

**MS 620/4/12 Margaret Cormack's claim for an illegitimate birth, 1777**

Unto the Honourable the Magistrates of Montrose Complains Margaret Cormack residenter in Montrose upon John Ross Rope-maker there That where the said John Ross having begote a Child in fornication upon the Complainer She was delivered of the said Child upon the fourth day of January current That as the said John Ross has acknowledged himself to be the father of the said Child the Complainer has required him to make payment of the sum of one pound ten Shillings Sterling as the expences of inlying and to support and sustain the said Child but he still refuses and delays so to do And therefore the said John Ross ought and should be decerned and ordained by Decreet of Court to make payment to the Complainer of the foresaid sum of one pound ten Shillings Sterling as the Expences of the said inlying as also the Sum of Six pounds sterling for the maintenance of the said Child being a female yearly from the time of her Birthday and until she arrive at the age of Twelve years and that quarterly beginning the first quarter payment upon the fourth day of April next and so forth quarterly thereafter untill the said Child arrive at the foresaid age According to Justice etc.

Upon the Eleventh day of January one thousand Seven hundred and Seventy seven years I James Cloudsly Officer lawfully summoned personally apprehended the Defender at the pursuers instance etc the Sixteenth and Twenty Third day of January current for first and Second diets in the hour of Cause And I made certification

[signed] James Cloudsly

30<sup>th</sup> January 1777 Jas Low Baillie

Thomson Junior to defend and the Claim given up to -----

1777 February 13 Ro Thomson Baillie

C. Thomson Junior reproduced the Claim and for the defender denied he was the father of the Pursuers Child William Baillie for the Complainer produced as extract of a minute under the hand of the Clerk of the Kirk Session of Montrose dated the twenty seventh day of Septr last whereby it appears that the Defender had that day appeared before the Kirk Session and acknowledged Guilt with the pursuer, but he derived the time of begetting the Child condescended on by the pursuer however he said it was six months preceeding that since he was guilty with her.

Supposing the Defenders assertion to be true, which by the by is much doubted, that he had no carnal knowledge of the purser for six months preceeding the 27 September, that will fix him as the father of her Child, and the pursuer was delivered within nine months and seven days of the time he acknowledges to have been guilty with her.

The Defender contends that he can never be bound to maintain the Pursuers Child that notwithstanding the Extract from the Minutes of the Session produced which can bear no faith it was at least Seven months preceeding the 27<sup>th</sup> September that he had carnal knowledge of the pursuer and he is confident he said so when interogated by the Moderator of the Session -----the Pursuer is a person of most infamous Character and her declaring in the Session that the Child

was begot only betwixt four and five months before instead of six is a sufficient evidence that she was uncertain when, or by whom it was begot ----- The defender is clear from every circumstance to make oath that he is not the father of the Child, and he apprehends it would be singularly hard in that case to subject him in the maintenance or aliment of her.