

‘Sugar and Spice and All Things Nice?’

Violence against Parents in Scotland, 1700-1850.

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Abstract:

This article analyses the nature and incidence of Scottish parricide from 1700 to 1850. Despite a rarity of prosecutions, parricide (or parental murder) was regarded as an extremely serious offence by the Scottish judiciary. Through an exploration of cases from the Justiciary Court, the essay argues that parricide appears to have been a gendered crime in relation to both perpetrator and victim and it tended to occur in the more rural or remote parts of Scotland during period before 1850. It is also evident that certain circumstantial triggers could act as a catalyst for the crime’s perpetration, such as excessive alcohol consumption. In offering explanations for the lack of parricidal behavior in Scotland before 1850 the article suggests that alongside the church and state working together to foster deference to familial authority, the close-knit bonds of intra-familial relations were such that parricide was only very rarely resorted to by members of the populace.

Keywords: Parricide, Scotland, Parents, Children, Abuse, Alcohol.

During the mid-eighteenth century, the Scottish judge, advocate and historian, Sir David Dalrymple, Lord Hailes (1726-1792) was reportedly told a ballad by a servant girl. Dalrymple wrote up the contents of this ballad and sent it to his great friend Thomas Percy (1729-1811), who was Bishop of Dromore in County Down, Ireland at the time and a renowned collector of poetry and ballads. Percy published the work as part of a collection and the piece soon became very prevalent with versions appearing in Ireland, England, Denmark, Norway, Germany, Sweden and Iceland.¹ Dalrymple's ballad was particularly popular in Scotland however. Prior to the development of print culture during the Enlightenment period, and improvements in literacy on a broad scale in the Victorian era, the ballad retained its place at the heart of the Scottish oral tradition where information passed between individuals, families and communities and the recounting and singing of ballads was a well-established popular past-time.²

In the Scottish version of Dalrymple's ballad, the verses concentrate on an act of parricide or patricide, where a son has killed his father. Interestingly, this stands in stark contrast to other variants of the work, which are more concerned with the tale of a long-lost son returning home to his mother, and where no mention of a murder is made.³ The ballad is entitled 'Edward' and the Scottish version revolves around a heated discussion between a mother and her son. The mother suspects that her son has killed his father and visits him to inquire further on the truth of the matter. The son prevaricates and tries to claim that blood which his mother has noticed, has come from animals he has slain, rather than his dead father. Eventually, however, he confesses to having killed his father and, as the excerpt below illustrates, Edward not

only realises the seriousness of his actions, but is also at pains to point out the wretchedness that will befall him, his family, and indeed his mother, as a result.

*'WHY dois your brand sae drap wi bluid,
Edward, Edward.
Why dois your brand sae drap wi bluid,
And why sae sad gang yee O?'...*

*'O I hae killed my fadir deir,
Mither, mither,
O I hae killed my fadir deir,
Alas, and wae is mee O!'*

*'And whatten penance wul ye drie, for that,
Edward, Edward?
And whatten penance will ye drie for that?
My deir son, now tell me O.'*

*'Ile set my feit in yonder boat,
Mither, mither,
Ile set my feit in yonger boat,
And Ile fare over the sea O.'...*

*'And what wul ye leive to your bairns and your wife.
Edward, Edward?
And what wul ye leive to your bairns and your wife,
Whan ye gang over the sea O?'*

*'The warldis room, late them beg thrae life,
Mither, mither
The warldis room, late them beg thrae life,
For thame nevir mair wul I see O.'*

*'And what wul ye leive to your ain mither deir,
Edward, Edward?
And what wul ye leive to your ain mither deir?
My deir son, now tell me O.'*

*'The curse of hell frae me sall ye beir,
Mither, mither,
The curse of hell frae me sall ye beir,
Sic counseils ye gave to me O.'*

It is unclear, whether the last line of this excerpt implicates the mother in the killing that has occurred, or whether Edward is emphasising the unequivocal detriment which his actions will have on his family more widely which his mother had formerly warned him about. Regardless of this, the ballad is relevant to the contents of this essay for two reasons. First, it shows that parricide – defined as the killing of a parent or other older near relative⁴ – was an issue that was familiar to a Scottish audience in the period before and after the Enlightenment as 'Edward' was the *most* popular ballad of its time. Indeed its favour seemingly persisted through to the modern era.⁵ Second, the ballad clearly demonstrates that according to contemporary didactic literature at least, parricide was regarded as a very serious crime and those who perpetrated the offence would never and could never recover from their actions. Seemingly, the ramifications of parricidal behaviour had a long reach and would evidently endure.

This essay will investigate the history of parricide in Scotland during the eighteenth and early nineteenth centuries. Thus far, parricide has largely been ignored by scholars of Scottish history and by crime historians and criminologists - even in relation to the more modern era - save for a few important studies relating to the

North American experience of the offence post 1850.⁶ The article will begin by outlining the Scottish legal context for parricide and examining early judicial attitudes towards the offence. We will then move on to look at the evidence of parricide in Scotland between 1700 and 1850 in order to determine its incidence and whether a typology of the offence can be gleaned from the instances uncovered and the characteristics of the individuals involved. In addition, the article will illuminate two particular case studies of parricide in Scotland during this period. By interrogating the information provided for this offence in more depth and detail, we will gain an insight into some aspects of the nature of the crime, how it was perpetrated and for what reasons. Finally, and before making some concluding remarks, the article will offer some tentative explanations why parricide appears to have been so uncommon in Scotland before 1850. This is especially remarkable if we consider this offence alongside other instance of inter-personal violence which occurred north of the Tweed at that time. Why were the Scots so reluctant to kill their parents, but were seemingly unfazed about killing spouses, lovers, friends, strangers and even their own new-born offspring? This essay suggests that as the nature of Scottish society in the period between 1700 and 1850 was built on deference to familial authority and close kinship ties (particularly between blood-relatives) were typically protective and supportive rather than fractious and destructive, recourse to parental murder was rare.

Legal Context and Attitudes towards Parricide:

In effect, as historians, there are two key works to consult when undertaking an analysis of the legal context for any crime in Scotland during the era before 1850. These are Sir George Mackenzie's (1636-1691) *Law and Customs of Scotland in*

Matters Criminal first published in 1678 and the work of Baron David Hume (1757-1838) entitled *Commentaries on the Laws of Scotland Respecting Crimes* which was published in two volumes in 1797.⁷ As Hume largely assimilates Mackenzie's conclusions and opinions into his own late eighteenth century work, it is sufficient to predominantly refer to Hume's *Commentaries* when illuminating the Scottish legal context for parricide prior to 1850, although we should note that Mackenzie considered any legal provision for this 'odious' crime 'unnecessary' in Scotland due to its rarity.⁸

In the first volume of his work, Hume explains that in order to prevent the 'monstrous' and 'unnatural' crime that occurs when a child kills his or her parent, King James VI of Scotland passed a Parricide Act in 1594. The Act set out to extinguish the '...abominable and odious cruelty' of parricide that '...hes bene at sumtymes heirtofoir vsit within this realme.'⁹ The Act makes plain, however, that the extent of its application was to be limited to the killing of mothers and fathers alone. Principally, this was because the provision as established was specifically created to protect parents from their direct line of descendants. The murder of step-parents, or 'parents by affinity' (mother-in-law, father-in-law) or of grand-parents was not deemed parricide but simple homicide. Furthermore, and as Mackenzie reminds us in relation to the judicial approach to parricide, the Scottish legal establishment were very much against laws being extended to include a broader purview to that originally intended.¹⁰ Consequently, then, whilst the Scottish judiciary used the *term* parricide quite regularly to describe an array of different circumstances involving attacks on relatives including the killing of step-parents, killing of in-laws, the killing of new-born infants by their mothers and fathers and even forms of domestic assault, it was only

in instances of parental murder that the statutory provision for the specific crime of parricide was enforced. Alternative legislation governed the other offences as indictment material indicates.¹¹

At any rate, and according to Baron Hume at least, parricide was regarded as a very serious offence. As he explains:

‘The crime of parricide is one of those which finds a fit place in the list of aggravated murders, being such of which the laws of all countries have agreed in testifying their abhorrence, by denouncing some sort of extraordinary punishment for the person who shall be convicted of so wicked and unnatural a deed.’¹²

To illustrate his point, Hume then goes on to give an example from Roman law where an individual convicted of the murder of his father suffered the ‘aggravated’ punishment of *poena cullei*; translated from the Latin as ‘the punishment of the sack’. The culprit was placed in a bag alongside a dog, a viper and an ape. The bag was then sewn up and thrown into a river with the intention that all of its occupants would drown in the midst of a violent and bloody struggle.¹³ Although the 1594 Parricide Act made no mention of the need for cruel or unusual punishments such as this, and indeed it made no reference to capital or corporal punishment at all, Hume at least seems to imply that the courts ought to mete out ‘aggravated’ punishments for parricidal behaviour, due to the gravity of the offence.

In his trawl through Scottish legal case trials from the sixteenth and seventeenth centuries, Baron Hume could only find four instances of parricide. All of the cases were committed by sons against their fathers. In all four instances there seems to be

some support for Hume's insistence that parricide was an extremely serious offence as all four were convicted and sentenced to death, and although none of them were given *poena cullei*, three of the four did receive what could be deemed 'exemplary' or 'aggravated' forms of capital punishment. Some of these mirror the types of pre- and post-mortem penances introduced by the passing of the Murder Act in 1751, intended to make executions more shocking and terrifying to the audience who watched them and thus increase their deterrent effect.¹⁴ In April 1591, John Dickson from Belchester in Berwickshire was sentenced to be broken on the wheel for the murder of his father. In September 1694 William Rutherford was sentenced to have his right hand amputated before execution for a similar offence and this was same fate that befell James Lauder, also deemed guilty of parricide in March of 1707.¹⁵ Normally, and prior to the Union of 1707, extreme forms of punishment such as these were typically reserved for heretics and those guilty of treason.

In Scots Law, and contrary to normal procedure (even in relation to 'regular' homicide convictions), guilty verdicts for parricide called for '...the total corruption of the convict's blood.'¹⁶ What this meant in practice, was that not only was the convict sentenced to be executed in some sort of 'extraordinary' way, but for evermore, his or her direct descendants were to be utterly disinherited of all lands, heritages, tacks and possessions '...in the same manner as if the direct line had failed.'¹⁷ Thus, as echoed in the stanzas of the murder ballad 'Edward' at the start of this essay, the entire name and lineage of the culprit was to be destroyed forever based on the provisions on the 1594 Act. This ruling only applied when actual blood-relative parents were murdered by their offspring and its application (alongside that of the Parricide Act more generally) seems to have died out over the course of the

eighteenth century as gradually all instances of unlawful killing were indicted under the legal provision for the more general offence of 'homicide'. Nonetheless, it is interesting to note that technically, the 1594 Parricide Act has never been repealed in Scotland. Despite legal protestations against its impact on succession and inheritance in the modern era as recently as August 2014, it still remains in force alongside eighty-three other statutes which pre-date the Union of Parliament in 1707.¹⁸

Evidence and Characteristics of Parricide in Scotland 1700-1850:

Given the serious regard paid to instances of parricide by members of the Scottish judiciary, this study will focus on indictment records from the Scottish Justiciary Court between 1700 and 1850. The Justiciary Court was the 'ultimate' jurisdiction which dealt with serious criminal matters in Scotland. In 1672 the High Court of Justiciary was formally established and was presided over by the Lord Justice General, the Lord Justice Clerk and five Lords of Session. The High Court sat in session in Edinburgh on a weekly basis, and in order to ensure broad coverage of its jurisdiction across Scotland more widely, additional circuit courts were introduced, with the country divided into three associated jurisdictions. The North Circuit related to courts held in Aberdeen, Inverness and Perth but its jurisdiction included serious offences committed on any of the Northern Isles too. The West Circuit managed the courts held in Glasgow, Inverary and Stirling, and the South Circuit dealt with the courts held in Ayr, Dumfries and Jedburgh. Initially at least, these circuit courts met once a year, presided over by two of the Lords referred to above. After 1746, and the passing of the Heritable Jurisdictions Act in Scotland which abolished a wide range of inherited regalities, there was an increased volume of business brought before the

Justiciary Court which had to be absorbed from those local jurisdictions that were now defunct. This meant that the court had to go on circuit twice a year, typically in the spring and the autumn.¹⁹

The Justiciary Court had a wide remit when dealing with criminal offences. Prior to 1747, it dealt with petty crimes and moral offences on occasion, but these were increasingly assigned to the more 'inferior' jurisdictions (such as the Justice of the Peace Court or the Sheriff Court) over the course of the Enlightenment era. In the main, therefore, the Justiciary Court dealt with 'serious' offences such as political and treasonous crimes, the four pleas of the crown (murder, rape, robbery and arson) and a suite of other felonies. These included assault, counterfeiting and fraud, infanticide, riot, sodomy and bestiality, theft, and the receiving and keeping of stolen goods (known as reset north of the Tweed), as well as various other diverse legal infringements. In the management of these crimes, the court also had a wide gamut of punishments at its disposal. However, from the end of the seventeenth century onwards, the punishments meted out by the Justiciary Court became more fixed and prescribed and tended not to involve the kind of 'aggravations' or 'exemplary' elements of the kind described above.²⁰ Sentences of death by hanging or transportation overseas were the most common punishments received by those convicted of serious offences between 1700 and 1850, especially those which had involved the use of violence. For lesser offences heavy fines, corporal punishment and imprisonment (or even a sentence which combined all three) were more regularly meted out by judges of the Justiciary Court. In any event, before 1780 at least, few of the men and women charged before this court were released as a result of being found not guilty or their cases not proven, and fewer still were pardoned

after conviction. As historian Stephen Davies illustrates, 'If someone was charged with a serious crime before the Justiciary Court, then their chances of survival were slim since acquittal was rare and mercy unheard of.'²¹ Although the Justiciary Court in Scotland appeared to indict fewer suspects than its counterparts south of the border in the period before 1850²², it seems it was far more likely to convict and punish the individuals brought before it than was the case in England at this time.²³ It could be argued then that the Scottish provision of justice at the highest level was more exacting and targeted during this era, especially when compared with the unpredictable and rather random nature of justice under the infamous 'Bloody Code'. Whether this argument specifically applies to the crime of parricide, remains to be seen, as there is not enough comparative data in existence to facilitate such an analysis.

To date, and although the work is far from completed, a database of criminal cases has been constructed based on detailed research of the Scottish Justiciary Court over the one hundred and fifty years from 1700 to 1850.²⁴ Currently, this contains information relating to over 9,000 separate indictments for serious crimes. Of these, 3,872 or forty-three per cent relate to prosecutions for interpersonal violence of one form or another. However, even if we apply the broadest definition of parricide possible (the killing of parents by affinity as well as by blood), but take care to exclude non-fatal attacks which would not fall under the provision of the statute, only nine of these indictments relate to parental murder. There was an evident and distinct absence of this specific offence in the judicial records in Scotland prior to 1850, especially if we consider that Baron David Hume only managed to uncover four cases between the passing of the Parricide Act in 1594 and the end of the

seventeenth century. In sum then, it would seem that only thirteen cases of parricide were brought before the Scottish Justiciary Court over a two hundred and fifty year period. Obviously, as this article is working from a very small sample of cases, it would be inappropriate to make any statistically significant conclusions about the nature and incidence of parricide in Scottish history between 1700 and 1850 and whether the crime, its perpetrators and its victims changed over that period.

A summary of the available data relating to the nine Scottish cases indicted between 1700 and 1850 is presented in the table below²⁵:

Figure 1.1 – Indictments for Parricide, Scottish Justiciary Court, 1700-1850.

Court	Indictment Date	Defendant	Locus Operandi	Modus Operandi	Victim	Verdict
JC North	06/06/1715	John Linklatter	Orkney		Father	
JC West	11/02/1718	Gilbert MacCallum	Oban		Father	
JC North	25/06/1749	Charles Grant	Aberdeenshire			
JC North	13/12/1768	James Cullen	Aberdeenshire	Battery	Stepmother	Guilty
JC North	03/10/1810	Margaret Robertson	Fife	Poison	Father	Not Guilty
JC North	27/09/1815	James Esson	Aberdeenshire		Father	Not Guilty

HCJ	28/07/1824	Daniel Elphinstone	Edinburgh	Knife Attack	Mother- in-law	Guilty
JC West	16/04/1825	John Henderson	Stirling			
HCJ	06/04/1826	Thomas Moffat	Stirlingshire	Knife Attack	Father	Guilty

Although comparisons between historical and contemporary studies of crime and comparisons between the nature of crime in different countries and contexts can be inherently problematic and must be treated with extreme caution, it is nonetheless interesting that many of the traits evident in the small sample of Scottish parricide cases compare well with data from studies of the offence in a more modern North American context. Historians and criminologists have worked together there, to develop a much more nuanced and in-depth understanding of parricide and the offenders involved, in an attempt to develop strategies to prevent parricidal behaviour from occurring. It is evident from the lacunae of scholarship on the subject of parental killing, particularly from a historical standpoint, that no other country has come as far as the United States in comprehending parricide and the contextual factors which typically trigger its incidence. Certainly, and as yet, there is no comparable material on parental murder in modern day Scotland.²⁶

Despite leading the way in the study of parricide, American scholars have been quick to point out that since 1850, parricide has been a relatively infrequent form of homicide. Professor Kathleen Heide points out that although 'The public's fascination with parricide dates back thousands of years. The killing of fathers and mothers has

been a recurrent theme in mythology and literature, as is evident in the stories of Orestes, Oedipus, Alcmaon, King Arthur, and Hamlet', actual instances of the offence are not common.²⁷ Indeed, the first and most obvious conclusion to be drawn from the data for Scottish parricide between 1700 and 1850 is that indictments for this offence were rare with only nine cases indicted over the period. We will consider possible explanations for the paucity of Scottish parricide in a latter section of this essay.

The second noticeable characteristic among the nine Scottish cases is the seemingly gendered nature of the offence. Only two of the victims and one of the accused were female. The male domination of parricidal instances is something also mirrored in American studies of the offence dating back to 1850.²⁸ Rather than this being symptomatic of a general deference on the part of daughters across time, cultures and communities however, the proportionate involvement of men to women in this offence is probably a simple reflection of gender differences in the perpetration of interpersonal violence more broadly. Although not reticent at using violence when a situation demanded them to do so, it is clear nonetheless that Scottish women (and indeed women in other historical contexts) were less often indicted for a violent offence prior to 1900 compared to their male counterparts. It could be argued then, that the data for parricide is simply an extension of that general trend.²⁹

The third characteristic discernible from the Scottish evidence is that on the whole, the reported cases of parricide appear to have occurred in the more remote parts of Scotland and not in the central lowlands of the country where we might expect more interpersonal violence to occur due to population density levels. Whilst this detail

might be indicative of more lawlessness in the northern parts of Scotland during the eighteenth and nineteenth centuries, it does at least appear that the reach of justice was sufficient to detect parricidal instances in these more remote areas. In other words, it is likely that the spectre of the so-called 'dark figure' of unreported or unindicted crime did not cast a substantial shadow over parental killing in Scotland between 1700 and 1850. We have already seen that parricide was seemingly regarded as an extremely serious offence. This fact would encourage the reporting of the crime and would render community and judicial authorities anxious to investigate the offence and make an arrest. As with homicide more generally, parricide was a difficult crime to conceal, perhaps more so in remote rural areas where close-knit communal ties endured for longer and parochial supervision was more intense.³⁰

The case studies in the section below will illuminate more about the methodology and rationale involved in the few instances of Scottish parricide where substantial details remain of the events that transpired. Certainly, and as we might expect, there were no instances where firearms were used in the nine Scottish parricide cases between 1700 and 1850. This contrasts sharply with the more modern American studies of the offence, where guns were clearly the weapon of choice amongst those sons and daughters who chose to kill their parents.³¹ In the Scottish cases, weapons (with the exception of the poisoning case) tended to be those close to hand in the domestic sphere and were indicative of instances of single-victim single-offender episodes which involved hot-blooded combat rather than attacks of a premeditated nature. This supposition ties in well with what we know of the rationale behind the Scottish assaults that took place. It also tallies with what we know of Scottish

homicide and domestic assault from this period. Most interpersonal violence in Scotland before 1850 was either victim precipitated (where the eventual victim had been the original aggressor) or was carried out in the heat of the moment as part of an impassioned argument.³²

Although in the American cases of parricide that have been uncovered to date, there was also a degree of spontaneity about the assaults that took place, it is evident that other factors were at play in the more modern context. Retaliation against prolonged mental, physical or sexual abuse was regularly a common rationale given for parricidal behaviour. Sometimes the killing was planned to maximise the chances of the abuse being terminated.³³ This particular rationale was not evident in the earlier Scottish cases of parricide. Also far more predominant in the American case files of parental killing were instances of acute mental disorder, particularly amongst adolescent perpetrators in particular.³⁴ Although the age of offenders in the Scottish cases is difficult to discern, it does seem reasonable to suggest from the limited evidence at hand, that they were all at least 'adolescents' when they committed parricide. Moreover, two of the nine individuals indicted – Margaret Robertson (1810) and James Esson (1815) – were declared insane upon conviction by the Scottish courts and were indefinitely confined to lunatic asylums rather than hung.³⁵ Looking at the detail of these cases, one might argue that the decision to declare them 'insane' might have been made with haste and on the basis of scant, flimsy and rudimentary medical and psychological evidence. However, the decision reached in these cases may have more to do with *when* they were prosecuted rather than the evidence to hand.

During the early decades of the nineteenth century, the Scottish courts were keen on introducing more professional testimony, especially in cases where individuals had defied 'normal' or 'expected' standards of behaviour. In infanticide cases from this period, for instance, we see Scottish courtrooms filled with medical experts trying to explain away the abnormality of women's violence towards their new-born children through the use of diagnoses of insanity related to parturition and lactation. It was believed that women could not be innately violent as that went against the accepted characteristics of their gender: chastity, femininity, gentility and maternal instinct. Consequently, an alternative explanation needed to be sought in order to be able to understand infanticidal women.³⁶ In a similar vein, as parricide was considered such an abhorrent, 'unnatural' reversal of the well-established patriarchal order, other intrapsychic factors may go some way to explain the episodes of patricide and matricide that occurred. It was unfathomable to many to possibly concede that children would want to kill their parents or indeed be capable of doing so without some sort of external factor triggering their violent rage. Perhaps it is for this reason, that in both historical and modern episodes of parricide, alcohol in particular, seems to have played a prominent role in precipitating the offence.³⁷ It was also perceived to be an evident causal factor in six of the nine Scottish cases of parricide between 1700 and 1850.

The final characteristic tentatively drawn from the small sample of Scottish parricide cases is perhaps not unsurprising, given the apparent gravity afforded the offence by the judicial authorities and the previous comments made about the more precise nature of justice north of the Tweed. Of the cases where the fate of the accused individual is known, convictions were universally secured and aside from the two

cases of lunacy, the remaining convicts were all executed and received the 'exemplary' punishment of public anatomisation and dissection. This pattern extends into the nineteenth century, despite the fact that the use of additional pre- and post-mortem punishments had largely waned in Scotland by that time, even for the most serious of crimes.³⁸ In the more modern American instances of parricide by contrast, capital punishment has only rarely been applied since 1850 and instead, probably owing to the significant number of victim-precipitated cases based on prolonged child abuse and mistreatment, there is much more of an attempt made to understand the offender and support his or her rehabilitation back into the community.³⁹

Case Studies of Parricide in Scotland 1700-1850:

Many of the characteristics and traits evident in the nine Scottish parricide cases uncovered between 1700 and 1850 and cautiously discussed above, appear in the two cases which for which we have the most extensive documentation. James Cullen was indicted at the Northern Justiciary Court in Aberdeen in 1768 charged with the parricide, incest and rape of his step-mother Isabell Littlejohn. Two years previously, on the thirteenth of December 1766, Cullen had proceeded to get exceedingly drunk on home-made poitin and '...in a furious and relentless manner' had violently attacked his father, breaking two of his ribs in the process. Fourteen days after this, on the twenty seventh of December 1766, whilst his father was away working in the fields, Cullen got drunk again. This time he attacked his step-mother and after violently raping her in his father's house, he proceeded to '...give her repeated blows by which she was severely hurt and bruised upon her shoulders, arms, breast, thighs and other parts of her body.' At this point, Isabell Littlejohn attempted to make her escape. Presumably fearing for her life, she managed to get

outside the house, but Cullen caught up with her just outside the front door and proceeded once again to batter his step-mother repeatedly with his fists, raining down fierce blows upon her ‘...until she was quiet.’ Neighbours witnessed this particular part of the attack, and testified in court that although they ‘...heard the victim’s bones crack and shatter’, they were too afraid to step in to stop the assault. As a result of this attack, Isabell Littlejohn died where she lay of multiple and horrific injuries.

Cullen was subsequently arrested by members of the local community in late December of 1766, but he escaped from prison and went on the run. Undoubtedly he recognised the seriousness of his actions, the fact that there were several witnesses to the assault he had perpetrated and he could guess the likely reaction of the judicial authorities to his crimes. He was recaptured two years later and was brought to trial. The presiding judge described Cullen’s actions as ‘shocking’, ‘wicked’ and ‘unnatural’. He was found guilty of all the charges brought against him and was sentenced to death by hanging with the added order that after his execution, his body should be publicly dissected and anatomised by a surgeon.⁴⁰

Clearly in this case, the instance of parricide was not victim precipitated, nor was there any substantiated evidence of mental health problems with regard to the perpetrator concerned. Nevertheless, and as with the majority of the Scottish cases uncovered, the defendant was male, he committed his crime on a rural estate in the north of Scotland and there was evidence of alcohol abuse acting as a trigger to the assault that took place. The killing was evidently part of a furious, prolonged but hot-blooded attack on his step-mother where he used his fists rather than any weapon

derived for the purpose. As with several other Scottish parricide cases, Cullen was convicted and given an 'exemplary' punishment. Public dissection and anatomisation was something that was evidently feared by the populace in the period before 1850 as it involved the desecration of the body without any chance of revival.⁴¹ Although parricide was evidently rare in Scotland, it was clear that on those occasions when it did come to the attention of the courts, the authorities elected to use exemplary punishments to deter any other like-minded individuals from attacking their parents, in order to keep the patriarchal hierarchy of society firmly intact and under control.

Thomas Moffat killed his father Peter on the 6th of April 1822 near his home at Kilsyth, around twelve miles from the City of Glasgow. Peter returned home from a long day at work to find his son intoxicated and lazing about the house. Peter was not impressed by his son's state and his perpetual disinclination to employment and said some strong words to him before leaving the house to go for a walk in order to calm down. Thomas Moffat followed his father '...in a vindictive temper' and they continued to argue furiously for a time. Thomas Moffat had armed himself with a large knife that he had grabbed from the kitchen on his way out, and seizing his father by the throat with one hand, he made three deep stab wounds into his father's stomach with the other. Peter Moffat tried (with some difficulty) to make it back to his house, carrying parts of his bowels in his hands as they had protruded through his wounds. However, he collapsed near his house '...languishing in great pain but for a short time' and died.

Thomas Moffat, who was described in court as a 'cruel monster', fled the scene of the crime and remained at large for three years until he was latterly captured by a

sheriff officer in Glasgow on the 7th of June 1826. At his trial which began at the High Court of Justiciary in Edinburgh on the 26th of October 1826, the court heard from witnesses who testified that Thomas Moffat had endured prolonged, vicious and repeated physical assaults at the hands of his father. Testimony was also given by several individuals who had seen Thomas try to protect his (now deceased) mother from the 'ill-use' his father inflicted regularly upon his wife. The court heard that Peter Moffat was a violent man who drank away all the money he earned, leaving his family starving and giving his children no education whatsoever. Despite the best efforts of his defence team in bringing all of this contextual information to light, Thomas Moffat was unanimously found guilty of parricide.⁴² On sentencing him to death with the 'exemplary' punishment of public dissection and anatomisation, the judge explained his decision:

'You have been convicted of a crime which reflects a disgrace on the country within the bounds of which it is committed, which can never be wiped away. You have been convicted of the murder of your own father...the author of your being...the individual whom you were bound by the laws of God and nature, to have protected even at the risk of your own life. It is a crime which no circumstance could justify nor palliate.'⁴³

The indictment against Thomas Moffat highlights several of the points already suggested in relation to the accepted characteristics of parricide. The accused and victim were male, the attack was not premeditated but happened in the course of a furious but relatively frivolous argument, and the fatal incident did not occur in an urban location. On this occasion, the assault did seem to have been victim precipitated to some extent, based on the evidence produced by the defence team in

court. Nevertheless, the seriousness afforded the crime by the judiciary was clearly evident and it seems that there was only ever going to be one outcome to the trial. One factor that undoubtedly secured Thomas Moffat's conviction and exemplary punishment was the fact that he (like many of the others convicted of this offence it would seem) was drunk at the time of the incident. Indeed, the High Court judge in the case took advantage of this particular fact to deliver a lecture on the evils of alcohol when summing up the case ahead of the deliberation of the assize (as can be seen in the broadside from the case reproduced below). He said:

'Drunkenness is a vice that has very fatal effects on the mind, the body and the fortune of the person who is devoted to it...[it] makes every latent seed spring up in the soul, and show itself; it gives fury to the passions, and force to those objects which are apt to produce them. It often turns the good-natured man into an idiot, and the choleric into an assassin. It gives bitterness to resentment, it makes vanity insupportable and displays every little spot of the soul in its utmost deformity. Nor does this vice only betray the hidden faults of man, and shew them in the most odious colours, but often occasions faults of the most horrid nature, of which this case is a most striking instance.'⁴⁴

Clearly, parricide was considered to be a grave offence in the minds of some members of the Scottish Judiciary. Moreover, when this kind of criminality was combined with the abuse of alcohol and attempts to evade justice, mercy – regardless of the contextual circumstances – was utterly inconceivable.

Horrid Parricide.

An account of the awful and inhuman Murder of
PETER MOFFAT,
Carter in Kilsyth, by his own Son, on Tuesday the 2d of April,
1822, who cruelly stabbed his father several times in the belly,
so that he died soon after.

THE many wanton outrages and wicked murders with which the accounts from the Sister Island has of late shocked the feelings, is truly distressing, but when the barbarous and ignorant state of the inhabitants is taken into consideration, and the present irritation from distress and supposed grievances, hardly any other thing could be expected; but it is with pain that we have to record one of the most inhuman murders, committed in the neighbourhood of this city, which ever stained the criminal records of our country.

On Tuesday the 2d April, a barbarous murder was committed at Kilsyth, 12 miles from Glasgow, under the following circumstances:—Peter Moffat, carter Kilsyth, going home to his house, after his day's labour, found his second son lying much intoxicated and was angry with him. Some dispute ensued, but the father aware of the vindictive and ungovernable temper of his son when in that state, left him and went to a little distance from the house. The son soon after got up, and seizing a large knife, which he was accustomed in his drunken fits to wield, rushed out and going straight forward to the place where his father stood, seized him by the throat with one hand, and shocking to relate, made three deep stabs into his parent's bowels with the knife which he held in the other hand! The unfortunate father, who had some distance to walk, reached his house with difficulty, literally carrying in his hands, part of his bowels which had protruded through his wounds; he languished in great pain for a short time, and then expired.

The cruel monster fled, but had the savage hardihood to return on Saturday last, go into the house and survey the dead body of his murdered father! The murderer has, for the moment, escaped, but the officers of justice are in search of him.

It is a lamentable fact, and one which affords another instance of the barbarous and brutalizing effects of illicit distillation, that the unfortunate young man had, for some time previous, been deeply engaged in the system of smuggling, of late become so prevalent in this country. Every one must look with abhorrence on a fact attended with such aggravated circumstances, as the crime which this man has committed. The poor man was his father, so that he was, consistent with the dictates of natural reason, bound to do all that lay in his power to protect him, instead of which he inhumanly deprived him of life.

Parricide is that of a son murdering his father; and the crime has always been considered in so odious a light, that it was long before some Heathen nations ever so much as thought of a law to punish it; for this reason that they did not think any person capable of committing it. The ancient Egyptians are the first mentioned in history, who made a law to punish parricide; and when a son was found guilty of murdering his father, he was tied up in a sack with a cock, an ape, and a serpent, and thrown into the Nile.

John Muir, Printer.

Analysis – Reconstructing a Hidden History?

Before concluding this essay, it is important to return to the issue of the paucity of indictments for parricide in Scotland between 1700 and 1850 and to try to determine why this offence seems to have so rarely been brought to the court's attention during that period. As has already been alluded to above, it is unlikely that instances of parricide made a substantial contribution to the so-called 'dark figure' of unknown or unrecorded criminal activity. The two case studies elaborated on in the previous section demonstrate that even when parricidal suspects absconded from justice,

they were determinedly hunted down and arrested by sheriff officers. This resoluteness whilst impressive, was unusual and was not typically mirrored in the other instances of interpersonal violence brought to the courts' attention where suspects evaded justice. For instance, if we analyse indictments for homicide more generally between 1700 and 1850, the evidence from the Justiciary Court records twenty one individuals who had been 'declared fugitate' by the court after evading arrest, breaking out of prison or not attending trial.⁴⁵ However, if we use the database to track their names through the courts over time, we can see that none of them were subsequently recaptured and brought to justice.

The unyielding attitude to parricide in Scotland also suggests that such offences would only be heard at the Justiciary Court. It is unlikely that indictments for parental killing would be hidden from the scope of this study as they had been brought before courts of a lesser jurisdiction. Indeed, a sample survey carried out on records from selected Sheriff Courts and Justice of the Peace Courts bears out this contention.⁴⁶ It seems that the Scottish authorities wanted to make an example of the few individuals who committed parricide – an offence they commonly regarded with loathing and repugnance – and as such, indictments for the offence had to be heard at the highest court in the land, dealt with sternly and publicly, and punished severely and without mercy upon conviction.

We have already seen in this essay that the Scots were not averse to committing other forms of interpersonal violence in the eighteenth and nineteenth centuries. Numerous individuals (men and women alike) were prosecuted for murder, infanticide, assault, robbery, rioting, rape and forms of 'sexual assault' during that

era. Why then, did they seem to shy away from parricide? One tentative explanation for the lack of fatal parental violence evident in Scotland between 1700 and 1850 is the culture of intense supervision that existed in many European countries at that time. Facilitated by communal living and strong kinship ties, the prevailing Church in Scotland and its Calvinist orthodoxy preached an intense doctrine where respect for one's elders lay at the heart of how society was to be organised and run. The Church was supported in this by its own interventionist parish-based court system, called the Kirk Session, which rigorously rooted out moral lapses and publicly punished sinners.⁴⁷ Kirk Session pronouncements, sermons, ballads and pamphlet literature which were published and widely circulated across Scotland during the period invariably made mention of the biblical commandment held to be the most important – 'Honour Thy Father and Mother' – regardless of whether or not such deference was relevant to the content concerned.⁴⁸ The published confessions of criminals about to be executed on the gallows, which were incredibly popular amongst the Scottish populace during this period, always referred to this commandment and suggested that no matter what offence had eventually been committed by the individual concerned, their feloniousness must have stemmed from a fundamental disrespect of parental authority as this was where religious instruction in the ways of truth, goodness and morality would emanate and be inculcated. To ignore and disrespect your parents then, was to ignore and disrespect God.⁴⁹

A move away from parental deference then, was something that was highly feared by religious *and* judicial authorities in Scotland as elsewhere during the eighteenth and nineteenth centuries: it would result in anarchy, chaos and the ruination of the social and moral fabric of the nation. Coupled to the intense scrutiny and 'social

control' of sorts at a local, parochial level and in order to alleviate fears of moral decay in Scottish society, it is evident that the judiciary worked in tandem with religious authorities to reinforce the message that parental authority was tantamount and needed to be protected. First of all, one of the earliest Scottish legal digest that we know about, the *Regiam Majestatem* produced in or around 1318, made it a capital crime to invade and attack an individual in their own dwelling place, in an offence known as hamesucken. Although attacks on parents were not specifically mentioned in this piece of legislation, it is clear from the description provided that parental protection was the chief preoccupation of the legal minds who put the statute together.⁵⁰ Furthermore, and in any case, by a statute of 1661, it became a capital crime in Scots Law to curse or beat your parents if you were over the age of sixteen.⁵¹ This time, the legislation which applied throughout the per-modern period left little room for any doubt: parents were to be revered and respected in Scotland, not belittled or abused in even the slightest way, as otherwise, the full wrath of the authorities would come crashing down on the culprit concerned.

It could be argued then, albeit tentatively, that the combined forces of the law and the Church, seem to have enabled the Scots to limit the number of parricidal instances brought to court during the period before 1850 by sending out an unequivocal message that parental deference was fundamentally expected at all times. Whilst criminals in Scotland were more than capable of ignoring other pronouncements made to them regarding the observance of morality and decent standards of behaviour, it seems that giving respect to one's parents was one tenet that was customarily accepted as incontrovertible. In addition, and as may also have been true elsewhere, the Church and the Law also evidently worked together to

deploy early interventionist strategies in areas of domestic dispute between parents and their children, so that petty disagreements and minor skirmishes did not escalate into more serious instances of violent behaviour between the parties involved. The Church did this by employing a network of individuals whose job it was to observe parishioners and the nature of their relationships with others, in order to constantly indoctrinate them with behavioural expectations, and to intercede and arbitrate if tempers flared. The Law on the other hand, did this by establishing a methodology of mediation through a system of so-called 'Letters of Lawburrows'. This process facilitated the resolution of disputes between individuals by both parties agreeing to sign a pledge to keep the peace between them under the threat of a substantial monetary fine if that agreement was ever breeched. Thousands of these 'Letters of Lawburrows' can be found in the records of the Justiciary Court alone between 1700 and 1850 and they were evidently routinely employed by the Scottish populace.⁵²

There is some evidence to support the contention that the authoritative approach to parental protection in Scottish society prior to 1850 was effective. Not only was there an evident reluctance to kill parents north of the Tweed at that time, there was also a reluctance to abuse them as well. If we look at instances of domestic assault where parents were the victims, the number of prosecutions are relatively limited. Although 'unreported' or 'unindicted' offences may have had a much more significant role to play in relation to these more minor offences (due to the severe nature of the legal provision for the offence) and other instances may have been brought to courts of lesser jurisdiction than the Justiciary Court, there were only thirty eight instances of assault where both parents were victims between 1700 and 1850. This figure needs to be considered out of a total of 3,872 indictments for assault accumulated to date.

Only a further twenty seven assaults specifically committed against fathers and sixteen against mothers were reported. Interestingly, none of these eighty one cases were convicted under the 1661 legislation, although the indictments were initiated under that provision. Instead, these instances were treated as regular, but aggravated assaults, and if convictions were achieved, the culprits were typically given sentences of corporal punishment or transportation. Clearly the value of the 1661 Act to the Scottish judiciary by the eighteenth century at least, lay in the threat it posed to rebellious and insubordinate children. This ploy, along with the others described above, seems to have kept Scottish sons and daughters in check throughout the 1700-1850 era.

Aside from this enforced culture of deference to familial authority, a more straightforward argument to explain the lack of parricidal instances in Scotland prior to 1850 relates to the observed protectionist nature of the kinship ties which existed at that time. Scottish social historians have explained that blood-relatives were especially supportive of one another during the post-Enlightenment era.⁵³ This was a time of rapid socio-economic and political change, when families faced numerous outside pressures and threats of one kind or another including famine, disease, poverty, invasion, eviction and the like.⁵⁴ In the face of external adversaries such as these, close relatives tended to band together to safeguard themselves and their interests. A good example of this kind of familial collaboration can be seen in the Scottish food riots which occurred during the eighteenth century. In these often bloody episodes, whole families turned out to fight shoulder-to-shoulder against the malpractices of grain merchants and on several occasions individuals went to great lengths to prevent a loved one being arrested or beaten by the authorities.⁵⁵ Parents and

children were thus far more likely to tend towards mutual protectionism due to co-dependency, rather than to aggression or destruction. Evidently the ties that bound Scottish families together were typically strong in the period up to 1850. Consequently, parricide and parental abuse were uncommon during this time and only seem to have occurred in extreme situations and under certain conditions.

With perhaps the exception of treason, it is clear that the religious and legal authorities in Scotland effectively regarded parricide as the *most* serious offence that could be perpetrated by any individual and thus stringent provision was made for its prosecution and punishment. Although the Scots were not averse to engaging in other forms of inter-personal violence during the period 1700 to 1850, it would seem that the murder of parents was not part of their extensive felonious repertoire. From the few cases brought to court, we can tentatively surmise that parricide was a gendered crime, with males predominating in the role of both offender and victim. Furthermore, although parricidal instances appear across Scotland as a whole, they tend to have been perpetrated in rural and more remote areas rather than in the central lowlands of the country where arguably the reach and power of centralised justice was more dominant and robust. Most of the parricidal instances committed in Scotland between 1700 and 1850 were perpetrated without premeditation and involved weapons that were close at hand when arguments escalated. Alcohol seems to have been a particular trigger amongst the fatal assaults recorded, but we need to better understand the contexts and environment within which this offence took place before we are able to draw any meaningful conclusions about why they occurred. Certainly, it is of interest that many of the characteristics we associate with

parricide in the modern era are mirrored in these early historical examples. Obviously, and as the data used in this essay relate to the pre-1850 period, there are evident differences too. For instance, the majority of the Scottish cases lack reference to mental instability, there is a lack of victim precipitated assaults caused by prolonged abuse, and there is a dearth of instances where quarrels over money and inheritance was an underlying factor in the parental murders that occurred.⁵⁶

Episodes of parricide evidently merit more comparative analysis between different jurisdictions, contexts and cultures and across broader chronologies and geographical areas in order to further explore the nature and characteristics of this crime and to better understand its perpetrators. In this way preventative measures to guard against the offence in the present day might be derived and implemented. In the Scottish context prior to 1850 however, as elsewhere, parricide did not pose a significant problem or threat to parental authority in practice, despite the evident fears and concerns of religious and judicial authorities at the time. Instead, parricide could be regarded as something of a 'taboo crime' north of the Tweed. It was an offence that was so unpalatable and so unacceptable to both individuals and to Scottish society more broadly, that it was only very rarely conceived of and seldom resorted to. Given how bloodthirsty the Scots could be, particularly when provoked, this makes parricide a rather unique kind of criminal act and one that can illuminate much about the *limitations* of the Scottish criminal psyche rather than its reach and significance.⁵⁷ For that reason, parricide has much to tell us about Scottish society in the eighteenth and nineteenth centuries and the nature of the intra-familial relationships that existed and undoubtedly evolved during that time.

¹ For further detail on the origins of this ballad see A.F. Falconer, ed., *The Percy Letters: The Correspondence of Thomas Percy and David Dalrymple, Lord Hailes* (Baton Rouge: Louisiana State University Press, 1954).

² For further discussion see C. Wright, 'Forgotten Broadsides and the Song Tradition of the Scots Travellers' in D. Atkinson and S. Roud, eds., *Street Ballads in Nineteenth-Century Britain, Ireland, and North America: The Interface Between Print and Oral Traditions* (Farnham: Ashgate, 2014), pp. 77-104; E. Cowan, ed., *The Ballad in Scottish History* (East Linton: Tuckwell Press, 2000), *passim*; D.A. Symonds, *Weep Not For Me: Women, Ballads and Infanticide in Early Modern Scotland* (Pennsylvania: Pennsylvania University Press, 1997), especially Chapters One and Two and P. Fumerton and A. Guerrini (with K. McAbee), eds., *Ballads and Broadsides in Britain, 1500-1800* (Farnham: Ashgate, 2010), especially Part V.

³ For further discussion see F.J. Childs, ed., *The English and Scottish Popular Ballads* (Mineola, NY: Dover Publications, 2003 edition, originally published in 1882), Volume I, Ballad 13, pp. 167-169.

⁴ For a definition of parricide see A. Stevenson and M. Waite, eds., *Concise Oxford English Dictionary (Luxury Edition)* (Oxford: Oxford University Press, 2011 edition), p. 1043.

⁵ This is reported in Childs, *The English and Scottish Popular Ballads*, pp. 167-169.

⁶ See for instance P.C. Shon, *Respect, Defense, and Self-Identity in Nineteenth-Century America, 1852-1899* (New York: Peter Lang, 2014) and K.M. Heide, *Understanding Parricide: When Sons and Daughters Kill Parents* (Oxford: Oxford University Press, 2013).

⁷ See Sir G. Mackenzie, *The Laws and Customs of Scotland in Matters Criminal [&c.]* (Edinburgh: A. Symson, 1699 edition) [Bodleian Library Reference: Cw UK Scotl 510 M156.4d] and Baron D. Hume, *Commentaries on the Law of Scotland Respecting Crimes – Volumes I and II* (Edinburgh: Bell and Bradfute, 1844 edition) [Bodleian Law Library Reference: KM500.S3.HUM.1844].

⁸ Mackenzie, *The Laws and Customs of Scotland*, Chapter XIV, p. 78.

⁹ *Records of the Parliaments of Scotland to 1707*, Parricide Act (S) 1594, James VI, c. 30. [Accessed at <http://www.rps.ac.uk/> and linked to <http://www.legislation.gov.uk/aosp/1594/30/contents>.]

¹⁰ Mackenzie, *The Laws and Customs of Scotland*, Chapter XIV, p. 79.

¹¹ For further discussion see J. Erskine and J. Ivory, *An Institute of the Laws of Scotland in Four Books* (Edinburgh: Law Society of Scotland, 1989 edition), Volume II, Book IV, p. 1042. [Bodleian Law Library Reference: KL12.ERS 1989].

¹² Hume, *Commentaries on the Law of Scotland Respecting Crimes – Volume I*, pp. 459-460.

¹³ *Ibid*, p. 461. For more on this type of punishment see F. Egmond (1995) 'The Cock, the Dog, the Serpent and the Monkey: Reception and Transmission of a Roman Punishment, or Historiography as History', *International Journal of the Classical Tradition*, Vol. 2, no. 2 (1995), pp. 159-192 and R.A. Bauman, *Crime and Punishment in Ancient Rome* (London: Routledge, 1996).

¹⁴ *Parliamentary Papers*, 25 Geo 2 c.37 (1751). See also A.M. Kilday, *Women and Violent Crime in Enlightenment Scotland* (Woodbridge: Boydell for The Royal Historical Society, 2007), pp. 55-56.

¹⁵ Hume, *Commentaries on the Law of Scotland Respecting Crimes – Volume I*, pp. 461-462. The reference made to the cases of Rutherford and Lauder did not specify where the crime or the trial took place.

¹⁶ *Ibid*, p. 460.

¹⁷ *Ibid*.

¹⁸ For attempts to repeal the 1594 Act see: The Scottish Government, *Consultation on Technical Issues Relating to Succession* (Edinburgh: APS Group, 2014), Chapter Three. [See <http://www.scotland.gov.uk/Resource/0045/00457666.pdf>].

¹⁹ *Parliamentary Papers*, 20 Geo 2 c.43 (1746). For further discussion of this see Kilday, *Women and Violent Crime*, Chapter Two.

²⁰ S.J. Davies, 'The Courts and the Scottish Legal System, 1600-1747: The Case of Stirlingshire' in B. Lenman and G. Parker, eds., *Crime and the Law: The Social History of Crime in Western Europe since 1500* (London: Europa, 1980), pp. 120-154 at p. 149.

²¹ *Ibid*.

²² See for instance W.W.J. Knox, 'Homicide in Eighteenth Century Scotland: Numbers and Theories', *Scottish Historical Review*, Vol. 94, No. 1 (2015), pp. 48-73 and P. King 'Urbanization, Rising Homicide Rates and the Geography of Lethal Violence in Scotland, 1800-1860', *History*, Vol. 96, No. 323 (2011), pp. 231-59.

²³ This theory has been mooted for the pre-1747 period in Scotland by S.J. Connolly, 'Albion's Fatal Twigs: Justice and the Law in the Eighteenth Century', in R. Mitchison and P. Roebuck, eds., *Economy and Society in Scotland and Ireland 1500-1939* (Edinburgh: John Donald, 1988), pp. 117-125 at p. 121; by B. Lenman and G. Parker, in 'Crime and Control in Scotland, 1500-1800', *History Today*, Vol. XXX

(1980), pp. 13-17 at p. 14 and by Davies in 'The Courts and the Scottish Legal System', p. 149. Work done to date on the subsequent period, suggests that it may well have been the case after that time as well. See A.M. Kilday, 'Women and Crime in South-west Scotland: A Study of the Justiciary Court Records 1750-1815', Unpublished PhD Thesis, University of Strathclyde (1998), Chapter Six.

²⁴ The Access database referred to has been constructed by the author and is currently housed on RADAR, the on-line research repository of Oxford Brookes University. The author is grateful to the British Academy as well as Oxford Brookes University for the financial support she has received to continue the on-going population of this database.

²⁵ The table displays cases of parricide found in the National Records of Scotland (Edinburgh) between 1700 and 1850 in the Justiciary Court Records (JC). More specifically, the indictments in question were found in the High Court of Justiciary, Books of Adjournal (JC3/JC4), North Circuit Records (JC11), West Circuit Records (JC13) and the Process Papers of the Court (JC26). No cases were found in the South Circuit Records (JC12).

²⁶ The lack of global scholarship on parricide, particularly by historians, is something that American scholars have also commented on – see Shon, *Respect, Defense, and Self-Identity*, p. 5 and C.P. Ewing, *Fatal Families: The Dynamics of Interfamilial Homicide* (London: Sage, 1997), p. 104.

²⁷ Heide, *Understanding Parricide*, pp. 4-5. See also Shon, *Respect, Defense, and Self-Identity*, p. 1.

²⁸ See Heide, *Understanding Parricide*, p. 57 and Shon, *Respect, Defense, and Self-Identity*, p. 1.

²⁹ For evidence of this in sixteenth century Scotland see E. Ewan, 'Impatient Griseldas: Women and the Perpetration of Violence in Sixteenth-Century Glasgow', *Florilegium*, Vol. 28 (2011), pp. 149-68; J.R.D. Falconer, "'Mony Utheris Divars Odious Crymes" Women, Petty Crime and Power in Later Sixteenth-Century Glasgow' *Crimes and Misdemeanours: Deviance and the Law in Historical Perspective*, Vol. 4, No. 1 (2010), pp. 7-36 and C. Hartlan, 'Managing Criminal Women in Scotland: An Assessment of the Scarcity of Female Offenders in the Records of the High Court of Justiciary, 1524-1542', Unpublished MA Dissertation, Dalhousie University (2014). For the eighteenth century see Kilday, *Women and Violent Crime*, Chapters Three, Four, Five, Six, Seven and the Conclusion. For similar findings regarding gender and crime in other contexts prior to the twentieth century see J.M. Beattie, 'The Criminality of Women in Eighteenth-Century England', *Journal of Social History*, Vol. 8, No. 4 (1975), pp. 80-116; M. Feeley and D.L. Little, 'The Vanishing Female: The Decline of Women in the Criminal Process, 1687-1912', *Law and Society Review*, Vol. 25, No. 4 (1991), pp. 719-757 and S. Howard, *Law and Disorder in Early Modern Wales: Crime and Authority in the Denbighshire Courts, c. 1660-1730* (Cardiff: University of Wales Press, 2008).

³⁰ For a further discussion of this in relation to homicide in more broadly during this period see Kilday, *Women and Violent Crime*, p. 40 and M. Gaskill, *Crime and Mentalities in Early Modern England* (Cambridge: Cambridge University Press, 2000), Chapter Seven.

³¹ See Ewing, *Fatal Families*, p. 105.

³² For further discussion see Kilday, *Women and Violent Crime*, pp. 52-54; A.M. Kilday, 'The Barbarous North? Criminality in Early Modern Scotland' in T.M. Devine

and J. Wormald (eds.) *The Oxford Handbook of Modern Scottish History* (Oxford: Oxford University Press, 2012), pp. 386-404 and A.M. Kilday, 'Outrageous Acts and Everyday Rebellions: Criminal Women in Eighteenth Century Scotland' in K. Barclay and D. Simonton (eds) *Women in Eighteenth Century Scotland* (Farnham: Ashgate, 2013), pp. 253-70. It is interesting that a similar pattern emerges for parricide in nineteenth century New York and Chicago – see Shon, *Respect, Defense, and Self-Identity*, p. 4, p. 25 and p. 36.

³³ For further discussion see Heide, *Understanding Parricide*, Chapters Two, Three, Four, Five, Six and Seven; P. Mones, *When a Child Kills* (New York: Pocket Books, 1991) and K. Heide, *Why Kids Kill Parents: Child Abuse and Adolescent Homicide* (Columbus, OH: Ohio State University Press, 1992).

³⁴ See references cited in note 6 above.

³⁵ See respectively National Records of Scotland, Justiciary Court Records, North Circuit JC11/51 and JC11/55. It is interesting that the only female accused of parricide in Scotland between 1700 and 1850 was declared insane, reinforcing the suggestion that contemporary ideologies and prevailing stereotypes may well have contributed in discerning how these cases were handled at least during the early part of the nineteenth century.

³⁶ For further discussion see A.M. Kilday, *A History of Infanticide in Britain c. 1600 to the Present* (Basingstoke: Palgrave Macmillan, 2013), especially Chapters Five and Six.

³⁷ See Shon, *Respect, Defense, and Self-Identity*, p. 27; Heide, *Understanding Parricide*, p. 19 and Ewing, *Fatal Families*, p. 105.

³⁸ For more detail see Kilday, 'Women and Crime', Chapter Six.

³⁹ See especially Heide, *Understanding Parricide*, Chapters Six and Seven and Fourteen, Fifteen and Sixteen.

⁴⁰ National Records of Scotland, Justiciary Court Records, Process Papers, JC26/168.

⁴¹ For further discussion see F. McLynn, *Crime and Punishment in Eighteenth Century England* (London: Fontana, 1989), p. 272.

⁴² National Records of Scotland, Justiciary Court Records, Process Papers, JC26/1822/109 and JC26/431; West Circuit Records, JC13/59 and High Court of Justiciary, Books of Adjournal, JC4/16. See also National Library of Scotland, 'Horrible Murder: A True Account of that Horrible Murder that was Committed at Kilsyth' (Glasgow: John Muir, 1822) [Reference No. Ry.III.a.2 (26)] and 'Confession of Murder! A Full and Particular Account of the Apprehension of Thomas Moffat' (Glasgow: John Muir, 1822) [Reference No. Ry.III.a.2 (69)].

⁴³ National Library of Scotland, 'A Correct Account of the Trial and Sentence of Peter Moffat for the Murder of his Father' (Edinburgh: James Maclean, 1826) [Reference No. Ry.III.a.2 (70)].

⁴⁴ National Library of Scotland, 'Horrid Parricide: An Account of the Awful and Inhuman Murder of Peter Moffat' (Glasgow: John Muir, 1826). [Reference No. L.C.Fol.73(028)]

⁴⁵ Thus far the project on Scottish crime brought before the Justiciary Court between 1700 and 1850 has uncovered 462 indictments for homicide (not including the nine parricide cases referred to in this article). If an offender failed to appear in court in Scotland to face the indictment against them, they were 'declared fugitate' and 'put to the horn'. Effectively this means that a warrant was issued for their arrest, they

were declared a fugitive or outlaw and all their moveable good and possessions were forfeited to the Crown. See Hume, *Commentaries on the Law of Scotland Respecting Crimes – Volume I*, Chapter IX.

⁴⁶ A sample survey of Sheriff Court records for Haddington, Hamilton, Paisley, Peebles, Selkirk, Stirling and Wigtown was carried out for the period 1700-1815. Similarly, a sample survey of the Justice of the Peace Court records for Dumbarton, East Lothian, Kirkcudbright, Midlothian, Selkirk, West Lothian and Wigtown for the same period was undertaken. No cases of parricide were indicted at either these courts in the sample records consulted.

⁴⁷ For further discussion see M. Todd, *The Culture of Protestantism in Early Modern Scotland* (New Haven and London: Yale University Press, 2002).

⁴⁸ *The Holy Bible – The Old Testament: Revised Standard Version* (New York and Glasgow: Collins, 1952 edition), Exodus, 20:12.

⁴⁹ For more on the relationship between popular literature, religion and crime in Scotland during this period see A.M. Kilday, 'Contemplating the Evil Within: Examining Attitudes to Criminality in Scotland, 1700-1840' in D. Lemmings, ed., *Crime, Courtrooms and the Public Sphere in Britain, 1700-1850* (Farnham: Ashgate, 2012), pp. 147-166.

⁵⁰ See Hume, *Commentaries on the Law of Scotland Respecting Crimes – Volume II*, Chapter VIII, especially pp. 20-21.

⁵¹ *Ibid*, Chapter II, p. 39.

⁵² For further discussion see Kilday, 'Women and Crime', Chapter Five.

⁵³ See for instance T.C Smout, *A History of the Scottish People, 1560-1830* (Edinburgh: Fontana, 1998), *passim*.

⁵⁴ See *ibid* as well as T.M. Devine, *Exploring the Scottish Past: Themes in the History of Scottish Society* (East Linton: Tuckwell Press, 1995) and C.A. Whatley, *Scottish Society, 1707-1830: Beyond Jacobitism towards Industrialisation* (Manchester: Manchester University Press, 2011 edition).

⁵⁵ See Kilday, *Women and Violent Crime*, Chapter Six and K.J. Logue, *Popular Disturbances in Scottish Society 1780-1815* (Edinburgh: John Donald, 2003).

⁵⁶ See Ewing, *Fatal Families*, p. 111.

⁵⁷ Although the Scots were not indicted for violent offences in significant numbers over the period 1700 to 1850, indictment evidence tells us that when they did engage in episodes of interpersonal violence, they acted in particularly brutal, aggressive and 'ultra-violent' ways in comparison with many of their criminal counterparts in other European and North American countries during the same era. See Kilday, *Women and Violent Crime*, *passim*; Kilday, 'Women and Crime', *passim*; J.R.D. Falconer, *Crime and Community in Reformation Scotland: Negotiating Power in a Burgh Society* (London: Pickering and Chatto, 2013) and A.M. Kilday, 'The Barbarous North? Criminality in Early Modern Scotland' in T.M. Devine and J. Wormald, eds., *The Oxford Handbook of Modern Scottish History* (Oxford: Oxford University Press, 2012), pp. 386-404.