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The Incidence and Nature of Illegitimacy in East Yorkshire in the
Eighteenth and Nineteenth Centuries

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Many historians have studied illegitimacy as a national economic and social problem. Today, in the early years of the 21st century, when many couples enjoy long and stable relationships without the formality of certified marriage, even the word itself is something of an anachronism. Many children are born and brought up in families where the parents never marry but who, nevertheless, support them in exactly the same way as their married counterparts. For these children, happily, social stigma is a thing of the past. In the eighteenth and nineteenth centuries things were very different and illegitimacy was officially viewed as a great social evil. There is no doubt that single motherhood was thought to have serious implications for the provision of poor relief and was even instrumental in a major change to the law in 1834.

Illegitimacy was a personal phenomenon that had a national impact on economic and social affairs. This work is directed at the nature of illegitimacy and examines its effect on the individuals concerned. It looks at the lives of the mothers, fathers and children who were touched by the incidence of illegitimacy. It draws on a variety of national and parish documents in order to gain an insight into their lives and personal circumstances. It investigates the nature of marriage, illegitimate maternity, the effect of the Poor Law, the mortality penalty of illegitimacy, and the prospects of the future lives of single mothers and their children. It will show that they were not necessarily indolent, immoral or feckless, but were affected by circumstance and often lived long and economically productive existences, and were supported by family relationships regardless of the adversity that illegitimacy brought to their young lives.

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Abbreviations.

The following abbreviations have been used throughout this work.

BIA	Borthwick Institute for Archives
BT	Bishops' Transcript
ERALS	East Riding Archives and Local Studies
EYFHS	East Yorkshire Family History Society
EYLHS	East Yorkshire Local History Society
GSU	Genealogical Society of Utah.
GRO	General Record Office
HHC	Hull History Centre
HCPP	House of Commons Parliamentary Papers
IMR	Infant Mortality Rate
PR	Parish Register
TNA	The National Archives
VCH	The Victoria County Histories
YAS (PR)	Yorkshire Archaeological Society (Parish Register Section)

Chapter 1. Introduction

Any study of the English Poor Law will inevitably be forced to consider the impact of illegitimacy on the economy and social structure of the nation's 15,000 predominantly rural parishes and townships. It is a question that has been at the forefront of economic and social policy for hundreds of years and single parenthood is still high on the political agenda of twenty-first century Britain. This is often due to the economic burden it places on the taxpayer, rather than the notion of illegitimacy itself. In today's society, the term is, in many ways, something of a misnomer, as more and more couples choose to co-habit as a lifestyle choice, rather than because of obstacles to marriage. Between 1996, when the Office of National Statistics began publishing data on the composition of households, and 2013 the number of opposite sex co-habiting couples increased significantly, almost doubling from 1.5 million to 2.9 million, with a corresponding increase in the number of dependent children living in such households, from 0.9 million to 1.9 million.¹ Although some of these children may be the legitimate product of previous marriages, these figures, nonetheless, serve to demonstrate a growing trend. However, society has not always viewed illegitimacy with such sympathy. A series of measures designed to control the vexing problem of bastardy has been implemented since medieval times, consolidated in the Elizabethan Poor Law Acts, revised throughout the seventeenth and eighteenth centuries and totally reworked in the nineteenth century with the implementation of the Poor Law Amendment Act of 1834.²

¹ C. Fairbairn, 'Common Law Marriage' and Cohabitation, House of Commons Library Standard Note SN/HA/3372, 11 November 2013, at www.parliament.uk/briefing-papers/sn03372.pdf, accessed 4 December 2013.

² The terms 'bastard' and 'illegitimate' were both used in official documentation throughout the time period of this study. Their use here is interchangeable, as it is in the works of Adair and Laslett, and not intended to be judgemental in this particular study, although its official use did have judgemental connotations. P. Laslett, K. Oosterveen and R. M. Smith, *Bastardy and its Comparative History*, (London, 1980) and R. Adair, *Courtship, Illegitimacy and Marriage in Early Modern England*, (Manchester, 1996).

To many people the story of illegitimacy is a straightforward one. If viewed simply as the status of those who are born of unmarried mothers one can see how this might be, but the issue is far more complex and fascinating than this single viewpoint suggests. It has long been recognised by those working in the field of anthropology and social history that bastardy, in its various forms, has significant implications in the economy and development of social structures. Radcliffe-Brown, in his introduction to a series of essays on African marriage systems, pointed out that even the English word for 'father'

... is ambiguous because it is assumed that normally the social relationship and the physical relationship will coincide. But it is not essential that they should. Social fatherhood is usually determined by marriage.³

Immediately we can see that other social institutions have been added to the equation; what do we mean by marriage and fatherhood and what is it that constitutes illegitimacy? Does a subsequent marriage between its parents legitimise an illegitimate child? (For a brief discussion on this see p.96). The brief passage above makes no mention of economic factors, but the legal and economic status of illegitimate children was paramount to their position in society, and even in the pre-industrialised societies studied by Radcliffe-Brown and Forde, their social, economic and legal status was clearly prescribed, even if the particular society attached no social disgrace to illegitimacy. It was only to be expected, then, that more economically developed societies such as our own, would have laid down clear guidelines on the subject of illegitimate children and their place in the social order. As Teichman has asserted,

³ A. R. Radcliffe-Brown, 'Introduction', A.R. Radcliffe Brown and D. Forde, (eds) *African Systems of Kinship and Marriage* (London, 1950), p.4.

illegitimacy is not a natural attribute but a conferred condition. It is a legal, economic and social status, with a long history, which has existed in many countries, can take different forms and usually has a moral significance. The distinction between legitimate and illegitimate is almost universal.⁴

The moral significance mentioned by Teichman can be interpreted as the stigmatisation that accompanied illegitimacy in some social and economic institutions. She describes this as 'the traditional disabilities of illegitimacy' which are both 'legal and customary' and have 'material and social consequences which vary from time to time and place to place.'⁵ Just as illegitimacy stemmed from different circumstances so could attitudes to it differ in certain situations. Under the system of poor relief in operation until 1834 there was a face to face relationship between poor law officials and applicants for relief. Overseers were able to distinguish between the deserving and undeserving poor and were likely to know the individuals concerned and the circumstance behind their situation. It was to some extent, as Hitchcock noted, 'a negotiated relationship, in which the behaviour and circumstances of each party were known'. He argued that this situation changed with the rise of urban populations and the growth of philanthropic institutions that served a large catchment area. It was no longer a negotiated relationship but a newly created 'social policy in which an abstract ideal of virtuous behaviour was written into the rules' and created 'detailed models of social victims', particularly women.⁶ Hitchcock was writing with regard to a change in sexual behaviour but it is not difficult to see how women became viewed as 'fallen' or in need of 'reform' by the mainly middle class philanthropists of the day. This is a view reinforced by Williams on her examination of petitions to the London Foundling Hospital. She found that there was shift in emphasis from economic distress to moral

⁴ J. Teichman, *The Meaning of Illegitimacy* (Cambridge, 1978), p.1.

⁵ Ibid. p.103.

⁶ T. Hitchcock, *English Sexualities, 1700-1800* (London, 1997), p.113.

character and that from the beginning of the nineteenth century petitioners were more likely to refer to feelings of shame and to use the words that reflected the language in the institution's rules of admittance. Williams also noted that single pregnant women were beginning to show the practical signs of shame such as leaving their employment before their condition was suspected and keeping the knowledge of their pregnancy from their parents.⁷

As the eighteenth century progressed illegitimacy was increasingly viewed as abhorrent to the social order by those in authority. The social and economic influences of the time might be thought to have deterred single women from engaging in activity that could result in social censure, but this does not necessarily seem to have been the case.

Hitchcock reminded us of the negative side of producing an illegitimate child and the stigma pertaining to single motherhood. These included the difficulties of finding work and supporting oneself and a child, possible restricted marriage chances and the censure of peers who did not consider pre-marital sexual activity to be normal behaviour.⁸ To these must be added the very real chance of being removed to one's place of settlement, even being sent to the workhouse if family and friends failed to rally round. However, the assumed disapproval of peers must be set against the reality of sexual behaviour.

Reay clearly states that 'the first point that needs to be made about illegitimacy in nineteenth century England is that it was set in a general context of high rates of premarital sexual activity' and that premarital sex was not a form of deviant behaviour.⁹

⁷ S. Williams, ' "A Good Character for Virtue, Sobriety, and Honesty": Unmarried Mothers' Petitions to the London Foundling Hospital and the Rhetoric of Need in the Early Nineteenth Century' in A. Levene, T Nutt and S. Williams, *Illegitimacy in Britain, 1700-1920* (Basingstoke, 2005), pp.86-101.

⁸ T. Hitchcock, *English Sexualities, 1700-1800* (London, 1997), p.72.

⁹ B. Reay, *Microhistories: Demography, Society and Culture in Rural England, 1800-1930* (Cambridge, 1996), pp.180-181.

While stigma is very difficult to assess on a personal basis, small incidences can confirm the general feeling of local officials. In December 1850 the Hull Advertiser reported that unmarried mothers in the workhouse were to be excluded from partaking of the planned Christmas Dinner.¹⁰ In 1892 Leffingwell spoke of the 'suffering and sorrow...apprehension and dread... (and)... immeasurable disgrace' of illegitimacy, which he implied spread to family and friends.¹¹ In the context of high prenuptial pregnancies it is likely that individual incidences of illegitimacy were viewed by local people according to the circumstances behind the event, some sympathetically some not. However, set against a background of growing nonconformist morality, the rising numbers of illegitimate children, associated costs and the social problems of baby farming and infanticide, the attitudes of officialdom were likely to have been more censorious. These issues are discussed in Chapter 4 and 5.

In English society an illegitimate person did not exist in law. They had no legal existence in terms of inheritance, for example. The words 'all my children' in a will did not include illegitimate children unless specifically named, even though they may have lived in the deceased's household and been publicly acknowledged by him. It is also a 'culturally-specific concept.' It means different things to different people, in different times and to different status groups, as indicated by Adair, who pointed out that behind every illegitimate entry in a parish register there lay a different set of circumstances.¹² Some of these may have been viewed sympathetically, some not. That attitudes to illegitimacy changed over time is illustrated by the change from restrictive Victorian middle class morality to twenty-first century liberalism. Historically, there were several levels of social acceptability. The royal houses and aristocracies of Europe were no strangers to the phenomenon and often their illegitimate offspring were recognised by

¹⁰ *The Hull Advertiser*, 20 December 1850.

¹¹ A. Leffingwell, *Illegitimacy and the Influence of Seasons upon Conduct* (London, 1892), pp.5-6.

¹² R. Adair, *Courtship, Illegitimacy and Marriage in Early Modern England* (Manchester, 1996), p.4.

society. Several of the FitzClarences, the illegitimate children of William IV and his mistress Dorothy Jordan, held high social office, but they were barred from the succession, an honour which went to his niece, Victoria. Lower down the social scale McLaughlin defines several levels of social acceptability ranging from the child of a couple intending to marry to the product of an incestuous relationship.¹³ These distinctions highlight some of the different sets of circumstances behind illegitimate births. Add to these the individual stories and this underlines Adair's premise that every illegitimate baptism entry is unique in some way.

As soon as conventions are devised there will always be those who fall outside the accepted order and a new set of regulatory principles will be required to cope with the situation. Sometimes these will develop through custom and sometimes they will have the force of law through legislative changes. In fact Laslett argued that

An effective social rule must be capable of being broken if it is to be effective. Those who defy it do something to confirm its importance, and this may be so even if they were very numerous.¹⁴

This is particularly so with the subject of illegitimacy, where the customs of some communities, such as the 'bastardy-prone sub-societies', identified by Laslett, and the incidence of pre-nuptial pregnancies in others, clearly illustrate the differences in how communities viewed the matter of bastardy.¹⁵

¹³ E. McLaughlin, *Illegitimacy* (Haddenham, 1992, 5th Ed.), p.1.

¹⁴ P. Laslett, *Family Life and Illicit Love in Earlier Generations* (London, 1977), p.104.

¹⁵ P. Laslett, 'The bastardy prone sub-society', Laslett, et al, *Bastardy and its Comparative History* pp. 217-46.

Studies of illegitimacy in Britain have largely been concerned with the period from the mid-sixteenth-century onwards. It was not until the advent of parish registers during the Tudor period that enough material was available to conduct a meaningful study. And even then there was no certainty that all, or even most, incidences of illegitimate birth were recorded. It is important to recognise that parish registers did not record births, only baptisms, and therefore they were reliant both on the mother presenting her child for baptism and a conscientious cleric recording its status for posterity. In addition their survival is variable and their content can be inconsistent, but that being said they are the only source, until the introduction of civil registration in 1837, which can provide a relatively continuous basis for research over a period of more than four hundred years. Wrigley and Schofield, in their pioneering work on the population of England, relied on the evidence provided by parish registers. They did, however, recognise ‘a number of intractable problems of interpretation’ with their use.¹⁶ Some of these are discussed in Chapter 2. It was rare, they stated, to find a register that exhibited no defects, particularly with regard to signs of under-registration, throughout a period of 250 years or more. But there was, they argued, no alternative source of information about fertility, mortality and nuptiality before the nineteenth century.¹⁷

An examination of parish registers by historians such as Adair and Laslett has shown that England experienced a steep rise in recorded bastardy during the latter half of the sixteenth century, which dropped sharply towards the middle of the seventeenth, possibly, but not proven to be, due to the stricter rules in force during the puritanical Commonwealth period, before beginning a steady climb through the eighteenth to a series of peaks and troughs in the nineteenth.¹⁸ The established parish churches were

¹⁶ E. A. Wrigley and R.S. Schofield, *The Population History of England* (London, 1989), p.15.

¹⁷ *Ibid.*, pp.20-21.

¹⁸ Adair, *Courtship, Illegitimacy and Marriage*, p.49 and P Laslett, ‘Comparing Illegitimacy Over Time and Between Cultures’, Laslett, et al, *Bastardy and its Comparative History*, p.18.

not the only organisations to record life events in this way. During the eighteenth and nineteenth centuries there was a significant rise in non-conformity with each denomination keeping its own records of baptism, marriage and burial according to its own tenet. An initial investigation into the records of some of these dissenting groups has indicated that there may be some anomalies either in recording practices or the presentation of illegitimate children for baptism. As an example, the records of the Lairgate Independent Chapel in Beverley show no entries for illegitimate children in a fifty-seven year period between 1780-1837, when over 850 baptisms took place. It also has to be considered that a strictly regulated lifestyle may have meant there were no instances of illegitimacy to record, or that, conversely, the mother was ostracised by the chapel community. Other groups, such as the Baptists, believed in adult baptism and while some chapels may have kept a Church Book recording births, this is not guaranteed and adds to the difficulties of assessing the impact of non-conformity on the question of illegitimacy. While these records have been considered during the course of this work they will not form a major part of the study, except where they provide information pertinent to the main thesis.

In Britain the legislative process relating to illegitimacy has been largely driven by the issue of economics. The need to provide financial assistance to mothers of illegitimate children has been a major factor in the approach of officialdom towards the issue of bastardy and this has predictably been reflected in the attitudes of local ratepayers.¹⁹ The supposed mismanagement and leniency of the Old Poor Law system of out relief was brought under scrutiny as costs apparently spiralled out of control in the early part

¹⁹ HCPP, Report of the Poor Law Commission 1834. XXXIII and XXXIV. *Administration and Operation of Poor Laws. Appendix B1, Part IV and V. Answers to Rural Queries. Q 47-49.*

of the nineteenth century.²⁰ Support for unmarried mothers and their children was a significant factor in this rise and it was commonly believed that a mother with several illegitimate children was being 'paid' for an immoral and depraved lifestyle. The overseers of Beverley St Mary were clear in their condemnation when asked if the allowances made to the mother repaid the expense of keeping a child. Their reply was that 'If she has only one, it will not repay her, if she have (sic) more than one, it will repay her well'.²¹ Taken to its natural conclusion the inference here is that the system, far from acting as a disincentive, was actively encouraging the bearers of illegitimate children to re-offend against the accepted morals of society.

This may be part of what contributed to the typically middle-class Victorian attitude towards illegitimacy, such as that of Leffingwell, in which he expounded on the promiscuity of unmarried mothers.²² In his view the problem was largely a rural one, not necessarily born out of poverty and ignorance, but one of loose morals. Adair, however, remained unconvinced as to how far 'loose sexual behaviour contributed to illegitimacy in the past.'²³ He believed that illegitimacy was '...a culturally specific concept, meaning different things in different ages to different status groups....'²⁴ He also pointed out that behind any parish register entry of an illegitimate baptism there could be many different sets of circumstances and relationships and that the underlying causes of bastardy were not at all clear cut. Adair pointed to research in the field identifying four main underlying causes of illegitimacy.

²⁰ See T. Nutt, 'The parochial (mis) management of bastardy, Essex, c.1814-1834.', Economic History Society Conference Paper 2004. www.ehs.org.uk/ehs/conference2004/assets/nutt.doc Accessed 1 May 2005.

²¹ Rural Queries, Q.47.

²² A. Leffingwell, *Illegitimacy and the Influence of Seasons upon Conduct* (London, 1892).

²³ Adair, *Courtship, Illegitimacy and Marriage*, p.6.

²⁴ *Ibid.* p.4.

The first underlying cause discussed by Adair was exploitation (for instance that of a servant girl by a socially higher male). He did not find any justification for this contention apart from anecdotal evidence. Whilst accepting that a certain amount of exploitation may well have existed in some relationships ‘underwritten by a double standard of sexual expectations and attitudes’ this theory has never been seriously considered, by most historians, as a significant factor in the history of bastardy in the country as a whole.²⁵ The work of Levine and Wrightson for the pre-industrial period has shown that although bastardy involved persons from across the social scale, those they termed ‘the poor and obscure’ were responsible for nearly three quarters of cases in the parish studied (Terling, Essex). They found this figure rose proportionately when the incidence of illegitimacy declined and an analysis of case types led them to suggest that many of these, where the details remained obscure, were most probably the result of ‘unstable servant love affairs.’²⁶ In other words, most illegitimate children were the result of low status relationships rather than the exploitation of servant girls.

The second cause, promiscuity, was a strong contender among Victorian researchers such as Leffingwell.²⁷ Shorter, writing in the second half of the twentieth century, argued that there was a revolution in sexual behaviour in the eighteenth century due to the greater independence of women, made possible by the advent of the industrial revolution. His belief was that women spent more time outside the home and they began to kick against the constraints of accepted sexual norms and became sexually active for pleasure. When considering factors in the eighteenth-century rise in illegitimacy he argued

²⁵ Ibid. p.5.

²⁶ D. Levine and K. Wrightson, ‘The social context of illegitimacy in early modern England,’ Laslett, et al, *Bastardy and its Comparative History*, pp. 158-175.

²⁷ A. Leffingwell, *Illegitimacy and the Influence of Seasons upon Conduct* (London, 1892).

...that an increased exposure to intercourse was most important. In other words, the illegitimacy explosion probably took place because more young people than ever before were having sex before marriage. This heightened sexual activity meant that, inevitably, children were conceived out of wedlock.²⁸

The growth of industrialisation in the eighteenth century, and the consequent change in economic factors and work patterns, did see a migration of young rural workers towards the towns. It was essentially this demographic change, rather than economic factors, that Shorter believed to be the cause of the rise in illegitimacy. He argued that increased illegitimacy was attributable to ‘some change in the behaviour patterns of young women’ and linked the rise in illegitimacy to the history of women and what he saw as female emancipation; ‘a growing sense of personal autonomy and independence among women’.²⁹

The migration of young people towards the towns resulted in urban centres with younger populations that were skewed towards women of childbearing age, thus increasing the general risk of illegitimacy in urban areas, even if individual women were not subject to a greater threat. This did not, however, necessarily mean that women had rebelled against parental authority and the restraints associated with living in small rural communities, as suggested by Shorter. Tilly et al argue that young girls working in urban areas often lived in circumstances which ‘permitted employers to control their employees by limiting their mobility and regulating their behaviour’ such as employer sponsored lodging houses or dormitories. They pointed out that many young women were sent into domestic

²⁸ E. Shorter, ‘Female emancipation, birth control and fertility in European history’, *American Historical Review*, No. 78 (1973), pp. 605-40.

²⁹ *Ibid.*

service where the controls on behaviour were strictly observed. They argued that, far from giving young women the personal autonomy and independence that Shorter describes, industrialisation did not revolutionise women's work, nor did it give them financial freedom. Most women continued to work in poorly paid, traditional female occupations to supplement family incomes. This did not, they said, 'provide an experience of emancipation'.³⁰

Others, including Adair, agreed with this viewpoint arguing that there was no direct evidence to support such a view. There had always been women who worked away from home and he did not believe that the industrial revolution actually did much to revolutionise women's work. He pointed out that Alter, also, did not equate high bastardy rates with female emancipation and in fact suggested that it may have indicated the exact opposite.³¹ According to Adair, Shorter's theory was seriously flawed. He argued that there was no clear correlation between the development of industry and the illegitimacy ratio. The fact that illegitimacy was rising across Europe in areas with little or no industrial development weakened Shorter's argument considerably.³²

Some historians did agree that a sexual revolution had taken place in the eighteenth century, but that it was the nature of sexual contact and the behaviour of men, rather than women, which had changed. Hitchcock believed that leading up to this period courting couples had engaged in much kissing and fondling but had mainly refrained from penetrative sex. He argued that during the period of Enlightenment new literature on sexual practices, the 'maternalization' of women, notions of romance and the promotion of 'phallo-centric' sex resulted in more penetrative sexual activity. Although

³⁰ L.A. Tilly, J.W. Scott and M. Cohen, 'Women's Work and European Fertility Patterns', *The Journal of Interdisciplinary History*, Vol. 6, No.3 (Winter 1976), pp. 447-476.

³¹ Citing G. Alter, *Family and the Female Life Course: the women of Verviers, Belgium 1849-1880*, (University of Wisconsin. 1985).

³² Adair, *Courtship, Illegitimacy and Marriage*, p.7.

largely consensual this had the effect of repressing women, not liberating them, as they became an unequal partner in a relationship that became male-centred.³³

However, there may have been some credence to the argument of promiscuity on a more local level. Laslett introduced the concept of a 'bastardy-prone sub-society', which consisted of

...a series of bastard-producing women, living in the same locality, whose activities persisted over several generations, and who tended to be related through kinship or marriage.³⁴

He argued that these 'repeaters' were responsible for an increasing proportion of bastard births as illegitimacy steadily rose during the eighteenth century. When illegitimacy rose to a peak, he argued, there was what has been called 'the booster effect', that

...a rise in illegitimacy beyond a certain point is also no longer a rise in the numbers of women who have bastards, but rather in the numbers of bastards born by a minority of them.³⁵

He also believed such a phenomenon explained the kin connections observed amongst bastard bearers who had more than one illegitimate child. However, Adair stressed that at all times the majority of illegitimate births were to women who offended only once

³³ T. Hitchcock, 'Redefining Sex in Eighteenth Century England', *History Workshop Journal*, No. 41 (1996), pp.72-90.

³⁴ Laslett, P. 'The bastardy prone sub-society', Laslett, et al, *Bastardy and its Comparative History*, p.217.

³⁵ Ibid. p.239.

and that we should be cautious in placing too much emphasis on 'repeaters'.³⁶ Although he acknowledged their increasing significance in the late eighteenth century he argued that there was no evidence to suggest that repeaterdom was proved to have been a factor in the so called 'early high' of the late sixteenth/early seventeenth centuries. Of course some mothers who gave birth to several illegitimate children could have been living in long-standing consensual, if unofficial, relationships therefore it may be too simplistic to describe these as part of a sub-society, a term that implies a kind of underclass. As illegitimacy rose in the eighteenth century it is only to be expected that as more women in a community had illegitimate children, then the likelihood of them being related to one another also grew. This does not necessarily point to a 'sub-society' but does raise the question of how many illegitimate children individual women produced. Wyatt, in her study of Nantwich, introduced the concept of a 'bastardy tolerant' as opposed to a 'bastardy prone' society, and suggested that rather than sexual non-conformists the rise could be attributed to 'a substantial number of couples living in non-church legalised unions.'³⁷ As Adair pointed out the hypothesis of repeaterdom could cover several sets of circumstances and motives and 'it should never be assumed that all repeaters were necessarily promiscuous.'³⁸ There is little doubt that 'bastardy-prone' families can be recognised in the records of local officials, such as the Eastwood of family of Billington in Lancashire, identified by King. Here four out of five children in the family either gave birth to or fathered illegitimate children. Their mother had also given birth to two illegitimate children as had relatives on both the mother's and father's side of the family. They were so conversant with the law around illegitimacy, affiliation and maintenance that they were able to communicate with poor law officials in the legal terminology of

³⁶ Bastardy was considered to be an offence under ecclesiastical law and the mothers were presented by the churchwardens for penance. They could also appear before magistrates who had the power to order their removal to their place of settlement if the cost of supporting mother and child was likely to fall on the parish poor rate.

³⁷ G. Wyatt, 'Bastardy and Prenuptial Pregnancy in a Cheshire Town During the Eighteenth Century', *Local Population Studies*, No.49 (1992), pp.39-50.

³⁸ Adair, *Courtship, Illegitimacy and Marriage*, p.8.

the day. As King points out, while historians may not readily accept 'the concept of a defined, conscious, and consistent 'sub-society' it seems very likely that ...the overseer of Billington would have seen the Eastwoods as a problem family in these terms.³⁹

Laslett responded to such criticism by arguing that those who were willing to adopt a way of life that led to children being procreated outside marriage, when most of society did not subscribe to such a lifestyle, could be said to be different in some way. This, he felt, substantiated his view rather than detracted from it.⁴⁰

This leads to the third possible underlying cause of bastardy, unrecognised marriage. As all children born out of lawful wedlock were considered to be illegitimate it was possible that some illegitimate children were registered to couples who believed themselves to be married or were in long-standing consensual relationships and thought of themselves as so. This, of course, is the kind of situation that it is difficult to assess. Many such baptisms may well have passed unnoticed unless local knowledge prevailed as in the case of Ann Balance of Paull, in the Holderness region of East Yorkshire, who presented her children for baptism in 1839. Although she was living as another man's wife the local incumbent was aware that she was really married to one Joseph Balance, who had gone off to America and returned to find her 'married' to James Dickinson.⁴¹ Not only did marriages falter for whatever reason, as in this case, but the laws governing marriage also changed, most particularly during the Commonwealth period and also in the middle of the eighteenth century with Hardwicke's Marriage Act. The earlier Marriage Act of 1653 stated that only marriages performed before a J.P. would

³⁹ S. King, 'The Bastardy Prone Sub-society Again: Bastards and Their Fathers and Mothers in Lancashire, Wiltshire and Somerset, 1800-1840', in A. Levene, T. Nutt, and S. Williams, *Illegitimacy in Britain, 1700-1920* (Basingstoke, 2005), pp.67-85.

⁴⁰ Laslett, 'The bastardy prone sub-society', Laslett, et al, *Bastardy and its Comparative History*, p.239.

⁴¹ East Riding Archives and Local Studies (ERALS), Paull Marriages 1814-1837, Ref. PE39/9, Entry No. 743, Note in register by officiating minister.

be recognised, therefore making all previous ceremonies technically invalid.⁴²

Hardwicke's Act of 1753 was specifically designed to end the irregular marriage practices that had become something of a problem in this period. It stated that all marriages were to be performed in recognised places of worship, following the publication of banns. Affirmation before witnesses, the so-called clandestine marriage, was no longer recognised by law.⁴³ One exponent of this theory as an underlying cause of illegitimacy was Meteyard, who argued that Hardwicke's Act changed the definition of marriage and that this upset bastardy trends by bringing more children into the illegitimacy grouping than before, and that this accounted for the increase towards the end of the eighteenth century.⁴⁴ As Adair pointed out this theory gains some credence by the fact that there was a significant rise in repeater ratios in the late eighteenth century, but he argued that it is weak in other ways. From 1754, following the implementation of Hardwicke's Act, there was no sudden surge in the illegitimacy ratios, but a continued regular upward curve for several decades to the end of the century. However, he did accept that the principle involved was an important one as the legal definitions of illegitimacy and marriage were not always clear-cut and '...the essential point is that neither canon law and civil law nor theory and practice coincided exactly.'⁴⁵ A chapter on marriage has been included where this is discussed in further detail.

Fourthly, thwarted marriage was also thought to be a significant factor in the underlying causes of bastardy. This applied to those relationships that were intended to culminate

⁴²C. H. Firth and R. S. Rait (eds), *Acts and Ordinances of the Interregnum, 1642-1660* 'August 1653: An Act touching Marriages and the Registring (sic) thereof; and also touching Births and Burials', (1911), pp. 715-718. URL: <http://www.british-history.ac.uk/report.aspx?compid=56495> Date accessed: 27 June 2014.

⁴³ 26 Geo. II, c.33, 1753, An Act for the Better Preventing of Clandestine Marriages. Commonly referred to as Hardwicke's Marriage Act.

⁴⁴ B. Meteyard, 'Illegitimacy and marriage in eighteenth century England', *Journal of Interdisciplinary History*, 10.3 (1980), pp. 479-89.

⁴⁵Adair, *Courtship, Illegitimacy and Marriage*, p.9.

in marriage but which did not reach that final stage, or only did so long after the birth, leaving a would be bride carrying a child that was destined to be born out of wedlock. There are many different views on the social acceptance of illegitimacy and in some communities there was a tolerance of certain types of offence. Pre-nuptial pregnancies were liable to fall into this category with a degree of sympathy for those whose marriage plans were interrupted. Although Laslett pointed to various types of pre-nuptial pregnancies, it is virtually impossible to determine which applied, as the historian usually has no access to either the intentions or the circumstances of the parties concerned.⁴⁶ Adair referred to Tilly's hypothesis that it was economic changes in both rural and urban areas that fuelled the disruption of marriage patterns; that the proportion of those reliant on wage earning, often unskilled and propertyless, grew considerably and led to the rise in illegitimacy through broken courtships.⁴⁷ Certainly the period of the latter half of the eighteenth to the early nineteenth century was the era of parliamentary enclosure, which influenced employment patterns and led to changes in agricultural work practices. Snell had argued that the unstable nature of employment, particularly for women, could lead to earlier marriage as a means of economic support.⁴⁸ It is possible that some women, lacking employment opportunities, might have attempted to hasten the marriage process by deliberately becoming pregnant. Were the planned entrapment unsuccessful, this would lead to obvious consequences for the bastardy figures, but this theory would be almost impossible to demonstrate empirically. An examination of pre-nuptial pregnancies may indicate whether or not this practice increased during this period but cannot tell us anything of the intentions of the parties concerned. Perhaps it should be noted that this was also the period of increasing

⁴⁶ P. Laslett, 'Introduction: comparing illegitimacy over time and between cultures', Laslett, et al, *Bastardy and its Comparative History*, p.8.

⁴⁷ Adair. Courtship, Illegitimacy and Marriage, p.9, citing L. A. Tilly, J. W. Scott and M. Cohen, 'Women's work and European fertility patterns', *Journal of Interdisciplinary History*, 6.3 (1976), pp. 447-76.

⁴⁸ K. D .M. Snell, *Annals of the Labouring Poor; Social Change and Agrarian England, 1660-1900* (Cambridge, 1985), p.348-9.

poor law costs, which eventually led to the Poor Law Amendment Act of 1834. As we have already seen, the poor law commissioners were hearing evidence from parishes that suggested having more than one illegitimate child could provide a means of support for mothers and children from the poor rate. Family subsidies were also a feature of the poor law at this time, and although Adair argued that perhaps Snell's theory was incomplete as an explanation of marital behaviour, it was, nevertheless, 'an issue of great importance, and should be kept in mind' when assessing illegitimacy data and trends.⁴⁹

These four reasons then, very broadly, are considered to be the basis of research into the root causes of illegitimacy in England. Each is the outcome of considerable work already done in the field and their representation here is in its simplest form. However, this is the background into which the present study will attempt a comparison and evaluation of illegitimacy as it related to eastern Yorkshire. The economic and social implications of illegitimacy will be examined. They affected national bodies, local communities and individuals. This work examines aspects of this phenomenon as it affects all three of these categories and investigates the social institution of marriage, the political institution of the Poor Law and what Levene called the mortality penalty of illegitimacy.⁵⁰ It is particularly concerned with individuals and how these different influences affected their lives. Illegitimacy was ultimately a very personal experience that became a national problem. As such it was dealt with by impersonal legislation, administered by local officials with varying degrees of concern for the unfortunate woman who stood before them. In Chapter 6 an attempt has been made to assess what the future held for those most affected by the experience, the single mothers and their illegitimate children. This work will examine both the incidence and nature of

⁴⁹ Adair, *Courtship, Illegitimacy and Marriage*, p.19.

⁵⁰ A. Levene, 'The mortality penalty of illegitimate children: foundlings and poor children in eighteenth-century England', in Levene, et al. *Illegitimacy in Britain, 1700-1920* (Basingstoke, 2005), pp.34-49.

illegitimacy in the eighteenth and nineteenth centuries with particular reference to the East Riding of Yorkshire.

Research Questions.

What, then, are the main questions that this study will seek to address? Before any meaningful examination of the nature of the illegitimacy can take place it must first be established whether or not the incidence of it mirrored what was happening in other parts of England. If so, then there can be a reasonable assumption that similar factors were influencing the bastardy ratios throughout the country. At the same time it is important to recognise that local issues, while producing the same effect on the ratio, may have been peculiar to East Yorkshire. This study attempts to explore the four underlying causes of bastardy, as outlined by Adair.

Firstly, exploitation. It was not expected to find much evidence in support of this explanation. An experienced or influential exploiter is likely to have orchestrated events in such a way as to leave little verification of his role. Examinations and bastardy bonds showing the social differences between the woman and the putative father may occasionally indicate that a servant was taken advantage of by her employer, but it was also possible that the woman had ambitious plans or was trying to secure financial support from a prosperous source. An examination of the occupations of some putative fathers appears to demonstrate that master-servant relationships did not play a significant role. Exploitation can also happen at the lower end of the social scale and one could argue that no study would be complete without an examination of prostitution. However, this work does not attempt any exhaustive study of this phenomenon.

With regard to the second of Adair's causes, promiscuity, the nature of illegitimacy has been examined. Single mothers were followed through the records in an effort to establish whether they had further illegitimate children, or whether a subsequent marriage indicated a stable, if unofficial, relationship. Prostitution was only considered if circumstances indicated that this may be a factor of illegitimacy with regard to individuals. Dates of baptism show if any pattern emerges that may point to promiscuity linked to local events, such as May Day celebrations, the annual hiring fairs or the seasonality of rural life.

Unrecognised marriage, the third of Adair's underlying causes, was also examined and evidence of long-standing consensual relationships indicating firm family units were found to support this premise. The obstacles that prevented legitimisation of these unions varied but included problems of consanguinity and emigration as well as desertion. The nature of illegitimacy must, of necessity, include an explanation of the nature of marriage and a chapter on marriage is included in this study. The marriage laws were tightened considerably during the period covered by this work and this had a significant bearing on the nature of illegitimacy. The strictness of what constituted a legal marriage, coupled with the lack of any accessible means of divorce, placed some couples in a very difficult position. It would be unreasonable to suppose that they did not seek to overcome those difficulties, even if it meant the stigma of bastardy for any children of an unrecognised union.

Fourthly, thwarted marriage plans were also considered. There could be several reasons why an intended marriage did not take place before the birth of the first child. Pre-nuptial pregnancy was known to have been a significant element in some areas and its incidence is demonstrated in East Yorkshire communities through the evidence of both

parish registers and the churchwardens' presentments. Evidence was sought to show the rate of conversion of pre-nuptial relationships to marriage, wherever possible, as well as that of subsequent marriages of bearers of illegitimate children, in an effort to determine the nature of the illegitimacy.

There have been a number of local and regional studies on the question of illegitimacy as discussed earlier in this chapter. Both Laslett and Adair, while covering parishes from across the country to give a national picture have also been concerned with patterns of demography and behaviour in specific communities which has given their work a local focus. Similarly Wrigley, et al. have used a final set of 26 out of 34 parishes from around the country in their population study using family reconstitution techniques, including an examination of pre-nuptial pregnancy. Of the initial 34 parishes two were situated in the West Riding of Yorkshire and one in the North Riding, although this latter did not make it to the final 26 parishes investigated. There were no East Riding parishes in either selection. Their data was presented to show an aggregate figure, although the local nature of its basis should be recognised.⁵¹ King, in his studies of communities in Lancashire, Wiltshire and Somerset has concentrated on familial connections in illegitimacy in his work using poor law correspondence between claimants and local overseers. Drawing from four parochial case studies (Chelmsford and Great Leigh, in Essex and Sowerby and Ovenden in West Yorkshire) Nutt has taken a regional comparative approach to his work on the treatment of unmarried mothers in those parishes. He found that hostile notions of morality tended to be overridden by an economic desire on the part of the parish to enforce paternal responsibility. If a father could be affiliated then, technically, the illegitimate child was not chargeable to the parish and the mother was unlikely to be punished, a situation that

⁵¹ E.A. Wrigley, R.S. Davies, J.E. Oeppen and R.S. Schofield, *English Population History from Family Reconstitution 1580-1837* (Cambridge, 1997).

pointed to the incompatibility of affiliation and punishment which could actually worked in the woman's favour.⁵² Kitson, too, necessarily relied on locally based research in his investigation of parochial registration and family formation. Taking Banbury in Oxfordshire and Gainsborough in Lincolnshire he examined the pattern of illegitimacy and pre-nuptial pregnancy, where he suggested that it was not the latter that drove marriage, rather the prospect of marriage which fundamentally determined the distribution of first births over the course of a year, regardless of whether conceived in or outside marriage.⁵³ There are, then, a number of local parish based studies into aspects relating to illegitimacy, some with parish data collated to give an aggregate response for an understanding of a national phenomena.

Similar methods and records have been employed in this study and in this way it shares a common approach to the work of others. This work will attempt to add to our knowledge in this field by not only looking at a different geographical area, one that is often poorly represented in aggregate studies, but also by taking a more intimate view of the lives of unmarried mothers and their children.

The East Riding formed one of the three divisions of Yorkshire, England's largest county. Although similar in population size to the North Riding, it was different in terms of terrain, agriculture and urban settlement. It was also something of a dichotomy. Its geographical position on the east coast meant that there was a good deal of international trade, particularly with the Baltic States, through the port of Hull, but it was also quite isolated from other large urban areas. Its roads, especially in the Holderness area, were often impassable during the winter months and although water

⁵² T. Nutt, 'Illegitimacy and the Poor Law in late-eighteenth and early-nineteenth century England, University of Cambridge, PhD Thesis, 2006.

⁵³ P. Kitson, 'Family Formation, Male Occupation and the Nature of Parochial Registration in England', University of Cambridge PhD Thesis, 2005.

transport to the West Riding opened up the internal trade routes it remained a distinct county with a largely rural economy. Different terrains, from low-lying marshlands to the hills and valleys of the Yorkshire Wolds also give the area a diversity of communities. It is this distinction that makes the area a good testing ground to set against other local studies. This study, while looking at individual communities also takes a wider approach in that reference is made to the county as a whole and examples are drawn from its various regions. It differs, too, in its emphasis on the personal stories behind the statistics and in the final chapter an attempt has been made to follow the individuals and learn something of the course of their lives. By consulting the correspondence generated between the local Guardians of the Poor and the Poor Law Commissioners, particularly in the early days of the New Poor Law, it is possible to obtain a glimpse of what Nutt describes as the 'lived experience' of illegitimacy.⁵⁴ This work has attempted to provide something new to the focus of illegitimacy by examining some of those experiences.

It was expected that a number of questions would be raised during the progress of this research. There was a range of factors that could have had a significant impact on the actual incidences of illegitimacy. Were the mothers, and perhaps more significantly, were the fathers, local to the parish? Did the illegitimacy ratio rise in places where there was a transient population, for example an influx of agricultural or construction workers, or military garrisons? What was the rate of infant mortality among bastards compared with that of legitimate children? Did the age at first marriage have any bearing on the illegitimacy ratio? What were the occupations and status of the mothers? Did widows feature significantly as bearers of illegitimate children? Did single mothers and their children form the largest group of 'deportees' under the settlement and removal

⁵⁴ T. Nutt, 'Illegitimacy and the Poor Law in Late-Eighteenth Century and Early-Nineteenth Century England, University of Cambridge, PhD Thesis (2006).

laws as popular belief suggests or was this comprised of families as appears to be the case from limited research previously undertaken? These, and other, questions were addressed as the work progressed. The work also looked beyond the statistics to the individuals themselves to ascertain whether the stigma of illegitimacy had a detrimental effect that continued into later life. It was not just the incidence of illegitimacy that gives us an insight into the communities of eighteenth and nineteenth century East Yorkshire, but the circumstances that contributed to it and the way in which the parish officials dealt with it. This work has endeavoured to look beyond the figures to the people and circumstances that supplied them.

The reasons behind illegitimacy in the eighteenth and nineteenth centuries were a much more complex issue than the fact of illegitimacy itself. There was a range of social and economic factors that had an impact on individuals or communities. Very few people would have been untouched by its existence. The poor were more likely to have been directly affected, as Levine and Wrightson have indicated.⁵⁵ They did not have the economic means to solve some of the problems that may have had a bearing on their marital status, such as living independently or gaining official recognition to the end of an unsustainable marriage. As servants or agricultural workers they were often living in close proximity with other young people of the opposite sex and thus put under conditions of great temptation, especially if eventual marriage was planned. But this did not mean that others were not affected by illegitimacy in different ways. Maternal grandparents, in particular, may have been left to care for illegitimate grandchildren while their daughters worked outside the home, or they may have been expected to stretch their own meagre incomes to provide a home for the mothers and their children. Local communities were financially affected by illegitimacy, particularly as the

⁵⁵ Levine and Wrightson, 'The social context of illegitimacy'.

numbers increased and their required contribution to the poor rate rose accordingly. Even the middle class and local gentry were not distanced from illegitimacy. If it did not occur within their own family unit they were the employers of the servant girls who became pregnant and the magistrates before whom bastardy cases were heard. They were the ratepayers, the literate who understood the current debates, and the political and religious reformers who tried to address the social and economic issues of the day. Illegitimacy fell into both of these categories and received national attention, particularly with regard to poor law legislation, but by its very nature it was an individual phenomenon and it was the experience of individuals in local communities that this work has sought to address in an attempt to inform our understanding of its nature.

Chapter 2. Sources, Methods and the Area of Study.

A Brief Overview of Sources.

The sources used in this study consist of six main data sets; i) parish registers of baptisms, marriages and burials, ii) other parish documents such as those generated by the Poor Law, including correspondence and rate books, churchwardens' accounts and presentments, iii) civil registration documents including the reports of the Registrar General, iv) census returns, v) Quarter Sessions records, including settlement examinations, removal orders and bastardy orders, vi) Parliamentary Papers including reports of national enquiries and commissions into social conditions and practices. Associated issues and problems with these sources are discussed in the appropriate chapters but a brief description of each is given here.

i) Parish Registers.

The core material for the extraction of data relating to illegitimacy was the parish registers of the period. Although first ordered to be kept by Thomas Cromwell in 1538 it was not until sixty years later that they were required to be entered into a parchment book and then, from 1812 onwards, into a pre-printed register. So although often very early ones have not survived, coverage for the period of this study is good in terms of general survival rate. However, other problems do occur with these records, such as incomplete, patchy or illegible entries. There is also the problem of how, or even if, illegitimate births have been recorded. Adair adopted the rule of 1 in 500; if fewer than one illegitimate baptism was recorded in five hundred entries for a parish it was assumed that the incumbents were not

recording the information.¹ This may be a reasonable assumption for the larger parishes but is likely to be too restrictive for the smaller rural parishes. Wrigley and Schofield, in their study of population also relied heavily on data compiled from parish registers, but used a time period of any consecutive twenty years within a forty year period, rather than the number of entries, to determine their reliability. If no events were recorded within that time scale then the register was rejected for the purposes of their study.² However, theirs was a very different study and looked at all baptism entries rather than those specifically related to illegitimacy. They did, however, recognise that the rise in the illegitimacy ratio between the mid-seventeenth and early-nineteenth centuries moved in sympathy with changes in the age at marriage. The relationship between illegitimate fertility and marriage age was also recognised by Schofield. Although it might be expected that illegitimacy would be common when marriage was delayed, and less so when early marriage prevailed, this, they argued, was not the case in England.³ The association between illegitimate fertility and age at marriage is discussed in Chapter 3. Wrigley and Schofield's work considered England as an undivided whole and did not make any comment on possible local demographic changes. The parishes used in this work fall within both sets of criteria. Using Adair's method, all parishes recorded at least one illegitimate baptism for every 500 entries. The highest number of baptisms recorded without any illegitimate entries was Brandesburton at 485 (1658-1698), followed by Howden at 441 (1649-1658). The high number in Howden covers the period of the Commonwealth, a time when it is known that the keeping of parish registers suffered some disruption, although, because of the high number of entries, this is not thought to be of particular significance here. Compliance with both sets of criteria

¹ R. Adair, *Courtship, Illegitimacy and Marriage* (Manchester, 1996), p.29.

² E. A. Wrigley and R. S. Schofield, *The Population History of England 1541-1871, a reconstruction*, (London, 1989), pp.3-32.

³ R. Schofield, 'British Population Change, 1700-1871', R. Floud and D. McCloskey, *The Economic History of Britain Since 1700*, Vol. 1. 1700-1860, 2nd ed. (Cambridge, 1994), p.75.

allowed for the standardisation of data for comparative results, while also accepting that some anomalies may occur, particularly with very small parishes which may truly have no, or few, events to record.

The use of parish registers presented problems of selection for two other reasons. Firstly, it had to be determined which ones were relevant to the geographical area of research. Bulmer's 1892 directory lists 581 places (as opposed to parishes) as being in the East Riding.⁴ The East Yorkshire Family History Society's (hereafter EYFHS) parish list contains 456 named places, but covers the Archdeaconry of the East Riding which includes parishes that in terms of civil registration are part of the North Riding.⁵ The Phillimore Atlas lists 253 parishes, but includes several from the Ainsty and City of York.⁶ Those listed in the Victoria County History (hereafter VCH) amount to 204 and exclude the northern parishes and those in York.⁷ Therefore it was decided to include as part of the study only those that appear in the VCH list of East Riding Parishes, along with their associated townships. This will incorporate the various regions of the Riding along with its major market towns and villages and the city of Hull. The sample of parishes used in this study will therefore represent five per cent of East Riding parishes and their associated townships.

⁴ T. Bulmer, *History, Topography and Directory of East Yorkshire, 1882* (Howden, 1985), Facsimile edn.

⁵ East Yorkshire Family History Website (Parish List)
<http://www.eyfhs.org.uk/index.php/about-us/our-area/list-of-places> Accessed 27 June 2014.

⁶ C. Humphrey-Smith, (ed) *The Phillimore Atlas and Index of Parish Registers* (Chichester, 1995, 2nd ed), pp. 271-4. These parish lists were compiled by the trustees and volunteers of the Institute of Heraldic and Genealogical Studies.

⁷ G. S. Minchin 'Table of Population 1801-1901', W. Page, W. (ed) *The Victoria History of the Counties of England: A History of Yorkshire*, Vol. 3 (London, 1913, Reprinted 1974), pp. 487-99.

Secondly, as previously intimated, some of the registers were in a poor condition, difficult to read or had gaps in coverage. Although data was extracted from several parishes to provide an overview of the region, careful consideration was needed before determining which parishes will be examined in detail. Although the Parish Register Section of the Yorkshire Archaeological Society (hereafter YAS) and the EYFHS have both published transcripts of some records, the area is not particularly well served by printed versions. A smaller sample of printed early registers was employed to establish whether or not the trends for East Yorkshire followed the national data for the period prior to the main study. However, in terms of the main investigation, research was undertaken to establish the availability and accessibility of a cross section of records that included samples of rural and urban parishes, market towns and villages from around the region.

Extraction Methods from Parish Registers.

In gathering data for this study information has been taken from original parish registers, filmed parish registers, printed transcriptions and bishop's transcripts. The associated difficulties of using these types of records are many and will be discussed in more detail below. During the initial extraction stage information was taken almost exclusively from printed transcriptions produced on a CD-ROM.⁸ This was done in an attempt to gather information quickly in order to assess the incidence of illegitimacy in the region in relation to the national trend. Throughout all of the records used illegitimate baptisms were extracted using the following criteria:

⁸ Ancestry.com, *English Parish Records, Yorkshire, East Riding*, CD-ROM (Utah, 2001). This CD-ROM contains the transcriptions published by Yorkshire Archaeological Society's Parish Register Section, which includes those volumes published by the Yorkshire Parish Register Society.

- a) All those stated to be illegitimate by the use of an identifying term such as those indicated in Appendix A, all of which were encountered in East Riding parish registers.
- b) All those entries that recorded a mother only.
- c) All those entries that recorded the name of the mother and that of the father, where it was clear these had different surnames.
- d) All instances of the baptism of twins were counted as two individuals, as it was baptisms that were being counted, rather than confinements. This is a little anomalous as clearly it was one conception that lead to a multiple birth, but as the result was more than one child this had an impact on the parish population and, in the case of illegitimate twins, may have made them more susceptible to becoming a charge on the parish. No instance of multiple births other than twins was encountered.
- e) Any entries for foundlings were included among the figures for illegitimate baptism as there was a greater likelihood that they were the children of single women rather than married couples. This is not to deny the possibility that a married couple, or a widowed parent, may have abandoned a child that he or she was unable to care for, but it is thought that in smaller rural communities this was less likely to be the case.
- f) Baptisms of children born to widows were extracted if the register indicated an illegitimate birth, the baptism was of a second or subsequent child of a widow or the death of the husband was recorded more than nine months before the baptism of the child.

For the purposes of analysis and comparison a yearly count was taken of all baptisms, legitimate and illegitimate, for all parishes from which data was taken over a period of time. As this was a total figure it included adult baptisms. Sometimes these were indicated in the register but there may be others that were not recorded in this manner. Although the number was few and not thought to be particularly significant for the purposes of this study their inclusion should be noted. This yearly figure also contained the few entries where a parish resident had a child baptised elsewhere but still had the event recorded in the parish of residence. For example, the dean of Ripon, the Rev. Robert Darley Waddilove, had several children baptised at Ripon but also entered them in the Cherry Burton register, where he was also rector.⁹

A yearly count of illegitimate baptisms for each parish was recorded to provide a comparative analysis. Where indicated in the registers, those infants born and buried unbaptised have also been included. Burials of those children indicated to be illegitimate, but where no baptism was recorded, were also extracted. All dates relate to those in common use in the registers of the time. Adjustments have been made for 1752 only, if necessary. The years from 1752 have been counted as starting from 1 January instead of 25 March, despite the occasional register still adhering to the old Julian calendar.¹⁰ From 1752, therefore, the Gregorian calendar has been used to define the period of one year, although there are some registers which do not consistently follow this definition.

⁹ Genealogical Society of Utah (GSU), Film No. 1566054, Cherry Burton Parish Registers 1741-1890.

¹⁰ Britain changed from the Julian to the Gregorian calendar in 1752. The eleven-day discrepancy between the two calendars was adjusted by 2 September being followed by the 14 September. After 1752 the new year began on 1 January rather than 25 March (Lady Day).

Problems and inconsistencies with Parish Registers.

The use of parish registers can be problematical for a number of reasons. The first consideration to be noted is that parish registers do not record the births that had taken place in a particular parish. They only provide evidence of baptism and consequently may not be a complete record of the children born within the parish. The registers used in the initial stages of this study are those of the parish church, which, until the introduction of civil registration in 1837 provided the most comprehensive record of the life events of individuals. However the possibility of exceptions to be considered include; parents failing to present a child for baptism, the baptism may have taken place in a different parish to where the family resided, the family may have been Non-conformist, Catholic, Quaker or Jewish. Towards the latter half of the nineteenth century, particularly in large urban parishes, there was less pressure to conform and children may have remained unbaptised. The results of an 1851 Ecclesiastical Census appeared to indicate 'widespread non-participation in organised worship'.¹¹ Nationally, the religious survey of 1851 indicated that non-conformity accounted for almost half the church-going population and that of the population as a whole, less than half attended any religious service.¹² It should be considered, therefore, that although many parents continued to present their children for baptism, the level of completeness of parish registers, and therefore their relevance as an indication of population, was diminishing.

Secondly, the overall condition of some of the earlier general registers is poor. This may be due to damage to the original registers, which may have been kept in the parish chest for

¹¹ J. Wolfe (ed), *Yorkshire Returns of the 1851 Census of Religious Worship, Vol. 1. Introduction, City of York and East Riding*, Borthwick Texts and Calendars No. 25 (York, 2000), Introduction, pp. i-v.

¹² House of Commons Parliamentary Papers (HCPP), Report of the Registrar General, Census of Great Britain 1851, Religious Worship, Report and Tables, (1852-53) and D. Hey (Ed), *The Oxford Companion to Local and Family History* London, 1996, p.328.

centuries. Some may not have been kept in conditions that protected them from damp or vermin. In many the ink has become very faded with the passage of time and the practice of recording all events (baptisms, marriages and burials) chronologically, without separation, can add to the difficulties of deciphering the information. In some general registers the scribe has delineated events, which makes interpretation easier, but in many of the registers researched here the entries are written very closely, perhaps in an attempt to save expensive paper or parchment. Even when events have been delineated close attention must be paid to the progress of the years; if a baptism page became full further events may have been entered in a convenient space on the burials page. The early registers for St. Mary, Sculcoates recorded the death of Richard Wily in 1580 followed by the marriage of Cuthbart Ley and Margaret Sanson in 1576, which entry was, in turn, followed by the baptism of Anthonie Fetherstone, who was 'borne the morrow after Bartillmewes day Anno 1572'.¹³ Those that have been accessed on microfiche may have the added difficulty of poor filming practices, including single focus and negative images. Reading the information becomes much easier from 1812, when standard pre-printed format registers were produced, one for each event. However there was then less of a tendency for the clerk or incumbent to add additional information, such as that of the supposed father of an illegitimate child, or the occupation of the mother. She is almost invariably referred to as a single woman or spinster from this date onwards.

The survival of registers is not always complete leading to gaps in the years of coverage. These gaps themselves are not always consistent; sometimes it may be that the register for

¹³ East Riding Archives and Local Studies (ERALS), Ref. PE 46, Parish Register of Sculcoates All Saints (incorporating St Mary), 1538-1973.

one event is missing, sometimes for all events. This adds to the difficulty of making a comparative analysis and necessitates the use of additional records as explained below.

From 1598 (with the exception of the Commonwealth period) clergymen were instructed to send a copy of the entries in the parish registers to the Bishop. These are known as the Bishop's Transcripts (BTs) and they provide the researcher of parish registers with access to additional resource material. However, they too, have inherent problems and cannot always be relied upon. Firstly, as with parish registers, not all have survived. Some transcripts may have been done on scraps of available paper and simply been lost and some may never have been gathered by the Archdeacon charged with their collection.¹⁴ As with all transcriptions the issue of human error must be considered; some entries may be missed, some copies may have less or more detail than the original, and there is also the possibility that the bishop's transcript actually recorded an event that was not entered in the parish register, as explained by McLaughlin.¹⁵ McLaughlin also refers to the possibility of some illegitimate baptisms not being copied, although in the case of Winstead parish the opposite was the case, as seen below.

As with many historical documents there was a lack of consistent spelling in the registers and bishop's transcripts. Where personal names were spelled in different ways, these have been transcribed as they appeared in the document. However, for ease of information

¹⁴ E. McLaughlin, *Parish Registers* (Birmingham, 1986, Reprinted 1990), p.23. In which the author describes the process of collection.

¹⁵ *Ibid.* p.23. This may occur when the copies have been made from the rough books, before being entered into the registers and an entry was subsequently omitted.

retrieval from electronic storage media all parish names have been entered with the accepted modern day spelling.¹⁶

There was also some inconsistency in the recording of status. Where sometimes a mother may be described as single, spinster or widow in one entry, this descriptive status may not appear in others. It is usually possible to identify an individual but it should be noted that without a status there might be some confusion between individuals if the forename is a common one, for instance between sisters in law. Generally, any entry in the baptism registers relating to a sister in law, or to a member of an earlier generation such as a mother or an aunt by marriage would include the father's name if it referred to a married relationship. However, it should be noted that this might not be so clearly defined in burial registers, where sometimes only the name of the deceased was recorded. In some registers there may be incomplete entries, as for instance, in the Winestead parish register, where occasionally only the father's name is recorded in an entry of an illegitimate child. In these cases if the child were known by its mother's name it is not possible to follow his or her life progress through the registers.¹⁷ In the following chapter an attempt has been made to track the mothers of illegitimate children and their offspring through the parish registers and national indexes of marriage to determine their subsequent marriage chances, and to compare the age at first illegitimate maternity with the age at first legitimate maternity of their married counterparts.

There may be occasional instances of incumbents using the old style calendar well into the late 1700s, as appears to be the case at Rillington, where the change of year continued to be

¹⁶ Data stored on Microsoft Excel.

¹⁷ ERALS, Ref. PE 125/2, Winestead Parish Registers 1720-1812.

recorded at Lady Day (25 March) up until 1770.¹⁸ There is also a sense that, occasionally, a transcriber of a printed source did not understand the pre-1752 year change in March or that an incumbent had not been accurate or consistent in dating practices. The use of printed parish registers also presents its own anomaly. Published transcriptions of parish registers are not uniform in their period of coverage and there is a good deal of variation from parish to parish. This is due to various factors, not least of which is the personal interest of the transcribers themselves. It is always the case that any transcription increases the risk of inaccuracies but in at least one particular case, that of Winestead in Holderness, this goes beyond the bounds of human error and becomes a matter of individual preference. It is quite clear that the printed parish register transcript, published by the Yorkshire Parish Register Society in 1900 has some serious omissions.¹⁹ The original transcription was done by the Rev. Norman J Miller, the rector of Winestead, and in several instances the baptisms of illegitimate children have either been omitted or truncated.²⁰ It is difficult to judge whether this is a matter of prejudicial disapproval or an attempt to protect the persons involved. As there were more than one hundred and fifty years between the event and the transcription in some cases, the former explanation is probably the more likely one. Whatever the explanation the incorrect information can have significant consequences for researchers in such a small parish. As Mitchelson cites Winestead as having the highest illegitimacy ratio recorded for the East Riding at 1 in 53.3 births for the decade 1721-1730 it is obviously a parish that warrants investigation. The case of Winestead illustrates the

¹⁸ CD-ROM Ancestry.com. Yorkshire, East Riding, Rillington.

¹⁹ Ibid. Winestead.

²⁰ G. T. J. Miles and W. Richardson, *A History of Withernsea*, (Hull, 1911), p.157.

laborious processes involved in obtaining accurate and reliable information, even for so small a parish.²¹

The first extraction for Winestead was taken from the printed parish register transcription on CD-ROM.²² The initial results were at variance with Mitchelson's figures as no illegitimate baptisms were recorded for the decade in question. It was noted, however, that for the year 1723 there was one entry, and between 1742 and 1801 there were eighteen entries, where only a forename had been recorded which, for the latter period equated to 13.5 per cent of recorded entries. Clearly this was a significant proportion of baptisms that required further examination. A further check of the CD-ROM revealed that no instances of illegitimate baptism were recorded in the parish between 1720 and 1812. The information collected from the printed version, including the single forename entries, was checked against the filmed registers on microfiche, where eleven illegitimate baptisms were found which related to the forename only entries, and an additional illegitimate baptism was picked up.²³ Difficulties with both the condition of the register and poor filming quality meant that another source needed to be consulted and it was decided to check the information already acquired against that held on the Bishop's Transcripts, which should have been copies of the original entries.²⁴ Details for the eleven entries previously noted were confirmed and the seven missing illegitimate baptisms were also found and recorded. Including the entry found in the register but missing from the printed transcript, this indicated that nineteen original entries had been manipulated by the transcriber.

²¹ N. Mitchelson, *The Old Poor Law in East Yorkshire*, East Yorkshire Local History Society Series (EYLHS), No. 2. (1953), p.12. Mitchelson used the term 'births' but it is assumed that this refers to baptisms rather than births.

²² CD-ROM, Ancestry.com. Yorkshire, East Riding, Winestead.

²³ ERLS, Ref. PE125/2, Winestead Parish Registers 1720-1812.

²⁴ GSU, Film No. 0990851, Bishop's Transcripts for Winestead, Baptisms 1601-1848.

As parish registers were the main record of the population until the introduction of the national census in 1801, they form an important part of this study and therefore warrant the detailed explanation given here. They form the basis for the analysis shown later in this chapter.

ii) Other Parish Documents.

Although the registers of baptism, marriage and burial form the core material of the research, parish officials produced many other types of useful and relevant documents in the course of their administration. These included records of the overseers of the poor and of the highways, churchwardens and constables. Although it was not always the case, it was likely that any expenditure was meticulously recorded in order to account to the ratepayers for the spending of the parish rate. These records are often patchy but, where they survive, can provide an invaluable insight into the social structure of village life, in particular the support and attitudes to claimants of poor relief. The very nature of their situation means that mothers of illegitimate children are likely to feature highly as they were apt to need financial support and the children themselves were often apprenticed or boarded out by the parish, allowing some follow up investigation into their future prospects. The administrators of the relief were the neighbours and employers of the recipients, they formed part of the same community and this can occasionally permit the modern researcher a glance at the symbiotic relationship that existed between them. It is through these documents of parish administration that support for single mothers can be tracked and their treatment measured, highlighting perhaps, differences in attitude and management of bastardy over time and place.

The Parliamentary Enclosure movement was at its height during the period of this study. Tate, writing on parish history has given enclosure of the open fields as a factor that could have had an impact on the illegitimacy ratio, which rose during this period. Previously, it was argued, the rural workers had reasonable access to both housing and land, which was lost as the parish was enclosed.²⁵ More recently Shaw-Taylor has argued that few labourers had any common rights and were already dependent on wage labour as a means of subsistence before the enclosure of the land. In his examination of ten parishes in the south and east Midlands he concluded that ‘over 80 per cent of labouring households...neither owned nor rented common rights.’²⁶ Shaw-Taylor warns of the reliability of contemporary anecdotal evidence in terms of its unquantifiable nature but, as the number and cost of the poor increased, landlords were reported to be destroying cottages as a disincentive to settlement. The overseer of Beverley St Mary’s was concerned that a change in the settlement laws would be detrimental to his parish as ‘the destruction of the Cottages on the estates of the great Landowners’ meant that the ‘greatest part of the Labourers’ were ‘obliged to procure residences in this town.’²⁷ Enclosure of the land, therefore, may have been a factor in the ability of young couples to set up an independent household. They were more likely to have been wage dependent, were probably employed in live-in farm or domestic service and were economically unable to marry. In addition it was not unusual for such servants to change their place of employment at the yearly hirings. It could be argued that such a situation left young pregnant women in a particularly vulnerable position and that they were more likely to remain unmarried through either economic reasons or desertion.

²⁵ W. E. Tate, *The Parish Chest* (Cambridge, 1983), p.215.

²⁶ L. Shaw-Taylor, ‘Labourers, cows, common rights and parliamentary enclosure: the evidence of contemporary comment c 1760-1810’, *Past and Present*, Vol. 171 (2001), pp. 95-126.

²⁷ HCPP, Report of the Poor Law Commission 1834. XXXIII and XXXIV. *Administration and Operation of Poor Laws. Appendix B1, Part IV and V. Answers to Rural Queries. Q 51*

The documents produced by the churchwardens also give an insight into illegitimacy and prenuptial pregnancy. The churchwardens were concerned with the maintenance of the church buildings and the smooth running of church affairs, including the discipline of parishioners who absented themselves from Sunday service, refused to pay the church rate or misbehaved during services or on the church property. Every year, at the visitation of the Bishop, or his representative, they were required to present their accounts and the misdemeanours of the parishioners, including any shortcomings of the incumbent. They were specifically required to make a presentment 'If any of the Parishioners are Adulterers, Fornicators...Baptism neglected...marrying in prohibited Degrees... without Banns, Licence, or at unlawful Hours....'²⁸ These churchwardens' presentments can sometimes provide information not always available elsewhere and often contain hints of individual circumstance. In 1729 Jonathan Howe and Robert Long, churchwardens of Bubwith parish, presented Anne Carlin and Henry Scholey 'for living under the common fame and suspicion of the Crime of Adultery and Fornication together.'²⁹ Henry was a widower and Anne was the 'wife of Thomas Carlin of Willitof'. Willitof was a hamlet in the parish of Bubwith and an examination of the Bubwith parish register reveals that Henry was also of the same place. It seems clear that Anne left her husband to live with Henry and although no burial has been found for Thomas Carlin, Henry and Anne married in the parish two years later in 1731, indicating that Thomas was known to be deceased by that time.³⁰ These records can also indicate prenuptial pregnancy, as in the case of Margaret Brown of Brandesburton where the presentment of 1732 recorded that 'It appeared by the Register

²⁸ G. Jacob, *The Compleat Parish Officer*, (London, 1734), p.93. E-book.

²⁹ Borthwick Institute for Archives (BIA), Ref. ER V/CH P, Churchwardens' Presentments for Bubwith, 1729.

³⁰ Yorkshire Archaeological Society (YAS), CD Series No.9, *Parish Registers of Bubwith (East Riding)* (2005).

that Francis Collinson and Margaret Brown were married May the 27th 1731 and it appears by the said Register that the said Margaret was brought to bed of a daughter Christen'd by the name of Margaret October the 4th 1731.³¹ It is not surprising that parishioners should notice a child born too soon after the marriage but even when no child was evident instances of premarital sex were still recorded. In 1726 the churchwardens of Huggate noted that Frances Holmes was 'now wife of Thomas Robinson, who it was reported was in bed with her before their marriage'. They also accused another parishioner, Tom Pexton, of 'lying under the common fame of having committed (sic) fornication with the said Frances Robinson before her marriage'.³² In this way Churchwardens' presentments can offer a glimpse into the private lives of individuals not always recorded in the parish registers. A sample of churchwardens' presentments from 32 East Riding parishes was examined.

iii) Civil Registration.

From 1837 the system of recording births (not baptisms), marriages and deaths (not burials) became the responsibility of the civil authorities under the Registrar General. Registration districts, largely based on Poor Law Union areas, were established and the information gathered locally in these districts was copied to a national repository.³³ Initially there was no compulsion for parents to register births and they could only be prosecuted if they refused to give the relevant information to the Registrar on request. This did not change significantly until 1874, when the onus was passed from the Registrar to the parents.³⁴ The Registrar General produced regular reports from 1842 giving access to a range of statistical data, including those on illegitimacy. These reports, broken down into individual counties

³¹ BIA, Ref. ER V/CH P, Churchwardens' Presentments for Brandesburton, 1732.

³² BIA, Ref. ER V/CH P, Churchwardens' Presentments for Huggate, 1726/7.

³³ M. Nissel, *People Count: A History of the General Register Office*, (London, 1987), pp.25-26.

³⁴ *Ibid.*

offer a more consistent record than hitherto available as well as a more even coverage of an area but, as registration districts were made up of many parishes they may not allow for a direct comparison at a more local level. However, coupled with evidence from local records they allow the East Riding to be set within a national framework. The General Register Office (GRO) records, in particular the national index to them, have been used to verify individual events; for instance the subsequent marriage or death of the bearers of illegitimate children and also of the life events of the children themselves.³⁵ The GRO Indexes to births, marriages and deaths have been used to provide information about the major life events of individuals, including the birth of illegitimate children. They have provided evidence of marriage for both mothers and children, and coupled with evidence from other sources, such as the census, have enabled an examination into the prospects of single mothers and their illegitimate children, including childhood deaths as well as longevity. As with all indexes there are occasional problems of identification through mistranscription and omission. Wherever possible the information in the national indexes has been checked against local registrars' online indexes. Many of these local indexes are still ongoing projects and are therefore, not complete in terms of individual entries, registration districts or time periods. However, where they have been indexed, the information contained within them can be more useful than the GRO indexes. The national indexes are arranged individually, by quarter, for each partner of the marriage, therefore a marriage entry could require at least five searches; four quarterly searches in a given year for the individual, and a search for the spouse in the relevant year and quarter, in order to verify the entry. Happily, with the electronic versions of the index now available, a search is much simpler, can be conducted for a given time period and will cross reference

³⁵ The General Register Office (GRO), Indexes to Births, Marriages and Deaths, accessed through www.findmypast.co.uk and www.ancestry.co.uk and www.freebmd.org.uk.

with possible spouses, making confirmation of the marriage much easier.³⁶ However, the GRO Indexes still require further checking to establish the correct spouse and only give the registration district in which the event was recorded. The local registrars' indexes, compiled by local volunteers, include the name of the spouse and also where the marriage took place, naming churches, chapels and registrars' offices. This last can be very useful in confirming the identity of the individuals concerned and placing them in the right area of a town or parish.

iv) Census Returns.

The census returns for the East Riding were a particularly useful source for the latter part of the period under investigation. Decennial enumeration of the whole population of England and Wales has taken place since 1801. Although statistical data have been extracted from the outset it is the retention of the actual enumerators' returns, from 1841 onwards, that gives the historian a glimpse into the structure of the nineteenth century household. Data from national censuses, where available and relevant, have been considered from 1801, but this study has drawn considerably on the later records, from 1841-1911, which contain more personal information on individuals and which offer invaluable opportunities for follow up work on the mothers of illegitimate children as well as the children themselves. Among other things census returns offer the possibility of assessing mobility, occupation, family size, and social background. Used in conjunction with parish documents they formed the most important source for family reconstruction. Census returns follow a set format, are easily available and many have been indexed for ease of use. That said, it should be noted that they are not problem free. As with civil

³⁶ The spouse's surname was not included in the indexes until 1912.

registration documents they relied heavily on the informant giving the correct information and the enumerator making an accurate copy. In common with all historical documents it is necessary to remember their original purpose and not expect them to supply data they were never intended to provide. Useful as they are, census returns can only provide a snapshot in time. They can only suggest, by means of the information given, what may have occurred during the intervening ten years from one census to the next. Census returns do not provide consecutive data, as parish registers do, and many children may have been born and died before they could be recorded in an enumeration of this kind.

Extraction methods from Census Returns.

Census returns were used extensively in following the life patterns of individuals in an attempt to assess the impact of illegitimacy. Despite problems and inconsistencies they are invaluable when tracking people over time and place. The problems associated with these records are discussed fully in Chapter 6. The extensive use of census returns was made possible by the recent digitisation and indexing programmes undertaken by commercial genealogy companies in association with The National Archives (TNA) and the longer standing, but local indexes compiled by the volunteers of family history societies. Used in conjunction these provide much easier access to information on individuals than was previously possible on a scale such as required here. Three sources were employed in the execution of this work as a means of finding and checking the relevant information. The two major subscription websites, Ancestry and Find My Past were used in conjunction with the indexes and transcriptions produced by the East Yorkshire Family History Society

(EYFHS).³⁷ The former two provide access, through an index, to all the published census enumerators' returns for 1841-1911, while the latter provided access to the 1851 and 1861 census. Both of the subscription sites have links to the digitised version of the original page in the enumerators' books, but it should be noted that these themselves are the enumerators' own transcriptions of the household schedules, until 1911, when the individual household schedules were retained. The EYFHS publication for 1851 is an index only giving a partial transcription, but lists the full name, age at the time of the census and place of birth of those living in a particular place or registration district. The EYFHS publication for the 1861 census is a full transcription. These latter publications have the advantage of local knowledge which often means that names and places are transcribed more accurately than the indexes used by the large genealogical companies, who outsourced the indexing, often abroad. In cases of doubt all three sources were checked, wherever possible, in an attempt to eliminate inconsistencies. There will always be some problems of identification, and these are referred to later, but only those individuals whose details are corroborated are included in this work.

v) Quarter Sessions Records.

The Justices of the Peace for each county sat four times a year to hear those cases not summarily dealt with by the magistrates in Petty Sessions. These records contained the annual returns for bastardy summonses and gave the names of mothers and putative fathers,

³⁷ www.ancestry.co.uk, www.findmypast.co.uk and East Yorkshire Family History Society (EYFHS), *A Partial Transcription of the 1851 Census of the EYFHS Area in Eastern Yorkshire* (Hull, 2003) and EYFHS, *A Transcription of the 1861 Census of Eastern Yorkshire from the Humber to the Tees*, (Hull, 2003).

including any order for maintenance payments. The Bastardy Orders have been examined in an attempt to identify putative fathers wherever possible. They were also used to provide a small set of putative fathers for further investigation, in conjunction with other records. All indentures for apprenticeship should have been placed before the magistrates and registered. The parish overseers were keen to ensure that pauper children were apprenticed, according to the law, and in order to reduce costs and provide the skills necessary to keep them off the parish rate as adults. If possible, a particularly efficient official would try to apprentice his paupers outside the parish as completing an apprenticeship with the same master would give a right of settlement and place any future responsibility on the new parish. At the same time he would be alert to such practices being employed by his colleagues from neighbouring parishes.

Settlement examinations and removal orders also appear in this class of record. Since each parish was responsible for its own poor it was necessary to know who they were and an act of 1662 laid down a number of ways in which one could claim settlement in a particular parish (see Appendix B).³⁸ A system of certification developed in order to allow movement between parishes. Anyone not of the parish could be moved on if they were considered likely to become chargeable to the poor rate, therefore a certificate from one's own parish, accepting responsibility, provided indemnification for the place of abode. Although the original documents, where they have survived, will be classified with the parish records the removal orders themselves had to be obtained from the Justices of the Peace and the judgments were recorded in the records of court proceedings. Often the court had to interrogate the pauper to determine the place of settlement and these examinations give

³⁸ 14 Car. II, c.12. 1662 *An Act for the Better Relief of the Poor of this Kingdom*. Commonly known as 'The Settlement Act'.

significant details of life events in their effort to establish where that might be. As single mothers and their illegitimate children represented a considerable expense their place of settlement was rigorously investigated. Single pregnant women could face considerable hardship under a removal order although previous personal research seems to indicate that the majority of those removed in the East Riding were, in fact, family groups. Quarter Sessions and Assize records have also been used to explore other events that touch upon the subject of bastardy, such as the incidence of wife sales when considering marriage and infanticide when looking at the mortality rates of illegitimate children.

vi) Parliamentary Papers and Records of National Organisations.

The sessional papers of parliamentary proceedings form an invaluable resource for historians, particularly for the nineteenth century. It is here that reports of national bodies, Royal Commissions, enquiries into particular social conditions and official statistics are to be found. Responses to questionnaires can highlight local differences and on occasion individual replies can indicate the attitude of the respondent. Although some records in this category have been mentioned above, such as civil registration and census returns, the data collected and collated from these sources will appear in this class of record. The most useful in relation to this study are the reports of Parliamentary Select Committees, to which large amounts of evidence were presented on all manner of social circumstance and administration, and the Reports of Commissioners of government departments, such as the Poor Law Commissioners. There was a good deal of correspondence between the Poor Law Commissioners and the parishes, especially just prior to, and immediately after, the introduction of the New Poor Law in 1834. Much of this was generated by the parish officials while attempting to clarify the new law and how it would affect specific, often

named individual cases. These records often refer to mothers of illegitimate children, particularly where the mother has married, years later, someone other than the reputed father. Many are queries regarding settlement issues but nevertheless provide a fascinating insight into the operation of the new system as well as offering another element to the process of family reconstruction.

These, then, are the main sources that have been used to assess not only the incidence of illegitimacy in East Yorkshire, but also its nature. Illegitimacy has several faces and the social acceptability of bastards may change according to the circumstances of conception. Although all illegitimacy was considered to be an offence against God and society, local knowledge may have led some to accept the misconduct if there was sympathy for the plight of the mother. Other documents and sources, such as newspaper accounts, apprenticeship records and poor law union and workhouse records have also been consulted during the execution of this work.

The Area of Study: East Riding of Yorkshire.

The historical East Yorkshire covers an area from the Humber Estuary in the south of the county, westwards out towards the River Ouse, encompassing Stillingfleet and Heslington before sweeping northwards to Norton and following the River Derwent eastwards towards the coast at Filey (see Figure 2. 1). It was a predominantly agricultural county in the eighteenth and nineteenth centuries, with several developing market towns dependant on the rural economy. Noble tells us that in 1700 only one fifth of the population of the East Riding lived in towns, compared with nearly one quarter in England and Wales as a whole. In addition, East Riding towns were small, with populations of between 500 and 750. By 1850, however, one third of the population of the East Riding were urban dwellers,

although over 50 per cent of those lived in towns with populations of fewer than 3000 people.³⁹ It had only one large urban centre, the city of Kingston upon Hull (generally referred to as Hull), a busy trading and developing fishing port with international connections, which experienced a rapid growth in population during the period of investigation. By 1850 two thirds of East Riding urban dwellers lived here.⁴⁰

The parish register extracts used throughout this study have been shown on a Table of Data Sets in Appendix C. Some parishes have been grouped together to provide specific information when either a) the whole series is too large to investigate thoroughly or b) a particular spread of parishes was appropriate. They represent the East Riding in their geographical coverage and in the nature of their communities. They range from small rural populations such as Boynton, which had a population of only 66 in 1801, to larger towns, such as Howden with an 1801 population of 3415. It also includes the parish of Sculcoates, which was adjacent to the town of Hull, and which experienced a huge rise in population during the nineteenth century, making it a very urban community with a developing industrial base. Some parishes were discarded due to gaps in coverage, such as Muston, where there were no surviving baptism registers between 1730 and 1808. Original parish registers were used in many instances but there was also a reliance on some transcribed versions. These came from trusted sources, where the transcript was known to have undergone a checking process. They were also checked against the original. Some like Winestead were anomalous and further checking with the original register revealed discrepancies which are discussed earlier in this chapter. Other transcripts, such as one for Reighton, were discarded due to a lack of confidence in their accuracy. All the parishes

³⁹ M. Noble, *Change in the Small Towns of the East Riding of Yorkshire c.1750-1850*, Hedon Local History Series, No.5. (Hedon, 1979), pp1-2.

⁴⁰ Ibid.

used in this study, except one (Atwick), experienced some population growth during the nineteenth century. For some, such as Bubwith this was very slight at only three per cent, for others, like Sculcoates the increase was tenfold. Rillington, an open village near the Scampston estate, doubled in size over this period. A chart indicating population growth can be found in Appendix D. A map of parishes in the main data sets is shown in Figure 2.1a.

The geology of East Yorkshire led to a diverse topography and soil types, from the flood plains of the Hull valley to the high chalk Wolds, which in turn led to differing farming practices and crop yields. There was also varying land ownership and parish types, most generally classified as ‘open’ and ‘close’ parishes, where the economy, the constitution of the population and the social structure could differ considerably. Simply explained, ‘close’ parishes were those where the landowners restricted the number of cottages and wage-dependent workers in order to control the amount of people able to gain settlement. These were often the villages attached to large estates, where the major landowner was able to regulate other social activities, such as the development of non-conformist chapels or public houses. Conversely, ‘open’ parishes were places where there were a number of landowners and population growth and the development of cheap housing was less regulated.



Figure 2.1. Map of East Yorkshire Showing Places Referred to in the Study.

Many of the labourers in an open parish would have walked considerable distances daily to work on the land in a close parish. The overseers of Beverley St Mary complained of the 'destruction of the Cottages on the estates of the great Landowners' forcing labourers to live in the town 'from whence they go to their respective parishes, or elsewhere to work'.⁴¹ Parts of the area, in common with national developments in agriculture, also underwent substantial changes due to the incidence of parliamentary enclosure.

This study looks at the local communities and highlights the relationship between the recipients and administrators of poor relief and, wherever possible, examines the attitudes of neighbours and officials in bastardy cases. Not only does it examine the bastardy trend line but also, through close examination of parish documents, it attempts to ascertain the nature of the illegitimate births and, using a measure of family reconstruction, the eventual outcome for the parties concerned.

An Initial Investigation into Illegitimacy Figures for East Yorkshire.

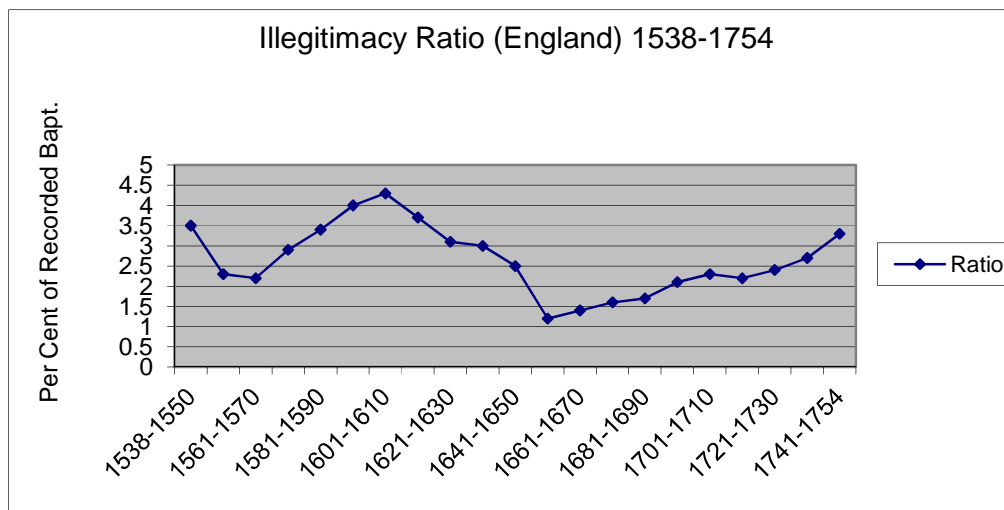
The work of Adair has shown that from the start of the parish register period in 1538 to the middle of the eighteenth century illegitimacy ratios in England appeared to have a cyclic rhythm.⁴² There already appeared to have been a downward trend at the beginning of the period falling from 3.5 per cent of baptisms in 1538 to 2.2 per cent by 1570. Recorded illegitimate baptisms then began to rise in the 1570s reaching a high of 4.3 per cent in 1610. From then there was a steady decline to the 1640s and a sharp drop during the

⁴¹ HCPP, 1834 XXXIII and XXXIV, *Rural Queries* Q, 51. See also B. Holderness, 'Open' and 'Close' Parishes in England in the Eighteenth and Nineteenth Centuries', *Agricultural History Review*, Vol. 20, No.2 (1972), pp.126-139.

⁴² Adair, *Courtship, Illegitimacy and Marriage*, p.48.

Commonwealth period to only one per cent of recorded baptisms in the decade 1651-1660. From then there was a slow but steady increase in illegitimate baptisms reaching 3.3 per cent by 1754 (see Figure 2.2).

Figure 2.2. The Illegitimacy Ratio in England, 1538-1754.



Data collated from Adair (1996) p50

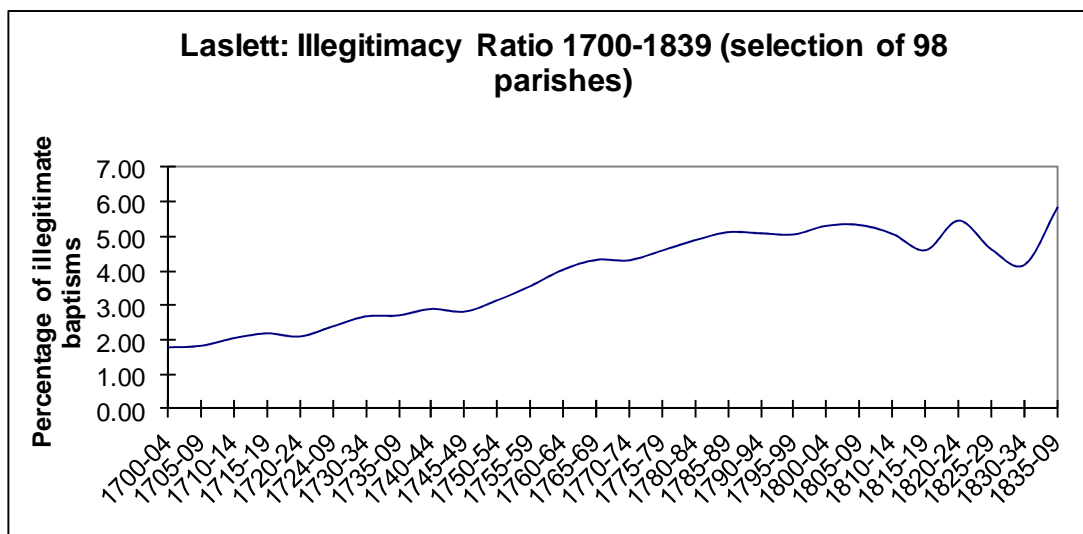
Adair's data were taken from a sample of 250 parishes,⁴³ more than double the size of the sample used by Laslett in 1980.⁴⁴ Adair pointed to problems with Laslett's sample of ninety-eight parishes in that the volunteers involved in gathering the information were not consistent in their extraction of the data, which resulted in all inferred forms of illegitimacy being excluded from the sample.⁴⁵ Nevertheless, it can be seen from Laslett's data (see Figure 2.3) that the steady increase in the illegitimacy ratio continued well into the first half of the nineteenth century.

⁴³ Ibid. p.49.

⁴⁴ P. Laslett, 'Comparing illegitimacy over time and between cultures' in P. Laslett, K. Oosterveen, and R. Smith, (eds) *Bastardy and its Comparative History* (London 1980), p.14. Here Laslett used data extracted from 98 parishes.

⁴⁵ Adair, *Courtship, Illegitimacy and Marriage*, p.48.

Figure 2.3. The Rise in Illegitimacy, 1700-1839.⁴⁶



The rise in the late 1830s, shown in Figure 2.3, represents the steepest absolute increase over ten years throughout the period. Between 1830 and 1840 the ratio rose from just over five per cent to over six per cent.⁴⁷ However, what can be clearly seen from Laslett's national series of 98 parishes is the steady increase in the illegitimacy ratio throughout the eighteenth century, but particularly from the 1750s. At the beginning of the century (1700-1704) the ratio was just under two per cent (1.779) but by mid-century (1750-1704) it had risen to over three per cent (3.143), a rise of just under one and a half per cent (1.364). By the beginning of the nineteenth century (1800-1804) there had been more than a two per cent (2.164) increase nationally to a ratio of well over five per cent (5.307). Laslett recorded the highest illegitimacy in 1838 from data taken from 18 parishes at nearly eight per cent (7.842).⁴⁸ The long steady increase in illegitimacy ratios in the latter half of the eighteenth century has been attributed, in part, to the rise in 'repeaterdom'. Oosterveen and Smith have stated that 'it is quite clear...that the frequency of repeating grows considerably

⁴⁶ Data collated from Laslett, P. Laslett, 'Comparing illegitimacy over time and between cultures' in P. Laslett, K. Oosterveen, and R. Smith, (eds) *Bastardy and its Comparative History* (London 1980), p.14-15.

⁴⁷ *Ibid.* p.13.

⁴⁸ *Ibid.* See Table 1.1(a), p.14 and Table 1.1(c), p.16.

in all communities during the eighteenth century...(and that) ...as the bastardy ratio rose...so did the relative importance of women producing more than one bastard.⁴⁹ Levine has shown that in Colyton, during the period 1740-1789, 44 per cent of all illegitimate births were to 'repeaters'. In Shepshed the number of women who produced more than one illegitimate child also increased. Before 1750 only two women (4.7 per cent of unmarried mothers) gave birth to more than one illegitimate child, whereas after 1750 this had risen to 62 women (17.9 per cent of unmarried mothers), accounting for 35.1 per cent of all illegitimate children.⁵⁰ Levine attributes this rise to the nature of the villages, both of which had an emerging proto-industry. On the whole, this was not a feature of the East Riding and yet Hopkins found in his study of East Riding parishes, for the period 1761-1850, that 19.28 per cent of women who bore illegitimate children had previously had an illegitimate child, the most remarkable being Sarah Tomlinson of Brantingham who had eight illegitimate children between 1768-1787. Out of a total of 2822 illegitimate births to 2278 mothers, there were a further three women who had seven illegitimate children, one with six, eight with five, 20 with four, 73 with three and 270 with two illegitimate children.⁵¹ Therefore, a significant 32.38 per cent of illegitimate births in the East Riding were to 'repeaters', a figure which shows a near-concordance to that of Levine's work on Shepshed, despite the lack of proto-industrialisation.

The initial work on East Yorkshire parishes for the early period was conducted in order to discover if the pattern for this area appeared the same as that which seems established for other areas of the country, as shown in Figure 2.1. The sample of ten parishes may appear

⁴⁹ K. Oosterveen and R.M. Smith 'Bastardy and the Family Reconstitution Studies of Colyton, Aldenham, Alcester and Hawkshead', in Laslett, et al, *Bastardy and its Comparative History* (London 1980), pp.94-121.

⁵⁰ D. Levine, *Family Formation in an Age of Nascent Capitalism*, (London, 1977), pp.137 and 143.

⁵¹ N. D. Hopkin, 'The Old and New Poor Law in East Yorkshire, c. 1760-1850.' University of Leeds, M.Phil Thesis, 1968.

small in comparison to the numbers used by Adair and Laslett in their studies. However, when it is taken as a percentage of the number of parishes in the East Riding, excluding York and the Ainsty, (204) it represents a figure of five per cent. Even when all the townships are included, but the larger towns of Hull and Beverley are excluded, it still represents three percent of East Riding parishes. This makes the sample of ten parishes statistically viable for the purposes of this study, where the extraction of the data has been as consistent as the records allow. It also includes two of the five East Riding parishes used by Adair (Patrington and Winestead) and one of the four used by Wrigley and Schofield in their population study (Bubwith).⁵² The parishes used in this initial analysis include: Howden and Bubwith in the west; Rillington and Thorpe Bassett in the north; Burton Fleming and Wold Newton in the north-east; Huggate in the centre of the county; Patrington and Winestead in the south and Sculcoates just to the north of the major settlement of Hull. The larger centres of urban population, including Hull and Beverley, were not included in the initial data, although the smaller market town of Howden is represented. The parishes in the sample were chosen as a cross section of the East Yorkshire area containing small villages, larger settlements and one market town. They cover the south, north, east and west of the region as well as reflecting the different agricultural areas of the Wolds and Holderness.

For this preliminary stage the printed parish registers were used for ease of access but it is recognised that these are not complete for all parishes and may contain errors and anomalies. This, in itself, reflects the original parish registers, where similar anomalies and

⁵² Adair, *Courtship, Illegitimacy and Marriage*, p.232 and E. A. Wrigley and R. S. Schofield, *The Population History of England, 1541-1871* (London, 1989), p.489. Parishes covered in the East Riding sample are Bubwith, Burton Fleming, Howden, Huggate, Patrington, Rillington, Sculcoates, Thorpe Bassett, Winestead and Wold Newton.

omissions are also found. However, a transcription does bring in an additional stage where errors may be introduced. The transcriptions used here are those of the well respected Yorkshire Archaeological Society (Parish Register Section) available in printed, microfiche and CD format. Portable document format (pdf) versions of the printed registers were mainly used in the preparation of this work.⁵³ Qualifying checks were made with the original documents where anomalies were found. Some original parish registers were consulted at a later stage to provide information for aggregate analysis, such as seasonality of illegitimate births, mortality and age of illegitimate maternity.

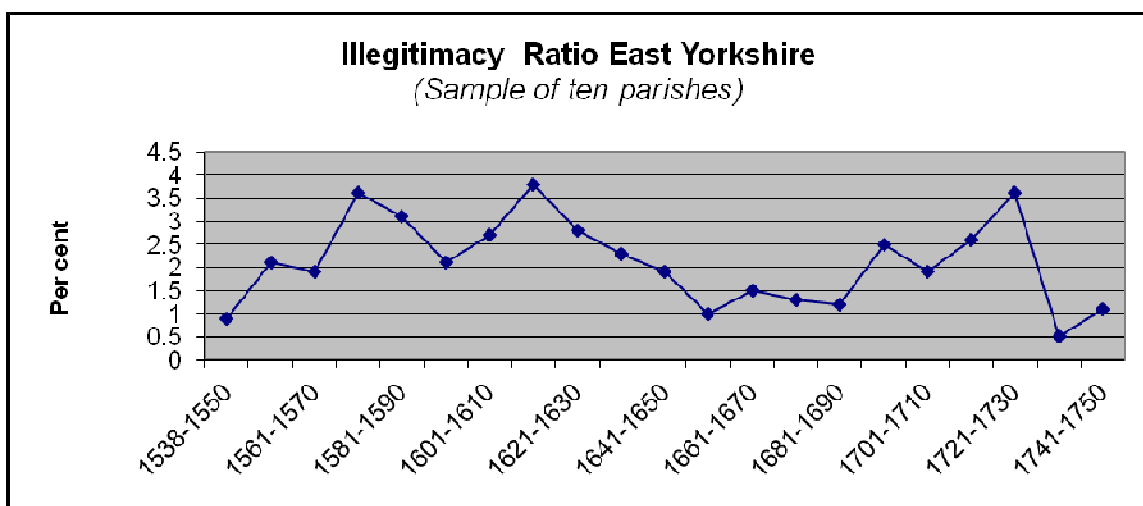
All entries of baptism where only a mother was recorded have been extracted, unless attributed or checked as posthumous. All baptisms where a father was named but did not bear the same name as the mother were also extracted, as have any other entries where a term denoting illegitimacy was used. Presented graphically the data for East Yorkshire, shown in Figure 2.4 below, appears to indicate more peaks and troughs than that shown by Adair in Figure 2.2. This could perhaps be attributed to the size of the sample, as the small numbers involved could appear to have a more significant effect than if a larger sample were used. In addition not all parishes had a complete record for the period and this may have distorted the figures to some extent. Another possibility is that there were some local influences that affected either the registration of baptisms as a whole or the baptism of illegitimate children in particular.⁵⁴ In Adair's much larger sample such influences would be much less likely to distort the figures but even so he found that, in addition to his main

⁵³ Ancestry.com. *Yorkshire (East Riding)* on CD-ROM, (2001). This disc contains pdf files of a number of printed parish registers transcribed and published by the Yorkshire Archaeological Society. As with all transcriptions there is the possibility of errors and omissions as well as selective extraction.

⁵⁴ For example the opening of a non-conformist chapel could have an effect on overall baptism figures and the establishment of a joint workhouse, although not common till the 1780s, may mean some illegitimate baptisms took place outside the parish.

sample of 250 parishes, he needed to add the data from another eighty-seven to add weight to his analysis.⁵⁵

Figure 2.4. The Illegitimacy Ratio for East Yorkshire, 1538-1750.



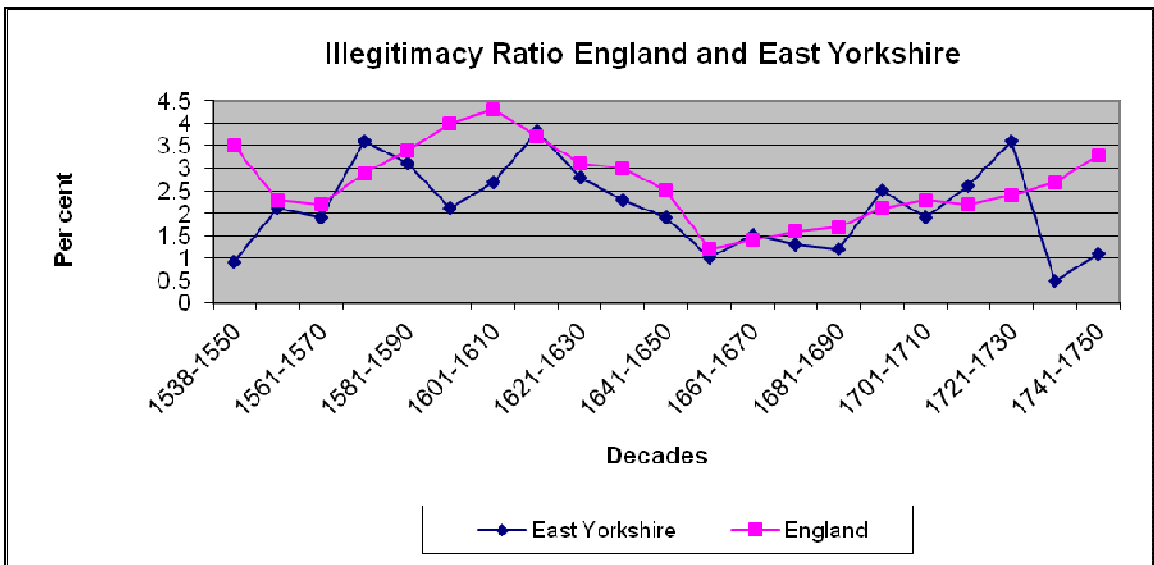
Although the East Yorkshire sample shows a rise from 1538, rather than a decline, it does show a similar peak in the period 1611-1620 followed by a steady decline to the 1660s. Through a series of peaks and troughs it then rises towards the mid 1730s before showing a sharp fall to a low in the 1740s.⁵⁶ At first glance the East Yorkshire data look quite different from that produced by Adair's larger sample but if the two sets of data are shown together as in Figure 2.5 then the similarities between them become a little clearer. The peaks and trough are clearly visible but the general trend can be seen to be quite similar in places, with several points of convergence. There were three discordant periods, covering 1538-1561, 1581-1620 and 1731-1740, but there were significant periods of concordance

⁵⁵ Adair, *Courtship, Illegitimacy and Marriage*, p.50.

⁵⁶ It is suspected that the lack of data from 1721 for Howden, the market town in the sample, could have produced this anomaly.

between the two sets of data, which placed East Yorkshire within the structure of what was happening nationally.

Figure 2.5. A Comparison of the Illegitimacy Ratio for England and East Yorkshire, 1538-1750



The East Riding did not witness the large scale urbanisation that took place in the West Riding, and remained an essentially rural county throughout the period. It did however, in common with the rest of the country experience a population increase, particularly in the nineteenth century. The one intensely populated area was Hull, which by the second half of the eighteenth century had begun to spread outside its walls to the parishes of Sculcoates, Drypool and Myton. Sculcoates in particular experienced a rapid growth in population as industries began to grow up alongside the river bank in the late-eighteenth century, but the illegitimacy ratio fell slightly as the population grew. From 1538-1700 illegitimate baptisms amounted to 2.25 per cent while from 1700 to 1812 the ratio was 1.68 per cent. There were, however, a number of burials of illegitimate children whose baptisms do not appear in the register. It is not known if these children were baptised in neighbouring

parishes or died before they were baptised, which points to one of the difficulties in using parish registers to determine populations. Another is the idiosyncrasies of individuals, both parish officials and the persons named in the registers. In a rapidly growing community with a transient and relatively unknown population it is possible that baptisms of children born to cohabiting couples were not recorded as illegitimate if the parents presented themselves as man and wife. In contrast, the illegitimacy ratio of the Holderness village of Brandesburton rose significantly over a similar period. From 1558-1700 the ratio was 1.15 per cent of recorded baptisms but from 1700-1845 it has risen to 9 per cent. With a parish population of 464 in 1801 compared to that of Sculcoates at 5448, it was clearly a community where single mothers were less likely to be able to conceal themselves in anonymity or unrecognised marriages. Unrecognised marriages have been cited by some historians as a possible reason for the rise in illegitimacy in the second half of the eighteenth century, when legal marriage became strictly defined by Hardwicke's Marriage Act of 1753, and may have led to stricter recording practices in cases of known informal or unregulated marriages.⁵⁷ This is discussed in Chapter 3.

The rise in illegitimacy from the mid-eighteenth century may also be accounted for by the changed sexual practices emphasised by Hitchcock, who pointed out that as the age of marriage dropped, illegitimacy increased significantly, as did the number of prenuptial pregnancies. The percentage of people remaining unmarried (and celibate) also dropped 'precipitously'. This led to a larger proportion of the population engaging in sexual activity as a precursor to marriage, and that the resulting pregnancy acted as a stimulant to the event itself. If economic conditions were unfavorable and the couple was unable to set up home

⁵⁷ 26 Geo II (1753), *An Act for the Better Preventing of Clandestine Marriages*.

together then the marriage did not take place and women gave birth to illegitimate children.⁵⁸ These issues, relating to East Riding parishes, are expanded upon in Chapter 3.

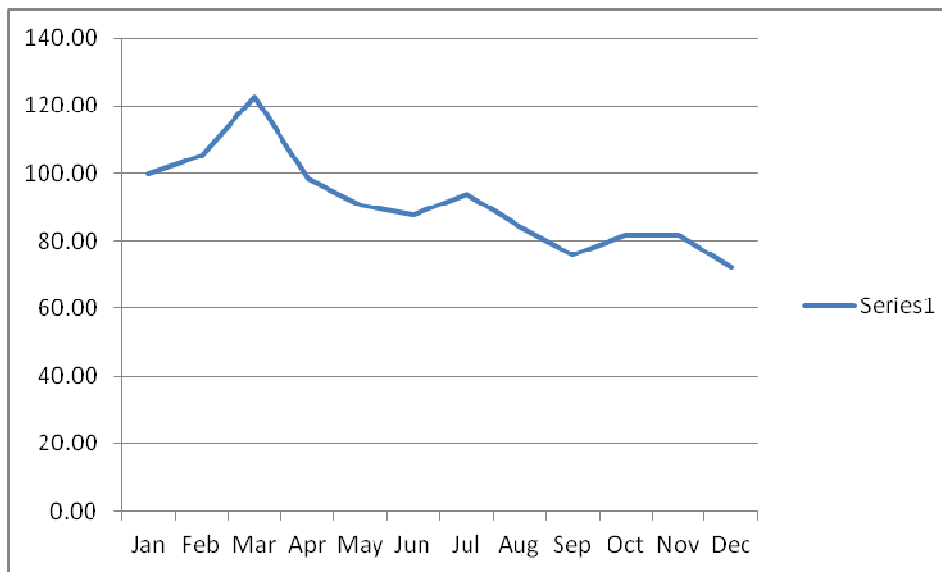
The East Yorkshire sample was also analysed by month of baptism in order to identify any annual period where conception among single women was more likely to occur. The product of this analysis can be seen in Figure 2.6, which shows that March had the highest number of illegitimate baptisms. It appears as a significant peak for the year and represents 13 per cent of the overall figure. Its prominence here may be due to the nature of the sample used, which consisted of 693 events.

However, if illegitimate baptisms were more prevalent in March then it suggests that the summer months of June or July was a time when conception was more likely to occur. This would seem to be a reasonable assumption bearing in mind the likely nature of the relationships that resulted in illegitimate births. It would, perhaps, require a larger sample and comparable data relating to all baptisms to evaluate more significant empirical value. It is interesting to note that out of 729 illegitimate baptisms only 120 fathers were named in the registers, which is only 4.1 per cent of all fathers.

To conclude, although the initial work on parish register data has been limited and largely outside the time frame of the intended study, it has been a valuable exercise in several ways. It has shown that the long term trend of illegitimacy in East Yorkshire more or less mirrored the national figures produced by Adair.

⁵⁸ T. Hitchcock, 'Unlawfully Begotten on her Body': Illegitimacy and the Parish Poor in St Luke's Chelsea' in T. Hitchcock, P. King and P. Sharpe (eds), *Chronicling Poverty; the Voices and Strategies of the English Poor, 1640-1840* (Basingstoke, 1997)

Figure 2.6. East Yorkshire Seasonal Index of Illegitimate Baptisms.



There were several periods when the East Yorkshire figures were very close to the national figures as given by Adair. Some of the apparent divergences may be attributed to the lack of consistent material, particularly from the largest parish in the sample in the second half of the time period. This has emphasised that a good, consistent run of available records is of paramount importance in assessing the validity of these data. This is particularly important as the study will of necessity be confined to a few parishes only, although places throughout the East Yorkshire area have been mentioned where they were pertinent to the research (see Figure 2.1). As perhaps would be expected it has also shown that the inclusion of a market town may have a significant impact on the resulting figures. In addition this has been a valuable exercise in data handling and has highlighted some useful points, particularly with regard to the recording and storage of data.

Chapter 3. Marriage, Illegitimacy and the Nature of Relationships.

Having discussed what we understand by illegitimacy in the previous chapter it is now necessary to take a closer look at its elementary cause, the failure of the parents to legitimise their relationship, and therefore their children, through the accepted process of recognised marriage. Marriage, therefore, is the essential component for a legitimate birth and some understanding of its history, legality and custom is required before any detailed examination of its relationship with illegitimacy can take place. This chapter will explore some of the historical changes that have affected the validity of marriage through the centuries. It will consider, briefly, attempts to regulate marriage practices, from medieval canon law, through the Commonwealth period, to the new civil regulations affecting marriage in the mid-eighteenth century. The social and economic influences on marriage will also be examined, including employment prospects and seasonality, pre-nuptial pregnancy and the various forms of irregular or unrecognised marriage. Failed marriages could be a significant factor in relation to illegitimacy so the nature of separation and divorce will also be considered, as will the circumstances relating to widows and subsequent relationships. Evidence will be drawn from East Riding records in order to illustrate the circumstances in individual cases, as well to provide a wider representation of events in the area.

All human societies devise sets of rules, whether implicit or explicit, to regulate behaviour within the group. Those who contravene the accepted norm nearly always suffer some form of censure from the rest of the community. Sometimes this may be quite extreme, such as banishment or death for serious transgressions, or, in other cases a mild reproach may be considered sufficient. What is deemed to be acceptable behaviour will differ from one society to another and from one generation to another.

These societal regulations, practised from primitive societies to modern western cultures are what provide the stability that allows mankind to live in reasonably peaceful co-existence. Marriage is one of the most important social institutions, common to all societies in one form or another. It was devised to regulate procreation and provide a recognised system of kinship and descent, which gives people their sense of belonging and status within the society concerned. It affords social authorisation to the children of such unions.¹ The form of these unions varies considerably, both between different societies and over periods of time. Therefore, it is necessary to examine, briefly, the development of the marriage laws in England and the effect they had on the question of legitimacy, before attempting to determine why it failed to take place in some relationships.

The recognition of marriage relies very much on each society's custom and practice. In Christian communities of the Middle Ages marriage was considered to be a private act, a free exchange of words between individuals, recognised by friends and neighbours as a binding union. This act alone constituted a valid marriage; a formal ceremony was not required although most unions were blessed and confirmed by priests before their local congregations. As Peters explained

Marriage, as Canon Law maintained, could be enacted entirely in the lay sphere, requiring only the consent of the partners to be valid. Alone of all the sacraments it could be contracted without clerical participation and a religious invocation.²

¹ L. Mair, *An Introduction to Social Anthropology* (Oxford, 1965), p.75.

² C. Peters, 'Gender, Sacrament and Ritual: the Making and Meaning of Marriage in Late Medieval and Early Modern England, *Past and Present* No. 169 (November, 2000), pp. 63-96.

In 1200, in an attempt to exercise more control over marriages, the Archbishop of Canterbury decreed that weddings in his province were to be conducted publicly, in the presence of both priest and congregation and preceded by three public declarations of intent to marry.³ This calling of banns was later decreed canon law by Pope Innocent III in 1215, and therefore extended to all Christendom.⁴ However, there was still a great deal of controversy surrounding the religious ideology of marriage. Over the centuries since 1215 attempts had been made by the church to regulate marriage. These had included canons and diocesan statutes relating to the public nature of marriage, the presence of an officiating priest and witnesses, the reading of banns, enquiries into any impediments to the marriage, and even the time and location of the event. While accepting that freedom and consent were primary elements, the Church's attempts to regulate marriage were driven by the desire to prevent unsuitable and even incestuous relationships from taking place, and to establish the legitimacy or otherwise of the children of such unions.

Valid marriage had to be made by free choice with the consent of both partners and no other ceremony or religious involvement could supersede this fundamental requirement.

An indissoluble union could be created solely by the consent of the two parties expressed in words of the present tense...Neither solemnisation in church, nor the use of specially prescribed phrases, nor even the presence of witnesses, was essential to an act of marriage.⁵

³ R. B. Outhwaite, *Clandestine Marriage in England 1500-1850* (London, 1995), p.4.

⁴ Medieval Sourcebook, Twelfth Ecumenical Council: Lateran 4, 1215, Canon 51 at <http://www.fordham.edu/halsall/basis/lateran4.html>. (Accessed 1 July 2014).

⁵ M. Ingram, *Church Courts, Sex and Marriage in England 1570-1640* (Cambridge 1987), p.132.

Essentially this situation pertained until Lord Hardwicke's Marriage Act of 1753 became law in 1754, to which we shall return later.⁶ Before this, however, there had been previous attempts at regulating and registering significant life events such as birth, marriage and death, although it was only marriage that was required to record the event itself; baptisms and burials rather than births and deaths were the events generally noted following the introduction of parish registers in 1538. Thomas Cromwell, in his capacity as Vicar-General to Henry VIII, ordered each parish to keep a register of baptisms, marriages and burials and to procure a secure coffer in which to house them. Although there had been previous attempts to record some events, such as genealogies of leading families and occasional notes kept by monastic houses or local incumbents, Cromwell's edict was the first real national system. The keeping of these early records was not uniform and many were recorded on loose sheets of paper until another edict, in 1597, required them to be copied into a bound parchment book and all subsequent entries to be so recorded. In addition a copy of the entries was to be sent to the bishop's office annually.

The problems relating to parish registers and their usefulness are discussed elsewhere in this work but it is appropriate to mention here some explanation for their establishment. Although this chapter is related to the nature of marriage, and its consequences for illegitimacy, baptismal records have a particular relevance. Canon law decreed that there were degrees of consanguinity and affinity which prevented marriage between certain individuals. In 1497, forty years before Cromwell's intervention, Spanish churchman, Cardinal Ximenes, instituted a system of baptismal registration in Toledo in an attempt to reduce the number of divorces that were disguised as nullified

⁶ HCPP, 26 Geo II. c.33 (1753). *An Act for the Better Preventing of Clandestine Marriages* commonly referred to as Hardwicke's Marriage Act.

marriages on the grounds of affinity.⁷ He required that baptismal records should include the names of the child's sponsors or godparents who many Churchmen believed were spiritually related to the child and his family. This meant that couples wishing to marry could find that they were within the prohibited degrees of affinity if one of their family members had stood sponsor to a member of their intended partner's family. Tate quotes the case of John Hawthorn of Tunbridge who was charged with incest in 1463 for marrying a goddaughter of his first wife, even though there was no family or blood relationship.⁸ Baptismal records that gave the names of sponsors provided clear information regarding affinity and therefore helped to prevent what were considered to be unsuitable marriages. They also, as was the intention, made it more difficult for those couples who wished to end their marriage to do so under false claims of affinity. An attempt was also made to include this information in English parish registers in 1555, when Cardinal Pole instructed his bishops to check, during their visitations, that sponsors' names were recorded. However, this order never seems to have been universally obeyed and within a few years was disregarded.⁹ Occasional entries recording godparents can be found among East Riding parish registers, particularly those of Burton Fleming (formerly North Burton).¹⁰ Here godparents' names were routinely entered between 1577-1599 but, based on a sample of twenty-three parish registers, this seems to be the exception, rather than the rule, for this region.¹¹ Parish register entries across the region vary considerably in their quality and content, mostly depending upon the efficiency or otherwise of the clergyman and his churchwardens. Accurate baptismal records also established, of course, hereditary rights to succession and property and confirmed legitimacy. These were the issues at the forefront of the

⁷ Ibid. p.47.

⁸ W. E. Tate, *The Parish Chest: A Study of the Records of Parochial Administration in England* (Cambridge, 1983, 3rd edn), p.43.

⁹ W. Bradbrook, *The Parish Register* (London, 1910), p.29. Archive CD Books Ltd, Facsimile ed. (Cinderford, 2006).

¹⁰ East Riding Archives and Local Studies (ERALS), Ref. PE 8/1, Burton Fleming Parish Registers 1538-1737.

¹¹ Ancestry.com. *English Parish Records, Yorkshire, East Riding*, CD-ROM (Utah, 2001).

move to regulate marriages and were among the significant factors in the drive to revolutionise the laws on marriage, culminating in radical changes in the middle of the eighteenth century. There was, however, an earlier period of marriage legislation that should be considered at this point.

In 1652, during the Commonwealth period (1649-1660), an extra-parliamentary committee, under the chairmanship of Matthew Hale, was charged with looking into 'inconveniencies' and 'irregularities' in the law, and to suggest 'the speediest way to reform the same'.¹² One of the areas investigated, by what has come to be known as the Hale Commission, was that of marriage. The Commission's recommendations for the reform of the marriage laws were immediately adopted by Cromwell's government the following year. The Marriage Act of 1653 made significant and fundamental changes to the legality of marriage, and although lapsed at the Restoration, some elements of the reforms were forerunners to what we regard as legal requirements to a modern marriage. It was enacted that there should be a publication of the intent to marry. The names, surnames and places of abode of the parties, along with the names of their parents were to be sent to the local Register who was to ensure that they were broadcast on 'three several Lords-days then next following, at the close of the morning Exercise, in the publique Meetingplace commonly called the Church or Chappel or ...in the Market-place ...on three Market days...between the hours of eleven and two...'¹³ A certificate was to be issued upon compliance with this requirement, without which the intended marriage could not take place. The marriage was to take place before a Justice of the Peace and two or more credible witnesses, with the couple joining hands and using a prescribed form of words as laid down in the Act. The consent of the parents was

¹² M. Cotterell, 'Interregnum Law Reform: The Hale Commission of 1652', *English History Review*, Vol. 83, No. 329 (October, 1968), pp. 689-704.

¹³ C. Firth and R. S. Rait (eds), *Acts and Ordinances of the Interregnum, 1642-1660* (1911), 'August 1653: An Act Touching Marriages and the Registering Thereof; and also Touching Births and Burials', pp. 715-718. <http://www.british-history.ac.uk/report.aspx?compid=56495>, (Accessed: 27 June 2014).

required for anyone under the age of twenty-one. This all being fulfilled the marriage was 'good and effectual in Law' and, as from the 29 September of that year, 'no other Marriage whatsoever within the Commonwealth of England...shall be held or accompted a Marriage according to the Laws of England.'¹⁴ This was, in effect, the first civil marriage process laying down strict conditions for a legal and valid marriage, which excluded both the clergy and religious symbolism. The Act also raised the age of consent from fourteen to sixteen for males and from twelve to fourteen for females. The earlier ages had been considered by the medieval church to represent puberty and so ensure that the couple were capable of procreation.

The 1653 Act also required that each parish elect a 'register' to ensure all marriages were recorded in a book of 'good Vellum or Parchment'.¹⁵ Births and burials were also to be recorded in a like manner. Bradbrook stated that during this period parish registers were 'imperfectly kept'.¹⁶ To some degree this view is upheld by Drake who argued that although in some places the Act improved the physical appearance and detail in the registers, in others it appeared to have been ignored, and that many registers had continued to be neglected, as they had been since the 1640s.¹⁷ Several East Riding marriage registers show greater detail in the brief period between 1653-1659 than in any other and it is clear that some parishes were at pains to comply with the new regulations. The following entry from the Hedon parish register of 30 August 1655 is typical of the marriage entries in the town during this period and it is worth quoting in full here as an example of such compliance.¹⁸

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ W. Bradbrook, *The Parish Register*, p.6.

¹⁷ M. Drake, 'An Elementary Exercise in Parish Register Demography', *Economic History Review*, New Series, Vol. 14, No. 3. (1962), pp.427-445.

¹⁸ M. Craven, *The Hedon Parish Registers*, Vol. 1. (Beverley, 1993), pp.43-51.

Richard Peareson of Thorngumbald within the prsh of Paule
Laborer and Marie Blashell of the towne and parish of Humbleton
were Married by Mr Thomas Burton Maior of the towne and
Corporation of Hedon and Justice of peace within the same Libties
therof. Publicon therof being made in the open Markitt at Hedon
three severall Markitt daies before (to witt) upon the fourth, the
Eleventh and the Eighteenth daies of August 1655, betweene the
hours eleven and two of the Clocke according to the late Acte of
Parliament and noe opposicon made.¹⁹

Some parish officials were content with much briefer entries, such as that at Patrington
on 6 July 1658.

Henry Foster of Esinton and Mary Bouth of Kingston upon Holl
being three times published in the market according to act of
Parlayment was mared.²⁰

In others, such as at Rillington and Kirk Ella most of the entries remained as they had
always been, a brief note of the names and the date of the marriage.²¹ Entries of
marriage in the registers of the East Riding are therefore very variable, lending credence
to Drake's view that many parishes ignored the edict and continued as before, while
others produced clear and detailed records for a time.

¹⁹ Ibid. p.45.

²⁰ , Ancestry.com., *English Parish Records, Yorkshire, East Riding*, (2001). Patrington Parish Registers 1570-1731.

²¹ Ibid. Rillington Parish Registers 1638-1812 and Kirk Ella Parish Registers 1558-1837.

Such, then, was the requirement for a valid and legal marriage during this brief period. However, by 1657, following an attempted revision of the Act, the clause declaring no other marriages to be 'held or accounted a marriage' was removed.²² From this date the detailed entries of marriage in some of the East Riding registers began to give way to the brief recording of the event. The last detailed entry for the parish of Hedon was made on 19 October 1657, more than two years before the restoration of the monarchy.²³ The civil ceremonies of the Interregnum had only served to add more confusion over marriages. The reduction of religious involvement and the obviation of many of the accepted rituals surrounding marriage may have led to further irregularities as people sought to satisfy their beliefs. It is possible that some engaged in marital rites other than those prescribed by law and believed themselves to be man and wife. Outhwaite argued that because of the changes in the 1640s and 1650s 'large numbers of people had departed from the strict dictates of the law, marrying themselves in all sorts of irregular ways'.²⁴ In an attempt to deal with the ensuing confusion an Act for Confirmation of Marriages was passed in 1660, whereas any 'diverse marriages' entered into 'since the beginning of the late troubles (that) have beene...solemnized in some other manner then hath formerly beene used and accustomed...shall be adjudged as if such marriages had been solemnized according to the Rites and Ceremonies (of) the Church of England'.²⁵ Although this act was intended to re-establish the practice of marriage according to the rites of the church it did not end irregular marriage customs. Throughout the latter part of the seventeenth and the first half of the eighteenth centuries several Bills appeared before Parliament aimed at putting an end to clandestine marriages, particularly those involving minors. Many of these Bills were never enacted but they do serve to underline the confused state of the marriage laws.

²² Outhwaite, *Clandestine Marriage*, p.12.

²³ M. Craven, *The Hedon Parish Registers*, Vol. 1. (Beverley, 1993), p.51.

²⁴ Outhwaite, *Clandestine Marriage*, p.13.

²⁵ J. Raithby (ed), *Statutes of the Realm: Volume 5: 1628-80* (1819), pp. 29, *An Act for Confirmation of Marriages.* 1660. <http://www.british-history.ac.uk> Accessed 1 July 2014.

The situation was further complicated by the introduction of the Marriage Duty Act of 1695, when a tax of five shillings was raised on every marriage licence and certificate issued.²⁶ It is not surprising, therefore, that irregular marriages continued to take place. Marriage by a priest, without banns or licence was still valid and indissoluble. It is during this period that many clandestine marriages were conducted, particularly by clergymen serving prison sentences. Having already lost their liberty and livings they had little to fear from the authorities. The Fleet, a London debtors' prison, and its environs, became notorious for such ceremonies which were originally performed in the Fleet Chapel but which later took place in quasi chapels in local taverns and 'marriage shops'.²⁷ Fleet registers began in 1674 and Cox tells us that they abound with aristocratic names, although they have never been accepted as legal evidence of marriage.²⁸ There were other notorious chapels throughout the country that attracted runaway couples and those seeking to make an irregular or illicit marriage. In one such, Dale Abbey Chapel in Derbyshire, the marriages were conducted by the parish clerk for a fee of one shilling. In 1690 thirty-six marriages took place in this tiny extra-parochial chapel, where the yearly average number might be expected to reach about three events.²⁹

From medieval times to the middle of the eighteenth century the exchange of consent remained the fundamental legal premise for a legal marriage. Irregular and clandestine marriages may have incurred the censure of church and family but they, nevertheless, remained valid. What were the reasons behind such events and why did people engage in this form of marriage? Irregular marriages were not necessarily clandestine; there

²⁶J. Raithby, *Statutes of the Realm: Volume 7: 1695-1701* (1820), pp.153-154, *An Act for the Inforcing the Laws Which Restraine Marriages Without Licence or Banns and for the Better Registering of Marriages Births and Burials*, <http://www.british-history.ac.uk> Accessed: 1 July 2014.

²⁷ Outhwaite, *Clandestine Marriage*, p.47.

²⁸ J. Charles Cox, *Parish Registers of England*, p.93.

²⁹ *Ibid.* p.94.

may have been no intention to conceal the marriage and the participants did not enter into any kind of secret contract. They merely conducted their marriages without one of more elements of the accepted practice of the church or state. They may have undergone a 'handfasting' ceremony, described by Menefee as 'an exchange of promises, before witnesses, with a joining of hands, by the man and woman involved', an accepted custom that survived in northern areas into the eighteenth century.³⁰ Catholics and Protestants may have undergone marriage according to their own religious rites. The upper classes often married in their own homes which, strictly speaking, was an irregular marriage. A marriage may have taken place in some haste, without a licence or the publication of banns, or minors may have married without the consent of parents. Ingram even reports that in some instances the 'poor resorted to a clandestine ceremony to evade parochial opposition to their getting married in case they burdened the poor rates'.³¹ There may have been issues of consanguinity that prevented a church wedding, (a particular issue throughout the nineteenth century, and one which is discussed in greater detail later in this chapter) or people unable to divorce deserting spouses may have resorted to a ceremony in a distant parish. The majority of irregular marriages were valid unions and unless some fundamental impediment, such as bigamy or forced participation, could be proved they were indissoluble.

The growth of irregular and clandestine marriages after the Restoration caused serious concern, not only among churchmen, but also among the wealthier classes, who feared the threat to property and inheritance rights through unsuitable elopements. It was estimated that by 1740 there were over 6,600 marriages a year in the Liberties of the Fleet alone and that at least half of all Londoners were choosing to marry in this way.³²

³⁰ S. P. Menefee, *Wives for Sale: an Ethnographic Study of British Popular Divorce* (New York, 1981), p.10.

³¹ M. Ingram, *Church Courts*, p.214-5.

³² Outhwaite, *Clandestine Marriage*, p.31.

However, not all Fleet marriages were between London couples. Although the majority of people participating in these ceremonies were from London or its neighbouring counties, there were others who had travelled far from home, including some East Yorkshire couples. A Hull mariner, John Barton, married Jane Bambridge, from Surrey, in the Fleet in 1728.³³ It is, perhaps, not so surprising that a seafarer should find himself in London, where he met and married a girl from the southern counties. It is understandable that they might have preferred a clandestine marriage for its speed and low costs. Perhaps John had to rejoin his ship and could not afford the time for banns to be read. However, it is more difficult to explain why a Walkington farmer, Thomas Elliot, should travel to London in 1749 to marry Walkington woman, Martha Pringle.³⁴ Perhaps something prevented their marriage being celebrated locally, as the expense of travel must surely have exceeded any saving on marriage fees.

It was in this climate of unease that Hardwicke's Marriage Act succeeded where other attempts to regulate marriages had failed. Named after the Lord Chancellor of the day, this Act came into force in March 1754 and ended the process of marriage by the simple act of affirmation before witnesses. Following the appeal of a celebrated case in which a twenty-year irregular marriage was challenged, after the death of the husband, by a previous wife, also irregularly married, the Lords ordered that a bill be prepared to regulate clandestine marriages.³⁵ From this time all marriages were required to be celebrated in churches or chapels of the Church of England (exceptions being made in the cases of Quakers and Jews only). The proclamation of banns in the places of residence of both bride and groom were to be recorded and the wedding was to take

³³ M. Herber, *Clandestine Marriages in the Chapel and Rules of the Fleet Prison 1680-1754, Volumes 1-3*. (CD) (Salisbury, 2007), RG7/403, Entry 193, 25 Jun 1728.

³⁴ Ibid. RG7/162, Entry 430, 13 Mar 1749/50.

³⁵ *Cochran v Campbell* 1753, as cited in L. Leneman, 'The Scottish Case That Led to Hardwicke's Marriage Act', *Law and History Review*, Vol. 17, No. 1. (Spring, 1999), pp.161-169.

place in one of the churches where the banns had been called. The marriage was to be recorded in a separate book with numbered entries in a prescribed format. These entries were to be signed by both parties and by two witnesses. Marriage by licence was still accepted but had to be conducted in the parish where one of the parties had been resident for a four-week period.³⁶ These changes to the marriage laws were not instigated in Scotland, an omission that led to the popularity of Gretna Green as a venue for runaway marriages. Hardwicke's Marriage Act laid down clear guidelines for a legal marriage and any subsequent union that did not comply was deemed null and void. Parker attributes the successful passage of the Act to the changes in society that were taking place at this time, especially the growth of the merchant classes whose domestic lives he already likened to the later Victorian middle class. There was, he argued, 'an outburst of indignation about the general debasement of marriage'.³⁷ Popular marriage customs were seen as vulgar and the common people who indulged in them as superstitious and irrational. There was, however, considerable opposition to the stricter controls on marriage. The Act has been described as 'one of the most controversial and divisive measures that passed into law during the eighteenth century'.³⁸ The propertied classes welcomed the parental and residential restrictions and the end to secret marriages. They approved the public nature of marriage, inherent in the new act, as a barrier to bigamous marriages, which had become something of a problem to them. A previous clandestine marriage could threaten the legitimacy and inheritance of a publicly acknowledged family. Sir Dudley Ryder, the Attorney General, commented that

...every gentleman... conversant in the practice of the law knows
that a number of expensive lawsuits are thereby occasioned about

³⁶ HCPP, 26 Geo II. c.33 (1753), Hardwicke's Marriage Act.

³⁷ S. Parker, *Informal Marriage, Cohabitation and the Law, 1750-1989*, (Basingstoke, 1990), p. 38.

³⁸ D. Lemmings, 'Marriage and the Law in the Eighteenth Century: Hardwicke's Marriage Act of 1753.' *The Historical Journal*, Vol. 39, No. 2. (1996), pp.339-360.

the legitimacy of children and how difficult it often is to determine whether parents are married or no....³⁹

But what pleased the elite did not find favour with others. Henry Fox, an ambitious politician who had himself clandestinely married an heiress, argued that the Act would prevent marriage between classes, serving to strengthen the political power of the nobility.⁴⁰

The wealthy merchant classes were also more likely to oppose changes that made it more difficult to gain social status through marriage. Fox argued that the poor would be discouraged from marrying. He believed that the cost of the parson's fees would be prohibitive and that the time delay of one month, to allow for the reading of banns, would leave one of the couple, particularly the woman, susceptible to abandonment. He also believed that the illiterate poor would be discouraged by the necessity of signing the parish register. He declared that the proposed marriage bill would 'put almost an entire stop to marriage among the poorest and most laborious part of our people.'⁴¹ In a similar vein, Robert Nugent argued that a poor pregnant girl was likely to be abandoned to parish relief if a swift and private marriage could not be arranged. The residential clause would also present problems for those men whose work required them to move round, such as seamen, bargemen, waggoners and soldiers.⁴² Sir Charles Townsend declared that 'of all the consequences that must ensue from the passing of this Bill into a law, that of preventing marriage and promoting fornication among our poor will be the most pernicious.'⁴³ Newman, in her work on a Kent parish, noted that it was 'very noticeable that the numbers of bastards recorded jump after 1754' and that although

³⁹ W. Cobbet, *Parliamentary History of England*, Vol. 15, (London, 1806-20), p.7.

⁴⁰ S. Parker, *Informal Marriage*, p.42.

⁴¹ W. Cobbet, *Parliamentary History*, p.70.

⁴² *Ibid.* pp.17-19.

⁴³ *Ibid.* p.60.

mariages in church seemed to have increased she concluded that ‘only a minority of those previously using common law forms of marriage were persuaded to come to church.’⁴⁴ Of the East Riding sample of parishes, where data are available for the relevant time period, most do show a considerable increase in recorded bastardy following the 1754 Act, which seems to follow the trend observed by Newman (see Table 3.1).

Table 3.1. Recorded Illegitimate Baptisms Before and After the 1753 Marriage Act for Selected East Riding Parishes.

Parish	1733-53	1754-74	% Change (rounded)
Atwick	8	10	25.0
Brandesburton	3	15	400.0
Bubwith	16	27	68.8
Burton Fleming	1	4	300.0
Cherry Burton	4	10	150.0
Hedon	15	21	40.0
Paull	11	5	-54.5
Rillington	5	10	100.0
Sculcoates	1	6	500.0
Thorpe Bassett	2	6	200.0
Winestead	6	6	0.0
Wold Newton	0	4	∞
Total	72	124	72.2
Unweighted Ave	6.0	10.3	72.2

⁴⁴ A. Newman, ‘An Evaluation of Bastardy Recording in an East Kent Parish’, P. Laslett, K. Oosterveen and R. M Smith, *Bastardy and its Comparative History*, (London, 1980), pp.141-157.

With the exception of Winestead, where there was no apparent change, and Paull which appeared to experience a decrease, the percentage rises in recorded bastardy in the parish registers was quite startling. Of course, the low numbers involved mean that only a small increase can show a dramatic percentage rise. However, as the average for all parishes shows, there was a seventy-two per cent increase in this sample overall.

It should be remembered that these figures show an increase in recorded bastardy and do not necessarily indicate a change in established habits or morality. Before the introduction of the Act it must have been difficult for an officiating minister to know the exact marital status of the parents of the baptised child. After the Act it was much clearer and the children of parents whose relationship did not have the benefit of a church ceremony were much more likely to be recorded as illegitimate after the passing of the Act than they were before. Therefore the increasing illegitimacy figures for the second half of the eighteenth century, which Laslett identified in his data from ninety-eight parishes around the country, may, in part, have been accounted for by more meticulous recording and enhanced perceptions of legal marriage.⁴⁵ One exponent of this explanation as an underlying cause of bastardy is Meteyard, who argued that Hardwicke's Act changed the definition of marriage and that this upset bastardy trends by bringing more children into the illegitimacy grouping than before, and accounted for the increase towards the end of the eighteenth century.⁴⁶ Adair pointed out that this explanation had some credence in the fact that there was a significant rise in repeater ratios (the proportion of women recorded as having more than one illegitimate child) in the late eighteenth century, but he argued that it is weak in other ways. There was, he said, no sudden surge in the illegitimacy ratio following Hardwicke's Act in 1754, but a continued regular upward curve for several decades to the end of the century. The

⁴⁵ Laslett, et al, *Bastardy and its Comparative History*, p.24.

⁴⁶ B. Meteyard, 'Illegitimacy and Marriage in Eighteenth Century England', *Journal of Interdisciplinary History*, 10.3 (1980), pp. 479-89.

evidence from the sample of East Riding parishes taken from before and after the instigation of the Act would appear to contradict Adair's view, and Laslett's figures clearly show a sharp increase in the second half of the eighteenth century, although this appears to be part of a trend that began after the Commonwealth period.⁴⁷ However, Adair did accept that the principle involved was an important one as the legal definitions of illegitimacy and marriage were not always clear-cut and '...the essential point is that neither canon law and civil law nor theory and practice coincided exactly.'⁴⁸ The second half of the eighteenth century was also a time of social and economic change and it is possible that changing work conditions and population growth contributed to the increase in illegitimacy. It is difficult to assess how much of the post Hardwicke increases may be attributed to these factors, rather than stricter recording in parish registers.

If the clandestine marriages of the seventeenth and eighteenth centuries were referred to as 'irregular' through the nature of the ceremony, other valid unions, such as an exchange of words or compliance with local marriage customs could be termed informal marriage. It is difficult to assess how the children of these informal marriages may have been recorded in the parish registers. It is thought that immediately following Hardwicke's Marriage Act such baptisms could have acted to increase the illegitimacy ratio as local knowledge prevailed and incumbents registered them as illegitimate. However, other factors may have influenced the actual illegitimacy ratio and stricter recording may not be solely responsible for the increase.

There was a third class of union, cohabitation, where often the relationships were longstanding and to all intents and purposes acted in the same way as a marriage. If the

⁴⁷ Laslett, et al, *Bastardy and its Comparative History*, p.24.

⁴⁸ R. Adair, *Courtship, Illegitimacy and Marriage in Early Modern England*, (Manchester, 1996), p.9.

couple had remained in their local parish then their children may have been recorded as illegitimate. There is certainly evidence of this in nineteenth century parish registers. One such case is that of Ann Balance of Paull, who presented her son, Robert for baptism in 1839. Anne Smith and Joseph Balance married in Paull in 1831 and had two daughters by 1834.⁴⁹ But Joseph had then gone to America and later returned to find Anne 'married' to James Dickinson, a fact duly noted in the baptism register by the local clergyman in 1839.⁵⁰ Despite Joseph's return Anne and James continued to live as man and wife and brought up their illegitimate children in a family unit without the benefit of formal marriage. Similarly, when Mary Lamming of Newport took her son George for baptism a note was added to the register making it clear that she was 'the real wife of Thomas Lamming, a sailor, but now living as the reputed wife of John Hill of Newport'.⁵¹

Cohabitation was by no means uncommon in the days when divorce was difficult and costly to obtain. Many couples lived together in longstanding informal relationships and gained public sanction by reputation. Nevertheless, partners of such relationships were vulnerable and should one wish to leave there was no sanction in law to prevent them. Interestingly, as Frost has pointed out, cohabitation in the nineteenth century was not so far removed from formal marriage.⁵² Although cohabitation lacked the sanction of the church and the state the partners had often undergone a ceremony of some kind, set up home together and raised children in a stable family unit. Following the introduction of the 1836 Registration Act (which became law in July 1837) the difference, between those who were legally married and those who were not, became

⁴⁹ ERALS, Ref. PE 39/9, Paull Marriages 1814-1837 and Ref. PE 39/4, Paull Baptisms 1813-1841

⁵⁰ Ibid. Ref. PE 39/4, Paull Baptisms 1813-1841.

⁵¹ Ancestry, *English Parish Records: Yorkshire, East Riding*, (2001).

⁵² G. S. Frost, *Living in Sin; Cohabiting as Husband and Wife in Nineteenth Century England*, (Manchester 2008), p.11.

less distinct by the removal of the requirement for a religious service.⁵³ Hardwicke's Act had created a particular problem for dissenters whose own religious marriage ceremonies became invalid. This was addressed by the 1836 Act, which allowed for civil ceremonies performed by local Registrars. This provided the necessary legality while allowing the couple to undergo a religious ceremony according to their own beliefs. The question of marriage as a religious sacrament became a matter of personal faith with the introduction of this civil process, allowing couples to avoid a religious ceremony altogether but still have a marriage with legal status. Before July 1837 there were three places of worship in Yorkshire, not belonging to the Church of England, which were registered to perform marriage services. By the time of the Registrar General's first report in 1839 this figure had risen to 123, indicating that dissenting populations were keen to take advantage of the change in the marriage laws.⁵⁴

The reasons why a couple chose to cohabit rather than marry may be as various as the individuals themselves but the majority of cohabiting relationships were probably influenced by one of two particular sets of circumstances; the difficulty of obtaining legal divorce and the laws of consanguinity. From the late seventeenth century divorce, with permission to remarry, was possible through an Act of Parliament, an expensive and lengthy process only usually undertaken by aristocrats in need of an heir. Legal separation was possible but it did not terminate the marriage and new partnerships had no legal recognition. When Elizabeth and William Bartindale of Old Malton agreed to separate shortly after their marriage c1813 a Deed of Separation was drawn up. However, her new relationship with William Luckup of Langtoft, with whom she lived 'as his wife until her death' c1828, resulted in their daughter, Hannah later being threatened with removal to Old Malton. As Bartindale, was still the legal husband the

⁵³ HCPP, 6 & 7 Will. 1V. c.85 (1836), *A Bill for Registering Births, Deaths and Marriages in England*.

⁵⁴ HCPP, *First Annual Report of the Registrar-General of Births, Deaths, and Marriages in England*. (1839).

law presumed him to be her father unless non-access between himself and Elizabeth could be proved.⁵⁵ It was not until 1857 that divorce was possible through the law courts and remarriage was possible, giving the children of subsequent relationships legitimate status

The most common form of breaking a marital relationship, especially for the poorer classes, was desertion. It was usually, but not exclusively, the husband who left his wife and family. In some cases he may have returned, as did Joseph Balance of Paull, but this did not mean that the marriage was resumed.⁵⁶ As we know, Ann had entered into another relationship which had resulted in a new, but illegitimate family. Others left their families with no means of support, as did James Johnson of Bewholme in 1838, leaving the parish officers to enquire into his whereabouts as he had ‘deserted his wife and family who are...chargeable to that Township.’⁵⁷ Similarly, Hull shoemaker, William Barf, deserted his wife and children in October 1853, leaving them chargeable to the parish of Holy Trinity, Hull, prompting the Guardians to offer a one pound reward for his apprehension.⁵⁸ Desertion became a matrimonial offence under the 1857 Matrimonial Causes Act, which moved the jurisdiction of divorce from the ecclesiastical courts to the civil courts and negated the necessity for an expensive Act of Parliament. Under this Act it was also possible for a deserted wife to apply for a partial separation order through the magistrates’ courts, which allowed her to resume the rights of a single woman with regard to her property and assets but did not leave her free to re-marry.⁵⁹ Anderson’s research indicated that this was a popular device used by deserted wives to protect the assets they had acquired since the disappearance of their husbands.

⁵⁵The National Archives (TNA), Ref. MH12/ 14272, Correspondence with Poor Law Unions (Driffeld Union), 25 April 1838.

⁵⁶ ERALS, Ref. PE 39/4, Paull Baptisms 1813-1841.

⁵⁷ TNA, Ref. MH12/14384, Correspondence with Poor Law Unions, (Skirlaugh Union), 23 February 1838.

⁵⁸ *Poor Law Unions’ Gazette*, 25 April 1857.

⁵⁹ HCPP, 20 & 21 Vict. c.85 (1857), *An Act to Amend the Law Relating to Divorce and Matrimonial Causes in England*.

In 1859 there were 719 such orders granted nationally compared with fifty-two divorce and thirty judicial separation orders on wives' petitions.⁶⁰ Divorce, although more accessible, was a complicated process through the high court and it was not until the twentieth century that it became a popular method for ending a marriage. Most of the marriages of the nineteenth century would only have been officially terminated by the death of one of the partners.

It is, therefore, not surprising that unofficial methods of divorce were occasionally sought by those wishing to end an unhappy marriage. Although always deplored by officialdom and the popular press one such method was wife-selling. Menefee established that the practice could be found throughout the country during the eighteenth century but was largely confined to the industrialised north by the late nineteenth century, particularly in the West Yorkshire town of Sheffield. Menefee suggested that this was possibly due to Yorkshire tenacity combined with the insular nature of the Sheffield community.⁶¹ It was believed by the participants that a marriage could be terminated by offering the wife for sale in the open market place, often attached to a rope or halter of some kind. The halter was a symbolic representation of the selling of livestock and the market place was chosen to establish an overt transaction before witnesses. The majority of such sales were by mutual agreement and the wife was usually 'sold' to an established lover or pre-arranged purchaser rather than a complete stranger. The sale was a device to end a marriage publically and not necessarily a commercial transaction, although it was staged to appear so for pseudo-legal reasons. The custom appeared to be prevalent around the end of the Napoleonic wars when Thompson tells us that

⁶⁰ O. Anderson, 'Emigration and Marriage Break-up in Mid-Victorian England', *Economic History Review*, Vol. 50, 1 (1997), pp. 104–109.

⁶¹ Menefee, *Wives for Sale*, p.31-2.

In the manufacturing districts in 1815 and 1816 hardly a market day passed without such sales month after month. The authorities shut their eyes at the time, and the people were confirmed in the perfect legality of the proceedings.⁶²

At Bridlington in 1838 an agricultural labourer named Mowthorpe was so confident of the legality of such sales that he even approached the auctioneers to conduct the sale of his wife. On their refusal he led his wife to market with a halter around her neck and sold her for two sovereigns, under the ‘vulgar notion...that a man may, with a halter...dispose of his wife, and that the bargain is binding on all parties.’⁶³ Hull market was also the scene of a notorious wife sale in 1806 where such a crowd gathered when John Gowthorpe presented his wife for sale that he was ‘obliged to defer the sale and take her away’. He returned later that day when she was ‘delivered in a halter to a person named Houseman, who had lodged with them four or five years.’⁶⁴ Gowthorpe’s wife was sold for twenty guineas, a particularly high price, to someone well known to her. This infers that the arrangement had been made before the public display of transference. Perhaps the large crowd at the earlier sale attempt had put such an arrangement in jeopardy and the proceedings were postponed until a smaller gathering assured success. Within a few days Gowthorpe ‘married’ the much younger Mary Sellers, who later declared that she had been persuaded to marry him by his ‘former’ wife, which appeared to demonstrate the wife’s collusion in the whole affair.⁶⁵ Wife sales appeared to be an acknowledged means of breaking a marriage among the labouring classes. They were conducted before witnesses and were intended as a declaration of severance. Although the practice was deplored by the press and the

⁶² E. P. Thompson, *Customs in Common: Studies in Traditional Popular Culture* (New York, 1993), p.443.

⁶³ *The Hull Packet and East Riding Times*, 28 October 1838.

⁶⁴ *Hull Packet*, 15 February 1806.

⁶⁵ *Hull Packet*, 25 August 1810.

authorities it was not the sale itself that was pursued through the courts but the subsequent bigamous marriages of the couples involved.

With divorce being realistically impossible for the majority of people many married couples lived apart either through mutual consent or desertion. Often new informal relationships were entered into and the couple lived as husband and wife without the endorsement of the law, even if they had that of their friends and neighbours. Some couples entered into bigamous marriages and risked the penalty of the courts. In 1828 bigamy became a felony and as such carried a maximum sentence of seven years transportation. Under the same act married persons who had neither seen nor heard of their spouses for a period of seven years could not be tried for bigamy, although any marriage they may have entered into was invalid.⁶⁶ Despite the fact that bigamy cases appear regularly in the Assize courts (between 1855 and 1860 there were forty-three people charged with bigamy offences; between two and thirteen cases at each of the sessions of the York Assizes⁶⁷) Frost has estimated that only one case in five was ever prosecuted and those that were often resulted in light sentences.⁶⁸ There did appear to be considerable differences in sentencing, perhaps reflecting public sympathy in individual cases. In 1845, after telling the accused what steps he should have taken to end his first marriage legally before embarking on his second, Mr Justice Maule, of the Midland Circuit, commented to a poor bigamist that

Sitting here as an English judge it is my duty to tell you that this is not a country in which there is one law for the rich and another for the poor. You will be imprisoned for one day.⁶⁹

⁶⁶HCPP, 9 Geo. IV, c.31 (1828) *An Act for Consolidating and Amending the Statutes in England Relative to Offences Against the Person*.

⁶⁷ERALS, Ref. QSA/3, York Assizes Calendar of Prisoners at <http://www.eastriding.gov.uk> Accessed 04 July 2014.

⁶⁸Frost, *Living in Sin*, pp.72-75.

⁶⁹Menefee, *Wives for Sale*, p.25.

This attitude contrasts sharply with the sentence handed down to John Moore at the York Assizes in 1800 when he received the maximum sentence of seven years transportation. In 1810 the previously mentioned wife seller, John Gowthorpe, narrowly missed a similar fate. In his trial for bigamy the judge censured his ‘indecent conduct...in exposing his wife in the public market’ and was only induced to spare him transportation because of his advanced age.’⁷⁰ He was fined five pounds and imprisoned for one year. Others may have believed themselves free to marry. Maria Waulby, the daughter of a Hull merchant, was convicted of bigamy in 1827 and sentenced to fourteen days imprisonment. She claimed her first marriage in 1822 was invalid because she did not have parental consent, but the judge ruled against her as the law which would have invalidated this marriage did not come into operation until the following day.⁷¹ The sentences imposed on bigamists appear to take account of individual circumstances to some degree and were likely to be harsher when deliberate deception had taken place. Frost argued that judges disliked those prosecutions brought by public authorities and illustrated this with the case of Lincolnshire couple Martha and William Brightman in 1860. They lived happily as man and wife for twenty years, bringing up a family of four children, before they fell on hard times and applied to the poor law authorities for relief. On discovering that both had been married before charges of bigamy were brought against them in order to avoid giving support, an act described by the judge as unfeeling. His contempt for the poor law authority’s action was evident in the sentence he imposed, imprisonment for one day, and refusal of the costs, a judgement that was upheld on appeal.⁷²

⁷⁰ *Hull Packet*, 18 March 1800 and 28 August 1810.

⁷¹ *Hull Packet*, 7 August 1827.

HCPP, 3 Geo. IV (1822), *An Act for the Better Preventing of Clandestine Marriages*.

⁷² Frost, *Living in Sin*, p.89.

Living in informal or bigamous unions was the only option open to those who had left unhappy or violent marriages. Although this meant that the children of these relationships were illegitimate, for many this was of little concern. This was the remedy of the poorer classes who were unlikely to pass on property of any great value. However, it was possible for legitimate children of the former marriage to claim any assets unless the illegitimate children were specifically named in their parents' will. The children of these informal marriages, although generally better provided for, were still vulnerable if they needed relief from the poor law authorities. Hannah Bartindale, whose case is discussed earlier in this chapter, was born to such a union c1818 at Langtoft in East Yorkshire. While living at Lowthorpe she became pregnant with an illegitimate child and applied for relief. The overseers applied to remove her to Old Malton, the home of her mother's estranged husband, despite the fact that her father, now 'widowed', was living in the same village and must have been known to the poor law authorities.⁷³ Many of these second unions were happy and longstanding, tolerated by friends, families and local communities. They provided support just like any other family unit, and despite the overseers dismissing him from Hannah's life it was her natural father, William Luckup and his new wife, who cared for her illegitimate child.⁷⁴

There were a number cohabiting couples who were not prevented from marrying by the existence of a living spouse. Many of these would have married if they could have done so legally but they were prevented from doing so by the laws of consanguinity and affinity. Marriage between close blood relatives has always been prohibited by English law and the incidence of such relationships was probably quite low. As incest was not a criminal offence until 1908 direct evidence, rather than suspicion, was difficult to

⁷³ TNA, Ref. MH12/14272, Correspondence with Poor Law Unions, (Driffield Union), 25 April 1838.

⁷⁴ TNA, 1841 Census, Lowthorpe, HO107/1215, F.4, p.3 and 1851 Census, Lowthorpe, HO107/2366, F.114, p.17.

obtain.⁷⁵ Out of 724 presentments by East Riding churchwardens only five were for incest. Four of these were from the rural village of Catwick, and two for the same couple, none of whom shared the same name, perhaps, but not certain, indication that that there was no blood relationship.⁷⁶ However, Cornelius Holmes lay ‘under the common fame and vehement suspicion of living with the daughter of his late deceased wife’, a relationship that would still arouse comment in the twenty-first century.⁷⁷

It has been argued that the close, sometimes insular, nature of the Victorian middle class family promoted incestuous feelings and that marriages between cousins provided an acceptable outlet for such emotions.⁷⁸ Cousin marriages had been legal in England since Tudor times, occurring mainly among the propertied classes, although the practice was known throughout the population. It is somewhat anomalous, therefore, that while these consanguineous marriages were legal some affinal relationships were not. One of the long running political debates of the nineteenth century was centred on the legality of marriage with the sibling of a deceased spouse, particularly marriage with a deceased wife’s sister. Up until 1835 marriages within prohibited degrees of consanguinity and affinity could be voided by the ecclesiastical courts during the lifetime of either spouse. Voidable marriages such as these left the children of such unions in a vulnerable position as they could be declared illegitimate within their parents’ lifetime. Indeed, it was just such a threat to the son of English aristocrat, Lord Beaufort, which led to the 1835 Marriage Act.⁷⁹ The original intention in bringing the bill was to limit the amount of time that marriages of affinity could be voided, but in the event all marriages within the prohibited degrees of affinity which took place before 31 August 1835 were

⁷⁵ HCPP, 8 Edw. VII (1908), *An Act to Provide for the Punishment of Incest*.

⁷⁶ Borthwick Institute for Archives (BIA), ER V/CH.P, Churchwardens’ Presentments for Catwick, 1719-1828.

⁷⁷ *Ibid.* 1828.

⁷⁸ N. F. Anderson, ‘Cousin Marriage in Victorian England’, *Journal of Family History*, 11.3 (1986), pp. 285-301.

⁷⁹ HCPP, 5 Will. IV (1835), *An Act to Render Certain Marriages Valid, and to Alter the Law With Respect to Certain Voidable Marriages* (commonly referred to as ‘Lord Lyndhurst’s Act’).

declared valid, and all such marriages contracted after that date declared ‘absolutely null and void to all intents and purposes whatsoever’.⁸⁰ There was an expectation that another bill legalising marriage with a dead wife’s sister would follow but, after much debate throughout the nineteenth century it was not until 1907 that this came about.⁸¹ Part of the process of legalising such marriages was determining exactly what degrees of relationships should be prohibited. This, argued Anderson, forced society to ‘confront the difficult matter of incest’⁸² and it was the following year that a bill defining incestuous relationships and making them criminal offences was enacted.⁸³ Marriages of affinity between a widower and his dead wife’s sister were not uncommon. Circumstances often threw brothers and sisters-in-law together. Perhaps the sister had come to nurse the wife in her final illness, or arrived to take care of the children after her death, or even just to keep house for her widowed brother-in-law. Whatever the reason, the two were living in close proximity and a physical relationship often developed. It was a situation that affected people from across the social scale and presented a problem for many couples before its legalisation in 1907. The more well-to-do could travel abroad to marry in a country where it was legal to do so but this was not possible for most couples. An alternative was to marry in another locality where they were unknown, a solution apparently adopted by an East Riding couple in 1850. Tenant farmer William Graves Walgate’s wife, Mary (nee Edmond), died of phthisis (tuberculosis) in July 1849 at West Hill, Aldbrough, after less than five years of marriage.⁸⁴ The couple had one daughter who was not quite three when her mother died. Mary had been ill for some time before her death and it is reasonable to suppose that her sister Ann’s presence in the household was related to nursing her through her final

⁸⁰ Ibid, Ch.2.

⁸¹ HCPP, 7 Edw. VII (1907), *Deceased Wife’s Sister’s Marriage Act*.

⁸² N. F. Anderson, ‘The “Marriage with a Deceased Wife’s Sister Bill” Controversy: Incest Anxiety and the Defense of Family Purity in Victorian England.’ *Journal of British Studies*, Vol. 21, No.2 (1982), pp.67-86.

⁸³ HCPP, 8 Edw. VII (1908), *A Bill to Provide for the Punishment of Incest*.

⁸⁴ General Record Office (GRO), Index to Deaths, September Qtr. 1849, Vol. 22, p.693.

illness and caring for her child. On 5 Nov 1850 Ann Edmond married her brother-in-law, William Graves Walgate, at St Mary's Church Scarborough, already heavily pregnant with their first child.⁸⁵ Why would a couple undertake such a difficult journey of forty miles to marry, especially when the bride was in the last stages of pregnancy (the baby was born 1 Dec).⁸⁶ There is no other evidence to connect them to Scarborough. It is suggested that the reason was anonymity, being unable to enter into an illegal marriage in their home parish. It is interesting to note that William and Ann had fourteen children, none of whom were baptised in their local church, but at the Wesleyan Methodist Chapel in Hornsea, seven miles distant, although both parents were subsequently buried in the parish churchyard at Aldbrough.⁸⁷ William was a prosperous tenant farmer, well respected within his community; he served on the Grand Jury at the East Riding Sessions and was elected to the Skirlaugh Board of Guardians.⁸⁸ His informal marital arrangements appear to have been accepted by his neighbours, if not by the church. However, Frances Cook's (nee Stickney) marriage to John Ward in 1867 in Hull resulted in a charge of both bigamy and 'intermarrying' when her first husband William Cook returned from the Colonies. Frances and William had lodged, as a newly married couple, with Frances's sister and her brother-in-law, John Ward. When William, a Master Mariner, had departed for New Zealand in 1851 Frances continued to reside with the Wards. William returned to Hull briefly in 1862 and 1866 but Frances refused to live with him. Her sister having died in 1864, she married her brother-in-law in 1867 and gave birth to a child in 1868. On William's return in 1871 the charge of bigamy ensued. This and a subsequent charge of perjury against John Ward was dismissed, but the case prompted the magistrate, Mr T.H. Travis, to remark that 'it was

⁸⁵ GRO, Index to Marriages, December Qtr. 1850, Vol. 24, p.646.

⁸⁶ GRO Index to Births, December Qtr. 1850, Vol. 22. p.712.

⁸⁷ East Yorkshire Family History Society (EYFHS), *Monumental Inscriptions: Aldbrough*, (Hull, 1988), Entry No.253, p29 and personal communication: Richard and Pamela Walgate and Catherine Jackson of Scarborough, descendants of William Graves Walgate.

⁸⁸ *Hull Packet*, 1 July 1854, 6 April 1877 and 16 April 1880.

not in accordance with his ideas that a marriage should be legal for one purpose and not another'. The prosecutor observed 'that it was a marriage for the present purposes [the charge of bigamy] although the offspring would be illegitimate'.⁸⁹

Marriage to a deceased wife's sister, despite the stigma of illegitimacy for the children, was not confined to the poor or immoral. John Ward had been a Sunday School Superintendent and was a successful cabinet maker employing twelve men and seven apprentices in 1871.⁹⁰ William Walgate was a prosperous tenant farmer and Poor Law Guardian. The issue was one of the great debates of the nineteenth century and no less than fifty-three bills were presented to Parliament between 1854 and 1907 when such marriages eventually became legal.⁹¹ Many petitions were also presented, including one from the East Riding MP, W.H.H. Broadley in 1869 and from the mayors of Market Weighton, Hornsea, Hull and Beverley in 1871.⁹² In 1860 it was reported that 821 public petitions had been presented; 319 (with 29,239 signatures) against legalising marriage with a deceased wife's sister and 502 (with 49,499 signatures) in favour. Although the Church continued to object it was clear that many people were in favour of changing the law on this issue. As we have seen John Ward did not appear to have suffered economically nor did William Walgate appear ostracised in any way, apart from his division with the parish church. By 1907 both medical and social conditions had improved, fewer women were likely to die in childbirth and more employment opportunities were becoming available for women, making unmarried sisters less dependent on family for support.

⁸⁹ *Hull Packet*, 24 February 1871 and 03 March 1871.

⁹⁰ *Hull Packet*, 3 March 1871 and 1871 Census RG10/4789, Folio 115v, p30.

⁹¹ <http://parlipapers.chadwyck.co.uk>. Accessed 28 October 2011.

⁹² *Hull Packet*, 23 April 1869 and 31 March 1871.

Cohabitation and unrecognised marriage forms one of Adair's four underlying causes of illegitimacy, discussed in an earlier chapter.⁹³ Adair also cited thwarted marriage as another important factor. He argued that behind each case of illegitimacy there was an individual set of circumstances which may have prevented an intended marriage from taking place.⁹⁴ Hair, in his investigation into bridal pregnancy, discovered that of those brides who could be traced from marriage to maternity twenty-eight per cent had their first child baptised within eight and a half months, a figure which rose to thirty-nine per cent in those instances where birth dates were recorded.⁹⁵ This dividing line of eight and a half months was taken from the Registrar General's Report of 1938, (the first to discuss bridal pregnancy) in which he stated that post-marital maternities wrongly included would be balanced out by pre-marital maternities that had been wrongly excluded.⁹⁶ It seems reasonable to accept Hair's time scales, not least because premature births in earlier centuries were less likely to result in a surviving child and a higher proportion of first pregnancies ended in miscarriage or stillbirth. In addition the time that elapsed between birth and baptism, where only baptism records were available, would have affected the figures. With this in mind we can take Hair's figures as an indication of bridal pregnancy rates while conceding that they are not an exact representation of events.

Levine and Wrightson also investigated the incidence of bridal pregnancy in their study of seventeenth century illegitimacy. They found that a comparison between the age at first marriage and the age at which women had their first illegitimate child showed no marked difference. The mothers of illegitimate children were no younger or older than

⁹³ See Chapter 1. Introduction.

⁹⁴ Adair, *Courtship, Illegitimacy and Marriage*, p.6.

⁹⁵ P. E. H. Hair, 'Bridal Pregnancy in Rural England in Earlier Centuries' *Population Studies*, Vol. 20, No.2 (1966), pp.233-243.

⁹⁶ HCPP, *Registrar General's Statistical Review of England and Wales for 1838 Tables*, Part II, Civil (1944), p.146, quoted in Hair, 'Bridal Pregnancy' (1966).

married mothers having their first child. They also showed that a rise in the age of marriage was ‘paralleled by a roughly commensurate rise in the age of bastard-bearers’.⁹⁷ In fact, they argued that ‘a striking similarity can be demonstrated between the age of women bearing their first illegitimate child and the age of women at first marriage.’⁹⁸ An examination of East Riding registers appears to confirm Levine and Wrightson’s findings. From 377 female baptisms in Brandesburton, between 1700-1810, only seventy-two could be traced to a marriage within the parish. Burial records were found for seventy-six, and twenty-six were traced to an illegitimate maternity. Of the remaining 203 no recorded event could be found for 146 and no identifiable record could be established for fifty-seven, due to multiple instances of the same name within a relevant period (see Table 3.2).

Table 3.2. Brandesburton Female Baptisms 1700-1810⁹⁹

		Nos	Per cent
Total No		377	100
	Nos subsequently marrying locally	72	19
	Nos having illegitimate children	26	7
	Traceable burials	76	20
	Total identifiable	174	46
	No subsequent vital event found	146	39
	Nos where subsequent event indeterminate	57	15
	Total subsequently unidentifiable	203	54

⁹⁷ D. Levine and K. Wrightson, ‘The Social Context of Illegitimacy in Early Modern England’ in Laslett et al, *Bastardy and its Comparative History*, pp.158-175.

⁹⁸ Ibid.

⁹⁹ Data compiled from J. D. Hicks (ed), *The Parish Register of Brandesburton, 1558-1837* (Leeds, 1979).

The ages of those marrying ranged from 16 to 33 with an average age of 23.8. The mothers of illegitimate children had ages ranging from 17 to 35, with an average of 24.2, a difference of 0.4 years. Allowing for a gestation period of eight and a half months and the likelihood that some brides were pregnant at the time of their marriage, it could be argued that there was no real significant difference in age between illegitimate maternity and marriage (see Table 3.3).

This appears to be confirmed by an examination of 101 illegitimate maternities, drawn from seven East Riding parishes, where the baptism of the mother could be established (see Table 3:4).¹⁰⁰ Where a mother had multiple illegitimate children only the first instance has been included in the figures. The ages of the mothers ranged from 16 to 38 with an average age of 24.03, almost matching the average age of the Brandesburton brides. However if the age ranges of the brides and the single mothers are evaluated further some differences do appear. Although the majority of marriages and illegitimate maternities took place between the ages of 20 and 30, significantly more illegitimate maternities occurred between the ages of 21 and 25 than between the ages of 26 and 30. Nearly three times as many illegitimate births were to those in the younger age group than to those in the elder. This is reflected in the age at marriage, where most events also took place between the ages of 20 and 30. However, the differential, at only four per cent, between the younger and older groups is much less than those of the illegitimate maternities. The high differential between illegitimate maternities and marriage in the earlier twenties age group may be attributable to two reasons. Firstly, the early twenties appeared to be the time for courtship and marriage and it would seem reasonable to suppose that some of these intended marriages were thwarted by circumstance and culminated instead in an illegitimate maternity. Secondly, it has to be considered that some mothers may have married shortly after the birth of their

¹⁰⁰ Parishes included are Brandesburton, Bubwith, Burton Fleming, Hedon, West Heslerton, Wharram Percy and Hunmanby.

illegitimate child, just as some brides may have married just before the birth of their first child. Of the 101 single mothers in this sample, marriage entries within the parish of the illegitimate baptism were found for twenty. The time between the baptism of the illegitimate child and marriage ranged from less than two weeks to twelve years. Perhaps those marrying after a short interval, such as Elizabeth Wright of Hunmanby who married on 29 June 1733, aged 27, twelve days after the baptism of her daughter, had already planned to marry.¹⁰¹ The longest interval between baptism of an illegitimate child and the marriage of the mother was twelve years. In this case the mother, Ann Williamson, also of Hunmanby, was 16 when her child was baptised in 1768 and 28 when she married in 1780. This was the age at which one third of the females in the Brandesburton sample married. The twelve year gap, therefore, did not necessarily mean that Ann was a particularly older bride, but rather that she was a particularly younger mother, one of only four in the wider sample who gave birth to an illegitimate child at 16. Of the Brandesburton baptisms none were positively traced to a first marriage after the age of 35 and only six per cent to a marriage between 31 and 35.

In comparison thirteen per cent of illegitimate maternities in the wider sample were to mothers over the age of thirty. Although the percentage of illegitimate baptisms to mothers under twenty-one and over thirty-one is greater than the percentage of brides at the same age, the differential is most noticeable in this older age group. We can speculate that this may be attributed, in part, to informal relationships, such as those already described, where there is a stable relationship but no formal sanction to legitimise the children. In most other countries of Europe the subsequent marriage of the parents of an illegitimate child legitimised their offspring but this was not the case in England. Despite it being canon law since the twelfth century the legitimisation of a

¹⁰¹ A. Dewing, CD-ROM, *A Transcription of Hunmanby Bishop's Transcripts 1639-1886* (2009).

child of subsequently married parents was opposed by temporal lords and did not become embodied in English law until 1926.¹⁰² As Teichman suggests this is likely to have been to protect property rights and that strict rules of legitimacy made this easier.¹⁰³ Illegitimate children did, however, fall into two categories; 'general bastardy' and 'special bastardy'. The former related to children of parents who did not marry and the latter to those that did.¹⁰⁴ Illegitimate children had no automatic right of inheritance under either common or canon law. However, 'special bastards' were able to inherit if they were their father's eldest son, even if born before the marriage, as long as they had grown up in their parent's household. Such a son could take over his father's estate even if he had a younger, legitimate brother. The 1926 Act legitimised illegitimate children whose parents had subsequently married, provided both parents had been free to marry at the time of the birth. Such children were to have the same rights of inheritance and citizenship as those born legitimately.¹⁰⁵ Bizarrely, parents of illegitimate children who later married may, therefore, have experienced less censure from the church than from the secular authorities. Secular authorities were often concerned with the economic problems associated with illegitimacy rather than the act of producing an illegitimate child. Generally, it was only when the child was likely to become chargeable to the parish that the secular authorities took action in the courts. The strange dichotomy of attitudes between church and secular bodies serves to indicate that the reactions of local communities were unlikely to be too censorious to those who subsequently married, particularly as the fathers had clearly acknowledged their children and were prepared to support them. Despite remaining illegitimate in law such children probably did not

¹⁰² HCPP, 16 & 17 Geo. V, *Legitimacy. A bill intituled an act to amend the law relating to children born out of wedlock.*

¹⁰³ J. Teichman, *Illegitimacy* (Oxford, 1982), p.35.

¹⁰⁴ A. Macfarlane, 'Illegitimacy and Illegitimates in English History', in P. Laslett, et.al, *Bastardy and its Comparative History* (London, 1980), pp.71-85.

¹⁰⁵ Teichman, *Illegitimacy*, p.36.

suffer the same stigma as their counterparts whose mothers either never married, or who married a man other than their father.

Table 3.3. Age at Marriage and Age at Illegitimate Maternity in Brandesburton, 1700-1840.

Age at Marriage (Brandesburton)	No.	%*	% Under and over age 25	Age at Illegitimate Maternity (Brandesburton)	No.	%*	% Under and over age 25
15 – 20	17	24		15 – 20	7	41	
21 – 25	27	37	61	21 – 25	5	29	70
26 – 30	24	33		26 – 30	2	12	
31 – 35	4	6		31 – 35	3	18	
36+	0	0	39	36+	0	0	30
Total events	72	100	100		17	100	100

*To the nearest whole number.

Table 3.4. Age at Illegitimate Maternity, 1700-1840 (7 parishes)

Age	No	%*	% Under and over age 25
15 – 20	28	28	
21 – 25	44	43	71
26 – 30	16	16	
31 – 35	9	9	
36+	4	4	29
Totals	101	100	100

*To the nearest whole number

This may lead us to consider that, perhaps, sexual activity among the single population was a precursor to an expected marriage. An examination of churchwardens' presentments may be an indication that sexual activity before marriage was not uncommon in eighteenth and nineteenth century East Yorkshire. Records from 31 East Yorkshire parishes were examined for the period 1679-1833, resulting in 722 presentments for a variety of offences, including non-attendance at church, non-payment of assessments and being a papist. By far the largest number of offences were for fornication, at 446 (see Table 3.5). Of these 278 specifically mentioned 'bearing a bastard child', (in brackets) although it is likely that this is a low approximation, as the birth of an illegitimate child is probably what instigated the charge in the first place. Another 92 were for 'ante-nuptial fornication' suggesting that the brides were pregnant at the time of the marriage.¹⁰⁶ In a study of nine English parishes in the early modern period, 1550-1699, Levine analysed the frequency of prenuptial pregnancy. He found that the rate halved during the seventeenth century from a high of one in three brides being pregnant at marriage to one in six.¹⁰⁷ However, taking an average of his data it would appear that over time and place 20 per cent of brides conceived before marriage.

Table 3.5. Offences Presented by East Riding Churchwardens, 1679-1833

Adultery	Ante-nuptial Fornication	(Bastardy mentioned in relation to Fornication)	Fornication	Incest	Indecent Behaviour/ Debauchery	Other inc. Non-payment, Non-repair and Dissention	
11	92	(278)	446	5	8	160	
1.5	12.7	(38.5)	61.7	0.6	1.1	22.1	%

¹⁰⁶ BIA, Ref. ER V/CH.P., Churchwardens Presentments for the East Riding of Yorkshire Diocese.

¹⁰⁷ D. Levine and K. Wrightson, 'The social context of illegitimacy in early modern England', in P Laslett et al, *Bastardy and its Comparative History* (London, 1980), pp.158-175.

The analysis of churchwardens' presentments for 31 East Riding parishes show nearly 13 per cent of presentments were in relation to pregnant brides over the period 1679-1833 (see Table 3.5), indicating that sexual activity before marriage was not an uncommon phenomena in this region.

If we accept Levine and Wrightson's correlation between age at first marriage and age of women having their first illegitimate child, then we must also allow that an unknown proportion of those single mothers had expected to be married. The proportion of ante-nuptial charges appears to indicate that a significant number of brides were pregnant and that sexual activity was part of the process towards marriage. On the basis of a study of Gainsborough in Lincolnshire Kitson stated that a fear that irresponsible sexual activity would burden the parish poor rate led the chief inhabitants to clamp down on such behaviour. He argued that a distinction was made between sexual activity outside marriage and that which took place in direct anticipation of marriage. At all times a 'significant proportion of all brides were already pregnant by the time they had reached the altar... (and this)...was rarely subject to much censure'.¹⁰⁸ He found that cases where couples had been prosecuted in the church courts for a birth too soon after the marriage were patchy and dependent on the attitudes of parochial officials. Kitson argued that there was a close relationship between prenuptial pregnancy and illegitimacy and made the distinction between 'early' and 'late' prenuptial conception. He suggested that sexual activity probably pre-dated the decision to marry in those brides who conceived more than three months before marriage, whereas for those who conceived in the 90 days before marriage sexual activity was a part of the marriage process. Kitson found that the proportion of brides with late prenuptial conception remained relatively constant over time but the frequency of early prenuptial conception

¹⁰⁸ P.Kitson, 'Family formation, male occupation and the nature of parochial registration in England c.1538-1837', University of Cambridge, PhD Thesis (2005).

varied and moved in close association with the illegitimacy ratio. In this regard he believed there was little in the way of supporting evidence for theory of the 'frustrated courtship' since there were structural differences in the chronological relationship between marriage, pre-nuptial pregnancy and illegitimacy. There was, however, a broad similarity between ages of marriage and illegitimate birth, supporting the view that the mother's age at first birth was broadly similar, regardless of the type of first birth event.¹⁰⁹ Wrigley, et al also used parochial registers to assess the frequency and nature of prenuptial pregnancy, making the distinction between early and late conceptions. They found that in the last quarter of the seventeenth century only 16.4 per cent of all first births were prenuptially conceived, with almost half of those being 'late' births; those conceived within two months of the marriage and born eight or nine months after the nuptials. By the early nineteenth century prenuptially conceived first births had risen to 37.6 per cent, with four fifths being 'early' births; those occurring within the first seven months of the marriage. If all first births taking place in the first seven months of marriage were classified as 'early', then this equated to a low point of early first births in the last quarter of the seventeenth century, at 8.6 per cent to a high of 29.3 per cent by the beginning of the nineteenth century. By contrast the 'late' first births remained remarkably constant at between 7.4 per cent and 10.00 per cent over time. Those pregnancies conceived early were, they believed, closely related to illegitimate births. Late conceptions were 'arguably the product of behaviour licensed by formal betrothal' which could account for the stability in numbers. In contrast early conceived pregnancies shared the characteristics of illegitimacy and changed over time 'in very close harmony with trends in illegitimacy'.¹¹⁰

¹⁰⁹ Ibid.

¹¹⁰ E. Wrigley, et al, *English Population History from Family Reconstitution 1580-1837* (Cambridge, 1997), pp.421-422.

Marriage was not an event in itself but part of a 'process where the distinctions between successive stages – the start of courtship, the beginning of sexual activity, entry into wedlock and the establishment of an independent household – were blurred.'¹¹¹ This is also borne out by the work of Schofield, who found that very low illegitimacy coincided with periods of late marriage, but increased when women married at younger age. Schofield's population analysis shows that 'at the start of the long eighteenth century fewer than a tenth of all first births were illegitimate; before its end the proportion had risen to a quarter, and a further quarter...were pre-nuptially conceived.'¹¹² This perhaps suggests that more frequent celibacy obtained when marriages took place at a later age, which in itself suggests that sexual activity was part of the marriage process, as Kitson suggested, and not a casual act for most people.

Establishing subsequent marriages of single mothers is a difficult and time consuming process that often has disappointing results. There was a good deal of movement between parishes with many single females going into farm or domestic service, making them harder to trace with certainty. Data taken from five East Riding parishes were examined in an attempt to ascertain the interval between illegitimate maternity and marriage. 522 illegitimate baptisms were extracted, relating to 416 mothers (see Table 3.6). Any entry more than twenty years after the baptism of an illegitimate child was discounted unless strong evidence suggested it related to the same mother, and not to a new generation of the family. Fathers of illegitimate children were not named in the majority of parish register entries; therefore it is not possible to determine from this source how many mothers married the father of their child. However, out of the 416 mothers represented in Table 3.6, 57 married within ten years (see Table 3.7).

¹¹¹ P. Kitson, *Occupationally Specific Prenuptial Pregnancy in Early Modern England: the Case of Gainsborough, 1564-1812*. Economic History Society New Researchers' Papers 2003, <http://www.ehs.org.uk/othercontent/kitson.html> Accessed 30 October 2008.

¹¹² R. Schofield, 'British Population Change, 1700-1871', in R. Floud and D. McCloskey (eds), *The Economic History of Britain Since 1700* Vol. 1 : 1700-1860 (Cambridge, 1994), pp. 60-95.

Twenty-one of these mothers married within one year of their child's baptism. Of this last group, 18 married within six months, 14 within three months and nine within one month (see Table 3.8). These earlier marriages may indicate that the mother married the father of her child. Although in most cases it is not possible to determine that this was the case it is interesting to note that the figure for those who married within one month was, at 15.7 per cent, only three per cent higher than the 12.7 per cent of couples presented by the churchwardens for ante-nuptial fornication. Perhaps this is an indication of Kitson's blurred distinctions in the marriage process.

Table 3.6. Single Mothers Married in the Parish Church.

Parish	Dates covered	No of Illegitimate Baptisms.	No of mothers	Married in parish church	% of mothers married in parish
Atwick	1744-1812	40	35	6	17.1
Brandesburton	1701-1845	152	137	17	12.4
Bubwith	1701-1767	70	62	6	9.7
Hedon	1700-1885	186	115	26	22.6
West Heselton	1726-1837	74	67	11	16.4
Total		522	416	66	15.9

These figures suggest a low rate of marriage among single mothers but in the pre-civil registration period it is entirely possible that subsequent marriages were made outside the parish of the illegitimate birth. In all parishes there was a high proportion of mothers where no further record of them, or their child, could be found in the registers.

Table 3.7. Single Mothers from the Five Parishes Married Within/after Ten Years from Maternity.

Parish	Married within 10 years	Per cent	Married after ten years	Per cent	
Atwick	4	11.4	2	5.7	
Brandesburton	17	12.4	0	0	
Bubwith	6	9.6	0	0	
Hedon	23	19.9	3	2.6	
West Heselton	7	10.4	4	5.9	
Total	57	13.7	9	2.1	66

Table 3.8. Interval between Illegitimate Maternity and Marriage of Single Mothers Married in the Same Five Parishes Within Ten Years from Maternity.

Married	No.	Per cent
Within 10 years	57	
Within 1 year	21	36.8
Within 6 mths	18	31.5
Within 3 mths	14	24.5
Within 1 mth	9	15.8

Using East Riding bastardy orders, in conjunction with the records of civil registration, an attempt has been made to investigate the proportion of single mothers who married within ten years from the date of the order. Out of 422 orders raised against putative

fathers, between 1837-1872, only 38 of the named mothers could be identified as having subsequently married, in the relevant registration district within a ten year period (see Table 3.9).¹¹³ Of these, 23 married the man named in the order. This would appear to suggest that only nine per cent married within ten years and that five and a half per cent married the father of their illegitimate child. However it should be pointed out that there were 20 additional instances where the mother could not be positively identified from others of the same name and consequently was excluded from the figures. If these 20 mothers were to be included in the total married then this would bring that figure up to nearly 14 per cent, much closer to the figure of traceable parochial marriages at slightly above 15.5 per cent.

Table 3.9. Named Single Mothers in East Riding Bastardy Orders Married Between 1837-1882.

No of orders	422	%
Women positively identified as marrying within 10 years	38	9
Of which marrying named father	23	5.5
Women possibly married within ten years	20	4.7
Final possible total of marriages	58	13.7

There are several problems associated with producing demographic data of these kind using parish and civil documents. Subsequent marriages may have taken place in another parish, denominational church or registration district. The civil registration districts, in operation from 1837 covered a wider area, with a larger population, which increased the instances of multiple name entries. Therefore the figures produced here are likely to be an underestimation of the actual marriage rates for all women. What can be deduced, however, is that the pattern of marriage and illegitimate maternity, as it

¹¹³ ERALS, Bastardy Orders, DDBD/5, DDCL/288, PC7/4, PSHM/4, QSF/521-550, QSU/1/38-40, QSU/3/1-20, QSU/4/206 and GRO, Indexes to Marriages 1837-1882.

relates to age, is broadly similar, in that the majority of events took place under the age of 25 in both groups. However, as shown in Table 3.4, illegitimate maternities between the ages of 15 and 25 were ten per cent greater than marriages in the same age group (see Table 3.3). By contrast, illegitimate maternities were ten per cent less in the over twenty-fives, although if broken down further, the figures reveal that illegitimate maternities were seven per cent greater than marriages in those over the age of 30. On the balance of probability at least some of these later illegitimate maternities were likely to relate to informal stable relationships, where the family unit acts in the same way as a marriage, but where the baptism has been fastidiously recorded as illegitimate by parish officials.

Another possibility relating to the increased illegitimate maternity among older mothers is the inclusion of widows bearing illegitimate children. The figures in Table 3.4 show only those illegitimate maternities in the seven parishes where the age of the mother could be established. However, the full sample of 1007 illegitimate extracts from these registers includes 37 widows. None of these are included in Table 3.4 because of the impracticality of establishing a maiden name in order to ascertain age. However it was established that five of these widows subsequently married. The number of widows bearing illegitimate children equates to 3.7 per cent of the full extracted sample of illegitimate baptisms for these parishes. Although they do not form part of this analysis it is likely that widows account, in part, for some of the later illegitimate maternities.

An analysis of the eighteenth century parish records for Brandesburton, chosen because of the availability and coverage of its parish registers, as well as its location in the centre of the Holderness farming district, shows that the most popular time for marriages was November, with over 25 per cent taking place that month. The next most popular month

was June, followed by May; the least popular month was August. This appears to reflect, in part, the pattern found by Edwards in his study of Shropshire parishes, where he found marriages concentrated in May, June and July.¹¹⁴ September and August were the least popular months for the Shropshire parishes, as in Brandesburton. Whereas Edwards found a November peak only in the smallest parishes of his sample he did acknowledge that 'In many other studies November stands out as a popular month, possibly reflecting an easing of the farming year and a time of surplus.'¹¹⁵ Kussmaul's work also emphasises the correlation between marriage and the farming calendar, pointing out that '...the seasonality of marriage varied systematically...and its main driver was the changes in the seasonality of work.'¹¹⁶ She argued that there was no single national pattern of marriage seasonality and that 'Spring/early summer marriage peaks were found...sporadically near the east coast... (but that)...autumn peaks were predominant in the east'.¹¹⁷ This appears to be reflected in the Brandesburton figures, where late autumn was the most popular time for marriage, with spring and early summer being the next popular. The seasonality of marriage, argued Kussmaul, provided evidence for the process of economic change and the development of regional specialisations in agriculture. To a lesser extent it also pointed to the decline in religious observance as more marriages began to take place in traditionally prohibited months such as March (Lent) and December (Advent).¹¹⁸ Indeed, March and December marriages grew in popularity in Brandesburton throughout the eighteenth century, possibly because of the predominantly arable nature of the local agriculture (see Table 3.10).

¹¹⁴ W. J. Edwards, 'Marriage Seasonality, 1761-1810: An Assessment of Patterns in Seventeen Shropshire Parishes', *Local Population Studies*, No. 19 (Autumn 1977).

¹¹⁵ *Ibid.*

¹¹⁶ A. Kussmaul, 'Time and Space, Hoofs and Grain: The Seasonality of Marriage in England' in *The Journal of Interdisciplinary History*, Vol. 15, No.4 (1985), pp.755-779.

¹¹⁷ *Ibid.* p.757.

¹¹⁸ *Ibid.* p.757.

Table 3.10. Seasonality of Marriage for the Parish of Brandesburton, 1701-1800.

Decades	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
1701-1710	7	3	0	1	1	4	3	0	0	3	4	0	26
1711-1720	2	0	0	0	3	2	1	2	3	3	7	1	24
1721-1730	5	1	1	4	5	2	3	1	0	2	12	1	37
1731-1740	2	0	0	1	3	3	0	2	2	3	4	3	23
1741-1750	1	3	2	2	5	5	1	0	1	1	10	1	32
1751-1760	1	0	1	1	3	3	0	1	1	1	6	1	19
1761-1770	1	3	1	3	0	0	3	0	1	0	11	6	29
1771-1780	2	2	3	4	3	4	1	1	1	0	3	4	28
1781-1790	1	1	3	8	2	1	5	2	1	2	11	4	41
1791-1800	5	4	6	2	3	6	1	0	0	4	8	1	40
Totals	27	17	17	26	28	30	18	9	10	19	76	22	299
Per cent	9.03	5.68	5.68	8.69	9.36	10.03	6.02	3.01	3.34	6.35	25.4	7.35	100

The East Riding was a largely arable farming area and as such autumn marriages, as described by Kussmaul, fit in with the seasonality of the northern farming year. This was a quiet time in the calendar, when the harvest was gathered in and the land already prepared and sown with its winter crops. Old Martinmas Day (23 November) was a time when many East Riding farm servants' contracts ended and provided them with an opportunity to change employment, often after a short holiday.¹¹⁹ This, then, was a good time to marry, to set up a home and change from being a live-in farm servant to a day labourer. This is mirrored by Kussmaul's observations of October marriages in the rural south and east, where Michaelmas (29 September) was the time when servants' contracts ended.¹²⁰

¹¹⁹ S. Counce, 'East Riding Hiring Fairs', *Oral History*, Vol. 3, No. 2 (1975), pp.45-52.

¹²⁰ A. Kussmaul, *Servants in Husbandry in Early Modern England*, (Cambridge, 1981), p.97.

If we conduct a similar seasonality exercise for illegitimate maternities we find that the majority of events, over 39 per cent, were recorded during January to March (see Table 3.11). There are obvious problems with comparing these data, the greatest being that while a marriage is recorded at the time of the event there may be a considerable gap between birth and baptism. In addition there is no certainty regarding the length of an individual pregnancy, apart from assuming it lasted approximately eight months in order to produce a live child. Assuming that the child was baptised shortly after birth then most conceptions probably took place between April and June. Another small peak in baptisms in July and August assumes conception in October or November. Conceptions in Brandesburton, therefore, appear to mirror the most popular months for marriage, leading to speculation that such a ceremony may have been intended, but never performed. Perhaps these form some of the thwarted marriages described by Adair earlier.

Table 3.11. Seasonality of Illegitimate Maternities for the Parish of Brandesburton.

Decades	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
1701-1710	0	0	1	0	1	0	1	0	0	2	0	1	6
1711-1720	1	1	0	0	0	1	0	0	0	0	0	0	3
1721-1730	0	1	1	0	0	0	0	0	1	0	1	0	4
1731-1740	0	0	0	1	0	0	0	0	1	0	0	0	2
1741-1750	1	0	0	0	0	0	0	0	0	0	0	0	1
1751-1760	0	2	0	1	2	0	0	0	0	0	0	0	5
1761-1770	0	1	0	0	1	0	1	3	2	0	0	2	10
1771-1780	3	1	0	1	0	0	0	0	0	0	0	0	5
1781-1790	1	0	1	1	0	0	0	0	1	0	0	0	4
1791-1800	3	2	4	0	1	2	5	3	0	0	0	1	21
Totals	9	8	7	4	5	3	7	6	5	2	1	4	61
Per cent	14.75	13.11	11.47	6.55	8.19	4.91	11.47	9.83	8.19	3.27	1.63	6.55	100

The mothers of illegitimate children were likely to have suffered censure, the vagaries of unsympathetic officialdom, harsh treatment at the hands of the law, employment difficulties and lower marriage chances. However, in spite of this it appears that many found sustenance in informal relationships and led lives not much different from their married counterparts.

A later chapter will take a closer look at the parents of illegitimate children and attempt to follow some of the individuals concerned, particularly their surviving children, in order to assess their future prospects after such an inauspicious start to life. Before then, however, we will explore the effects of the Poor Law on the lives of single mothers and their children.

Chapter 4. Illegitimacy and the Poor Law

In the previous chapter we have explored some of the possible causes that may have led to relationships not being formalised by marriage. Many of these relationships may have continued for some years, and in some cases may have been considered almost acceptable by the local community. Long-standing, live-in relationships acted in a similar way to marriage and the illegitimate children born within such families were safeguarded in much the same way as legitimate children. They were openly accepted and supported by the father and were subjected to the same economic risks as any other family unit. The single mother with a supportive family, able and willing to offer a home to her and her child, was also in a slightly better economic position. They may also have survived the years until the child's adulthood, if not with ease, at least with reasonable security. It was a very different outlook, however, for the unsupported mother and her child. They often had very little recourse but the poor law system and the perceived burden of the cost of illegitimacy was one of the factors behind the poor law reforms of the 1830s. This chapter will examine the poor law system, with regard to illegitimacy, before and after the implementation of these reforms. It will consider the effect of the poor law on communities and recipients and its consequence on national legislation.

A Hull archivist, Geoff Oxley, made the observation that there is no such thing as the history of poor relief, only 'the history of poor relief in particular parishes'.¹ Any student of the English Poor Law should hold this distinction paramount, for the system of

¹ G. W. Oxley, *Poor Relief in England and Wales 1601-1834* (London, 1974), p.12.

providing for the poor had been managed at parish level since the introduction of the 1601 Poor Law Act.² This legislation consolidated several earlier acts and established the parish as the unit of authority in matters of social welfare. Thus the system of poor relief had the potential to be administered differently in all of the 15,000 parishes and townships across the country.³ Although working within the framework of national legislation it was parochial administration that had a direct impact on the lives of the men, women and children who needed support in times of personal or national crisis. The taxpayers who provided the means of support, the overseers who doled it out and the recipients who depended upon it were all part, in rural areas at least, of the same close-knit community. They were not the faceless beneficiaries, administrators and bureaucrats of today's technological age but employers, neighbours and workmates well known to one another, even if socially distanced by distinctions of class. Individual recipients were at the heart of the poor law system. Although Oxley was referring specifically to the 'old' poor law, the system that had essentially been in operation since Elizabethan times, there was still a considerable element of parish involvement under the reorganisation of poor relief following the 1834 Poor Law Amendment Act, which led to what is commonly referred to as the 'new' poor law.⁴ In this respect his comment remains valid and is applicable, in varying degrees, to the whole operation of the English system of poor relief, which pertained until the early part of the twentieth century.

A number of acts added to and amended the poor laws throughout the centuries from Elizabethan times until their demise in 1929, when an act repealed the obligation for

² House of Commons Parliamentary Papers (HCPP), 43 Eliz. I, c 2 (1601), *An Act for the Relief of the Poor*.

³ This is an approximate figure. The number of parishes will be lower, but those that cover a large area will include townships with the authority to administer their own poor relief.

⁴ HCPP, 4 & 5 Will. IV, c.76 (1834), *A Bill for the Amendment and Better Administration of the Laws Relating to the Poor of England and Wales*. This became known as the Poor Law (Amendment) Act of 1834.

parishes to appoint poor law guardians and transferred the duty of providing for the poor to the local authority.⁵ However, during the period of this study the parish was a self-governing body responsible for its own poor and obligated, under the laws, to provide work for the able-bodied poor, to apprentice pauper children and to relieve the impotent poor. It is important to recognise that it is the administration, particularly of the old poor laws, rather than the legislation, that is central to their operation. Individual parishes operated the law according to local custom and prejudice, leading to a diversity of administration, interpretation and practice. In matters of illegitimacy this local knowledge, coupled with the moral outlook and prejudices of individual overseers and guardians of the poor, could have an impact on the treatment of single mothers within the community. Therefore, it could be argued that the operation of the poor law can only really be understood by an examination of the people it was designed to assist. Did the treatment of single mothers and their illegitimate children vary between parishes?

Rising Costs.

Since its inception in Tudor times the cost of supporting the poor must have fluctuated throughout the centuries in accordance with national and local crises. Poor harvests and periods of economic depression would have put pressure on the poor rate at various times. Lowe described our knowledge of the distribution of poor relief during the seventeenth century as ‘very imperfect’, although he regarded it to have been ‘considerable in the first half of the century, in consequence of the continued rise of corn’ during this period.⁶ It was said that by the end of the seventeenth century, one tenth of the population of England and Wales was in receipt of some kind of relief.⁷ Throughout the eighteenth century both the population and the poor rate continued to

⁵ HCPP, 19 & 20 Geo. V. c.17 (1929), *Local Government Act*, including provision for *An Act to Amend the Laws Relating to the Poor*.

⁶ J. Lowe, *The Present State of England in Regard to Agriculture, Trade and Finance* (London, 1823), p.188.

⁷ *Ibid.* p.188.

rise. In his treatise of 1815 Clarkson illustrated the extent of this increase with figures taken from parliamentary reports for specified years as shown in Table 4.1.⁸ These show that from the end of the seventeenth century to the beginning of the nineteenth there had been a six fold increase in the amount of money spent on the poor, while the population itself had not quite doubled over the same period.

Table 4.1. The Poor Rate in Relation to Population.

Year	Approx. Population	Poor Rates (£)
1688	5,300,00	665,362
1776	7,728,000	1,530,804
1783	8,016,000	2,004,238
1785		
1792	8,675,000	2,645,520
1803	9,168,000	4,267,965

Data derived from Clarkson (1815).

Eastwood stated that between 1748-1750 the poor rates for England and Wales (Scotland and Ireland had their own systems of poor relief) averaged £730,000 per annum.⁹ Comparing this with Clarkson's figures would seem to indicate that the second half of the eighteenth century saw a significant increase in expenditure on the poor, an increase that was to continue well into the nineteenth century. The amount quoted by Eastwood for 1748-1750 represented 6.5 per cent of total central and local government spending. One hundred years later, in 1848-1850, the figure was £7,587,000 and represented 13 per cent of government spending.¹⁰ Eastwood looked at the per capita spending of local government and concluded that over the one hundred year period this

⁸ W. Clarkson, *An Inquiry into the Cause of the Increase of Pauperism and Poor Rates; with a remedy for the same, and a proposition for equalizing the rates throughout England and Wales* (London, 1815), p.12.

⁹ D. Eastwood, *Government and Community in the English Provinces* (London, 1997), p.124.

¹⁰ *Ibid.* p.124.

had risen from £0.12 in 1750 to £0.38 in 1850.¹¹ These figures are given in 1750 prices, calculated from local taxation returns and three indices used as deflators.¹² While Eastwood urged caution in the use of raw figures the per capita amount would appear to bear out the supposition, suggested by Clarkson's figures, that it was not necessarily an increase in population that had caused expenditure to rise, but rather an increase in the amount of relief to individuals.

The Problem of Illegitimacy.

Towards the end of the eighteenth century the cost of providing for the poor and also, therefore, the burden on the ratepayers, was rising considerably. One of the highest perceived costs was that of supporting illegitimate children and their single mothers. The work of Laslett and others has indicated that there was a steady rise in illegitimacy throughout the eighteenth century.¹³ His figures, reproduced in Figure 2.3, show a continual increase throughout the century and despite a drop in the early nineteenth century there is indication of a sharp rise following the change in the poor laws in 1834.

During this period the nature of society was changing at a disturbing rate. The agrarian and industrial advancements, coupled with falling death rates, had resulted in a growing and progressively more mobile population. A corresponding increase in the numbers of the poor was causing serious concern in political circles. Malthus, with his theories of population and productivity, further fuelled the debate that eventually culminated in the nineteenth century reforms of the Poor Law.¹⁴ Central to this debate, but often seemingly overlooked in the political perception of the problem, were the individuals

¹¹ Ibid. p.124.

¹² For details of their derivation and deflators see D. Eastwood, *Government and Community in the English Provinces* (Basingstoke, 1997), p.149, n. 33.

¹³ P. Laslett, K. Oosterveen and R. M. Smith (eds.), *Bastardy and its Comparative History* (London, 1980), pp.14-15.

¹⁴ T. R. Malthus, *An Essay on the Principle of Population* (London, 1803, (e-Book)).

claiming relief and the nature of their needs. Just as with illegitimacy itself behind every claim for relief there was a set of circumstances that was individual to each case, some of which will be discussed later.

Malthus had first published his essay on population in 1798 and further expounded his views in subsequent editions throughout the early years of the nineteenth century. He had much to say about the effect of the Poor Laws and was quite vociferous in arguing the case that they encouraged population growth and increased, rather than diminished, poverty. He maintained that even if the money paid to the labouring classes were to be increased significantly it would do little to eradicate poverty in the long term. He believed that food production would not keep pace with demand and that prices would quickly rise, thus driving large proportions of the population back into poverty. The Old Poor Laws, he argued, were compounding the situation by encouraging population growth. Any 'spur to productive industry' would be counterbalanced by a corresponding spur to population and 'the increased produce would be divided among a more than proportionably (sic) increased number of people'.¹⁵ Malthus' contention that the Old Poor Laws encouraged population growth was based on his aversion to the allowance system, such as that introduced at Speenhamland in 1795. This was a scheme that supplemented a labourer's wage, on a sliding scale, in accordance with the size of his family and the price of bread, which largely negated the overseer's discretionary powers. It was a method that was adopted by other counties, particularly in the south but also in some northern areas. This kind of allowance, argued Malthus, was the cause of an increased population among the poor as a 'poor man may marry with little or no prospect of being able to support a family', knowing that the parish would provide

¹⁵ Ibid. p.397.

assistance when his wage was insufficient to feed them.¹⁶ His argument was that such allowances lessened the preventative check on early marriage and removed the economic distinction between the married and the single man. This, therefore, resulted in larger families and an increased population, which in itself only served to pauperise the labouring man by increasing the amount of surplus labour.

Huzel, however, disputed Malthus' contention that the Old Poor Law encouraged population growth. His research on the two Kent parishes of Lenham and Barham led him to conclude that there was no real evidence to support Malthus' contention that the payment of allowances encouraged population growth and that he was able to 'forcefully contradict any Malthusian expectations' concerning the two parishes.¹⁷ Instead he suggested he suggested that the allowance system was a reaction to population increase rather than its stimulus, and that the family allowance system could be seen as a response to a wide range of social and economic forces. The Poor Law Commissioners relied heavily on the Malthusian view and Huzel suggested that while this 'was ideally suited to contemporaries who wished to explain away the problems of poverty by shifting the blame onto the shoulders of the procreating poor, its merit in explaining early demographic trends is extremely dubious.'¹⁸

Other economists and social reformers joined the Poor Law debate. Townsend, writing in 1786, attacked the Old Poor Law's payment of out-relief, believing that it promoted indolence and insubordination among the poor. He believed that the expectation of relief took away the fear of hunger and therefore the motivation to work.¹⁹ Others took up the debate and in his study on poverty Sir Frederick Eden maintained that any system

¹⁶ Ibid. p.409.

¹⁷ J. P. Huzel, 'Malthus, the Poor Law and Population in Early Nineteenth-Century England', *Economic History Review*, 22.3 (1969), pp. 430-452.

¹⁸ Ibid. p.451.

¹⁹ J. Townsend, *Dissertation on the Poor Laws* (London, 1786), p.13.

that guaranteed relief would be 'far outbalanced by the sum of evil which it will inevitably create'.²⁰ Expectation of relief would weaken the fabric of society by removing the necessity to support one's family. He also argued that one of the principles of the Elizabethan Poor Laws, that the able-bodied should be set to work, was flawed. Whatever the pauper produced would inevitably undercut the industrious labourer.²¹ In a partial solution to the problem of the poor he contended that unenclosed land should be allotted to labourers to enable them to keep a pig or a cow and to grow vegetables, a view supported by David Davies, an agrarian reformer, who also believed that allowing labourers a little land to supplement their income would alleviate the burden on the poor rate. He did not, however, share Eden's view that it was the payment of allowances that had caused the rise in costs. Davies believed that the recent changes in the rural economy; loss of cottage land, increased cost of consumer goods and the decline in employment, particularly for women and children, had reduced the labourers' real incomes and left them with no other recourse than to claim relief.²² Others, such as Colquhoun did not believe that poverty could ever be abolished, nor should it be. He argued that poverty created wealth inasmuch as without it there would be no labour and it was labour that produced wealth in a civilised society. It was indigence, the inability to procure subsistence, that was the problem and he believed the poor law system should act as a prop at critical times to prevent the poor from descending into such a state.²³ It was into this atmosphere of political condemnation of the poor that the unmarried mother and her illegitimate child were to be particularly criticised.

It was, however, the Malthusian view that prevailed among the parliamentarians that were charged with reviewing the system. A Select Committee Report of 1817 reiterated

²⁰ Quoted in M.E. Rose, *The English Poor Law 1780-1930* (Newton Abbott, 1971), p.42.

²¹ G. R. Boyer, *An Economic History of the English Poor Law 1750-1850* (Cambridge, 1993), p.54, n.4.

²² *Ibid.* p.54.

²³ Rose, *English Poor Law*, pp.46-49, Extract from P. Colquhoun, *A Treatise on Indigence* (1806), pp.7-9 and 108-9.

the economic theories of Malthus and declared that the system fostered population increase and diminished the ‘natural impulse by which men are instigated to industry.’ The report argued that the current system of poor relief was ‘perpetually encouraging and increasing the amount of misery it was designed to alleviate’ and heavily criticised the payment of allowances for increasing the poor bill, which set the scene for the major reform of the poor laws that took place in 1834.²⁴ Marshall, however, stated that payment of allowances was a long established practice of the parochial administration of the old poor law.²⁵ Blaug, too, argued against Malthusian theory by pointing out that the payments were too low to act as an incentive ‘to marry and breed recklessly’ and were not enough to have ‘devitalised the working class by offering an attractive alternative to gainful employment.’²⁶

The Speenhamland system of allowances had initially been introduced as a temporary measure, to provide a humanitarian solution in a time of real economic distress. The continuing high price of corn led to the practice becoming widespread in some areas in order to counteract low wages. Chambers and Mingay suggested that while corn prices were high and farmers themselves were prosperous ‘the Speenhamland allowance gave rise to little criticism’ but at the end of the Napoleonic Wars, when falling prices caused difficult times for farmers and landowners, that the costs of providing for surplus labourers and their families became a real burden on the poor rates.²⁷ There is no doubt that the relief bill rose during the period following the introduction of the Speenhamland scale, but it had already been increasing for some years before its instigation. In an appendix to their report the 1817 Select Committee published some annual expenditure

²⁴ HCPP, *Report from the Select Committee on the Poor Laws* (1817), p.4.

²⁵ D. Marshall, ‘The Old Poor Law 1662-1795’ *Economic History Review*, Vol. 8, No. 1 (1937-8), pp.38-47.

²⁶ M. Blaug, ‘The Myth of the Old Poor Law and the Making of the New’, *Journal of Economic History*, 23.2 (1963), pp.151-184.

²⁷ J. D. Chambers and G. E. Mingay, *The Agricultural Revolution 1750-1880* (London, 1966), pp.120-121.

figures for all counties of England and Wales. The figures for the three Yorkshire counties are shown in Table 4.2. An examination of these figures suggests that there was a fivefold increase in the cost of providing for the poor in the period 1776–1815 in Yorkshire, compared with a threefold increase in England generally. It is interesting to note, however, that although the East Riding shows a fourfold increase in the period 1776-1803 the trend of increasing costs had already been established well before the watershed of 1795. Although the debate continued and several bills relative to the poor laws passed through Parliament, enacting minor amendments and procedures, it was not until the new Whig government came to power in 1830 that major reforms were contemplated. A Royal Commission was set up in 1832 to inquire into the administration and practical operations of the poor laws, and it was the report of this Commission that was to result in the first major overhaul of the system for over two hundred years.

Table 4.2. Annual Expenditure on the Poor.²⁸

Annual Expenditure on the Poor (in whole £s)				
	1776	Average 1783-1785	1803	1815 Yorkshire
East Riding	11,036	15,499	44,335	380,470
North Riding	12,702	18,865	51,211	
West Riding	50,688	66,695	197,097	
Yorkshire Total	74,426	101,059	292,643	
England Total	1,523,163	1,943,649	4,113,164	4,858,160

The New Poor Law.

The commissioners appointed twenty-six assistant commissioners to visit parishes throughout the country and to ascertain the effects of providing out relief. Heavily influenced by the ongoing debates over allowances their instructions to the assistant

²⁸ Data derived from the 1817 Select Committee on the Poor Laws, Appendix C.

commissioners were to investigate the relationship between out relief and the industry and habits of the recipients. They were also to enquire into the frequency of marriages where the husband had been in receipt of relief and to compare the figure with the marriages of independent labourers. Boyer has stated that

In other words, the commissioners assumed that unemployment was caused either by the indolence of labor (sic), as argued by Townsend and Malthus, or by an increase in population caused by the system of out-door relief, as argued by Malthus.²⁹

The commissioners made no investigation into the inherent causes of poverty and even though some parish respondents and assistant commissioners offered economic explanations for poverty these were never acknowledged by the Commissioners. John Revans, the assistant commissioner for the East Riding, did show an awareness of economic factors in relation to poor relief when he stated

As the people of Hull are not confined to any particular trade or manufacture, they are not subject to the extensive distress which periodically visits the towns of Lancashire and the West Riding of Yorkshire.³⁰

Revans acknowledged that pauperism was ‘considerably increased (sic) by the frequent illness and ultimate destruction of the health’ of those who worked in the town’s several white lead factories. However, he provided evidence for the official view by stating it was also increased during the winter by the ‘improvidence of a large body of seamen

²⁹ Boyer, *Economic History of the English Poor Law*, pp.60-61.

³⁰ The National Archives (TNA), Ref. MH12/14358, Correspondence with Poor Law Unions (Sculcoates Union), 6 June 1837.

...(who)...neglect to make any provision for the short period during which the vessels are unemployed.’³¹ He describes the seamen as being engaged in the Baltic and Canada trade for eight months of the year, leaving the ‘short period’ of unemployment to amount to four months. It would be a very provident man who could stretch his income by one third. Nevertheless, it was the view of the commissioners that unemployment was the result of indolence on the part of the labourers, exacerbated by the payment of out relief by the local poor law authorities.

With this view deeply entrenched in the Victorian mind pauperism became something of a ‘moral plague’, a term attributed to Edwin Chadwick, one of the authors of the 1834 Report.³² Poverty itself was not the problem. It was considered necessary as the threat to motivate the working man to industriousness. It was pauperism that was considered the real evil; the dependence on relief rather than the independence of earning an honest wage. The 1834 Poor Law Amendment Act, the culmination of the Royal Commission’s findings, arose out of this concept. It embedded the principle of ‘less-eligibility’ in the belief that it would encourage the labourer to better efforts and improve the moral fibre of the lower classes. Under the new system no outdoor relief was to be given to the able-bodied. If a man were truly destitute then he and his family would be offered relief in the workhouse, where the conditions were deliberately designed to be worse than those of the poorest independent labourer. It was expected that only those who were desperate would resort to claiming relief. However, the single most significant change with the introduction of the New Poor Law was the centralised governmental control. On the advice of the assistant commissioners local areas were assigned to a Poor Law Union, generally based around a market town (see Figure 4.1).

³¹ Ibid.

³² F. Driver, *Power and Pauperism; the Workhouse System 1834-1884* (Cambridge, 1993), p.18.

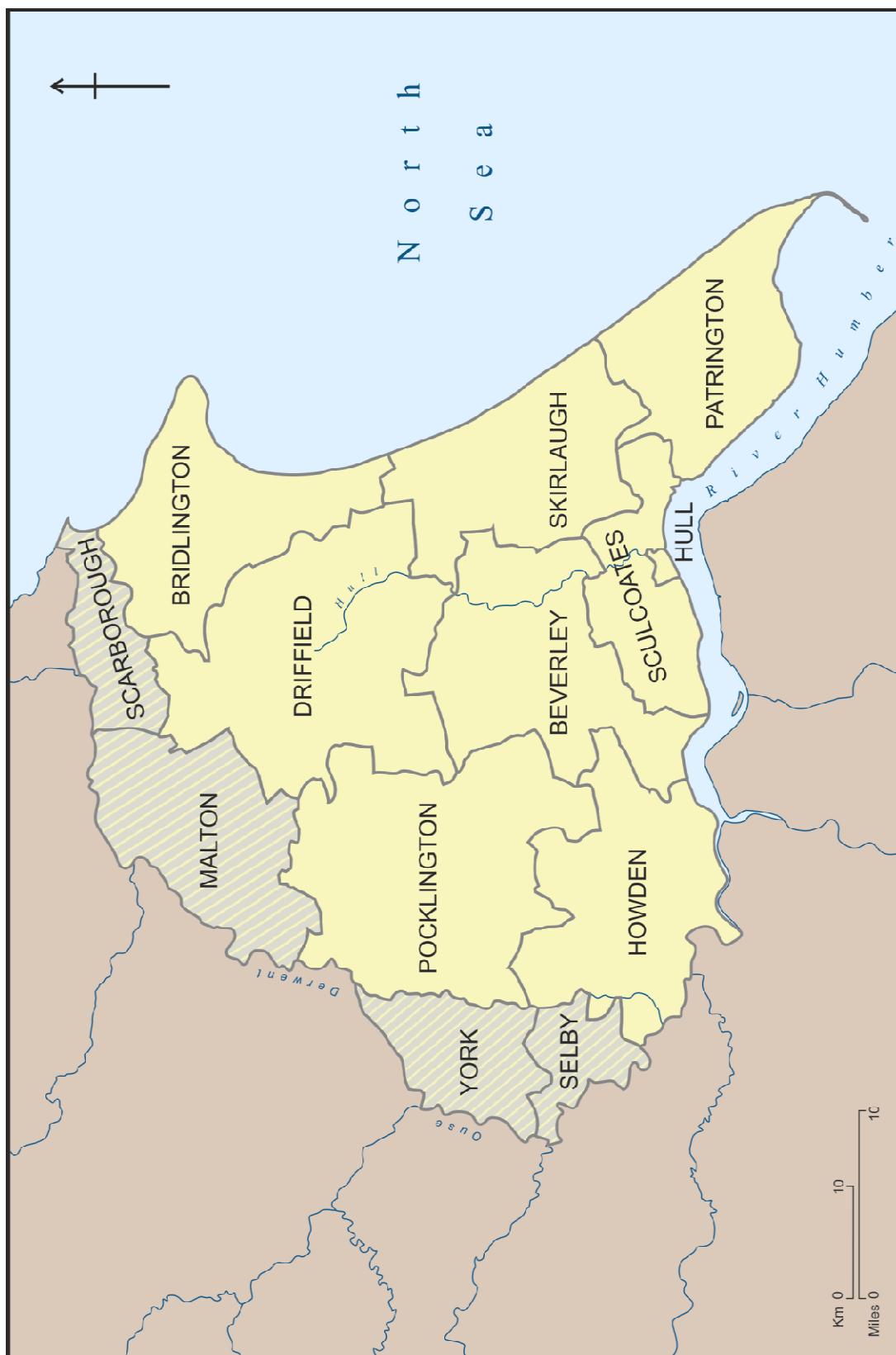


Figure 4.1. East Yorkshire Poor Law Unions.

Between 1836-37 the East Riding was divided into eight Unions that were wholly within its boundaries; Beverley, Bridlington, Driffield, Howden, Patrington, Pocklington, Sculcoates and Skirlaugh. Having already had its own Incorporation of the Poor and a workhouse since 1698, the city of Hull officials, although nominally under the direction of the Poor Law Commission, remained largely free from central control until the 1850s.³³ Some East Riding parishes were placed within the jurisdiction of Unions in the North or West Riding for geographical reasons and therefore there was some East Riding interest in the Malton, Scarborough, Selby and York Unions. Each Union was administered by a Board of Guardians, made up of representatives of the parishes within the Union.

There was some opposition locally to the inception of Poor Law Unions, both individually and corporately. In the industrial West Riding in particular there was active anti-poor law feeling, which even spread to the poor law authorities themselves. The initial Board of Guardians of the Huddersfield Union had a majority of elected anti-poor law members who refused to appoint a clerk in protest. Without a clerk no business could be conducted and a disorderly stalemate ensued until the Poor Law Commissioners put pressure on local magistrates, as ex-officio members of the Board, to intervene. Eventually, under threats to dissolve the Union a clerk was appointed in January 1838, almost a year after its formation.³⁴ The objection of the industrial towns to the new system was based on its impracticality in heavily populated manufacturing areas, which were particularly subject to the vagaries of economic growth and decline. In times of economic slump the numbers needing relief would far outweigh those who could be catered for in the workhouse. Even in rural East Yorkshire there were pockets

³³ K. J. Allison (ed), *The Victoria History of the Counties of England (VCH): Vol.1. The City of Kingston upon Hull* (London, 1969), p.232.

³⁴ P. Higginbotham, *Workhouses of the North* (Stroud, 2006), p.108.

of opposition, such as at Pocklington, where the Guardians refused to erect a new workhouse to serve the Union. It was not until 1851, when cholera closed the inadequate facility at Market Weighton, which had served the Union since its inception that the Guardians agreed to build a Union workhouse in Pocklington.³⁵ The feelings of at least one individual can be gleaned from the words of Robert Sharp, schoolmaster of South Cave, whose diary entry for 8 June 1836 made his views quite clear.

Yesterday we had a Poor Law Commissioner or otherwise a Lacquey belonging to them he is going to establish a Union of Parishes and have a Workhouse at So. Cave, he proposed sending Letters to the different parishes to meet to consult or rather to hear instructions, for I do not suppose that if they were opposed to the project they would be attended to. Talk of Irish Oppression indeed when every parish in England is prevented from conducting their own affairs!!³⁶

Sharp's diary records the initial confusion surrounding the decision on where to place the Workhouse, the symbolic centre of the Union. Following rumours that it was to be at South Cave, North Cave and Market Weighton it was eventually decided that South Cave should be part of the Beverley Union. He was clearly unimpressed by the whole process and described the Commissioners instructions as making 'confusion worse confused' and stating that 'however dark it is we shall grope our way out in some manner.'³⁷

³⁵ Ibid. p.84.

³⁶ J. E. and P. Crowther, (eds.), *The Diary of Robert Sharp of South Cave: Life in a Yorkshire village 1812-1837* (Oxford, 1997), p.526.

³⁷ Ibid. p.542.

Generally speaking people fell into poverty and claimed relief for one of four reasons; sickness, old age, unemployment or single parenthood. Those in the first two categories could be classed as the deserving poor. Those in the third category may have been seen as slightly less deserving but still recognised as legitimate claimants. Those in the fourth category could be sub-divided into widowers and widows, and single mothers. Of these widows and widowers may be seen as genuine, probably short term, claimants. However the single mother and her illegitimate child were considered to be among the least deserving of all and were perceived as a heavy burden on local rates.

There is no doubt that the problem of illegitimacy was high on the agenda of the political reformers, or at least the fact that ‘bastardy’ formed the subject of three of the questions asked of individual parishes by the Poor Law Commissioners in 1832, published in 1834, and commonly referred to as the ‘Rural Queries’ and ‘Town Queries’.³⁸ These were a series of questions, sent to all parishes, enquiring into poor law allowances, illegitimacy, rural housing, wages and employment. There are inherent problems with this resource, not least the low rate of return and the fact that the Poor Law Commissioners did not produce a summary of results. Although ‘the number and variety...made us consider them the most valuable part of our evidence’ the Poor Law Commissioners found difficulty in summarising the responses. They declared ‘not much could be saved in length without incurring the risk of occasional suppression or misrepresentation’.³⁹ Therefore they published the parish responses in full as an Appendix to their report. As Blaug pointed out the task of wading through almost five thousand pages seemed to have deterred the report’s opponents and the lack of a summary made it difficult for anyone to challenge the Commissioners interpretation of

³⁸ HCPP, *Report for HM Commissioners for Inquiry into the Administration and Practical Operation of the Poor Laws* (hereafter Poor Law Report) 1834 Appendix B1 (Rural Queries) and Appendix B2 (Town Queries).

³⁹ HCPP, Poor Law Report (1834), p.2.

the facts.⁴⁰ Further, he argued that the questions themselves were deliberately worded to misrepresent the true state of affairs, particularly those relating to the payment of allowances. They were, he said, designed 'to confuse family allowances with wage subsidies in the effort to persuade the public that the Poor Laws were still suffering from...maladministration.'⁴¹ At best they were poorly worded open questions often leading to ambiguous or irrelevant replies. Another problem with the Queries was the percentage of those returned. Blaug estimated that just over ten per cent of parishes returned the forms, covering about twenty per cent of the population.⁴² As Verdon pointed out this raised doubts about the typicality of the parishes that did reply, but she qualified this condemnation by pointing out that the value of this resource lay in its nationwide coverage. 'There is no other source that is as accessible and universal in its exposition of rural employment patterns in England in the period following the Napoleonic Wars'.⁴³

Certainly, there appears to have been a very disappointing response from the East Riding parishes. In comparison with some other counties there are very few responses listed for the East Riding, being only five to the Rural Queries and two to the Town Queries. The rural responses were from the five parishes of Beverley St Mary, Leven, Hornsea, Patrington and Preston. These form a small sample of the Holderness Wapentake but one that did include both rural villages and market towns situated in the Middle, North and South divisions of the district. The urban parishes covered by the Town Queries were Sutton, a large urban parish and the united parishes of Hull Holy Trinity and Hull St Mary, both in the old heart of the city of Kingston upon Hull. This

⁴⁰ M. Blaug, 'The Poor Law Report Re-examined', *Journal of Economic History*, 24.2 (1964), pp.229-245.

⁴¹ *Ibid.* p. 232.

⁴² *Ibid.* p. 234.

⁴³ N. Verdon, 'The Rural Labour Market in the Early Nineteenth Century: Women's and Children's Employment, Family Income and the 1834 Poor Law Report', *Economic History Review*, 55.2 (2002), pp. 299-323.

was, and still is, the only city geographically situated within the East Riding. However, the City of York is contiguous to the East Riding, being approximately forty miles distant from Hull and its responses will also be considered in this survey.

According to Blaug the five rural parishes equated to only three per cent of East Riding parishes and covered only five per cent of the population.⁴⁴ This compares poorly with the national estimate of ten percent of replies covering twenty per cent of the population, but did not compare particularly badly with two out of the three neighbouring counties as can be seen in Table 4.3.

Table 4.3. Percentage of Responses to Rural Queries in Contiguous Counties (1834).⁴⁵

County	Rural Parishes	Replies (%)	Total population 1831	Replying Population (%)
ER Yorkshire	365	3	206,000	5
NR Yorkshire	537	2	193,000	5
WR Yorkshire	666	9	987,000	36
Lincolnshire	727	3	321,000	6

If we consider the four counties shown in Table 4.3 we see that the percentage of West Riding responses was three times that of the other counties, but the percentage of its represented population was much greater. Whereas a threefold increase of replies from the East Riding could have been expected to represent fifteen per cent of the population those of the West Riding represent thirty-six per cent, more than double the representation of the other counties. This would appear to indicate that those West Riding parishes that responded were more populous than those of Lincolnshire and the other Ridings. As the West Riding was becoming increasingly industrialised at this time

⁴⁴ M. Blaug. 'The Poor Law Report Re-examined', *Journal of Economic History*, 24.2 (1964), pp. 229-245.

⁴⁵ Data derived from M. Blaug, *Poor Law Re-examined* (1964), pp.236-7.

this would appear to be a reasonable deduction. In his re-examination of the Poor Law Report Blaug categorised counties depending on whether he considered them ‘Speenhamland’ or ‘non-Speenhamland’ areas. He took this category from the 1824 Select Committee Report on Labourers’ Wages, in which the Committee found Speenhamland counties to be those ‘making use of the principle of supplementing earned wages’.⁴⁶ Of the four counties in Table 4.3 the East Riding and the North Riding, were categorised as Speenhamland counties and the West Riding and Lincolnshire as non-Speenhamland areas. In the Abstract of Returns of the Select Committee, published the following year, it would appear that areas of the East Riding were operating some kind of an allowance system. The responses to the nine questions asked by the Select Committee inquiry appear to bear this out. Asked if relief was given to labourers employed by the farmers, and whether either the whole or part of the wage was paid out of the poor rate, five out of the seven districts replied in the affirmative. In contrast, all nine West Riding respondents denied that this happened in their area. However, when asked if married labourers with children received assistance from the parish rates, of the nine West Riding districts five returned unqualified affirmative answers, three qualified positive responses by asserting only when families were in need, and only one negative response was recorded. The five East Riding districts all replied that they did give assistance to married labourers, with families. One countered ‘in cases of sickness’ and another ‘when in distress’ and a third ‘according to the necessity of the case’.⁴⁷ We do not know, however, how many of the straightforward positive or negative replies may also have had qualifying conditions attached to the payment of relief. It should not be assumed that relief was given as an automatic right and not subject to rigorous investigation as to the recipients’ circumstances. Although the East Riding overseers were paying relief to employed married men with families,

⁴⁶ Ibid. p.233.

⁴⁷ HCPP, Report from the Select Committee on Labourers Wages; Abstract of Returns (1825), Q.2.

thus supplementing wages, there is little evidence to suggest that it was paid according to a standardised system, such as that devised at Speenhamland. Oxley argued that, in fact, there was a

...long tradition of poor law authorities making cash payments to able-bodied persons in employment, if their wages were too low to support their families...⁴⁸

and that the Berkshire magistrates were only acting 'with tradition and precedent' in seeking to address what was perceived as a temporary crisis.⁴⁹ Question 47 of Appendix B1 (Rural Queries) and Question 58 of Appendix B2 (Town Queries) were concerned with the allowances being paid out to unmarried mothers and whether or not it covered the expense of keeping a child. In the East Riding it would appear that the accepted cost of rearing a child was two shillings and sixpence (12½p) per week. The Hornsea parish overseer declared that this 'is about the expense of a child's keep' and that 1s 6d (7½p) was sought from the father with the parish making up the rest of the cost from the poor rate.⁵⁰ The overseer of Patrington declared that the allowance per child was 'from 2s (10p) to 2s 6d or 3s (15p) a week' but that as 'the indemnification of the parish ought to be kept in view...it behoves the Overseers to be as economical as possible.'⁵¹ Beverley St Mary parish returns indicate that the allowance they paid was not enough to cover the cost of bringing up one child, but 'if she [the mother] have more than one, it will repay her well.'⁵² An examination of parish responses from across the country shows that the information supplied by the five East Riding parishes, although in line with many other respondents, appeared to be more generous than some, with allowances ranging from 1s

⁴⁸ Oxley, *Poor Relief*, p.110.

⁴⁹ *Ibid.* p.112.

⁵⁰ HCPP, Rural Queries, Q.47.

⁵¹ *Ibid.*

⁵² *Ibid.*

6d to 2s 6d being more the norm. Generally, the amount required from a labouring man in maintenance for his illegitimate child was around 1s 6d, as at Hornsea, but it appeared to be a commonly held view that this did not cover the cost of raising the child and the parish was required to supplement this sum as was deemed necessary.

The wages of an ordinary labourer at this time varied both according to the time of year and the place where he was employed. The wages of an agricultural labourer in Holderness shows quite some discrepancy in earnings, even within the same farming area. Whereas ‘the average labourer, obtaining the *average* amount of employment’ could expect to earn around £30 per year in Leven parish, the annual average earning was only £23 to £24 in Patrington.⁵³ The putative father of an illegitimate child, paying 1s 6d a week, would be paying almost four pounds over the year, approximating to one sixth of a labourer’s wage in the Patrington area in the early 1830s. Providing a monetary comparison is always difficult due to the number of variables that need to be taken into account to obtain an accurate figure, including inflation, wages, and the fluctuating price of commodities. Even if we make a calculation based on a comparison between the daily wage of agricultural labourers centuries apart it does not tell us either what that wage could buy or what proportion of it was spent on a necessary expense. Nor does it allow for the variation of regional differences in earnings.⁵⁴ In the Holderness area of the East Riding women working in agriculture could expect to earn between 8d and 1s a day but employment, if available at all, was usually irregular (apart from harvest time) and was unlikely to support both mother and child.⁵⁵ Even accepting that views on what constituted the normal necessities of life would be very different

⁵³ HCPP, Rural Queries, Q.10.

⁵⁴ For an explanation of how wage and cost of living indexes are calculated see L. Munby, *How Much is That Worth?* (Chichester, 2nd edn., 1996,.), pp.17-32.

⁵⁵ HCPP Rural Queries, Q.12.

from today's expectations, it does serve to demonstrate that life cannot have been easy for mothers who relied solely on this support.

The language used in the questions on illegitimacy in the Rural Queries was somewhat provocative and suggestive of bureaucratic stigmatisation. Information requested on 'Bastards' was related to the payments of allowances, as would be expected, but they were leading questions that appear designed to elicit a specific response. Question 47 asks if the allowance received by a 'Woman for a Bastard' generally repaid her the cost involved, or did it 'more than repay her' and was 'the existing law for the punishment of the mother whose Bastard Child becomes chargeable often executed for the first or for the second offence?'⁵⁶ It implied that unmarried mothers were rewarded for having illegitimate children and the responses confirmed this by stating that the mother would be well paid if she 'have more than one' child and that 'punishment is rarely enforced upon the Mother' for the 'first or second offence and frequently, but not invariably, for the third offence'. Patrington parish declared that single mothers seldom nursed their children 'but go into service and the parish provides Nurses.'⁵⁷ The responses from parish officials appear to suggest that unmarried mothers were living comfortable lives at the expense of parishioners and were not held to account for their 'offence'. The overseer of Beverley St Mary was in no doubt that this was a poor state of affairs and wanted both mother and father to be held to account and stated 'Summary punishment should be adopted; penance or public exposure should be restored'.⁵⁸ It was in this atmosphere of institutional censure that the New Poor Law was enacted.

It is difficult to judge just how accurate parish respondents were in their replies to the myriad of questionnaires that came their way from the Poor Law Commissioners in

⁵⁶ HCPP, Rural Queries, Q.47.

⁵⁷ Ibid.

⁵⁸ Ibid. Q.49.

London. It is possible to find anomalies if one looks hard enough, such as the poor law guardians in Hedon who, in their annual return, declared that the parish had no illegitimate children born into it in the year ending 25th March 1837.⁵⁹ This is despite the entries for four such children, which were recorded in the parish register for the same period.⁶⁰ As the instructions clearly state ‘...you will ascertain by reference to the Baptismal Register the number of Bastards born into the Parish...’ it seems unlikely that deliberate misinformation was supplied from a source that could so easily be checked, however unlikely that checking process may have been.⁶¹ It is possible that the question had been misinterpreted but, as they admitted to paying for the keep of one illegitimate child during the year, this also seems unlikely.

Settlement and Removal.

Although some early Elizabethan Poor Law documents do survive the greater part of the records relating to the poor cover the period dating from the late seventeenth century to the demise of the last remnants of the system, heralded by the advent of the Welfare State in the mid-twentieth century. Several of these records, from the seventeenth to the nineteenth centuries, were related to the laws of settlement and removal. Each parish was responsible for maintaining its own indigent poor but it was sometimes difficult to determine exactly who belonged and who did not. If a doubt arose over whether a pauper could claim residency rights it was not unusual for an overseer to refuse relief and attempt to pass the responsibility on to a neighbouring parish, particularly if the person in question was pregnant and unmarried. Any incomers were viewed with deep suspicion. In order to reduce the burden on the parochial purse it became a matter of some importance to determine just who the parishioners were. The 1662 Settlement Act

⁵⁹ East Riding Archives and Local Studies (ERALS), Ref. DDHE/17/13, Correspondence between the Churchwardens and Overseers of Hedon and the Poor Law Commissioners (1834-1837).

⁶⁰ M. Craven. *The Hedon Parish Registers*, Vol. II (Beverley, 1993), pp.209-210.

⁶¹ ERALS, Ref. DDHE/17/13.

was designed to address this problem by providing a system that facilitated the return of paupers to their parish of birth or settlement.⁶² A series of amendments ensued, throughout the seventeenth and eighteenth centuries, which laid down specific conditions by which persons gained a right of settlement in a particular parish (see Appendix B). Another consequence of the Settlement Laws was that they helped to regulate labour migration. Garnier argued that ‘in manorial days it was essential to control the outflow of labour from the district; under the parochial system to control its influx’.⁶³ Brundage agrees that ‘in spite of the absence of central government supervision ...an effective mechanism for the surveillance and regulation of labour migration was clearly in place.’⁶⁴

As a direct consequence of the settlement laws it became very difficult for the ordinary working labourer to move in search of work. Not only could he be removed from a place where he was not ‘settled’ if he actually became chargeable, but also if it was thought likely that he might become so. Without some form of surety the movement of the labour force in general could have been severely restricted. This resulted in the creation of some of the most useful parish documents relating to the lives of the poor; the settlement certificate, the settlement examination and the removal order. A settlement certificate, issued by the person’s own parish, could be produced upon arrival in a new parish, confirming to the authorities there that the parish of settlement would bear the cost of any support the holder may require in the future. It can be argued that the instigation of settlement certificates facilitated the freer movement of labour throughout rural England, and perhaps even encouraged it, as many labourers were required to present themselves at the annual hirings in order to gain employment for the

⁶² HCPP, 14 Car. II, c.12 (1662), *An Act for the Better Relief of the Poor of this Kingdom*, Commonly referred to as the Settlement and Removal Act.

⁶³ R. Garnier, *Annals of the British Peasantry* (London, 1895), p.249.

⁶⁴ Brundage, *The English Poor Laws*, p.10.

following year. Employers were often careful not to add to their own tax burden by allowing non-settled workers to gain a settlement through employment. This created a situation where young single workers were often mobile, moving on yearly, which had a clear implication for the incidence of illegitimacy.

Snell used settlement examinations to assess the incidence of seasonal unemployment in several south-eastern counties and was able to determine that women, in particular, experienced significant changes in employment patterns.⁶⁵ He concluded that women were subject to long periods of unemployment from after spring until December. By the period immediately following the end of the Napoleonic Wars to the instigation of the New Poor Law (1815-1834) it had become less likely for women to retain employment during harvest.⁶⁶ The responses to the Rural Queries for the East Riding bear this out in part. It would appear that there were few employment opportunities available to women with most parishes declaring there was 'very little' or only 'occasional' work. Only Leven believed that there was 'sufficient employment for Women' in spring, summer and autumn whereas Beverley St. Mary stated that there was 'No work for Women except washing and charing' apart from 'Occasional gleanings in the ...Harvest.' Hornsea and Patrington mentioned haymaking and harvest work while Preston declined to respond at all.⁶⁷ What is also clear from the parish responses is that neither was there full employment for men. Preston had 22 superfluous labourers, only half of whom could expect even some summer work, and Patrington had 15 to 20 men who were only employed for two to or three months in the spring.⁶⁸ What this serves to demonstrate is that employment was precarious for both men and women. An unstable economic future

⁶⁵ K. D. M. Snell, *Annals of the Labouring Poor; Social Change and Agrarian England 1660-1900* (Cambridge, 1985), pp.17-66.

⁶⁶ Ibid.

⁶⁷ HCPP, Rural Queries, Q11.

⁶⁸ Ibid. Q.4, Q.5, Q.6.

may well have been a consequence in failed marriage plans that led to an illegitimate birth.

In the previous chapter we have seen the paradoxical connection between marriage and illegitimacy. There is a similar paradox in relation to the settlement laws. These could have a considerable implication for single mothers and their children. It could also present a problem for those in informal relationship, particularly for the children of such unions. Under the old poor law a married woman took the settlement of her husband and became the responsibility of his parish if she were widowed or separated. The case of Hannah Tiplady was decided through settlement by marriage but also included an illegitimate child. After the death of her first husband, John Tiplady, Hannah met and married Thomas Wilcox in 1805 and lived in the town of Hedon. Thomas was a soldier serving in the 2nd West Yorkshire Militia and by 1816 Hannah was widowed once again, this time with an eleven year old son, Robert, to support. Being unable to produce a certificate of settlement Hannah was examined by the magistrates on 6th December 1816. At this examination it was reputed that Thomas Wilcox had another wife still living at the time of his marriage to Hannah, so the magistrates decreed that she should retain the settlement she had gained in her own right, by service, at the nearby village of Thorngumbald, which was also the settlement of her first husband. As John Tiplady had drowned six years after their marriage (which took place in 1795 or 1796) it is assumed that Robert, who would have been born in 1805, was the son of the bigamous union with Thomas and therefore illegitimate.⁶⁹ Mother and son had a lucky escape in that had her second marriage been declared legal they could have been removed to some West Yorkshire parish, to live in an unfamiliar environment among strangers. Four years later it seems that neither Hannah nor Robert were a burden on

⁶⁹ ERALS, Ref. DDHE 17/11 54, Settlement Examination of Hannah Tiplady.

the poor rates of Thorngumbald as their names do not appear in the account books for that place.⁷⁰

Illegitimate children were particularly vulnerable and the settlement laws were instrumental in the possible separation of mother and child. Until the Poor Law Removal Act of 1795 illegitimate children took their settlement from their place of birth, which may well have been different from that of their mothers.⁷¹ Single women often left their parishes to go into service elsewhere, leaving their illegitimate children in a very vulnerable position. From 1795 the unborn child of a single woman under an order of removal was to take its mother's settlement. This helped to put an end to the callous practice of hounding women, in the late stages of pregnancy, across parish borders in an attempt to alleviate any future claim for poor relief. Levene suggests that this change in the law demonstrated that some consideration was given to keeping mothers and illegitimate children together in times of hardship. It is significant to note that this clause was retained under the overhaul of the Poor Law system in 1834.⁷²

Nevertheless, the system did have its anomalies. Nutt cites a court case involving Elizabeth Farmer of Chelmsford in Essex, who was forced into marriage when becoming pregnant in 1807. Her new husband left immediately after the ceremony leaving her to bear their legitimate child alone. He was gone for eight years, during which time, presuming him dead, she met and married John Barefoot, with whom she had two children. The return of her husband confirmed the illegitimacy of the two Barefoot children and the parish officials set about obtaining affiliation orders. They

⁷⁰ Hull History Centre (HHC), University of Hull Archive Collection, Ref. DX/26/2, Account Book for the Workhouse of The Four United Parishes of Paull, Thorngumbald, Ryhill and Keyingham (1820-1832).

⁷¹ 35 Geo III (1795), *Poor Law Removal Act*.

⁷² A. Levene, 'Poor Families, Removals and 'Nurture' in Late Old Poor Law London', *Continuity and Change*, Vol. 25, No.2 (August 2010), pp.233-262.

were able to affiliate the eldest child, born in the parish, to Barefoot but requested a removal order for the youngest, who had been born in another parish and for whom they had no responsibility. Nor did they have the power to make an affiliation order on the father. As Nutt observed, '...as the result of technicalities of parochial settlement only one of the children appears to have had their legal, paternal relationship established, and the family itself was quite likely to have been subject to physical separation'.⁷³ Another example of parents being separated from their children, and each other, is demonstrated by the case of Agnes Sharp of Hedon.⁷⁴ Agnes bore two illegitimate children, to different fathers, in 1800 and 1803(died in infancy), before marrying militiaman Paul Cook in 1805, whose settlement was in Friskney, Lincolnshire. She bore her first legitimate child in 1806, but while she was pregnant with another child her husband joined the regular army and walked out of her life in 1809. The overseers lost no time in confirming Agnes's settlement as that of her husband and removed her and her legitimate child to Friskney, where her second legitimate son was born in December. Agnes was clearly a very resourceful woman and she was back in Hedon by January 1810, where her new son was baptised. In 1815 she was again removed to Friskney after being apprehended as a rogue and vagabond, but she was back again by 1818 when she attempted to marry Hedon carrier Daniel Young in the parish church. Knowing her history the Hedon authorities made enquires and found that her husband, Paull Cook, was alive and well and serving with his regiment in Canada. Agnes and Daniel set up home together in Hedon, following a bigamous marriage in the nearby, but anonymous town of Hull. Hedon officials became concerned when it was obvious that Agnes was again expecting an illegitimate child, which they feared would become chargeable to the parish. So concerned, in fact, that they took legal advice from a London barrister, who

⁷³ T. Nutt, 'Illegitimacy and the poor law in late-eighteenth and early-nineteenth century England', University of Cambridge, PhD Thesis (2006), p.142.

⁷⁴ M. Craven, *A Very Troublesome Woman; The Case of Agnes Sharp of Hedon, 1776-1849* (Hedon, 2003).

stated that as Agnes was technically in breach of a removal order she could be sent to a house of correction, in which case the forthcoming child would take its mother's settlement of Friskney, absolving the Hedon overseers of any responsibility. Instead, for the third time, in January 1819, a pregnant Agnes found herself being removed to Friskney. This child died in infancy. By March 1819, the redoubtable Agnes was back with Daniel in Hedon and by 1821 was expecting another illegitimate child. A fourth removal order was obtained and Agnes was forced to travel yet again to Friskney to have her illegitimate child, despite the fact that she was clearly in a long-term cohabiting relationship with the child's father. Agnes's surviving illegitimate child from before her legal marriage to Cook, was settled in Hedon, and remained there when Agnes and the other children were removed, several times, to a place over 75 miles away. Had Agnes not been the determined woman she was, returning to Hedon a fourth time, this may have meant the permanent separation of mother and daughter. There was also the potential for Daniel Young to be permanently separated from his 'wife', and his children who did not share his settlement. She may have been a 'troublesome' woman to the Hedon authorities, but Agnes's determination and spirit kept her family together despite their efforts to separate them.

In the eighteenth century illegitimate children were particularly vulnerable to being separated from their mothers, even though there was a clause in the settlement laws which allowed young children to stay with their mothers till the age of seven, even if they did not share a settlement. In 1717 the 'Bastard child of Hall' was under an order of removal to West Newton, while Robert Hall and his wife were sent to Brantingham.⁷⁵

Thirteen-year old Mary Ann Jones, the illegitimate daughter of Sarah Tate, was removed alone from St. Pancras, London to Beverley in 1834, a distance of nearly 200

⁷⁵ H. Woledge, *East Riding Quarter Sessions; Settlement and Removals 1647-1862* (Hull, 2009). Published on CD.

miles. This may have been because Mary was considered to be independent at this age, but whatever the reason the settlement laws separated her from home and friends.

There were, however, cases where compassion was evident and an order that would separate mother and child was reversed. At the Easter Sessions of 1799 the removal order against one-year old Francis Thorley, from Beverley to Hull, was reversed and he was allowed to stay with his mother. It was noted that he was 'a bastard born in St Mary Hull...(and)...ought not to be separated from his mother, whose settlement is St Mary Beverley, and she has not deserted him'.⁷⁶ 'Similarly, 'the bastard child of Anne Hargill now the wife of Robert Sanderson of Cavill' was ordered to Eastington, the parish in which Cavill was a township in 1712, leading us to hope they remained together.

Mary Clark, a married woman 'with child likely to be a bastard' had her order to remove from Patrington to Welwick quashed, suggesting that some consideration had been given to her case, despite the serious view taken on adulterine bastardy.⁷⁷ These cases, which show a measure of consideration for the individuals concerned, lend emphasis to the hypothesis that, under the Old Poor Law, there was 'negotiated relationship' as suggested by Hitchcock, where the circumstances of each party were known and decisions were based on knowledge of individual circumstance.⁷⁸

Although, under the Poor law Amendment Act of 1834, parishes were grouped together in Poor Law Unions this did not prevent them from being rigorous in their defence of the parish poor rates. Each parish still contributed to the cost of their own poor, even though the administration was now largely removed from individual overseers and placed in the hands of the Boards of Guardians. Settlement cases were fought quite meticulously, and on occasion a parish became responsible for a pauper who had no real connection with the place, other than unfortunate circumstance. This is demonstrated

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ T. Hitchcock, *English Sexualities 1700-1800* (London, 1997), p.113.

by the case of Margaret Bourne.⁷⁹ The exact circumstances of her birth are not known but she was, to all intents and purposes, a child without parental support. She was discovered in a destitute condition in the parish of Great Driffield in 1836, around the time of the formation of the Driffield Union, and thought to be around eleven years of age. She told the authorities that she had been brought from Scotland by a woman named 'Biddy', who had set her to beg, and that she had subsequently been enticed away by another family who were professional beggars. Not being able to beg effectively enough they eventually abandoned her. She spent the next two years in the Driffield Workhouse until she was hired to a local farmer in September 1838. By the time she left that employment, of her own accord, in March 1839 and returned to the workhouse she had been living in Driffield for three years but had gained no settlement there, as she did not meet any of the criteria laid down by the Settlement Laws (see Appendix B). She was then hired to a farmer in Beswick parish, part of the Beverley Union, but left after a couple of weeks and again returned to the Driffield Workhouse, where she was refused entry and sent back to her employer. Before reaching Beswick she stopped about a mile away at the village of Watton, where she knew a family who had been in the workhouse and presented herself to them as destitute and obtained a night's lodgings. This turned out to be a very significant event. Not being able to support her along with his own children the father of the family took her back to the Driffield authorities, who contended that she had only ever been a casual pauper and that having spent the previous night at Watton was now the responsibility of that parish, despite never having made application to the Watton poor law authorities. This view was upheld by the Poor Law Commissions in London even though, as the Watton Guardians argued, she had only been passing through on her journey between Driffield and Beswick, a journey she was sent on by the Driffield Guardians. Margaret Bourne's

⁷⁹ TNA, Ref. MH12/14272 Correspondence with Poor Law Unions, (Driffield Union), 22 May 1839.

case serves to demonstrate both the difficulties in gaining a settlement and the ease with which a parish could be burdened with supporting a stranger.

When it came to supporting unmarried mothers or their illegitimate children there were particular anomalies inherent in the settlement system. One of these was the concept of 'non-access'. Hannah Bartindale was born to Elizabeth Bartindale, nee Clarkson c1818. Elizabeth had left her husband, William Bartindale, shortly after their marriage, which had taken place around 1813.⁸⁰ William's settlement was in Old Malton, where the couple had lived during their short marriage and where William continued to reside until he died. Elizabeth then went to live in Langtoft, in the Driffield Union, with a man named William Luckup, to whom she had two children, one of them being Hannah. She lived with Luckup as his wife until her death in c1828. Ten years later, in 1838, Hannah was twenty years old, single, pregnant and living in Lowthorpe, another parish within the Driffield Union. By 1841 her natural father, William, was residing here and it is likely that this was the family home in 1838.⁸¹ Although she was the product of a stable, long-standing relationship Hannah herself was illegitimate and therefore did not take her father's settlement, but that of her mother's husband, William Bartindale. She had no settlement of her own, despite the fact that Luckup had always publicly acknowledged her as his daughter. The parish of Lowthorpe wanted to remove her to Langtoft, the parish of her birth, which, if it could be proved she was illegitimate and not Bartindale's child, would be her rightful settlement. However, because Old Malton was only about twenty miles from Langtoft it was incumbent upon the former place to prove that the estranged couple had no contact during the period leading up to Hannah's birth. This was because the child of a married woman was always assumed to be the husband's unless proven otherwise. In the words of the Commissioners;

⁸⁰ TNA, Ref. MH12/14272 Correspondence with Poor Law Unions, (Driffield Union), 23 April 1838.

⁸¹ TNA, 1841 Census, Lowthorpe, HO107/1215, F.5, p.3.

...the question is upon which party the burthen of proof lies; the parish of the marriage, or the parish relying on the concubinage and there can be no doubt that upon the respondent parish having the pauper's father's marriage in Old Malton the latter parish would be required to prove non-access, which at this distance of time there must be great difficulty in doing, and that difficulty is increased by the near neighbourhood in which the parties continued to reside, the one to the other, after the separation... Unless, therefore, there should be reason to believe that Old Malton is prepared with evidence to show a distinct case of non-access, and that of course in relation to the period previous to the birth, calculated for gestation, the pauper is removable to Old Malton – otherwise to Langtoft.⁸²

Hannah was initially removed to Old Malton, but on examination by the magistrates was removed to Lowthorpe, the parish to which she first made application for relief.⁸³

Hannah Bartindale's situation was by no means uncommon. Clarification was also sought from the Commissioners relating to illegitimacy and settlement in the case of the children of Mary Kitson of Skeffling.⁸⁴ In 1838 Mary had recently married Robert Billany of Sunk Island, who was himself in receipt of parish relief. Fourteen years earlier Mary had been removed, as a single pregnant woman, from Easington to Skeffling and by the time of her marriage had two illegitimate children.⁸⁵ The Sunk

⁸² Ibid. 28 April 1838.

⁸³ ERALS, Ref. QSU/4/155/2, Examination Papers and Removal Order for Hannah Bartindale, 9 June 1838.

⁸⁴ TNA Ref, MH12/43333, Correspondence with Poor Law Unions (Patrington Union), 12 February 1838.

⁸⁵ ERALS, Ref. PC15/1/5/4, Removal Order of Mary Kitson, 22 December 1824.

Island authorities were not keen to assume responsibility for these children when she married one of their own paupers. The Commissioners, however, decreed that the husband was

...liable for all children, legitimate or otherwise, which his wife might have at the time of her marriage...and the children...being made part of his family they are in the event of his inability to maintain them liable to be relieved by the parish in which he is entitled to be relieved.⁸⁶

This decision, while increasing the burden on Sunk Island, relieved the parish of Skeffling of their obligation to Mary and her children. Parish officials were always keen to relieve their ratepayers from the burden of supporting an illegitimate child if at all possible. The costs of providing for such a child until adulthood, if necessary, could be substantial, notwithstanding the settlement itself, which would be gained by virtue of being born within the parish. This cost often continued for several years and included the expense of apprenticing the child to a suitable trade. Keyingham paid £1.1s 'to Estaby Boy when he went to sea' and £4.8s.9½d 'To Dunn Boy Clothing' suggesting he was being fitted out with a complete set, perhaps prior to taking up an apprenticeship.⁸⁷ The responsibility did not always end on placing a child with a suitable master. For unspecified reasons Kirkwood Harper was unable to continue with his shoemaking apprenticeship and in 1859 a tailor, Henry Coupland, agreed 'to take him for 5½ years, or until he became 20 years of age' for a fee of £10, to be paid by the Poor Law

⁸⁶ TNA. Ref. MH12/43333, Correspondence with Poor Law Unions (Patrington Union), 23 February 1838.

⁸⁷ HHC, University of Hull Archive Collection, Ref. DX/26/2, The Account Book of the United Parishes (1820-1832).

Guardians.⁸⁸ Unfortunately, Kirkwood died in November 1865, at twenty years of age, making it unlikely that he practised his trade as a qualified tailor.⁸⁹

The laws of settlement and removal have often been seen as promoting evil practices, with tales of cruel treatment, particularly with regard to pregnant single women, hastily transported over parish boundaries in an attempt to evade the costs of supporting and apprenticing a pauper child. But perceptions of hoards of beggars and single women with illegitimate children being the majority of those removed under this legislation is not necessarily borne out by the figures. Figure 4.2 illustrates that the single largest group to be removed was families, with single women second, and single men third. Of the remaining 35 per cent only 3 per cent of the orders named a lone female with at least one child, who may or may not have been a wife or widow. A similar figure pertains for single fathers with children. However if these are added to the number of wives removed with children then the figure for single parent families increases dramatically to 20 per cent in total. As these data relate in part to a period of the Napoleonic Wars, it has to be considered that some of those removed may have had absent soldier husbands, although only one was described as the wife of a private soldier.⁹⁰

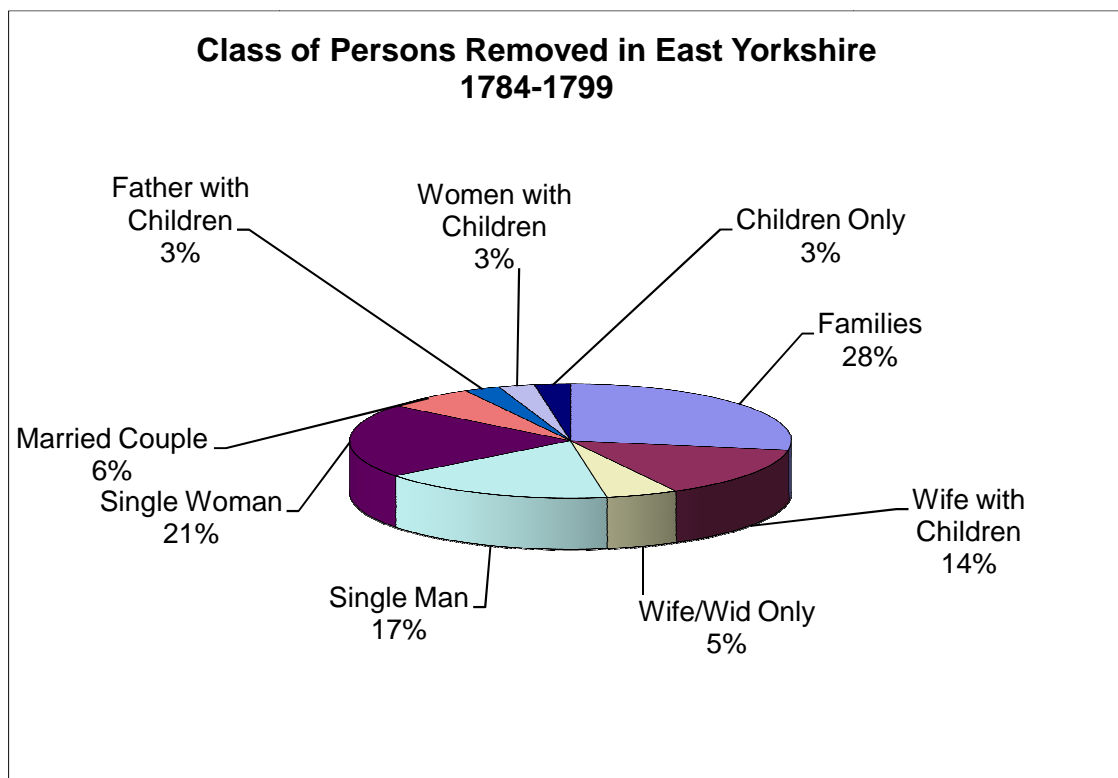
Here, in these records, we can see how the operation of the Poor Laws affected the everyday life of ordinary people. Larger towns and cities may have had a significantly greater problem, because many of their residents had gravitated to the towns for work in the new industries and a large proportion of the workforce retained a settlement in their home parish.

⁸⁸ ERALS, Ref. PE 86/35, Keyingham Vestry Account Book (1832-1870), 19 May 1859.

⁸⁹ ERALS, Ref. PE 86/11, Keyingham Parish Registers: Burials (1863-1981).

⁹⁰ Data derived and computed from seventy-two East Riding removal orders in a fifteen-year period from 1784-1799, as described in the Access to Archives Online Catalogue at www.a2a.pro.gov.uk (2003).

Figure 4.2. Persons removed in the East Riding 1784-1799.



Boyer argues that this worked against the economic stability of the town in some ways. Under the Settlement Laws people only had a right to relief in their own place of settlement and in times of economic downturn this could mean a mass removal programme. Removing workers back into rural areas meant that when the economy recovered the labour force was scattered far and wide.⁹¹

However, in rural areas it would appear that, for the most part, those being removed were not vagrants and beggars, but families that were experiencing a difficult period in their lives. Despite the reports in the Hull Advertiser⁹² of removals of Scottish and Irish paupers from the town few appear to be causing concern to the respondents of the rural

⁹¹ Boyer, *Economic History of the English Poor Law*, pp.244-45.

⁹² D. Parry, (ed.), *The Meadley Index to The Hull Advertiser*, Vol.1, 1826-1845 (Hull, 1987), pp.211-220 and Vol.2, 1846-1857 (Hull, 1987), pp.195-206.

queries in 1834.⁹³ Paull overseers record paying 2s 6d to 'a man as relief' and 1s 'to a Scotchwoman' in 1821,⁹⁴ presumably to set them on their way out of the parish, but such entries are not overly common for these parishes. An 1838 report that Holderness 'swarms with beggars' referred to those speaking with the dialect of the manufacturing districts of the west⁹⁵ suggesting they may have come looking for employment in the flax mills or seeking agricultural work in a more prosperous region than their own.⁹⁶ It was not unusual for industrial workers to seek rural employment, especially in East Yorkshire, which offered higher wages than many other areas and was generally more prosperous.

The significance of the effect of this legislation was not lost on the Poor Law Commissioners themselves. In 1817 a Select Committee on the Poor Law referred to the Law of Settlement as

If not the most important branch...[of the Poor Law]...yet as it affects the comfort, the happiness and even the liberty of the great mass of our population, it is of the highest interest.⁹⁷

However, when parishes were asked how the system could be improved those selected here had little to suggest.⁹⁸ Patrington thought it could only be improved by the case of yearly servitude, by which one assumes they would prefer a longer period to be

⁹³ HCPP, Rural Queries, Q.7.

⁹⁴ HHC, University of Hull Archive Collection, DX26/2. The Account Book of the United Parishes (1820-1832).

⁹⁵ *Hull Advertiser*, 13 June 1838.

⁹⁶ Small-scale linen mills were set up in the East Riding following the introduction of a government subsidy in the late C18th. Later, in 1846, a large mill, employing 150 workers was set up in Patrington in Holderness by a Leeds based company. See D. and S. Neave, 'Brewing and Malting, Ropemaking, Textiles and Tanning' in S. Neave and S. Ellis, *An Historical Atlas of East Yorkshire* (Hull, 1996) p.80.

⁹⁷ N. Hopkin, 'The Old and New Poor Law in East Yorkshire 1760-1850', University of Leeds, M. Phil Thesis (1968), p.24.

⁹⁸ HCPP, Rural Queries, Q.51.

imposed. Beverley was concerned that a ten-year residence rule be opposed. As previously mentioned there was a perception that the agricultural labourers from the surrounding villages were obliged to live in the town due to 'the destruction of the cottages on the estates...for the avowed purpose of getting rid of the poor'.⁹⁹

Under the New Poor Law the guardians were equally as vigilant about their own paupers as the overseers had been under the Old Poor Law. Although the Beverley overseers may have felt that the law was working against them and forcing them to provide for the poor of the surrounding rural parishes, this was not necessarily the case. Many rural parishes were supporting paupers in urban areas and, as Brundage has pointed out, 'It seemed unfair that towns profited from the labour of former country dwellers, yet could compel rural areas to support them in adversity.'¹⁰⁰ It was possible for a rural parish to be responsible for supporting a non-resident pauper in his old age, even though that pauper had left as a young man and spent his working life in an urban area.

The parish remained the unit of settlement but an increase in the payment of non-residential relief and the introduction of a five-year residency rule in 1846 reduced the numbers of those actually being removed.¹⁰¹ From 1847 the burden on parishes was lessened by a change in charging procedures, which made the Poor Law Union, rather than individual parishes, responsible for the costs of non-residential paupers.¹⁰² This

⁹⁹ Ibid.

¹⁰⁰ Brundage, *The English Poor Laws*, p.103.

¹⁰¹ HCPP, 9 & 10 Vict. c.66, (1846), *An Act Amend the Laws Relating to the Removal of the Poor*

¹⁰² HCPP, 10 & 11 Vict. c.33 (1847), *An Act to Amend the Laws Relating to the Removal of Poor Persons from England and Scotland*.

was extended to include all paupers in 1865 with the introduction of the Union Chargeability Act.¹⁰³

The Workhouse System.

Perhaps the most striking feature of the New Poor Law was the introduction of the Union Workhouse. These imposing buildings became a feature of the local landscape and a symbol of oppression to the poor. It had not, however, been the original intention of the Poor Law Commissioners to encourage their erection. Initially, it would seem, the Commissioners favoured separate institutions for different classes of the poor, using existing parish accommodation.

...that such workhouses as are sufficiently commodious should be fitted up as district workhouses. That a classification should be made; that some workhouses of discipline, with simple but sufficient food, should be established, in which work should be found. That others should be for such aged as had no friends, where the food should be more than ample. That such of the present inmates as had friends should be pensioned, and only be required to make their appearance at stated intervals. That others should be converted into places of reception of orphan children....¹⁰⁴

This idea of separate institutions was soon abandoned, probably because it was deemed cheaper to run one large institution than three or four smaller ones, even though existing buildings could have been utilised. The Assistant Commissioners were divided on the

¹⁰³HCPP, 28 & 29 Vict. c.79, (1865) *A Bill to Provide for the Better Distribution of the Relief of the Poor in Unions*. (Commonly known as the Union Chargeability Act).

¹⁰⁴ HCPP, *Report from His Majesty's Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws* (1834), Appendix A, p.428.

issue but Sir Francis Bond Head, one of those originally appointed to the post, advocated a single large workhouse in each Union, an idea that seemed to be more popular with the local Boards of Guardians. Brundage argued that one of reasons why the Guardians preferred the single building was because it would represent a 'potent symbol of the new order' and 'inculcate pride in an important new organ of local government'.¹⁰⁵ There had been a prototype institution of sorts built ten years earlier in 1824 on the formation of the Thurgarton Incorporation in Nottinghamshire, under the instigation of Rev. Thomas Belcher. A large purpose built workhouse was erected at Upton, the regime of which was based on the successful experiment conducted at nearby Southwell Workhouse. Here, in 1821, George Nicholls (later to become one of the Poor Law Commissioners) oversaw the instigation of a strict regime based on the classification and segregation of the workhouse inmates. Nicholls also discontinued payment of out relief to all but the aged, infirm and impotent poor. All allowances and rent payments were stopped and relief only offered in the workhouse.¹⁰⁶ The poor rate expenditure was reduced by nearly 43 per cent in one year and the number of claimants fell considerably. The Southwell Workhouse building had been designed by Belcher who claimed it had been 'constructed and governed upon a principle of Inspection, Classification and Seclusion'.¹⁰⁷ Belcher continued to uphold these principles with the Thurgarton Incorporation and the large workhouse, built to house 158 paupers was seen as the forerunner of the later Union Workhouses of the New Poor Law. It was an imposing building, so designed that the Governor of the Workhouse could oversee the segregated areas and thus impress his supervision and surveillance upon the inmates.

The leading tenet of the 1834 Poor Law Act was that of 'less eligibility' by which it was decreed that the conditions inside the workhouse should be worse than 'the situation of

¹⁰⁵ Brundage, *The English Poor Laws*, p.77.

¹⁰⁶ K. Morrison, *The Workhouse: A Study of Poor-Law Buildings in England* (Swindon, 1999), p.36.

¹⁰⁷ *Ibid.* p.36.

the independent labourer of the lowest class'.¹⁰⁸ This meant that all able-bodied claimants were only to be offered relief by entering the workhouse and this would operate as a self-acting test. In other words applicants for relief would only present themselves when all other possibilities had been exhausted and they were truly destitute. Not all mothers of illegitimate children had recourse to the workhouse or other forms of poor relief. Those in long-standing informal relationships often appear in the records as part of stable family units, supported by the man as he would a wife. We have seen this in the case of Ann Balance of Paull (see Ch.3, p.69). For those without the support of the father other family and friends may well have provided succour. Hannah Bartindale was removed under the settlement laws when she became pregnant with an illegitimate child but her son was looked after by her family when she resumed work as a domestic servant after his birth. (see Ch.3, p.76). Eighteen-year old Jane Robson of Cherry Burton was home with her parents on census night 1871, described as a servant 'out of employment'. She was five months pregnant, her condition probably obvious, which may explain her presence back in the family home. Jane subsequently married but her son George did not appear with her on later censuses. As a nineteen-year old agricultural labourer he was still living with his grandmother in 1891.¹⁰⁹ It is likely that many single mothers and their illegitimate children were helped by family and friends within their communities, but for those without this network of support application to the poor law was the only solution.

Not all the newly formed Poor Law Unions were in agreement with the principle of less-eligibility in practice. The Sculcoates Board of Guardians wrote to the Commissioners with their concerns about new orders, which reiterated the rules

¹⁰⁸ HCPP, Poor Law Report (1834), p.127.

¹⁰⁹ TNA, 1871 Census, Cherry Burton, RG10/4770, F.61, p.9 and 1891 Census, Cherry Burton, RG12/3909, F.55, p.8.

regarding the payment of out-relief to the able-bodied.¹¹⁰ In a letter dated 4 January 1842 the Guardians stated that they were

...deeply impressed with the impolicy and injustice...calculated to
...deprive the industrious labourer of the assistance of the poor rate
on occasions when unavoidable want of employment render
temporary relief requisite for his support.¹¹¹

They go on to declare that they believed the giving of outdoor relief in times of distress could be safely left to the local boards which were well enough acquainted with the circumstances of applicants to prevent 'fraud and imposition'. They were so impressed with the hardship of the order that they could not 'without the sacrifice of all conscientious feelings' carry it out and resolved to suspend it.¹¹² The Sculcoates Guardians were in an anomalous position being, as they were, contiguous with Hull and having a similar class of population, most of which was employed in the same trades. Hull had operated an Incorporation of the Poor under a local Act of Parliament since 1698, and as such was largely immune from the 1834 Poor Law Act, which did not give the Poor Law Commissioners the right to dissolve such Incorporations.¹¹³ This placed the Sculcoates Guardians in the position of having to impose different rules to those of their neighbouring parish, even though their inhabitants were subject to the same vagaries of the local industries, in particular the fishing and Baltic trades, which were, to a large extent, seasonal. The amount of prospective claimants for relief during the winter months would far outweigh the capacity of the workhouse to accommodate them. Consequently the Sculcoates Union had been in the habit of allowing out-relief to the

¹¹⁰ HCPP, Session 1 (33) Poor Law Amendment Act, Copies of Orders (1841) p.24.

¹¹¹ TNA, Ref. MH12/14358 Correspondence with Poor Law Unions (Sculcoates Union), 4 January 1842.

¹¹² Ibid.

¹¹³ F. Driver, *Power and Pauperism*, p.42.

able-bodied during the winter months. It would appear that this payment of out relief was extended to include the mothers of illegitimate children. They wrote to the Poor Law Commissioners on 9 November 1841, informing them they had approved the payment of 1s 6d per week to Jane Longbone and Mary Ann Young, mothers of illegitimate children in Cottingham. According to the *Guardians*, these two young women were 'both in situations as domestic servants earning their livelihoods in a respectable manner.' However, their wages, stated the *Guardians*, were 'insufficient to enable them to support their children without the assistance of the parish.' The *Guardians* considered that it 'would be inflicting great hardship to leave their situations for the workhouse' and so ordered the allowance to be paid.¹¹⁴ A draft reply from the Poor Law Commissioners' Office, dated 18 November 1841, shows that the Commissioners were unhappy with this decision and warned that the 'worst consequences' would follow if women in service were to be allowed such payments, though they consented to it for a period of three months so as 'not to embarrass the *Guardians*.'¹¹⁵ With regard to the payment of out relief for the able-bodied, on 6 January 1842 Edward Senior, then Assistant Commissioner, wrote to the Poor Law Commissioners acknowledging the truth in the *Guardians* letter of the 4th January and recommending that able-bodied males should be relieved in return for stone breaking on the workhouse premises. He went on to say that previously 120 mothers of illegitimate children had been supported outside the workhouse but that since the order to offer indoor relief only 'very few had since accepted the workhouse'. He did not believe that the *Guardians* could wish to return to 'the previous practice of encouraging immorality and adding to the burthen of the ratepayer by granting outdoor relief to the mothers of Bastards.'¹¹⁶

¹¹⁴ TNA, Ref. MH12/14358, Correspondence with Poor Law Unions (Sculcoates Union), 9 November 1841.

¹¹⁵ *Ibid.* 18 November 1841.

¹¹⁶ *Ibid.* 6 January 1842.

The 1834 Act was very specific about the relief accorded to single mothers and their children and introduced three significant clauses relating to illegitimacy.¹¹⁷ Firstly, an illegitimate child was to take the settlement of its mother, rather than the place of its birth. This meant that a single pregnant female was less likely to be hastily removed over parish boundaries in order to avoid parochial responsibility. Secondly, the responsibility for supporting an illegitimate child, until the age of sixteen, was to rest with the mother and any relief given towards the needs of the child was to be considered as relief given to the mother. Should the mother die then the liability for maintaining the child rested with its maternal grandparents, forcing them to take responsibility for their daughter's actions. Thirdly, it had been proposed that the putative father was to be exempted from any legal responsibility for maintaining the child, thus throwing the burden wholly upon the mother. Under the Old Poor Law a woman could charge a man with being the father of her unborn child and unless he could disprove the charge he had little chance of escaping an order for maintenance. No examination of the evidence took place. Overseers, who were keen to indemnify the parish, were unlikely to question the accusation and it was possible that innocent men were accused of something that was extremely difficult to defend against, given the often-clandestine nature of the 'offence'. The 1834 Act placed all responsibility for the maintenance of the child onto the mother. However, provision was made for the overseers and guardians to present affiliation claims against putative fathers at the Quarter Sessions (instead of at the Petty Sessions, as previously) should the mother claim support from the poor rate. They were required to make 'diligent inquiry as to the Father of such Child' and to have corroborative evidence.¹¹⁸ Whereas the mother was expected to maintain the child until it was sixteen the affiliation order required the putative father to support the child until the age of

¹¹⁷ HCPP, 4 & 5 Will. IV, c.76 (1834), S.64, pp.40-44.

¹¹⁸ Ibid. p.41.

seven when, presumably, it was considered possible for the mother to work outside the home. The formal proceedings at Quarter Sessions were intended to discourage paternity claims and thus, by making the mother responsible, reduce the number of illegitimate children. In effect, it often increased the burden on the parish, as the procedures were more expensive, without necessarily reducing the incidence of illegitimacy. Indeed, it would be possible to argue that it had the effect of increasing illegitimacy as putative fathers had less to fear from the authorities and were therefore more likely to abandon their lovers than to marry them. Overseers and guardians, witnesses, claimants and defendants had, generally, much further to travel. In addition it was not unusual for legal counsel to be employed.

Beverley Sessions begins this day ...the Overseer is gone...to have an Order of Maintenance made on a Man in a Bastardy Case; I am sure there is more trouble and expence (sic) too in these Cases than under the old law; as an Attorney has gone with the Overseer.¹¹⁹

An Act of 1839 returned affiliation cases to the Petty Sessions when it was recognised it caused frustration and expense and that ‘a more speedy and effectual means’ of obtaining orders was required.¹²⁰ It was still, however, the overseers and guardians of the parish who brought cases before the courts until an act of 1844 allowed mothers to apply for affiliation orders in their own right.¹²¹

¹¹⁹ Crowther & Crowther, *The Diary of Robert Sharp of South Cave*, Entry for Monday 4th January 1836, p.511.

¹²⁰ HCPP, 2 & 3 Vict. c.85, (1839), *An Act to Enable Justices of the Peace in Petty Sessions to Make Orders for the Support of Bastard Children*.

¹²¹ HCPP, 7 & 8 Vict. c.101 (1844), *An Act for the Further Amendment of the Laws Relating to the Poor in England*.

Questions about paternal responsibility were included in the Rural and Town Queries.¹²² Some of the problems associated with these records are discussed earlier in this chapter. However, whereas many of the questions elicited qualitative answers that related to the recovery of maintenance for illegitimate children, they do provide us with some quantitative information. Parishes were asked how many illegitimate children had been chargeable to the parish, what had been the cost over the previous five years and how much of the expense had been recovered from the mothers and the putative fathers of such children. Three of the five East Riding rural respondents offered useful information, and in the case of two, Hornsea and Patrington, precise figures were recorded as shown in Tables 4.4 and 4.5.¹²³

Table 4.4. Expense of Illegitimate Children to the Parish of Hornsea, 1828-1832.

Year	Illeg. Children	Expense £. s. d.	Recovered from Father	Recovered from Mother	Loss to Parish ¹²⁴	Per cent Recovered ¹²⁵
1828	6	33.16.6	25.17.6	-	7.19.6	78
1829	8	42.15.9	32.16.0	-	9.19.9	77
1830	9	41.16.3	15.16.7	-	25.19.9	38
1831	5	29.16.3	12.15.9	-	17.0.6	43
1832	7	35.5.9	26.11.3	-	8.14.6	75

Leven parish also offered information, but less precisely. They gave no specific figures but stated that fifteen illegitimate children had been chargeable, with an annual expense of about thirty-five pounds. They thought that ‘probably about half the expense has

¹²² HCPP, Poor Law Report, 1834, Appendix B1 (Rural Queries) and Appendix B2 (Town Queries).

¹²³ Ibid. Rural Queries, Q.48.

¹²⁴ Figures shown in Tables 4,5,6,and 7 are exactly as published in the 1834 Report. There are occasional discrepancies in Column 6, Loss to the Parish. In the case of York, St. Saviour (Table 4.7) it is suspected that this is a misprint. The figures in this column are not included in the commutation of the percentages shown in Column 7 and do not, therefore, affect these data.

¹²⁵ Percentages were not included in the responses; this has been computed to the nearest whole figure from information given in Columns 3 and 4.

been recovered from the Putative Fathers' but that 'it is rarely that anything is recovered from the Mother'.¹²⁶

Table 4.5. Expense of Illegitimate Children to the Parish of Patrington, 1829-1833

Year	Illeg. Children	Expense £. s. d.	Recovered from Father	Recovered from Mother	Loss to Parish ¹²⁷	Per cent Recovered ¹²⁸
1829	17	82.2.10	45.14.6	-	39.8.4	56
1830	18	92.2.10	45.14.0	-	46.8.10	50
1831	18	89.10.0	40.0.0	-	49.10.0	45
1832	19	91.19.0	41.0.0	-	50.19.0	45
1833	18	86.16.0	36.13.6	-	50.2.6	42

None of the parishes reported recovering any of the costs from the mother, which is understandable when one considers that it is the mother who is likely to be applying for relief for herself and the child. Under general circumstances it was the mother who was economically reliant on the poor rate, either fully or in part, and therefore not in a position to contribute. Those mothers of illegitimate children, who were in long standing consensual relationships, or in some other situation whereby they were able to support their children, did not appear in these statistics.

Under the New Poor Law mothers of illegitimate children were particularly vulnerable to economic distress. They were made to be responsible and could no longer rely on being supported outside the workhouse, although some Unions did do so for the first six months after the birth. This was not the case in Hedon, however, where the Guardians found it effective to refuse relief outside the workhouse. They wrote to the Poor Law Commissioners seeking confirmation that they would be justified in refusing relief to single mothers, even though they had not applied to the Quarter Sessions for an

¹²⁶ HCPP, Rural Queries, Q.48.

¹²⁷ See n.118.

¹²⁸ See n.119.

affiliation order against the putative father.¹²⁹ They had adopted this course of action ‘and found it very successful for we find some will not go into the workhouse on any account.’¹³⁰ Those who did enter the workhouse ‘do usually tire in a week or two and take themselves out and we hear no more from them.’¹³¹ It would appear that the Guardians were selective in incurring the expenses of a hearing and did not pursue orders in cases where ‘females have charged young dissipated lads as being the fathers...where there was not the least chance of being reimbursed for any expense....’¹³² Although the Hedon Guardians may have felt they were acting prudently with the ratepayers money they were, if such a policy were common knowledge, sending out an entirely different message to the young men of the town. The 1834 Report had portrayed men as the victims of unjust practices and presented women as ‘occupying a position of superior disgrace’ in the relationship.¹³³ Until the partial reversal of the 1834 Act a decade later, which allowed mothers to bring claims for support, putative fathers may have been less likely to be pursued by the Overseers and Guardians. Firstly, it was more expensive to take a case to Quarter Sessions and secondly, if the Hedon Guardians were typical of their counterparts in other Unions, it may have been considered uneconomic to do so in cases which were either difficult to prove or offered little hope of reimbursement. As we can see from Table 4.4 some parishes did manage to recover a substantial amount of the costs under the Old Poor Law, despite the Commissioners contention that ‘not one half of the money...is recovered from the putative fathers’.¹³⁴ In 1828 Hornsea was able to recover 78 per cent from the putative fathers, 77 per cent in 1829 and 75 per cent in 1832. Patrington parish, with significantly higher incidences of illegitimacy, did not recover at the same

¹²⁹ TNA, Ref. MH12/14358 Correspondence with Poor Law Unions (Sculcoates Union), 29th March 1836.

¹³⁰ Ibid.

¹³¹ Ibid.

¹³² Ibid.

¹³³ T. Nutt. ‘Illegitimacy, Paternal Responsibility and the 1834 Poor Law Commission Report; the Myth of the Old Poor Law and the Making of the New, *Economic History Review*, 63.2 (2010), pp.335-361.

¹³⁴ Ibid. p.338.

level and was more in line with the Commissioners' statement (see Table 4.5). Hornsea, however, was not consistent in its high recovery rate and had two much leaner years, in 1830 and 1831 when the recovery rate was 38 per cent and 43 per cent respectively. Leven, too, according to their statement of recovering half the costs, had a similar recovery rate to Patrington. We do not know for certain why this kind of variation occurred but one of the characteristics of the Old Poor Law was the practice of rotating parish office, which could lead to inconsistencies of administration and levels of capability. In terms of population in 1831 Hornsea (780) and Leven (771) were of a similar size, although Leven had less incidences of illegitimacy at fifteen in a five year period compared to thirty-five in Hornsea. Patrington, with a population of 1298 in 1831, supported ninety illegitimate children over a similar period. Despite the advantage of local community knowledge it does not appear that smaller communities necessarily recouped a greater percentage of the costs.

Nutt analysed the responses from sixteen northern and southern counties and found 'a clear regional difference' in what he termed the 'bastardy recovery rate'.¹³⁵ He found that the northern parishes were much more successful in recovering costs from putative fathers. Particularly successful was the West Riding of Yorkshire, where the median recovery rate of individual parishes was up to 85 per cent in rural areas and 81 per cent in town districts. His research showed, however, that in most cases overall, the towns did have a higher recovery rate than rural areas. In the East Riding there were only two published responses to the Town Queries. The united parishes of Holy Trinity and St Mary's, Kingston upon Hull provided tabular information as shown in Table 4.6. The urban parish of Sutton provided a statement declaring that they had supported twenty-two illegitimate children over a five-year period at an annual cost of £120.5.0. They had

¹³⁵ Ibid. p.346.

received £442 from the putative fathers, giving them a recovery rate of 73 per cent.¹³⁶

This compared very favourably with that recovered from the Hull parishes which had an average recovery rate of 52 per cent over a five-year period. Hull was the only large city in the East Riding so the responses from the urban parishes of York, a city on the county's western boundary, were also examined in order to provide a comparative analysis. Out of the thirteen York parishes that responded only two gave full tabular information for a five-year period, St Saviour and St Lawrence, as represented in Tables 7 and 8. Of the remaining parishes three gave aggregated information for a five-year period, six gave some information but not enough to quantify for the purpose of this analysis and two gave no financial information at all. It should be noted, however, that St Giles parish, while not supplying any detailed information did remark that 'only one father [had] not paid up his account'.¹³⁷ Those parishes that provided aggregated information, St Crux, St Martin cum Gregory and St Mary Bishophill Senior had average recovery rates of 10, 41 and 30 per cent respectively. St Saviour and St Lawrence, for which detailed information is available had average recovery rates of 60 and 23 per cent respectively, a combined average of 41 per cent, giving the York parishes an overall recovery rate of 33 per cent. The East Riding urban parishes fared rather better. Holy Trinity and St Mary had an average recovery rate of 52 per cent, while Sutton had an average of 73 per cent, making a combined average of 62 per cent. The two East Riding rural parishes for which we have detailed information, Hornsea and Patrington, had average recovery rates of 62 and 48 per cent respectively, giving a combined average recovery rate of 55 per cent. What this serves to illustrate is the disparity of recovery rates between parishes, ranging from a low of 7 per cent (St Lawrence, 1831) to a high of 80 per cent (St Saviour, 1828) even within the same city.

¹³⁶HCPP, Town Queries, Q.59.

¹³⁷Ibid, Q.59. York, St Giles.

Nutt argued that an effective mechanism for recovering the costs of illegitimacy was already in place, but that the Commissioners ‘ignored the extent to which certain parishes could be highly effective in their implementation of the affiliation system’ and suggested this may provide evidence of a ‘deliberate misrepresentation of old poor law practice’.¹³⁸ It is true, as we have seen, that some parishes had poor recovery rates, but equally true that others recovered a good deal of the cost of illegitimate children from the putative fathers and demonstrated that the system could be effective. Nonetheless, the Commissioners appear to have relied on much anecdotal evidence, such as that given by Rev. Holdsworth of Boroughbridge, who stated ‘one instance in his own experience, of a woman who said she could do better with two or three bastard children than with a husband, because she would be sure of 1s 6d or 2s a piece for the children.’¹³⁹

Table 4.6. Expense of Illegitimate Children to the United Parishes of Holy Trinity and St Mary, Hull, 1827-1831.

Year	Illeg. Children	Expense £. s. d.	Recovered from Father	Recovered from Mother	Loss to Parish ¹⁴⁰	Per cent Recovered ¹⁴¹
1827	134	883.1.0	495.0.9	-	587.0.3	44
1828	148	833.17.0	451.5.6	-	382.11.6	54
1829	149	845.8.0	501.18.2	-	348.9.10	59
1830	169	832.3.0	365.11.0	-	466.12.0	44
1831	180	909.17.6	558.14.7	-	349.2.11	61

¹³⁸ Nutt. ‘Illegitimacy, Paternal Responsibility and the 1834 Poor Law Commission Report.

¹³⁹ HCPP, 1834 Poor Law Report, Appendix A, Reports from Commissioners. Report of J. D. Tweedy, p.777A.

¹⁴⁰ See n. 118.

¹⁴¹ See n. 119.

Table 4.7. Expense of Illegitimate Children to the Parish of St. Saviour, York, 1828-1832.

Year	Illeg. Children	Expense £. s. d.	Recovered from Father	Recovered from Mother	Loss to Parish ¹⁴²	Per cent Recovered ¹⁴³
1828	5	41.12.0	33.5.0	-	8.7.0	80
1829	6	49.8.0	35.0.0	-	14.8.0	71
1830	7	56.11.0	34.0.0	-	22.11.0	60
1831	6	48.15.0	35.0.0	-	13.5.0	27
1832	8	55.5.0	33.0.0	-	22.5.0	60

Table 4.8. Expense of Illegitimate Children to the Parish of St. Lawrence, York, 1828-1832.

Year	Illeg. Children	Expense £. s. d.	Recovered from Father	Recovered from Mother	Loss to Parish ¹⁴⁴	Per cent Recovered ¹⁴⁵
1828	4	34.13.0	18.17.0	-	15.16.0	55
1829	3	18.17.0	4.15.9	-	14.1.3	25
1830	3	18.16.0	2.11.6	-	16.4.6	14
1831	4	33.2.0	2.10.0	-	30.12.0	7
1832	5	27.6.6	4.5.0	-	23.1.6	15

Indeed, the Overseers of Beverley, St. Mary thought that having several illegitimate children was a viable economic decision, although they did point out that ‘The allowance is never sufficient to repay the expense of keeping a bastard child, unless when the Mother has 3 or 4. If she has only one it will not repay her; if she have more than one, it will repay her well.’¹⁴⁶

¹⁴² See n. 118.

¹⁴³ See n. 119.

¹⁴⁴ See n. 118.

¹⁴⁵ See n. 119.

¹⁴⁶ HCPP, Rural Queries, Q.47.

How, then, was the mother to support herself and her child under the strict regime of the New Poor Law. For those who had no family support, or whose families were themselves too poor to help, the only recourse was to apply to the local Poor Law Guardians. As we have seen, the Hedon Guardians' response was to only offer support within the workhouse, in keeping with the terms of the 1834 Act.¹⁴⁷ But this was not necessarily the case in other East Riding Unions. Not all unions were eager to obey the new stringent rules that applied to out-door relief for the able-bodied, which included single mothers. The Guardians of the Skirlaugh Union had a discussion 'on the subject of discontinuing all Out Relief to Bastard Children under the age of eight years' and directed their Clerk to write to the Commissioners with their views.¹⁴⁸ They had no difficulty, they declared, in 'ordering the House' to those mothers who had more than one illegitimate child but they considered that 'a difference should be made where a woman has had one child only...and where her previous conduct and Character has been good.'¹⁴⁹ They argued their case on the grounds of cost stating that if they were compelled to grant relief only in the workhouse

...and are obliged to bring both the mother and Child into it that will be attended with an expense to this particular Parish of about six shillings per week, whilst if Out Relief were allowed the probable expense would be about one shilling and sixpence per week which would be again repaid to the parish by the father of the Child'.¹⁵⁰

¹⁴⁷ TNA, Ref. MH12/14358, Correspondence with Poor Law Unions (Sculcoates Union), 29 March 1836.

¹⁴⁸ TNA, Ref. MH12/14384 Correspondence with Poor Law Unions (Skirlaugh Union), 13 November 1841.

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

They asked the Commissioners to reconsider and to allow Guardians discretionary powers to offer out relief to mothers of only one illegitimate child. This request embodies one of the arguments in favour of the Old Poor Law system; that local officers are in possession of local knowledge and are aware of individual circumstances. Although this may result in occasional mismanagement the overseer's discretionary powers may well have allowed him to serve his community's needs in a humane and effective way. Just as it seems the Commissioners were at pains to demonstrate that the Old Poor Law, with respect to illegitimacy, was wasteful and mismanaged, even though some parishes recovery rate provided evidence to the contrary, so they appeared determined to put morality before expense in the new system. In reply to the Skirlaugh Union the Commissioners wrote that they were unable to 'concur with the Board of Guardians in thinking that a different mode of relief ought to prevail for mothers having one bastard Child only.'¹⁵¹ They felt it was incumbent upon them 'to avoid any step which would hold out an encouragement to Bastardy' and that they were 'well aware of the tendency of a refusal of out relief to check the practice'.¹⁵² They were aware of the difference in expense but they anticipated that if the Guardians conformed to the order and gave indoor relief to those who actually required it, then the amount would 'fall short of the of the expense which the Union would sustain for the outdoor relief of Paupers of this Class.'¹⁵³ In other words, the Commissioners believed, as did the Hedon Guardians, that there would be fewer claimants if only indoor relief was offered. They also believed that this stance would be a check on immorality, placing all the responsibility for behaviour on the female partner.

¹⁵¹ TNA, Ref. MH12/14384 Correspondence with Poor Law Unions (Skirlaugh Union), 22 November 1841.

¹⁵² Ibid.

¹⁵³ Ibid.

Many mothers of illegitimate children, therefore, had no option but to accept the workhouse. These were the unfortunate women who had little or no support, for whatever reason, from the fathers of their children or from their families. Many may have been the victims of thwarted marriage plans, as discussed in a previous chapter, and were not necessarily immoral or promiscuous women.

Entering the workhouse must have been a very daunting experience and it was not made easier by the stigmatisation of unmarried mothers in some of these institutions. They were seen as the undeserving poor and the additional medical expenses associated with their confinement and laying-in must have made them unpopular with the authorities. In addition they and their children may need long term support and be a particular burden on the poor rate. Higginbotham suggests that in the early years of the Union Workhouses unmarried mothers were deliberately stigmatised 'by being placed in segregated accommodation or by being made to wear uniforms of a particular style or colour', such as those in Bristol Workhouse where single pregnant women were made to wear a red dress and prostitutes a yellow one. They may even have been fed a particularly unappetising diet as at the Strand Union Workhouse where unmarried women in the lying-in ward were fed on a diet of gruel for nine days.¹⁵⁴ Despite the Poor Law Commissioners issuing a minute against such practices as early as 1839, in which they refer to the mother being left to bear the natural consequences of vice (a loaded expression in its own right), stigmatisation within the Poor Law continued well into the twentieth century, when in 1922 62 per cent of unmarried mothers were recorded as receiving relief in the workhouse, compared with only three per cent of other 'husbandless women' such as widows or deserted wives.¹⁵⁵

¹⁵⁴ P. Higginbotham, *The Workhouse Encyclopedia* (Stroud, 2012), p.125.

¹⁵⁵ HCPP, *Sixth Annual Report of the Poor Law Commissioners* (London 1840), p.98, and Higginbotham, *Workhouse Encyclopedia*, p.126 and HCPP, Ministry of Health Report, *Persons In Receipt of Poor-Law Relief (England and Wales)*, 3 August 1922, pp. 28-29.

The East Riding Union Workhouses all show incidences of unmarried women paupers, together with their children. Of the nine adult, unmarried female paupers in the Drifffield Union Workhouse in 1851 four were there with at least one child, representing forty-four per cent of unmarried female inmates over the age of eighteen. Between them these four women were mothers to seven illegitimate children, ranging in age from one to twelve years. All were described as servants.¹⁵⁶ It is interesting to note that none of the children were infants suggesting, perhaps, that either the mothers had been unable to cope alone as the child became older, or that they had become long-term inmates in the institution as a result of the illegitimacy. This latter circumstance certainly appeared to be true of thirty-year-old Ann Dixon. Ann appears in the 1851 census for Drifffield Workhouse, as an unmarried woman, along with her two illegitimate children, Eliza, born 1846 and Major, born 1848.¹⁵⁷ In 1861 the Poor Law Board published a return of adult paupers who had been inmates in a workhouse for a continuous period of five years.¹⁵⁸ Ann appears on that list, along with four other East Riding women, where the reason given for their long-term occupancy in a workhouse was having illegitimate children. As we know, Ann was an occupant of the workhouse ten years earlier in 1851, in 1861 her daughter Eliza was no longer in the workhouse, but Ann appears to have had a further illegitimate child, born in 1854.¹⁵⁹ This suggests that she left the workhouse sometime after 1851 but a further illegitimate child forced her to return before 1855. Despite being a regular workhouse inmate for a period covering at least

¹⁵⁶TNA, 1851 Census, Drifffield, HO107/2366, F.286.

¹⁵⁷ General Register Office (GRO), Index to Births, March Qtr. 1846, Drifffield, Vol. 23, p.42 (Eliza) and March Qtr. 1848, Drifffield, Vol. 23, p.37 (Major).

¹⁵⁸ HCPP, Report of the Poor Law Board, *Paupers in Workhouses 1861; Returns from Each Workhouse in England and Wales, of the Name of Every Adult Pauper in each Workhouse Who has Been an Inmate of the Workhouse During a Continuous Period of Five Years*, pp. 205-207.

¹⁵⁹ TNA, 1861 Census, Drifffield, RG9/3608, F.22, p.38.. This return for Drifffield denotes workhouse inmates by initial only, but the entry G.D. is thought to be George Dixon, illegitimate son of Ann Dixon, birth registered in the June Qtr of 1854 for Drifffield. GRO Index Vol. 9d, p.236.

ten years, Ann Dixon had, in fact, the shortest continuous incarceration of all the East Riding women on the 1861 list. The longest continuous stay workhouse resident was Mary Andrew of Patrington who was listed as being in the Patrington Workhouse for a period of fourteen years because of her illegitimate children.¹⁶⁰ In 1851 Mary had two illegitimate sons with her in the workhouse,¹⁶¹ Peter born 1846 and William born 1849.¹⁶² In 1861 Mary was still in the workhouse with a son, William.¹⁶³ This child, however, was not the William born in 1849, who appeared to have died in 1853.¹⁶⁴ Mary had left the workhouse by the time of the 1871 census and was described as a domestic servant in the household of an agricultural labourer.¹⁶⁵ Mary was one of the nine single mothers in the Patrington workhouse in 1861, with a total of seventeen illegitimate children between them. This represents forty-seven per cent of the unmarried female inmates. The other long-term workhouse inmates in the East Riding were; Sarah Boys, Pocklington Workhouse inmate for a period of seven years, Mary Haggerston, Skirlaugh Workhouse inmate for eight years and Mary Girdham, Hull Incorporation for the Poor inmate for ten years.¹⁶⁶

Of the 14,216 (6569 males and 7647 females) long-term workhouse inmates in England and Wales in 1861 only 141 had illegitimate children given as the reason for their situation, equating to only one per cent of the total long term population and only two per cent of the female long term occupancy.¹⁶⁷ It would appear that although single mothers were driven to seek refuge in the workhouse at vulnerable times, very few became long-term residents of such institutions. The stories of the five East Riding

¹⁶⁰ HCPP, *Paupers in Workhouse 1861*, p.206.

¹⁶¹ TNA, 1851 Census, Patrington, HO107/2364, F.147, p.3.

¹⁶² GRO, Index to Births, March Qtr. 1846, Patrington, Vol. 23, p.71 (Peter) and December Qtr. 1849, Patrington, Vol. 23, p.71 (William).

¹⁶³ TNA, 1861 Census, Patrington, RG9/3599, F.42. p.42.

¹⁶⁴ GRO, Index to Deaths, June Qtr. 1853, Patrington, Vol. 9d, p.140.

¹⁶⁵ TNA, 1871 Census, Patrington, RG10/4798, F.115, p.22.

¹⁶⁶ HCPP, *Paupers in Workhouses 1861*, pp.205-207.

¹⁶⁷ *Ibid.* Summary, p.ii.

women who did spend several years in the workhouse system will be considered elsewhere in this thesis.

One consequence of the change occasioned by the introduction of the New Poor Law was the impact that this might have on the survival chances of illegitimate children born after its implementation. Illegitimate children had always been vulnerable and in an age of high infant mortality they were particularly susceptible to illness, disease and the effects of poor maternal care. The measures introduced by the 1834 Act on poor relief raised particular concerns about another evil that some feared would be a direct result of their enforcement. The proposal to make unmarried mothers solely responsible for the maintenance of their children led to fears that there would be an increase in cases of infanticide. In the following chapter the mortality penalty of illegitimacy, including infanticide and the abhorrent practice of 'babyfarming', will be examined.

Chapter 5. Illegitimacy and Mortality

In the previous chapter we have seen how the poor law, and legislative changes in its operation, impacted upon the mothers, fathers and children affected by illegitimacy. Although born into poverty, perhaps separated from their mothers for economic reasons, some illegitimate children, who were supported by the poor law into early adulthood, may even have benefited from an apprenticeship and ultimately made a decent living from their trade. These were the survivors. Many more were not so lucky. A significant proportion of illegitimate children did not survive their first year and this chapter will examine the evidence of what Levene describes as the ‘mortality penalty’ of illegitimate children born in the East Riding.¹ It will study the infant mortality rate in relation to regional and national figures, look at some of the causes of infant death and examine the association between infant death and illegitimacy. This chapter will also consider the problem of infanticide and the inadequate care that was prevalent, epitomised by the practice of baby farming, particularly in the nineteenth century. At a time of rapid industrialisation and population growth many single mothers were struggling in poverty and unwanted illegitimate children born into such an environment were particularly vulnerable to this abhorrent practice. This chapter will also consider the position of the mother in cases of infant death and how the law viewed her actions both before and after confinement.

Any child born in the eighteenth or nineteenth century had a much-reduced chance of survival than those born in later times, when improvements in housing and public health began to have an effect on the overall death rates; if that child happened to be

¹ A. Levene. ‘The Mortality Penalty of Illegitimate Children: Foundling and Poor Children in Eighteenth Century England’ in A. Levene, T. Nutt and S. Williams (eds), *Illegitimacy in Britain, 1700-1920* (Basingstoke, 2005), pp.34-49.

illegitimate then it was at a further disadvantage and more likely to die in infancy than its legitimate counterpart.² Although nationally produced statistics are not available until 1801, following the Census Act of the previous year, several localised studies have been carried out for the earlier period using information gathered from parish registers.³ Parish registers, as described earlier, do not necessarily offer a complete or accurate picture of the population but, as the only continuous source available before the nineteenth century, they are invaluable in allowing some demographic data to be gathered, assessed and analysed.⁴ As such they have been extensively employed by researchers into illegitimacy and have shown that the illegitimate child can be as much as twice as likely to die in the first weeks and months after birth than those born in wedlock. Kitson's study of the market towns of Banbury and Gainsborough has indicated that the mortality penalty for illegitimate children could be as much as seventy per cent above that of all births.⁵ In her study of the London Foundling Hospital Levene has shown that in the mid eighteenth century the infant mortality rate (IMR) for illegitimate children was significantly higher than that of the community at large. Whereas the IMR for London was around 350 per thousand and that of the Foundling Hospital 630, the rate for illegitimate children within the Hospital was even higher at 737.1. The figure for the illegitimate parish poor children in 1767, both in workhouses and receiving outdoor relief, was a staggering 942.4. Levene concedes that the London figures may be substantially higher than other parts of the country, but argues that they clearly show evidence of the existence of an illegitimate mortality penalty, even among samples of the poor where the risk may be perceived to be greater than that of the

² Infancy is defined as within the first year of life.

³ Population data extracted from parish registers was collated nationally from the mid-18th century but was problematic for the reasons stated.

⁴ See Chapter 2 on the sources and methods employed in this study.

⁵ P.M.Kitson 'Family Formation, Male Occupation and the Nature of Parochial Registration in England, 1538-1837'. Unpublished thesis, University of Cambridge, 2005. pp.232-6, cited in Levene, 'The Mortality Penalty of Illegitimate Children, in Levene, et al, *Illegitimacy in Britain 1700-1920*, pp.34-49.

general population.⁶ Beckett emphasised this point when she stated that the deaths of children under five in Preston, Lancashire, in the mid-nineteenth century, were 18 per 100 for upper classes, 36 per 100 for the middle classes and up to 64 per 100 among the working classes and that illegitimate deaths were double those of legitimate children.⁷

Williams and Galley have emphasised the need for regional research into the instance of decline in infant mortality figures arguing that the growth of industrialised centres, where factors associated with urban development led to high mortality, masked the true differential between urban and rural mortality rates.⁸ They called for ‘a re-assessment of the adequacy of relying on national aggregates’ and cited Woods, Watterson and Woodward’s work, which drew attention, for example, to the series of hot, dry summers in the 1890s having had a particularly significant effect on the urban mortality rate and thus distorted the national picture.⁹

In 1974 West engaged in painstaking transcription and reconstitution work for the rural East Fen parishes of Leake and Wrangle in Lincolnshire where he concluded that until the mid eighteenth century parents could expect to bury one in four of their children within the first year of their life, declining to around to one in ten by the mid nineteenth century.¹⁰ West was interested in determining infant mortality in general and made no distinction between legitimate and illegitimate children. However, his work illustrated that child mortality was not solely an urban problem and his detailed figures give a useful comparison for other rural areas. Ellacott, however, did concentrate solely on

⁶Levene. ‘The Mortality Penalty of Illegitimate Children’ in Levene, et al, *Illegitimacy in Britain, 1700-1920*, pp.34-49.

⁷ C. Beckett. Public Health in Hull 1848-1871. University of Hull M.Phil. Thesis, 1984, p.15.

⁸ N. Williams and C. Galley, ‘Urban-rural Differentials in Infant Mortality in Victorian England’ *Population Studies*, 49.3 (1995), pp. 401-20.

⁹ R.I. Woods, P.A. Watterson and J.H. Woodward, ‘The Causes of Rapid Infant Mortality Decline in England and Wales 1861-1921. Part 1.’ *Population Studies*, 42.3 (1988), pp.343-66.

¹⁰ F. West, ‘Infant Mortality in the East Fen Parishes of Leake and Wrangle,’ *Local Population Studies*, No.13 (1974), pp.41-44.

illegitimate children in his study of Westbourne in West Sussex. In the 120-year period between 1720 and 1840 he found 204 illegitimate children recorded in a variety of parish documents. In an attempt to follow their lives he found only 22 marriages and 36 burials recorded in the Westbourne parish register. This suggests that nearly 18 per cent of illegitimate children died before reaching adulthood. Of the 36 burials 21 were of children less than one year old, indicating that 58 per cent of illegitimate burials were of children who died in infancy. It would seem, therefore, from this one example, that although the urban problem may have been greater, the infant mortality rate among rural illegitimate children was still significantly higher than those born to married couples.¹¹

Why should illegitimate children be at greater risk? In his preface of 1906 Newman stated that the blame could not be laid entirely on the evils of poverty, housing and external environment. He argued that there were some communities that suffered poor conditions but did not have high infant mortality rates. Therefore, he concluded, ‘...this loss of infant life is in some way intimately related to the social life of the people’.¹² Conditions for all children were difficult in the eighteenth and nineteenth centuries. Inadequate sanitation and a lack of understanding of basic hygiene, as well as the prevalence of disease must have affected all children to some degree, but especially among the poorer families, who were also struggling with poor living conditions and a lower level of nutrition. If we accept that the threat to illegitimate infants was greater, then some other risk factors, particularly pertinent to this group, must have been present. The first and most obvious of these, it would seem, was the lack of a support network for the mother. Although, as we shall see elsewhere, not all unmarried mothers were unsupported by their families or the father of their child, many may have found

¹¹ P. Ellacott, *The Bastards of Westbourne*, Bygone Westbourne Series No. 9 (Westbourne, 1996), p.18.

¹² G. Newman, *Infant Mortality: A Social Problem* (London, 1906), p.vii.

themselves alone and stigmatised by their communities. Those who were able to stay in work, a problem in itself with a baby to care for, would have had a much lower earning capacity than a single man who was supporting a child on his own. This in turn would have had an impact on the mother's ability to provide decent food and housing for herself and the child. Perhaps of the greatest significance is the subject of feeding. Even if a working mother had sufficient and regular access to her child to breast feed, her own lack of nutrition may have led to an inability to produce enough wholesome milk to do so effectively. King suggested that this problem was exacerbated by the industrialisation of rural areas, and argued that rapidly changing technological advancement stripped women of 'local by-employments' which otherwise would have supplemented their incomes, with a consequent impact on their health, child care arrangements and feeding patterns.¹³ It must not be assumed, however, that a lack of breast-feeding was a problem only for illegitimate children. Apart from the ill health that may have followed any confinement, and prevented breast-feeding from taking place in any social group, there is also the possibility that the wealthier classes spurned this method of feeding, leading to their children being less protected from external infections.¹⁴ Under similar sanitary conditions Gehrman has pointed out that a seasonal analysis of infant mortality can provide an indication of feeding practices, as infants who were not breast-fed were more likely to succumb to summer diarrhoeal infections than those who were.¹⁵ Although he concluded that changes in feeding practices alone could not account for the initial decline in infant mortality in Germany from 1790 onwards and that other socio-economic factors and changing ideas on infant care appeared to be more significant, it had to be considered that breast-fed children,

¹³ S. King., 'Dying in Style: Infant Death and its Context in a Rural Industrial Township 1650-1830' *The Social History of Medicine*, 10. 1 (1997), pp. 3-24.

¹⁴ Of course, some middle and upper class families may well have employed a wetnurse, which would have given the infant some protection.

¹⁵ R. Gehrman., 'Infant Mortality in Town and Countryside: Northern Germany, ca 1750-1850', *The History of the Family* 7.4 (2002), pp.545-56.

assuming a healthy nursing mother, had a considerable advantage over those who were reliant on home made substitutes. In their study of the Cumbrian town of Penrith, Scott et al have shown that infant mortality was closely linked to the availability and quality of the food available to the pregnant and nursing mother. Neonatal mortality, in particular, was significantly affected by wheat prices, which in turn had an effect on wages. 'Both the wheat and barley price indices show strong negative cross correlation with the real wage index... thereby exacerbating the hardship to poorer families'.¹⁶ Infant mortality, they argued, (as opposed to death in childhood) was particularly sensitive to the nutritional health of the mother.

Clearly, although the health and circumstances of the mother were of great importance, other factors outside her control had a significant part to play in the life expectancy of her child. Although the nineteenth century was a period of developing medical knowledge and corresponding improvements in public health, this was born out of the appalling conditions prevailing in the rapidly growing industrial cities. Smallpox, cholera and other infections were not confined only to urban areas but the close proximity of the inhabitants in the towns meant that infection spread quickly and the corresponding inadequate sanitation in the crowded courts and alleys increased the likelihood of epidemics taking hold. Summer diarrhoeal infections were particularly virulent in the cramped and crowded lanes and alleys of inner cities.

Newman observed that the incidence of fatality was greater in the first three months of life and was most marked in the first month, and especially in the first week. The mortality of illegitimate infants followed this pattern but was more marked than in

¹⁶ S. Scott, S. R. Duncan and C. J. Duncan, 'Infant Mortality and Famine: A Study in Historical Epidemiology in Northern England', *Journal of Epidemiology and Community Health*, 49 (1995), pp.245-52.

legitimate children and he concluded that ‘the mortality of illegitimate infants is proportionately greater earlier in life than that of legitimate infants.’¹⁷ Although there was no direct link between high illegitimacy and high infant mortality, as several factors affected the issue, it was ‘well known that the mortality among illegitimate infants is much in excess of that of legitimate infants.’¹⁸ It could be expected, he argued, that high illegitimacy birth rates would lead to high mortality from immaturity, diarrhoea and diseases associated with neglect, but that this was not always the case. Some counties, such as Shropshire, Herefordshire and Cumberland had low infant mortality rates despite high levels of illegitimacy. However, he did observe that in London illegitimate infant mortality from diseases such as syphilis, diarrhoea and atrophy were more than double those for legitimate children. Deaths of illegitimate male infants from syphilis were ten times greater than those for legitimate children, and that prematurity and congenital defects also caused excessive mortality among the illegitimate infants. The chief causes of death in terms of disease were diarrhoea, syphilis and atrophy and inanition (exhaustion through lack of nutrition). Newman stated that illegitimate children died of the same causes as legitimate children, but with added elements. They were affected by maternal indifference, the social and economic circumstances of their mothers, including separation from them, and slow or rapid forms of infanticide, including the notorious ‘adoptions’ for gain. This latter is explored later in this chapter.

It could be expected that those areas with a high ratio of illegitimacy would also exhibit a high rate of infant mortality. However, Newman argued in his study of 1906 that this was not necessarily the case. He concluded that the distribution of infant mortality was not significantly affected by geography, topography or climate, nor did official pauperism (those who were receiving relief from the poor rates) necessarily indicate a

¹⁷ Newman, *Infant Mortality*, p.17.

¹⁸ *Ibid.* p.213.

high overall infant mortality rate. The two factors that made the most significant contribution were a high population density and a large manufacturing industry.¹⁹

East Yorkshire, the geographical area of this study, does not fall into either of Newman's categories in that it was not heavily populated nor did it have a great many heavy manufacturing industries. Nevertheless, of all the forty-five counties listed by him, it had the highest infant mortality rate for the period 1845-54 and remained within the ten highest counties throughout the nineteenth century.²⁰ This work will now look at the nature of infant mortality in this area by examining local factors, including sanitary conditions, occupational background, cause of death and climatic conditions.

Infant Mortality in the East Riding of Yorkshire.

The East Riding of Yorkshire was a largely rural, agricultural county at the time covered by this work, but in addition to the growing market towns, it did have one rapidly developing urban centre, the town of Kingston upon Hull and its neighbours, the parishes of Sculcoates, Drypool, Sutton and Stoneferry, which exhibited similar characteristics to those experienced in the industrial heartlands described by Newman. Using figures based on the 1851 census 39 per cent of the population of the East Riding lived in this urban district.²¹ Indeed, the East Riding figures for infant mortality in general in the mid nineteenth century compare unfavourably with those for the heavily industrialised West Riding. The East Riding did not have industrial development on anywhere near the same scale as the West Riding, but its main urban development was concentrated in one locality. This was in and around the city of Hull; low-lying, at the confluence of two tidal rivers and prone to damp, unsanitary conditions. Using figures

¹⁹ Ibid. p.26.

²⁰ Ibid. p.21.

²¹ G. S. Minchin, 'Table of Population 1801-1901', in W. Page (ed), *The Victoria History of the Counties of England*, (VCH), *A History of Yorkshire*, Vol. 3 (London 1913, Reprinted 1974), pp. 487-548.

taken from Newman's work, relating to the period 1845-54 (see Table 5.1), it would appear that the East Riding also compared unfavourably with other rural counties in the east of England. Ten counties east of the Pennines have been selected from Newman's data for comparison as they are assumed to have experienced similar climatic conditions, such as rainfall or temperature, which may have had an impact on the general pathology of diseases. They were also, with one exception, coastal counties, and like the East Riding, some may have been influenced by developing fishing communities and associated industries in the mid-nineteenth century.²² According to Newman's figures the East Riding had the highest infant mortality rate of all the eastern counties listed for this mid-nineteenth century period and at a rate of 182 per 1000 births it surpassed the heavily urbanised, industrial West Riding, the second highest of this sample, by just 0.08 per cent.

Table 5.1. Distribution of Infant Mortality Rates in the Eastern Counties²³ of England 1845-54²⁴ (per 1000 births).

DUR	ERY	ESS	KEN	LIN	NFK	NBL	NRV	SFK	WRY
159	182	138	132	156	165	147	123	141	174

Of the ten sample counties the East Riding exhibited the highest infant mortality rate (see Table 5.1 and Figure 5.1), but of the forty-five counties charted by Newman which show the figures for the whole of England and Wales, Lancashire had the highest rate, at 193, but the East Riding had the second highest in the country during this period.

²² The West Riding had no coastline but did have direct access to the sea via the Aire & Calder Navigation and the Humber Estuary.

²³ The abbreviations are the Chapman County Codes for pre-1974 English Counties, devised by Colin R Chapman in the late 1970s and still the standard abbreviations used by local and family historians. A list of these can be found at http://www.lochinpublishing.org.uk/chapman_cc.htm

²⁴ These figures have been taken from Newman. *Infant Mortality* p21. Figures were not publicly available in this format at this time but Newman states they were derived from information gained directly from the Registrar General's Office.

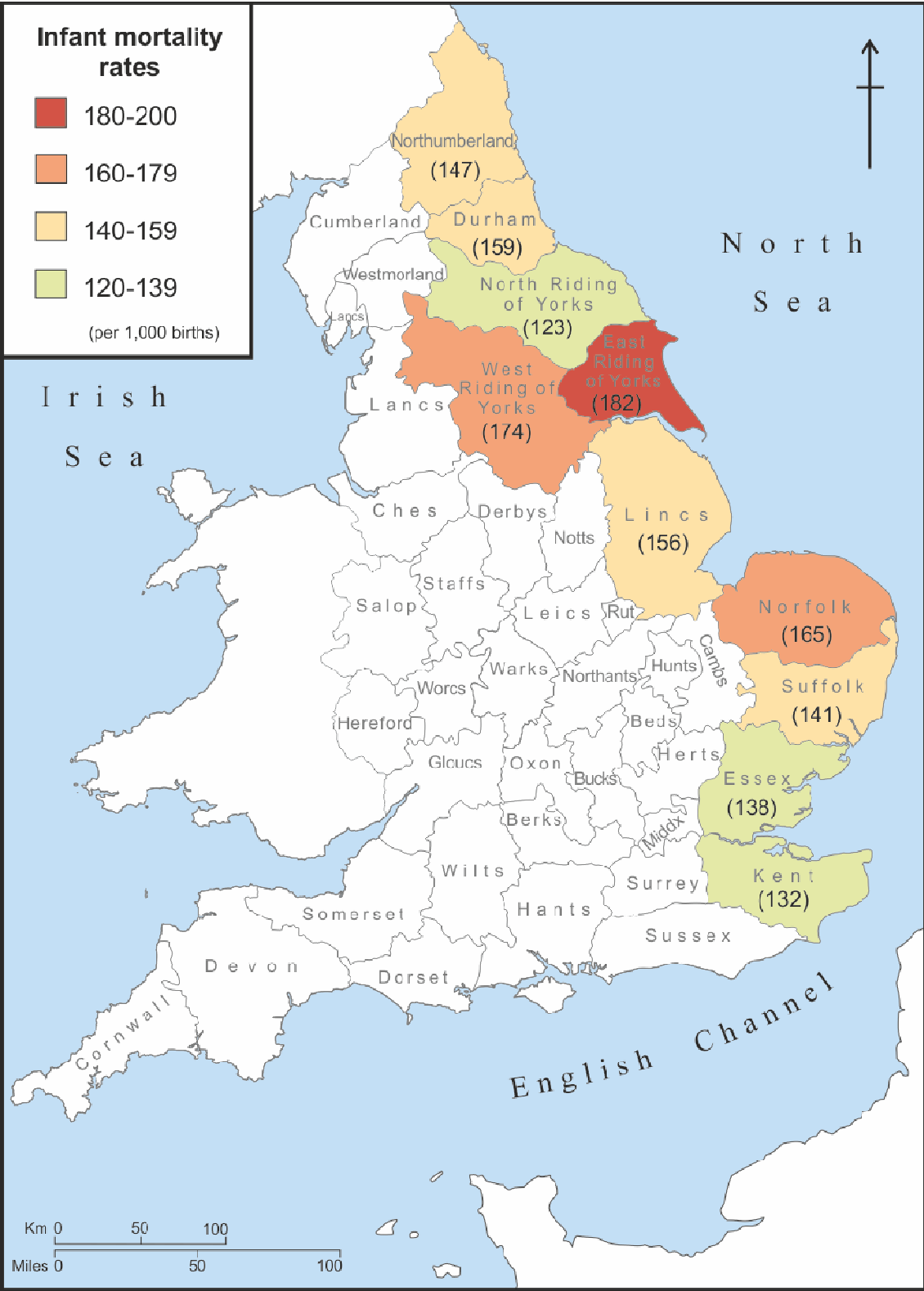
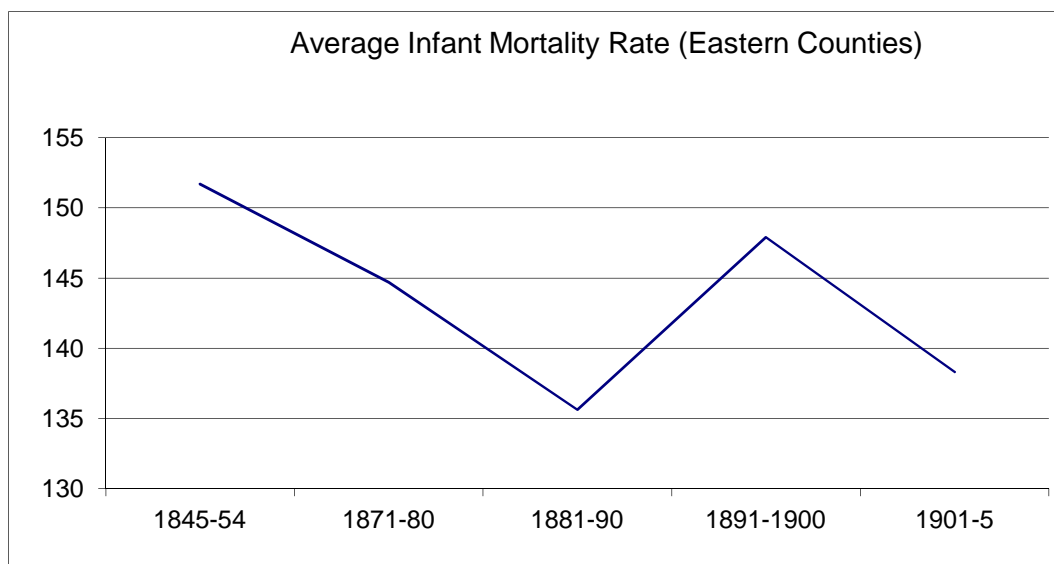


Figure 5.1. Map Showing the Eastern Counties with Infant Mortality Rates.

As can be seen by Figure 5.2 there was significant variation in the infant mortality rate of the eastern counties during the nineteenth century. From a high in the 1840s and 1850s there began a steady decline, which then dipped sharply to the 1880s, before rising once again towards the end of the century. The East Riding infant mortality rate followed that of the other eastern counties, closely mirroring the pattern of mortality shown by them (see Figure 5.3). Indeed, as pointed out by Woods et al, ‘there were several rural registration districts, especially in the east of England (East Riding of Yorkshire, South Lincolnshire and Norfolk) where infant mortality was as high as in the northern towns.’²⁵

Figure 5.2. Average Rise and Decline of Infant Mortality Rate in the Eastern Counties Sample.

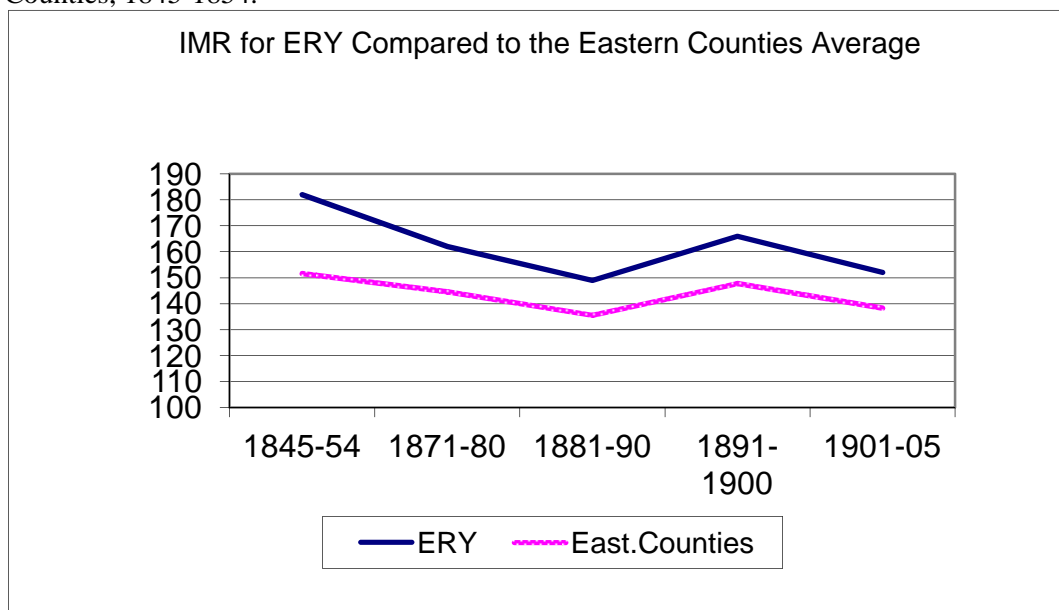


It would be unwise, they say, to ascribe all variations in infant mortality rates to differences in the rate of urbanisation, pointing out that some eastern rural counties suffered high levels of infant death. This in part has been ascribed to the employment of adult women in agricultural gangs, the malodorous conditions of the low-lying and marshy landscape of the eastern counties and the practice of quietening infants with doses of opium. This latter problem was recognised by the Medical Officer in his report of 1863, when Dr Henry Julian Hunter reported on the practice, declaring that evidence

²⁵ R.I. Woods, P.A. Watterson and J.H. Woodward, ‘The Causes of Rapid Infant Mortality Decline in England and Wales 1861-1921. Part 1.’ *Population Studies*, 42.3 (1988), pp.343-66.

from witnesses indicated that ‘ablactation and narcotics’ were responsible for more than half the infant deaths in the Fens.²⁶ Berridge has suggested that opiates were also used to dispose of unwanted children.²⁷ Controls on their use and availability from the late 1860s could account, in part, for the decline in infant mortality in the eastern counties from the 1860 to the 1890s, while the increase in the 1890s is attributed generally, by Woods et al, to the increase in urbanisation.²⁸

Figure 5.3. Comparison of the East Riding IMR and an Average Taken from the Eastern Counties, 1845-1854.



Disease.

Infantile Diarrhoea was one of the major causes of infant death, particularly during the summer months. In hot, dry summer months diarrhoea was a problem for everyone but was particularly fatal to the very young, who declined rapidly. Newman stated that 75 per cent of registered deaths from this disease were of children under one year of age.²⁹

The number of deaths from infantile diarrhoea varied according to the weather and was

²⁶ HCPP, Sixth Report of the Medical Officer of the Privy Council (1863).

²⁷ V. Berridge, ‘Opium in the Fens in nineteenth-century England’, *Journal of the History of Medicine and Allied Sciences*, No.34 (1979), pp.293-313.

²⁸ R.I. Woods, P.A. Watterson and J.H. Woodward, ‘The Causes of Rapid Infant Mortality Decline in England and Wales 1861-1921. Part 1.’ *Population Studies*, 42.3 (1988), pp.343-66.

²⁹ Newman *Infant Mortality*, p.139

lowest when cold, wet conditions prevailed and highest in hot, dry weather. This was emphasised by the Registrar General in his 43rd Annual Report when he stated that deaths from diarrhoeal infections in 1868, a particularly hot summer, were the highest on record at 1388 per million and in 1880, when the temperature was again above the average the mortality from this disease was again higher than the intervening years at 1147 per million. Of these 62.5 per cent were of infants under one year and 88 per cent were of children under five. Of the infants 29.5 per cent were under three months, 31.5 per cent over three but under six months old and 39 per cent older than six months. The Registrar General pointed out that

As there are...many more infants living under three months than over three and under six, it appears that diarrhoea is not so destructive of infants in the first three months of life as in the next trimestrial period.³⁰

This statement would appear to confirm the observations made earlier that breast fed children were less susceptible to infections, emphasising the potential danger to illegitimate children whose mothers had to work outside the home and leave their children in the care of others.

Diarrhoea was a problem throughout the urban communities and Hull was no exception. In a two-week period ending 5th September 1868 infantile diarrhoea was responsible for 35 deaths. During that year a total of 295 deaths from this disease were reported, 241 of them occurring during the summer months of August and September when the

³⁰ House of Commons Parliamentary Papers (HCPP), *Forty-third Annual Report of the Registrar-General of Births, Deaths, and Marriages in England (Abstracts of 1880)*, 1882, p.26.

temperature was particularly high.³¹ Diarrhoea was endemic, especially in the warmer months, when flies were attracted to the open sewers and muck garths (piles of collected nightsoil awaiting removal), and no one was immune, but the young were especially vulnerable. Beckett identifies the years 1860, 1865, 1868, 1870 and 1871 as being particularly badly affected and her figures, reproduced below, demonstrate very clearly that infants accounted for an extremely high proportion of all fatalities.

Table 5.2. Annual Deaths from Diarrhoea in Hull, 1868-1871.³²

	Total	Infants	%
1868	295	241	82
1869	135	111	82
1870	210	192	91
1871	183	171	93

The only official temperature figures readily available for this time period are those produced by the Meteorological Office, taken at Armagh, Oxford and Southampton.³³

The Oxford data has been used here in order to offer comparative information to support Becket's claim.

The average summer temperature for the period 1868-1871 was 21.6°C, with a maximum of 22.5°C and a minimum of 20.9°C (see Table 5.3). If we compare the maximum temperature for this period with both the preceding and following four-year periods it does appear that this was a series of warm summers.

³¹ B. Foster, *Living and Dying; A Picture of Hull in the Nineteenth Century* (Privately printed, Undated), p.237.

³² Beckett, 'Public Health in Hull', p.45.

³³ Metrological Office Website at <http://www.metoffice.gov.uk/climate/uk/stationdata/oxforddata.txt> Accessed 9 July 2014.

Table 5.3. Summer Temperatures Recorded at Oxford, 1868-1871³⁴

Year	Month	Max ° C	Min ° C	Rainfall (mm)	Average Max ° C
1868	Jul	25.8	12.7	47.5	22.5
	Aug	22.1	12.5	85.8	
	Sep	19.7	9.4	101.3	
1869	Jul	24.1	12.4	27.0	21.5
	Aug	21.5	10.7	33.6	
	Sep	19.0	11.3	112.1	
1870	Jul	24.9	13.0	22.6	21.5
	Aug	21.4	10.6	59.8	
	Sep	18.3	8.2	33.8	
1871	Jul	21.1	11.9	96.3	20.9
	Aug	23.8	12.0	13.0	
	Sep	17.9	9.6	118.8	
Average max temperature for the summer period 1868-71					21.6

Although temperatures reached a maximum of 25.3°C in July 1875 the four-year average for 1872-1875 was lower at 20.9°C. The average for the period 1864-1867 was slightly lower at 20.4°C. The highest summer temperature recorded between 1853 and 1922 was the 25.8°C, shown in Table 5.3, in July 1868. The amount of rainfall can also be a significant factor in the transference of disease. A wet summer reduced the amount of flies and therefore helped to lessen the incidence of diseases such as infantile diarrhoea. Conversely, Hull's low-lying position, at the confluence of two rivers, brought other problems; with an inadequate drainage system and water supply network heavy rainfall could exacerbate the unhealthy living conditions of a great many of the city's working population.

³⁴ Ibid.

In August 1875 the Sanitary Committee conceded that

The geographical position, low elevation, and geological condition of Hull are unfavourable to diseases of the organs of respiration, and the mortality from this class of diseases at all times ranges much higher than in the other large towns... and accepted that it was 'the duty of the sanitary authority to give effect to important legislative enactments intended to improve the public health.'³⁵

Contemporarily, a local Hull doctor, Angus Macmillan, wrote of 1868 that dysentery and diarrhoea illustrated the effect of temperatures on such diseases, stating that from the 18th July when the temperature

...is considerably above 60^o...we notice a sudden rise takes place...[and]...as the temperature get below 60^o, about the 1st September, so do we find a sudden decrease in the number of deaths.³⁶

Macmillan records that nearly ninety per cent of these deaths were of infants less than twelve months old. Although he concedes that heat had 'a prejudicial effect on early life' he was of the opinion that other causes must be contributing to this excessive mortality.³⁷

Poverty and ignorance, unsanitary conditions and the increase in bottle-feeding were all contributory factors in the high death rate from this disease, but the latter was

³⁵ *Hull Packet and East Riding Times*, 13 Aug 1875.

³⁶ A. Macmillan, M.D. *The Health and Meteorology of Hull for 1868* (Hull, 1869), p.9.

³⁷ *Ibid.*

particularly significant. Foster reports that in 1893 when 393 infants succumbed to the disease, only 43 of them had been breast-fed. He argued that, despite the poverty and poor living conditions, very few deaths occurred among the Irish community of Hull because ‘they invariably breast-fed and were not much affected by infantile diarrhoea’.³⁸ It would seem, from this observation, that the illegitimate child of a working mother, who was left in the care of others, must be susceptible to this disease through whatever feeding methods were employed as a substitute. This point is reinforced by the observations of a sub-committee of the Hull Sanitary Committee, which reported to a meeting held in November 1865. It was their opinion that

...illegitimate children put out to nurse for a small weekly payment, having no breast, often suffer from diarrhoea, and that a great number perish from that cause, connected as it is with errors of diet and want of medical aid.³⁹

The sub-committee found that in many cases where death was attributed to diarrhoea other factors also played a part, including ‘debility from birth, teething, convulsions, whooping cough, marasmus and mesenteric disease’.⁴⁰ Mothers were initially reluctant to call for medical aid, especially if the child was teething, and often only did so when it was too late. If this was the norm for parents of legitimate children one imagines it must have been even more pronounced in the case of illegitimate children, when, as the sub-committee observed, the child was likely to be boarded out, and medical care not sought, perhaps because of the additional cost incurred by calling a doctor. The sub-committee also found that many infants were so weak when born that they could not

³⁸ Foster, *Living and Dying*, p.240-1.

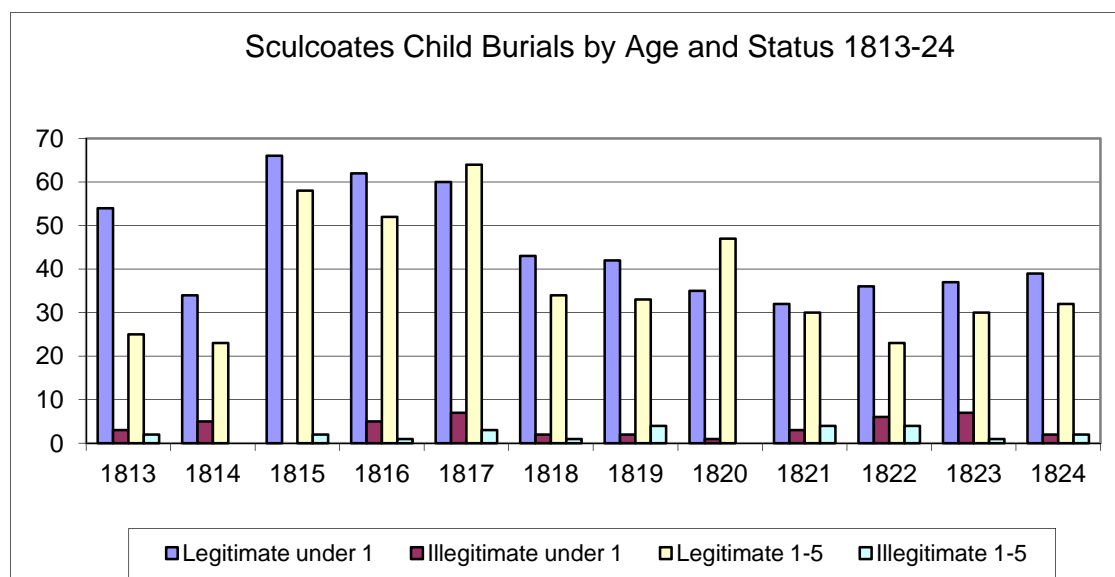
³⁹ *Hull Packet*, 1st December 1865, Report of a meeting of the Sanitary Committee.

⁴⁰ *Ibid.*

breast feed and ‘it is then attempted to feed them by the spoon or bottle, when diarrhoea seizes them and death quickly takes place.’⁴¹

Infantile diarrhoea was not the only killer of small children and, as pointed out by the sub-committee report to the Hull Sanitary Committee, other debilitating conditions were responsible for a great deal of infant mortality.⁴² The Registrar General’s figures comparing infant mortality statistics for the years 1847 and 1877, given in an address to the House of Commons on 16 June 1879, indicated that ‘Atrophy and Debility (including Premature Birth)’ accounted for 36,266 deaths of infants under one year per million births in 1847 and 34,683 in 1877.⁴³ This is the only statistic in this report that shows a decline, all others causes, including diarrhoea, bronchitis and syphilis increased in 1877, the latter two particularly so. However it is possible that its decline is accounted for by more specific diagnosis of the cause of death and that this is reflected in the rising figures for all other causes.

Figure 5.4. Sculcoates Child Burials by Age and Status, 1813-1824.



⁴¹ Ibid.

⁴² Ibid.

⁴³ HCPP, *Return of General Annual Average Death Rate, All Ages and Causes, in England and Wales per Million of Population, for the Years 1847 and 1877 Respectively*, (1880).

An analysis of the Sculcoates burial registers for the period 1813-1824 shows that most burials of children less than five years old occurred in the first year of life. In only two years during this period (1817 and 1820) did the combined number of burials of children ranging in age from one to five exceed those for infants less than twelve months old. Over the period 1813-1824, from a total of 1182 burials of children aged ten years or under, 72 burials related to illegitimate children (see Table 5.4). This suggests that six per cent of child burials in Sculcoates related to illegitimate children in this period. Of the 72 burials of illegitimate children 43 were of infants aged less than one year. Therefore 60 per cent of illegitimate burials occurred in infancy. Out of the total of 1110 legitimate burials in the same period, 540 were of infants, equating to nearly 49 per cent, suggesting that the mortality penalty of illegitimate infants in Sculcoates was 11 per cent greater than that for legitimate infants. However the situation is reversed for those children aged one to five years. Of the 1110 legitimate burials 451, or nearly 41 per cent, were of children in this age group, whereas for the illegitimate children aged one to five years the figure was just over 33 per cent; 24 out of a total of 72. This implies that illegitimate children, once past infancy, had an eight per cent better chance of survival. It is not clear why this should be so, but perhaps the poorer, more cramped living conditions experienced by most illegitimate children had given them more resistance to some childhood diseases. Conversely, better living conditions for some legitimate children may have meant that some sickly children survived infancy but succumbed in later years. A similar picture emerges for those aged six to ten years, with nearly 11 per cent of legitimate children being buried in this age group, compared with nearly seven per cent of illegitimate burials. Only seven of the illegitimate burials took place from the workhouse indicating that the majority of the single mothers were living outside the workhouse at the time of their child's death, although it is entirely possible that they were in receipt of poor relief during this period.

Table 5.4. Burials of Legitimate and Illegitimate Children in Sculcoates 1813-1824.⁴⁴

Age at Burial	No. Leg. Children	Per cent	No. Illeg Children	Per cent
Under 1 yr	540	48.6	43	59.7
1 to 5 yrs	451	40.6	24	33.3
6 to 10 yrs	119	10.9	5	6.9
Total	1110	100*	72	100*

*To the nearest whole number.

Mortality and occupation.

During the ten-year period from 1797-1807 there were over one hundred different occupations recorded in the parish registers for Sculcoates, an indication of the developing industrial nature of this once rural area, soon to be encompassed within the city of Hull. There was a population of 5,448 recorded in the census of 1801, already surpassing the East Riding's market towns, and even rivalling the combined total of Beverley's most populous parishes of St. Martin, St. Mary and St. Nicholas (5401).⁴⁵ Incidences of childhood mortality touched the lives of both professional and working families but as could be expected it was the poorer families who were most affected.

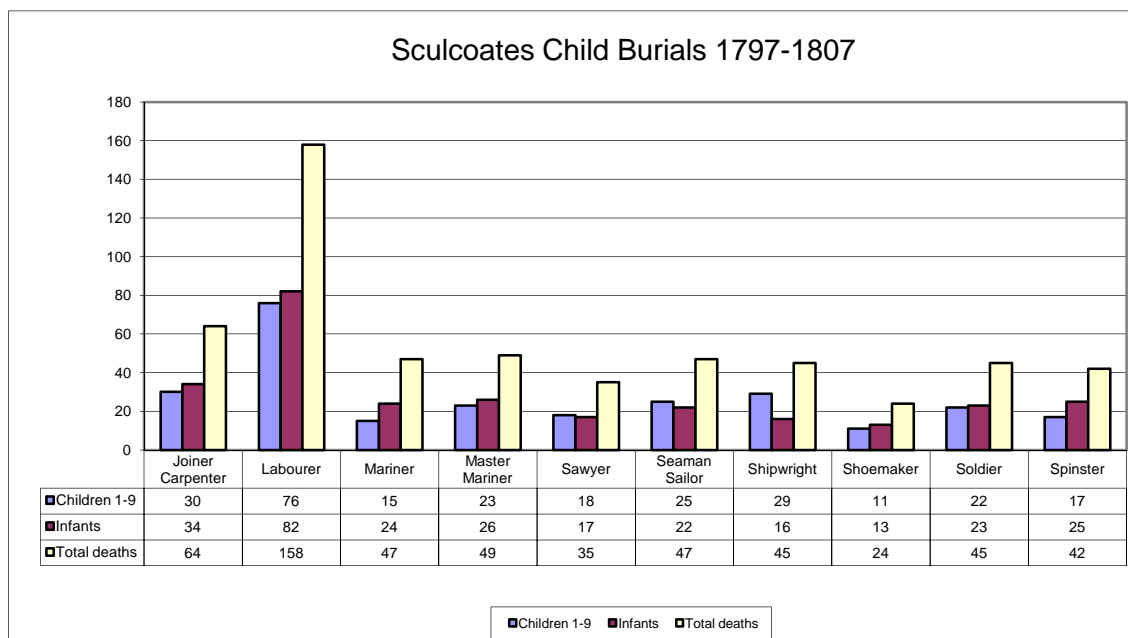
As Figure 5.5 shows, by far the largest number of fatalities occurred among the children of the labouring classes, with a total of 158 deaths of children under 10 years of age, of which more than half were infants under one year old. The fact that the general labouring classes were at risk of increased mortality did not appear to have changed greatly over the following half century. Dr Henry Cooper, in a paper delivered to the Statistical Society of Hull in 1853, maintained that the most important factors regarding

⁴⁴ Data taken from EYFHS, *Sculcoates Burials, January 1813 to September 1824*, (Hull, 2001).

⁴⁵ Minchin, 'Table of Population', *VCH, Yorkshire*, Vol.3, p.492.

the mortality of a district were the density of its population and its physical and local character.⁴⁶

Figure 5.5. Sculcoates Child Burials by Father's Occupation, 1797-1807.



His paper discussed the mortality in Hull during the autumn of 1849, at the time of a cholera epidemic, and concluded that out of the 1,860 deaths attributed to this disease, 1,738 of them were among the labouring classes compared with only 122 among the gentry, traders and other more well-to-do members of society. Cooper estimated the labouring classes at 67,000 and the better off at 13,000 resulting in mortality figures for cholera at one in 40 among the former and one in 131 for the latter. However, Cooper argued that infant mortality was not greatly affected by the cholera outbreak. Although infant mortality was very high generally he did not believe it was any greater than that ‘which occurs from ordinary causes of death at the same age’.⁴⁷

An urban population with a large, concentrated workforce lends itself to the kind of analysis shown here. The working population, although liable to move from house to

⁴⁶ *Hull Packet*, 14 September 1853.

⁴⁷ *Ibid.*

house, generally stayed in the vicinity of the workplace and therefore the milestones of life, baptisms, marriages and burials, were recorded within the same parish. In addition, the size of the population meant that a greater number of such events were recorded by the same person, or at least under the direction of a single individual. This is significant in that it often meant a greater degree of consistency in recording methods. An individual churchwarden, clerk or minister may not have stayed in office for a great number of years but, even so, he could have been responsible for recording a large number of events. Conversely, rural parish registers often do not exhibit such consistency in recording. The number of events was much smaller and therefore the registers themselves cover a much greater time span. Over a five-year period from 1813-1818 there were 1316 burials recorded in the urban parish of Sculcoates.⁴⁸ By contrast, in the rural parish of Brandesburton only 58 burials were recorded for the same period.⁴⁹ In 1811 the population of Sculcoates was 8645, whereas the combined total population for Brandesburton parish and its township of Moor Town was 549.⁵⁰ The Brandesburton register is not consistent in giving details such as ages and occupations, nor do the burials of children indicate the parent, except very occasionally. The practice of naming children for other members of the family adds to the difficulty in identifying individuals and care must be taken not to confuse and amalgamate the records of more than one person. In this respect it is a fairly typical example of an East Riding register.

An examination of the Brandesburton parish register demonstrates the difficulty of using these records to provide a full and comprehensive picture of infant mortality. From a total of 1463 burials between 1700 and 1837 there were 553 burials of children. These were determined by the inclusion in the burial record of the term 'son [or]

⁴⁸ East Yorkshire Family History Society (EYFHS), *Sculcoates Parish Registers: Burials 1813- 1824* (Hull, 1991), pp. 1-24.

⁴⁹ J. D. Hicks, (ed), *The Parish Register of Brandesburton 1558-1837*, Yorkshire Archaeological Society Parish Register Section (YAS), Vol.142, (Leeds, 1979), pp. 220-221.

⁵⁰ Minchin, 'Table of Population', *VCH, Yorkshire*, Vol.3, p.492 and 495.

daughter of', and using the premise that a 'son' or 'daughter' label denotes the burial of a child still living in the parental home. In most instances the age of the deceased child was not given, although some were described as infants, implying that these children died at less than one year old. In order to calculate the age at death it was necessary to check the baptismal records for the parish. It has to be understood that data extracted from parish register entries are not necessarily exact, especially when they relate to the ages of individuals. In most instances it is possible to establish the time interval between baptism and burial, but we have no way of knowing with any certainty what the time interval between birth and baptism was in individual cases. The rules for the baptism of infants were set down in the prayer book of 1662 as described by Ambler.⁵¹ Baptism should take place on a Sunday or Holy Day, before the church congregation and should not be delayed beyond the first or second of these following the birth. Exceptions were made in the case of private baptisms but these should only take place if there was a 'great cause and necessity' and, if the child survived, it should be brought before the congregation for affirmation. Ambler argues that by the nineteenth century, in some Lincolnshire parishes, these rules were no longer adhered to in that baptism may have been delayed for various reasons. He also found that dissenting parents may have sought private baptism, even for healthy children, as this negated the need for godparents, which were objected to by some non-conformists. Ambler concluded that the interval between birth and baptism was difficult to determine and local practices may have been affected by simple factors such as the proximity of the church to the centres of population and even the weather.

Therefore, it may be that baptism took place shortly after the birth, or at least within a week or two, but equally it may have been delayed for reasons unknown to us. If we assume that the baptism took place within a few days of the birth then it is possible to

⁵¹ R. W. Ambler, 'Baptism and Christening: Custom and Practice in Nineteenth Century Lincolnshire', *Local Population Studies*, 12 (1974), pp. 25-27.

make a judgment on the age of the child within a week or two, sometimes even less if additional information has been recorded in the register. Therefore, although data extracted from parish register entries in this way are not necessarily exact, in the absence of other more consistent data, they do allow us to construct a picture of infant mortality within a given community that is plausible. The real difficulty lies in the inadequacy of parish registers themselves. The rural population was not static by any means and there was a great deal of movement between parishes as people sought work within the agricultural communities of East Yorkshire. Previously conducted research on the south Holderness parishes of Paull, Keyingham, Thorngumbald and Ryhill has shown that less than 41 per cent of residents recorded in the 1851 census for these villages were natives of the parish in which they then resided.⁵² Brandesburton, a north Holderness parish, also appears to have had a mobile population. Out of the 553 burials of children that took place between 1700-1837, a considerable number, 122, had no corresponding baptism recorded in the parish register. This does not necessarily mean that 22 per cent of children were not born in the parish; some may have been baptised in a non-conformist chapel and some may not have been baptised at all. However this figure represents a significant proportion of children for whom we have no information regarding their age at death. Throughout all of the parish registers studied there are many instances where there is no record of the mother having been baptised in the parish in which her child was born, although the surname may be recorded several times in the register. It is possible that the pregnant mother was staying with relatives for her confinement and this may account, to some extent, for the lack of recorded events in the following years.

⁵² M. S. Oliver 'Poverty and People: An Investigation into the Recipients of Poor Relief in Holderness', University of Hull, B.A. Dissertation, 2003, p.37.

If we repeat the exercise conducted by Ellacott, and attempt to trace the illegitimate children of Brandesburton through the parish registers, we find a very similar pattern to that of the West Sussex village of Westbourne. Out of 136 illegitimate baptisms recorded in the Brandesburton register between 1700-1837 only 37 could be identified with any degree of certainty in later entries. As illustrated in Table 5.5, 29 of these later entries were for burials, seven for marriages and one where the illegitimate child had herself produced a child out of wedlock 20 years after the record of her own baptism. Of the remaining 99 entries no further record was found within the parish for 94 of the children and no further identifiable record was found for five of them. Of these latter five it is possible that later events took place but it is not possible to differentiate between them and others of the same name. From entries in the parish register we can only speculate about the fate of the 94 children for whom no further record appears. An examination of other parish documents may reveal their continued presence in the village, or a check on contiguous parishes may disclose their whereabouts, but as we are concerned here with mortality we shall look at the 29 burials in closer detail.

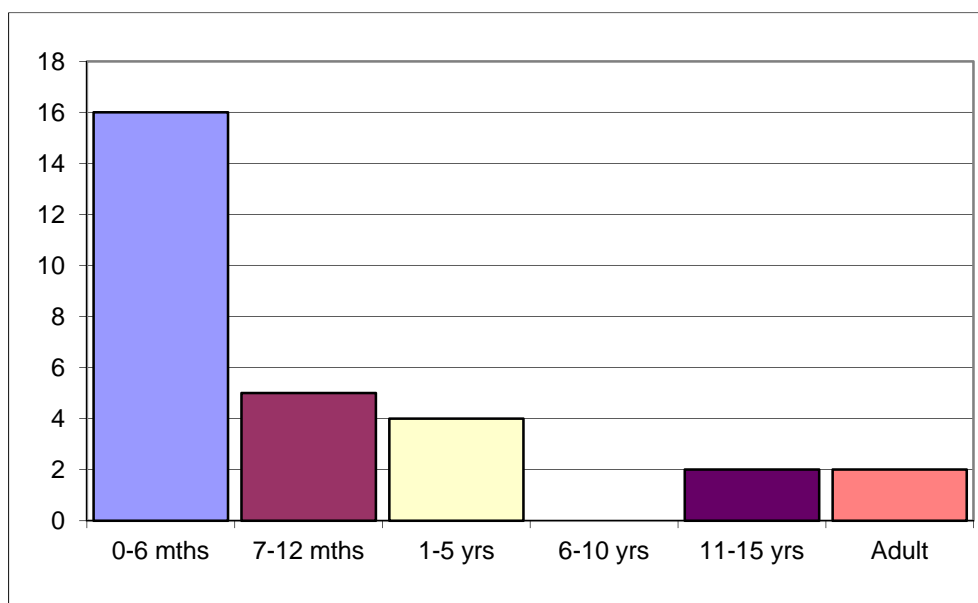
Table 5.5. Recorded Events for Illegitimate Children Baptised at Westbourne, West Sussex and Brandesburton, East Yorkshire, 1720-1840.

	Baptisms	Marriages	Burials	Bpt of child	% of illeg. burials in infancy	No record
Westbourne 1720-1840	204	22	36	0	58	146
Brandesburton 1700-1837	136	7	29	1	72	99

Table 5.5 indicates that 72 per cent of the illegitimate burials were for infants; those buried before the age of twelve months. As can be seen in Figure 5.6, 21 of the burials were of infants, four were of children five years old and under, none between the ages of six and ten, two between the ages of 11 and 15 and a further two died as adults. Of

the infants 21 died at less than six months old. Of these, seven were buried within one month of baptism meaning one third of infants in this sample did not survive the neonatal period.

Figure 5.6. Age at Burial of Illegitimate Children Baptised at Brandesburton, 1700-1837.



It would appear from these data that the infant mortality rate of illegitimate children in this East Yorkshire parish was greater, by 14 per cent, than that for Westbourne. The figures cover much the same time period from the early eighteenth century to the mid nineteenth century. Although there are a greater number of years in the East Riding sample these are measured against a smaller number of events, and it is thought that this does not skew these data to any great extent. However, what does cause a problem is the very large number of children for whom there is no follow-up data in the parish register where the baptisms have been recorded. This leads to a number of questions. Does this indicate that those children survived long enough to grow to an age where they left the parish to find work or to marry? Or were these children ‘farmed’ out to childminders by the mother or boarded out by the overseers and so, consequently,

placed at a greater risk than those who were raised in the village? In the absence of answers to these questions and in face of the enormous, time consuming task that would be required to search contiguous parishes, for which no standardised or electronic data are available, we can turn to the burials of the legitimate children within the parish of Brandesburton in an attempt to discover whether the infant mortality figures for illegitimate children were indeed greater to any significant degree than those for legitimate children.

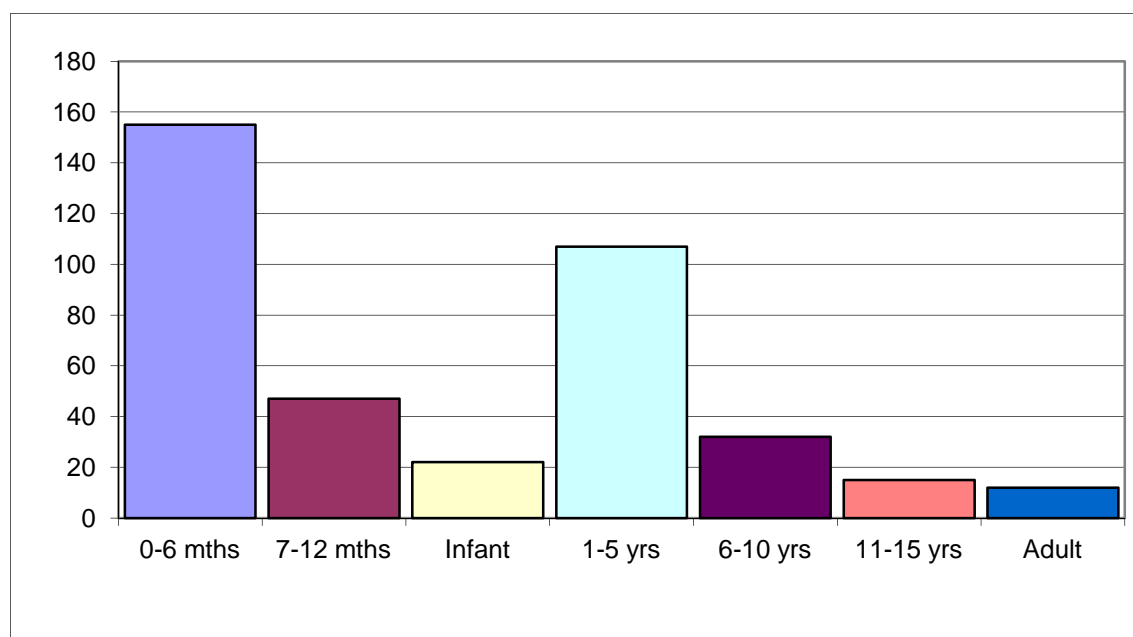
The total figure of 553 burials of those denoted as a 'son' or 'daughter' includes the burials of the 29 illegitimate children described above. It also includes 122 burials for which we have no corresponding baptism and 12 burials where it is not possible to identify a specific individual. Also included are 22 burials of children described as infants but with no matching baptisms. If we remove the illegitimate burials and those where it is not possible to determine the age at burial (no baptism or no identifiable baptism) from the total number of child burials we are able to analyse the age of death of the remaining 390 legitimate children buried during this period. From data represented in Figure 5.7 we can see that the pattern of burials for both legitimate and illegitimate children is broadly similar, in that burials of children positively identified to be six months old or less forms the greatest single occurrence in both data sets.

However, on closer examination it is revealed that the 16 illegitimate children in this age group represent 55.1 per cent of the total illegitimate burials, whereas the 155 legitimate children represent 39.7 per cent of the total 390 burials for which ages can be determined, suggesting an illegitimate mortality penalty of 15.4 per cent above that of legitimate children.

If we look at the total number of infants and include all those less than one year old the percentage of illegitimate children being buried increases considerably. Of the

legitimate baptisms 224 were buried within the first year of life, or 57.4 per cent. The 21 illegitimate children buried within the first year of life represent 72.4 per cent of this group.

Figure 5.7. Age at Burial of Legitimate Children Baptised at Brandesburton, 1700-1837.



Although, as this implies, illegitimate children in Brandesburton ran a 15 per cent greater risk of death in infancy than their legitimate counterparts, the mortality penalty for illegitimates was not increased for infants in general and was actually reduced very slightly, from 15.4 per cent to 15 per cent. Although we do not know the exact interval between baptism and burial for 22 of the legitimate children it is reasonable to assume that some of these would have been within the first six months, confirming that the greatest risk was within this age group. What is surprising, perhaps, is that legitimate children appeared to run a greater risk in the one to five year old age group; 27.4 per cent of burials took place at this age, compared with 13.7 per cent of illegitimate children. It is possible that better care within the legitimate family prolonged the life of a sickly infant, who eventually succumbed to ill health at a later date. Conversely, a

healthy child who survived long enough to mix with his or her peers possibly ran the risk of dying from the contraction of some childhood disease. Nevertheless, this does appear to be a higher figure than would be expected and is a good deal more than those recorded by Smith in his study of three south Holderness parishes. For the period 1701-1800 he found that only 14 per cent of children had died between their first and fifth birthdays.⁵³

Infanticide.

Not only were children at risk from the vagaries of poverty and disease but there were also more sinister forces at work that increased the risk of early death, most particularly for illegitimate children. An environment of censure and social stigma, coupled with an economic inability to support a child, often led mothers to conceal their pregnancy and may even have resulted in the murder of the newborn infant. Even if there was no initial intention to kill, the child may still have been in danger from a lack of attention at the confinement, especially if the birth was clandestine and unassisted. The system of registration of burials itself acted as a tool in assisting the concealment of deaths. Under the system of civil registration introduced by the Registration Act of 1836 it was only necessary to register a death at the time of burial, when the family were expected to produce a registrar's certificate of burial.⁵⁴ Even then, burial was possible with the onus to register the event, within seven days of the burial, transferred to the person who had conducted the funeral. Under the 1836 Act there was no requirement for medical certification and the evidence of the informant as to the cause of death was accepted. It was possible, therefore, for babies to be buried with no official documentation being produced at the time of interment. In addition, there was no official provision for the

⁵³ M.H. Smith, *Parish Registers and Population in South Holderness*, Hedon Local History Series No 3. (Beverley, 1976), p.12.

⁵⁴HCPP, 7 Will. IV (1836), *An Act for Registering Birth, Marriages and Deaths in England*, s. 27, p.11.

registration of stillbirths. The guardians of Marylebone, London received a report in 1859 in which a local coroner stated that ‘hundreds upon hundreds of murdered children’ were lying in the cemeteries and graveyards of London.⁵⁵ Despite many calls, from the mid-nineteenth century onwards, for stillbirths to be registered, it was not until 1926 that their registration became compulsory, although other innovations, such as the registration of midwives in 1902, had alleviated some of the problems associated with unscrupulous practices before then.⁵⁶ The 1926 Act also tightened the laws regarding burials and introduced the compulsory requirement of a registrar’s certificate before a body could be interred.⁵⁷ The Registrar General, Sir George Graham, had argued that to determine between a miscarriage, abortion and a stillbirth would entail unacceptably intrusive and indelicate questioning of women.⁵⁸ Therefore it has to be considered that up until this time it is likely that many live born infants were buried as stillborns, with no official trace of their existence ever being recorded. There can be little doubt that the inadequacy of the civil registration system allowed for the unscrupulous disposal of murdered infants. Indeed, it was recognised as a major problem throughout the second half of the nineteenth century. Rose examined the nineteenth century civil registration and burial system with regard to its facilitating such practices and argues that many bodies of babies, alleged to have been stillborn, were placed in the coffins of adults awaiting interment.⁵⁹ Undertakers, he stated, were willing, for a fee, to place an infant’s body in the coffin of a complete stranger, making the disposal of a dead child a reasonably simple operation.⁶⁰ Nor was this an illegal practice if the presence of the child was declared at the time of the burial, but it has to be considered suspect on at

⁵⁵ *The Morning Chronicle* (London), 24 September 1859.

⁵⁶ HCPP, 2 Edw. VII, c.17 (1902), *A Bill to Secure the Better Training of Midwives and to Regulate their Practice*.

⁵⁷ HCPP, 16 & 17 Geo. V, c.48 (1926) *A Bill to Amend the Law Relating to the Certification of Stillbirths and Deaths and the Disposal of the Dead*.

⁵⁸ L. Rose, *The Massacre of the Innocents: Infanticide in Britain 1800-1939* (London, 1986), p.131.

⁵⁹ *Ibid*, p.130.

⁶⁰ *Ibid*.

least two counts. Firstly, there is no real confirmation that the child was indeed stillborn and, secondly, it is not known how many bodies were disposed of without any declaration of their presence having been made. Some undertakers were found to have several decomposing bodies of infants awaiting disposal for which, it can be assumed, they had already received some kind of a fee.⁶¹

During the eighteenth and nineteenth centuries the crime of infanticide was predominantly committed by unmarried women, very few men stood accused and those that did were often indicted alongside the mother of an illegitimate child. The Northern Court Circuit records reveal that in the eighteenth century over 90 per cent of those accused were women, and over 90 per cent of these were single.⁶²

Before the seventeenth century cases of bastardy had been dealt with solely in the church courts. Churchwardens' annual presentments to the Bishop resulted in mothers, and fathers, if known, being charged in the Archdeacons' Courts. So much of the business of these courts dealt with charges of fornication that they became popularly known as the 'Bawdy Courts'. This is illustrated by the surviving records for the parish of Holy Trinity, Hull. Out of 22 presentments for the years 1701-1760, 20 were for fornication, one for adultery and one for refusing to pay a bequest.⁶³ Thirteen cases specifically involved the mention of a bastard child and 17 named the male partner in the offence. The punishments of the church courts ranged from public penance to excommunication. Presentments continued to be made to the church courts throughout the seventeenth and eighteenth centuries but a series of statutes from 1576 began to place a legal as well as a moral emphasis on the question of illegitimacy. It appears that this

⁶¹ Ibid.

⁶² M. Jackson, *New-Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth Century England* (Manchester, 1996), p.29.

⁶³ Borthwick Institute for Archives (BIA), York. Ref. ER V/CH.P, Hull.

legal censure was borne out of a desire to address the economic problem of supporting illegitimate children, but it had the effect of criminalising single women who were unable to support their child, adding to the public distrust of unmarried mothers. Mothers who gave birth to stillborn children, particularly if they had attempted to conceal their pregnancy, were subject to the suspicion of murder almost as a matter of course but proving that the child had been born alive was often impossible and the conviction rate was low. Jackson points to a statute of 1624, regarding the rules of evidence, which significantly changed the emphasis from one of suspicion to presumed guilt. It declared that any woman who attempted to conceal the death of her bastard child, whether born dead or alive, should 'suffer Death as in Case of Murther' unless she could produce at least one witness to swear that the child was stillborn.⁶⁴ This assumption that the mother was guilty until proven innocent was not repealed until 1803 when an act introduced the lesser charge of concealment and treated the burden of proof in cases of infanticide in the same way as for any other murder charge.⁶⁵

Attitudes to mothers whose illegitimate babies did not survive the birth changed over the period covered by this study. Eighteenth century juries became reluctant to convict under the draconian 1624 statute (when conviction meant the execution of the mother for murder) unless there was indisputable evidence of significant violence against the dead child.⁶⁶ Susannah Evans of Hunmanby and John Robinson of Skipsea were both charged in 1772 with 'wilfully unlawfully wickedly and inhumanely' exposing a female bastard child on a dunghill at Gransmoor in the parish of Burton Agnes with the intention that the child 'should there continue Perish and Dye'.⁶⁷ This case did not

⁶⁴ Jackson, *New-Born Child Murder*, p.32.

⁶⁵ HCPP, 43 Geo. III, c.58, s.3 (1803), *An Act for Further Prevention of Malicious Shooting, Stabbing, Wounding, Poisoning, Arson and Murder of Bastard Children*. See also R. Sauer, 'Infanticide and Abortion in Nineteenth-Century Britain' in *Population Studies*, 32.1 (1978), pp.81-93.

⁶⁶ 21 Jac. I, c.27, 1624, 'An Act to Prevent the Destroying and Murthering of Bastard Children.'

⁶⁷ East Riding Archives and Local Studies (ERALS), Ref. QSF/256/B5, 1772.

involve a newborn infant, but a child of three years; nevertheless neither of the accused was heavily punished. John Robinson, described as a yeoman, was fined and Susannah Evans was 'to be continued in Goal a Fortnight upon Bread and Water'.⁶⁸ The records of those executed at the York County Assizes for the crime of murder include very few cases of infanticide. Between 1686 and 1853 eight prisoners were executed for killing a child.⁶⁹ Of these, four of the crimes were committed by the mother, three by the father and one by a man where no relationship was disclosed, but who murdered both the child and her mother. It is interesting to note that in the case of at least two of the mothers it is mentioned that their bodies were given to the hospital for dissection, whereas a forger, executed on the same day as one of these women, Hannah Wilkinson, was buried in a York churchyard, presumably in consecrated ground.⁷⁰ Executed felons and paupers often provided the research material for the emerging anatomists but it appears that a distinction had been made here between two classes of convict. This may be an indication of the abhorrence felt for this particular crime. In a Christian society the separation of the organs from a deceased person was an eternal punishment as this prevented the body rising up whole on the Day of Judgement. Nevertheless, despite this particular example, by the turn of the century official attitudes had softened and the 1803 Act allowed juries to return a verdict of concealment of birth rather than the capital offence of murder.

Much as illegitimacy was seen as one of society's evils, and one of the main causes of the rise in poor law rates at this time, the attitudes of individuals to specific cases were often less censorious. This can be illustrated by the reaction of Robert Sharp of South Cave to the case of Hannah Levitt. Robert Sharp, the village schoolmaster, was well

⁶⁸ Ibid.

⁶⁹ W. Knipe, *Criminal Chronology of York Castle 1379-1867* (York, 1867), Facsimile copy on CD (2007).

⁷⁰ Ibid. p.43

read and kept himself abreast of local and national affairs. He fulfilled several roles within the village and was a keen observer of what was happening around him locally. He was also kept informed of national events through regular communication with his son who worked in London. In addition, although he was often at odds with church officialdom and was highly critical of the established church, he was a devout Christian. In September 1831 he merely states that he has heard that Hannah Levitt 'is in a Family Way to Norrison Marshall' with no moral judgments attached to this statement.⁷¹ Hannah was delivered of twins boys but sadly one died and when a disagreement arose between Hannah and the curate, over the latter's refusal to bury the child because he had been baptised by a non-conformist minister, Robert was clearly in support of the mother and referred to the dead child as 'the innocent babe'.⁷² However, when Sarah Dove, single and pregnant, verbally abused the overseer of the poor, as he attempted to have her removed to her own parish, he referred to her as 'an unprincipled and abandoned profligate'.⁷³ Sarah was later accused of infanticide after burying her child in a garden, claiming she had had a miscarriage; a fact disputed by the doctor who, on seeing the corpse, stated the child had been almost full term.⁷⁴ Sarah was indicted in December 1833 for 'concealing the birth of a male child and secretly burying the dead child at South Cave' and was sentenced to two years hard labour in the House of Correction.⁷⁵ The case of Sarah Dove is an interesting one and perhaps serves to illustrate the reluctance of juries to convict for infanticide. She was charged with concealing the birth of her child but not the pregnancy itself. Clearly, from the evidence of Robert Sharp's diary it was known that she was pregnant and this was presumably the reason why the overseer was attempting to have her removed to her parish of settlement. This

⁷¹ J.E. and P.A. Crowther (eds), *The Diary of Robert Sharp of South Cave: Life in a Yorkshire Village 1812-1837* (Oxford, 1997), p.330.

⁷² Ibid. p.354.

⁷³ Ibid. p.430.

⁷⁴ Ibid. pp.432-433.

⁷⁵ ERALS, Ref. QSF/506/B/21 December 1833

is a significant detail and the fact that she did not hide her pregnancy would have stood her in good stead had she been charged with the more serious crime of infanticide. Similarly, if a mother had appeared to make some preparation for the birth of her illegitimate child then the charge of infanticide or concealment was less likely to be brought against her, and if she did find herself in court then evidence of such preparation could find her acquitted of such charges. Even a mother who had made no such preparation could avoid criminal charges being pursued against her if some measure of apparent care had been taken. This could be as simple a measure as lining a drawer or box to act as either a crib or a coffin for the newborn child. In a case of concealment at Hull the judge's directions to the Grand Jury at York Assizes were clear. Mary Nickson had given birth, unattended, and the dead child was later found placed in a box. He instructed the members of the Jury that if they

...were satisfied that the placing of the child in the box ...by the unfortunate girl...constituted an act of endeavouring to conceal the birth they would find a bill; but if on the other hand, they thought she had merely placed the child there for decency sake, they would find no bill.⁷⁶

There appeared to be something of a dichotomy regarding child murder during the nineteenth century. That it was prevalent is clear from the many cases reported in contemporary newspapers and the abhorrence with which it was viewed clearly expressed. However, the sentences imposed on those found guilty of concealing the birth of an illegitimate child were often lenient, and the mother rarely indicted for murder except in the most extreme and violent of cases. Many of those incidents

⁷⁶ *Hull Packet*, 10 March 1854.

reported in the *Hull Packet* were accounts of notorious cases elsewhere that had caught the public attention. Relatively few cases appear for the city of Hull, although it must not be assumed that it did not take place there on a similar scale as elsewhere. The city was situated on the confluence of two tidal rivers and it may be that the disposal of an unwanted child was easier to accomplish there than in other large cities. Nevertheless, evidence of clandestine disposal of infants was uncovered in 1881, when 40 bodies of infants were discovered in the unused Castle Street Burial Ground. These were all buried in boxes, 'an inch or two' under the surface and so orderly arranged that it was 'impossible for any separate and casual visitors to have thus deposited them'.⁷⁷ The paper concluded that one person had colluded with 'others who were desirous of thus hiding their shame or evading customary...burial fees'.⁷⁸ The man with responsibility for the burial ground had left the city suddenly and it was assumed that he had received payments to 'get rid of the bodies'.⁷⁹ Some had been interred for some time and others quite recently, one interment being no more than three days old, and though it was reported later that they were the bodies of stillborn children, they were clearly buried illegally and medical confirmation of their condition at death was never sought. Advertisements were placed requesting information about the burial of children in the Castle Street Burial Ground, but no information was ever offered, giving weight to the view that their deaths had been concealed.⁸⁰ The bodies could not be exhumed and examined without an order from the Secretary of State and when this was not forthcoming the matter was dropped by the Burial Committee and fell out of the public arena, thus the identities of the children were never known.⁸¹ This incident serves to indicate the ease with which the body of an infant could be concealed. These 40 infants

⁷⁷ *Hull Packet*, 25th November 1881.

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

⁸⁰ *Ibid.* 9 December 1881.

⁸¹ *Ibid.*

were, at least, afforded some decency in their disposal, a nicety not always observed by those finding themselves in difficult circumstances.

In 1856 the newspaper stated that ‘the extent of child murder in the neighbourhood of Malton is becoming truly horrible.’⁸² In just over one month three cases of infanticide had been reported, one of concealment at Thixendale, one of wilful murder at Acklam and another where the body of a newborn child had been found discarded in a lane near the town’s Market Place. Throughout the East Riding illegitimate infants were discovered in various situations where they had been discarded by their mothers, whether through fear, mental distress or sheer heartlessness is not always known. Out of 35 reported incidences of local cases between 1847 and 1884, only 17 gave any indication of the mother’s occupation.⁸³ Of these, two were described simply as single women, one as a needlewoman and 14 as servants. It is not difficult to imagine the disturbed state of mind of a servant girl, fearful of losing her place and character reference, giving birth secretly and wishing to conceal her predicament from the world. Maria Schurle of Hull hid her baby under the bed, Martha Hanks of Ryhill gave birth while milking and threw her baby in the strawfold, and Mary Preston of Londesborough attempted to conceal her child in a slop pail.⁸⁴ These cases appear to indicate a measure of panic rather than premeditation, whereas others like that of Mary Ann Milner and her mother, Jane, showed an intention to conceal when Jane took the child from their home in Well Place, Beverley and disposed of it in a pond on the Westwood, a large area of open pasture land on the western edge of the town.⁸⁵ This case serves to illustrate the dichotomy between the abhorrence of the crime and the reaction to individual cases. Although Jane admitted disposing of the body she was found not guilty and discharged.

⁸² Ibid. 28 March 1856.

⁸³ Ibid. 1847-1884.

⁸⁴ Ibid. 19 January 1866, 1 June 1849 and 6 August 1864.

⁸⁵ Ibid. 21 July 1865.

She maintained that the child was born dead although medical evidence disputed that claim. Mary Ann was found guilty of concealment but as she was considered of weak intellect she was sentenced to only one months imprisonment.⁸⁶ In contrast 16-year old Mary Latus of Hull was acquitted of all charges but her father, William, was sentenced to six months for his part in concealing the birth of his incestuous daughter/granddaughter.⁸⁷ This an unusual case in that Mary, while initially denying that she had given birth at all, was acquitted of the same charge, demonstrating the sympathy of the jury, while her father who had arranged a false certificate (purporting another man to be the father of her child) denied the charge saying he had openly taken the casket containing the body to the sextant at the Hedon Road Cemetery and arranged for its burial.⁸⁸

The maximum sentence for those convicted of concealment of birth was two years. However, an examination of the sentences actually given for this crime show that juries very rarely imposed the full amount. Out of twenty cases examined between 1849 and 1884, five people were sentenced to three months imprisonment or less, six to between four and six months, one to between seven and twelve months and five to between one and two years. Three of the accused were acquitted of all charges. Six of the twenty had the additional proviso of hard labour attached to their sentence. Of those sentenced to more than one year three had been accused of murder but found guilty of the lesser charge of concealment, another indicator of a jury's reluctance to convict individuals for a capital offence.⁸⁹

⁸⁶ Ibid. 4 August 1865.

⁸⁷ Ibid. 8 November 1867.

⁸⁸ Ibid. 25 October 1869.

⁸⁹ Information extracted from reports in *The Hull Packet* 1849-1884.

There were, however, occasions when juries had no compunction in passing a capital sentence for infanticide. These involved the truly hideous practice of taking in infants for profit with the full intention of deliberately disposing of them or wilfully neglecting them until they died. This practice became known as ‘baby farming’ and was a notorious evil of the latter half of the nineteenth century. Mothers of illegitimate children and poor law guardians had often sought to place their charges with someone who would take care of them for an affordable fee. Many illegitimate children were cared for in such establishments and poor law accounts are scattered with payments for the ‘boarding’ of such children; that children were boarded out is confirmed by entries such as that from Ryhill in 1821, ‘to a child at James Marshalls, 26 [weeks] at 3s’⁹⁰ and by an application in May 1832 from Stephen Bruce in Keyingham who requested an ‘allowance for clothing for a child boarded with him’.⁹¹ Many legitimate foster carers were employed, probably providing variable levels of care, but there were a significant number of others who solicited for children with no intention of affording them any care at all. At the meeting of the Marylebone Guardians, aforementioned, Dr. Bachhoffner told those present that there were ‘hundreds of “legalised” murders of illegitimate children whose unfortunate mothers put them to dry nurse...with the certainty that they would die.’⁹² He reiterated the need to forbid the burial of any stillborn child without proper medical certification. Such certification would certainly have made the baby farming trade a less attractive proposition to those unscrupulous men and women who lived on its profits. Advertisements offering a child a loving home, often purporting to be from a married couple unable to have children of their own, appeared in newspapers across the country. However, as the Rev Benjamin Waugh wrote in 1890,

⁹⁰ Hull History Centre (HHC), University of Hull Archive Collection, Ref. DX/26/2, Account Book for the Workhouse of The Four United Parishes of Paull, Thorngumbald, Ryhill and Keyingham (1820-1832).

⁹¹ERALS, Ref. PE 86/35, Keyingham Vestry Account Book, 1832-1870.

⁹² *The Morning Chronicle* (London), 24 September 1859.

...behind these “country air and mother’s love” advertisements live a band of cruel dastards who take children as mere means of gain which can only be made by their death.⁹³

The first high profile case came to light in 1870 when an officer from Scotland Yard’s recently formed specialist department answered one such advertisement.⁹⁴ Although, on the face of it, it offered a ‘mother’s love’ the wording was such that a clear message was being sent to mothers wishing to rid themselves of an intolerable burden. Phrases such as ‘entirely adopted’ meant the mother was not expected to have any more contact, ‘premium 5*l.*, which sum includes everything’ indicated that a one-off payment of £5 relieved the mother of all parental responsibility.⁹⁵ This sum clearly would not keep a child until adulthood, but several such payments every few weeks, supplemented by pawning the infants’ clothing, could afford a good living for the unscrupulous advertisers. Children were neglected, usually in appalling conditions, until they faded away. Their bodies were then disposed of in irregular burials (such as those mentioned earlier in the coffins of unrelated individuals), dumped in streets and watercourses or, occasionally, buried with certificates either forged or signed by unwary or dishonest medical men, and presented across different registration districts in an attempt to evade suspicion. That this inhuman trade in infants should take place on such a scale as to arouse the national conscience indicates the plight of the single mother. The majority, although not all, of these babies were illegitimate and it has been suggested that the changes in the poor law, discussed in an earlier chapter, could have been a major factor in the sudden rise in infanticide during the nineteenth century.⁹⁶ The 1834 Act decreed that the mother was responsible for maintaining her child and that support for

⁹³ Rev. B. Waugh, ‘Baby-Farming’ *Contemporary Review*, 57 (1890), pp. 700-714.

⁹⁴ Margaret Waters was convicted and hanged for murder in October 1870. Her sister Sarah Ellis was sentenced to eighteen months hard labour for obtaining money under false pretences.

⁹⁵ A. Rattle and A. Vale, *Amelia Dyer, Angel Maker* (London, 2007), pp.36-37.

⁹⁶ A. Hunt, ‘Calculations and Concealments: Infanticide in Mid-Nineteenth Century Britain’ *Victorian Literature and Culture*, 34 (2006), pp. 71-94.

illegitimate children could only be sought through the Poor Law Unions at Quarter Sessions, not Petty Sessions.⁹⁷ This more infrequent timescale, coupled with the loss of the ‘allowance’ inherent in the old poor law system, only served to put a single mother who lacked any family support in an almost impossible position. A child which lost her ‘her place’ and prevented her from gaining other work may have driven a woman to extreme measures. She may even have been either naive enough or desperate enough to believe in the ‘loving home’. The commissioners did not consider that the change in the bastardy laws would affect the rate of infanticide, saying they did not believe ‘...such a thing (had) been heard of as a mother killing her own child in order to save the expense of feeding it...’⁹⁸ Unfortunately, the evidence does point to a rise in infanticide in the mid-nineteenth century. Rose pointed to a general complacency with regard to infanticide up until the changes in the Poor Law in 1834. He argued that in the context of high infant mortality rates the occasional discovery of an infant’s body in the street was considered a ‘grim inevitability’.⁹⁹ However, the work of Ernest Hart, editor of the *British Medical Journal*, exposed the scale of the problem in the 1860s when he was one of the founders of the Infant Life Protection Society, whose efforts led to the Infant Life Protection Bill in 1872. Giving evidence before the Select Committee in 1871 Hart reported that in response to enquiries many medical officers and workhouse officials of large towns believed that baby farming existed ‘to a very large extent and that it was extremely destructive to life...’¹⁰⁰ Although the report considered that in the large manufacturing districts of Yorkshire and Lancashire ‘carelessness, and not crime, is the principal cause of mortality among children put out to nurse’ it did lead to the passing of the Infant Life Protection Act in 1872, which made it unlawful for any person ‘for

⁹⁷ HCPP, 4 & 5 Will. IV, c.76 (1834), *A Bill for the Amendment and Better Administration of the Laws Relating to the Poor in England and Wales*.

⁹⁸ HCPP, *Report from His Majesty’s Commissioners for Inquiring into the Administration and Operation of the Poor Laws*. App. (A), Part II, (1834), p.198.

⁹⁹ Rose, *Massacre of the Innocents*, p.35.

¹⁰⁰ HCPP, *Report from the Select Committee on Protection of Infant Life; Together with the Proceedings of the Committee, Minutes of Evidence, Appendix and Index (1871)*.

hire or reward' to undertake the care of 'two or more infants under the age of one year for the purpose of nursing or maintaining such infants' without being licensed by the Justices.¹⁰¹

Obtaining reliable statistics into infant death at this time is extremely difficult. A report of 1870 relating to criminal statistics of Ireland in 1869 concluded that

'The disclosures...in England as to baby-farming and unregistered burial of stillborn children would lead to the conclusion that infanticide prevails there to a greater extent than is shown by the Coroners returns.'¹⁰²

Even 25 years later, in 1895, the official reports appear to show a lack of consistency when it was reported, in tables of coroners inquests, that in the East Riding there had been no inquests on the bodies of new born children, even though four were reported to have died through lack of proper attention at birth and another two deemed to have been stillborn.¹⁰³ Inadequacies in the systems of medical certification and civil registration make it almost impossible to ascertain the true nature of infanticide with regard to baby farming. Hart believed that one third of babies who were put out to baby farmers were done so with good motives. In other words these mothers genuinely sought care for the babies they were unable to nurse themselves. But that in two-thirds of cases babies were handed over with either the implicit understanding that they would

¹⁰¹ 35 & 36 Vict. c.38 (1872), *A Bill for the Better Protection of Infant Life*.

¹⁰² HCPP, *Criminal and Judicial Statistics, 1869, Ireland, Part 1*, (1870), p.15.

¹⁰³ HCPP, *Judicial Statistics: England and Wales, Part 1, Criminal Statistics, Table XXX, Coroners Returns* (1895), p.207.

die or with ‘negligent considerations of the health and life of the children’ concerned.¹⁰⁴

As previously mentioned, evidence of paying to board children with non-relatives can be found throughout the East Riding. Illegitimate children can be traced through the census and found to be ‘boarders’ in unrelated families. But commercial baby farming does not appear to have been a significant feature of the region. There were a few local cases of neglect reported in the newspapers but not on the scale of the notorious scandals that had caught the public attention. When an emaciated illegitimate child, Sydney Barmby, died after being placed in the care of Uriah and Mary Stagg, a charge of neglect was brought against the Driffield couple. An inquest jury had severely censured Mary Stagg and the case against her and her husband was brought by information supplied by the Society for the Prevention of Cruelty to Children. Despite the coroner’s censorious report and the court’s guilty verdict Mary Stagg was only ordered to pay five pounds or go to prison for two months.¹⁰⁵ A case at Sutton also aroused some interest in the local press when twin children died in the care of a Mrs Brunton, who had previously had charge of children who had died in her care.¹⁰⁶ The mother and grandmother lived nearby and Brunton’s evidence suggested that when they would not pay for medical care she eventually did so herself. Whether this was through genuine consideration for the children or to insure herself against serious charges is not known, but at the inquest the jury, after much deliberation, found one child to have died from natural causes and the other from an overdose of Godfrey’s Cordial.¹⁰⁷ This case serves to highlight the difficulties of genuine baby-minders. The

¹⁰⁴ HCPP, *Report from the Select Committee on Protection of Infant Life*, 1871

¹⁰⁵ *York Herald*, 19 January 1895.

¹⁰⁶ *Hull Packet*. 18 September 1874.

¹⁰⁷ Godfrey’s Cordial often featured in such cases. It was reputed to have the equivalent of one drop of laudanum to each teaspoon, which could prove fatal to a small child. There were several opium based mixtures available at this time and their use was not unusual.

jurors commented that they were ‘very certain that more than the ordinary proportion of her children had died’ and this should be a warning to her as long as she lived, suggesting that they were not wholly convinced of her innocence.¹⁰⁸ On the other hand evidence was given that some other children she had cared for were alive and well, including a blind child, and that she had called the mother to attend as the children grew worse. The conditions in the house were not referred to in any negative way and witnesses reported she was nursing the children in her arms, rather than neglecting them. The female child was emaciated, but as a consequence of being unable to take sustenance rather than a lack of food. A post mortem examination of the male child had revealed him to be plump and healthy in every organ. High mortality rates meant these deaths were not necessarily unusual and those caring for the children of others must often have been placed in an uncomfortable position when their charges succumbed to ailments or the consequences of poor feeding practices. Other charges were brought under the 1872 Act restricting the number of children that could be cared for by a non-registered child minder. The coroner’s enquiry into the death of Gertrude Bryan, a fourteen week old illegitimate child, found that Mary Ann Lamb of Watton, who had advertised for nurse children and admitted having two other children in the house, had not appeared to do any intentional wrong and fined her one shilling. Had she been found guilty of keeping an unlicensed baby farm she could have been imprisoned for six months.¹⁰⁹ In his 1891 report to the Local Government Board the Medical Officer of the Driffield Rural Sanitary District stated that baby farming had not yet become an ‘institution’ of East Yorkshire, but hinted that the life of a child was lightly regarded.¹¹⁰ It would appear that single mothers in the East Riding were putting their babies out to board and that some of them died as a result of neglect or poor feeding practice.

¹⁰⁸ *Hull Packet*, 18 September 1874.

¹⁰⁹ *York Herald*, 15 September 1891 and *Hull Daily Mail*, 25 September 1891.

¹¹⁰ *Hull Daily Mail*, 16 March 1891.

However, it seemed that many of the babies were boarded for a weekly sum, usually around four shillings, and had some contact with their mothers. This usually appeared to be a solution to the genuine childcare problems of the single mother rather than the one-off 'entirely adopted' abomination of the notorious baby farmers.

Infanticide was not exclusively an urban problem. There are many reports of suspected infanticide in rural East Yorkshire, often of servant girls ultimately accused of concealment rather than the more serious offence of murdering their child. It is possible that because of the hidden nature of the crime it was far more prevalent in Hull and the East Riding than will ever be known. We have seen evidence suggesting that it was not uncommon to find bodies of infants under beds and in the streets and soil heaps. We have also seen that illegal burials were taking place covertly within the city. Children of single mothers were, for the most part, the ones most at risk from such illegal practices and the mortality penalty of being born illegitimate was extremely high.

This chapter has considered factors that have impacted on infant mortality and shown some of the difficulties faced by single mothers, both in terms of the practicalities of childrearing and the social disgrace attached to illegitimacy. Although the infant mortality rate for illegitimate children was high, particularly throughout the nineteenth century, many of these children did survive beyond infancy. What did the future hold for them and their mothers? What were the prospects for those who survived into adulthood? The next chapter will attempt to follow some of these people, within either their family units or the wider community, and examine the future prospects of mothers and children whose lives were influenced by the fact of illegitimacy.

Chapter 6. The Future Prospects of Single Mothers and their Children.

Having examined various factors leading up to, and immediately following, the birth of an illegitimate child this chapter will determine the future prospects of some of the individuals concerned. Those who were affected by illegitimacy were likely to have suffered some disadvantage, however minor, but by following a selection of children, mothers and fathers into the next stages of their lives we might ascertain the effect of that disadvantage. The circumstances of their lives may indicate lifestyle and prosperity that can be measured against those who were not affected by the taint of illegitimacy. By drawing on some cases of poor, legitimate children we may clarify the circumstances appertaining generally of the poor against which to compare the illegitimate sub-group.

Perhaps the most vulnerable people in the history of illegitimacy were the children. They were often born into poverty leading to inadequate care, which in turn could lead to a raised mortality penalty. This does not apply to all illegitimate children since some were cared for by family members, and others were born into stable relationships. But for those with no means of support the poor law authorities often became the determinant of their future. For those children it often meant being bound as an apprentice to a trade. Much of the work of the parish poor law officials in the eighteenth and early nineteenth century was concerned with relieving parishioners in times of crisis. Illness, unemployment and bereavement could throw people into a period of short term need for which weekly relief was given, or for a specific purchase such as a suit of work clothes or a coffin. With children, however, the overseers of the poor were more likely to take a long term view. As Oxley has pointed out 'Unless they

were to remain paupers all their lives, steps had to be taken to ensure that, as they grew older, they would be able to become self supporting.’¹ This concept was embedded in the consolidating Poor Law Act of 1601 by which the parish could put poor children of the poor to work if it was thought the parents had no means to maintain them.² Lane argues that the apprenticeship system’s social and economic functions were fourfold: it provided the child with an adult livelihood, thus lessening the dependence on parish relief; to control the number of entrants into a trade thus avoiding overpopulating a craft and depressing wages; to train the child in skills and help prevent dilution by unqualified workers; lastly ensuring that pauper apprenticeship was a means of social control to regulate the growth of wandering beggars. But the eighteenth century, Lane asserted, it was seen as an accepted, reliable method of reducing the poor rate.³ Levene agrees that apprenticeship ‘was primarily a way to ensure a child’s future as a working adult...related ... (to) worries about the future rate burden for the parish and the perpetuation of idleness’.⁴ With this in mind pauper apprentices were often provided with clothing, as in the case of the ‘Dunn Boy’ (mentioned on p. 144) and bibles, as were charity apprentices (see below, p.218) in an effort to instil habits of sobriety and industriousness. However, as Hindle argues, apprenticing a poor child implies that poor parents were incapable of instilling habits of diligence in their children and also deprived a poor household of the child’s economic contribution.⁵ What was accepted by some as an effective tool in reducing the poor rate may well have been viewed with hostility by those directly involved in the process.

¹ G. W. Oxley, *Poor Relief in England and Wales 1601-1834* (London, 1974), p.73.

² HCPP, 43 Eliz. I, c2. 1601. *An Act for the Relief of the Poor*, Full text accessed www.workhouses.org.uk.

³ J. Lane, *Apprenticeship in England 1600-1914* (London, 1996), p.81.

⁴ A. Levene, ‘Parish Apprenticeship and the Old Poor Law in London’, *Economic History Review*, Vol.63, No.4, (2010), pp.915-941.

⁵ S. Hindle, *On the Parish: The Micro-Politics of Poor Relief in Rural England c.1550-1750* (Oxford, 2004), p.210.

There were, however, benefits on both sides if the apprenticeship was a successful one. The poor apprentice, both legitimate and illegitimate, gained his board and lodging (although generally no, or a very low, wage was paid) and general work skills alongside the acquisition of specific training in a recognised trade. On completion of his apprenticeship he would have gained a right of settlement and would have been able to work on his own account and take on an apprentice himself. Perhaps less quantifiable but locally and personally important, as Humphries pointed out, 'the completion of an apprenticeship marked a man out as trustworthy and dutiful.'⁶ Wallis was able to show that in the late seventeenth century only 38 per cent of London apprentices completed their terms, giving credence to Humphries statement.⁷ The length of service, initially seven years, meant that the master recouped the costs involved in the apprenticeship. As the apprentice progressed and became more skilled the master was able to realise the investment he had made in his training by having a skilled worker at well below market wages. Towards the end of the eighteenth century, as the craft guilds began to weaken, the length of service declined to an average of four years.⁸ There was, then, a direct relationship between the age of the apprentice and length of service; the younger the apprentice the longer contract was likely to be. Pauper apprentices tended to be younger than those from poor independent families, who may have needed more time to save the premium or were dependent on the child's meagre earning capacity to supplement the family income. Parish apprentice premiums were lower than those of other apprentices, reflecting the age at which they entered service, and as Wallis states there appeared to be much less emphasis on acquiring a craft.⁹ Pauper children, including the illegitimate, were more likely to serve longer apprenticeships and could,

⁶ J. Humphries, 'English Apprenticeship: A neglected factor in the first industrial revolution' in P. A. David and M. Thomas (eds), *The Economic Future in Historical Perspective* (Oxford, 2003), pp.73-102.

⁷ P. Wallis, 'Apprenticeship and training in premodern England', *Journal of Economic History*, Vol .68, No.3 (2008), pp. 832-861.

⁸ Ibid.

⁹ Ibid. n.5.

in theory, represent a better investment to a master. However, as we shall see later, this was not always the case in Hull.

If apprenticeship was a useful tool in preventing pauperism, by the eighteenth century it was also entwined with the system of settlement. Rights of settlement in a parish entitled parishioners to relief in times of hardship. It could be gained in a number of ways (see Appendix B). Completing an apprenticeship gave right of settlement in the parish where it had taken place. Overseers could bind children to masters in another parish ensuring that future claims would be made elsewhere. Children could be sent some distance from home, with very little in the way of supervision from the authorities. Overseers were appointed from the parish ratepayers and served for one year. Some were reappointed year on year but it was an onerous task and most effective through rotation among the major ratepayers. There was little incentive for individual overseers to ensure the well-being of children they hoped would no longer be a burden on the ratepayers. During the expansion of the textile industry in the eighteenth century many poor children were sent to mills in distant towns, initially to supply unskilled, cheap labour, but which, Honeyman argued, often resulted in ‘training which provided a basis for adult employment.’ Even though, in at least one factory, visitors found that ‘the hours of work were long, the diet monotonous and inadequate in meat, and there were signs of over-zealous disciplining’ Honeyman maintained that parish apprentices were mostly ‘used expeditiously by employers, and when trained, formed a useful component of the factory labour force.’¹⁰

¹⁰ K. Honeyman, ‘The Poor Law, the Parish Apprentice, and the Textile Industry in the North of England, 1780-1830’, *Northern History*, Vol. 44, No.2 (2007), pp.115-140.

Some poor apprentices were regularly monitored, but this was more likely to happen when they were apprenticed through a charity rather than the poor law authorities. Christopher Thomson was apprenticed in January 1813, aged fourteen, to Barnes, Dykes and King, shipbuilders of Sculcoates. His apprenticeship was arranged through the Cogan's Charity for Apprenticing which had been set up by Alderman William Cogan in 1772.¹¹ His parents had not been required to pay a premium, Christopher was paid a weekly wage, increasing to seven shillings in his seventh year of apprenticeship and on completion of his term the charity paid him four pounds to help set him on his way in life. In addition twenty shillings a year was paid to his master to provide him with clothing, which his master passed to him. All Cogan's Charity apprentices were given a Bible and were expected to be able to read 'tolerably well'.¹² These rewards were dependant on good performance and the apprentice's progress was regularly monitored. Christopher was from a poor family, but was not illegitimate, nor was he a parish apprentice, but his experience may serve to highlight any disparity between the poor and the pauper child.

Today we recognise education as one of the foundation stones of future success. In the eighteenth century the move towards educating the poor began to gain momentum, fuelled by a desire to instil religious morality and spirituality and promote habits of industry and self-sufficiency in a growing population. In an effort to impart the rudiments of education and industrial training, schools were established by educational philanthropists and charitable organisations. In 1699 the Hull Corporation enlarged the Charity Hall, its workhouse, partly to accommodate extra provision for industrial

¹¹ For more information on Cogan's Charity for Apprenticing see K. J. Allison, 'Charities', K. J. Allison, (ed), *The Victoria History of the Counties of England, A History of Yorkshire, East Riding*, Vol. 1 (London, 1969), pp.335-347.

¹² J. Humphries, *Childhood and Child Labour in the British Industrial Revolution* (Cambridge 2010) p.300, citing C. Thomson, *The Autobiography of an Artisan* (Nottingham, 1847).

training. Children were educated in reading, writing, moral habits, and spinning. After 1728, when the Corporation replaced out-relief with indoor relief children mixed with adult paupers and the situation deteriorated. Allison remarked that ‘At the end of the 18th century there were seldom fewer than 80 children in the house, and in 1799 their only teacher was a drunken pauper.’¹³ Generally, the boys were apprenticed to sea and in 1800 as many as forty of the girls were apprenticed to the linen mills near the West Riding town of Otley.¹⁴ The 1834 changes to the Poor Law prompted an investigation into the provision of workhouse schools, recommending the establishment of District Schools for training pauper children. The Commissioners believed that training ‘so long as it is conducted in workhouses, must necessarily be very defective’. They pointed to difficulties in appointing ‘efficient’ schoolmasters and mistresses due to inadequate salaries, subordination to the workhouse master and the requirement to live within the workhouse itself.¹⁵ Certainly the Driffield Poor Law Union experienced this problem as revealed by an extract from the Master’s Journal in 1859 regarding the capability of Miss Smith, the schoolmistress.

For about two years we have been satisfied that justice has not been done to the children as respects their Industrial training, from the want of energy and the proper amount of supervision on the part of their Teacher. During this time myself and the Matron have very often spoken to her about the irregularity and indolence...The Girls I am sure will never make Servants under the tuition they are now receiving.¹⁶

¹³ K.J. Allison, ‘Charities’, p.349.

¹⁴ Ibid.

¹⁵ House of Commons Parliamentary Papers (HCPP), *Report to the Secretary of State for the Home Department from the Poor Law Commissioners on the Training of Pauper Children* (London, 1841) p. viii.

¹⁶ TNA, MH12/14276, Correspondence with Poor Law Unions (Driffield Union), 16 November 1859.

Individual unions were reluctant to establish District Schools and most pauper children continued to be educated in workhouse schools, with varying degrees of instruction. One Board of Guardians, the Bedford Union in Bedfordshire, was cautious about educating pauper children beyond the level available to the children of independent labourers. The Guardians wrote to the Poor Law Commissioners in 1836 requesting permission to omit writing from their school curriculum. They were ‘desirous of avoiding greater advantages to the inmates of the workhouse than to the poor children out of it’ and wanted to withdraw ‘any premium or inducement to the frequenting of the workhouse.’ The Commissioners, however, took the opposite view and thought it unlikely that the offer of a workhouse education would entice the children of the independent poor within its walls. It was important, they said, that workhouse children be given the ‘greatest attainable chance of earning an honest and independent maintenance... (and)...the acquisition of the power of writing greatly increases this chance’. They were concerned that such a course would serve to stigmatise those who had received a workhouse education.¹⁷ In a Report of 1841 the Commissioners reiterated their stance on education by stating it was ‘to be regarded as one of the most important means of eradicating the germs of pauperism.’¹⁸

The notion that a pauper child could potentially benefit from his or her pauperism by gaining advantages over a child of the independent poor was not confined to schooling. There were some, like the Bedford Guardians, who believed that parish apprenticeship conveyed similar benefits. Even the Poor Law Commissioners believed that paying a premium from the poor rate to bind parish apprentices was putting independent children at a disadvantage. They wrote to the Guardians of the Basford Union in

¹⁷ M. E. Rose, *The English Poor Law 1780-1930* (Newton Abbot, 1971), p.180.

¹⁸ HCPP, 4 & 5 Vict. (1841), *Sessional Papers, Poor Law Commissioners’ Report on the Training of Pauper Children and on District Schools*, Vol. XXXIII, p.19.

Nottinghamshire declaring that an independent labourer, who had saved ‘to provide a decent outfit for his child’ may lose the chance of placing his son with a local master because the parish had provided a premium beyond his reach and placed a workhouse child in the place. They believed this discouraged the ‘independent labourers, putting them at a disadvantage compared to the paupers...(and)...cannot then be expected to continue making an effort to keep himself off the parish and provide for his own family.’ The Commissioners believed paying premiums to masters, who they considered employed ‘such children...to benefit themselves, and not for the purpose of relieving the Parish’, led to an ‘increase in pauperism by rendering the condition of the pauper preferable to that of the independent labourer.’ On these grounds they would not sanction any payment of premiums for parish apprentices except for the ‘maimed or crippled.’¹⁹

Under the New Poor Law of 1834 the system of compulsory parish apprenticeship was increasingly discredited, although not entirely abandoned until 1844, when it was enacted that parish apprentices were only to be bound with their consent.²⁰ The system had been open to abuse, not only in terms of the treatment of some apprentices but also in the manner in which they had been apportioned. Its failings were emphasised in the local press when the liability of local ship owners to take parish apprentices was aired in *The Hull Packet* in 1833. John Collinson objected to being required to take an apprentice from the workhouse, stating that he had already taken one parish apprentice in 1828, and only owned one ship. He thought ‘every ship owner in the town ought to take an apprentice before he was compelled to take another.’ William Ward also objected on the grounds that he was resident in Sculcoates, had taken an apprentice from that parish and owned no rateable property in Hull itself. Mr McBride, the

¹⁹ TNA, MH12/9228 Correspondence with Poor Law Unions (Basford Union), 27 August 1837.

²⁰ HCPP, 7 & 8 Vict. c.32 (1844), *A Bill to Amend and Consolidate the Laws Relating to Merchant Seamen, and for Keeping a Register of Seamen*, p.18-19. This Act also related to parish apprentices bound on shore.

Workhouse Governor revealed that the apprentices were allotted annually by ballot, all the names of the ship owners, apart from those allotted an apprentice the previous year, were placed in a hat. This kind of lottery suggests that little thought had gone into the pairing of master and apprentice, their suitability to one another, or the suitability of the apprentice to the trade. As late as 1869 the Hull Police Court considered the case of James Painter, a parish apprentice with a Hull smack owner, who was charged with absconding from his master's service. James had recently served a prison sentence for a similar offence. He was described as 'a very troublesome fellow and preferred goal [sic] to the sea' and was sentenced to seventy days imprisonment.²¹ His master complained that as he was a parish apprentice he could not get the indentures cancelled. This was clearly an unsuitable arrangement for both master and apprentice and was unlikely to have benefitted either of them. It was common for pauper boys to be apprenticed to the sea and in the parish of Sculcoates between 1818 and 1844, 43 per cent of pauper boys were placed with ship owners or master mariners.²² A further four and a half per cent were apprenticed to allied trades. Out of a total of 192 apprentices (38 girls and 154 boys), 66 boys were apprenticed to the sea with ship owners or master mariners. A further seven boys were apprenticed to allied trades; one each to sail-makers and basket-makers, two to shipbuilders and three to chain and anchor manufacturers. After marine related trades, cordwainers and shoemakers formed the next largest occupational group to which 15 boys were apprenticed, followed by merchants who took 12. Some of the girls were apprenticed to tradesmen who were involved in occupations not generally associated with female workers, as can be seen in Figure 6.1, which shows, for example, a similar distribution of boys and girls apprenticed to joiners and cabinet makers. As joinery was not generally recognised as a female occupation this is, perhaps, suggestive

²¹ *Hull Packet and East Riding Times*, 15 January 1869.

²² Hull History Centre (HHC), Ref. C/PUS/411, Records of the Sculcoates Board of Guardians, Register of Parish Apprentices, 1818-1844.

more of household employment, rather than woodworking skills. The highest number of girls, ten, were apprenticed to merchants, with gentlemen the next highest, taking nine girls. It is possible that those apprenticed to merchants were employed in shops or warehouses but they may also have been working as domestic servants. Those apprenticed to gentlemen are also likely to have been placed in domestic service. It is interesting to note that no boys were placed with gentlemen, perhaps bearing out the hypothesis that the female apprentices were employed as household servants and the males apprenticed to a trade. The ages of the Sculcoates apprentices, at the time they were apprenticed, ranged from 12 to 16 and their lengths of apprenticeship varied accordingly. The maximum term was seven years, or until they reached the age of twenty-one. The majority of the apprentices appeared to be the legitimate children of the parish poor. Out of 192 pauper apprentices placed by the Sculcoates overseers and guardians between the years 1818 – 1844, only 52 had both parents' names entered in the register. A further 35 named the father only, and 57 gave only the mother's name. Twenty-seven apprentices were recorded as having no living parents and 13 entries gave no parental information at all. In addition eight apprentices were described as illegitimate. An investigation of the Sculcoates parish baptismal registers for the relevant period revealed a further illegitimate child from among those where only the name of the mother was recorded.²³ This is shown in the 'adjusted' column of Table 6.1. In a further nine cases baptism entries indicate that their children were born legitimately within the parish of Sculcoates and a further four were likely to have been, as the registers show evidence of the mothers being married, and having children in the relevant period. It is not known how many of the remaining 47 mothers were single women or widows, as no relevant entries were found in the Sculcoates registers.

²³ East Riding Archives and Local Studies (ERALS), Ref. PE46, Sculcoates All Saints (St Mary) Baptisms 1538-1973 and East Yorkshire Family History Society (EYFHS), *Sculcoates Baptisms 1790-1837*, published in six volumes (Hull, 1988-1998).

Figure 6.1. Sculcoates Pauper Apprentices 1818-1844: Distribution of Trades by Gender.

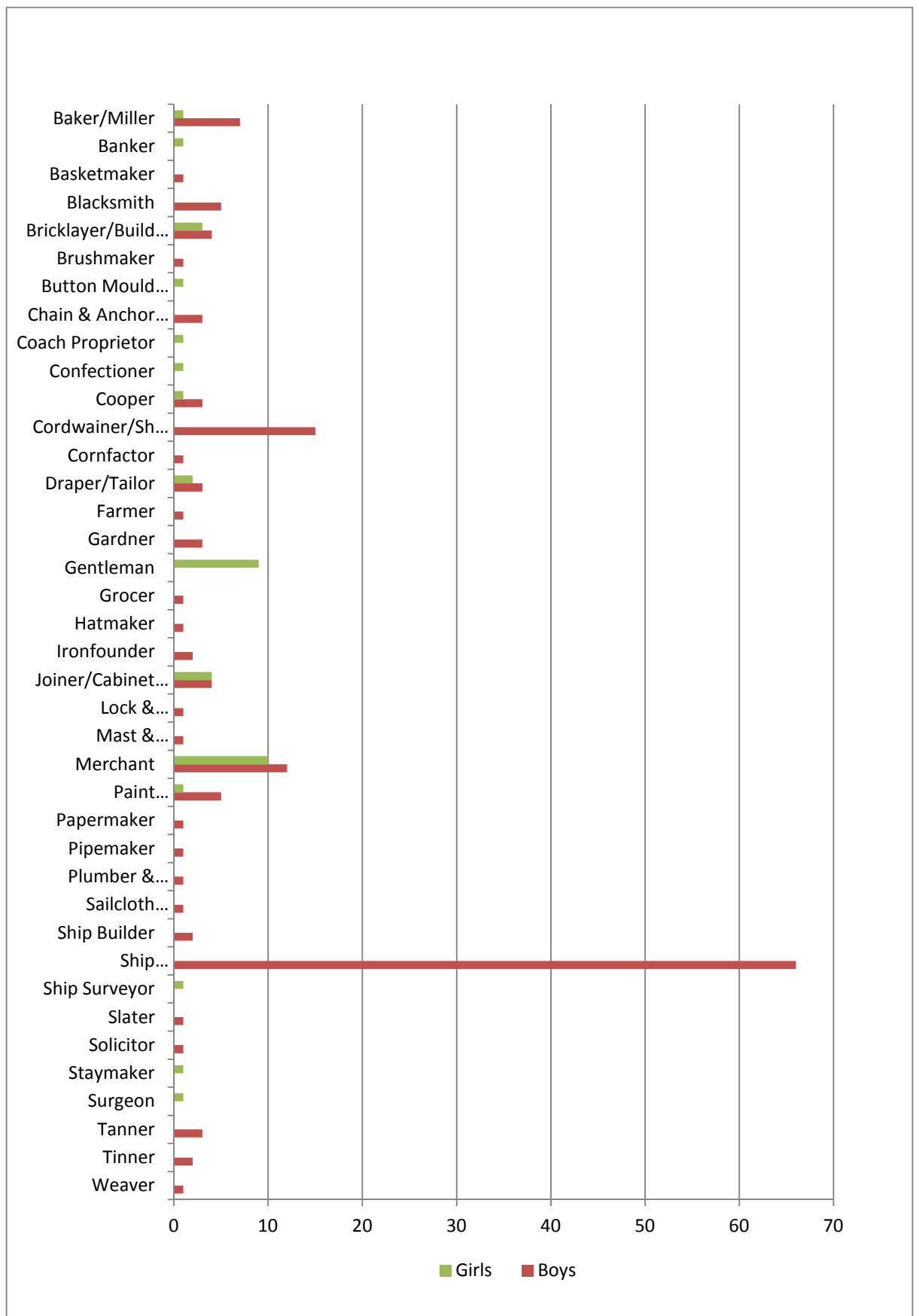


Table 6.1. Parental Information for Sculcoates Pauper Apprentices.

Sculcoates Pauper Apprentices 1818-1844			Adj.	Adj.
	No	%	No	%
Both Parents Named	52	27	52	27
Father Only Named	35	18	35	18
Mother Only Named	57	30	56	29
Parents Deceased	27	14	27	14
Apprentice Described As Illegitimate	8	4	9	5
No Parental Information Given	13	7	13	7
Total	192	100	192	100

It is possible that some of the children of these 47 mothers were illegitimate, although no indication of this has been found. We can only, therefore, state for certain that five per cent of Sculcoates pauper apprentices were illegitimate; five girls and four boys. This is a surprisingly small proportion of those apprenticed by the Poor Law authorities when it is considered that illegitimate children were particularly vulnerable to the effects of poverty, and could have been expected to have formed a significant proportion of workhouse children. It is difficult to know exactly why this might be so but the system was fraught with problems. As we have seen there was reluctance on the part of local businessmen to take parish apprentices, who could be seen as something of a liability.²⁴ Generally, illegitimate children came from the lower strata of society and were, perhaps, as suggested by Oxley, seen as the least attractive apprenticeship material.²⁵ Apprentices were often allocated on a rota basis and sanctions could apply

²⁴ See pp.199-200.

²⁵ G. W. Oxley, *Poor Relief in England and Wales 1601-1834* (London, 1974), p.76.

for refusing to take a pauper. Miss Poppleton, a grocer, had her stock 'distrained' for refusing to take a parish apprentice.²⁶ Up until 1844 consent of the apprentices themselves was not legally necessary and they were often obliged to enter trades for which they may have had no predilection or aptitude. This did not always lead to happy partnerships and masters like smack owner, Mr Ansell of Hull, found it difficult to get the indentures of parish apprentices cancelled when problems arose.²⁷ In addition, from 1834 onwards the Poor Law Commissioners were mindful that local Guardians could be putting the children of independent labourers at a disadvantage by paying a premium to apprentice a pauper child, but which was out of the reach of an ordinary poor family. They informed the Basford Guardians (Nottinghamshire) that they would only sanction the payment of premiums for those parish apprentices who were 'maimed or crippled'.²⁸ It may also be that single mothers, once the child had grown to apprenticeship age, were either less in need of financial support from the poor law authorities or were keen to keep their children at home so that their meagre earnings could supplement the family income. Nor might the bond be solely economic. Most single mothers had only one illegitimate child and an apprenticeship in a seafaring port, such as Hull, including Sculcoates, often involved dangerous work and long absences at sea.

Three of the Sculcoates boys were apprenticed to ship owners and the fourth to a merchant. Of the girls, three were apprenticed to gentlemen, one to a draper and one to a merchant. An examination of parish records, census returns, civil registration indexes, directories and newspapers, was conducted in an effort to follow the fortunes of these apprentices.

²⁶ *Hull Packet*, 3 April 1827.

²⁷ *Hull Packet*, 15 January 1869.

²⁸ TNA, MH12/9228 Correspondence with Poor Law Unions (Basford Union), 27 August 1837.

Only four of these illegitimate children were bound for a period that covered the 1841 census, and of these only one, Robert Hardy, was still living with the person to whom he was apprenticed. Robert was baptised from the workhouse, the illegitimate son of Mary Hardy, on 6 November 1825.²⁹ At the age of 13, in 1838, the Sculcoates Guardians apprenticed him to a local merchant glover, William Norman, in whose household he was still living in 1841.³⁰ It would appear that Robert was not placed as an apprentice glover but as a male servant in William Norman's large family household. Ten years later it would appear that Robert had married and set up a home of his own, in Cottingham, within the Sculcoates registration district, and was working as an agricultural labourer.³¹ In this respect his life would have followed the course of many of his contemporaries. Thomas Jordan, on the other hand, did appear to have continued with the trade to which he was apprenticed in 1834. He was baptised in Sculcoates on 13 December 1820, the illegitimate son of Hannah Jordan of Milk Street.³² Hannah died in the workhouse, aged 28, in 1830, when Thomas was ten years old.³³ At age 14 he was apprenticed to a Sculcoates ship owner. By the time of the 1841 census he was still living in Sculcoates and was described as a mariner.³⁴ In 1861 he was recorded on board the vessel 'Water Witch', a 275 ton steam coaster with 16 crew members, and in 1871, at the age of 50 he was at home in Minerva Terrace, Hull, with his wife and two unmarried children, still giving mariner as his occupation.³⁵ Thomas appears to have spent his working life in the trade to which the Sculcoates Guardians assigned him. In common with other seamen he would have had a hard and demanding job and may have

²⁹ EYFHS, *Sculcoates Baptisms, 1821-1831*, (Hull, 1989), p.21.

³⁰ HHC, Ref. C/PUS/411, Records of the Sculcoates Board of Guardians, Register of Parish Apprentices, 1818-1844 and TNA, 1841 Census, Sculcoates, HO107/1232, F.471, p.18.

³¹ TNA, 1851 Census, Sculcoates, HO107/2360, F.323, p.1.

³² EYFHS, *Sculcoates Baptisms 1813-1820* (Hull, 1988), p.52.

³³ EYFHS, *Sculcoates Burials 1824-1831* (Hull, 1992), p.28.

³⁴ TNA, 1841 Census, Sculcoates, HO107/1232, F.28, p.3.

³⁵ TNA, 1861 Census, Holyhead, RG9/4471, F.64 and 1871 Census, Hull, RG10/4793, F.156, p.5.

endured periods of unemployment, especially in the winter. However, the ten year snapshots of his life afforded by the decennial census show him to be regularly employed and living within the comfort of a family unit, something he himself did not experience as a child. It may well be that Thomas benefitted from the intervention of the Guardians and gained a lifetime career from their efforts.

The other two illegitimate apprentices, who should, in 1841, have either still been with their master or very recently released from their service, shared a common factor. Mary Ann Parkinson and Christopher Wilson were baptised on the same day, 13 May 1821, both from the workhouse.³⁶ Christopher's mother, Frances, died in the workhouse in May 1832. An infant named William Wilson was also buried from the workhouse on the previous day, so it is likely that Frances's death was the result of childbirth. In 1834, two years after the death of his mother, Christopher was apprenticed, aged 13, to a local ship owner. This is the last we know of him with any certainty. Mary Ann Parkinson was assigned apprentice to a gentleman, but was 'not taken' by him and it does not appear that she was apprenticed to anyone else. A probable entry for her can be found in the 1841 census for Holy Trinity, Hull, working as the only servant in the household of a pawnbroker with a young family. Ten years later she was in the same household, working for the pawnbroker's widow, who had taken over her late husband's business.³⁷ By 1861 Mary was no longer part of this household but would appear to have married David Wray a cabinet maker in 1857 at the age of 36.³⁸ David was described as a warehouseman in 1871 and a Russian Mat and Bag Merchant in 1881.³⁹ A death entry

³⁶ EYFHS, *Sculcoates Baptisms 1821-1831*, p.2.

³⁷ TNA, 1861 Census, Hull, HO107/1230, F.31, p.16 and 1851 Census, Hull, HO107/2362, F.515, p.14.

³⁸ www.yorkshirebmd.org.uk Marriage Index 1857, Ref. HT/2/366 and TNA, 1861 Census, Hull, RG9/3588, F.116, p14.

³⁹ TNA, 1871 Census, Sculcoates, RG10/4783, F.165, p.19 and 1881 Census, Hull, RG11/4770, F.47, p.35.

can be found for David in 1887, leaving Mary a widow at the age of 66.⁴⁰ The couple did not appear to have any children and no-one was recorded living with them in the census returns of 1861-1881. What happened to Mary is uncertain as no record of her has been found after David's death. She may have been the person whose death was recorded in Hull in 1897, aged 75, but as there was another widow of similar age with the same name this cannot be established. As a young woman, Mary had spent more than ten years in the service of the same employer before marrying and setting up home with her husband. Although his occupation changed over their 30- year marriage she appeared to have had a reasonably stable life. For a girl born in the workhouse, her life seemed to have followed a similar path to many of her contemporaries who had not suffered the same inauspicious beginnings.

The remaining five pauper apprentices present difficulties of identification. Take the case of Bridget Burkes, who was apprenticed to a gentleman in 1821, aged 16.⁴¹ Although there is an entry in the 1841 census for someone of the same name, and roughly the same age, in the right place, it is problematic. This woman was living in a household of five children, with no adult male in residence (although the next door neighbour had the same family name). None of the children, aged between four and fifteen, had been born in the county, and at least one had been born in Ireland, as had this Bridget, and most of her neighbours. They were living in the Sutton parish, among the large Irish community that worked in the nearby cotton mills.⁴² As it is unlikely that Bridget moved away for the birth of each of the children and then returned, it has to be assumed that either they were not her children, but family members, or that the whole family arrived after the birth of the youngest. If the latter is the case then this does not

⁴⁰ General Register Office (GRO), Index to Deaths, December Qtr. 1887, Hull, Vol. 9d, p.168.

⁴¹ HHC, Sculcoates Pauper Apprentice Register, 1818-1844.

⁴² TNA 1841 Census, Hull, HO107/1221, F.41, p.32.

suggest it is the same person who was apprenticed 20 years earlier. A Bridget Burks was married in Sculcoates in 1843 to Thomas Costello, but no further reference to her has been found and the only Thomas (then spelled Castellow) found in 1851 was living in what appeared to be a lodging house and describing himself as unmarried.⁴³ She may have married, although the GRO Indexes do not show identifiable children born to the couple. She may have been looking after children in Hull's Irish community; she may have moved away or died, though no evidence to support this latter possibility has been found.

A similar lack of identifiable evidence surrounds the lives of the other four illegitimate pauper apprentices. Hannah Clark, apprenticed in 1823 to a Linen and Woollen Draper, may have been one of three possible brides married in Sculcoates between 1824 and 1835, but a search of the relevant records revealed that one bride was too young, one groom had since remarried, although no recorded death was found for his first wife, and the third could not be traced.⁴⁴ Jane Dickinson's mother, also Jane, was described in her daughter's baptism entry in 1804 as 'another frail spinster'. Whether this refers to a frailty of morals or a physical disability is not certain, but as a blind spinster had had her illegitimate son baptised the same day, it is probably the latter.⁴⁵ Jane Dickinson, the daughter, was apprenticed to Henry Broadley, Gentleman, in 1820, but no further record of her has been found. Despite checking 23 entries in the 1851 census, countrywide, for Charles Field, apprenticed to a ship owner in 1821, his life, too, remains a mystery. Perhaps he became the bacon factor who gave evidence at Hull Police Court regarding a

⁴³ www.yorkshirebmd.org.uk Marriage Index for Sculcoates 1843, Ref. SRO/2/13 and TNA, 1851 Census, Hull, HO107/2363, F.227, p.27.

⁴⁴ EYFHS, *Sculcoates Marriages, 1821-1829*, (Hull, 1995), p18. *Sculcoates Marriages, 1830-1837*, (Hull, 1995), pp.30 and 55. TNA, 1841 Census, Hull, HO107/1230, F.8, p.9. GRO, Index to Marriages, June Qtr. 1939, Sculcoates, Vol. 23, p.2

⁴⁵EYFHS, *Sculcoates Baptisms, 1790-1806* (Hull, 1998), p.43.

drunken customer in 1860, or the Charles Field who became the licensee of the King William Hotel in Hull Market Place in 1861. If the latter, was he the Hull Innkeeper who was summoned for ‘furiously driving a horse and dogcart through the streets’ in 1865?⁴⁶ This speculation does not tell us what happened to an illegitimate pauper child apprenticed to the sea at 13 years of age, but gives us hope that, maybe, he overcame the difficult circumstances of his youth. Of the fourth apprentice, Ann Walls, nothing can be determined about her life following her apprenticeship to a merchant in 1820.

As previously indicated, the number of illegitimate pauper apprentices for the Sculcoates area was surprisingly small for a growing urban community, and as a sample it does not provide us with a great deal of evidence regarding the outcome of their lives. In an effort to address this paucity of evidential material a larger sample of children born to single mothers was required. The Sculcoates apprentices in the previous sample were all paupers, supported by the poor law overseers and guardians at the time of their apprenticeship. Continuing with this theme of vulnerability and poverty, an effort was made to identify illegitimate children in the East Riding Poor Law Union workhouses in 1851. Following changes to the Poor Law in 1834 the newly created Poor Law Commission appointed assistant commissioners throughout the country to organise parishes into large unions, which were to send their collective poor to a ‘union’ workhouse, the location of which was determined by the assistant commissioner. The East Riding was divided into eight Poor Law Unions (see Figure 4.2). Hull was not initially included in this process as an early incorporation of the Holy Trinity and St Mary’s parishes had taken place by Act of Parliament in 1698.⁴⁷ However, Charity Hall, which acted as the workhouse at the time of the 1851 census, has been included in

⁴⁶ *Hull Packet*, 13 January 1860, 18 March 1861 and 3 March 1865.

⁴⁷ HCPP, 9 & 10 Will.III c.47 (1698) *Local Corporation Act*.

this sample. Pocklington Union has been excluded, as its new workhouse was not built until 1852 and the old workhouse building in Market Weighton that the Union had continued to use, was closed in 1851 following an outbreak of cholera.⁴⁸ At the time of the 1851 census several paupers in this area were living in the wider community. These included the elderly, widows and adult men; people who might have been expected to have inhabited a workhouse. In addition, 32 year old Bertha Johnson, a pauper of weak mind, was boarded out with an agricultural labourer and his wife in nearby Shipton, part of the Pocklington Union.⁴⁹ The presence of adult paupers, including particularly vulnerable ones, in various locations about the town, is perhaps suggestive of a lack of an institutional facility. Therefore the information for this investigation has been taken from the Poor Law Union workhouses of Beverley, Bridlington, Driffield, Howden, Patrington, Sculcoates and Skirlaugh, and the Charity Hall, Hull.⁵⁰ The 1851 census was used as this is the first available census that gives information on specific ages and birth places, a useful tool in identifying subsequent information about individuals.

An examination of the census returns for these institutions reveals that of the women inmates of child-bearing age, a large proportion were unmarried (see Table 6.2). Of those aged between 15 and 45 years, 106 out of 146 were single women, which amounted to 72 per cent of the women in the relevant age group. Forty per cent of these unmarried women had children with them in the workhouse. Hence it is assumed that these were single mothers with illegitimate children. (Where the ages of the women and related children suggest sibling, rather than maternal, relationships these

⁴⁸ P. Higginbotham, *Workhouses of the North*, (Stroud, 2006), p.84.

⁴⁹ TNA, 1851 Census, Market Weighton, HO107/2357, F.573, p.4

⁵⁰ TNA, 1851 Census, Beverley, HO107/2359, F.423-425, pp.1-4.

TNA, 1851 Census, Bridlington, HO107/2367, F.143-144, pp.32-34.

TNA, 1851 Census, Driffield, HO107/2366, F.286-287, pp.43-45.

TNA, 1851 Census, Howden, HO107/2358, F.249v-251, pp.1-5.

TNA, 1851 Census, Hull, HO107/2362, F.336v-346, pp.1-20.

TNA, 1851 Census, Patrington, HO107/2364, F.146-148v, pp.1-5.

TNA, 1851 Census, Sculcoates, HO107/2361, F.717-725, pp.1-14.

TNA, 1851 Census, Skirlaugh, HO107/2365, F.91-93, pp.23-26.

have not been included in this figure.) Therefore, nearly 29 per cent of all women inmates of child-bearing age were single mothers. The number of children accompanying these women, and therefore deemed to be illegitimate was 76. There was a total of 434 children in these East Riding workhouses in 1851, only 77 of whom could be identified as having a married or widowed parent in the institution. This left 281 child paupers where no information on their background was identifiable from this record. Of these children a proportion is also likely to have been born to single mothers, but as the census does not indicate this information they have not been included in this investigation. This, then, offers a sample of 76 illegitimate children from a particularly vulnerable background where an attempt can be made to follow their progress through the next decades. This figure of 76 identified illegitimate children represents 17.5 per cent of children in East Riding workhouses in 1851. Illegitimate children did not necessarily constitute the majority of pauper children in workhouses but it indicates they formed a significant proportion. It is possible that of the 281 children for whom no information was available, some were also illegitimate, and that the actual percentage was higher.

Using census returns and the records of civil registration an attempt has been made to present a picture of their future. It would be interesting to know if an early dependence on support led to pauperism in later years, or whether these illegitimate pauper children were able to lead independent lives comparable to their more fortunate contemporaries. The census returns for England and Wales are one of the key resources of the nineteenth century, providing valuable information about the lives of individuals.

Table 6.2. Women Inmates of Child-Bearing Age (15-45) and their Children in East Riding Workhouses, 1851.

Workhouse	Total no. of child-bearing age	Single	Single with children	No. of children to single women	Children with mar/wid parent	No. of children not known	Total no. of children in WH
Beverley	19	15	7	11	10	8	29
Bridlington	8	8	3	6	0	9	15
Driffield	9	8	4	7	3	6	16
Howden	12	7	2	4	8	26	38
Hull	36	20	7	12	18	124	154
Patrington	14	12	9	17	2	11	30
Sculcoates	34	23	5	10	30	87	127
Skirlaugh	14	13	6	9	6	10	25
Totals	146	106	43	76	77	281	434

Places of residence, occupations and family structure can be tracked over long periods and a picture of people's lives can emerge over time. There are, however, several weaknesses that must be taken into consideration when using these records. The modern census was devised in 1801 to give an account of the population and its changing demographics. It was not intended to provide future researchers with detailed information on individuals, although the expansion of recorded information in the 1841 and subsequent censuses has done just that, to a point. It has to be appreciated, however, that all it provides is a decennial record of a point in time. Many family events could have taken place in the inter-census years that would not necessarily be evident in the returns, such as several changes of residence or occupation, the birth and subsequent

death of a young child, or even a temporary absence overseas. This latter was, perhaps, more common than might have been expected for the period. In an age of colonialism the skills of many ordinary British citizens were sought abroad and some poorer ones even benefited from an assisted emigration scheme.⁵¹ The great majority of the population was recorded but there were those who escaped enumeration for a variety of reasons; civil disobedience in refusing to provide information, inefficient enumerators who failed to deliver or collect schedules, misunderstandings regarding recording methods, particularly with regard to lodgers and boarders who were supposed to be enumerated differently. Even those who were recorded can be difficult to find. People themselves were often fickle in the responses given from one census to the next, leading to inconsistent information. Poor handling and unsuitable storage for over a century also had a toll in missing volumes and unreadable entries. In addition to this, twenty-first century research methods have added another dimension to the pitfalls of interrogating the census returns. Recent digitisation programmes have made the enumerators' returns for 1841-1901, and the household schedules for 1911, more readily available. However, the accompanying indexes, while extremely useful, do have significant errors of transcription and some lateral thinking is often required to overcome this. Notwithstanding these difficulties this investigation necessarily relies heavily on this resource.

In order to complement and supplement the census returns the civil registration records of births, marriages and deaths have also been used extensively. The General Record Office indexes have been used, along with the local registrars' records for Yorkshire, where available. Local register offices have recently engaged in transcription programmes in order to make their records available online and these often, particularly

⁵¹ A. Brundage, *The English Poor Laws 1700-1930*, (Basingstoke, 2002), pp.100-101.

in cases of marriage, provide fuller information than the GRO Indexes. However, it is indexes only that have been employed in the search for civil registration data and consequently only limited information could be gained. Some judgments, therefore, have been made from restricted data, but every effort has been made to verify the information by checking it against other sources, such as census data, parish and poor law records, where applicable. In a few instances an assumption has been made on the balance of probability and this has been indicated in the text where it occurs.

As indicated in Table 6.2 there were 76 pauper children, identified as being the offspring of single mothers, in East Riding workhouses in 1851. Although not a big group, it does provide a significantly larger set of vulnerable people than that afforded by the Sculcoates apprentices register. It contains the children born to the poorest single mothers; it is representative of the East Riding as a whole and includes both rural and urban areas. Of those 76 children, there were 39 boys and 37 girls, giving an almost equal gender balance. Therefore, in nearly half of the cases, a search was made to determine whether a marriage had resulted in a name change. Only 11 of the children were recorded as having been born outside the Union of the workhouse in which they were inmates in 1851, and of these four had younger siblings who were born within the Union area. While viable statistical information is of significance, this work also proposes to show how people were affected by their circumstances and in this respect it is the effect on individuals that compels the interpretation of the data.

There are several problems associated with missing records as indicated above. No further census record can be found for some individuals, such as the two small

daughters of Jane Ward who were with her in the Beverley workhouse in 1851.⁵² Mary and Rebecca, who were aged two and one respectively in 1851, cannot be found on the 1861 census. They were not living with their mother, who had married in 1855, after having had another illegitimate daughter in 1853, the putative father of whom was not the man she subsequently married; this child was living in the family unit in 1861.⁵³ Sadly, two death entries in the Beverley registration district may refer to these children, which would account for their disappearance from the records.⁵⁴ Others are often difficult to identify, such as Elizabeth Kirby, who should have been 14 in 1861. It is not unusual for ages given in census returns to be problematic. Celebrating birthdays is a modern phenomenon and some people may genuinely have been unsure exactly how old they were. The head of the household was responsible for completing the schedule and the ages of those who were not part of a family unit, such as servants or lodgers, may have been based on an estimation rather than fact. The ages given in census returns have been described by Christian and Annal as 'notoriously inaccurate' which adds an element of uncertainty in cases such as that of Elizabeth Kirby.⁵⁵ She may have been the 16 year old domestic servant who was an inmate in the Beverley Workhouse in 1861, who gave her place of birth as nearby Bishop Burton, and not Beverley as recorded ten years previously.⁵⁶ Neither of these discrepancies is unusual. Someone born in April 1846 would still be four in March 1851, although working backwards from an age given in 1851 it would appear that a four old would have been born in 1847. In addition, her age would have been recorded on the schedule by the workhouse master.

⁵² TNA, 1851 Census, Beverley, HO107/2359, F.423, p.1.

⁵³ GRO, Index to Marriages, December Qtr. 1855, Beverley, Vol. 9d, p.207 and TNA, 1861 Census, Beswick, RG9/3572, F.60, p.17.

⁵⁴ GRO, Index to Deaths, December Qtr. 1851, Beverley, Vol. 23, p.1, (Rebecca Ward).

GRO, Index to Deaths, September Qtr. 1854, Beverley, Vol. 9d, p.81, (Mary Ward).

⁵⁵ P. Christian and D. Annal, *Census; the Expert Guide*, (Kew, 2008), p.69.

⁵⁶ TNA, 1861 Census, Beverley, RG9/3569 F.49, p.16.

Place of birth is also another piece of information that can vary from one census to another. People were often less precise the further they moved away from their place of birth and may have given the name of the nearest town if they had moved some distance away. Others may not have known where they were born but cited the place where they remembered growing up. There was also the possibility that some, fearful of being removed if they had needed to apply for poor relief, may have been deliberately untruthful. So a two-year age difference and a distance of two miles in recorded places of birth are not, in the absence of any other likely candidate or contradictory evidence, outside the bounds of probability. If we accept that this is the Elizabeth who appeared with her unmarried mother in the Beverley workhouse in 1851, then we can follow her into adulthood.⁵⁷ She married an agricultural labourer in 1867 and settled in Bishop Burton to bring up her growing family (she eventually had nine children).⁵⁸ Her husband, Frederick Slater, was clearly an ambitious man and by 1891 the family had moved about ten miles away to Welton, where he was a farm foreman.⁵⁹ Frederick had been born in Lincolnshire and ten years later, in 1901, the family had moved to his county of birth. They can be found in Donington, where Frederick had progressed to being a farmer, working 'on [his] own account'.⁶⁰ Elizabeth, from inauspicious beginnings and having been, at least twice, an inmate of the workhouse in her early years, appears to have led a life that offered opportunity, through marriage. She worked alongside her husband to rear a large family and they improved their fortunes to the

⁵⁷ TNA, 1851 Census, Beverley, HO107/2359, F.423, p.1.

⁵⁸ GRO, Index to Marriages, March Qtr. 1867, Beverley, Vol. 9d, p.157 and TNA, 1871 Census, Bishop Burton, RG10/4770, F.52, p.17.

⁵⁹ TNA, 1891 Census, Welton, RG12/3916, F.10, p.13.

⁶⁰ TNA, 1901 Census, Donington, RG13/3029, F.35, p.17.

point where they were independent of employers and reaping the benefits of their own labours. She died at the age of 81 in 1927.⁶¹

In many instances, difficulties of identification are due to a commonly held name with not enough corroborating evidence to separate individuals. The inmates of the Beverley Workhouse in 1851 present a slightly different problem. Two single women, with the same surname, both born in the same village, and both with illegitimate children appear in the census return. Elizabeth and Ann Blakeston, aged 24 and 35 respectively, both born in the village of Lund, had four children between them.⁶² Elizabeth had a daughter, also named Elizabeth, aged two, and Ann had two daughters and a son. One of Ann's daughters was referred to on the workhouse return as Betsy, aged five. The civil registration indexes record the birth of Elizabeth Blakestone in 1846. This means there were two people of similar age, born in the same town, with mothers born in the same village, who bear the same name. Thus, even a surname that is not particularly common can throw up difficulties of identification. In this instance it would appear that Betsy used both the full and diminutive form of her name. At 14 she was working as a general servant in Beverley, recorded as Elizabeth. She would appear to be living with her mother Ann and her new family, although her relationship is described as servant. Ann is recorded as the wife of an agricultural labourer.⁶³ In 1869 a Betsey (*sic*) Blakestone married Robert Stubbey in the Hull church of St Mark's.⁶⁴ That this is likely to be the same Betsy is confirmed by the 1871 census entry for Betsey Stubley (*sic*)

⁶¹ GRO, Index to Deaths, March Qtr. 1927, Spalding, Vol.7a, p.556.

⁶² TNA, 1851 Census, Beverley, HO107/2359, F.423, p.1 and F.425, p.3.

⁶³ TNA, 1861 Census, Beverley, RG09/3570, F.4, p.2.

⁶⁴ www.yorkshirebmd.org.uk Marriage Index for Hull, 1869, Ref. HMK/2/176.

where she stated she was aged 24 and born in Beverley. She and her husband were living in the large Sutton parish in Hull near to his work as a labourer in the oil mills.⁶⁵

These cases are illustrative of some of the problems encountered when working with census material but these difficulties are outweighed by the availability and coverage of this resource. In tracking the 76 illegitimate pauper children an attempt was made to determine certain information about their longevity and lifestyle; who were they living with as children, what were their occupations as adults, was there a reliance on poor relief or a return to pauperism? As all were in the workhouse in 1851 they have been tracked through the subsequent available census years from 1861-1911. In the case of the female children this has necessitated a check for a name change through marriage. This has presented an additional difficulty in the possibility that a marriage did not take place, and therefore does not appear in the records, even though the couple may have been living together as man and wife, with her assuming his name. In other cases women may indicate a spurious previously married status, such as that of single mother Hannah Welbourne, who described herself as a widow in the 1861 census. She was living in St John's Place, York Street, with the two sons, George and Henry, who were with her in the Sculcoates Workhouse ten years previously, along with two younger daughters born in the intervening years.⁶⁶ Three marriages for a Hannah Welbourne were found between 1851 and 1861 but none of the possible husbands died in the relevant period and all the children bore her maiden name of 'Welburn' (non-standardisation of surname spelling being another inconsistency associated with these records). Thus, it is possible that Hannah adopted the status of 'widow' for social reasons.

⁶⁵ TNA, 1871 Census, Hull, RG10/4773, F.67, p.37.

⁶⁶ TNA, 1861 Census, Sculcoates, RG9/3582, F.91, p.22.

Fifty of the workhouse children were traced to an identifiable record. Of the 76 children in the sample there were only nine where no record could be found after 1851. There were, however, a further 17 cases where the available records could not be verified as relating to the individuals in question. This was due to either too many entries for the same name, which were impossible to corroborate, or to discrepancies relating to age or place of birth that were too great to accept, where no other identifying information could be ascertained. Some of these may have referred to the people from the sample but were discarded as not being verifiable. This left 50 children who were traced to either a census or a death record. Of these, ten died in childhood leaving 40 individuals traceable through the census and other records into adulthood. Not all of these were accounted for in every census, but they could all be traced to some point in their adult lives, between the census years of 1861-1911, and in some cases beyond this to a death entry. One child, Martha Smith, an inmate of Patrington Workhouse in 1851, was found living with her mother and brother in Sculcoates in 1861, aged 11.⁶⁷ Although two possible marriages appear in the records no further trace of her was found. She has been included in the figures because it appears she attained adulthood and probably married. Similarly, Elizabeth Blakeston, an inmate of Beverley Workhouse in 1851, has also been included. She was living in Beverley, with her mother and stepfather in 1861, aged 14, and working as a general servant.⁶⁸ No entry was found for her in the 1871 census, nor was there a marriage attributable to her. Sadly, there is a death record in 1864, which in the absence of any other event, is accepted as that of Elizabeth, when she would have been 17.⁶⁹

⁶⁷ TNA, 1861 Census, Sculcoates, RG9/3581, F.100, pp.13-14.

⁶⁸ TNA, 1861 Census, Beverley, RG9/3570, F.4, p.2.

⁶⁹ GRO, Index to Deaths, June Qtr. 1864, Beverley, Vol.9d, p.79.

Sixteen of the children were living with their mothers in 1861 some of whom had married and had further children. Another five children were living with other family members, three with grandparents and two with uncles. Three of the children were not so lucky. Jemima Robson from Drifffield, aged ten in 1861, William Jackson, aged 11, from Patrington and Ann Girdham, from Hull, aged 16, appeared to still be reliant on poor relief. Jemima was described as a boarder in the house of an agricultural labourer at Brigham.⁷⁰ Similarly, William was boarding with a cordwainer in Hull.⁷¹ The description of 'boarder', coupled with their tender years, suggests they were not family members, or apprentices, and that someone, perhaps the poor law authorities were paying for their keep. Ann was certainly reliant on poor relief as she was an inmate in the Hull Workhouse in 1861, described as a domestic servant, indicating that she had been employed at some point in her young life.⁷²

Table 6.3 indicates where a probable death entry was found in the indexes of either the General Record Office (GRO) or the local Registrar. Thirty-three of the 40 adult children were traced to a credible death record. Information, without the purchase of the actual death certificate, is limited, but after 1866 the GRO indexes include the age at death which makes a plausible judgement possible. This is substantiated in conjunction with other information from census entries, such as a change of status of the surviving spouse from marriage to widowhood. Ages at death were divided into those that occurred before the age of 50 and those over 50.

⁷⁰ TNA, 1861 Census, Drifffield, RG9/3606, F.31, p.3.

⁷¹ TNA, 1861 Census, Hull, RG9/3598, F.82, p.26.

⁷² TNA, 1861 Census, Hull, RG9/3597, F.98, p.10.

Table 6.3. Number of Illegitimate Children in East Riding Workhouses in 1851 Traced to Adulthood.

Workhouse	No. Illeg. children in WHs in 1851	Not Found	Possibles not verified	Died in childhood	Traced to Adulthood	Adult deaths traced	
						-50	+50
Beverley	11	1	3	2	5	2	3
Bridlington	6	0	2	0	4	0	2
Driffield	7	1	3	0	3	1	2
Howden	4	0	2	1	1	0	1
Hull	12	1	2	1	8	0	7
Patrington	17	1	1	3	12	2	8
Sculcoates	10	3	0	2	5	0	3
Skirlaugh	9	2	4	1	2	0	2
Total	76	9	17	10	40	5	28

Fifty-two of the children in the original sample were five or under in 1851 and the English Life Tables show that their life expectancy in years at five years old was 49.7 for males and 50.3 for females.⁷³ Taking into account that some were younger than five in 1851, with lower life expectancy, it seemed that a division at the age of 50 was a suitable point to determine whether or not these vulnerable children met their expected life span.

⁷³ R. Woods and N. Shelton, *An Atlas of Victorian Mortality* (Liverpool, 1997), p.27.

It is perhaps surprising, that given the circumstances of their early lives, many of the workhouse children attained a good age with the majority living beyond 60 years. According to Woods and Shelton life expectancy at 20 in the Hull area, in 1861-1863, was considerably lower than for the rest of the East Riding, which was 33.0-39.9 years against 40.0-42.9 years in more rural areas.⁷⁴ Even taking the higher of these expectations the workhouse children did remarkably well, with 26 of the 33 individuals attaining 60, 13 of whom reached over 70 and four even living beyond 80. This suggests that their early life experience of pauperism and illegitimacy did not necessarily have a detrimental effect on their future prospects. A closer look at their progress through the years reveals that most appeared to be leading lives very similar to their contemporaries.

Table 6.4. Age at Death of Workhouse Children Who Attained Adulthood.

Age range	16-20	21-29	30-39	40-49	50-59	60-69	70-79	80+
No.	1	1	1	2	2	13	9	4

Of the 33 individuals who were traced to an identifiable death record there were 15 men and 18 women. Only three men and two women remained unmarried. Of the 12 men who married, four remarried after the death of their first wife. John Constable, a former inmate of Bridlington Workhouse, was widowed seven years after his marriage when his wife died in 1882, leaving him with a two-year old son. He remarried in 1885 and

⁷⁴ Ibid. pp.28-31.

started a new family.⁷⁵ This would seem to be a typical circumstance that prompted remarriage for men, but the same cannot be said for the women of this dataset.

In an unusual coincidence four of the women were also widowed quite young but none of them remarried. They were all under 40 when their husbands died and three of them were left with children to support. Ann Glasby of Beverley married Chelsea Pensioner, Thomas Coon in 1860, but was left with a six-year old daughter when he died in 1867.⁷⁶ Ann was only 30 at the time but she never remarried, instead she can be found living with her daughter, Mary, and mother, Elizabeth, in 1871. She described herself as a Sergeant's Widow, perhaps suggesting that she was in receipt of a small army pension. Thomas Coon had served with the 73rd Foot for over 20 years before being discharged at his own request in 1859.⁷⁷ Ann would have been entitled to make a pension application following his death.⁷⁸ Elizabeth was working as a charwoman.⁷⁹ Ten years later, Elizabeth was working as a general servant at an inn in Woodmansey and the two younger women had supplemented their income by taking in a boarder. Ann, although still describing herself as a Soldier's Widow, had also acquired a mangle, presumably to supplement her income.⁸⁰ By 1891 Ann was described as a charwoman and was looking after her 80 year old mother. It seemed both mother and daughter had endured some hard times together and struggled to make ends meet. This is confirmed by the fact that Ann was in receipt of outdoor relief by the time she was 63 in 1901. Having

⁷⁵ GRO, Index to Marriages, March Qtr. 1875, Scarborough, Vol. 9d, p.471 and December Qtr. 1885, Bridlington, Vol. 9d, p.610. Index to Deaths, December Qtr. 1882, Bridlington, Vol.9d, p.234.

⁷⁶ GRO, Index to Marriages, March Qtr. 1860, Beverley, Vol. 9d, p.161. Index to Births, December Qtr. 1860, Beverley, Vol. 9d, p.96. Index to Deaths, September Qtr. 1867, Beverley, Vol. 9d, p.69.

⁷⁷ TNA, Soldiers Service Documents, Discharge Papers, Ref. WO 97 Chelsea, Discharge No.1157, 7 December 1859.

⁷⁸ TNA, Guide Reference: Military Records Information 4.

⁷⁹ TNA, 1861 Census, Beverley, RG09/3568, F.64, p.10.

⁸⁰ TNA, 1871 Census, Beverley, RG10/4768, F.86, p.15 and 1881 Census, Beverley, RG11/4743, F.97, p.1. (The occupation of 'mangle woman' or 'mangle keeper' can be found throughout the census returns. Very often widows, these women hired out the use of the mangle, or turned it themselves, for a small sum.)

experienced workhouse life as a young girl Ann was to re-enter its doors as an elderly lady and is recorded there in 1911, shortly before she died, aged 74.⁸¹

Margaret Ash had a similar struggle to make ends meet. As a 20-year old in 1861 she was working as a kitchen maid and living in what appeared to be a draper's establishment or a lodging house for its workers. She married Frederick Hewson in 1864 but he was not recorded in the household in 1871, when Margaret was trying to raise three small children while working as a laundress.⁸² Frederick died in 1880 and Margaret continued to work as a laundress, the family income eked out by her 13 year-old son's earnings as an errand boy. Also in the household was Margaret's mother, Mary. It appeared the two women kept house together until Mary's death in 1895 aged 79. Margaret was not as long lived as her mother and died seven years later aged 62.⁸³

Priscilla Smith, who had married John Lummiss in 1878 when she was 27, fared better in terms of longevity. She died in 1937, aged 86. But she, too, had known hardship and earned her living by charring when she was widowed in 1889, at the age of 38.⁸⁴ She suffered the death of two of her eight children as well as that of her husband. At the age of 60 she was living with three of her working unmarried children, and appeared to be supported by them as no occupation was recorded for her.⁸⁵ It is possible that she

⁸¹ TNA, 1891 Census, Beverley, RG12/3907, F.65, p.7, 1901 Census, Beverley, RG13/4461, F.34, p.2, 1911 Census, Beverley, RG14/28564, p.3 and GRO, Index to Deaths, June Qtr. 1911, Beverley, Vol. 9d, p.60.

⁸² TNA, 1861 Census, Hull, RG9/3589, F.126, p.2, GRO, Index to Marriages, December Qtr. 1864, Hull, Vol. 9d, p.375 and TNA, 1871 Census, Hull, RG10/4789, F.149, p.12.

⁸³ TNA, 1881 Census, Hull, RG11/4768, F.141, p.17 and 1891 Census, Hull, RG12/3936, F.97, p.12. GRO, Index to Deaths, March Qtr. 1895, Sculcoates, Vol. 9d, p.155 and December Qtr. 1902, Hull, Vol. 9d, p.188.

⁸⁴ GRO, Index to Marriages, March Qtr. 1878, Sculcoates, Vol. 9d, p.205 and Index to Deaths, June Qtr. 1889, Sculcoates, Vol. 9d, p.105.

⁸⁵ TNA, 1911 Census, Hedon, RG14/28564, Schedule 7.

was keeping house for them and that life had become a little easier for her as she headed into old age.

The fourth widowed, workhouse child, Emma Scotter, led what appeared to be a more prosperous life. She probably worked as hard as her contemporaries but was childless and therefore had only herself to support. Her husband, William Fugill, who she had married at St Stephens's Church in Hull in 1876, was the same age as Emma, but was dead two years later, aged only 25.⁸⁶ Three years after his death Emma was living with her in-laws and working as a shop assistant. Her father-in-law was a public accountant and her husband had been a commercial clerk so, although not necessarily wealthy people, they were socially above the servant class. By 1891 Emma was living at 21 Saville Street in the commercial and retail area of the city. She described herself as a manageress of a toy warehouse, probably living on the premises, as her address is listed in the commercial directory as that of E.B. Smith, fancy goods dealer, who was presumably her employer. Emma's cousin, Amelia Scotter, was living with her and working as a shop assistant. Her father-in-law's offices were in the same street, perhaps indicating that Emma's marriage had introduced her to the city's business community. Mrs Smith had another premises on Hessle Road and appeared to be something of an entrepreneur herself, which perhaps explained her willingness to engage a female manageress.⁸⁷ Ten years later both Emma and her cousin, Amelia, were recorded living with their elderly uncle and aunt. By that time Emma had progressed to being an employer in her own right, with an entry in the local trade directory. Amelia was employed as a toy shop assistant, presumably by Emma. The two women continued to

⁸⁶ www.yorkshirebmd.org.uk Marriage Index for Hull, 1876, Ref. JD/5/168 and GRO, Index to Deaths, June Qtr. 1878, Hull, Vol. 9d, p.150.

⁸⁷ TNA, 1871 Census, Hull, RG10/4793, F.70, p.10, 1881 Census, Hull, RG11/4769, F.155, p.23, 1891 Census, Hull, RG/3933, F.105, p.4 and T. Bulmer, *History, Topography and Directory of East Yorkshire, 1892*, (Howden, Facsimile Reprint, 1985), pp.963 and 1185.

live and work together for at least another ten years, having moved to new premises in Chariot Street by 1911.⁸⁸ Emma died in 1924, aged 74 and Amelia, her long-time companion, in 1955, aged 83.⁸⁹ The likelihood is that Emma Scotter was born in the workhouse; she was certainly there as a one month old infant.⁹⁰ For anyone to have achieved what she did from such humble beginnings was remarkable in the nineteenth century, for a lone woman it was even more so. She did appear, though, to have the support of her husband's family as well as her own along the way, and her illegitimacy does not seem to have had any long-term adverse effect upon her future prospects.

The support of family members is one of the important elements of a tolerable life. People struggling with poverty and hardship may not be contented with their lot, but having a strong family bond may help to make life more bearable. Being born poor and illegitimate may make that bond more difficult to maintain. As shown previously, 21 of those children traced to 1861, the census year following their period in the workhouse, were to be found with family members. In total, there were 40 children who were traced to an adult record (see Table 6.3) and of these, 19 were 15 or over in 1861, an age when it was reasonable to assume that they were already working, perhaps in farm or domestic service. The remaining 21 were 14 or under in 1861 and might have been expected to be living in a family home. They do not, however, equate to the 21 children who were living with family members in 1861, as this latter figure included some of the older children. Mary Ann Cross was working as a nursemaid, away from home, as young as 12 and Mary F. Salvidge was a servant on the Burton Constable Estate when

⁸⁸ www.historicaldirectories.org.uk *Kelly's Directories of North and East Ridings of Yorkshire 1913, Part 2, York and Hull*, Accessed 22 May 2013.

⁸⁹ GRO, Index to Deaths, December Qtr. 1924, Hull, Vol. 9d, p.299 and March Qtr. 1955, Buckrose, Vol. 2A, p.6.

⁹⁰ TNA, 1851 Census, Hull, HO107/2362, F.346, p.20.

she was 14.⁹¹ Charles Girdham, at ten years old was in contact with his mother, Mary, and 16 year-old sister, Ann, but all three were back in the Hull Workhouse in 1861. Sadly, this was to be a recurring theme throughout his life. Ten years later he was an inmate in the Sculcoates Workhouse. In 1881 he was recorded in the Hull Workhouse but in the following three census years he again appeared in the Sculcoates Workhouse Returns, until 1911 when he was aged 60. He died three years later, in the Sculcoates district, and the inference taken from this is that he died in the workhouse. It would be tempting to think that maybe Charles was suffering from some condition or mental affliction that prevented him from earning a living, but that does not seem to be the case. On four occasions he was described as a tailor and once as a dock labourer.⁹² It is impossible to say whether his early life influenced his propensity to pauperism in later years, but to have qualified in a trade he must have shown some industry during his working life. His mother, Mary, was a long term inmate of the Hull Workhouse, having been there for ten years by 1861. The reason for her pauperism was given as 'illegitimate children'.⁹³ Charles never married and his frequent incarceration in the workhouse indicates, perhaps, that he was never able to raise himself out of poverty for very long.

There is evidence in the census returns to suggest that of the 40 children traced to adulthood at least 24 maintained some contact with family members at various stages in their lives. A decennial source like the census is not ideal for showing this kind of relationship, but does occasionally show moments of family support in times of need.

⁹¹ TNA, 1861 Census, Bridlington, RG9/3612, F.45, p.22 and Skirlaugh, RG9/3603, F.30, p.20.

⁹² TNA, 1861 Census, Hull, RG9/3597, F.94, p.2, 1871 Census, Sculcoates, RG110/4785, F.182, p.6, 1881 Census, Hull, RG11/4780, F.100, p.10, 1891 Census, Sculcoates, RG12/3933, F.136, p.3, 1901 Census, Sculcoates, RG13/4496, F.121, p.10, 1911 Census, Sculcoates, RG14/28710, SN. 9999 and GRO, Index to Deaths, March Qtr. 1914Sculcoates Registration District, Vol. 9d, p.173.

⁹³ HCPP, Returns of Paupers in Workhouses, 1861, p.206.

Caroline Salvidge, the mother of Mary Jane, was on hand to help her daughter in 1871, when she gave birth to her second child just a week before the census was taken. Caroline is described as mother-in-law, (her relationship to the head of the household) but her occupation was given as nurse, making her the ideal person to support her daughter during her confinement.⁹⁴ We have already seen that Elizabeth Glasby was living with her daughter, Ann, both before and after the death of her son-in-law, Thomas Coon.⁹⁵ Similarly, Emma Scotter maintained a long-term relationship with her cousin, Amelia. Major Dixon, a one-time inmate of Drifffield workhouse, was working as an iron miner in Whitehaven, Cumberland, when he was 23, but he was lodging with a Dixon family who all had their roots in Yorkshire, including a two year old daughter. It is reasonable to assume that there was a family connection.⁹⁶ Over half of the illegitimate children, therefore, maintained a strong familial connection in spite of the privations of poverty and possible early separation imposed by the nineteenth century workhouse system.

As indicated in Table 6.4, 26 of the workhouse children lived beyond the age of 60 and, therefore, well into what would be considered old age for the time. At least six of these had a further encounter with the workhouse during their lives, and four may have died there. This would not be unusual as, by the early twentieth century, the workhouse infirmaries were generally the only places where the poor could receive medical care when they became old and infirm. Despite seven of their 12 children still living, Sarah Scoffin (nee Doyle) and her husband Thomas, both resorted to the Sculcoates Union Workhouse in old age, and can be found there on the 1911 census, aged 68 and 71

⁹⁴ TNA, 1871 Census, Withernwick, RG10/4802, F.40, p.18.

⁹⁵ TNA, 1861 Census, Beverley, RG9/3568, F.64, p.10 and 1871 Census, Beverley, RG10/4768, F.86, p.15.

⁹⁶ TNA, 1871 Census, Whitehaven, RG10/5262, F.89, p.53.

respectively.⁹⁷ In the same year Ann Coon (nee Glasby) is recorded back in the Beverley Union Workhouse at the age of 74. She had clearly been struggling financially for some time, as ten years previously she was a 'recipient of poor relief' which she had received while living in her own home. Ann died shortly after being recorded in the workhouse which perhaps indicates that she was no longer able to cope alone and entered for nursing care at the end of her life.⁹⁸ This was not the same building that she had lived in as a young girl and the regime was likely to have been more sympathetic to her as an elderly lady, so was, perhaps, less likely to have invoked the same feelings of shame and indignity she suffered as a child. In 1894 an infirmary was added to the Beverley Union Workhouse and it is assumed that this was where Ann was cared for in her old age.⁹⁹ Attitudes towards the poor were changing. Records of the 1904 Poor Law Conference state

...the time had come when the name 'workhouse' should be done away with...and the term 'state infirmary' substituted...They were more and more becoming the home of the aged and deserving poor, and as such should be made as comfortable and be as efficiently conducted as any hospital in the land.¹⁰⁰

In 1919 the Ministry of Health took over the responsibility for poor relief from Local Government Boards, reflecting the change of role from punitive institutions to the provision of medical care.¹⁰¹

Charles Girdham and Benjamin Constable also appear to have ended their days in the workhouse. Charles, as previously stated, was found in either the Hull or Sculcoates

⁹⁷ TNA, 1911 Census, Sculcoates, RG14/PN28710/RD521/SD7/ED23/SN9999.

⁹⁸ TNA, 1911 Census, Beverley, RG14/PN28564/RD520/SD2/ED21/SN9999, , 1901 Census, Beverley, RG13/4461, F.34,p.2., and GRO Index to Deaths, June Qtr. 1911, Beverley, Vol. 9d, p.60.

⁹⁹ P. Higginbotham, *Workhouses of the North*, (Stroud, 2006), p.82.

¹⁰⁰ M. A. Crowther, *The Workhouse System*, (London, 1983), p.88, quoting *Poor Law Conferences 1903-4*, p.518.

¹⁰¹ HCPP, 9 Geo. 5 (1919), Ministry of Health Bill, Clause 3.

Workhouses in every census year. Despite being recorded as having a trade as a tailor, and once working as a dock labourer, he appears to be the only child in the dataset who could be described as 'pauperised'. He never married and appeared to have been unable to support himself for long periods. He is not recorded as having had a disability of any sort so his periods of pauperism are largely unexplained. Occasional stays in the workhouse could be due to episodes of unemployment but a consistent presence over six decades suggests a more deep rooted problem. Benjamin Constable also remained single all his life but in contrast to Charles Girdham he supported himself through agricultural work, moving from farm to farm, until at the age of 66, when he was recorded in the house of his brother-in-law in Bridlington.¹⁰² Ten years later, in 1911, he was an inmate in the Bridlington Workhouse and his death was recorded in 1913, aged 76.¹⁰³ Unlike Charles, Benjamin appeared to have led a productive life and probably only entered the workhouse when his health began to fail.

Census returns provide us with valuable information on the occupations of individuals, nevertheless there are some inherent problems associated with this source. These can be found in some detail in Woollard's paper of 1999 but it is necessary to mention a few here.¹⁰⁴ Firstly, what we see is not necessarily what the individual stated. In the majority of cases it may well be, but the information is taken from the census enumerator's book, in which he has transcribed the information given on the householder's schedule. (The exception is the 1911 census when it is the household schedules that have been preserved.) Not only does this transcription process introduce

¹⁰² TNA, 1901 Census, Bridlington, RG13/4524, F.33, p.7.

¹⁰³ TNA, 1911 Census, Bridlington, RG14/PN28891/RD526/SD2/ED2/SN220 and GRO, Indexes to Deaths, December Qtr. Bridlington, 1913, Vol. 9d, p.418.

¹⁰⁴ M. Woollard, 'The Classification of Occupations in the 1881 Census of England and Wales', Historical Censuses and Social Surveys Research Group, Occasional Paper No.1 (University of Essex, 1999).
http://privatewww.essex.ac.uk/~matthew/Papers/Woollard_1881Classifications_no%20illustration.pdf, Accessed 25 July 2013.

the capacity for error, there is also both the individual householder's and the enumerator's interpretation of occupational terms to consider. The enumerator may have faithfully transcribed the householder's description or he may have written down his own interpretation of the occupation for ease of tabulation at a later date. A common occupation in census returns is that of agricultural labourer, generally abbreviated to 'ag lab'. Workers employed in the agricultural industry were likely to have been given this generic occupation by the enumerator, despite the myriad of specialised tasks in which they may actually have been engaged. Similarly, those described as servants, male and female, may have been daily occupied in a particular duty but recorded in nonspecific terms. Sometimes the interpretation of the occupation depends upon regional variations. As Woollard points out, a 'clothier' in a cloth manufacturing district such as Yorkshire would be understood to be a cloth maker, whereas in a non-manufacturing area the term probably referred to a clothes dealer. In East Yorkshire a 'hind' would be regarded as a superior farm employee, often running the farm in the owner's absence, but in other areas the term may refer to less exalted kinds of farm service.¹⁰⁵ It is necessary, therefore, to be aware of the possible inconsistencies of occupational information given in census returns.

Occasionally more than one job title is recorded for an individual, sometimes making it unclear which is the main occupation. In the case of Jemima Robson there is no real confusion over her role. In 1881, shortly before her marriage, she was described as a servant and cook in the 14-strong household of a farmer at Risby Park, which included two other female servants and six young male farm servants. This makes it reasonable to assume that cooking was her main duty.¹⁰⁶ Following her marriage to George

¹⁰⁵ Ibid. p.6.

¹⁰⁶ TNA, 1881, Beverley, RG11/4743, F.38, p.4.

Crozier, an agricultural labourer from Skipsea, Jemima, in common with many wives, had no recorded occupation in later censuses.¹⁰⁷ The family fell on hard times in 1901, when both her husband and elder son were out of work. Neither Jemima nor her 16-year old daughter had any occupation attributed to them, even though they might have been expected to have made an economic contribution of some kind.¹⁰⁸

One of the ways in which wives and daughters could contribute to the family income was by running a shop in the front room of the house. Two of the workhouse children appear to have supplemented their income in this way. William Jackson and Henry Johnson both had other occupations but were associated with a shop at their home address. As a young man William Jackson had worked as a dock labourer but by his early thirties he was working for the railway as a porter. During this time he lodged with his uncle, who also worked for the railway as a platelayer. By 1891 he had his own home in Balmoral Terrace, Hull, but, sadly, had been married, widowed and left with a one-year old daughter during the intervening ten years.¹⁰⁹ The household also included a housekeeper, Jane Needham, whom William married at Hull Register Office in 1895.¹¹⁰ He continued to work as a railway porter and by 1911 the family had moved to Bean Street. William filled out the household schedule for the census of that year and gave his personal occupation as grocer, although he also declared he was a worker for the railway. His wife, Jane, was also described as a grocer, working at home, which suggests that they were operating a small shop from their front room, while William continued to be employed by the railway company. William's daughter, Gertrude, was

¹⁰⁷ GRO, Index to Marriages, December Qtr. 1881, Beverley, Vol. 9d, p.235.

¹⁰⁸ TNA, 1901 Census, Sculcoates, RG13/4495, F.26, p.44. (NB. Family erroneously recorded as 'Crawshaw'.)

¹⁰⁹ TNA, 1871 Census, Hull, RG/4795, F.96, p.14, 1881 Census, Hull, RG11/4775, F.17, p.28, 1891 Census, Hull, RG12/3945, F.21, p.35.

¹¹⁰ www.yorkshirebmd.org.uk, Marriage Index for Hull, 1895., HRO/38/62.

also working from home as a music teacher.¹¹¹ William appears to have been in continuous employment and shown a degree of entrepreneurial spirit in converting part of his home into a commercial enterprise. With all three members of the family contributing economically it would seem likely that he did not suffer the same privations of poverty in adulthood that he had done as a child in the Patrington Workhouse.

Henry Johnson had been born in Leeds in 1840 but as an 11-year old boy he was recorded in Hull's Charity Hall, which was still in use as a union workhouse prior to the building of the new institution on Anlaby Road in 1852.¹¹² Although no apprenticeship record has been found for him, he spent his adult life working as a shoemaker. In 1881 he was teaching his craft to a 17-year old apprentice who was living in the family household in Brandesburton.¹¹³ He had married a local girl and his four recorded children had all been born in the village, but by 1891 the family had moved into the city of Hull where Henry continued in his trade. They were living at 492 Hessle Road, where the record shows the address to be a greengrocer's shop. Henry appeared to be still self-employed as a shoemaker and his two sons were employed outside the home, one as a railway points shunter and the other as an errand boy. His wife and daughter have no recorded occupation, but the family occupied five or more rooms at this address, making it seem likely that they were the sole occupiers.¹¹⁴ That they were running a business from their home is confirmed by an entry in a trade directory for the following year where Henry is listed as 'bootmaker & greengrocer, 492 Hessle

¹¹¹ TNA, 1911 Census, Hull, RG14/28784/RG78/PN1652/RD522/SD2/ED15/SN146.

¹¹² Higginbotham, *Workhouses of the North*, p.84.

¹¹³ TNA, 1881 Census, Brandesburton, RG11/4791, F.38, p.9.

¹¹⁴ TNA, 1891 Census, Hull, RG12/3917, F.131, p.23.

Road'.¹¹⁵ With a husband and two sons occupied in other work this would seem to indicate that Henry's wife and daughter managed the daily running of the shop, despite the fact that they had no recorded occupation. This, again, seems to be a family who were prepared to work hard to obtain a decent living standard and dispel the shadow of the workhouse.

A third workhouse child also turned to shop-keeping as a way of supplementing the family income. George Welbourne began his working life in a cotton factory but by 1871 he was married with a small child and had become a seed crusher. Ten years later he was still in the same industry, now described as a pressman at the oil mills, and was father to two daughters. By 1891 the family were running a 'tobacconist and sweet shop' from their home in Barmston Street, as well as taking in three boarders. George continued to work at the oil mills as a moulder and his younger daughter, now 15, was employed as an upholsterer. His 20-year old daughter and his wife had no occupation listed and it seems reasonable to assume that they were engaged in looking after the boarders and running the shop, despite the fact that George was listed as the proprietor in a directory for 1892.¹¹⁶

It was not uncommon for people to supplement their incomes in this way and being a shopkeeper did just raise a family from the ranks of the ordinary labourer, although it probably meant working long hours to catch the early morning and evening trade. To set oneself up in business of any kind required a resourceful character and a certain

¹¹⁵ T. Bulmer, *History, Topography and Directory of East Yorkshire*, 1892 (, Howden, Facsimile Ed, 1985), p.918.

¹¹⁶ TNA, 1861 Census, Sculcoates, RG9/3582 F.91, p.22. 1871 Census, Sculcoates, RG10/4782, F.50, p.40. 1881 Census, Sculcoates, RG11/4747, F.123, p.36. 1891 Census, Sculcoates, RG12/3927, F.63, p.36. Bulmer, *Directory of East Yorkshire*, 1892, p.1037.

amount of capital. It is pleasing to know that at least three children from a background of poverty and illegitimacy were able to make that transition to become a respected member of their local communities.

Others, such as George Stephenson, did not diversify in quite the same way, although they may have been engaged in different aspects of the same work. In 1881 his occupation was given as 'blacksmith' but in later censuses he is described as a 'shoeing smith'.¹¹⁷ This suggests that he was mainly engaged in working with horses, rather than in other kinds of metalwork, although by 1911 he wrote that he was a 'shoe and general smith'. By this time he had been married to his wife, Martha, for 40 years, but had never had children. He and his wife were living in two rooms, 'one bed room, one living room' in Shaftoe's Yard off Walmgate in York, where they had lived for at least the previous ten years. Martha was working on her own account as a dressmaker and George must have gained some satisfaction by describing himself as his 'Own Master'. Despite their meagre living accommodation George appeared to think it sufficient for their needs as he added 'only man & wife' to its description.¹¹⁸ The census returns show us a picture of a workhouse child who has maintained himself and his wife through his own enterprise. As a young man of 20 he was servant to a shoeing smith in York and clearly progressed to learning his master's trade.¹¹⁹ It may not have been a prosperous life but it was a productive one that was probably no worse, and maybe better than many of his contemporaries. As a working man in his early thirties his neighbours

¹¹⁷ TNA, 1881 Census, York, RG11/4720, F.113, p.18. 1891 Census, York, RG12/3887, F.134, p.34. 1901 Census, York, RG13/4446, F.126, p.32.

¹¹⁸ TNA, 1911 Census, York, RG14/28395, RG78,PN1626,RD517,SD2,ED12,SN87

¹¹⁹ TNA, 1871 Census, York, RG10/4746, F.92, p.53.

included an engineer, a medical assistant, a commercial traveller and a cabinet maker, perhaps indicating a level of prosperity above that of the common labourer.¹²⁰

Some, such as previously mentioned agricultural worker, Benjamin Constable, stayed in the same occupation, although not necessarily with the same employer. Others, like Edward Dalton, left their rural occupations for work in heavier industry. Edward had worked as a farm servant and a miller's labourer before moving his family out of East Yorkshire, sometime before 1886, and crossing the Humber Estuary into Lincolnshire. He settled in the Glandford Brigg area, as an iron stone labourer and eventually became a platelayer at the steel works.¹²¹

A list of occupations of the illegitimate children, taken from the census returns of 1861-1911 can be found in Appendix E. From this it can be seen that very few of the male workhouse children pursued a skilled occupation, but several of them were specialised labourers working in specific industries. This list includes all the occupations listed over a period of fifty years, and therefore, in some instances, represents the progress of individuals.

Apart from Charles Girdham, who was recorded in the workhouse at each census year, it would seem that the illegitimate workhouse children pursued family and working lives that would be considered usual for the time. Their lives appeared to progress in a similar way to those of their contemporaries and for the most part their early experiences in the workhouse did not appear to have any significant impact on the

¹²⁰ TNA, 1881 Census, York, RG11/4720, F.113, p.18.

¹²¹ TNA, 1901 Census, Brumby, LIN, RG13/3105, F.58, p.14.

development of their future prospects. Some had shown evidence of commercial acumen and used their homes to increase their earning potential by operating small businesses, run by wives and daughters, while they, themselves, continued to work for an employer and maintain a steady income. Some experienced periods of unemployment, perhaps not an uncommon situation for nineteenth century Hull, but only one was found to have been generally unemployed and so reliant on poor relief that he could be described as pauperised.

Much of this chapter has concentrated on illegitimate children who were born into poverty to mothers who had no known means of support. We have seen that many of them overcame this handicap of birth and developed into adults who led lives that were mainly supported by their own efforts. What about the mothers of these children? Were they able to recover from this period of poverty and social disgrace? Did their future existence also follow similar lines to their contemporaries? Before we examine this question it might be useful to take a brief look at the fathers of illegitimate children. Generally speaking, much less is known about the fathers. Only seven putative fathers could be linked to one of the mothers of the illegitimate children in East Riding workhouses in 1851. Two of these were associated with the same woman and another had fathered an illegitimate child with a different woman in the same year that he married one of the workhouse mothers. These men are mentioned later in connection with the relevant mother. It might have been expected, given the penurious circumstances of the mothers, that more Bastardy Orders would have been pursued in an attempt to alleviate the costs of their care. In 1850, the year in which over 58 per cent of the workhouse children were likely to have been conceived, there were 128

putative fathers named in the East Riding Quarter Sessions Bastardy Returns.¹²² This year was not only selected because it reflected the year in which many of the illegitimate children were conceived, but also because it allowed some time to pass between the order and the next available census records. The idea was that this would allow for an event, such as a subsequent marriage, to have taken place.

An examination of the 1851 census returns for the East Riding was conducted in an attempt to determine the status of the putative fathers. Only 51 could be identified in the 1851 census as being the likely person named in the Quarter Session records. Of the 128 named, 13 could not be found in the 1851 census returns and a further 64 could not be distinguished from others of the same name, although in some instances it might have been possible to make a speculative assumption, as in the case of William Smallpage. Two people of that name appear in the 1851 census records for the East Riding, one a 53-year old married railway clerk living in Hull and the other a 19-year old unmarried apprentice watchmaker, visiting a family in York.¹²³ Both were born in Leeds and were possibly father and son. The supposition (bearing in mind that we learned in the chapter on marriage that illegitimacy was often the result of a thwarted courtship) would be that the younger William was the putative father named in the record, but that would be based on assumption only. Therefore William remains as unidentified. In the 51 cases where the likely putative father has been identified some other identifying information was evident, such as being in the right age group (those under 16 and over 70 have been discounted as less likely candidates), being in the right place at the relevant time or having some other connection that indicates their likelihood of paternity.

¹²² ERALS, Ref. QSU/3/2/1-13, Bastardy Returns, 1850.

¹²³ TNA, 1851 Census, Hull, HO107/2363, F.418, p.29 and York, HO107/2353, F.303, p.4.

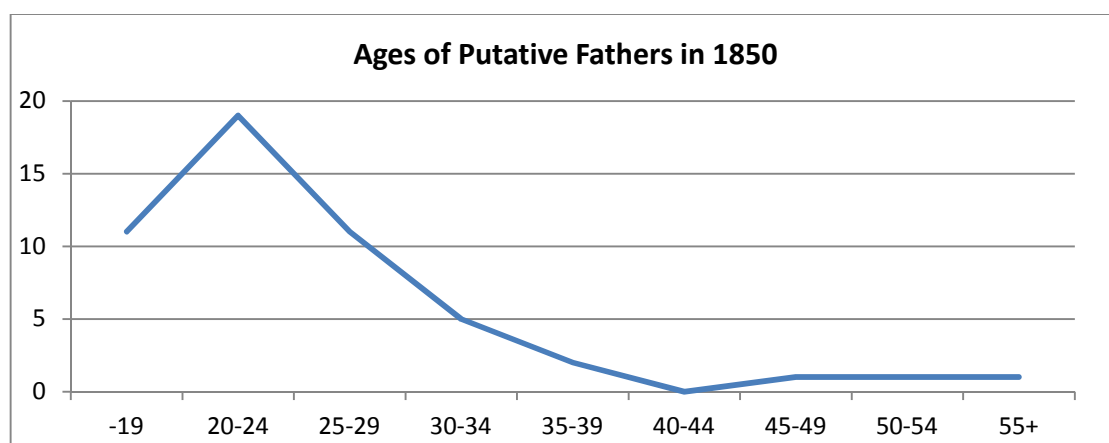
The identified putative fathers would appear to follow the pattern of those referred to by Levine and Wrightson as ‘the poor and obscure’, who they stated were responsible for three-quarters of instances of illegitimacy.¹²⁴ Thirty of the 51 fathers in this set were either labourers or unskilled workers and seven were either apprentices or journeymen craftsmen. These 37 men, either low paid workers or still learning their craft, made up 73 per cent of putative fathers, a figure closely in line with Levine and Wrightson’s findings. Of the remaining 14, five were craftsmen, including two tailors, a butcher, a wheelwright and a shoemaker. There were four farmers, four farmers’ sons and one proprietor of land. These figures, of course, only reflect those whom the authorities pursued for maintenance of a child chargeable for poor relief. Therefore it is expected that the fathers would come from a similar background to the mothers, but the inclusion of the farmers, the farmers’ sons and the land proprietor do indicate that illegitimate paternity was not confined to the labouring and servant classes. The age for each of the 51 identified fathers, as recorded on the 1851 census has been reduced by one year, to reflect the age they were when the Bastardy order was raised against them. The average age of the putative fathers, rounded to the nearest whole number, was 26, although the youngest was 17-year old agricultural labourer Bilton Railer and the oldest 57-year old shoemaker, George Kidd.¹²⁵ Although the average age was 26, Figure 6.2 clearly shows a peak in the early twenties. Nineteen (37 per cent) of putative fathers were aged between 20 and 24. Eleven (21.5 per cent) were aged 19 or under. These were, perhaps, young men who were less likely to be established in either settled employment or trade and therefore less likely to be in position to marry or support a child. When

¹²⁴ D. Levine and K. Wrightson, ‘The social context of illegitimacy in early modern England’ in P. Laslett, K. Ooversteen and R. M. Smith, *Bastardy and its Comparative History* (London, 1980), pp. 158-175.

¹²⁵ ERALS, QSU/3/2/1 and QSU/3/2/4 and TNA, 1851 Census, Rudston, HO107/2367, F.381, p.22 and Flamborough, HO107/2367, F.311, p.10.

examining the age of marriage and illegitimate maternities in Chapter 3 it was determined that the majority of illegitimate births were to mothers in their early twenties, which leads us, perhaps, to suppose that the majority of putative fathers in this set were in courtship relationships that may have been intended to result in marriage.

Figure 6.2. Age of Putative Fathers of Illegitimate Children in the East Riding in 1850.



At least 12 of the putative fathers did subsequently marry the mother of their illegitimate child, which seems to bear out this supposition. Of these marriages, seven were of fathers who had not been positively identified in the 1851 census but for whom a record of civil marriage registration had been found. Three of the couples married later in the same year as the order and three married the following year. However, six couples did not marry until two or more years later, including two who married five years after the order was raised. This is an indication that a significant number of single mothers and putative fathers were in a long standing and committed relationship that did eventually result in a marriage between them. It suggests, maybe, that a considerable number of the putative fathers, although young men, were not necessarily feckless and desirous of avoiding accountability. It would seem that at least some of them were not

in a position to support a wife and child at that stage in their lives, but took on that responsibility at a later date, possibly as their circumstances improved.

Of the 43 mothers who were in East Riding workhouses with their illegitimate children in 1851 only 30 could be positively linked to further records in later life. Of the others no record could be found for seven, and of the remaining six there was not enough evidence to distinguish them from people of the same name. It is possible that some of the mothers effectively 'disappeared' because they were in a long term relationship and had assumed the status of 'wife' without engendering a marriage record, thereby leaving no official record of a change of name. Although not belonging to the set of workhouse mothers, Ann Balance confirms this possibility by her entry on the 1851 census, where she is shown as the wife of James Dickinson of Paull, a situation her husband Joseph Balance unexpectedly encountered on his return from America.¹²⁶ Some of the untraceable mothers, therefore, may have been living under the name of their cohabiting partners and bringing up families in the same way as their married counterparts. At least two of the workhouse mothers assumed the status of 'widow' in later life; although they were still using their maiden names and no marriage records have been found. In 1861 Hannah Welbourne (Welburn) was living in John Place, York Street, Sculcoates with the two sons recorded with her in the workhouse ten years previously. However, she now had two younger daughters, aged six and two, also presumed to be illegitimate, and described herself as the head of the household and a widow. She was supporting her family by working in the lead mill, while her eldest son, George, worked in the cotton factory.¹²⁷ By 1881 Ann Ash had also adopted the more respectable title of widow when she was found living with her genuinely widowed daughter, Margaret, whose

¹²⁶ERALS, Ref. 39/4, Paull Baptisms 1813-1841. Note inserted in register indicating she was the wife of Joseph Balance.

¹²⁷ TNA, 1861 Census, Sculcoates, RG9/3582, F.91, p.22.

husband had died the previous year.¹²⁸ Was this perhaps an indication of their attempts to avoid any stigma of illegitimacy, both for themselves and the children with whom they were living at the time?

Sixteen of the mothers have been traced to an identifiable marriage entry and a further four to a possible marriage record, indicating that over half of the mothers married, despite the burden of either an illegitimate child, or the stigma that was associated with unmarried motherhood. These women were poor and vulnerable members of society in 1851, but in later years achieved the respectability of marriage and were living, working and raising families alongside their contemporaries. Jane Jackson of Sandholme married agricultural labourer John Skinner in 1853, despite William Holliday being indicted as the putative father of her illegitimate child.¹²⁹ She was living in Skelton, Howden in 1861 with her two illegitimate sons, along with her husband and two children of the marriage. These records are not able to tell us whether or not there was any friction in this 'mixed' family, but they do show an ordinary man taking on a wife, encumbered by two small children and raising them alongside his own. He would have known from the outset that by marrying the mother of illegitimate children he would make himself responsible for their support. Robert Jenkinson, also an agricultural labourer, took responsibility for Jane Ward and her child when they married in 1855. Jane had been in the Beverley Union Workhouse with two illegitimate children in 1851. The youngest, Rebecca, died in infancy and no identifiable record was found for the elder daughter, Mary. Jane had a further illegitimate child, Ann, in 1853, the putative father of whom was named as David Rennison in the Beverley Bastardy Returns for that year. Jane and Robert were to have a further six children before their marriage ended

¹²⁸ TNA, 1881 Census, Hull, RG11/4768, F.141, p.17.

¹²⁹ GRO, Index to Marriages, December Qtr. 1853, Sculcoates, Vol. 9d, p.295. ERALS, Ref. QSU/3/4/13, Bastardy Returns for Howdenshire. TNA, 1861 Census, Howden, RG9/3565, F.36, p.14.

with Jane's death in 1892 aged 65. Her husband survived her by 24 years and was cared for by their daughter in his later years. By 1911 he was describing himself as an 'old age pensioner' and was presumably one of the earlier recipients of this forerunner of the welfare state.¹³⁰

There is evidence to suggest that six (20 per cent) of the traceable mothers had further illegitimate children. As well as the above mentioned Hannah Welbourne and Jane Ward four other mothers bore subsequent illegitimate children. Elizabeth Blakeston, originally of Lund, was in the Beverley Union Workhouse in 1851 with her two-year old daughter, also named Elizabeth. In 1857 she married William Baker, a Cambridgeshire- born agricultural labourer. She can be found with her husband and a ten-year old daughter, Sarah Blakeston, described as 'step daughter' to William, living in Lund in 1861. Sarah's birth was registered between July and September 1851, indicating that Elizabeth was pregnant when the census was taken on 30 March of that year.¹³¹ In all probability it was her pregnancy that forced Elizabeth to enter the workhouse. Like many single mothers, Elizabeth was described as a servant in 1851 and it is possible that she was dismissed when her condition became noticeable. As Williams points out 'Being a 'good' servant...was...synonymous with honesty and sobriety.' In her study of petitions to the London Foundling Hospital she found that a number of employers were unwilling re-employ servants who had given birth to

¹³⁰ GRO, Index to Marriages, December Qtr. 1855, Beverley, Vol. 9d, p.207. Index to Deaths, December Qtr. 1851, Beverley, Vol. 23, p.1. Sep. Qtr 1892, Beverley, Vol. 9d, p.72 and March Qtr.1916, Beverley, Vol. 9d,p.161. Index to Births, March Qtr. 1853, Beverley, Vol. 9d, p.93. ERALS, Ref. QSU/3//5/2, Bastardy Returns for Beverley, 1853. TNA, 1851 Census, Beverley, HO107/2359, F.423, p.1. 1861 Census, Beswick, RG9/3572, F.60, p.17. 1871 Census, Beswick, RG10/4771, F.54, p.17. 1881 Census, Beswick, RG11/4744, F.51, p.6 and 1911 Census, Lockington, RG14/28569, Schedule 75.

¹³¹ TNA, 1851 Census, Beverley, HO107/2359, F.423, p.1 and 1861 Census, Lund, RG9/3572, F.44, p.16. GRO, Index to Marriages, September Qtr. 1857, Beverley, Vol. 9d, p.173 and Index to Births, September Qtr. 1851, Beverley, Vol. 23, p.4.

illegitimate children, no matter how highly they had thought of them previously.¹³²

Former Bridlington Union Workhouse inmate, Mary Constable, had two illegitimate sons with her in 1851.¹³³ She had another illegitimate child, Ellen, in 1853 and married William Dandy at All Saints' Church, Thwing in 1857, despite William being indicted as the putative father of another woman's illegitimate child that same year.¹³⁴ By 1871 Ellen had gone into service as a domestic servant to a farmer and Mary and William had an eight-year old daughter, Elizabeth. Appearance would suggest that this was a supportive family unit, as William's 37-year old son, James and his 13-year old grandson, Mark, had joined the household following the death of James' wife in 1867.¹³⁵ Ann Cross had three daughters with her in the Bridlington Union Workhouse in 1851. She was still unmarried in 1861 but as well as Elizabeth, the youngest of the children with her in the workhouse; she also had another daughter, Harriet, aged six. Although there were two male lodgers in the household Ann was described as the head and it is assumed their presence was to supplement her income as a charwoman, rather than to indicate paternity.¹³⁶ In only one case of subsequent illegitimate children is there enough evidence to indicate paternity. At the age of 15 Mary Andrew of Patrington was employed as a servant in the household of an elderly lady of independent means at Winestead.¹³⁷ Ten years later, in 1851, she had two illegitimate sons, Peter born 1846 and William born 1849, and had been reduced to entering the Patrington Union Workhouse for support.¹³⁸ She was once again found in the

¹³² S. Williams, "A Good Character for Virtue, Sobriety, and Honesty': Unmarried Mothers' Petitions to the London Foundling Hospital and the Rhetoric of Need in the Early Nineteenth Century' in A. Levene et al, *Illegitimacy in Britain 1700-1920*, (Basingstoke, 2005), pp. 86-101.

¹³³ TNA, 1851 Census, Bridlington, HO107/2367, F.143, pp.32-33.

¹³⁴ GRO, Index to Births, December Qtr. 1853, Bridlington, Vol. 9d, p.238. www.yorkshirebmd.org.uk Ref. BRD241/01/73. ERALS, Ref. QSU/3/9/2, Bastardy Returns for Bainton Beacon, 1857.

¹³⁵ TNA, 1871 Census, Thwing, RG10/4813, F.90, p.6 and GRO, Indexes to Deaths, March Qtr. 1867, Bridlington, Vol. 9d, p.204.

¹³⁶ TNA, 1851 Census, Bridlington, HO107/2367, F.143, p.33 and 1861 Census, Bridlington, RG9/3612, F.67, p.27.

¹³⁷ TNA, 1841 Census, Winestead, HO107/1225, F.4, p.5.

¹³⁸ GRO, Index to Births, March Qtr. 1846, Patrington, Vol. 23, p.71, December Qtr. 1849, Patrington, Vol. 23, p.71. TNA, 1851 Census, Patrington, HO107/2364, F.147, p.3.

workhouse at the time of the 1861 census, this time with another son, also named William, born in 1854 (possibly after the death of the firstborn William in 1853).¹³⁹ She appears to have been reluctant to name the father of this child as the putative father's name was not given to the Poor Law authorities at the time of his birth.¹⁴⁰ At the time this census was taken she had been in the workhouse for a continuous period of 14 years. The reason for her long residency was given as 'her illegitimate children'.¹⁴¹ By 1871 Mary was living in the household of agricultural labourer, Anthony Hall, where she was described as a domestic servant. Interestingly, also in the household were five 'Andrew' children, including the now 15-year old William. William, along with Sarah (8), Anthony (7), John (4) and Frederick (3), were all born in Patrington, and their relationship to the head of the household was given as 'Boarder'. Her eldest son, Peter, was working as a railway labourer and living in Hull, at this point.¹⁴² Although not outside the bounds of possibility, it would seem odd for an employed servant to be having illegitimate children on such a regular basis while still living in her employer's house. The inference here is that Mary Andrew and Anthony Hall had a stable, but informal relationship, despite Mary being nine years his senior. It is not, perhaps, reasonable to attribute the eldest three children to Anthony but it seems likely that the youngest four were fathered by him. Mary and Anthony eventually married in 1890, but their union was short-lived, ending with Anthony's death two years later.¹⁴³ Mary had seven illegitimate children in total, but despite early hardships appeared to have enjoyed a settled relationship in later life, unfortunately marred by the early death of her

¹³⁹ TNA, 1861 Census, Patrington, RG9/3599, F.42, p.42 and F.43, p.43. GRO, Index to Deaths, June Qtr. 1853, Patrington, Vol. 9d, p.140 and Index to Births, December Qtr. 1854, Patrington, Vol. 9d, p.200.

¹⁴⁰ ERALS, Ref. QSU/3/7/8, Bastardy Returns for South Holderness, 1855.

¹⁴¹ HCPP, *Return from Each Workhouse in England and Wales of Every Adult Pauper Who Has Been Inmate for Five Years*, 1861.

¹⁴² TNA, 1871 Census, Patrington, RG10/4798, F.115, p.22 and Hull, RG10/4780, F.46, p.29.

¹⁴³ GRO, Index to Marriages, March Qtr. 1890, Patrington, Vol. 9d, p.379 and Index to Deaths, September Qtr. 1892, Vol. 9d, p.188.

husband. She survived a further 17 years of widowhood before dying at the age of 82 in 1909.¹⁴⁴

Mary Andrew was not the only mother to endure further sojourns in the workhouse. Another six mothers found themselves forced to resort to poor relief in later years, a figure which slightly exceeds those having further illegitimate children, but which does not necessarily include the same women. There were five women in the East Riding whose stay in the workhouse for a continuous period of five or more years in 1861 was attributed to their having illegitimate children that they were unable to support.¹⁴⁵ Four of these women were also in the workhouses in 1851 with their illegitimate children. Mary Andrew had been a workhouse inmate for the longest time; 14 years in the Patrington Union Workhouse, according to the returns, even though she had given birth to two other children since her arrival at the workhouse in 1847. Ann Dixon, in the Drifffield Union Workhouse had been there the shortest time of five years. This was not, though, her first time as a pauper inmate as she had been in the same workhouse ten years previously with her two illegitimate children. Mary Haggerston was deemed 'unable to support herself and (her) illegitimate child' in 1861, when she had been in the Sculcoates Union Workhouse for eight years.¹⁴⁶ She had found herself in the same position ten years previously when she was an inmate of the Skirlaugh Union Workhouse in 1851 with her six year old son, William. Mary seems to have become institutionalised as she was recorded in the workhouse at Skirlaugh in both 1871 and 1881.¹⁴⁷ Mary Girdham has a similarly unhappy tale. She spent at least ten continuous years in the workhouse between 1851 and 1861, firstly in the old Charity Hall and then

¹⁴⁴ GRO, Index of Deaths, June Qtr. 1909, Patrington, Vol. 9d, p.182.

¹⁴⁵ HCPP, *Return of Adult Paupers*, 1861.

¹⁴⁶ Ibid.

¹⁴⁷ TNA, 1851 Census, Skirlaugh, HO107/2365, F.92, p.24. 1871 Census, Skirlaugh, RG10/4801, F.40, p.17 and 1881 Census, Skirlaugh, RG11/4788, F.33, p.3.

in the newly built Hull Union Workhouse on Anlaby Road.¹⁴⁸ She was not identified in any subsequent census records and a check on several possible marriage entries and a death record did not reveal her whereabouts with any certainty. It was Mary's son, Charles, born in 1850, who was the only one of the workhouse children to be found in the institution on every census from 1851 until his death in 1914.

Of the remaining three mothers, one appears to have avoided the workhouse in 1861 only to return later. Margaret Turner was a carpenter's daughter from Thorp Arch who found herself in the Sculcoates Union Workhouse with a seven-year old illegitimate son, Thomas, in 1851. Margaret gave her age as 45 in 1861, making her about 38 when her son was born. Both of them were difficult to identify in 1861 but by 1871 Margaret was once again in the Sculcoates Union Workhouse, a year before her death, aged 67.¹⁴⁹ Ann Hazelwood also had another sojourn in the Beverley Union Workhouse ten years after she was found there with her illegitimate daughter. She was described as a charwoman suggesting, perhaps, that she had been making an independent, if precarious living, at some point during the intervening years.¹⁵⁰ One mother remains and her case is presented in more detail below.

It is not often, from this distance in time, that we are offered a glimpse into the actual character of an individual. We can see from their circumstances that some of the mothers had a difficult time, not only in supporting their children, but also in providing a living for themselves. This arouses a general sympathy and an empathetic understanding of their plight, but in the case of Hannah Sharp, a single mother from the Driffield Union, we are presented with a fuller picture of her nature and a less detached

¹⁴⁸ TNA, 1851 Census, Hull, HO107/2362, F.345, p.18. 1861 Census, Hull, RG9/3579, F.94, p.2.

¹⁴⁹ TNA, 1841 Census, Thorp Arch, HO107/1357, F.9, p.12, 1851 Census, Sculcoates, HO107/2361, F.724, p.13. 1871 Census, Sculcoates, RG10/4785, F.186, p.13. GRO Indexes to Deaths, December Qtr. 1872, Sculcoates, Vol. 9d, p.125.

¹⁵⁰ TNA, 1861 Census, Beverley, RG9/3569, F.49, p.16.

view of her character. Hannah was born in the township of Tibthorpe c1818 to an agricultural labourer. As a young woman in her early twenties she was still living at home but by 1851, aged 33, she was in the Driffield Union Workhouse with an illegitimate child, John. Like most woman of her background, she appeared to have been working as a servant before falling into poverty, possibly brought about by the birth of her son four years previously. No evidence has been found to suggest that the authorities pursued anyone for the maintenance of Hannah's son but, as it later became clear, this was not the only child that had been born to her. On 3 June 1858 the Driffield Union Workhouse was subject to a visit by the Commissioners in Lunacy and their report, received by the Poor Law Board on 20 July made specific mention of Hannah Sharp. It is worth noting their comments in full, so far as they relate to this particular inmate.

Hannah Sharp is stated to be at times much excited, very quarrelsome, to use abusive language, and to threaten and greatly disturb the other inmates of the ward. This woman has been for some years in the workhouse and is stated to have had five illegitimate children. She has been constantly reported to the Board [of Driffield Guardians] for refractory conduct, for which she has on several occasions been imprisoned and frequently punished. She admitted to us that at times, when 'the fever was on her' she did not know what she said or did. We understand that the Medical Officer is of opinion that she is insane, but that owing to the fluctuation in her state, he did not feel justified in signing a Certificate to this effect when the case was brought before the board today and she was again ordered to be punished. We think this case should be carefully watched by the Medical Officer and immediate steps

taken to send her to an Asylum upon the recurrence of distinct symptoms of her insanity.¹⁵¹

In their reply dated 13 August 1858 the Drifffield Board of Guardians stated that they had instructed the Medical Officer to keep Hannah under observation, as requested by the Commissioners, and on the next inspection visit on 20 September 1859 they noted in their report that ‘...Hannah Sharp noticed at the last visit [had] been removed to the Asylum.’ They were also ‘...glad to find that the Guardians [had] made an order that weak minded women who have had illegitimate children shall not in future be allowed to leave the Workhouse.’¹⁵² In actual fact the Guardians had shown a measure of restraint and had ‘...not made any minute having reference exclusively to the weak minded women with illegitimate Children not leaving the workhouse...’ but at a meeting on 28 July 1858 had, instead, instructed the Workhouse Master ‘...not to discharge any persons classed as of weak mind on their own application....’ They informed the Poor Law Board of this on receipt of the Commissioners’ in Lunacy Report, sending a copy of the relevant minute with their letter dated 14 Nov 1859.¹⁵³ Hannah appears on the Pauper Lunatic Returns for several years.¹⁵⁴ Modern day medical knowledge would probably have diagnosed a mental illness rather than insanity and history has left us with a poignant impression of a woman incarcerated in an asylum, despite the periods of normality which were recognised by the Union’s Medical Officer.

¹⁵¹ TNA, Ref. MH12/14276, Correspondence with Poor Law Unions (Drifffield Union), 20 July 1858, 13 Aug 1858.

¹⁵² Ibid. 20 September 1859.

¹⁵³ Ibid. 14 Nov 1859.

¹⁵⁴ ERALS, Ref. QAL/2/17/3 – QAL/2/25/3, East Riding Pauper Lunatic Returns 1859-1867.

One other mother, Jane Bennington (Binnington), had further connections with the workhouse after 1851, but of a rather different nature. By 1861, her surviving illegitimate child, Emma, was residing with her grandparents in the Holy Trinity area of Hull, while Jane was working to support herself as the Cook of the Sculcoates Union Workhouse, where she was recorded on the list of Workhouse staff.¹⁵⁵

Twenty-three per cent of the traceable mothers found difficulty in raising themselves out of poverty and were recorded back in the workhouse at some point in their lives, with 13 per cent of them enduring stays that ran into several years. Twenty per cent had further illegitimate children but these were not necessarily the women who were forced to resort to the workhouse. Only Mary Andrew of Patrington appears in both of these categories. Mary also appears in a third category of women who found security in marriage, albeit rather late in life in her case. Like Mary, 53 per cent of the traceable mothers married and lived out their lives in conditions and circumstances that appear to mirror those of their contemporaries; eight of them married agricultural labourers, one married a groom, one a railway worker, one a shoemaker, one a plumber and one a millstone maker. In three cases the husbands' occupations were unknown. Eight of these mothers went on to bear subsequent legitimate children. Jane Ward, of Beswick, had a further six children to her marriage with Robert Jenkinson, as well as having three previous illegitimate children. Despite being particularly poor and vulnerable in 1851, a condition that appears to have been brought about by the circumstance of single motherhood, over half of these women picked up the threads of their lives and continued to lead what would be considered to be a normal existence for the time. Life in the mid nineteenth century was often hard for the ordinary working people. They

¹⁵⁵ TNA, 1861 Census, Sculcoates, RG9/3586, F.95, p.1.

would, no doubt, have suffered the same economic privations as their neighbours from time to time, but they appeared no worse off as a result of their earlier experiences.

Some, as we have seen were not quite as fortunate, and whether through character or circumstance, were not able to recover quite so quickly. For a few, this meant an extended stay in the harsh environment of a Victorian workhouse, or a return to pauperism at some time in the future. For most, the fact of their illegitimate pregnancies will have hidden an episode of adversity in their lives, perhaps even wretchedness and despair at a failed relationship, bereavement or even abandonment. Although illegitimacy among the poor was not at all unusual in nineteenth century England, the reality of the workhouse loomed large for those unfortunate enough to have no other means of support.

Chapter 7. Conclusion

This work is intended to do for local studies what others in the field of illegitimacy have done on a wider scale. It has given a little insight into the circumstances and situations of a sample of individuals who were part of the national statistics which others have used to provide analysis on a national scale. The study of illegitimacy is not, nor ever was, as simplistic as at first it would appear. The circumstances of an illegitimate birth had ramifications far beyond the individual event when viewed as part of a national phenomenon. The vexed problem of bastardy has exercised religious and temporal minds throughout history. The increase in illegitimacy and its associated economic implications had a far reaching effect on both the legal and personal situation of the country's single mothers. The concerns of policy makers in the early nineteenth century were fuelled by the rising number of illegitimate births, the increase in Poor Law costs and the Malthusian view of an unsustainable pauper population. This led to a major reworking of the Poor Law in 1834 which was to have considerable consequences for unmarried mothers and which substantially changed their responsibilities and their access to relief.

It has been shown that the East Riding of Yorkshire followed similar trends in the growth of illegitimacy to those established by Adair in his national study. Albeit three periods of discordance, the illegitimacy ratio of the East Riding appeared to be significantly in concordance with national figures between the years 1538 – 1750, thus setting the scene for the main investigation. In other words the East Riding showed no significant disparity with the rest of the country in its incidence of illegitimacy. This was important in giving credibility to the studies of small, sometimes scattered parishes,

from which local examinations of the incidences of individual cases of illegitimacy were drawn. This study has considered those elements of everyday life that were pertinent to those affected by illegitimacy. Marriage, mortality and the effects of the Poor Law have been shown to bear a significant importance on illegitimacy nationally, and to have a considerable consequence in individual cases. Notwithstanding, many of those affected by illegitimacy appeared to overcome this inauspicious time of their lives and go on to lead lives comparable with their contemporaries. What, then, are the conclusions to be drawn from this study?

As Nutt has stated so succinctly, 'For as long as reproduction has been regulated by the church and by the state, marriage has been the key institution in the construction of legitimacy and paternity.'¹ This fundamental premise has been discussed in Chapter 3 and several issues surrounding marriage have been examined. The stricter controls over what amounted to a legal marriage, implemented under Hardwicke's Marriage Act in 1754, may have had an effect on recorded illegitimacy, particularly when related to long-standing informal relationships. It is clear that in a sample of twelve East Yorkshire parishes the illegitimacy ratio rose considerably in the two decades following the implementation of the Act, with an average 72 per cent increase in illegitimate baptisms (see Table 3.1). This increase has to be considered along with a growing population and more meticulous recording of status by parish officials, but it clearly indicates a growth of illegitimate births towards the end of the eighteenth century, a trend very much in line with national developments. In this respect the profile of changed recording practices, related to the incidence of illegitimacy, has been raised here above that of changed patterns residency, such as migration into towns. This is

¹ T. Nutt, 'The Paradox and Problems of Illegitimate Paternity in Old Poor Law Essex', A. Levene, et al, *Illegitimacy in Britain, 1700-1920* (Basingstoke, 2005), p.102

particularly highlighted following changes to the marriage laws when the 1753 Act was implemented in 1754, but also during the Interregnum. Further research into the observances of parish officials in times of religious and legal modifications of marriage may throw some interesting light on what is the main source of information on population demography during this period.

It might have been expected that the social stigma of having a child outside marriage, and therefore against the social conventions of the time, would have precluded pre-marital sexual relationships to a large extent. An investigation into the age of mothers at their first illegitimate maternity and an examination of churchwardens' presentments suggested that this was not necessarily the case. The age of single mothers having their first illegitimate child showed a remarkable concordance with the age of women marrying for the first time. As the age at marriage increased or decreased, so did the age of first illegitimate maternities. Sexual maturity itself is most unlikely to have fluctuated so much in so short a time scale. The conclusion drawn from this phenomenon, therefore, is that a large proportion of illegitimate pregnancies were likely to be the consequence of an interrupted marriage process. In other words, these were relationships that happened at the same time in a single woman's life as her contemporary's courtships, marriages and legitimate first child's birth. Emphasis is given to this view by the evidence of churchwardens' presentments which showed that nearly 13 per cent of offences presented were for 'ante-nuptial fornication', in other words, sex before marriage. This figure is likely to be an underestimation as it presumably relates to those couples whose first child made its appearance into the world too soon after the marriage for it to be explained by claims of a premature birth. An exercise in determining illegitimate conception and comparing it with marriage seasonality appeared to show that there was a close association between the two events.

In the parish studied (Brandesburton) illegitimate conceptions were highest at the most popular time for marriage which offers further evidence that sexual activity was part of the courtship and marriage process, leading to the conclusion that interrupted marriage plans accounted for a substantial number of illegitimate births, not the immorality and promiscuity that the Victorians would have us believe.

These findings are in concordance with Adair's suggested reasons for illegitimacy where he placed promiscuity and exploitation low on the list of explanations. Master and servant relationship did exist, but he believed that exploitative associations were few and not a serious contender in the reasons for illegitimacy. Many master and servant relationships resulted in men having consensual relationships with their housekeepers, such as that between Mary Andrew and Anthony Hall of Patrington (see Ch.6) and were the consequence of close companionship rather than exploitation. Unrecognised marriage and failed courtships were, he believed, the major factor in the incidence of illegitimacy, and that economic insecurities were instrumental in the latter. The evidence from Brandesburton parish would seem to support this view.

There is no doubt that it was economic and political factors that led to the almost draconian measures introduced under the Poor Law Amendment Act of 1834, which placed the responsibility of an illegitimate child solely on the mother. Those who were without the means to support themselves and the child were forced into accepting indoor relief, and lived with the intimidating presence of the new Union Workhouses that began to appear after the passing of the Act. Some, perhaps, were short stay residents, covering the period of their confinement; a situation that Williams confirms was not unusual in her study of unmarried mothers in the Hertford and Hatfield Workhouses.² However, the census records for the East Riding workhouses suggest that

² S. Williams, 'Unmarried Mothers and the New Poor Law in Hertfordshire', *Local Population Studies*, No. 91 (Autumn, 2013), pp.27-43.

many suffered subsequent periods of distress that led them to enter the house at various stages of their lives. Only nine out the 76 identified illegitimate children in the county's workhouses in 1851 were four months or under, suggesting that medical attendance during confinement was not the main reason for mothers' recourse to the workhouse.

The cost of supporting illegitimate children was a significant issue for the Poor Law Commissioners, who contended that less than half the cost of rearing the child was recovered from the putative fathers under the operation of the Old Poor Law. While this is true of some East Riding parishes it is not so in all cases. We have seen that, at times, Hornsea was recovering up to 78 per cent of costs from putative fathers, while the urban parish of Sutton had a recovery rate of 73 per cent over a five year period. What is demonstrated is the fluctuation of recovery costs illustrated by the variation of returns from the Hornsea overseers. Nevertheless, from a low of 38 per cent to a high of 78 per cent over a five year period leading up to the publication of the Commissioners Report (1828-1832), they still managed to average a recovery rate of 62 per cent. In the same period York St. Saviour had an even greater fluctuation rate from a low of 27 per cent to a high of 80 per cent, giving them a 60 per cent average recovery rate. The considerable fluctuation rate is a matter of some interest; clearly the Old Poor Law had systems in place that could work quite effectively but which, for whatever reason, failed to do so consistently. The generally low recovery rate nationally, of about half the costs, was used by the Commissioners as a vindication of their initial removal of paternal financial responsibility. Such an important development suggests that further research into the factors leading to such inconsistent recovery rates might be of particular interest in determining the efficiency, or otherwise, of individual administration.

Despite the censorious attitude of the Government with regard to single mothers and their illegitimate children, there is evidence to suggest that local Boards of Guardians did not always wholeheartedly agree with the measures they were being asked to apply. The Guardians of the Skirlaugh Union objected to enforced indoor relief on a matter of cost, arguing that it was cheaper to maintain single mothers and their children outside the workhouse, especially as they expected to recover some of the cost from the fathers. They showed a measure of sympathy for the mothers by arguing that a difference should be made between women with one illegitimate child and those having more than one. Although qualified by a comment about the mothers' previous good conduct and character, it may be that the Guardians, in this instance, recognised the frailty of the position in which these women found themselves. That the Skirlaugh Guardians were not alone in their attempts to apply some humanity to a harsh and insensitive system is demonstrated by the Sculcoates Guardians' payment of allowances to the two Cottingham mothers who were earning a respectable, albeit insufficient, living as domestic servants. In both instances, while attempting to administer the New Poor Law, the Guardians were demonstrating one of the strengths of the Old Poor Law; its discretionary nature and the local community's awareness and understanding of people and their circumstances.

In Chapter 5 we demonstrated that the East Riding exhibited the second highest infant mortality rate in the country for the mid-nineteenth century, second only to Lancashire. Its infant mortality rate was even higher than the heavily industrialised West Riding. Unlike the West Riding the East Riding had only one concentrated area of industrial development; the city of Hull and its surrounding parishes. Newman's research led him to believe that it was industrialisation, rather than climate or geology that was the important factor in determining infant mortality rates. Although the East Riding was a

predominantly rural county in terms of development a considerable portion of its population (39 per cent) was living in the main urban centre by 1851, giving some credence to this view. It seems, however, that climate, particularly hot dry weather, did have a detrimental effect on the infant mortality in Hull. Newman's assertion that the divide between high and low infant mortality rates was associated with heavily industrialised districts appears not to be the whole story. Industrial districts were usually epitomised by poorly constructed and crowded dwellings. This was certainly the case in Hull, where the situation was exacerbated by low-lying damp conditions. It would not be difficult to attribute infant mortality to unhealthy living conditions but this work has shown that it was further affected by hot weather, when disease-spreading flies were more prevalent. The city's geographical and geological conditions, although discounted by Newman, were also cited as unfavourable contributory factors by its own Sanitary Committee. Clearly, several environmental factors needed to be considered together, but social issues also played a major role. Poverty, ignorance and fear all had a part to play in this sad phenomenon. Poverty forced single women to work and put their children out to nurse, increasing the likelihood of them contracting disease through being bottle or spoon fed. Poverty often accounted for a lack of early medical intervention that may have saved some infants from their fate. Fear of censure and stigmatisation led to the concealment of illegitimate pregnancies, often resulting in unassisted confinements and the death of the infant, either from natural causes, neglect or deliberate child murder.

Child murder was even taken to a commercial level by the notorious baby farmers of the nineteenth century, although there is little evidence to suggest that this was an established practice in the East Riding, a view conditionally supported by the Driffield Medical Officer. Illegitimate children did die in the care of child minders, and

sometimes the level of care may have been questionable. But in the main they appeared to offer a service at a weekly charge and did not deliberately seek the death of the child for commercial gain. There was, however, evidence of organised illegal burial of infants in Hull, intimating that some illegitimate children may have been disposed of in this way. Although the burials appeared to be the work of one man those taking advantage of his services must have known of the clandestine and illegal nature of his activities. Lack of legal status and medical certification for stillborn children encouraged the practice of disposing of dead infants under this guise. Although it is not possible to determine how many of these infants had been born illegitimately it is feasible that some distressed or disturbed single mothers may have employed similar surreptitious burial methods to avoid detection and censure.

Illegitimate children in the East Riding were subjected to an observably higher mortality penalty than those born legitimately, as indicated by the analysis of the Brandesburton registers. They also ran a greater risk of being victims of infanticide or inadequate care at the hands of troubled and fearful young mothers whose livelihoods were threatened by their very existence.

However, many illegitimate children survived their unpromising start in life to become economically active in adulthood and to provide their families with stability comparable with their legitimate counterparts. Nineteenth-century life was uncertain for all poor working families but many of those children who were found in the workhouses of East Yorkshire in 1851 managed to survive in a manner very similar to that of others from their economic and social group. Using the census to give an insight into their lives at ten year intervals provided a valuable indication of their progress into adulthood. From

the census returns themselves and from other sources it was possible to deduce certain information about the intervening years between censuses, such as marriage, the birth of subsequent children and the death of a spouse. It is not possible to determine, from these sources, some of the more detailed aspects of their lives in the intervening periods and it is possible that there were periods of particular hardship that are not known to us. We know that a few relied on temporary poor relief at some point in their lives, though only one, Charles Girdham, appeared to have been particularly pauperised. It was clear that several of the children experienced times of hardship but used various strategies to supplement their incomes, such as taking in boarders or washing, acquiring a mangle, or operating a front-room shop. In this regard they were probably no different from their neighbours. However, there were others who fared much better. Some of the male children became craftsmen or tradesmen, such as blacksmiths or cabinet makers, while others earned their living on the railways or in the fishing industry. At least one of those who worked in agriculture progressed to being a farm foreman. In the case of the female children those who fared particularly well did so through marriage, like Elizabeth Kirby whose husband rose from an agricultural labourer to a farmer on his own account. As a young widow Emma Scotter progressed from being a shop assistant to a toy dealer in her own right. She showed enterprise and ambition but clearly had the support of her husband's family as well as her own throughout this advancement process.

The mothers of the illegitimate workhouse children appeared to have fared less well than their offspring. Nearly a quarter had further sojourns in the workhouse, some because of the birth of further illegitimate children. Four of them spent continuous periods of between five and fourteen years in these institutions with illegitimate children being cited as the cause of their dependency on poor relief. Twenty per cent of

the mothers had further illegitimate children but more than half of those followed found a measure of security and companionship in marriage. It is heartening to note that despite adversity many of the mothers and children stayed together as families and could often be found in the same household, where the illegitimate children were brought up alongside their legitimate half-siblings or mothers were supporting their children in times of particular need, such as confinement. Some mothers and children, like Elizabeth and Ann Glasby, stayed together until Elizabeth's death at the age of 85. Others, such as Major Dixon, appeared to have moved with other family members, probably for employment purposes. Young children were left in the care of grandparents and other relatives. It is not always possible to gauge the strength of these relationships. Where mothers and children stayed together as adults it is assumed to be based on both emotional and economic bonds but it is more difficult to judge how other relatives viewed taking on an additional responsibility. There is, however, evidence to suggest that filial bonds were strong enough to overcome the initial adversity of a workhouse upbringing and the strains of economic hardships.

Of the initial 76 workhouse children ten (13 per cent) died in childhood, a figure that equates favourably with the illegitimate mortality penalty of those born in the rural Brandesburton parish (15 per cent). However, the thirty-three death records traced to the adult children showed that once the childhood danger was past their risk of early death appeared no greater than that of others. Seventy-nine per cent lived to be over 60 and twelve per cent of the total figure achieved ages of over 80. Against a national life expectancy of approximately 50 years the workhouse children lived beyond what might have been expected despite the disadvantages of early poverty.³ They fared even better

³ R. Woods and N. Shelton, *An Atlas of Victorian Mortality*, (Liverpool, 1997) p.27.

when compared with the regional life expectancy of a twenty year old in the early 1860s, which averaged 42 years.

The fathers presented a more difficult problem. Surprisingly few of the workhouse mothers could be linked to a man who the records indicated was the father of her illegitimate child. Considering that these were mothers who had elected or been forced into institutional relief it could be expected that the authorities would have made some effort to identify and pursue the fathers. There are reasons why this might not be so; the mother may not have identified the father, the evidence against him may have been uncorroborated, he may have left the area or the authorities may have felt he was not worth the expense of pursuing through the courts. By the nineteenth century pursuing the father for maintenance was generally only undertaken when the mother and child required financial support. Those families living in an informal marriage and supporting their children through their own means are largely hidden from the records. They may even, like Ann Balance and James Dickenson, appear erroneously as man and wife. In an age when unsuccessful marriages were difficult to dissolve, many fathers of illegitimate children supported their offspring in the same way as their married counterparts by taking responsibility for the family unit and providing for them accordingly. Like the single mothers the putative fathers in the sample taken from the 1850 Bastardy Orders were, in the main, young men of marriageable age. Nearly 24 per cent of them married the woman named in the order, adding weight to the theory that many illegitimate children were the result of courtship relationships that were intended to result in marriage. Of these couples, half delayed their nuptials for at least two years after the birth of their child, perhaps suggesting that they were not in a position to set up an independent household at the time of the birth, but that they were in a serious and long-standing relationship.

This work has examined the incidence of illegitimacy in the East Riding of Yorkshire and set it within a national framework. In the early modern period the ratio of illegitimacy was in notable concordance with the figures produced by Adair in his national study, thus establishing that similar patterns of illegitimacy existed in this geographical area as were experienced elsewhere. In the mid-nineteenth century the incidence of illegitimacy in the East Riding was the highest recorded by Newman despite the fact that it did not come into his criteria of a heavily industrialised area. This supposes that the one rapidly developing city of Hull with its growing commerce fell into his category of a high population density and a large manufacturing industry. Illegitimacy ratios in the East Riding remained above the national average of 48 per 1000 births throughout the nineteenth century. However, by the latter half of the century, at 57 per 1000 births in 1878-1887, it compared more favourably with other counties such as Norfolk (75), Cumberland (76) and Shropshire (82).⁴

It is, however, the nature of illegitimacy, as well as its incidence, that has concentrated this work. Every incidence of an illegitimate birth has resulted from a different set of circumstances and has had an effect on the individuals involved. By looking at those individual lives it has been possible to determine, to some degree, whether the fact of illegitimacy had a lasting and detrimental effect on the future prospects of single women and their children. Using a sample of those particularly disadvantaged by the fact of illegitimacy it has been possible to follow their progress through life and assess their circumstances in relation to their occupations, economic situations, marriage, family bonds and longevity. There can be little doubt that the mothers and children would have

⁴ HCPP, 1888, Fifty-first Annual Report of the Registrar General of Births, Deaths and Marriages in England, Table 10, p.xli.

suffered some initial stigmatisation relating to their single motherhood, illegitimate status and reliance on poor relief.

At this distance in time and under very different social conventions the effect of this is almost unquantifiable and we are left to empathise over their situations without a direct understanding through contemporary experience. There is still much to learn about the treatment of illegitimacy in the East Riding of Yorkshire. It is hoped that the data sets compiled for this study will assist the progress of future work on the incidence, management and attitudes towards illegitimacy in different types of parishes and to highlight any distinctions in its treatment. We have seen in Chapter 4 that there was a relationship between the recipients and the administrators of poor relief. Despite the official language of the Guardians, who invariably referred to 'the case of' an applicant in their correspondence with the poor Law Commissioners, there were clear instances where their willingness to compromise was vetoed by the authorities, as in the cases of Jane Longbone and Mary Ann Young of Sculcoates.⁵ Similarly, records of overseers can sometimes indicate their approach to claimants by their language and the payments made to individuals. It is hoped to conduct a fuller examination of this relationship through East Riding poor law documents and the correspondence that took place between local guardians and the Poor Law Commission. Such studies will serve to enhance our understanding of the lived experience of illegitimacy.

What this study has shown is a picture of ordinary women, from unremarkable backgrounds who have shown remarkable resilience in the face of adversity. Very few of them failed to make an independent life. The majority overcame their situations, some in the conventional manner of the day through marriage, others by hard work and enterprise. They had what appeared to be strong family bonds and poverty did not

⁵ TNA, Ref.MH12 / 14358, Correspondence with Poor Law Unions (Sculcoates Union), 9 November 1841.

necessarily separate mothers from their children. Where children were recorded in the households of other relatives this may even suggest a greater level of support from the family in helping to keep those bonds alive.

The children of the single mothers did not, in general, become pauperised by their experiences but rather led economically useful existences with most found to be in work throughout their adult lives, supporting families of their own. Despite the disadvantages of their birth those who survived early childhood lived and worked in much the same way as their neighbours. They married and reared families in the same conditions experienced by others of their social background. In this respect they were no more a burden to the tax payer than their legitimate counterparts. Nor did they appear to suffer any particular health issues relating to their early poverty. Evidence suggests that they outlived their life expectancy with several living well into old age

There is no doubt that life was hard for single mothers in eighteenth and nineteenth century England and aspects of individual experiences could be harsh and distressing. Fear, disgrace and emotional turmoil must have touched every one of the mothers at some stage, in varying degrees. It is the endurance and resilience of the single mothers, not just the incidence of their illegitimate maternity, but the nature of their survival and the character of their lives, and that of their offspring, that embodies the spirit of this work.

Appendix A. Terms Denoting Illegitimacy in East Riding Registers.

Basely begot/ base begotten / base born

Bastard child of

Begotten in fornication

Born out of wedlock

Child/son/daughter of the people

Ignotus/Unknown

Illegitimus/illegitimate

Imputed father (man denies paternity)

Natural

Reputed father (paternity admitted or proven)

Spurious/spuria

Supposed child of

Unlawful begotten

Appendix B. Settlement Terms and Conditions

Every person had a right to poor relief in his place of settlement. This was simple enough to determine if the family had stayed in one parish for generations, but more difficult to ascertain if a person no longer resided in the place of his forbears. Consequently a set of rules was established by which a person's right of settlement could be determined.

The Settlement Acts of 1662, 1687 and 1691.

These acts sought to clarify a person's legal right of settlement and to give the overseers the power to remove those people thought likely to become dependent on poor relief. Such people could be removed within 40 days of arriving in a parish from 1687, and from 1691 were required to give notice of arrival (it then being no longer possible to cross into a parish undetected and make a later claim), which was then recorded and read out in the church.

A settlement could be gained by:

- Birth – legitimate children took the settlement of their father, even if this was not their place of birth. Illegitimate children initially claimed settlement in the parish of birth, which sometimes resulted in unmarried pregnant women being hastily removed across the parish boundary, but later took the mother's settlement.
- Property – owning or renting property with a rental value of at least £10 a year, a figure well out of the means of the ordinary labourer. Owning or renting such a property meant that the occupant was liable to pay the parish rates and therefore contribute to the upkeep of the poor.
- Parish Office – serving as a parish officer, e.g. churchwarden or overseer, for a period of one year. Such officers were normally elected from the ratepayers of the parish.
- Apprenticeship – serving a full seven-year apprenticeship with the same master (or his heirs). A broken apprenticeship, for whatever reason, did not confer settlement. Parish officers often sought to apprentice their poor children outside the parish, in an attempt to indemnify them against future claims.
- Service – being continuously employed by a settled employer for a period of one year. This meant a full 365 days. As the employers were also the ratepayers they usually sought to evade potentially increasing their taxes by hiring men at the annual Hiring Fair, and discharging them the day before the next one, thus making the employment short of the year by one day.
- Marriage - a woman took her husband's place of settlement. If she were widowed and remarried her settlement would change to that of the new husband, but any children from the first marriage would retain the settlement of their father. Thus, in theory, families that became chargeable could be split up.

From 1697 a person could relocate if he had a Certificate of Settlement from his own parish. This document was an agreement by his own village authorities to take him back should he need to be supported from the poor rate and protected him from removal unless he actually became chargeable. This protection did not extend to pregnant, unmarried women.

Appendix C. Table of Data Sets

Record Type and Data Sets	Number	Time Period
Census Returns for England and Wales	Numerous	1841-1911
Single Women with Children in ER Workhouses	43	1851
Illegitimate Children in ER Workhouses	76	1851
Churchwardens' Presentments for East Riding Atwick, Beverley St Martin, Brandesburton, Bubwith, Burnby, Burstwick and Skeckling cum Burstwick, Burton Agnes, Burton Fleming (inc. North Burton), Burythorpe, Butterwick, Catwick, Cottingham, Hedon, Huggate, Hull Holy Trinity and Hull St Mary, Hunmanby, Lund, North Cave, North Dalton, Ottringham, Patrington, Paul, Rillington, Rudston, Thorpe Bassett, West Heselton, Wharram Percy, Winestead, Wold Newton.	722	1679-1833
Correspondence with Poor law Unions Basford Union, Nottinghamshire Driffield Union Driffield Union Patrington Union Sculcoates Union Skirlaugh Union		1834-1837 1834-1842 1852-1862 1834-1842 1835-1842 1836-1842
East Riding Quarter Sessions Bastardy Orders Putative Fathers in Bastardy Orders Settlement Orders	844 128 72	1757-1872 1858 1784-1799
Parish Register Extracts of Illegitimate Baptisms over time and place, showing illeg. bpts and total bpts. (Date adjustments made for the later period from 1700 onwards.) Includes some BTs. ¹	bpts	
Sample of Ten Parishes (Early Period)		
Bubwith	66/3110	1600-1750
Burton Fleming	26/1170	1538-1750
Howden	335/12464	1543-1725
Huggate	7/846	1539-1750
Patrington	72/3035	1570-1750
Rillington	21/1115	1638-1750
Sculcoates	9/578	1538-1750
Thorpe Bassett	4/308	1604-1750
Winestead	2/83	1578-1750
Wold Newton	2/78	1722-1750
Sample of Twenty Parishes (Period From 1700- onwards shown first, followed by nos for whole series, if applicable)		
Atwick	41/663	1709-1812
Boynton	14/319	1794-1812
Brandesburton	156/1724	1700-1845
	180/3794	1558-1845

¹ Bishops transcripts.

Appendix C. Table of Data Sets

Bubwith	70/1377	1700-1812
	96/3329	1600-1812
Burstwick	15/210	1767-1783
Burton Fleming	111/1479	1700-1812
	130/2424	1538-1812
Cherry Burton	94/1671	1700-1885
	107/2516	1561-1885
Hedon	203/3750	1700-1885
	232/5966	1552-1885
Howden	25/1435	1703-1835
	343/12713	1542-1835
Huggate	27/733	1700-1812
	31/1327	1552-1812
Hunmanby	293/4949	1700-1886
	304/5654	1639-1886
Lund	42/642	1700-1837
	42/670	1697-1837
Patrington	18/559	1700-1731
	72/3035	1570-1731
Rillington	176/2089	1700-1839
	183/2936	1638-1839
Sculcoates	115/6827	1700-1815
	122/7137	1538-1815
Thorpe Bassett	28/515	1700-1837
	30/721	1604-1837
West Heselton	71/1335	1700-1837
	87/2634	1561-1837
Wharram Percy	32/589	1813-1889
Winestead	16/416	1700-1900
	41/1095	1578/1095
Wold Newton	25/410	1722-1837
Total Illegitimate bpts from Sample Parishes	2127	1538-1900
Total Extractions from all Sources	2331	1538-1900
Parish Register Extracts of Marriage (Five Parishes)		
Atwick	6/35	1744-1812
Brandesburton	17/137	1701-1845
Bubwith	6/62	1701-1767
Hedon	26/115	1700/1885
West Heselton	11/67	1726-1837
Parish Register Extracts of Illegitimate bpts (Seven Parishes)		
Brandesburton, Bubwith, Burton Fleming, Hedon, Hunmanby, West Heselton, Wharram Percy	1007	1700-1840
Parish Register Extracts of Marriage & Burial (Brandesburton)		
Seasonality of Marriage	299	1701-1800
Age at Burial of Illegitimate Children	29	1700-1837
Age at Burial of Legitimate Children	390	1700-1837
Parish Register Extracts of Illegitimate Burials		
Sculcoates	72/1182	1813-1824
Sculcoates Pauper Apprentices	192	1818-1844

Appendix D. Table of Population Increase.¹

Parish	1801	1891	Percentage Increase*
Atwick	368	298	-19
Boynton	66	128	94
Brandesburton	464	683	47
Bubwith	1172	1208	3
Burstwick	549	700	28
Burton Fleming	237	425	79
Cherry Burton	296	429	45
Hedon	592	979	65
Howden	3415	4261	25
Huggate	302	463	53
Hunmanby	757	1309	73
Lund	310	416	34
Patrington	894	1127	26
Rillington	380	760	100
Sculcoates	5448	54182	895
Thorpe Bassett	145	180	24
West Heslerton	129	226	75
Wharram Percy	255	436	71
Winestead	103	151	47
Wold Newton	106	292	175

*To the nearest full number.

¹ Data taken from G. S. Minchin, 'Table of Population, 1801-1891' in W. Page. (ed), *The Victoria County history of the Counties of England: A History of Yorkshire*, Vol.3 (London, 1903, Reprinted 1974), pp.487-499.

Appendix E. Occupations of Illegitimate Children Listed in Census Returns 1861-1911.

Occupations listed for males	Occupations listed for single females	Occupations listed for husbands of married females	Occupations listed for married/widowed females
Agricultural Labourer	Cook	Agricultural Labourer	Charwoman
Apprentice (Blacksmith)	Flax Dresser	Boot & Shoe Maker	Laundress
Apprentice (Fishing)	Housekeeper	Bricklayer	Mangle Woman
Blacksmith	Kitchen Maid	Chelsea Pensioner	Manageress (Toy Warehouse)
Boot & Shoe Maker	Nursemaid	Clerk (Commercial)	Recipient of Poor Relief
Cabinet Maker	Operative (Cotton Factory)	Clerk (Ship owner's)	Sergeant's/Soldier's Widow
Carter	Servant (Domestic)	Cordwainer	Shop Assistant
Chain Maker	Servant (General)	Farm Foreman	Toy Dealer
Coal Dealer	Servant (House)	Farmer	
Coal Porter		Flax Dresser	
Cotton Weaver		Gardener	
Errand Boy		Horseman (on farm)	
Farm Foreman		Lamplighter	
Farm Servant		Out of Work	
Fisherman		Porter (Railway)	
Fishing Stores Keeper		Railway Signalman	
Gardener		Warehouseman (Druggist's)	
Greengrocer			
Grocer			
Iron Miner			
Labourer (Dock)			
Labourer (General)			
Labourer (Iron Stone)			
Labourer (Miller's)			
Labourer (Oil Mill)			
Labourer (Railway)			
Labourer (Warehouse)			
Moulder (Oil Mills)			
Pauper			
Platelay			
Porter (Railway)			
Porter (Warehouse)			
Pressman (Oil Mills)			
Railway Signalman			
Rulleyman			
Seed Crusher			
Servant (Husbandry)			
Shepherd			
Shoe Maker			
Shoeing Smith			
Sweeper (Council)			
Tailor			
Tobacco/Sweet Shop			

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