' homes. They lost the support system of their villages and family. They were often quite naive and illegitimacies soared. A desperate woman might simply abandon a newborn, leaving it to die. Or she might leave it at a church or foundling home. The villages were no longer able to take care of the poor with subsidized living at home, so the workhouse came into being. All types of poor, including women with children, were put in these institutions where living was harsh. As an alternative, some turned to prostitution to support themselves and their children.

In the earlier times, a girl had little opportunity to run away to hide her shame and start a new life. The churchwardens carefully watched all newcomers to be sure they didn't end up on the poor rolls. A single, pregnant girl would be hustled out of town quickly so the child wasn't born in the parish and thus a local responsibility.

When cities became larger and more anonymous and the middle class had more money, another option became available. A woman might go away for an extended visit to a relative in a distant location. She might return a few months later as a "widow," having supposedly met and married a husband who met an untimely end, leaving her with a small child. Or, she might take an extended trip and give up the child for adoption before returning home.

Finding the Unknown Fathers

Just because your ancestor was born illegitimate doesn't mean that the father's line is abruptly truncated. There are many ways in which the father might be revealed. Examine birth and marriage records carefully. Within a few months or years of the child's birth, the parents might marry. Depending on the time and place, this could legitimize the child. In some places an entry would be made on the birth record noting that the child had been legitimized. In other cases, the newly-married parents might have to go through a civil procedure to have the child legitimized. There were times when the child never could become the legitimate heir. This was important amongst the nobility, but the poorer people often didn't bother with any special actions to change the child's legal status. As mentioned previously, the child may have had both his father's and mother's surnames so his mother's would just be quietly dropped.

Keep an eye out for records indicating any older male taking a particular interest in a child. For example, the father might help arrange for the apprenticeship of a boy. A child might become the ward of a wealthier man. An "uncle" might take a special interest in a child's life. The child or adult might be named in the will of an apparently unrelated person. The father may have felt guilty and wanted to leave his child something and may actually call him his "natural son," especially if the man's wife had already died and he would bring no embarrassment to her.

A man could also decide to legally acknowledge his child many years later. If he had no sons of his own, he might want to know his estate would at least go to his own bloodline. A father could find a daughter to be useful in forming alliances through marriage.

It might also be common knowledge that a person was the illegitimate child of someone. Alexander Hamilton was illegitimate and it was never a secret. We may never know for certain whether Thomas Jefferson was the father of Sally Hemings' children, but the possibility that this is so has been generally known since Jefferson's time.

A mother might make a deathbed confession as to the true parentage of a child to clear her conscience. Within a village, it could become necessary to reveal to a young adult the father's true identity if it appeared that a romance was developing between two young people who, unknown to themselves, were actually half siblings. Incest was a far greater sin than illegitimacy.

You may never be able to prove the identity of the father, but you may be able to find some hints if you look carefully. Sometimes these parents went to great lengths to hide the facts and were successful in their deception in their lifetime and

even for hundreds of years later. One of the best ways to conceal a marriage or birth date was to have the event occur hundreds of miles from where the individual lived. No one from their village would ever visit the distant town, much less ask to see the record. Today so many of these far distant records have been gathered together, indexed and are available as close as the Internet or your local Family History Center. Long buried family secrets in some cases are suddenly very obvious!

**Lancashire Family History & Heraldry Society
Chorley Research Centre at Astley Hall Farmhouse**

Opening times

First & Third Saturdays Noon—4:00pm
Monday, Wednesday & Friday 10:00am—4:00pm

Last appointment 3:00pm

Booking advisable—Tel. 01257 231 600 (When centre is open),
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