

'The maintenance of bastard children in London, 1790-1834'¹

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ABSTRACT

Despite recent scholarship historians still know relatively little about the dynamics of the maintenance of illegitimate children under the old poor law. This article examines the affiliation system in Southwark and Lambeth, 1790s-1830s. It analyses, for the first time, the proportion of fathers (and mothers) who paid maintenance for their children, either in lump sums or in weekly allowances, plus the associated costs of childbirth and legal fees, the range of weekly sums, the duration for which they were paid, and the role of fathers' occupations. The analysis reveals that many men paid more than the 2s. 6d. cited by historians. Fathers supported their illegitimate children financially for many more years than the period of nurture of seven years. The occupations of fathers were not representative of all men and their occupations played varying roles in the sums they paid and the duration. The article also re-analyses the 1834 Town Queries for London and the parochial bastardy recovery rate. The article reveals a complex system, variable at the parochial and regional level – as was the wider poor law – but one which ran in parallel with the poor law and offered tenacious overseers a way of deflating the parish rates.

Despite recent scholarship historians still know relatively little about the complicated dynamics of the maintenance of illegitimate children under the old poor law, particularly after the 1790s. It is important to consider this issue, and especially in this period, because the old poor law experienced a prolonged period of 'crisis' between the late eighteenth century and 1834: national expenditure on the poor increased from £1,912,241 for the period 1783-5, to £4,077,891 in 1803, and to £7.9 million in 1818.² The crisis was due to many factors, including rapid population increase, parliamentary enclosure, the decline of

¹ Research for this article was funded by the Roger Schofield Local Population Studies Research Fund and the Ellen McArthur Fund, and the initial archival survey was funded by a British Academy Small Grant RG50929. I would like to thank Heather Falvey for invaluable research assistance, as well as Stephen Potter, Lucy Tann, and Peter Shilham at the Southwark Local Studies Library. Earlier versions of this research were presented at the Urban History and the Economic History Society Conferences 2014 and the Cambridge Group for the History of Population and Social Structure seminar series 2014. I would also like to thank the anonymous referees for their comments.

² Green, *Pauper*, pp. 26-7.

rural industries, the Revolutionary and Napoleonic Wars, harvest failures, price inflation, and post-war depression.³ Attitudes towards the poor – including unmarried mothers – hardened.⁴ Concerns of over-population and the new population theory of the Revd. T.R. Malthus, along with the new ideas of political economy and evangelicalism, contributed to a reformulation of attitudes towards poverty, as well as the economic and moral costs of bastardy.⁵

The Georgians were also increasingly concerned with issues of debt, credit, and national prosperity, and it is essential to set the rising costs of the administration of the poor laws, as well as the maintenance of chargeable bastards, within this context.⁶ Chargeable bastard children were an increasing concern of the parochial authorities since the level of illegitimacy rose rapidly from the 1650s to a high point in the 1850s. The illegitimacy ratio increased from 1 per cent to almost 7 per cent of all births, while the proportion of all first births (a better calculation since 80 per cent of unmarried mothers had only one illegitimate child) rose from 7 per cent to around 25 per cent.⁷ Although illegitimacy levels rose sharply, it does not appear that 'de facto' marriages significantly increased the number of illegitimate children in large numbers, however; a maximum of 15 per cent of unmarried parents cohabited in London and there is little evidence from other localities either.⁸ Such a rise in illegitimacy impacted upon the parish poor rates. For instance, in Abson and Wick, near Bristol, unmarried mothers accounted for 15.3 per cent of recipients and 23.8 per cent of expenditure, 1760-1803, while in Chelmsford 13.2 per cent of outdoor relief was allocated to unmarried mothers in the decade 1819-29.⁹ In Campton and Shefford, Bedfordshire, 44 per cent of the unmarried mothers who had their illegitimate children baptized received poor relief, 1760-1834, while in Chelmsford the figure was 34-41 per cent.¹⁰ In the context of rising population and poor rates, Malthus commented that, 'no person can doubt the general tendency of an illicit intercourse between the sexes to injure the happiness of society' and he called for the withdrawal of poor relief to illegitimate children, as well as the abolition of the poor law.¹¹ There were repeated calls for reform of poor relief, culminating in the Poor Law Commission, Poor law report and resulting Poor Law Amendment Act of 1834. The Poor law report was drenched in the discourse of the

³ Kidd, *State*, p. 14.

⁴ *Ibid*, pp. 13-29; Eastwood, *Governing*, pp. 121-32; Lees, *Solidarities*, ch. 3; Green, *Pauper*, pp. 5-12; Hitchcock and Shoemaker, *London*, pp. 303-4.

⁵ Forman Cody, *Birthing*, pp. 283-7; eadem, 'Politics'; Nutt, 'Paternal', pp. 352-8.

⁶ Finn, *Credit*, pp. 152-4.

⁷ Laslett, 'Introduction', p. 18; Wrigley, 'Marriage', p. 162; Wrigley, 'British population', pp. 70-1.

⁸ Williams, 'Man and wife', p. 79; Probert, *Cohabitation*.

⁹ Fissell, 'Sick poor', p. 40; Nutt, 'Illegitimacy', tab. 5.4, p. 218.

¹⁰ Williams, *Poverty*, p. 63; Nutt, 'Illegitimacy', p. 250.

¹¹ Malthus, *Essay*, pp. 24 n.6, 259-70.

sexual double standard and it called for the 'entire abolition' of the bastardy laws.¹² The Bastardy Clauses of the New Poor Law were the harshest of the new code.¹³

The most comprehensive research on illegitimate paternity has been undertaken by Thomas Nutt with the adoption of two approaches and sources of evidence. Using the Chelmsford (Essex) petty sessions records for the decade 1814-24 he notes an economic desire by the court and the parish to enforce paternal liability for illegitimate children.¹⁴ He has explored the evidence used in order to establish paternity and the enormous range of circumstances under which the parents of illegitimate children might find themselves before the court, including bigamy and adulterine bastardy. The study reveals the mechanism whereby the parochial and magisterial authorities could establish paternity (and, importantly, the putative fathers' ability to appeal) and thereby order him to pay maintenance. Nutt's other approach is to analyse a sample of the Rural and Town Queries of 1834, questionnaires which asked parishes the amount they had recovered from putative fathers in the last five years (1827-32) in order to establish the 'bastardy recovery rate' – the ability of parishes to recoup the costs of illegitimate children from alleged fathers. This is important because ordering a putative father to pay maintenance and actually extracting the money from him were quite different processes. The results revealed a strong north/south divide in the bastardy recovery rate, with the north recovering 83 per cent and the south 41 per cent. The proportion recouped from alleged fathers in London was even lower than in the south more generally: Middlesex parishes recovered 29.8 per cent of their costs, the City of London Without the Walls reclaimed 24.0 per cent, while the figure for the City of London Within the Walls was just 17.9 per cent. These are marked differences.¹⁵ Furthermore, the attitudes of parochial officials towards unmarried mothers frequently diverged from those of Malthus and the Poor Law Commissioners; instead of placing all blame at the feet of the mothers, many wished to see the law changed to force putative fathers to fulfil their financial responsibilities.¹⁶ Nutt also concluded that the mothers of illegitimate children were increasingly expected to nurse and care for their children, while putative fathers were to bear the cost of their maintenance.¹⁷

Margaret Lyle has also analysed the Rural Queries and she also shows regional variations, this time in terms of the sums given per child in bastardy allowances. The south-east allocated the most, followed by the Midlands, and then the north-east, while the north-west, East Anglia and the south-west gave the least. Lyle found that 1s. 6d. or 2s. were the most frequently ordered weekly allowances – 1s. to 2s. 6d. was found by Nutt – but with variety above or below that according to region.¹⁸ These studies have contributed hugely to

¹² *Poor law report* (P.P. 1834, XXVII), pp. 92-99, 195.

¹³ Cody, 'Politics'; Henriques, 'Bastardy'; Nutt, 'Paternal', pp. 339-43.

¹⁴ Nutt, 'Paradox'; eadem, 'Bastardy'.

¹⁵ Nutt, 'Paternal', Tab. 1, p. 345.

¹⁶ Nutt, 'Paternal', pp. 352-8; eadem, 'Illegitimacy', ch. 3.

¹⁷ Nutt, 'Paradox', p. 104.

¹⁸ Lyle, 'Regionality', p. 146; Nutt, 'Paternal', p. 337.

our knowledge of how decisions were made in court in the early nineteenth century and the sums generally given in allowances to unmarried mothers in 1834. However, the Rural and Town Queries are necessarily static; they are a snapshot of the period 1827-32.

Furthermore, neither the Queries nor court records reveal the allowances given to mothers over time and over the lifetime of the child.

Other historians have considered bastardy more generally in eighteenth-century London, such as Tanya Evans, who has explored the variety of survival strategies exploited by unmarried mothers, drawing upon Foundling Hospital petitions and bastardy examinations.¹⁹ Randolph Trumbach, Nicholas Rogers, Tim Hitchcock and John Black have similarly used bastardy examinations to consider urban courtship and to argue for a change in sexual culture which resulted in higher illegitimacy. However, these historians have not examined the maintenance of poor illegitimate children.²⁰

This article provides a detailed consideration of the affiliation system in the late eighteenth and early nineteenth centuries in London and with a particular focus on Southwark and Lambeth. In 1801 London was a massive metropolis with a population of around one million in 1801 increasing to more than double that figure by 1851, accounting for 10 per cent and then 14 per cent of the population of England and Wales.²¹ After the end of the Napoleonic Wars poor law expenditure in the capital became more important in relation to the rest of the country. The cost of relief more than doubled in real terms per pauper due to population increase of over 45 per cent and a growth in the number of the casual poor.²² As David Green has argued, the scale, density and political fragmentation of metropolitan life, along with the more complex administrative structure, the relatively comprehensive network of welfare institutions and the fluidity of the pauper population, meant for a diverse set of experiences in terms of poor relief.²³ Workhouse provision was particularly extensive in London; in 1776 there were 86 workhouses in the metropolitan area accommodating over 15,000 inmates.²⁴ By the early nineteenth century the poor law was administered by over 170 separate bodies in the metropolis.²⁵ The capital was also home to the Foundling Hospital (established 1739) which accepted legitimate as well as illegitimate children in the eighteenth century but only illegitimate children after 1801.²⁶ However, although the Foundling Hospital accepted 14,934 infants during the 'General Reception' period (1756-60), numbers were far more modest thereafter, with a maximum of just over

¹⁹ Evans, *Unfortunate objects*.

²⁰ Trumbach, *Sex*, ch. 8; Rogers, 'Carnal'; Hitchcock, 'Unlawfully begotten'; Black, 'Illegitimacy'; eadem, 'Fathers'.

²¹ Hitchcock and Shoemaker, *London*, p. 10; Schwarz, *London*, Tab. 126, p. 126; Schwarz, 'London 1700-1840', p. 644.

²² Green, *Pauper*, pp. 34-6.

²³ *Ibid*, pp. xiv, 16-20.

²⁴ Hitchcock, 'Unlawfully begotten', pp. 75-6.

²⁵ *Ibid*, p. 19.

²⁶ Williams, 'Petitioner'.

one hundred per year until the end of the century and sometimes far fewer.²⁷ The presence of the Foundling Hospital had only a small impact on chargeable bastardy in Southwark and Lambeth. For instance, in the period 1842-49 only seven women from the whole South London registration district applied, four of whom were accepted; instead far more women applied who were resident in the North and Central districts.²⁸

The laws of affiliation ran in parallel with the poor law and offered conscientious parish officers the potential to deflate poor law expenditure. Although illegitimacy was generally lower in the metropolis, the sheer size of many parishes, along with rapid population growth, made bastardy a pressing parochial problem which took up a considerable amount of overseers' and magistrates' time.²⁹ This study adds to the slowly growing body of scholarship on the metropolitan poor law, and how London fitted within the wider regional geography of relief, and, particularly, on the maintenance of chargeable illegitimate children in the largest city in England.³⁰

The article begins with a reconsideration of the Town Queries of 1834 for the bastardy recovery rates of responding metropolitan parishes. While the 1834 data provide only a snapshot, it does at least give parish-level information on the balance between parents and the parish in terms of financial responsibility for illegitimate children in a range of parishes and reveals considerable variation. In order to provide evidence on long-term trends a range of bastardy documents from Southwark and Lambeth have been analysed between the 1790s and the 1830s. Such an assessment reveals, for the first time, the costs associated with childbirth and legal fees, the amount of lump sums and the frequency with which they were paid, the range (rather than the average) of weekly maintenance sums, the durations putative fathers paid and that some mothers were also expected to pay for the care of their children. Recently, Adrian Wilson has commented, 'How many bastards were supported in any of these ways is a matter of guesswork: historians seem to have investigated this topic only impressionistically.'³¹ This article is the first to investigate this topic systematically.

I

Legislation between 1576 and 1810 established and strengthened the legal mechanism of the affiliation of putative fathers.³² The Act of 1576 specified that the parents of 'Bastards now being left to be kept at the Charge of the Parish where they be born' were financially responsible rather than parish ratepayers. Both parents were put under an obligation for 'the payment of Money Weekly, or other Sustentation for the Relief of such Child'.³³ In his

²⁷ Sheetz-Nguyen, *Victorian*, Tab. 2.2 p. 52, Tab. 2.5 p. 56; Levene, *Childcare*, pp. 7-8.

²⁸ Sheetz-Nguyen, *Victorian*, Table 3.4 p. 79.

²⁹ Laslett, 'Introduction', pp.34-5; *Eighth Report of Registrar General (1845)*, pp. lxiii-lxvi; Trumbach, *Sex*, pp. 229-30; Wilson, 'Illegitimacy'; Levene, 'Origins'.

³⁰ Levene, *Childhood*.

³¹ Wilson, *Ritual*, pp. 43-4.

³² Nutt, 'Paternal', 336-7.

³³ *Ibid*.

manual for justices of the peace, *The country justice*, Michael Dalton instructed magistrates to bind over a suspected father as soon as possible ‘otherwise there will be no Putative father, when the two Justices [after the birth of the child] shall come to take order.’³⁴ In 1733 the process of affiliation was specified: ‘any Single woman [who] shall be delivered of a Bastard Child which shall be chargeable or likely to become chargeable’ was to be brought by parish officials to be examined on oath before two magistrates (although in practice frequently only one) where she was to ‘charge any person with having gotten her with Child’ and the putative father was to ‘give security to indemnify such Parish’.³⁵ Putative fathers were expected to reimburse the parish of any expenses, including lying-in costs, the fees and travel costs associated with the process of affiliation, and either a lump sum by which there was no future responsibility (called a ‘compromise’)³⁶ or regular weekly amounts for maintenance of the child. Bonds were also taken, whereby the putative father and one, two or three bondsmen put up a large sum in case the father defaulted.³⁷ Weekly maintenance sums reimbursed the parish for the costs of relief paid to the mother (if she was nursing the child) or a parish nurse.³⁸ The Act of 1809 specified that it was the indemnification of parishes that was the principal priority of legislators.³⁹

Under the laws of affiliation a woman pregnant with a child likely to be born illegitimate was legally obliged to notify her parish of settlement at least 40 days before the expected date of birth, and submit to a bastardy examination. Many bastardy examinations were in fact taken after birth. Pregnant single women and unmarried mothers were also examined as to their legal place of settlement.⁴⁰ If the woman was settled in the parish then the justices would issue a warrant and summons for the putative father to attend petty or quarter sessions for an affiliation order to be made.⁴¹ Suspected fathers had an opportunity to refute paternity.⁴² If a single pregnant woman’s settlement was elsewhere, and since the child took for its settlement the parish of its birth, parish officers were eager to remove her before delivery back to her parish.⁴³ Since London was a magnet for migrants, and it could be difficult to acquire a new settlement here, this might account for the lower levels of metropolitan illegitimacy as women who became pregnant in the city might have been removed from it. Between one-third and one-half of all paupers removed in England and

³⁴ Hubbard, *City*, pp. 88-9.

³⁵ Nutt, ‘Paternal’, pp. 336-7; Hitchcock and Black, *Bastardy*, p.xi.

³⁶ Nutt, ‘Bastardy’, p. 131.

³⁷ *Ibid*; eadem, ‘Paradox’, pp. 103-4; Hitchcock and Black, *Bastardy*, pp. vii-xiii.

³⁸ Nutt, ‘Paternal’, pp. 336-7.

³⁹ *Ibid*.

⁴⁰ Nutt, ‘Bastardy’, pp. 127-34; Hitchcock and Black, *Bastardy*, pp. vii-xiii.

⁴¹ See Southwark Local Studies Library (hereafter SLSL) 4563/1-2 St George the Martyr bastardy warrants, 1776-1832.

⁴² Nutt, ‘Bastardy’; Nutt, ‘Paradox’.

⁴³ Hitchcock and Shoemaker, *London*, pp. 303-4; Levene, ‘Poor families’, pp. 236-7; Williams, *Poverty*, pp. 108-9; Gowing, ‘Ordering’; P. Griffiths, *Lost Londons*, p. 59-64.

Wales came from London.⁴⁴ There were exceptions, however, and some unmarried mothers living in London were sent non-resident relief from their home parishes.⁴⁵ Parish officials and justices might also coerce a couple into marrying which transferred the father's settlement to the mother.⁴⁶ Between the Poor Law Amendment Act of 1834 and the 'Little Poor Law' Act of 1844 the affiliation system continued but it was made very much harder for unmarried mothers to secure a bastardy order and for the parish authorities to recoup the costs and, after 1844, the parish authorities could not intervene at all.⁴⁷

The old poor law operated within and between specific legal cultures. Margot Finn has described a 'plurality and dislocation of legal cultures' to refer not only to the law's institutional reach – parliamentary statutes, criminal law, civil law, and the level of the courts – but also by geographical location.⁴⁸ Historians have identified differing and over-lapping spatial jurisdictions for magistrates at petty as well as quarter sessions.⁴⁹ Magistrates could play an important role in influencing poor-law policy; while the parish vestry and its officers were, as Eastwood argues, preoccupied with narrowly parochial concerns, the perspective of magistrates was regional – the 'county community'.⁵⁰ The period 1750-1840 was the 'high-water mark of magisterial authority and discretion' and such interference could be 'irksome' to parish officials.⁵¹ Justices' poor-law cases included settlement and bastardy examinations, affiliation cases for deserted wives and children, as well as illegitimate children, pauper appeals, and, from the 1790s, the setting of allowance scales in the rural south-east.⁵² The poor-law case loads of magistrates and the formality of the sessions varied by locality. Samuel Whitbread, for instance, magistrate for east Bedfordshire and MP for Bedford, sat almost daily in his justice room; his contemporary, Lord Upper Ossory, noted dryly that, 'Bedfordshire used to be called Whitbreadshire'.⁵³ In the last four months of 1813 half of the complaints that came before him were concerned with poor law matters.⁵⁴ From the late eighteenth century the summary courts in London and Southwark were formalized with a constant daily rotation of magistrates and regular hours of business. In the City there

⁴⁴ Green, *Pauper*, p. 18. Levene did not find that unmarried mothers and their children were a large proportion of those removed from London parishes: Levene, 'Poor families', pp. 248. See also Hitchcock and Shoemaker, *London lives*, pp. 237-44.

⁴⁵ Sokoll, *Pauper letters*, letters 6, 114, 189, 211, 217, 220.

⁴⁶ *First annual report* (P.P. 1835, XXXV), pp. 90-1; Lees, *Solidarities*, pp. 57-8; Taylor, *Poverty*, p.28; Green, *Pauper*, p. 3.

⁴⁷ Nutt, 'Paternal', pp. 339-43; Henriques, 'Bastardy'; Cody, 'Politics'.

⁴⁸ Finn, 'Law's empire', pp. 295, 297.

⁴⁹ Hindle, *Parish*; Healey, 'Poor relief'; King, 'Summary courts'; eadem, 'Rights'; Nutt, 'Illegitimacy', ch.s 4-6; Nutt, 'Bastardy'; Eastwood, *Governing*; Shoemaker, *Prosecution*; Dabhoiwala, 'Summary justice'; Gray, *Crime*; Beattie, *Crime*; see also Landau, *Justices*.

⁵⁰ Eastwood, *Governing*, pp. 31, 76.

⁵¹ King, *Margins*, p. 65. See also Eastwood, *Governing*, p. 107; Green, *Pauper*, pp. 170-6.

⁵² Eastwood, 'New poor law', p. 192; eadem, *Governing*, pp. 107, 112-15; Dunkley, *Crisis*, pp. 49, 183; King, *Margins*, p. 65.

⁵³ Rapp, *Whitbread*, p. 147; Cirket, 'Introduction', *Whitbread's notebooks*, pp. 7-8; Fulford, *Whitbread*, p. 78n.

⁵⁴ King, 'Rights'.

were 26 magistrates on rotation which resulted in no uniform interpretation of the law.⁵⁵ Poor-law offences accounted for a much smaller proportion of cases in the City than in Whitbread's jurisdiction: in the period 1784-96 5.9 per cent of cases were concerned with bastardy and desertion of family and 10.5 per cent with vagrancy and begging.⁵⁶ From 1792 in Southwark three justices sat on rotation. They received stipends and the rotation office had a detachment of up to six constables.⁵⁷ It is likely that three magistrates could impose greater uniformity than was happening in the City.

II

The evidence from the Town Queries suggests that the affiliation system was not working very well in London. As has already been noted, metropolitan parishes were amongst the least successful of all the parishes in Nutt's sample.⁵⁸ However both Nutt and Lyle have emphasized the great variation at the individual parish level.⁵⁹ It is this diversity which makes a reconsideration of the bastardy recovery rate of the responding metropolitan parishes worth undertaking. Local illegitimacy rates and the poverty or wealth of a parish are important for an understanding of the system. Question 58 of the Town Queries asked parochial officials, 'What is the Allowance received by a Woman for a Bastard?' and question 59 asked 'What Number of Bastards have been chargeable to your Parish? And what has been the Expense occasioned by them during each of the last five Years? And how much of that Expense has been recovered from the putative Fathers? And how much from the Mothers?'

The number of bastard children (question 59) was not necessarily highly correlated with the population of the parish (Table 1): the R^2 is 0.8593. With the very large parishes of St Pancras and St Marylebone excluded, since they skew the data, is lowered to an R^2 of 0.7532. It can be seen that both St James and St George Hanover Square, Westminster, were parishes with higher number of illegitimate children than their populations might suggest, while St Giles in the Fields and St George Bloomsbury, near Westminster, had fewer, as did St Matthew Bethnal Green, and St Leonard Shoreditch, both in the north-east. This suggests that the problem of illegitimacy and its costs – as far as the parochial authorities were concerned – were not spread equally. Furthermore, St Pancras and St Marylebone had very substantial numbers of illegitimate children to which to administer allowances: 597 and 606 respectively. In addition, even neighbouring parishes had differential bastardy recovery rates. An alternative explanation is that this data were simply incorrect since officials might have struggled to reliably enumerate the number of

⁵⁵ Green, *Pauper*, pp. xiv, 170-6; Gray, *Crime*, ch. 2; Dabhoiwala, 'Summary justice'; *Answers relative to the poor* (P.P. 1818, XIX), app. a, p. 88a.

⁵⁶ Gray, *Crime*, tab. 6.1, p. 117. Poor law offences accounted for 1.2% of a sample of committals to the Middlesex and Westminster houses of correction, 1670-1721: Shoemaker, *Prosecution*, tab. 7.1, p. 169.

⁵⁷ Beattie, *Crime*, pp.65-7.

⁵⁸ Nutt, 'Paternal', tab. 1, p. 345.

⁵⁹ *Ibid*, pp. 346-7; Nutt, 'Paradox', p. 104; Lyle, 'Regionality', p. 157.

illegitimate children in their parishes, although it might be expected that they could estimate numbers approximately.

Table 1

Analysis of questions 58 and 59 shows the huge variation in the ability of the metropolitan parochial authorities to recoup the costs of bastard children from putative fathers.⁶⁰ There were parishes recovering 100 per cent of their maintenance costs (St Alban Wood Street and St Bennet Sherehog), while others recouped nothing (Kingsbury, St Antholin and St Mary Colechurch). All these parishes had very few chargeable illegitimate children and overseers recovered all or nothing in these cases. However, Limehouse St Anne had 43 such children and had managed to claim back 80.7 per cent from putative fathers. Those with the largest number of chargeable illegitimate children, St Pancras and St Marylebone, recovered 33.2 per cent and 29.3 per cent respectively – higher than Nutt’s average for this part of London. Recovery rates were variable in Southwark and Lambeth. St Thomas’s only recovered 8.7 per cent of its bastardy costs (Table 1), St George the Martyr 14 per cent and St Saviour’s 35 per cent.⁶¹ However, Nutt’s averages for each area of London are low because so many metropolitan parishes failed to recoup very much. Pinner Hamlet and Little Stanmore only recovered 4.0 per cent and 4.5 per cent respectively of their bastardy costs. Even within the metropolitan geography of bastardy recovery rates, the ability of parishes to recoup costs varied widely. This might have been for many reasons, including the efforts of individual officers at the local level in implementing the affiliation system, the effectiveness of magistrates, and the ability (and inclination) of fathers to pay.

It was in the interests of overseers to recoup the cost of chargeable bastardy and affiliation offered them the opportunity to do so. The final column of Table 1 shows maintenance payments recovered as a percentage of total parish spending, and thereby reveals the impact on parish expenses of not recovering bastardy maintenance costs.⁶² The proportions recovered varied between 0.2 per cent and 14.3 per cent, except for St Mildred, Bread Street, at 37.4 per cent. This parish reported that it managed to recover £124 of £305 maintenance expenses, and raised parish rates of £333. The parish had just nine poor residents, 41 out-residents, and apparently just one illegitimate child (the costs for whom appear to have been enormous or simply inaccurate).

One important factor affecting the ability of the parochial authorities to recover bastardy costs was the poverty of fathers. The respondent at St Luke’s stated, ‘Most of the fathers are of the very lowest description of people, from whom nothing can be recovered.’ The vestry clerk for St Edmund the King and Martyr had just two bastards chargeable to the

⁶⁰ Only responses with data to a satisfactory standard for quantification are included. See Nutt, ‘Paternal’, p, 344.

⁶¹ ‘Town Queries’ (P.P. 1834, XXXVI). St George the Martyr and St Saviour’s did not give sufficiently full answers and so their data is not included in tab. 1. St Mary Newington did not respond.

⁶² ‘Town Queries’ (P.P. 1834, XXXVI), rates raised in 1831, bastardy recovery evidence 1832 (referring to 1827-1832).

parish: the father of one paid 3s. per week and the parish paid the mother 4s. (and thus the parish recovered three-quarters of the cost in this case), while in the other instance the father was 'too poor to allow it any thing.' In Notholt, 'the loss has generally fallen upon the parish, the putative fathers being unable to pay towards their support.' The vestry clerk of St Martin, Ludgate, found that one putative father had agreed to pay 4s. per week but he had not kept up his payments.

In other cases men named as fathers of illegitimate children deserted in order to avoid affiliation. The officers of Mile End New Town Hamlet (St Dunstan Stepney Parish) complained that, despite orders being made by the magistrates, 'very little money is collected, the fathers absconding.' In St Helen near Bishopsgate the respondent commented that, 'Very little is ever received from the putative fathers, by reason of their being generally servants, and therefore enabled to quit the parish, and elude the officers.' This was certainly one escape route open to men; however, alleged fathers were not always servants.⁶³ Another possible escape route was enlisting as a sailor or soldier, but the proportion of putative fathers so employed was not so high here either.⁶⁴

Question 59 also asked, 'And how much [expense has been recovered] from the Mothers?' Pro-forma affiliation orders expected a 6d. contribution from mothers', but Nutt argues that in practice it was rare for mothers to contribute.⁶⁵ Almost all parishes responded that nothing was recovered from mothers or 'scarce any' (St Andrew by the Wardrobe) and 'little or nothing' (Limehouse St Anne). The responses of just two parishes suggest that at times mothers contributed something: 'The contributions of the mothers go in aid of the parish allowances' (St Helen near Bishopsgate) and 'if she puts the child out to nurse, which is most frequently done, she must contribute towards its maintenance' (Edgeware). This article will assess the extent to which this happened in London, and Southwark and Lambeth in particular, in the next section.

III

The Town Queries provide an extremely useful – but static – picture of the recovery of costs from putative fathers. A dynamic picture of the parochial management of the maintenance of illegitimate children can be obtained from a particularly rich set of extant bastardy records for St George the Martyr and St Saviour's, Southwark, and St Mary Newington, Lambeth, between the 1790s and the 1830s. By 1700 the cities of London, Westminster and the Borough of Southwark were understood as 'London' yet the region was diffuse. Schwarz describes London as 'a kaleidoscope of neighbourhoods, set amidst a large and amorphous urban region.'⁶⁶ Initially Southwark and Lambeth were only linked to the rest of the

⁶³ Black, 'Fathers', p. 54; Evans, *Unfortunate objects*, pp. 36, 40, 117-18.

⁶⁴ Evans, *Unfortunate objects*, pp. 36, 40, 117-19, 158; Black, 'Fathers', p. 54.

⁶⁵ See, for example, SLSL 860-865 St Mary Newington bastardy adjudications [orders], 1808-1836 (and transcription by P. Shilham); Nutt, 'Paternal', p. 337.

⁶⁶ Schwarz, 'London 1700-1840', pp. 645-7.

metropolis by London Bridge and so growth was slow compared to the rest of London. After the building of Westminster Bridge (1750) and Blackfriars Bridge (1769) growth was much more rapid, with new courts and alleys stretching out from Borough High Street to Red Cross Street, around the Mint, east to Snow's Fields, and westwards by around half a mile.⁶⁷ Southwark was dominated by warehouses, works and slums, with districts described as 'sorry build Timber Houses, and as ill inhabited.'⁶⁸ A London directory for 1781 highlighted that Southwark's manufacturing was dominated by the leather trades, with skimmers, tanners, wool staplers, hatters and glue makers all listed.⁶⁹ Cheap housing predominated in Southwark: over 43 per cent of assessed housing stock was valued at below £20 in 1830. In contrast, in the much more affluent western districts of Marylebone and Westminster the majority of housing was valued at above £40.⁷⁰ In response to this poverty, and in order to deter applicants, Southwark and Lambeth had workhouses with large capacities.⁷¹

St George the Martyr, St Saviour's and St Mary Newington had a combined population total of 102,301 in 1831 (Table 2). Population growth was uneven: while St Saviour's grew only slowly between 1801 and 1831, the population of St George the Martyr almost doubled and the numbers of residents trebled in St Mary Newington. The increase was fuelled by migration which increased employment opportunities for women in domestic service; many unmarried mothers in the metropolis were household servants.⁷² Although the illegitimacy ratio was low in London – it was 0.9 per cent in Southwark, 1813-20 – the actual number of chargeable bastards in these parishes was still high.⁷³ In St Saviours there were over 100 illegitimate children on the parish books in the 10 years 1818-28, between 100 and 250 in St George the Martyr 1818-35, and around 200 in St Mary Newington, 1808-36.⁷⁴ The cost of local poverty to ratepayers, and their willingness to pay, is evident in per capita expenditure. In 1803 St George the Martyr spent the lowest amount on poor relief at 5s. 6d. per capita, St Mary Newington spent 9s. 0d., while St Saviour's spent the most at 12s. 10d.⁷⁵ The male occupational profile of the parishes also impacted upon both the ability of ratepayers to relieve poverty and of putative fathers to pay for chargeable bastardy. Manufacturing dominated in St George the Martyr and St Saviour's, with 42.1 per cent and 44.6 per cent of men so employed respectively in 1813-20. There were far more labourers in St Saviours – 17.2 per cent as opposed to 8.3 per cent in St George the Martyr and 9.2 per cent in St Mary

⁶⁷ Porter, *London*, p. 269; White, *London*, pp. 1-2, 32, 77. On seventeenth-century Southwark see Boulton, *Neighbourhood*.

⁶⁸ White, *London*, p. 6.

⁶⁹ *Ibid*, pp. 212-13.

⁷⁰ Green, *Pauper*, pp. 56-7.

⁷¹ *Ibid*, p. 59.

⁷² Wrigley, 'County populations', tab.s 5-7, pp. 54-60; Schwarz, *London*, p.15; eadem, 'English servants', tab. 2, p. 242; Evans, *Unfortunate objects*, pp. 113, 159-60; Hitchcock and Black, *Bastardy*, p. xviii.

⁷³ Figures provided by L. Shaw Taylor and E.A. Wrigley, from the ESRC-funded project 'The occupational structure of Britain 1379-1911'.

⁷⁴ SLSL 97 St Saviour's Overseers' bastardy maintenance book, 1818-1831 (and transcription by P. Shilham); SLSL 763 St George the Martyr churchwardens and overseers' maintenance accounts on affiliation orders, 1818-1835 (and transcription by P. Shilham); SLSL 860-865.

⁷⁵ *Abstract to expense of the poor* (P.P. 1803-04, XIII.I), pp. 502-3, 509-10.

Newington. In St Mary Newington a much lower proportion of men were occupied in manufacturing at 26.3 per cent, with 21.0 per cent recorded as titled or 'gentlemen', which suggests it was a wealthier parish than the other two. Just 8.8 per cent and 1.7 per cent were titled/gentlemen in St George the Martyr and St Saviour's.⁷⁶ There is some evidence that unmarried mothers who received relief were treated harshly in this area of London: Mr Watmore, vestry clerk of Lambeth, told the Poor Law commissioners that unwed mothers' names were 'twice published' and those in the workhouse had 'a special dress assigned to them'.⁷⁷

Table 2

The sources which have been analysed for this study are affiliation orders and 'bastardy maintenance books'. Affiliation orders contain the names of the mother, putative father and child, the date and place of birth, and initial costs and the weekly maintenance sum to be paid.⁷⁸ These record what was ordered rather than paid regularly. 'Bastardy maintenance books' (sometimes also called 'registers of illegitimate children') document the names of the mother, putative father and child, the date and place of birth, whether a lump sum was paid or a weekly amount (sometimes differentiating between the putative fathers and the parish), and the duration of payments.⁷⁹ For St George the Martyr 'Illegitimate children individual accounts' are also extant which give the mother's name and the allowances paid to her and the amount recovered from the alleged father (who paid in instalments every few months).⁸⁰ Where the sources for any one parish overlap then names have been linked nominally.⁸¹ These are rich sources and allow for an exploration of the complex dynamics of the maintenance of illegitimate children under the old poor law. They reveal the costs associated with lying-in and the legal expenses that putative fathers were expected to pay, bond sums and bondsmen (and women), the amount of lump sums paid to dispense with the responsibility to pay maintenance, the weekly maintenance sums ordered to be paid by putative fathers (and mothers) by magistrates and the sums actually paid. They also reveal the length of time maintenance sums were paid, and whether mothers or fathers were raising the child.

Before a putative father could be affiliated, a warrant had to be issued, he had to be located and he had to appear in court. Some suspected fathers were never found or brought before a magistrate: the bastardy books reveal that in St George the Martyr, 1797-1809, 9 per cent of men (12 of 135) were 'never taken', while in St Mary Newington, 1802-35, 8.5 per cent of

⁷⁶ Data provided by L. Shaw Taylor and E.A. Wrigley, from the ESRC-funded project 'The occupational structure of Britain 1379-1911'.

⁷⁷ *Appendix to the first annual report* (P.P. 1835, XXXV), pp. 112-16.

⁷⁸ SLSL 860-865; SLSL 762 St George the Martyr relief and filiation orders, 1822-1832 (and transcriptions by P. Shilham).

⁷⁹ SLSL 603 St George the Martyr register of illegitimate children, 1794-1807; SLSL 763; London Metropolitan Archives (hereafter LMA) P92/MRY/357 St Mary Newington register of bastard children, 1802-1835; SLSL 97.

⁸⁰ SLSL 588 St George the Martyr illegitimate children individual accounts, 1792-1808.

⁸¹ LMA P92/MRY/357; SLSL 860-865, 603, 588.

men (73 of 859) were 'unknown', 'not found', 'never taken' or 'run away', such as William Fryer, a victualler, who had 'run away [from his] creditors'.⁸² In St Mary Newington a small percentage of alleged fathers were described as too 'poor' to pay or were either convicts or had been transported (both 0.6 per cent, 5 of 859).⁸³ The bastardy orders of St Mary Newington record that other men, such as Charles Hemmingsway and Robert Willis, paid the mothers of their children directly rather than through the parochial affiliation system, but these amounted to a minority of orders (0.4 per cent, 2 of 569). These children were initially chargeable which is why they appear in the bastardy orders, but they are a different type of case to those examined here; there might have been many other private arrangements that did not come to the attention of the parochial authorities because putative fathers were wealthier and in order to avoid publicity. One such case slipped into the bastardy orders: of William Pitcher who 'agreed with a nurse to keep the child which is not chargeable to the parish.'⁸⁴ Fathers might also agree to take the child themselves, such as John Metcalf who 'took the child from the mother by consent' in April 1818. 10 men agreed to do this (1.8 per cent of 569 cases), also including John Jones, gardener to Mr Burne of Marlborough Place, who fathered a child with Elizabeth Eastmead. He took his illegitimate son from the workhouse to his wife and children in the country.⁸⁵

In this area south of the Thames putative fathers were expected to pay a wide range of initial bastardy expenses, including lying-in costs, initial maintenance, clothing for the infant, funeral costs if the child died, legal fees including warrants, serving warrants, the bastardy examination, bastardy order, enquiring after securities, vestry clerks' attendance, beadles and messengers, discharging bonds, and letter costs.⁸⁶ Figure 1 shows the totals of these costs paid by putative fathers in St George the Martyr 1792-1808 and the sums imposed upon fathers in the bastardy orders in St Mary Newington 1808-36; unfortunately there is no chronological overlap. The most common sum in St Mary Newington was £1-2 and slightly more in St George the Martyr at £2-3; however, a larger number of putative fathers were ordered to pay higher sums in St Mary Newington, with expenses reaching up to £20 10s. 6d. in an order against William Gent in May 1819. In this case the parish did not recover the money from William Gent; he is recorded in the bastardy books as 'gone' and the parish paid the 5s. a week ordered by the magistrates for his daughter.⁸⁷ It is also to be regretted that these bastardy books do not state whether any initial expenses were actually paid.

Figure 1

It is very difficult to tease out the reasons for the differences between these parishes. The differences might be accounted for by source, since one relates to that charged upon the

⁸² SLSL 603; LMA P92/MRY/357.

⁸³ LMA P92/MRY/357.

⁸⁴ SLSL 860-865.

⁸⁵ Ibid.

⁸⁶ SLSL 588.

⁸⁷ SLSL 860-865.

father (St Mary Newington's, with higher sums) and the other to that actually paid (St George the Martyr, with lower sums). Costs were itemized in the accounts for St George the Martyr, but they were totalled in the St Mary Newington bastardy adjudications and so the sources cannot be directly compared. It might be the case that the larger sums in St Mary Newington were due to differential costs in apprehending and getting putative fathers to court (at a later date) or due to parochial practices in what was charged to alleged fathers since this was the wealthier parish.

After paying the initial expenses putative fathers could pay lump sums and thereby prevent all further claims on them. How many men paid lump sums? The bastardy book of St George the Martyr, 1797-1809, provides an indication of the proportion of these alleged fathers paying lump sums over maintenance payments.⁸⁸ In the parish 21 per cent (28 of 135) paid a lump sum and 50 per cent (68 of 135) put up a bond which led to weekly maintenance payments. As stated above, a further 8 per cent of men were 'never taken'. Of the remainder some paid the expenses only. Others promised or did marry the mother, such as Thomas Masters, 'Gone to Ireland, taken the Woman and Child with him', or the mother married another man. Some men were deemed too poor to pay, such as John Nugent who was 'taken & discharged being poor'. Parish officers and magistrates could attempt to enforce payment from putative fathers with the threat of imprisonment but, argues Nutt, since incarceration could serve to wipe the debt clear, there was a mixed incentive to pursue fathers in this way. In Chelmsford the threat of imprisonment sometimes encouraged men either pay up or to abscond. This forced parish officers to adopt strategic approaches in the pursuit of putative fathers.⁸⁹ In St George the Martyr 10 per cent of men were gaoled for some time (13 of 135), six of whom, it was recorded, subsequently paid lump sums. In other cases the magistrates found against the mother and in favour of the man, with the order discharged, such as 'Browlow Ford – discharged the woman acknowledging she had sworn falsely & not being with child.'⁹⁰

Figure 2 reveals that the most common lump sum in St George the Martyr (the only parish for which this information survives) was £20-29, but payments ranged up to £60-69. These sums were far short of the £80-£100 pledged in bastardy bonds, but lump sums and bonds worked differently; bonds (and bondsmen and women) were called in upon the failure of the putative father to pay or at his death.⁹¹ Lump sums were usually less than weekly maintenance payments; an allowance of 2s. 6d. for seven years, for instance, totalled £45 10s. Unfortunately occupations were not given in this source for the men paying lump sums (28 men). However, it is evident that 8 of them (29 per cent) had spent some time in custody before paying, while John Ivory's master, Mr Wrench, paid his lump sum of £21, and

⁸⁸ SLSL 603.

⁸⁹ Nutt, 'Illegitimacy', pp. 159-78.

⁹⁰ SLSL 603.

⁹¹ £80 in St George the Martyr (SLSL 4580 Bastardy bonds, 1730-1830); £100 in St Clement Danes (List of securities for the maintenance of bastard children, Registers of bastard children, 1775-1779, www.londonlives.org last accessed 29 August 2014).

John Charles Cooper was only discharged from custody when his father paid 8 guineas. It was not necessarily expected that lump sums should be paid at once; some men paid in instalments (5 men), such as Robert Ward, a farmer (the only man for whom an occupation is given), from Walspoken, Norfolk, who gave £20 at three months, six months and fifteen months, thus totalling £60. Regarding the gaoling of putative fathers in St George the Martyr in both periods (1797-1809, 1818-35), it would appear that a spell in the house of correction 'for want of sureties' (as the law allowed) triggered the payment of lump sums either by the fathers or those who would assist them.

Figure 2

However, in the period 1818-35 just 3 per cent (7 of 257) of putative fathers in St George the Martyr paid lump sums, which ranged between £20 and £42.⁹² When a warrant was taken out against Henry Haydon, an apprentice grocer, in September 1822, 'his friends' agreed to pay, and the committee to accept, £25 'without further claim'; likewise, the only other apprentice (to a silversmith), Richard Nicholson's friends paid £42 'no more due'. Joseph Painting was a porter boy at the Blind School and, 'having neither friends nor attorney the Committee took which was raised for him & to make no further claim.' In St Saviours 9 putative fathers (8 per cent, of 114) paid lump sums of between £10 and £45 in the period 1818-31. The occupations of alleged fathers were given in four cases: a pub landlord gave £6 10s., a cheese shop man paid £10, while a coachman gave £30, and fruitier at Spitalfields market paid £35.⁹³

It might be thought that putative fathers had some choice in whether they paid lump sums (either up-front or in instalments) or whether they paid maintenance payments for a number of years. It might be speculated that lump sums were less than the total cost of many years of paying maintenance or that better-off men could afford lump sums. On the other hand, parochial officers might have asked for lump sums from those they thought least able to keep up maintenance payments and who were likely to default, either through poverty or desertion. The fact that 29 per cent of men paying lump sums had been gaoled in St George the Martyr, 1797-1809, and that masters, fathers and friends had to contribute suggests that the latter explanation might be closer to the truth.

The majority of putative fathers paid maintenance rather than a lump sum and the bulk of day-to-day affiliation work was concerned with securing and paying weekly maintenance sums to mothers and their children. Men did not necessarily pay the parish weekly and might pay in larger instalments, but overseers paid mothers weekly.⁹⁴ It has already been noted that the Rural and Town Queries recorded weekly allowances of between 1s. and 2s. 6d. in 1834.⁹⁵ Nutt found that over 80 per cent of affiliation orders at Chelmsford petty

⁹² SLSL 763.

⁹³ SLSL 97.

⁹⁴ SLSL 588.

⁹⁵ Nutt, 'Paternal', p. 337; Lyle, 'Regionality', p. 146.

sessions in the period 1814-1834 specified sums of 2s. or 2s. 6d., 10 per cent of sums of 3s., 4.9 per cent of sums between 3s. 6d. and 4s. 6d., with the remainder for sums below 2s.⁹⁶ Figure 3 shows the actual sums being paid in St George the Martyr, St Saviours and St Mary Newington, plus the amounts ordered by the magistrates in St Mary Newington. The data on actual sums paid show that 2s. 6d. was also the most common sum in St Mary Newington and St Saviours, but St George the Martyr appear much more generous with 4s. per week paid most often. Other differences are also apparent between the three parishes. Putative fathers in St Mary Newington and St George the Martyr gave higher sums while men in St Saviour's paid the fewest large sums. Another important point is evident in these figures: although 2s. 6d. was the most commonly given sum in St Mary Newington and St Saviour's, and 4s. in St George the Martyr, there were actually far more payments over these sums. For instance, in St Mary Newington 50 men paid 2s. 6d. but 273 men paid higher sums.⁹⁷ These findings highlight the fact that focusing upon the most commonly given sum hides the huge range of payments, and most notably the larger payments.

Figure 3

There are two possible reasons for the higher weekly maintenance payments recorded in the Southwark and Lambeth bastardy books. The first and most obvious reason is that respondents to the Rural and Town Queries only reported the most commonly given sum, not the range of weekly maintenance payments. The other is that higher sums might have been expected from alleged fathers in London. Wages varied considerably in the metropolis and over this period but they were generally much higher than outside London and these higher maintenance sums might reflect the ability of metropolitan men to pay more.⁹⁸ Indeed, in his *Handbook for Justices* (1727), Burn stated:

And as for the reputed Father, the two Justices shall do well, (as I conceive) if he be of Ability, to charge him more deeply; which if he refuse, then with Punishment according to Statute of *18 Eliz.* ... And if the Reputed Father be of small Ability, and shall not find Friends to yield some reasonable Allowance, then to undergo the more Punishment.⁹⁹

The sums ordered by magistrates for St Mary Newington ('orders', Figure 3) were different to the actual sums recorded in the bastardy books. This was because the sums decided upon by the magistrates in the orders was not necessarily what was actually paid to the mother. Thus, reliance upon orders only might not always reveal day-to-day practice and bastardy books might be the preferred source. In 10 per cent of cases the parish gave mothers a different sum than was given in the orders: in 9 in 10 instances mothers and their children were allocated lower weekly sums, usually 6d. or 1s. less than the order sum, but it could be

⁹⁶ Nutt, 'Illegitimacy', pp. 155-6.

⁹⁷ St Saviour's 2s. 6d. = 30, > 2s. 6d. = 49, St George the Martyr 4s. = 15, > 4s. 16.

⁹⁸ Schwarz, 'Standard of Living'; eadem, *London*; Hunt, 'Industrialization'; Allen and Weisdorf, 'Industrious'.

⁹⁹ Burn, *Handbook*, p. 46.

up to 3s. 6d. lower. In the other 1 in 10 cases higher sums were actually paid. Unfortunately, the bastardy books do not reveal why. It does not appear that overseers withheld some of the money for their costs; Mr W Selfton, collector of the poor rates in Lambeth reported that, 'In cases where the children are affiliated, we pay over to the mothers all the sums we receive from the fathers'.¹⁰⁰ It is possible that allowances were reduced by the parish when alleged fathers did not pay. Nutt has shown that while this was a common response by overseers in West Yorkshire, in Essex women could be effective 'litigants' in court and magistrates could force parochial officers to pay the full amount.¹⁰¹ There is also some evidence to suggest that south London was more like the former and also that there was a moral dimension to officials' decisions. Mr Watmore, vestry clerk in Lambeth, reported that in cases where the child could not be affiliated or the fathers had absconded, 'we give from 1s. to 2s. 6d. a week only; if the parties are otherwise respectable, we give the higher sums, and to the more abandoned and worthless, the lesser amount.'¹⁰²

In addition, the bastardy books show that in 10 per cent (8 of 78) of cases in St George the Martyr and in 13 per cent (112 of 859) of cases in St Mary Newington weekly allowances changed over the duration of maintenance payments as children grew older: usually sums were reduced by between 6d. and 1s., such as that give to Sarah Hope for her daughter, whose allowance fell from 4s. per week to 3s.¹⁰³ This most probably reflected a reduction in need as mothers could take on further paid work or children went out to work, thus reducing the cost of raising a child. Nevertheless, it must be noted that the great majority of allowances were not reduced. Thus a range of sources – and the bastardy books in particular – reveal a far more complex picture than the Rural and Town Queries.

Pro-forma bastardy orders assumed that mothers would pay a low weekly sum (sometimes 6d.), usually if they were not nursing or caring for the child themselves, although Nutt argues that this was rarely enforced.¹⁰⁴ However, in the St Mary Newington adjudications, 1808-36, 25 mothers (4 per cent, of 569) were ordered to pay specific weekly sums of between 6d. and 5s., such as Ann Cook 'she is to pay 2/- weekly instead of the usual 6d' and Sarah Birt, who was ordered to pay 3s. weekly (Figure 4).¹⁰⁵ These data gives the impression that mothers generally paid less than putative fathers or the parish, and they certainly did in 44 per cent of cases (11). But in 52 per cent of instances (14) mothers and fathers were ordered to pay exactly the same amount and thus financial responsibility was shared. In just one case (accounting for the remaining 4 per cent) the mother paid a higher sum – Maria Jennings was ordered to pay 2s. 6d. per week while John Prince was to pay 1s. 6d. It also appears that women were asked to contribute in some cases when the putative fathers did not. Peter Harwood 'never could be found', Joseph Evans 'went to sea, said to have died on

¹⁰⁰ *Poor law report* (P.P. 1834, XXVII), pp. 95, 116.

¹⁰¹ Nutt, 'Illegitimacy', ch.s 4, 5, 6.

¹⁰² *Appendix to first annual report* (P.P. 1835, XXXV), p. 116.

¹⁰³ SLSL 588; LMA P92/MRY/357.

¹⁰⁴ Nutt, 'Paternal', pp.336-7; Nutt, 'Bastardy', p. 128.

¹⁰⁵ SLSL 860-865.

board ship', the order on William Smallman 'never served', while Gabriel Cook and John Hinton had both 'run away'. Cases where mothers received such orders were not spread equally over the period but clustered in the years 1805-09 (6 cases), 1815 (1 case), 1833-36 (18 cases), suggesting a particular drive by magistrates at certain times to also enforce payment by mothers. These payments were not recorded in the bastardy books, however; the pro forma books had no column for the contributions of mothers, just the men named as the fathers of illegitimate children.¹⁰⁶ This makes it difficult to ascertain for certain whether these women actually paid these sums and how regularly. If they did, then it would mean that some mothers were also contributing financially for the care of their child. The most obvious reason would be their return to work and that their infants were put out to nurse, and other parish documents record this, as do Foundling Hospital petitions.¹⁰⁷ Information on whether the mother nursed the child is given in 10 of the 25 cases: exactly half of the children were at nurse and half were nursed by their mothers. Historians have assumed that if mothers nursed the child themselves then the maintenance sum was waived, but these cases suggest that they might still have been ordered to contribute. It is also the case that far more mothers – in London at least – would have been working than the small group ordered to contribute towards maintenance that can be seen here. The bastardy books do not capture what happened to the mothers during the period that their children received allowances, and many of the mothers must have either taken in outwork and kept their children with them, or returned to domestic service and placed their children with a nurse.¹⁰⁸ Although the bastardy books reveal a great deal of the complexities of maintenance payments for putative fathers, they are remarkably silent on the financial and/or nurturing contributions of mothers.

Figure 4

However, the bastardy documents do reveal – systematically – the duration of maintenance. Lyle argues that maintenance sums were paid to the mother and child usually until the child reached the age of 7; Nutt also identifies the age of seven as a contested point at which allowances were reduced or withdrawn; while Crawford cites cases where payments continued until the child was aged between 8 and 14.¹⁰⁹ Although the 'age of nurture' was usually until the age of seven, Levene has highlighted the 'fuzziness' associated with the concept of childhood for the poor. Legal definitions varied and could be as high as the age of 15, while in registers of children young people were included up to the age of 18 or even older. Levene focuses upon children aged 13 or under, since this was the average age at

¹⁰⁶ Ibid.

¹⁰⁷ Guildhall Library, Annual register of poor children, 1767 (I would like to thank Alysa Levene for sharing her transcription of this with me); SLSL 764 St George the Martyr annual register of the parish poor children until they are apprenticed out, 1789-1805 (and transcription by P. Shilham); SLSL 1619 St Olave annual register of the parish poor children until they are apprenticed out, 1785-1813 (and transcription by P. Shilham); Williams, 'Petitioner'.

¹⁰⁸ Williams, 'Forced'.

¹⁰⁹ Nutt, 'Paradox', p. 104; Nutt, 'Illegitimacy', pp. 175-6; Lyle, 'Regionality', p. 145; Crawford, *Parents*, p. 101.

which poor children were bound out as apprentices in London in the mid eighteenth century.¹¹⁰ The bastardy books record allowances paid to mothers for their children; they do not make it clear whether the putative fathers were contributing constantly, or whether some defaulted and the parish continued the allowance. There were a few cases where the length of time the alleged father should pay was specified, such as Hugh Jones Owen, who in 1835 was ordered to pay 'until child is 7 y^{rs} old'.¹¹¹ The St George the Martyr 'Individual accounts for illegitimate children, 1792-1808' record the allowances paid by the parish and the instalments paid by the putative father. They reveal that 61 per cent of alleged fathers paid in full.¹¹² However, in 1834, when the number of chargeable illegitimate children had trebled, John Fitch, vestry clerk in St George the Martyr, reported in the Town Queries that only £230 of £1,620 (14 per cent) had been recouped from the putative fathers.¹¹³

Figure 5 shows the duration of weekly maintenance sums in St Mary Newington, St George the Martyr, and St Saviour's. The cases where payments were truncated by the death of the child or the putative father have been omitted.¹¹⁴ Parochial diversity is evident once more in these figures. In St Saviour's the longest duration was 9-10 years, while in St Mary Newington maintenance continued up to 15 years. The duration alleged fathers paid maintenance lengthened in St George the Martyr between 1792-1808 and 1818-1835, to up to 13-14 years. Nevertheless, allowances to mothers for their children were paid for much longer than seven years.

Figure 5

Recovering the costs from putative fathers was not an easy task for parish officials. The bastardy books reveal the constant and long-term difficulty of recouping the money from men over many years. In St George the Martyr, for instance, Edward Parr, a broker, paid for almost five years, at which time a 'writ issued but too poor to pay anything: gave promissory note which was dishonoured.' Edward Kilsby, a ship breaker, went bankrupt, as did Thomas Luxford, a victualler and William Stevens, a milkman.¹¹⁵ In St Saviours the debts of 8 per cent (9 of 114) of alleged fathers were written off or their future payments were excused, while John Bowden, a jeweller, had his payments docked by his employers.¹¹⁶ In two cases in St George the Martyr, men paid for some years before deciding to take the child themselves. William Lawrence paid for five years, at which point it was recorded that he 'is worth nothing' and 'father will take [the child]', while Joseph Meades, a guard to Northampton

¹¹⁰ A. Levene, *Childhood*, pp. 16-17.

¹¹¹ SLSL 860-865.

¹¹² SLSL 588.

¹¹³ *Poor law report* (P.P. 1834, XXVII), p.224.

¹¹⁴ It is possible that some allowance durations have been truncated due to the duration of data availability: St George the Martyr 1792-1808 (16 years), 1818-1835 (17 years), St Saviour's (17 years), but this is less likely for St Mary Newington 1802-1835 (33 years). Nevertheless, there were no allowances given for longer than 14 years in St George the Martyr or 10 years in St Saviour's.

¹¹⁵ SLSL 763.

¹¹⁶ SLSL 97.

Mail, paid for almost three years and then 'child taken by father.'¹¹⁷ Other men deserted to the Cape, France, the East Indies, Ireland, Scotland or simply 'abroad', plus William Fryer, victualler, had 'run away creditors'.¹¹⁸ Crucially, once an affiliation order had been issued it entitled the mother to receive a weekly allowance whether the alleged father paid or not, and so this had financial implications for the parish.¹¹⁹ In a very unfortunate case, 'Wm. Musgrave In Cust:', he died in the House of Correction the 24th April 1802'.¹²⁰ With the death of putative fathers the recovery of maintenance payments ceased, unless a bond could be called in, and this was the point of taking a bond alongside an affiliation order. In St George the Martyr 8 per cent (19 of 251) of men died whilst on the maintenance books; similarly 8 per cent (68 of 859) of men did so in St Mary Newington.¹²¹ In the case of Daniel Luscombe, who paid weekly maintenance sums for four years until his death, when Mrs Clark (Luscombe's bondswoman) asked her attorney H.P. Curtis to ask the committee to accept £60. The committee agreed to accept £80, 'the penalty in the Bond being only £100'. However, when James Buckett died his bonds-people were not called in, but rather the mother and child were 'put on Thursday list', which was presumably the list of weekly pensioners.¹²² Payments also stopped, of course, with the death of the child; 22 per cent of children recorded in the maintenance book of St May Newington died in the period 1802-1835. Putative fathers were then expected to pay the child's funeral expenses. Costs ranged from 7s. to £1 11s. 6d.¹²³ Nevertheless, the bastardy books for St George the Martyr indicate that this parish was more successful than many other metropolitan parishes at recovering the costs associated with chargeable bastardy.

IV

By the late eighteenth century a substantial legal and administrative mechanism had developed for the recovery of the costs by the parochial authorities of illegitimate children from their putative fathers and, on occasion, their mothers. In this respect the expansion of the affiliation system mirrored the development of the old poor law more generally and the substantial growth of social welfare.¹²⁴ Yet the ability of parishes to actually recoup these costs varied widely. This was a complex system, variable at the parochial and regional level – as was the wider poor law – but one which ran in parallel with the poor law and offered tenacious overseers a way of deflating the parish rates. Yet this was a period in which illegitimacy was rising sharply and the increased costs of chargeable bastardy impacted upon rapidly escalating parish expenditure. This situated generated alarm at the economic and moral costs among intellectuals such as Malthus and politicians including Nassau Senior

¹¹⁷ SLSL 763.

¹¹⁸ LMA P92/MRY/357.

¹¹⁹ Nutt, 'Paternal', p.337; Lyle, 'Regionality', p.144.

¹²⁰ LMA P92/MRY/357.

¹²¹ SLSL 763; LMA P92/MRY/357.

¹²² SLSL 763.

¹²³ SLSL 588.

¹²⁴ Williams, *Poverty*, pp. 2-6.

and Edwin Chadwick, the architects of the Poor Law Report, and contributed towards a hardening of attitudes towards unmarried mothers and the new Bastardy Clauses of 1834.

In London success at recovering costs was relatively limited at a time when the poverty problem was growing in the capital. This meant that the bulk of the costs associated with illegitimacy fell upon parish ratepayers, not putative fathers. Rising illegitimacy and the inadequacy of overseers to recoup costs therefore had significant consequences for parochial finances and it is no wonder that many metropolitan respondents to the Town Queries wanted a system whereby the financial obligations of putative fathers could be better enforced.¹²⁵ Metropolitan life provided a paradox: there was the potential for high male wages, particularly in the building trades, and yet this coexisted with casual labour and the sweated trades.¹²⁶ Massive levels of migration destabilized the poor law and created huge numbers of vagrants and casual paupers. Despite the principal of deterrence enshrined in the establishment and running of many metropolitan workhouses it was, in fact, the sick, the elderly, and lying-in women who filled their wards.¹²⁷

The diversity of experiences across London revealed in the Town Queries was also reflected at the local level of St George the Martyr, St Mary Newington and St Saviour's. Such parochial variety suggests that factors outside the jurisdiction of magistrates were more important, which, in itself, reveals something about legal cultures; justices might have been able to issue affiliation warrants and orders but it was the overseer who had to deal with the day-to-day reality of extracting maintenance payments. More important factors included parochial cultures, which set maintenance levels and durations, and the wealth of alleged fathers. Weekly allowances in these parishes were frequently larger than the usual 2s. 6d. and could be paid for anywhere up to fifteen years. Yet the influx of migrants into St George the Martyr and St Mary Newington, in particular, must have made the administration of the poor law and the implementation of the affiliation system much more difficult for local officials. St Mary Newington, the wealthier parish, fared better than the other two parishes. Nevertheless, these were high-cost decades for metropolitan parishes and rising illegitimacy simply compounded urban poverty, particularly south of the Thames. South London was one of the poorer districts within the increasingly sprawling metropolis. This was one area that would have benefitted from the ability to recover the costs of chargeable bastardy from putative fathers and yet many London parishes largely failed to do so. In this regard, the findings of this study contribute to a greater understanding of the geography of the maintenance of illegitimate children as well as the old poor law more generally.

The operation of the system of affiliation had important implications for the economies of makeshifts for mothers and putative fathers. For mothers, it allowed them to employ a

¹²⁵ Nutt, 'Paternal', tab. 3, p. 349.

¹²⁶ Hunt, 'Industrialization'; Allen and Weisdorf, 'Industrious'; Schwarz, *London*, pt. III.

¹²⁷ Hitchcock and Shoemaker, *London*, pp. 138-40, 144-7, 305-11, 121-32.

midwife for the birth and to buy childbed linen, at no cost to themselves, and it provided a weekly allowance for their child. Yet, despite the opinion of the Poor Law Commissioners that, 'To the woman, a single illegitimate child is seldom any expense, and two or three are a source of positive profit', allowances were thought by many of the respondents to the Rural and Town Queries to be only barely sufficient to maintain a child.¹²⁸ Unwed mothers had to strive to put together a living; without a male wage almost all must have taken in outwork or returned to domestic service after putting their infant out to nurse.¹²⁹ One important finding from this study is that mothers might also be required to financially support their children, not just putative fathers. To some extent, then, the gendered parenting of illegitimate children whereby reputed fathers were financially responsible and mothers played a predominantly nurturing role was not always the case in London.

The sums expected from putative fathers were such that many of them must have struggled to pay. Initial sums, lump sums, and prolonged weekly maintenance payments most probably strained the limited wages of many. Lump sums could be large but many of the smaller sums were predominantly paid by, or on behalf of, putative fathers thought least able to afford regular maintenance. The continued ability of all putative fathers to pay maintenance for many years must have been a considerable burden. While many men in Southwark and Lambeth did manage to pay, others absconded, took the child themselves, or defaulted, leaving the parish financially responsible for the child. This placed the parish in the position of 'civic fathers' whereby public fatherhood was located in the state. Overseers substituted absent fathers as the 'fathers' of poor children.¹³⁰ At the heart of the affiliation system were negotiations between mothers, fathers, and parish overseers. Thus the story of illegitimacy, the affiliation system, and the old poor law is a much bigger one than simply one about poverty and welfare; it is also a story about the link between motherhood, fatherhood, and the state.

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¹²⁸ Nutt, 'Illegitimacy', p. 69.

¹²⁹ Evans, *Unfortunate objects*; Crawford, *Parents*, pp. 52-9.

¹³⁰ Crawford, *Parents*, p. 28, ch. 5 *passim*. See also Levene, *Childhood*; Forman Cody, *Birthing*, pp. 283-7; eadem, 'Politics'.

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Table 1: Population, number of illegitimate children, bastardy recovery rate, and maintenance as a proportion of parish relief, responding London parishes, Town Queries, 1834

Parish	Population	Number of illegitimate children	Bastardy recovery rate %	Net cost of chargeable bastardy as a % of total parochial expenditure
St Alban Wood Street	582	1	100.0	0.2
St Bennet Sherehog	180	1	100.0	0.8
Limehouse St Anne	15695	43	80.7	5.2
Harmondsworth	1276	4	62.8	11.9
Chiswick	4994	3	61.7	3.8
Acton	2453	7	47.4	7.1
Heston	3407	16	42.2	9.2
Paddington	14540	70	41.4	12.0
St Mildred, Bread Street	302	7	40.8	37.4
Twickenham	4571	30	36.3	8.3
Clerkenwell St James	47634	206	34.9	17.4
Hampsted St John	31047	38	33.4	11.1
St Pancras	103548	597	33.2	13.3

Isleworth	5590	26	29.6	7.3
St Marylebone	122206	606	29.3	10.5
St Benedict/St Bene't Fink	459	4	29.3	5.0
Westminster, St James	37053	328	25.4	6.5
Harefield	1285	4	25.0	0.5
St Dunstan in the West	3443	29	24.0	14.3
Hackney St John	31047	118	22.6	7.1
St Giles in the Fields and St George Bloomsbury	52907	107	22.4	3.3
Edmonton	8192	46	20.5	5.3
Sunbury	1863	22	20.5	11.1
St Stephen, Walbrook	281	9	19.9	12.0
Christ Church Newgate Street	2622	15	17.5	8.6
Hendon	3110	22	16.6	5.9
Ratcliffe Hamlet, St Dunstan, Stepney	9741	54	16.1	5.3
Willesden	1876	9	14.3	4.8
St Stephen, Coleman Street	4014	24	12.7	2.1
Edgware	591	3	12.2	1.6
St Mary at Hill	773	7	11.3	0.7
Southwark, St Thomas	1456	6	8.7	5.9

St Mary the Virgin, Aldermanbury	789	4	6.7	1.8
Little Stanmore	876	4	4.5	0.9
St Gregory by St Paul	1456	11	4.2	1.1
Pinner Hamlet	1270	7	4.0	0.6
Kingsbury	463	3	0.0	0.0
St Antholin	356	3	0.0	0.0
St Mary Colechurch	274	1	0.0	0.0

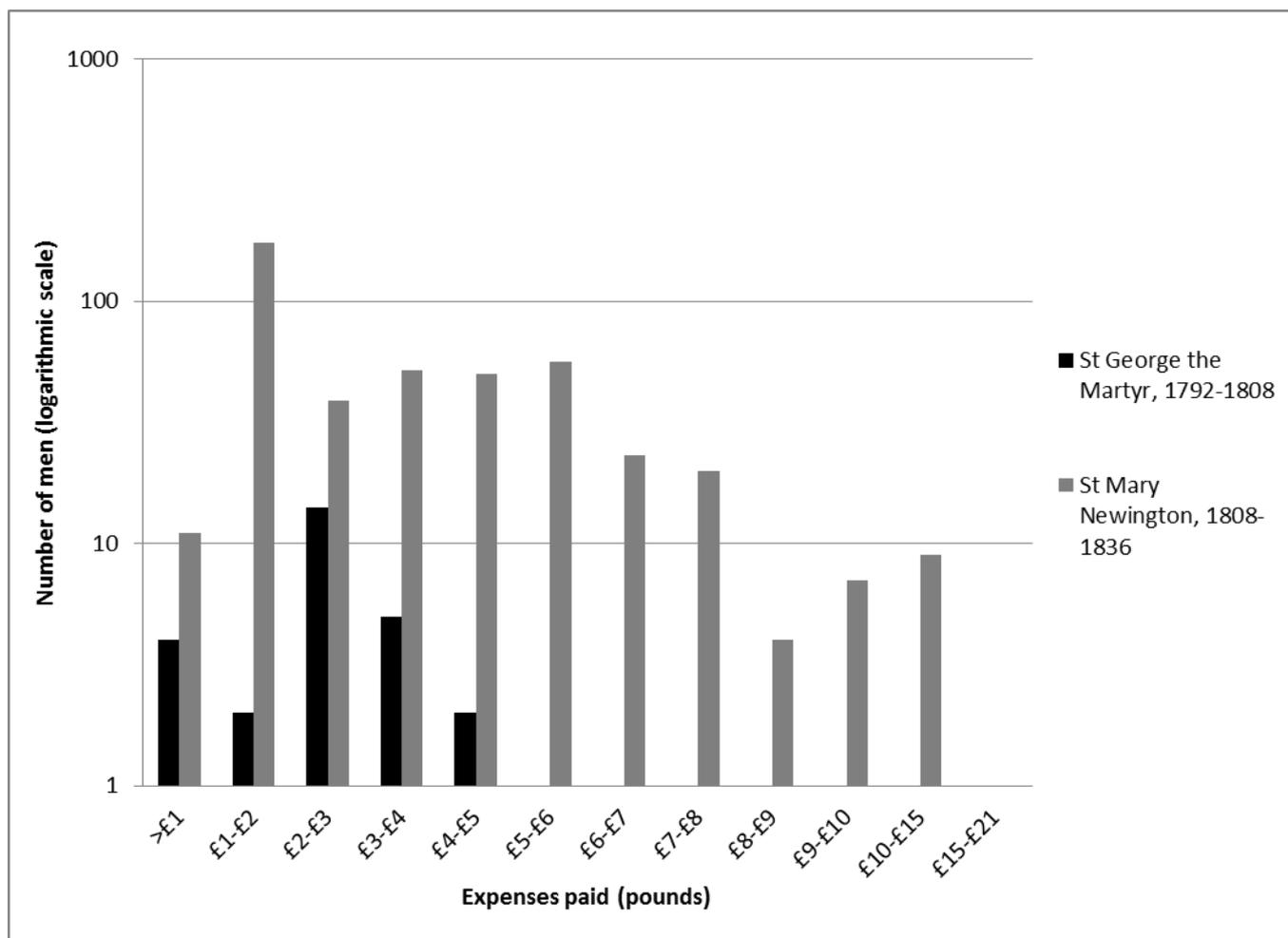
Source: 'Town queries' (P.P. 1834, XXXVI)

Table 2: Parish populations, St Saviour's, St George the Martyr and St Mary Newington, 1801-1831

Parish	1801	1811	1821	1831
St Saviour's	15,596	15,349	16,808	18,006
St George the Martyr	22,293	27,967	36,368	39,769
St Mary Newington	14,847	23,853	33,047	44,526

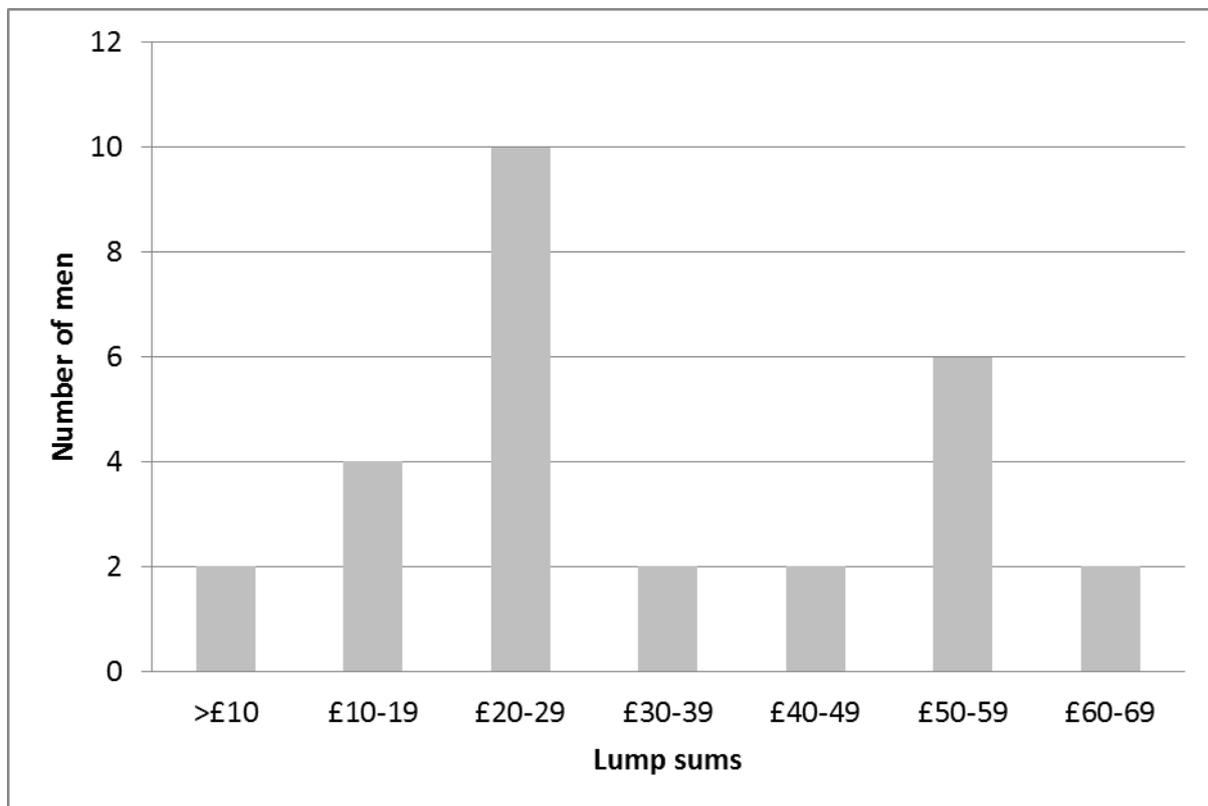
Source: Poor law report (P.P. 1834 XXVII).

Figure 1: Initial expenses paid by fathers, St George the Martyr and St Mary Newington



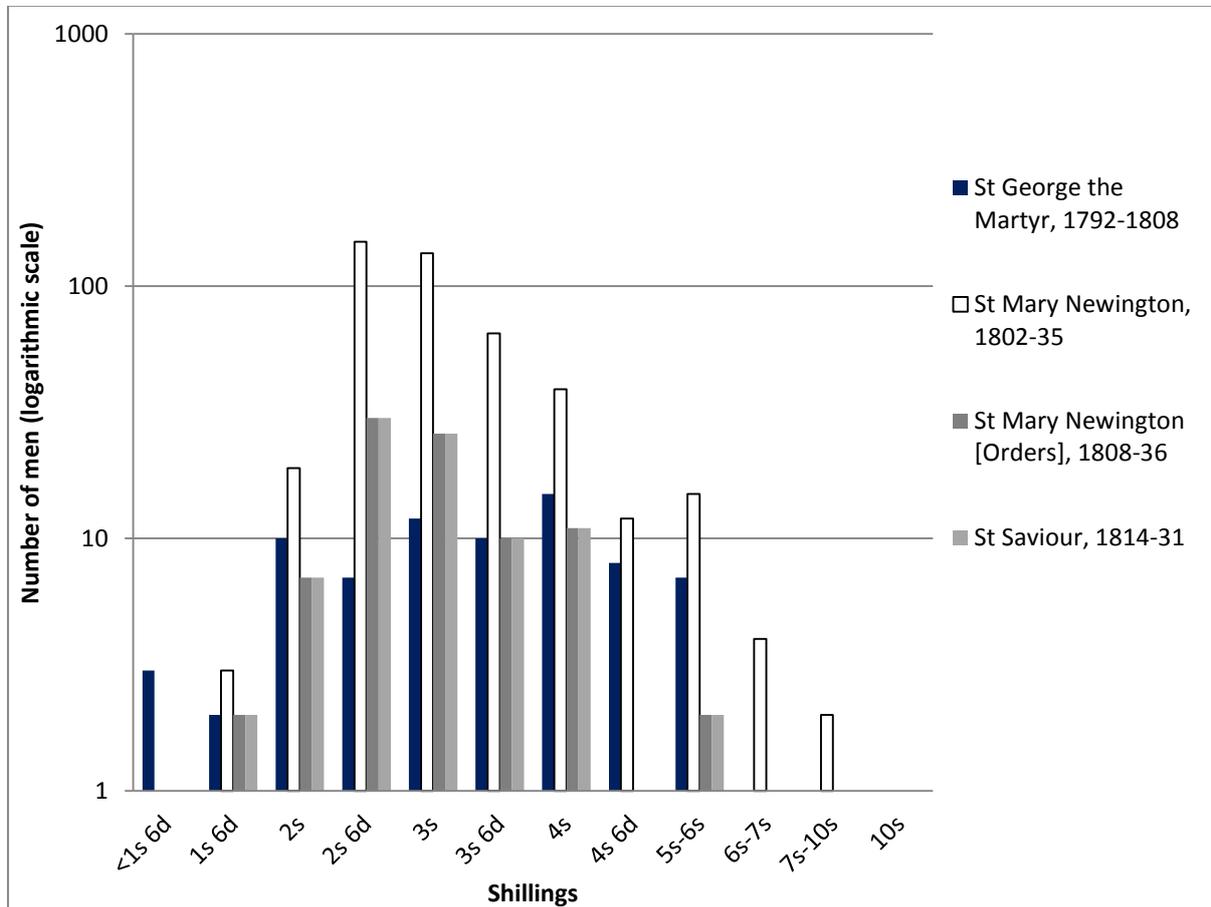
Sources: SLSL 588 St George the Martyr Illegitimate children individual accounts, 1792-1808; SLSL 860-865 St Mary Newington Bastardy adjudications [orders], 1808-36.

Figure 2: Lump sums, St George the Martyr



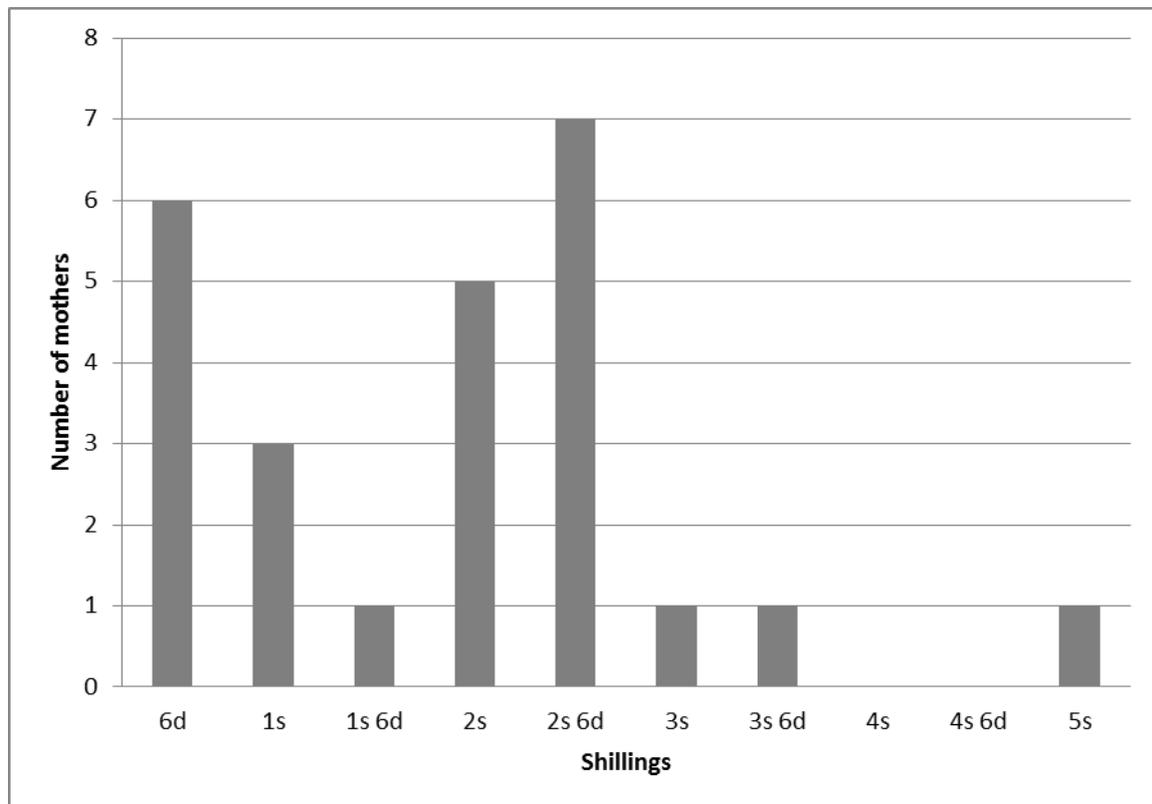
Source: *SLSL 603 St George the Martyr Register of illegitimate children, 1794-1807*.

Figure 3: Weekly maintenance sums, St George the Martyr, St Mary Newington, and St Saviour's



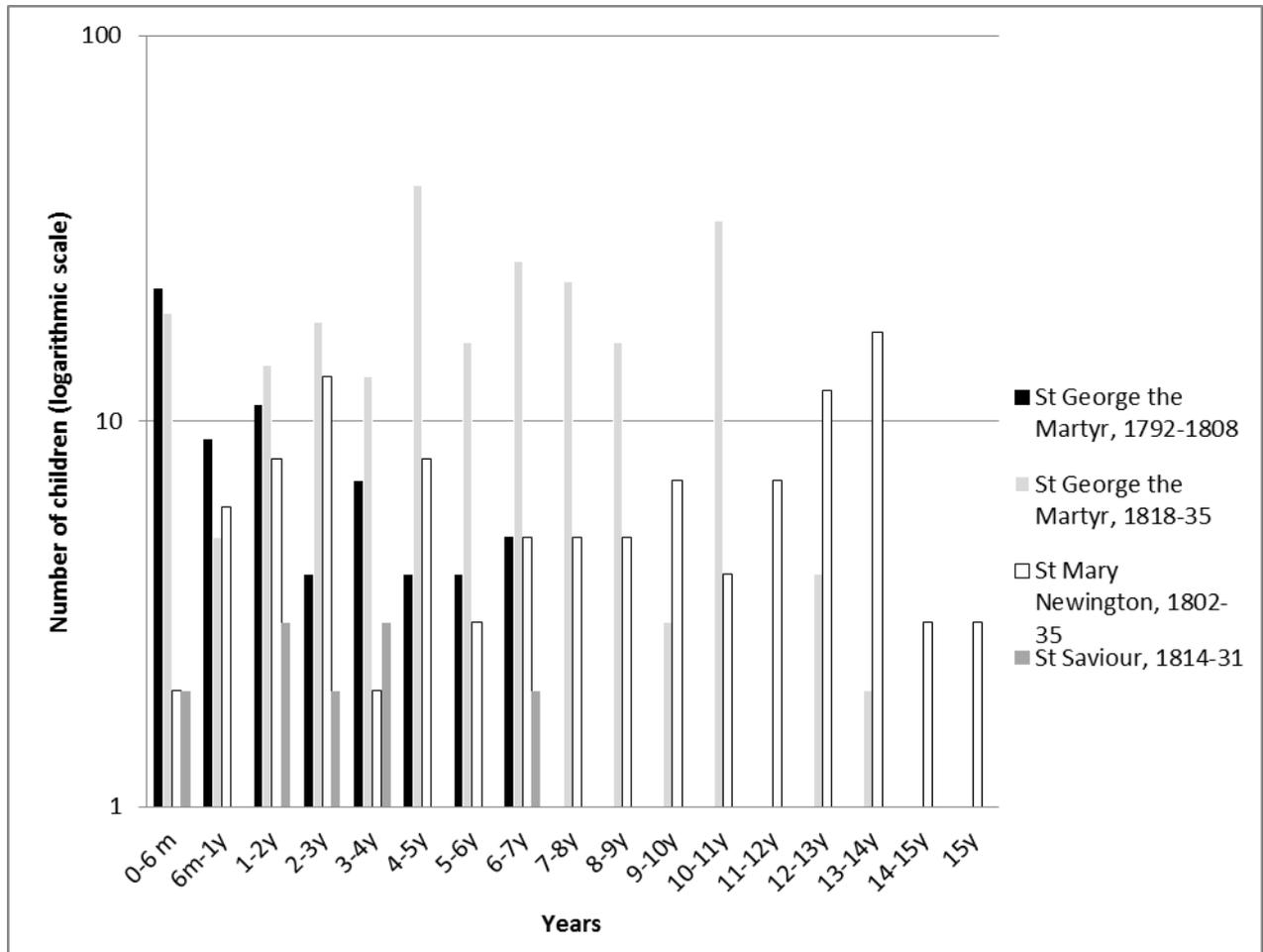
Sources: SLSL 588 *St George the Martyr Illegitimate children individual accounts, 1792-1808*, LMA P92/MRY/357 *St Mary Newington 1802-35*, SLSL 860-865 *St Mary Newington Bastardy adjudications [orders], 1808-36*, and SLSL 97 *St Saviour's Overseers' bastard maintenance book, 1818-31*

Figure 4: Mothers' weekly maintenance sums, St Mary Newington



Source: *SLSL 860-865 St Mary Newington Bastardy adjudications [orders], 1808-43.*

Figure 5: Duration of maintenance payments, St George the Martyr, St Mary Newington, St Saviour



Sources: SLSL 588 St George the Martyr Illegitimate children individual accounts, 1792-1808, SLSL 763 St George the Martyr Churchwardens and overseers' maintenance accounts on affiliation orders, 1818-35, LMA P92/MRY/357 St Mary Newington Register of bastard children, 1802-35, St Saviour Overseers' bastard maintenance book, 1818-31.