

## **Illegitimacy**

A child was defined as illegitimate in the eyes of the law (often very closely bound up with the eyes of the established church) if the mother and father were not married at the time of the child's birth. With so many couples choosing not to marry now it is easy to overlook the huge effect it had, at least in some social circles, in the past.

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.

### **Problem with illegitimate ancestors**

Problem with illegitimate ancestors is that illegitimacy in itself did not create any particular records.

An illegitimate birth was so shameful just a generation or two ago that families often went to great lengths to hush it up, even to the point of falsifying records.

This sometimes leads genealogists to declare a premature dead end to their investigation - but there is plenty of potential for further research,

### **Social Attitudes towards illegitimacy**

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](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.

## **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.

## **"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.

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. All of this was carefully documented in civil or church records relating to the poor.

## **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.

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. Long buried family secrets in some cases are suddenly very obvious!

## **Hints**

In 1926, an Act of Parliament was passed that allowed children to be legitimated by the subsequent marriage of their parents, provided that both parents had been free to marry at the time of birth.

In 1959, this was relaxed so that children could be legitimated by a subsequent marriage even if one or both their parents had not been free to marry when they were born, ie had been married at the time. Children had to be re-registered to be made legitimate and a long gap between the birth and the date of registration may be an indication of a subsequent marriage.

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.

You may be able to speculate – and probably no more than speculate – about who the father of your illegitimate ancestor might be.

Although you may never be able to prove your theories, there are sometimes signs that are worth serious consideration.

Does the child have a distinctive first or middle name that they share with someone associated with the family (even if associated only by geographical proximity)?

Does the mother marry soon after the birth of the child, and is there any connection by name between 'stepfather' and child?

Was the mother working for someone, perhaps as a domestic servant, who is a candidate for the father?

Again, certificates and census returns are the major tools here.

As a genealogist, you will inevitably find yourself becoming a social historian as well – and this is particularly true when investigating an illegitimate ancestor.

It is likely that the very fact of illegitimacy had a significant impact upon your ancestor's life, and delving further in to the documents can help you to paint a fuller picture.

You might discover, for example, through census returns, whether the child grew up with its mother, or whether it was sent away to distant family members, strangers – or worse.

You might find that the child was accepted and adopted by the mother's subsequent husband – often revealed by an adoptive or stepfather's name listed on a marriage certificate.

And there are other questions that you may be able to answer:

Did the child have to work harder than other members of the family?

Did they marry less well – if at all?

Did the mother leave her home community after the birth, perhaps fleeing from scandal, or did she remain settled, suggesting that she and the child were accepted?

How did your ancestor's standard of living compare to legitimate half-siblings?

Did they display any particular talents or characteristics – musical or artistic ability, or a head for business, for example – that showed themselves in a choice of career, and were absent from the rest of the family?

Or did either mother or child end up on poor relief or in the workhouse, impoverished by the absence of a breadwinner, or excluded by social shame?

Using certificates and census returns, you can build a picture of your ancestor's life, and place them in a social and family context.

Of course, it's hard to know for sure what your ancestor's life was like from the inside, but you may be surprised at how much you can uncover.

You need to confirm from the outset that the evidence really is pointing in the direction of illegitimacy, and for this you need to gather together as many of the basic genealogical documents as you can.

If a father's name is missing from a birth certificate, it could just be that the father failed to turn up to register the birth and came up against a particularly immovable official.

And if the father's name is missing from a marriage certificate, it could conceivably be that he disowned his child or that some major feud resulted in a blank space where his name ought to be.

So it is a good idea to obtain both of these documents.

You might also supplement the birth certificate with a baptism record – baptism records are often fairly blunt, and it is not at all uncommon to find a child labelled as 'a bastard'.

And you can search for your ancestor on the census to see the context in which they are living – for example, are they at home with an unmarried mother, or obscurely listed as someone else's child?

(For more about searching for clues on the census, have a look at step 4). It is these documents that will confirm your initial hunch, and provide a fuller picture of your ancestor's situation.

Talk to members of your family.....tactfully.

If the event that you are investigating occurred within the last few generations, it may be that there is a memory of it in the family –

you'll be surprised at what people have kept quiet over the years.

Your relatives may be able to shed some light on the circumstances surrounding the birth or subsequent life of your ancestor,

or you may discover that something is already known about the identity of the father.

But do remember to exercise some caution in your questioning.

Your relatives may have kept it quiet because they share or sympathise with a sense of shame.

On the other hand, you may find that they knew nothing about it, and are upset at the possibility you awaken.

But if anyone is in the know, and willing to share, their information may be invaluable to your continuing investigation.

Was there money in the family?

If you suspect that your illegitimate ancestor was born of a wealthy father, there are some other pieces of evidence that you might be able to use.

If you have an idea as to the identity of the father, you might investigate whether he or any other member of the family provided for the child in a will.

The census might indicate whether the child ever lived with or near the father, or whether, perhaps, they were sent away to school to get rid of them.

For information about obtaining wills after 1858:

[www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk)

For wills before 1858, have a look at:

[www.nationalarchives.gov.uk/documentsonline](http://www.nationalarchives.gov.uk/documentsonline)