Unmarried Mothers and The Poor Law in Lincolnshire, 1800-1850

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The treatment of unmarried mothers and their illegitimate offspring is an aspect of the Poor Law, both of the system preceding the Poor Law Amendment Act of 1834 and of the subsequent New Poor Law, that has been somewhat neglected by historians. According to the author of one of the few recent studies of 'chargeable bastardy', the neglect has arisen from its being 'often considered as detached from and irrelevant to the main body of the Poor Law'. To this view might be added the fact that illegitimate children and their mothers never accounted for more than a very small proportion of all recipients of poor relief. In 1843, when the subject attracted serious public attention, illegitimate children comprised only 20.7 per thousand paupers in England, and only two per thousand of the population were pauper illegitimate children. Even in the county of Lincoln, where the ratio of illegitimate children to the total of relief recipients was amongst the highest in the country, the category accounted for only 26.8 per thousand paupers in 1843, and a mere 1.9 per thousand of the county's population consisted of pauper illegitimate children. In individual Lincolnshire poor law unions, and particularly in some of the administrative county of Lindsey, the incidence of chargeable illegitimacy was substantially in excess of the county average. In Spilsby union in 1843 as many as 38.8 per thousand paupers and 3.3 per thousand of all inhabitants were pauper illegitimate children; and in neighbouring Horncastle union the ratios were 34.7 and 3.2 per thousand respectively. However, even allowing for one pauper unmarried mother per pauper illegitimate child, and many of the former had more than one illegitimate child or were not like their children in receipt of poor relief, chargeable illegitimacy cannot have accounted for more than ten per cent of the relief cases in any Lindsey poor law union.

Although chargeable illegitimacy has been considered to bear a somewhat tenuous relationship to the main body of the Poor Law, and did not account for more than a small proportion of all recipients of poor relief even in areas like the administrative county of Lindsey, it can nevertheless be argued that the subject is actually of central importance to the study of poor law development and to the broader study of nineteenth-century English social history. In particular, unmarried mothers and their children accounted for a very large proportion of those committed to institutional care under poor law provisions; in the houses of industry and parish poorhouses operated under the Old Poor Law and, more especially, in the union workhouses erected after 1834 to form the basis of the New Poor Law system. At the Lincoln house of industry that catered for the relief of the poor of a number of parishes in the locality, and elsewhere in the numerous parish poorhouses, most able-bodied inmates in the early 1830s were unmarried mothers, and many of the juvenile residents were illegitimate. Of the inmates of Louth union workhouse in 1839, it was said that 'the adults are principally composed of unfortunate females, the victims of vice, ...who present to the visitor a melancholy example of the laxity of morals in the lower class'. In the union workhouses of Lindsey as a whole, according to the assistant commissioner responsible for their supervision in the late 1830s, 'The number of Able-bodied Women is usually more considerable than that of able-bodied Males, for the purpose of avoiding as far as possible the part persons of bad character who, but for their own misconduct, would have been able to maintain themselves'. Nearly all the women so described were unmarried mothers. And in the children's wards of the union workhouses many inmates were illegitimate. Of 112 children in the Louth union workhouse on 18 March 1847, 35 (or 31 per cent.) were illegitimate. At the Caistor union workhouse on the same day, 40 of 100 juvenile inmates were illegitimate. Overall, therefore, it would be necessary to estimate the average proportion of workhouse inmates whose relief were attributable to illegitimacy at a third of the total.

Perhaps of more significance than the numbers of unmarried mothers and illegitimate children in receipt of indoor relief was the role played by chargeable illegitimacy in the moulding of public opinion on the subject of the poor law generally. This applies particularly to regions such as Lindsey during the first third of the nineteenth century, in which pauperism was neither a widespread nor a serious social problem in terms of the burden on the rates or the capacity of the ratespayers to pay. In these regions abuses of the Poor Law and allied legal provisions in respect of chargeable illegitimacy provided much of the impetus for poor law reform. In fact, in Lindsey, where relief in aid of wages and the roundsum system of allocating surplus labour according to assessment to the poor rate were almost unknown, and where the 'Last Labourers' Revolt' of the winter of 1830-1 was not so serious as to warrant a reformation of the organs of social control, the proponents of poor law reform rested their case heavily upon 'the depravity of morals observed in the lower classes', for which the existing provisions for chargeable illegitimacy were held largely responsible. As one Lincolnshire pamphleteer commented in 1818, in a specific reference to illegitimacy, 'The alarming state of morals among the lower orders, makes it highly probable that there is some radical era [in the making] in this whole branch of the law.' Ultimately, in the shape of the Poor Law Amendment Act of 1834 and the subsequent policy of the Poor Law Commission, this growing feeling of moral outrage was to bring about a complete reversal in the nature of poor law provisions and the legal code in respect of illegitimacy, which in Lindsey at least was to form an essential feature of the New Poor Law system. And in more general terms, it might be argued that the reversal of policy and practice in respect of illegitimacy both reflected and reinforced the emergence of the broader discriminatory attitudes and institutions towards women in Victorian society.

In this particular paper, it is proposed to examine and contrast the treatment of chargeable illegitimacy under the Old and New Poor Law systems in the administrative county of Lindsey, and to analyse the degree of success and some consequences of policy on this subject during the life of the Poor Law Commission: that is, from the Poor Law Amendment Act of 1834 to the supersession of the Commission by the Poor Law Board in 1848. At the outset, it might be stated that it is not intended to give the impression that the Act of 1834 brought about a sudden or complete change in policy on the subject of chargeable illegitimacy. In Lindsey some units of poor law administration were moving towards a policy similar to that of the Poor Law Commission by the late 1820s, and the Commission itself found it impossible to completely eradicate the practices and opinions that had comprised the Old Poor Law policy on the subject. Nevertheless, when allowance is made for these facts, the 1830s as a whole, as in so many other aspects of social policy and
administrative practice, does mark something of a watershed in the matter of the treatment of chargeable illegitimacy; and the year 1834 is as close an approximation to this turning point as can conceivably be located for convenience.

II

The basis of the treatment of chargeable illegitimacy under the Old Poor Law was the readiness of parishes to act to affix illegitimate children to their reputed or putative fathers. Such actions were prompted by the fact that ultimate responsibility for the support of the child rested with the parish in which it was born, and in which it was therefore legally settled. And as single women were usually removed to their parish of settlement as soon as they became pregnant, the parish of settlement of both mother and child were usually identical; and illegitimacy usually caused both mother and child to become chargeable to the poor rate. Moreover, the relative ease with which illegitimate children could be legally affixed to their putative fathers, the rather generous scale of payments to be made by putative fathers under affiliation orders, and the ease with which maintenance payments could be enforced, also tended to encourage parishes to undertake affiliation proceedings in order to indemnify the poor rates against expenditure for the support of illegitimate children.

Typically, at least in eighteenth and early nineteenth century Lindsey, immediately upon receipt of the news that a woman settled in a parish was pregnant, the overseers of the parish dispatched the constable to take the putative father named by the mother into custody and to bring him before justices in Petty Sessions. There the father was ordered to give sureties—usually two of equal amount by the putative father and a relative or friend respectively—to indemnify the parish for all expenditures in respect of the child-to-be; which included the cost of the mother’s ‘lying-in’ or confinement, that of obtaining an order of affiliation after the birth of the child, and that of the maintenance of the child during its years of ‘nurture’, which normally encompassed the first seven years of its life, or for so long as the child remained chargeable to the parish. In Lindsey the sureties required of putative fathers, and of relatives and friends who were willing to provide them, were quite substantial in amount. Until the 1760’s the minimum surety was £20, which was increased to £25 from that decade until the 1790’s, when it was further raised to £30 before falling to £25 during the deflation following the Napoleonic Wars. In comparative terms, the amount required for each surety was of the order of a year’s wages of an agricultural labourer in Lindsey. In addition, the putative father was required to enter into a recognizance to appear at Quarter or Petty Sessions after the birth of the child to answer an affiliation action which, if successful, also determined the payments to be made by the father of the child.

Where the putative father was unwilling or unable to provide sureties to indemnify the parish and declined to enter into a recognizance to appear at Petty or Quarter Sessions for the affiliation of the child, and was unable to abscond before the arrival of the parish constable, he could be imprisoned from the time of his arrest until Quarter or Petty Sessions following the birth of the child. In Lindsey, however, it was extremely rare for this to happen. In most cases, the mere threat of incarceration or its implementation for a very limited period was usually sufficient. In 1810, when a Belchford farm-servant ‘refused to give Security to indemnify the said Parish of Belchford’ in respect of an illegitimate child-to-be, and declined to enter into a recognizance to appear for affiliation proceedings after the birth of the child, the parish constable was directed to commit him to the house of correction at Louth. But the next day the farm-servant appeared before the justices with his employer, who agreed to act as surety in the amount of £100 required in this particular case. In other cases involving farm-servants and agricultural labourers sureties appear to have been readily available. In May 1815, for example, two farm-servants were each able to raise £50 as sureties in respect of the illegitimate pregnancy of a Belchford girl, who had named one of them as the putative father.6

To some extent, at least in the eighteenth century, difficulties in raising sureties were obviated by the high proportion of putative fathers who were in comfortable financial circumstances. Of 11 illegitimate births to women chargeable to the parish of Belchford between 1757 and 1800, nine involved ‘Gentlemen’, yeomen and farmers as putative fathers, and only two putative fathers were agricultural labourers. In the majority of these cases sureties were readily available to indemnify the parish. After 1800, however, at least in the parish of Belchford, there was a marked decline in the proportion of putative fathers who were in comfortable financial circumstances. Of 13 illegitimate births to women chargeable to Belchford between 1800 and 1834, only four involved ‘Gentlemen’, yeomen and farmers as putative fathers; and, apart from a miller and a baker, the rest were all farm-servants. In these latter instances, as in those occurring before 1800 that involved agricultural labourers, where no sureties were available, and there was little likelihood that the putative father would abscond, the parish took no action until affiliation proceedings, and these were often taken at Petty rather than Quarter Sessions. In February 1810, the first and only action taken against a Hemingsby farm-servant named as the putative father of an illegitimate child-to-be, that was likely to become chargeable to the parish of Belchford, consisted of affiliation proceedings at Petty Sessions. There, the child was affixed to the putative father, who was ordered to pay £3 13s. 6d. to the overseers to cover the cost of the affiliation order and the confinement of the mother, and 2s. 6d. per week for the support of the child.7 In fact, where no sureties were likely to be available and the overseers were reasonably satisfied that the putative father would not abscond, it was in the interest of the parish to avoid committing him to prison. For once the putative father was incarcerated, he was denied the capacity to earn money in order to reimburse the parish for its expenditure, he would have difficulty in obtaining employment to support the child after his release—if he did not abscond in response to such treatment—and his willingness to undergo imprisonment rather than find sureties to enter into a recognizance was likely to prove a substantial defence against an action to affiliate the child to him.

Once a putative father had been named, and had provided sureties and entered into a recognizance, it was extremely unlikely that he would be able to avoid the affiliation of the child. In all affiliation actions the justices were almost entirely dependent upon the testimony of the female party, for which no corroborative evidence was required or likely to be available. It has recently been suggested that the justices probably looked for a family likeness between father and child as evidence of paternity; and this, and the chance of a miscarriage or stillbirth, may explain why affiliation proceedings were delayed until after the birth of the child. However, where illegitimate children were affiliated to their putative fathers within a few weeks and even days of birth, as was usually the case, such a likeness would have been difficult to establish in the great majority of cases. Moreover, the fact of the putative father having provided sureties and entered into a recognizance, together probably provided sufficient circumstantial evidence to satisfy most justices of actual paternity. And as in the absence of an affiliation order responsibility for the support of the child would fall upon the rates and the ratepayers, to which justices contributed and belonged to as a group, it was generally in their interests to affiliate the child in accordance with the mother’s testimony.
On the basis of the female testimony, and with the support of her parish, justices before 1834 ordered putative fathers to pay what were considered by reformers to be "lavish and indiscriminate allowances" for the support of illegitimate children. In Lindsey the usual allowance paid by the putative father of an illegitimate child was 2s. per week, or between a fifth and a sixth of the current wage received by an adult male agricultural labourer, who often had a large family to support. Occasionally, the allowance was as high as 3s. per week, and it never fell below 1s. 6d.; or amounts that were not surpassed by unemployment insurance payments for children in the 1930s, when the average wage of an agricultural labourer was more than double that of the early nineteenth century. Usually, the mother was ordered to contribute a weekly sum towards the support of her child of the order of a quarter of the amount assessed upon the putative father; which perhaps indicates what was then considered to be the contribution of each party to the indiscretion. But where the mother was dependent upon poor relief from the parish, which was generally the case with chargeable illegitimacy, her assessment was a mere token that was rarely collected.

In respect of the terms agreed upon for the support of an illegitimate child under an order of affiliation, the authority of the parish was readily available to enforce payment by the putative father. In Lindsey fathers of illegitimate children were often subjected to incarceration in the "House of Correction" if they failed to pay monies owing. In May 1833, the father of an illegitimate child chargeable to the parish of Legbourne was ordered by the vestry, 'to pay up to the Overseer on Saturday or be put to Trumble' (sic). Parish overseers and vestries, in general, acted under the Old Poor Law as intermedlaries for the collection and enforcement of payments by fathers for the support of illegitimate children on behalf of unmarried mothers. In part this was advantageous to fathers, in that parishes were often willing to extend credit when the former were unable to meet their obligations, although this was strictly controlled. In one Lincoln parish where the practice existed, it was decided in 1827, 'that no Credit for longer than three Months be given to any person paying for [a] Bastard Child'. But the role of the parish in the collection and enforcement of payments under affiliation orders, and in the payment of monies to the mother on a regular basis, was of vital importance to unmarried mothers who depended upon such payments for survival.

Where accommodation for an unmarried mother and her child was not available in the parental home, for reasons of lack of space or understanding, the mother's parish was responsible for the provision of lodgings, as it was for all other categories of paupers. In Lindsey unmarried mothers were lodged rent-free in the numerous tenements that belonged to parishes before the advent of the New Poor Law in the late 1830s, when their disposal was encouraged by the Poor Law Commission. Some unmarried mothers were assisted financially to pay the rent of accommodation hired from private landlords and, where they existed, such paupers were lodged in parish poorhouses and in houses of industry operated by Gilbert Incorporations, (or legally constituted associations of parishes for the relief of the poor operated by elected directors, of which two existed in Lindsey centred upon Lincoln and Caistor respectively). In 1798 a 19 year old youth, deposed during a settlement examination that he was 'born at Burwell...a Bastard as he hath been informed and believed, that he was removed with his mother from Burwell to Belchford...and hath ever since resided in the poor House there'. In September 1833 an unmarried mother belonging to Legbourne parish was provided with lodgings in the parish 'Poor House', and given 2s. 6d. 'to start with and Pay with Child 2/6 per week. However, generally speaking, parish poorhouses have to be viewed more as a refuge for unmarried mothers than as a punishment for any 'crime' of chargeable illegitimacy. Conditions within poorhouses cannot be equated in any way with those pertaining in the union workhouses of the New Poor Law, as the nomenclature of 'poorhouse' and 'workhouse' suggests. In the former the classification of inmates, or strict separation and isolation of categories of paupers on the basis of sex and age, was rarely attempted or even possible, and ingress and egress were hardly ever restricted.

One outstanding exception to the rule in the institutional treatment of unmarried mothers and other categories of paupers in Lindsey under the Old Poor Law was provided by the house of industry of the Gilbert Incorporation centred on Lincoln, in which paupers belonging to about twenty parishes in that city and surrounding countryside were accommodated. In fact, in many respects, and especially towards the end of its existence in the late 1820s and 1830s the house of industry at Lincoln was a fore-runner of the union workhouses of the New Poor Law. In the opinion of Major Wyld, the investigator who reported upon the administration of the poor law in Lincolnshire for the Royal Commission of 1832, the precursor of the Poor Law Amendment Act of 1834, the Gilbert Incorporation at Lincoln was the only administrative unit for the relief of the poor in the county that did not merit commendation. The inadequacy of the administration of the existing Poor Laws, if diligently and discreetly construed, as at Lincoln, ... [were] sufficient to protect the kingdom against that pauperism with which several parishes, districts, and even counties, have been overwhelmed. In particular, the Lincoln Incorporation was to be commended for 'generally compelling mothers of illegitimate children to receive relief in the house of industry, where they were isolated from their children and 'not allowed to leave the house at any time without permission from the directors'. Within the house of industry, it was said that, 'The idle and disorderly, if able-bodied, are restricted in their diet, and are employed in labourious work'. And for repeated or serious offences against the 'discipline' of the house the culprits were 'sentenced to periods of solitary confinement of up to a fortnight, except when they were put into the Stocks six days for one hour each day at Dinner Hour'.

Most of the rather harsh regulations implemented at the Lincoln house of industry were not introduced until the late 1820s and early 1830s, as the system of managing the poor belonging to the member parishes of the Incorporation increasingly began to approximate to that of the union workhouse which occupied the same premises from 1837. Before the late 1820s conditions in the house of industry had differed little to those commonly existing in a parish poorhouse, and the directors of the Incorporation were quick to counter charges of inhume treatment of pauper inmates. In 1809 a director of the Incorporation was requested by his colleagues, 'to make good his assertion that none of the working poor are ever allowed a Drink of Beer in the Day'. The 'working poor' residing in the house were allowed to seek work with private employers in the city of Lincoln and to retain a large proportion of their earnings. The ingress and egress of the residents was largely unrestricted, and on Sundays those of 'different persuasions' (sic) to the Anglican inmates were permitted to attend 'their different places of Worship'. Generally speaking, until the late 1820s the Lincoln house of industry was more a refuge for the impotent poor, unmarried mothers and other able-bodied persons experiencing misfortune, than a workhouse providing a test of destitution by means of its rules and regulations. In fact, men and women who were deemed to be capable of maintaining themselves were discharged from the house or refused admittance.
In the late 1820's and early 1830's the minutes of the board of directors of the Lincoln Incorporation bear witness to an increasing harshness in the treatment of paupers residing in the workhouse. As early as September 1825 the appearance of the institution began to resemble that of a union workhouse, when the directors ordered, 'That the Harbour (sic) in the Garden adjoining the House be entirely stubbed up and the Ground planted with Articles beneficial to the institution'. From January 1827 the freedom of the inmates to virtually come and go at will was restricted, in that 'no Poor Person [was] permitted to leave the House of a Sunday after Dinner'; and subsequently the isolation of the inmates from the outside world was further intensified, support of the house segregation of the different categories of paupers was increased. In March 1827 a uniform 'Dress of the Institution' was introduced, and the porter of the house was provided with a military style of uniform which included a 'Coat of blue with a Red Collar'. Later in 1827 a pauper burial plot was established within the grounds of the institution. In September 1828 a by-law providing for holidays for the inmates was rescinded, and in December 'the Gratifications for work done in and out of the House for Hire by Adult Paupers [were] reduced to one penny a day and that... only during good behaviour'. From August 1829 the attendance of the children of the house at the local National School was cancelled, and a school was established within the house of industry. And most germane to the subject of this paper, by 1834, amongst the member parishes of the Incorporation, it was said that, 'much expense is not incurred in seeking putative fathers; since experience proved, that abiding by the first loss in such cases is the smallest loss in the end to the parish'. In other words, by placing the onus for the support of illegitimate children upon the parents, who were only relieved within the house of industry, it was considered that the incidence of chargeable illegitimacy could be controlled.

While the treatment of unmarried mothers by the Lincoln Incorporation was particularly harsh by the early 1830's, and resembled in many ways that accorded to such paupers by the subsequent New Poor Law, it has to be borne in mind that in this and other respects the Incorporation was the exception to the Lindsey rule. Only a small fraction of all the Lindsey parishes were members of this Incorporation, or that at Caistor, and only a minute proportion of unmarried mothers belonged to incorporated parishes. The treatment of the great majority of unmarried mothers by the authorities of Lindsey was mild, both intrinsically and in comparison to that accorded to them by the Lincoln Incorporation in what were only its later years. Moreover, the treatment of paupers by the latter institution was a subject of considerable criticism locally, and at various times moves to disband the Incorporation came very close to success.

Generally speaking, it would appear that at least until the 1820's very little of what might be termed 'shame' was either attached or felt by the mothers of illegitimate children and by the 'lower orders' as a whole. It was not at that time at all uncommon for an unmarried mother to marry subsequently to the birth of her child. The ease with which a child could be affiliated to its putative father, and the costs that such action laid upon the latter, may have made marriage to the mother a preferable alternative and a means of internalizing an external cost. But at the same time, in many cases unmarried mothers married men who were not the fathers of their children. As the burden of the support of an illegitimate child continued to fall upon the putative father after the mother's marriage, no economic obstacle stood in the way of such marriages. And they were likely to be encouraged by the authorities of the mother's parishes as a means of divesting themselves of responsibility for the support of unmarried mothers. Moreover, the notion of 'respectability', which was so firmly implanted in Victorian society as to create a sense of 'shame' for the 'crime' of illegitimacy, had not in the early nineteenth century permeated the 'lower orders'.

In Lindsey the harshest measures available to be taken against unmarried mothers formed part of the legal code rather than the Poor Law. Under the Vagrant Act of 1824, (5 Geo. IV, c.83) where an unmarried mother concealed the birth of her child or abandoned it, it was possible for her to be sentenced to a month's imprisonment as what the Act rather loosely defined to be 'an Idle and Disorderly Person', or to three months as a 'Robber and a Vagabond' for repeated offences. However, in a situation in which little shame felt at bearing illegitimate children, and in which the legal code and the Poor Law rather generously provided for unmarried mothers, there was little call for this Act to be applied in respect of illegitimacy. In fact, it was largely after 1834 and following the implementation of the New Poor Law provisions for chargeable illegitimacy, that the threat or actual application of the Vagrant Act to unmarried mothers was considered necessary in Lindsey. And in 1843 when, following a decision by the Queen's Bench in the case of Regina v. Maude, the possibility of prosecuting absconding unmarried mothers under the Vagrant Act was removed, there was some concern amongst poor law authorities in Lindsey that if this decision became 'generally known' the provision for the harsh treatment of unmarried mothers under the New Poor Law would become 'a dead letter'.

More important in respect of unmarried mothers than the Vagrant Act of 1824 was an Act of 1810, (50 Geo. III, c.51) which enabled justices to commit 'a lewd woman' having an illegitimate child to prison for up to 12 months. This Act replaced an even more draconian measure dating from the early seventeenth century which, on account of its severity, was very rarely applied by the eighteenth century. Similarly, however, the Act of 1810 was deemed too severe for general application, and its use was usually restricted to the small numbers of single women having more than one illegitimate child. In 1828 a woman was charged under this Act after the directors of the Lincoln Incorporation recommended 'to the Notice of the Magistrates Ann Gibbs in order that she may be punished as a Lewd Woman for having had three Bastard Children all actually chargeable to the Parish of St Swithin'. Even by that body, nonetheless, charges were extremely rarely laid against mothers who had more than one illegitimate child. And elsewhere in the county instances were even rarer.

III

To poor law reformers, and increasingly to middle and upper-class opinion generally, in the early decades of the nineteenth century, the existing poor law and legal provisions for illegitimacy were evidently falling to control its incidence. Whether or not the actual rate of illegitimate births was increasing, in the absence of reliable statistical data contemporaries were more and more willing to accept that such was the case, and that illegitimacy was the most obvious example of 'the depravity of morals' that the upper classes were so ready to believe existed amongst the 'lower orders'. From this viewpoint it was but a short step to acceptance of the proposition made by poor law reformers, that the existing provisions for illegitimacy, largely by guaranteeing means of support to unmarried mothers, were the actual cause of conceived moral depravity.

By placing the onus for the support of illegitimate children on 'lavish terms' upon putative fathers, and by parochial authorities seeking to indemnify themselves against expenditure arising from illegitimacy by assisting the mother in obtaining legal redress against the father, and by their willingness to grant poor relief on favourable terms to unmarried
mothers, it was believed that a great deal of restraint upon females participating in ‘criminal intercourse’ was effectively undermined. At the same time, it was increasingly evident that draconian measures providing for the punishment of unmarried mothers under the legal code, such as the Act of 1810 and the Vagrant Act of 1824, were ineffective in controlling the incidence of illegitimacy. In part, this arose from the harshness of the measures at a time when public opinion was increasingly questioning the value of punishment as a deterrent to crime, and beginning to accept that more emphasis ought to be placed upon detection as a deterrent and upon the removal of the social causes of crime. In part also, it was difficult for justices to reconcile these aspects of the criminal code which punished the harsh punishment of unmarried mothers, with the poor law provisions that provided generous support in cases of illegitimacy.

Apart from the assumed tendency of poor law and judicial practices to encourage illegitimate intercourse on the part of females, poor law reformers, influenced as they were by the writings of Malthus, believed that the existing poor law provisions for illegitimacy formed a stimulus to ‘improvident marriages’ amongst the ‘lower orders’. By implementing strict financial sanctions against putative fathers, pregnancy, either real or faked, was believed to be used by women as a means of ‘blackmailing’ men into marriage. Alternatively, to escape the consequences of their actions males were stimulated to persuade their pregnant girlfriends to procure abortions, a practice which led to the harsh punishment of unmarried women that was unacceptable to contemporary public opinion. In one Lindsey case a farm-servant was charged with administering to a pregnant girl in order to procure a miscarriage two ounces of a drug called ‘savin’, which was widely used on farms as ‘an almost infaillible cure for worms’ in horses. Apparently, the farm-servant gave the girl the drug after stating that, ‘It would do her good, and that he would marry her at May-day if she would take it’. The girl, however, was not ‘in the family way’ and had merely claimed to be pregnant in order to elicit a proposal of marriage.21

Another common objection to the law relating to illegitimacy before 1834 was that it was often abused by unmarried mothers to swear their children to putative fathers on grounds other than paternity. The unmarried mother was motivated to affiliate her child to a man in comfortable circumstances, of whom the magistrates were likely to accept paternity, because such a man was able to pay a generous scale of maintenance for the child on which he was unlikely to default by absconding. This course of action might also be encouraged by parish officers in order to exempt the rates from the relief of mother and child. Moreover, the unmarried mother was encouraged to swear her child to a well-to-do man for the status that such a connection conferred upon her, or to settle a grudge that may or may not have borne witness to the existence of class conflict. A possible example of the latter occurred at the parish of West Bawforth in 1829, when an unmarried mother deposed before the justices that the son of ‘an influential farmer’ residing in the parish was the father of her forthcoming illegitimate child. On this occasion, however, the testimony of the woman was ‘considerably weakened... by the threats she held out, at various periods, against... the farmer, to whom she owed spite’. Along with the woman being a ‘most abandoned character’ awaiting her fourth illegitimate child, the ‘spite’ against the farmer was just sufficient to convince the majority of the bench not to grant an order of affiliation.22 Alternatively, where the actual father of the child was in comfortable circumstances, and especially where he was a married man, it was comparatively easy for him to bribe the mother to swear her illegitimate child to an appropriate putative father. After the death of one illegitimate child in Wainfleet parish poorhouse, it transpired from the ‘unfortunate girl’s own admission, that she had been induced to swear the child (by a promise from a married man of receiving 10 gs.) to a youth who was not the father’.23

Once an illegitimate child had been successfully affiliated to a putative father under the law operating before 1834, the man in question’s reputation became such that it was possible for him to become the innocent victim of subsequent affiliation orders for illegitimate children born in his locality. Although it is possible that in each case he was the actual father, one Belchford farmer was burdened with the support of three successive chargeable illegitimate children born in the same parish in 1781, 1789 and 1793 respectively.24 For her part, once a female had acquired the status of unmarried mother, perhaps as the victim of seduction or following a single lapse from virtue, she thereafter acquired the attractive reputation of being a ‘l Lewd woman’ in the eyes of the local male population, which may have been the origin of subsequent illegitimate children. Moreover, subsequent lapses on the part of unmarried mothers were encouraged by a succession of successfully affiliated illegitimate children offering the prospect of support for the mother independently of poor relief. Together, these stimuli may account, at least in part, for the frequency with which unmarried mothers had more than one illegitimate child under the Old Poor Law, which survived into the early years of the New Poor Law system. A Lindsey record in this respect may have been set by the Aby woman who, by the late 1830’s, was ‘in the family way of her sixth bastard child’.25 But instances of up to four illegitimate children were not uncommon, a fact income equivalent to that of an able-bodied and married agricultural labourer, were commonplace before the 1830’s.

The procedure of affiliating illegitimate children to their putative fathers at petty sessions was objected to by reformers, partly because the ease of access and cheapness of actions encouraged litigation, and illegitimacy on the part of females. In addition, the frequency with which such actions were heard at venues that were easily accessible to the inhabitants of the locality in which the case originated was a cause of some concern. In 1846 the mayor and chairman of the local bench at Lincoln went so far as to insist upon hearing affiliation actions in camera. As young fellows assemble to hear such cases and get their minds stored with the filthy the magistrates are compelled to hear in evidence, and to learn how they may avoid legal liabilities under such circumstances. Fundamentally, however, existing provisions for chargeable illegitimacy were viewed as being in error by making the male party almost entirely responsible for the offence, and providing for very little in the way of legal, moral or financial condemnation of the unmarried mother. As a Lincolnshire pamphleteer commented in 1830 ‘our system exonerates women from almost every burden consequent to their indiscretion, and by making the check wholly operate on men, throws the keeping of public morals upon the wrong party’.26

IV

The keynote of changes in respect of chargeable illegitimacy instituted by the framers of the Poor Law Amendment Act of 1834 (4 & 5 Will, IV, c. 76), and of the Poor Law Commissioners who implemented that Act as the basis of the New Poor Law, was the transfer of the onus for the support of illegitimate children from their fathers, and from the parishes in which the children were legally affiliated, to their unmarried mothers. Only in this way was it considered possible to preclude ‘abuses’ occurring under previous provisions for the affiliation and support of illegitimate children, and to combat the incidence of illegitimacy in both its chargeable and ordinary forms. Originally, in 1834, it was intended to bring this situation about in a single step by abolishing the legal fatherhood of unmarried men and leaving chargeable illegitimate children unaffiliated. But during the passage of the Bill through Parliament this drastic step was replaced by a compromise, which in
essence retained the right of the unmarried mother to affiliate her child and claim payment for its support from the father, and the right of the parish to indemnify itself for the relief of illegitimate children. But at the same time 'obstacles' were instituted to the exercise of such rights. And the complete transfer of the onus for the support of illegitimate children to their unmarried mothers was achieved gradually during the life of the Poor Law Commissioners, from 1834 until its supersession by the Poor Law Board in 1847, by a combination of additional legislation and administrative policy.

On the surface at least, the provisions of the Poor Law Amendment Act for chargeable illegitimacy did not represent a radical departure from the earlier law on the subject. As had been the case previously, if there were reasonable grounds for believing that the putative father might abscond before the hearing of the affiliation action, he could be required to enter into a recognizance to appear before the court on the appointed day; although surcharges to indemnify the parish charged with responsibility for the child were no longer required. Proceedings for arrears of maintenance payments were also permissible by distress on the affiliated father's goods or attachment of his wages. And in one respect, that of providing for the settlement of an illegitimate child to follow that of its mother rather than be derived from its place of birth, the new law was more advantageous to pregnant unmarried women than its predecessor. Before 1834 it was not unknown for a woman expecting an illegitimate child to be moved from parish to parish in the last stages of her pregnancy as overseers attempted to avoid the child gaining a settlement by birth. However, certain provisions of the Act of 1834 permitted an almost entire reversal in the treatment of chargeable illegitimacy that the Poor Law Commission was gradually able to persuade local poor law authorities to implement.

To the legislators the major 'obstacle' placed in the path of unmarried mothers seeking to obtain means for the support of their illegitimate children from the putative fathers, which was incorporated into the Poor Law Amendment Act rather than abolish entirely the father's responsibility for the support of his child, consisted of the transfer of all jurisdiction over affiliation from Petty Sessions to the more expensive and less frequently held Quarter Sessions. However, this proved to be a very shortlived measure because it aroused considerable opposition even from those who supported and administered the New Poor Law at the local level; and in 1839 jurisdiction was returned to the lower instance. Guardians of the poor and others objected strongly and repeatedly to what they termed, the 'indecent manner of affiliating illegitimate children in open court at quarter sessions'. And ostensibly, the return of jurisdiction to Petty Sessions was justified on the ground that there, the 'character of the parties can be better investigated'. But in practice, it would seem that the greatest objection to affiliation proceedings being reserved to Quarter Sessions was on the ground of their cost and the difficulties placed in the way of parishes indemnifying themselves against outlays for the relief of illegitimate children.

From 1834 to about the middle of 1837, after some initial apprehension, Lindsey parishes did avail themselves of the facilities provided by Quarter Sessions to affiliate illegitimate children to their fathers. At the Michaelmas Sessions of 1834 only two affiliation orders were made at the Epiphany Sessions of 1835. But at the remaining Sessions of 1835 a total of 44 orders were granted, and in 1836 the total increased to 71, with a further 26 being granted at the Epiphany and Easter Sessions of 1837. Initially, the boards of guardians, which acquired the same powers as parish officers in illegitimacy proceedings after they were instituted in Lindsey during the first half of 1837, demonstrated a similar willingness to prosecute affiliation actions at Quarter Sessions. In June 1837, two months after its inauguration, the Louth board of guardians resolved to apply for affiliation orders for some children that had become chargeable to the parish of North Somercotes. But by the latter part of 1837 the Louth and other Lindsey boards of guardians, as well as parish officers, had become largely inactive in the affiliation of illegitimate children. At the Midsummer and Michaelmas Sessions of 1837 orders were granted to affiliate only seven illegitimate children, and at the Epiphany and Easter Sessions of 1838 a total of only five orders were granted. An increase in the number of affiliation actions was expected from 1839, when jurisdiction was returned to Petty Sessions. In 1840 the assistant commissioner responsible for the Lindsey poor law unions was of the opinion that, 'The recent change enabling petty sessions to affiliate is... working much mischief'. But the 'mischief' in question consisted, as the assistant commissioner put it, of 'holding out false hopes for females'. In fact, by the later 1830's as a result of the Poor Law Amendment Act and the policy of the Poor Law Commission, affiliation was of little assistance to unmarried mothers. In particular, the specification of the Act that a parish could only take action to enforce the payment of maintenance by the father to support his illegitimate child after the child had become chargeable to the rates, combined with the insistence of the Poor Law Commission that the child could only be relieved by being taken along with its mother into the union workhouse, gave fathers of illegitimate children a substantial degree of immunity from the financial provisions of affiliation orders.

Immediately after their inauguration, Lindsey board of guardians was active in taking steps to enforce the payment by fathers of illegitimate children who failed to fulfill their obligations under affiliation orders. In August 1837, after a relieving officer of the union had reported that an illegitimate child had become chargeable to the parish of Great Steeping, the Spilsby board of guardians ordered the overseers of the parish 'to search for and put into execution the order of affiliation, if any'. Within a few months, however, the Spilsby and other boards of guardians had almost entirely ceased to take action against fathers of chargeable illegitimate children who defaulted on payments to be made under affiliation orders, except where the maximum degree of success was likely for the minimum of expenditure. In January 1846, the Spilsby board of guardians decided to order its clerk to write to the schoolmaster at Stamford union workhouse, 'to request him to pay towards the support of the Bastard Child of...'; if he is the reputed father and upon the request of that an application be made to the Stamford Union on the subject'. But in the great majority of cases boards of guardians and parish officers quickly realised that any form of proceedings against fathers of illegitimate children for the recovery of monies owing under affiliation orders was unlikely to be successful.

The failure of poor law authorities to take proceedings to enforce affiliation orders stemmed largely from the ease with
which putative fathers could abscond from the locality, after receiving the 14 days' notice of proceedings so conveniently provided by the Poor Law Amendment Act. Even the Act of 1839, which returned jurisdiction to Petty Sessions and reduced the period of notice to seven days, failed to make any significant inroad against the widespread practice of absconding. As the Gainsborough board of guardians observed in 1841, "the present mode of recovering money from fathers is defective as they leave their service as soon as proceedings are adopted."

In addition to the opportunities to abscond provided for fathers of illegitimate children by legislation, New Poor Law policy also enabled financial responsibilities under affiliation orders to be avoided. In other words, by insisting that relief afforded to illegitimate children consist of taking both the child and its unmarried mother into the union workhouse, the latter was motivated at all possible cost to avoid implementing the affiliation order. In 1839 at Lincoln, for example, after an illegitimate child had been "regularly affiliated" by the justices, "the unnatural father, aware that the Overseers could not compel payment for its maintenance unless it became chargeable to the parish, had set the order at defiance." Meanwhile, the mother like many others in a similar situation attempted to support herself as best she could, aware that any attempt to proceed against the father of her child would merely cause him to abscond, and any application for poor relief which would enable her parish to act on her behalf, would be answered with an order to enter the union workhouse.

To all potential paupers, and to their inmates with the exception of those who became "institutionalized" after lengthy periods of residence, union workhouses were, as they were intended to be, abodes of last resort. In the early years of the New Poor Law much of the opposition to union workhouses stemmed from the belief that the inmates were starved or placed upon a minimal dietary. In fact, however, the fare provided was adequate in terms of quantity, with amounts in excess of the dietary scales authorized by the Poor Law Commission being provided in most Lindsey workhouses, and it was even ample in comparison to that available to the generality of members of the agricultural working-class. The food in workhouses was undoubtedly monotonous and often poorly prepared, but complaints as to the quality and quantity were extremely rare. Unlike the food sold in shops and at the city markets, the majority of that consumed in workhouses was strictly controlled by the guardians, whose purchasing policy reflected their own ability in matters of domestic economy to insist upon quality. As the clerk to the Gainsborough board observed, "If any complaint can be made against the provisions of the House it is that they are if possible too good, for the Board always consider it bad economy to purchase those of inferior quality." Moreover, the contract to supply provisions to the union workhouse was usually too valuable for local tradesmen to neglect complying with the standards insisted upon by the guardians. And the misapprehension of public opinion regarding the workhouse test, that it involved the starvation of the inmates, was usually of sufficient influence to ensure that workhouse inmates were always adequately fed.

In respect of clothing and for that matter shelter, as well as diet, it is evident that union workhouses did not operate as tests of destitution, because they were superior in all these respects to the general standards of the agricultural working-class. But in the absence of such tests of destitution others were particularly emphasized under the New Poor Law in order to ensure that workhouses were abodes of last resort for the destitute. As one of the poor law commissioners observed, in the workhouse

the irksomeness of the labour, discipline, and confinement, and the privation of certain enjoyments which the independent labourer possesses, produce such disinclination to enter the workhouse, that experience warrants the fullest assurance that nothing short of destitution and of absolute necessity... will induce the able-bodied labourers to seek refuge therein; and, that if driven thither by their necessities, they will quit it again as speedily as possible, and strive... to obtain their subsistence by their own efforts.

'It is', the commissioner considered, doubtless important that the workhouse dietary should not be of better quality, not exceed in amount the ordinary subsistence of individuals supporting themselves by their own exertions; but, although important as a matter of principle, our experience in England proves that it is not absolutely essential in practice.

'In fact', he added, 'the dietary forms only a small portion of workhouse discipline, of which classification of the inmates, the confinements, and the order and regularity of the whole establishment, constitute the chief elements.' As an aspect of workhouse discipline in practice the dietary regulations consisted entirely of the removal of 'comforts', such as tea, sugar, beer and tobacco.

In respect of unmarried mothers the non-material aspects of the workhouse test of destitution were more rigorously applied and more deeply felt than was perhaps the case with those belonging to any other category of inmates. Until about the mid-1840's, when the Poor Law Commission succeeded in eradicating the practice, unmarried mothers in some Lindsey union workhouses were forced to wear a derogatory form of dress, usually consisting of "a Cap without a Border", as a 'badge of bastardy'. At Spilsby and Hornsea workhouses this form of dress was only insisted upon for unmarried mothers 'having or having had two or more Bastard Children', or being pregnant of a second Bastard Child'. At Caistor and Sleaford in Kesteven workhouses, the dress rule was applied to all unmarried mothers who were resident and at the latter workhouse the mothers were said to have been 'so ashamed' of having to wear 'caps without borders and frills' "as to cause several of them to quit the house." During their stay in union workhouse pregnant single women and unmarried mothers were subjected to more stringent regulations regarding visitors than were the other categories of inmates. At a meeting of the Louth board in October 1839 it was decided that, 'the visits of persons wishing to see the Women having Bastard Children in the Union Workhouse have become much too frequent and are likely to become injurious to that class of Paupers by destroying the test which the Union Workhouse is intended to have of them'. Therefore for the purpose of remedying this evil, the board resolved that none but the parents of any woman pregnant or having Bastard Children shall be permitted to visit her at the Union Workhouse. That (except in extreme illness) such visits shall not exceed a Quarter of an hour or be more frequent than once a month, or at such hour as the Master may appoint, and that no such relative shall be permitted to enter the Workhouse until he or she have been strictly examined...

Similarly, the access of unmarried mothers to their infants was severely restricted in some union workhouses. At the Louth union workhouse in October 1839, after the board of guardians was informed that unmarried mothers residing in the house were 'in the habit of wasting much time under the pretence of suckling their infants', the former unrestricted access of such mothers to their infants was severely curtailed. In fact, the board, 'Ordered for the future that the Matron
do not permit any woman having a Bastard Child to suckle the same more than three times Each day. In all workhouses, after the children were weaned, which usually occurred before they were one year of age, the mothers’ access to their children was further restricted until contact ended when the child was able to look after itself entirely.37

Contemporary public opinion was most opposed to classification in union workhouses where it involved aged married couples, and very little sympathy was ever expressed for mothers who were separated from their children, and especially for unmarried mothers separated from their illegitimate children. Yet the removal of a mother from the child alienated the expression of a ‘natural’ attachment, and undermined the notion of the family as the pillar of society and civilization just as much as did illegitimacy itself. Moreover, for the mother of an illegitimate child, who was considered as a social outcast to the hostile environment of the workhouse, separation from that child must have involved in most cases a greater feeling of deprivation than with other pauper relationships. At least it is known that in some cases the separation of an unmarried mother from her child in the workhouse made the local house of correction a preferable form of accommodation. In November 1841 an unmarried mother in Louth workhouse was

forcibly separated from her infant, and in her anger in consequence had offended to such a degree that the Board was determined to humble her by ordering her to wear for 48 hours a cap without a border! This order she obstinately refused to comply with “for either the board or the master” the master subsequently took some gruel (being in custody), and pressing her again to submit to the decision of the board, her patience was exhausted, and she threw the whole of the porridge in the master’s face, spoiling his clothes, and declaring she would prefer a prison to so inhuman a domicile as the “Union”.

When she was taken before the local justices to answer a charge of assault upon the workhouse master, where ‘the indiscretion of her conduct was pointed out by the magistrates’;

she replied that she would repeat it under similar circumstances, “for what right had they to separate her from her child. The usages of a prison were less unnatural, and she would not be compelled to violate the best feelings of a mother by renouncing her offspring”.

The justices acceded to her preference and sentenced her to two months in the Louth house of correction.38

The purpose of classifying workhouse inmates into sex and age categories, apart from its acquired function as part of the workhouse test of destitution, was to isolate those whose poverty stemmed from a lack of virtue, whether of chastity or willingness to work, from the impotent poor whose poverty was essentially attributable to no inadequacy on their part. In particular, the basic separation of children from adult paupers was viewed as being essential in order to prevent the handing down of sexual or social ‘vices’ from generation to generation, and in line with the contemporary belief that formal education should commence as early as possible in the life of the child, separation at infancy was implemented. The theme of separating the children of the poor from their parents at an early age, in order to instil in them the habits of ‘industry, sobriety, and chastity’, prevades the literature of the Old Poor Law era. But it was only with the advent of the New Poor Law that a systematic attempt was made to put these ideas into practice. And from the beginning this attempt received the enthusiastic support of Lindsey boards of guardians. While awaiting the completion of the new union workhouse with facilities for rigid classification, one of the first steps taken by the Louth Board of guardians was to hire two parish poorhouses in order to implement the fundamental separation of pauper adults from children. The old Louth poorhouse was retained for adult paupers and the parish poorhouse of nearby Legbourne was hired as a ‘workhouse for Children’.39

The role of boards of guardians in respect of pauper children residing in union workhouses were comprehensively stated by a committee of the Brigg board in 1839. Starting from the premise that the children’s ‘state of destitution has not arisen from any fault of their own’ and that they are incapable of taking care of themselves, and have no natural protectors able or willing to discharge the duties incumbent upon them as such”, it was considered that the board of guardians stood ‘in the place of the natural protectors of these children’. This position of the boards as ‘guardians’ in this sense of children who were workhouse inmates was an integral part of the New Poor Law system. Long before it became mandatory for all children to be vaccinated against small pox, it was possible for boards of guardians to have children residing in workhouses vaccinated against the wishes of their parents. Moreover, the discipline and education of children in workhouses was entirely the prerogative of boards of guardians, which was exercised through their agents the workhouse masters and matrons, schoolmasters and schoolmistresses, and not least the workhouse chaplains. And in educating workhouse children, according to the committee of the Brigg board, the goals were

in the first place, the formation of moral character by a suitable and necessary inculcation of religious and moral principles; in the second to, ingraft habits of industry, of obedience, of order, of thought, of punctuality, and cleanliness, and to give the children an acquaintance with the useful arts of life; and lastly, to cultivate the intellectual powers, as far as time and circumstances permit.40

As with most categories of paupers under the New Poor Law system, the rigid and consistent application of the rules and regulations devised to form a test of destitution for unmarried mothers proved impossible in practice. In the Lindsey union workhouses it was not until after several years of modifications to the buildings that complete physical and visual contact between the inmates of different categories, and between inmates and those outside, was entirely precluded. And by that time many boards of guardians were beginning to abandon their earlier zeal for total classification and for an inflexible application of the workhouse test of destitution; although unmarried mothers were the last group of paupers to experience the liberalization or relaxation of the regulations. The assistant commissioners responsible for the Lindsey poor law unions in the 1830’s and 1840’s remained convinced that, ‘the Workhouse Test is as applicable to able bodied females, as to males’. But by the end of the 1830’s the boards of guardians were generally granting outdoor relief to able-bodied and ‘destitute Widows burthened with Children incapable of working’. The boards were largely moved in this direction by the quandary in which they were placed by, ‘widows with families to whom the Workhouse has been offered, who, refusing to go there, injure their children by starvation’. But those widows who numbered illegitimate children amongst their offspring, and who chose to injure their children by starvation rather than enter the union workhouse, were the last to experience more liberal treatment at the hands of the boards of guardians. In January 1840, for example, a member of the Horncastle board moved the recession of an order granting outdoor relief of 2s 4d. to a widow with three children, the youngest of which was illegitimate. This was carried by 14 votes to six, after the defeat of an amendment to continue the allowance and to consider it ‘as being granted for the legitimate Children and not for the Bastard’.41
From about the end of the 1830's Lindsey boards of guardians began to extend the relaxation of the workhouse test of destitution for able-bodied widows with children born in wedlock to unmarried mothers. And although the latter were never to be granted outdoor relief, at least on a regular basis, by the mid-1840's many were assisted by the boards of guardians taking illegitimate children into the workhouse without also requiring the residence of the mothers. At Louth union workhouse on 18 March 1847, the mothers of 10 out of 35 illegitimate children in the workhouse were not resident in the adult female ward; and at neighbouring Caistor union the proportion was as high as 18 out of 26. Occasionally, boards of guardians undertook reviews of the status of illegitimate children in union workhouses, which resulted in mothers being given the alternative of taking their children out of the workhouse or accepting indoor relief themselves. At Horncastle in May 1841 one such review by the guardians led to four unmarried mothers being ordered to maintain their children or enter the workhouse. But the trend was unmistakably towards an increasing proportion of pauper illegitimate children residing in union workhouses without their mothers.

The major practical consideration that moved boards of guardians to relax the extent to which the workhouse test was applied to unmarried mothers was the realization that otherwise many unmarried mothers would have been confined to residing in workhouses for extremely lengthy periods, if not for the remainder of their days. And the only available means of guarding against such an eventuality was either to allow mothers to leave their children in workhouses for limited or indefinite periods, while they sought to establish themselves outside, or to provide clothing and a cash grant to 'start' unmarried mothers and their children on the road to anticipated independence. However, such relaxations of the regulations were almost entirely confined to unmarried mothers who had resided for some time in the workhouse, usually for three years or more, during which time their conduct had been exemplary in every respect. In November 1841, for example, the Horncastle board allowed a woman to leave the workhouse without having to take 'her eldest Bastard Child' with her, and also gave her 30s. 'For Clothing herself and her other Child'. In reaching this decision the board was influenced by the fact that the woman 'appeared to have no other means of leaving the Workhouse', and that 'the pauper had been three years in the Workhouse and during that time had conducted herself with propriety'. In this way union workhouses became prototypes for the Homés for Penitent Females, such as the one that was established at Lincoln in the late 1840's.

Although the rigid application of the workhouse test to unmarried mothers was relaxed in Lindsey during the 1840's, the great majority of this category of paupers preferred to adopt any expedient rather than accept relief on the guardians' terms. At most the majority of unmarried mothers was prepared to take advantage of the facilities of workhouses during their 'lying-in' or confinement period, in the absence of any practical opportunity for obtaining reimbursement of confinement costs from putative fathers. But such was their antipathy towards workhouses that in such cases the confinement period was usually reduced to a minimum. In one instance, according to a newspaper report of 1842:

A hard race took place last Saturday between Kirby, the Manton postman, and William (sic) Fendell; who accompanied by her mother was on her road to the Gainsborough house for the accommodation of unfortunate who are desirous of taking the benefit of the Act passed for the moral insolvent by lying-in free of expense, subjected only to wearing the badge of the order, a blue gown, checked apron, and cap with a queer little border: an objection to this uniform appears to pervade the classes alluded to, owing to which, the eleventh hour is generally chosen by the applicants, and in the above instance the twelfth had nearly arrived..."44

In February 1840, Edward Senior, the assistant commissioner responsible for the Lindsey poor law unions, observed that women who are pregnant of bastard children are frequently in the habit of seeking admittance to the Workhouse at that period, who usually leave the Workhouse shortly after their confinement. But the authorities were unable to halt the practice, which caused workhouses to acquire the function of maternity hospitals for pregnant single-women of the working-class. At the meeting of the Gainsborough board on 24 December 1839, when applications were made by two women to be discharged from the union house, where they had been during the confinement of a child each—this being the second time that each had been in the house for the same purpose—the discharges were necessarily granted with the guardians merely making the 'promise of a visit to the treadmill if they ever came again'. To Senior, to remedy this abuse of workhouse facilities, it would have been 'a most dangerous and fatal course to permit the Guardians to grant out relief in such circumstances. Therefore, to maintain the essentials of the workhouse test of destitution for unmarried mothers the abuse had to be accepted: 'The number of persons who seek admittance during their confinement being much smaller... than the number who would apply for the other [i.e. outdoor] form of relief'. Similarly, the poor law authorities appear to have been willing to accept a number of social evils, that were at least partly consequences of New Poor Law policy, rather than abandon altogether the harsh treatment of unmarried mothers.

VI

By the later 1840's supporters of the New Poor Law could claim some degree of success for that system in the achievement of formal objectives in the treatment of chargeable illegitimacy. Even before the Poor Law Act of 1844 abolished altogether the former role of poor law authorities in the acquisition and enforcement of affiliation orders against putative fathers, to make proceedings entirely the unmarried mother's civil right, the amount of litigation conducted in such matters by parish officers and boards of guardians had been substantially reduced. By restricting the relief of unmarried mothers and their children as far as possible to the indoor form, which was unacceptable except as a last resort to most of the former, the importance of illegitimacy as a source of claims for support from the rates had been minimized. Nevertheless, the achievement of these formal objectives, and the transfer of the actual onus for the support of illegitimate children almost entirely from the rates and putative fathers to the unmarried mothers, appear to have contributed little towards the control or reduction of the incidence of illegitimacy. Although the available statistical evidence is unreliable, partly because of a not insignificant number of illegitimate births that were never recorded, the common impression of Lindsey boards of guardians and others was that the incidence of illegitimacy was increasing during the later 1830's and 1840's. In 1840, for example, the salary of the medical officer of the Gainsborough union workhouse was increased on the ground of 'the cases of illegitimacy being more numerous than anticipated'. And the belief was widespread that New Poor Law policy was the cause of increasing illegitimacy. In May 1842 the Gainsborough board of guardians was of the opinion, 'that the existing Law as it relates to Bastardy has generally failed in the results it was expected to produce and that under it Bastardy has greatly increased'.45
New Poor Law policy was viewed as operating to raise the incidence of illegitimacy principally by means of the virtual immunity which it conferred upon males from social reprobation or financial obligation as a result of fathering illegitimate children. In particular, it was felt that "the existing Law increases the temptation to seduction on the part of the Male." And the only means of redress available to females or their parents in such circumstances, which was to institute a civil action for damages for seduction, was at the time 'very unpopular'. As one writer observed in the 1850's, the number of actions for seduction 'brought to bear [was in] but an infinitesimal proportion to the occurrence of the crime.' Contemporary public opinion on the subject, which was reflected in the verdicts of juries, was well-illustrated by the proceedings during one of the few actions for seduction taken in nineteenth-century Lincolnshire. In July 1835 at the Lincolnshire Assizes, the widow of a farmer sued a Boston tailor, who was said to have been "in good circumstances", following the seduction of her daughter. Apparently, "under a promise of marriage and after three years' courtship, he had succeeded in his attempts against the young woman's virtue, and had deserted her upon finding she was "in the family way". The outcome of the entire case rested upon the determination of the social status of the girl's family, and especially upon their "respectability", to which several witnesses were called upon to testify. For the defence, it was argued that the daughter of the plaintiff was a servant, and the intercourse between them was but the result of sudden impulse; both were equally to blame, and but for the difficulty of affiliation caused by the New Poor Law the case would never have come before that court,--the parties would have been perfectly satisfied with the usual allowance of 2s. a week towards the maintenance of the child.

In his summing up for the jury, the judge was careful to point out that the amount of damages in such a case depended upon the manner in which the daughter had been brought up. If she had been carefully trained to the practice of virtue, instead of being left to indulge in vicious inclinations, the parent was no participator in the crime of her daughter, and was fully entitled to compensation for disgrace and distress of mind which the defendant had caused her.

In the above case the verdict was returned for the plaintiff and damages of £100 were awarded. But for all female parties to the 'crime' of producing an illegitimate child, and for all working-class parents who were unable to prove their 'respectability' or that they had "carefully trained" their daughters "to the practice of virtue", the availability of recourse to civil actions for damages for seduction was of little practical value. Alternatively, the charge of rape was then extremely unpopular, and, because the offender was liable to the death penalty upon conviction, juries were inclined to accept the usual defence in such cases, which was "to impeach the character of the prosecutrix". In any case, a conviction for rape was of little practical assistance to a woman expecting an illegitimate child.

In view of the position in which unmarried mothers were placed by New Poor Law policy, and by a growing condemnation of illegitimacy by public opinion that was reflected in legislation and the interpretation of the law by the courts, it is somewhat surprising to find that the official figures do not record an increase in infanticide during the later 1830's and 1840's. Certainly, such a consequence of New Poor Law policy was anticipated and suggested by Lindsey boards of guardians. In 1842, the guardians of Caistor union felt themselves under a heavy and painful responsibility as the administrators of a law which operates with a demoralizing influence upon society, by holding out... the temptation to perpetrate the awful crime of infanticide to the unhappy female who has become the mother of an illegitimate offspring.

The 'wilful murder' of at least one illegitimate child in Lindsey, a seven-year-old boy who died at Scotter in 1842 after his mother gave him 'poison in some apple pie', was attributed to the New Poor Law; for the mother committed the crime in order 'to prevent the boy's being taken to the union-house'. As an indication of the incidence of infanticide the official figures of coroners' juries with the murder of their children are unfortunately unreliable. The crime of infanticide was at that time very difficult to detect. Pregnant single women often gave birth to children alone and unassisted, or with the assistance of a close relative who was prepared to commit perjury and testify to the child's having been still-born. In a rural county like Lindsey opportunities for concealing still-born or murdered illegitimate infants were readily available in the ditches, ponds and copes, where babies' bodies were discovered from time to time in advanced stages of decomposition. Infants were also often "clandestinely interred" in churchyards, either because 'the mother could not afford the expense' of a formal funeral, or because she wished to conceal the birth or cause of death of the child. It was then apparently 'the custom of sextons to inter children represented as still-born without enquiry'. But as the Lincoln coroner observed in March 1844, when he 'censured the system of private interments, which appeared to be carried out to a great extent,... it opened the way for the terrible system of infanticide'.

The opportunities for concealing the bodies of murdered infants existed equally under the Old and the New Poor Law, and perhaps were even declining over time with stricter enforcement of interment regulations. But it cannot be denied that the motivation to take advantage of such opportunities was stronger under the latter than under the former system of poor relief. And where the body was subsequently discovered, under the New Poor Law juries were perhaps less willing to return a verdict of infanticide when the law was commonly viewed as the cause of the crime. Moreover, in most cases the body was discovered in such an advanced state of decomposition that, in the existing state of medical science, juries were unable to return a verdict other than that of 'found dead'. With the body of an infant found at Sturton in April 1839, for example, 'the process of putrefaction had gone too far to enable the surgeon to apply the usual tests as to the child's ever having lived'. A case which illustrates the difficulties involved in the detection of infanticide involved the death of an illegitimate child at Sleaford union workhouse in 1839. Apparently, after basting the child: instead of making use of powder of starch, which was always provided for the purpose, [the nurse] directed the nurse by whom she was attended (a young woman as inexperienced as herself) to apply the powder of white lead to the back of his ears and other parts so frequently, that it threw the child into a lethargic state, and occasioned its death.

The mother had purchased the highly-toxic powder at a druggists before she entered the workhouse for her confinement, and in her testimony at the inquest she stated that, 'she believed it was a good thing, as her mother, who had had 12 children, always made use of it to them, without producing any bad effect'. The jury saw no alternative but to bring in a verdict of 'accidental death', and to recommend that for the future 'persons of more experience should be employed as nurses on such occasions'.
Unfortunately, as with the incidence of infanticide, it is not possible to determine whether or not the New Poor Law provisions for chargeable illegitimacy encouraged pregnant unmarried women to take ‘deliterious substances’ for the purpose of procuring abortion. But the policy was certainly ultimately responsible for the neglect and premature death of many illegitimate children, in which the administering of ‘deliterious drugs’ played an important part, and which in some cases may have been tantamount to infanticide. In Lindsey, when unmarried mothers declined to accept indoor relief and attempted to earn a living in the absence of support from putative fathers—which would have met the necessary payment of 2s. to 2s. 6d. per week for the services of a nurse—it was a common practice to give illegitimate infants a daily dose of ‘Godfrey’s cordial’ or laudanum, and opiate, to render them unconscious for most of the working day.44

At Lincoln in the mid-1840’s, where the mortality amongst children had been ‘for some time… considerably upon the increase—particularly as regards illegitimate children’, it was considered that:

There can be little doubt that much of the premature death is owing to the criminal habit of dosing children with noxious drugs, depriving them of their natural food, and giving them instead slops which are not nutritious.

There can also be little doubt that New Poor Law policy was indirectly responsible for such treatment of illegitimate children, as a result of unmarried mothers having no real alternative to that of leaving their infants at an early age to go out to labour. And where children subjected to this treatment actually survived to experience puberty, they probably contributed considerably to ‘those appalling pictures of family distress, the inevitable consequence of indulgence in opiates’, that were said to have been ‘frightfully on the increase’ in Early-Victorian Lindsey.55

With the exception of labour in agriculture very little employment was available for unmarried mothers in Victorian Lindsey. The limited domestic industry of the county, which had once embraced the manufacture of worsted and hosiery and the preparation of rabbit-skins in a few towns and villages, had largely disappeared by the end of the eighteenth century. And the manufacturing industries that developed in place of these activities, which included flour-milling, sea-crushing and meat-making, were notably capital-intensive and employed a small almost exclusively male labour force on a highly seasonal basis.

Domestic service was an expanding occupation for women in Lindsey for most of the nineteenth century. But the status of unmarried mother, in an age in which ‘respectability’ was a virtue of increasing social importance, was generally sufficient to disbar a woman from such employment, at least in its residential form. Some unmarried mothers may have been temporarily engaged by middle-class families as wet-nurses; for which the requirements were often simply those of being, ‘a stout healthy Woman, with a good breast of milk: her own child should not exceed four months old; and ‘None need apply who is not of robust constitution, with abundance of milk’.

Some unmarried mothers were employed in the households of small shopkeepers and tradesmen, and in public-houses, in ‘charing’, or non-residential domestic service; and some acquired an income by taking-in washing. At Lincoln in the 1840’s, ‘the street called Greethwell-gate’ consisted ‘chiefly of small tenements, many of which are inhabited by washerwomen’. However, the supply of available labour for such occupations considerably exceeded the demand, and labourers’ wives were probably preferred to unmarried mothers for the work available. Of the Lindsey market towns in the 1790’s, Sir Frederick Eden noted that, ‘the women have very little employment’; and but ‘A few endeavour to get work in washing, and in assisting at public-houses’. At Louth in 1844, the mother of an illegitimate child that died of suffocation was said to have ‘obtained a livelihood bycharing when she had the few children she had in the same way as she did as well as she could, for she had had but one half-crown from the father of the child since it was born’.

The progress of agriculture in Lindsey from the later eighteenth century created a wide range of occupations in agriculture for females. Many unmarried mothers were employed with the agricultural gangs, which first appeared in Lindsey in the 1830’s, to pick stones and weed crops. Others were employed to travel from farm to farm with the threshing-machines operated by small entrepreneurs residing in the market towns and larger villages from the early 1840’s. Overall, it might be argued that the New Poor Law provisions for chargeable illegitimacy were an important supply factor in the growth of female employment in agriculture. But apart from the arduous and unpleasant aspects of such work, it was low-paid and unavailable on a regular basis.

Given the nature of agricultural employment for women and the position that unmarried mothers were coming to occupy in Early Victorian society, it is hardly surprising that many mothers of illegitimate children took to prostitution as a source of income. And as the fairs and seasonal markets at which the services of prostitutes were most in demand, tended to coincide with the slack seasons of the agricultural year, the two forms of employment enabled unmarried mothers to procure a steady income throughout the year. In particular, the agricultural gangs were large employers of prostitutes. In the 1860’s a large proportion of gang workers in Lindsey consisted of ‘Girls that are on the streets’ or had ‘lost their characters’. Certain expressions of public opinion appear to indicate that female agricultural workers were conceived of as being actual or potential prostitutes. This is illustrated by a case heard by the Louth magistrates on 18 December 1839, when a Stonston labourer appeared ‘on account of a warrant he obtained the previous day against one of those dark beauties of easy virtue who vegetate in the rural districts, named Mary Pacey, charging her with robbing him of £19’. Apparently, the labourer, a married man with a family, had gone to Louth on 16 December to withdraw £20 from the savings bank, and on his way home in the evening had met Pacey, an unmarried mother, and ‘some other females who were leaving their work’ with a gang on Dawson’s farm at Withcall. After offering Pacey 5s. to accompany her home’, the labourer took the entire party of women to ‘the Blue-Stone dram-shop’ in Louth. Later they adjourned to ‘a liquor vault in Rosemary Lane’, where the labourer again paid for the drinks, ‘and by way of a finish, he brought some mutton chops, and took up his quarters with them for the evening in a Tom and Jerry shop… in Walkergate, where he discovered his loss’. In court on 18 December the labourer declined to press charges against Pacey, for which he received ‘a severe reprimand’ from the bench and an order to pay costs of £13. Pacey was committed for two months to the house of correction ‘as a prostitute’.

Organised or professional prostitution in the Lindsey market towns took the form either of the regular and self-employed ‘nymph of the pave’ or street-walker, or of permanent or seasonal residence in one of the numerous brothels that adorned the market towns of Early Victorian Lindsey. The street-walker, when not soliciting in the streets or frequenting particular localities, such as the brickyards at Lincoln that were ‘notorious as a rendezvous for the banksers and their prostitutes’, was an habitué of the inns and beer-shops, or ‘Tom and Jerry shops’, that were established in large numbers following the Beer Act of 1839. The licensee of ‘the Marrow-bone and Cleaver’, a beer-shop in Walkergate, Louth, ‘owned to 7 of the 15 prostitutes who were ‘dancing to two
fiddles' 'with other bad characters', at the time of a police raid in March 1839. At Louth Petty Sessions of September 1843, 'the landlord of the Rising Sun was reprimanded for allowing prostitutes to congregate and drink the maddening alcohol', P.C. Ryall deposed that at 'the notorious Red Lion public-house' in Louth on the night of 15 September 1844, 'in addition to the ordinary assembly of Louth girls, a considerable batch arrived express from Grimsby'. Overall, there was scarcely a market-town licensee in Lindsey during the 1830's and 1840's who was not at one time or another brought before the magistrates on a charge of 'harbouring prostitutes'. And at Lincoln in March 1843, the proprietor of the coffee-room in the city was charged 'with knowingly permitting persons of bad character', including 'known prostitutes', to assemble in his house.  

In addition to the numerous 'nymphs of the pave' and habits of inns and beer-hops, many prostitutes resided in the brothels of the market towns. Those at Lincoln were particularly concentrated in two districts; namely, 'the Castle Dyke', which was considered a 'dreadful nest of crime and vice', and the Drapery, of which one citizen complained in 1845 that, 'such was the disgusting conduct of the residents of the brothels there, that no decent person could stop in the streets'. In other Lindsey market towns the brothels appear to have been more geographically dispersed than at Lincoln, although at Louth the principal locations were Union-court, 'the Gatherums', and 'Spring-gardens'.

Then as now, of course, women engaged in prostitution from a variety of motives, and were drawn from various social backgrounds and personal conditions. But the connection between the status of unmarried mother and prostitute during the life of the Poor Law Commission, especially on a seasonal basis, was a very close one in Early Victorian rural England. In a 'disgusting brothel case' heard by the Lincoln magistrates in July 1846:

It appeared that the principal witness was seduced while living in a situation; she had a child in the Claypole Union-house; after her recovery she went to Nettleham, and coming to Lincoln market with a female residing in that village, was introduced to the infamous house, where she stopped some short time. Half the gains of her life of self-degradation she had to pay to the mistress of the den, besides 1s. 6d. per week for lodgings; with the remainder she had to find food and clothing.

Many unmarried mothers worked as prostitutes in Lindsey on a seasonal basis, by taking up residence at the brothels during the fairs and hiring statutes held at the market towns. Over Whitsun and Horncastle, where the 'celebrated' annual horsefair attracted buyers and sellers from far and wide, it was said to have been 'the habit' of the brothel-keepers to invite a number of unfortunate girls at such times of public resort, to come from the neighbourhood, for the most infamous purposes, and to lend or sell them articles of finery, to be paid for at the termination of the fair from the wages of their infamy.

About Michaelmas and Mayday the services of prostitutes were in particular demand to cater for the large number of farm-servants who left their positions at those times of the year, with a year's or a half-year's wages in their pockets, to seek new positions at the statute fairs. At Lincoln there were a number of 'unfortunate women' who 'went up Crossdyke hill to meet the servant men coming to Lincoln'.

The demand for the services of prostitutes in nineteenth-century rural England, arising from the survival of the living-in system, the rural and market town sexual conventions, and the sexual enjoyment of the middle-class family, would appear to have been very large. Nevertheless, apart from the highly seasonal nature of that demand, the profession seems to have been generally an overcrowded one in the 1830's and 1840's. Prostitutes in those decades were nearly always 'numerous', and prostitution was almost always 'on the increase'; except during the limited periods when the justices made 'really determined efforts' towards 'stemming the torrent of vice'. 'Cathedral Lincoln' in the early 1840's, 'with all its public schools, churches, chapels, and charities', was said to have been 'notoriously more densely thronged with cyprians in proportion to its population than any other town in the kingdom'. Allowance has to be made, of course, for exaggeration by the outraged exponents of virtue. But it would seem that large numbers of unhappily married women depended upon low and irregular earnings from prostitution in Early Victorian Lindsey. Of the Lincoln prostitutes in the 1840's, it was observed that, 'some of the poor wretches... can scarcely obtain bread'.

In addition to unmarried mothers the number of prostitutes in Lindsey during the 1830's and 1840's was swelled by exceptionally young 'cyprians'. In February 1844 a juror at a Lincoln inquest, 'expressed horror at the increase of the number of very juvenile cyprians, stating that no one could pass through the streets at night without meeting at every few yards mere children plying for the wages of prostitution. In a raid on a Louth 'Tom and Jerry shop' in 1839 the police claimed to have 'there found, 14 or 15, prostitutes, from 14 to 18 years of age'. Overall, it would seem that the treatment of unmarried mothers under the New Poor Law was not the only factor swelling the ranks of prostitutes in Early Victorian rural England. But in Lindsey the mothers of illegitimate children certainly provided the major source of recruitment to the profession.

Footnotes
2. BPP, 1844, XL, p.33.
3. Lincolnshire Archives Office (subsequently LAO) Lincoln House of Industry, Directors of the Poor, Minute Books; Lincoln, Rutland and Stamford Mercury (subsequently L.R.S.M.) 24 May 1839, Public Record Office (subsequently PRO) MH, 32, 35, Inspectors' Correspondence, March 1839; PRO, MH, 12, 6740, Poor Law Correspondence, 18 March 1847; PRO, MH, 12, 6677, 18 March 1847.
4. LAO, Brace Ms. 11/3, A Review of the Poor Laws (Lincoln, 1818), p.46.
6. Ibid.
7. Ibid.
9. LAO, Brace Ms. 11/3, loc. cit. p.25.
10. LAO, Belchford P. C. Dep., loc. cit.
11. J. Kirby, Hamberston ( Hull, 1953); LAO, Legbourne Parish Dep., 13 May, 1833.
12. LAO, St. in-the-Bali Parish Deposit 10/1, Vestry Minute Book, 8 May 1827.
14. BPP, 1834, XXIII, 133; LAO, Lincoln House of Industry, loc. cit.
15. Ibid.
16. Ibid.
17. L.R.S.M., 6 November 1829; LAO, Lincoln House of Industry, loc. cit.
22. Ibid., 24 July 1829.
23. Ibid., 22 August 1834.
24. LAO, Belchford P. C. Dep., loc. cit.
25. LAO, Louth Board of Guardians, Minute Books, 22 February 1839.
26. L.R.S.M., 2 February 1839; LAO, Brace Ms. 11/3, loc. cit. p.46.
28. BPP, 1837-8, XXXVIII, Affiliation Returns; LAO, Louth Bd. of Gdns., 16 June 1837.
29. PRO, MH, 32, 66, 5 February 1840.
30. LAO, Spilsby Board of Guardians, Minute Books, 31 August 1837, 15 January 1846.
31. PRO, MH, 12, 6707, 7 April 1841.
32. L.R.S.M., 26 July 1839.
33. PRO, MH, 12, 6708, 19 September 1843.
34. Sir George Nicholls, Three Reports: The present state of Ireland, Expediency of a Poor Law, and The Workhouse System (London, 1838).
35. LAO, Spilsby Bd. of Gdns., 27 December 1838; LAO, Horncastle Board of Guardians, Minute Books, 12 December 1841; LAO, Caistor Board of Guardians, Minute Books, 10 October 1840; L.R.S.M., 11 June 1841.
36. LAO, Louth Bd. of Gdns., 21 October 1839.
37. Ibid.
38. L.R.S.M., 10 December 1841.
40. PRO, MH. 32. 35.
41. PRO, MH. 32. 28, 19 August 1837; LAO, Caistor Bd. of Gdns., 4 January 1840; Horncastle Bd. of Gdns., 14 January 1840.
42. PRO, MH. 12. 6740, 18 March 1847; PRO, MH. 12. 6677, 18 March 1847; LAO, Horncastle Bd. of Gdns., 11 May 1841.
43. Ibid., 23 November 1841.
44. L.R.S.M., 25 February 1842.
45. PRO, MH. 32. 66, 5 February 1840; L.R.S.M., 27 December 1839; PRO MH. 12. 6677, 11 February 1849.
46. PRO, MH. 12. 6707, 28 April 1840, 31 May 1842.
49. Ibid.
50. PRO, MH. 12. 6707, 9 August 1842; L.R.S.M., 12 August 1842.
51. Ibid., 22 March 1844.
52. Ibid., 3 April 1829.
53. Ibid., 3 January 1840.
54. Ibid., 17 January 1841.
55. Ibid.
56. Ibid., 19 July 1844.
57. BPP, 1867, XL1, 105.
58. L.R.S.M., 25 December 1840.
59. Ibid., 22 March 1839, 15 September 1843, 31 May 1844, 24 March 1843.
60. Ibid., 2 February 1844, 13 June 1845, 14 July 1843.
61. Ibid., 10 July 1846.
62. Ibid., 2 August 1839, 28 August 1846.
63. Ibid., 27 June 1842.
64. Ibid., 10 February 1844, 22 March 1839.