
Unmarried mothers and the new poor law in Hertfordshire*

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Abstract

Under the old poor law mothers and fathers shared responsibility for their illegitimate children: fathers were expected to provide financial maintenance and mothers to care for and rear them. The new poor law sought to shift all responsibility on to mothers. This article focuses upon the impact of the new legislation upon poor women and their children and their interactions with poor law guardians. Using data drawn from applications to guardians and workhouse records for Hertford and Hatfield poor law unions this study analyses the welfare provision offered to unmarried mothers and their infants. The article considers all forms of assistance but with a particular focus on lying-in provision in the workhouse.

Introduction

The Bastardy Clauses of the Poor Law Amendment Act were the harshest of the new legislation.¹ Before 1834, under the old poor law, unmarried mothers had sworn the paternity of their infants before two magistrates, who issued an affiliation order on putative fathers for maintenance. In this way the parish was indemnified against the costs of illegitimate births.² In practise there was considerable regional variation in the amount of expenditure recovered from putative fathers and the parish's success owed a great deal to the efficacy of overseers in enforcing affiliation orders.³ However, in cases where parish officials were not able to recoup the cost of maintenance of the child allowances generally

* A British Academy Small Grant made this research possible. I would like to thank Dr Heather Falvey for her research assistance.

- 1 U.R.Q. Henriques, 'Bastardy and the new poor law', *Past and Present*, 37 (1967), 103–29; P. Thane, 'Women and the poor law in Victorian and Edwardian England', *History Workshop*, 6 (1978), 30–51; L.F. Cody, 'The politics of illegitimacy in an age of reform: women, reproduction and political economy in England's new poor law of 1834', *Journal of Women's History*, 11 (2000), 131–56; T. Nutt, 'The paradox and problems of illegitimate paternity in old poor law Essex', in A. Levene, T. Nutt and S. Williams (eds), *Illegitimacy in Britain, 1700–1850* (Basingstoke, 2005), 102–21; T. Nutt, 'Illegitimacy, paternal financial responsibility, and the 1834 Poor Law Commission Report: the myth of the old poor law and the making of the new', *Economic History Review*, 63 (2010), 335–61; J. Sheetz-Nguyen, *Victorian women, unwed mothers and the London Foundling Hospital* (London, 2012), chapter 1.
- 2 Nutt, 'Paradox and problems'; Nutt, 'Paternal financial responsibility', 336–7.
- 3 Nutt, 'Paternal financial responsibility'; M.A. Lyle, 'Regionality in the late old poor law: the treatment of chargeable bastards from Rural Queries', *Agricultural History Review*, 53 (2005), 141–57.

continued to be paid to the mother.⁴ The Poor Law Commissioners objected to the affiliation system, arguing that it in fact largely failed to indemnify parishes financially, that it encouraged the false swearing of paternity, that it promoted illegitimacy, and that single women should bear the greater part of the financial and caring responsibilities for illegitimate children.⁵ The feminisation of illegitimacy was also reflected in philanthropic culture.⁶

In 1834 the system was radically overhauled. Affiliation cases were moved from petty sessions to quarter sessions—a more formal court, which met less frequently and had less discretion—and women were now compelled to provide independent evidence of the child's paternity: 'no such Order shall be made unless the Evidence of the Mother of such Bastard Child be corroborated in some material Particular by other Testimony to the Satisfaction of such Court.'⁷ Any unsuccessful affiliation cases were to be paid for by the parishes that brought the cases, making it less likely that guardians would bring proceedings to court that they did not feel confident of winning. Payments were not to exceed the actual cost to the parish of maintaining the child and putative fathers could no longer be imprisoned for non-payment. Other important changes included that the child's settlement was to follow that of the mother's until aged 16 (whereas previously settlement was gained in the parish where the child was born) and that if the mother married then her husband was to be responsible for her illegitimate child. If she found herself destitute she was to enter the workhouse. Widows who had illegitimate children were to be denied outdoor relief and had to enter the house.⁸ The new union workhouses were based upon principles of deterrence and 'less eligibility' under which the situation in the workhouse had to be worse than that of the poorest independent labourer outside the house.⁹ The new Bastardy Clauses contributed to the stigmatising of illegitimacy.¹⁰

4 T. Nutt, 'Illegitimacy and the poor law in late eighteenth and early nineteenth-century England' (unpublished PhD thesis, University of Cambridge, 2005), chapters 5–6.

5 Henriques, 'Bastardy and the new poor law'; Cody, 'Politics of illegitimacy'; A. Clark, 'The new poor law and the breadwinner wage: contrasting assumptions', *Journal of Social History*, 34 (2000), 261–81, at p.267; Nutt, 'Paradox and problems', 104–6; Nutt, 'Paternal financial responsibility', 337–9; Sheetz-Nguyen, *Victorian Women*, 15–24.

6 S. Williams, "'A good character for virtue, sobriety, and honesty": unmarried mothers' petitions to the London Foundling Hospital and the rhetoric of need in the early nineteenth century', in Levene *et al*, *Illegitimacy*, 86–101.

7 1834, 4 & 5 George IV, c.76 *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*, cited in Nutt, 'Paternal financial responsibility', 340.

8 Henriques, 'Bastardy and the new poor law'; Cody, 'Politics of illegitimacy'; Nutt, 'Paradox and problems', 104–6; Nutt, 'Paternal financial responsibility', 339–40; Sheetz-Nguyen, *Victorian Women*, 15–35 (in which the Bill's passage through the House of Commons and the House of Lords are also discussed). See also A. Hinde and F. Turnbull, 'The populations of two Hampshire workhouses, 1851–1861', *Local Population Studies*, 61 (1998), 38–53; N. Goose, 'Workhouse populations in the mid-nineteenth century: the case of Hertfordshire', *Local Population Studies*, 62 (1999), 52–69, at p.38.

9 A. Kidd, *State, society and the poor in nineteenth-century England* (Basingstoke, 1999), 24–45.

10 A. Levene, T. Nutt, and S. Williams, 'Introduction', in Levene *et al*, *Illegitimacy*, 1–17, at pp.10–14.

There were further legislative changes in 1839 and 1844. In 1839 affiliations were returned to petty sessions, but evidence still had to be corroborated.¹¹ The 'Little Poor Law' of 1844 took affiliation and maintenance out of poor law hands altogether. It forbade union officers to intervene in maintenance actions; instead, the mother had to obtain a direct action in petty sessions—a civil action—against the father, still with corroborative evidence of paternity, and with legal costs attached. The amount recoverable was limited to 10s. for the midwife and 2s. 6d. weekly until the child was aged 13. These legislative changes marked a watershed in attitudes towards, and welfare provision for, unmarried mothers.

Further legislative changes only came later in the century. The power for guardians to initiate affiliations was restored in 1868 and in 1872 guardians were allowed to pursue putative fathers in order to recover maintenance costs. Fathers were responsible for maintenance until the child reached 16 years of age and fathers could be imprisoned once more for non-payment.¹²

Nutt has shown that the ability of women in Essex to obtain an affiliation order after 1834 was severely circumscribed.¹³ Reay found that around 75 per cent of unmarried mothers in the Blean area of Kent did not seek affiliation through the courts in the period 1860–1871.¹⁴ Nationally there was a decline in affiliation orders in the period 1835–38.¹⁵ What did this mean for the well-being of unwed women and their infants? Nutt argues that the impact must have been negative. His pioneering study has not been repeated for other places and so we still know far too little about the impact of the new laws in the courts and upon the long-term maintenance of bastard children. The interactions between unmarried mothers and the union workhouse are also under-researched.¹⁶ With a reduction in affiliation orders and a new emphasis upon the workhouse as the fitting place for destitute unmarried mothers, it is likely that many more women were admitted to new poor law union workhouses. John Gillis has argued, 'Despite the horror they provoked, workhouses were used with greater frequency as a place where children could be both born and abandoned.' He found that mothers applying to the London

11 Henriques, 'Bastardy and the new poor law', 119; Nutt, 'Paternal financial responsibility', 341–3; Sheetz-Nguyen, *Victorian Women*, 37–8; W. Acton, 'Observations on illegitimacy in the London parishes of St. Marylebone, St. Pancras, and St George's, Southwark, during the year 1857; deduced from the Returns of the Registrar-General', *Journal of the Statistical Society of London* (1859), 491–505, at pp. 496–7.

12 Henriques, 'Bastardy and the new poor law', 120; Sheetz-Nguyen, *Victorian Women*, 38–41.

13 Nutt, 'Illegitimacy and the poor law', chapter 4, and especially 181–4, 187–90.

14 B. Reay, *Microhistories: Demography, society and culture in rural England, 1800–1930* (Cambridge, 1996), 198.

15 P.P. XXXVIII, 1837–8, 'Return to the House of Commons of the Number of Affiliations made under the provisions of 4 & 5 Will. IV, c.76, s.72, at each Sessions of the Peace in England and Wales subsequent to the said Act etc', 413–30.

16 There has been a focus on particular groups of inmates within the literature on workhouse populations, such as the elderly and children, but far less is known about unmarried mothers. This is in large part due to the sources allowing for relatively easy analysis of the age and sex profiles of inmates, but not for the marital status or illegitimacy of paupers (which is not necessarily given in the records).

Foundling Hospital were 24 times more likely to have used the workhouses after 1850 than before.¹⁷

Perhaps the first historian to include a focus upon unmarried mothers was Anne Digby in 1978; she charted a strongly punitive and moralistic attitude towards unwed mothers as applicants for relief to the Norfolk boards of guardians in the 1830s. She has shown how these women were refused any outdoor relief and were only offered the workhouse. Unmarried mothers had to wear a distinctive uniform, while in the Swaffham workhouse they were excluded from the Coronation Dinner and the annual Christmas dinner. Even at the end of the century unmarried mothers were put to hard labour in the workhouse laundry only a few days after their confinements. Some were sent on to the Norfolk and Norwich Magdalen for moral rehabilitation.¹⁸

A number of articles have appeared in this journal which have analysed workhouse populations, of whom unmarried mothers were one group.¹⁹ These studies have shown that unwed mothers were prominent in Hampshire, Hertfordshire, and Kent workhouses.²⁰ In Winchester and Basingstoke workhouses, for instance, 'a substantial proportion of the workhouse inmates consisted of ... young women and their illegitimate children'.²¹ In Hertfordshire workhouses unmarried mothers accounted for just over half of all family groups.²² The majority of births were of illegitimate children: over 90 per cent of children born in the Winchester workhouse during the 1850s were to unmarried mothers, while in Kentish workhouses the figure was between 66 and 75 per cent. Nationally the proportion stood at 77 per cent.²³ Illegitimate children formed a large section of all children in workhouses, accounting for nearly one-third in Norfolk and Hampshire workhouses, and up to one half in England and Wales.²⁴ Goose suggests that

17 J. Gillis, *For better, for worse: British marriages, 1600 to the present* (Oxford, 1985), 24, 367–8 (n.52).

18 A. Digby, *Pauper palaces* (London, 1978).

19 Hinde and Turnbull, 'Populations of two Hampshire workhouses'; Goose, 'Workhouse populations'; D.G. Jackson, 'Kent workhouse populations in 1881: a study based on the census enumerator's books', *Local Population Studies*, 69 (2002), 51–66; D.G. Jackson, 'The Medway Union Workhouse, 1876–1881: a study based on the admission and discharge registers and the census enumerators' books', *Local Population Studies*, 75 (2005), 11–32; A. Perkyns, 'The admission of children to the Milton Union Workhouse, Kent, 1835–1885', *Local Population Studies*, 80 (2008), 59–77; A. Gritt and P. Park, 'The workhouse populations of Lancashire in 1881', *Local Population Studies*, 86 (2011), 37–65. See also N. Longmate, *The workhouse: a social history* (London, 1974, 2003), 156–7; S. Page, 'Pauperism and the Leicester workhouse in 1881', *Transactions of the Leicestershire Architectural and Archaeological Society*, 63 (1989), 85–95; A. Negrine, 'The treatment of sick children in the workhouse by the Leicester Poor Law Union, 1867–1914', *Family and Community History*, 13 (2010), 34–44; C. Seal, 'Workhouse populations in the Cheltenham and Belper Unions, 1851–1911', *Family and Community History*, 13 (2010), 83–100.

20 Hinde and Turnbull, 'Populations of two Hampshire workhouses', 41, 48; Goose, 'Workhouse populations', 58; Jackson, 'Medway Union Workhouse', 24; Perkins, 'Milton Union Workhouse', 63–74.

21 Hinde and Turnbull, 'Populations of two Hampshire workhouses', 41, 48–9.

22 Goose, 'Workhouse populations', 58.

23 Perkyns, 'Milton Union Workhouse', 67.

24 Hinde and Turnbull, 'Populations of two Hampshire workhouses', 48; Perkyns, 'Milton Union Workhouse', 64.

the large number of unwed mothers and their infants in Hertfordshire workhouses 'testifies both to the association of single parenthood with poverty and no doubt also to their moral standing in the eyes of the poor law boards of guardians.'²⁵

However, while these studies have revealed the prominence of unwed mothers and their infants in union workhouses, they have been analysed as just one group of many, with little attention paid to them as a discrete group with particular experiences. Jackson, for instance, examined all pregnant women in Kentish workhouses as one group, both married and unmarried (of whom three-quarters were unwed). Nevertheless, his findings are important in the context of this article. He found that 39.5 per cent of pregnant women entered the house within a week of delivery, while 28.9 per cent were admitted on the day of the birth or the day before. Thus, more than two-thirds of women were resident in the workhouse for only a short time before childbirth. They stayed for at least 11 days and three-quarters were discharged when the children were between 11 and 28 days old. This is also a relatively short period and not a full lying-in month. However, the longest stay after birth was 313 days (just over 10 months). Many of the women giving birth in the workhouse were young, with 32.5 per cent aged between 21 and 25 years, while the 16–20 and 26–30 years age groups each represented another 22.8 per cent.²⁶ Hinde and Turnbull also found that pregnant women entered the Winchester workhouse for only a short time, usually for care during their deliveries, and Perkyns reports that over 70 per cent of illegitimate infants stayed in Kentish workhouses for less than one month after birth.²⁷ Perkyns has also highlighted important differences in policy towards unmarried and married women in Kent: midwifery services were available outdoor to married women (although some chose to enter the house for delivery), but pregnant single women and widows with illegitimate children were only offered the workhouse. Thus, of those women giving birth in the workhouse 33 per cent were unmarried mothers, 25 per cent were married women, and 19 per cent were widowed (with the marital status of the remaining 23 per cent unknown).²⁸ The proportion of unmarried mothers confined in the midwifery wards of the St Marylebone workhouse was much higher in 1857 at 76 per cent.²⁹ At mid-century unmarried mothers accounted for just 0.5 per cent of outdoor paupers and their children made up 0.8 per cent.³⁰ At the end of the century in Poplar in the East End of London guardians were reluctant to give unmarried women outdoor relief: just 3.5 per cent of unmarried mothers who applied to the guardians were given outdoor assistance but 60.5 per cent went into Poplar

25 Goose, 'Workhouse populations', 58.

26 Jackson, 'Medway Union Workhouse', 26–7.

27 Hinde and Turnbull, 'Populations of two Hampshire workhouses', 48–9; Jackson, 'Kent workhouse populations', 55; Jackson, 'Medway Union Workhouse', 24–5; Perkyns, 'Milton Union Workhouse', 67.

28 Perkyns, 'Milton Union Workhouse', 67.

29 Acton, 'Observations on illegitimacy', 499.

30 K.D.M. Snell, *Parish and belonging: community, identity and welfare in England and Wales, 1700–1950* (Cambridge, 2006), Table 5.2, 307.

workhouse for their confinements.³¹ In such a situation poor women, pregnant with illegitimate children, and who could not afford to pay for care in their own homes, might well have chosen to come inside for the services of a midwife and for other medical assistance.³²

This article presents a more detailed study of unmarried mothers in the union workhouse; in particular, the Hertford and Hatfield Union Workhouses, Hertfordshire. The principal sources are guardians' minutes, application books, workhouse admission and discharge registers, and workhouse birth registers.³³ Hatfield Union was chosen due to its long run of admission and discharge registers (unbroken for 52 years between 1834 and 1886) which means that a significant time period can be studied and any shifts over time can be identified. The records are somewhat patchier for Hertford Union (with no extant admission and discharge registers) but the birth registers record the age and occupations of unmarried mothers and the number of illegitimate children a woman delivered in the house (1847–1918). Another invaluable document also survives—the Hertford Application Book (1876–1885). This source provides a different perspective on unmarried mothers' encounters with the poor law authorities to the workhouse registers; while there is evidence on admission to the Hertford Union Workhouse, there are also instances of applications for other kinds of relief. Such records indicate that the workhouse was not the only poor-law option open to unmarried mothers. The two unions have been chosen not necessarily for purposes of comparison but rather to reveal the full range of the interactions of unmarried mothers with the poor law in two contiguous unions.

The article examines the immediate and subsequent impact of the Bastardy Clauses of 1834 upon pregnant unwed women and unmarried mothers. Whether the new guardians prohibited outdoor relief to unwed mothers and instead insisted upon admission into the workhouse is explored. The number of single pregnant women entering the house to give birth and their length of stay are assessed. Workhouses provided accommodation, food and medical care. There is also some evidence about the lives of unmarried mothers and their children in the longer term when they came back into contact with the union officials. A greater focus upon unmarried mothers is overdue. The extent to which the New Poor Law was successfully implemented has been a major area of debate by welfare historians,

31 E. Sandy, 'Lone motherhood in late-Victorian and Edwardian Poplar' (unpublished PhD thesis, University of Cambridge, 2011), 214, 229.

32 On the difficulties and perils of giving birth alone in one's place of residence see S. Williams, 'The experience of pregnancy and childbirth for unmarried mothers in London, 1760–1866', *Women's History Review*, 20 (2011), 67–86.

33 Hatfield Admission and Discharge Registers [1834–1861], on N. Goose, *The Hertfordshire census 1851, Family history edition*, Centre for Regional and Local History, Univ. of Hertfordshire CD, 2005 (Hertfordshire Archives and Local Studies, Hertford [hereafter HALS] BG/HAT 41–45); HALS BG/HAT 45–51, Hatfield Admission and Discharge Registers [1862–1886]; HALS BG/HAT 1–2, Hatfield Board of Guardian Minutes [1835–1841]; HALS BG/HAT 55–56, Register of Births in the Hatfield Workhouse [1847–1910]; HALS BG/HER 45–57, Hertford Application Book [1876–1885]; HALS BG/HER 1, Hertford Board of Guardian Minutes [1835–1836]; HALS BG/HER 39, Register of Births in the Hertford Workhouse [1847–1918].

and yet relatively little has been said to date about the long-term impact of the New Poor Law Bastardy Clauses.³⁴ Indeed, it might well turn out that the Clauses were adopted more fully than other aspects of the new legislation. This case study provides an analysis of the 'success' or otherwise of the Bastardy Clauses at the local level and it is only at this level that the impact of the new policy can be accurately assessed.

Unmarried mothers and the Hertford and Hatfield Workhouses

Before 1834 many unmarried mothers could expect to receive a regular allowance in the form of outdoor relief. The affiliation process recovered the costs of childbirth and lying-in from the putative fathers and set up weekly maintenance payments, usually for seven years, ranging typically between 1s. and 2s. 6d. in the early nineteenth century.³⁵ In 1834 in Hertfordshire the sum given for maintenance was most commonly 2s., followed by 1s. 6d., and this placed the county within a region that was relatively generous when compared with others areas of England, although many respondents to the Rural Queries thought that these sums did not cover the costs of nurture.³⁶ Nevertheless, this was a regular cash sum paid to mothers in their own homes. Moreover, many mothers gave birth in their own homes attended by parish midwives.³⁷

The new law made it much more difficult for mothers to obtain an affiliation order (including childbirth costs) and the place for destitute mothers was now in the workhouse. The Bastardy Clauses impacted quickly upon local union policy on affiliation in Hertford. On 25 July 1835 the guardians, 'Resolved that in all cases of Bastards, born before the Poor Law Amendment Act, where no money is received of the Putative father, the Children be received into the Workhouse.'³⁸ This meant the separation of mother and child, whereas outdoor relief under the old poor law might have kept them together. A few weeks later, on 15 August 1835, it was,

Ordered that the Clerk be directed to write to the Overseers of the several Parishes in this Union to require that in all cases of Bastards, born in their respective parishes before the Poor Law Amendment Act, they do enforce the Orders of Affiliation made upon the reputed Fathers, & pay & apply the money to be received in the maintenance of such Bastards, without the interference of

34 Exceptions include Nutt, 'Paradox and problems'; Nutt, 'Illegitimacy and the poor law'; Sandy, 'Lone motherhood'; A.R. Higginbotham, 'The unmarried mother and her child in Victorian London, 1834-1914' (unpublished PhD thesis, Indiana University, 1985); Reay, *Microhistories*, 197-202, and the workhouse studies given in footnote 19.

35 Nutt, 'Illegitimacy', 337; Lyle, 'Regionality in the late Old Poor Law', 144-5.

36 Lyle, 'Regionality in the late Old Poor Law', table 1, 148; *Report from His Majesty's Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws*, Appendix (B.1), *Answers to Rural Queries*, pt 1 (BPP, 1834, XXX).

37 S. Williams, *Poverty, gender and life-cycle under the English poor law, 1760-1834* (Woodbridge, 2011), 41.

38 HALS BG/HER 1, 20.

the Board, & that where no Order of Affiliation has been made they be required to discover the reputed Father, & obtain such Order upon him immediately.³⁹

There was an immediate pressure upon guardians to chase those fathers affiliated under the old poor law, and to acquire bastardy orders for those who were not, so that maintenance payments might be recouped under the previous legislation. There was a new expectation that regular outdoor payments should not be given to unmarried mothers where money was not forthcoming from the putative father, unlike under the old poor law. However, as Nutt has shown for Essex, securing an affiliation order for a child born after 1834 was challenging.⁴⁰

It is evident from the local studies reviewed above that many unmarried pregnant women decided to enter the workhouse for delivery. The new union workhouses became, in effect, lying-in hospitals for unmarried mothers. In Hertfordshire this was also the case and the majority of births in the house were illegitimate: the figure was 87 per cent in Hatfield workhouse (110 illegitimate births, 1847–1919) and 85 per cent in Hertford workhouse (272 illegitimate births, 1847–1918).⁴¹ It might have been the case that poor law assistance was only forthcoming if a woman was prepared to go into the workhouse. Jemima Bigg, for instance, approached the guardians in December 1835 when she was eight months' pregnant. She was aged 25 and had lived with Mr Wordsworth junior, who was the father of her child. The guardians, 'Ordered [her] to be received into Watton workhouse.'⁴² Some of the married women who were delivered inside the house were also effectively alone since their husbands had deserted them.⁴³ These figures of illegitimate births in the house are higher than the national proportion and for workhouses in Kent, but similar to that for Winchester workhouse. The Hertford workhouse birth register also contains evidence on whether an illegitimate birth was the first child of a woman or a subsequent illegitimate child (up to the seventh).⁴⁴ Most of the births recorded were for a first illegitimate child (170 of all births where birth order was given or 66 per cent), but a number of women entered the house, or returned, to give birth to subsequent illegitimate children, such as Hannah Abbey, who gave birth to her first child in 1870, her second in 1873 and her third in 1877, and Alice Green, who entered the house to give birth to her third, fourth and sixth illegitimate children. Thus, 222 women gave birth to the 257 infants born in Hertford workhouse (where birth order was given). That a minority of women (77) gave birth to two or more illegitimate children is certainly suggestive that they did not feel the shame of an illegitimate birth that the New Poor Law sought to engender and it might also be the case that they were cohabiting with the fathers of their children.

39 HALS BG/HER 1, 40.

40 Nutt, 'Illegitimacy and the poor law', ch.4, and especially 181–4, 187–90.

41 HALS BG/HAT 55–56; BG/HER 39.

42 HALS BG/HER 1, 106.

43 HALS BG/HAT 45, Hatfield Admission and Discharge Register, Sarah Ellis and Mary Ann Hickson.

44 Birth order was given in 257 cases of illegitimate births out of 323 all births (80%).

Unfortunately, workhouse admission and discharge registers do not survive between the mid-1830s and the mid-1870s for Hertford Union. However, the Hertford Application Book gives all applications to the guardians for relief for the period 1876–1885.⁴⁵ There were 52 applications from single pregnant women and unmarried mothers, and a further two from widows with illegitimate children (total 54), of which 44 per cent were for admission to the workhouse, 40 per cent for outdoor relief (in the form of cash and/or a medical order and/or food and drink), 14 per cent were for funeral expenses, and 2 per cent (one application) for ‘expenses of conveying the child [Mabel Newland, age 10, ‘of unsound mind and epileptic’] to Arlesey Asylum which the mother says she cannot pay’; her mother had been given a medical order for Mabel the year before. Thus this source reveals that a significant proportion of unmarried mothers (40 per cent) wanted to ‘make shift’ outside the house. There were 43 applicants generating these 54 applications, with most women applying just once (35), but six women applied twice and three women applied three times. Of these nine women, six applied more than once within a few months, but three applied again years later: Mary Hampton four years later when her son was ill, Ann Wren two years later for another confinement for her third illegitimate child, and Annie Newland (for Mabel) a year later.

Thus, outdoor relief was available to unmarried mothers in Hertford (despite the intentions of the Poor Law Amendment Act) but the assistance on offer was limited in nature and duration and required a visit by an official within a few days of application.⁴⁶ Medical relief and food were ordered during pregnancy and after birth. Eliza Norris, for instance, was issued with a medical order when she was pregnant. Nine women had given birth outside the house, presumably at home, and then approached the union officers for relief, usually within a day or two and sometimes more than once. The usual food order was for 2.5lbs of meat, 6lbs of bread, and, sometimes, 7 pints of milk, and medical orders were also issued. Cash, of 2s. 6d., was given only once to Matilda Downton, along with a medical order and 2.5lbs of meat, when her child was a week old. Despite numerous applications Ellen Seymour found it hard to make ends meet. She made three applications for relief and was issued with a medical order and 2.5lbs of meat. In her third application, when the child was five weeks old, it was recorded that, ‘The Police apply for assistance for Mother’ because ‘The infant suffering from insufficient nourishment’. The officers ordered another medical order and another 7 pints of milk. Martha Foster found that she could not maintain herself. She approached the officers twice. The reason recorded was ‘insufficient means; wants Medical and other relief’. A medical order was issued, 2.5lbs of meat and 6lbs of bread for two weeks. Three weeks later she approached the officers again, having ‘no other means; wants relief continued’. This time it was ordered that she have another 2.5lbs of meat and 6lbs of bread, again for two weeks, but then an order was

45 HALS BG/HER 45–56, 1876–1880.

46 Thane explains that ‘cross-checkers’ were appointed by guardians from the 1870s to ‘snoop’ on applicants: Thane, ‘Women and the poor law’, 40.

issued for her to enter the workhouse. A similar fate befell Annie Adams who was given a medical order and food when her son was born but she had to request admission to the workhouse three months later because she had 'no means of support'. The guardians would not continue to pay outdoor relief.

Many women approached the guardians for admission to the workhouse for delivery (21 applicants). Grace Parcell, for instance, was living with her parents in Port Vale, but she still requested to go inside for her delivery, stating 'having no means of support', while Anna Carter 'has been living with a sister for sometime'. Rebecca Akers had little choice about where she gave birth having 'no home, wants order for Workhouse', as did Annie Mays. Many of the other women requested admission to the workhouse because they had 'no means of support'.

Funerals were paid for in eight cases, seven of which were for a child, and one for a mother. Children were aged between a few weeks and four years old. Expenses for a child's funeral ranged from 19s. 6d. to £1 4s. The mother, Annie Parker was aged just 17 and she died 11 days after she gave birth. The burial cost £1 14s. and an order was issued 'for Childs admission for Workhouse'. These were considerable sums to find and these women might have felt that they had no other means of paying for their children's funerals. While some working-class families felt the stigma and humiliation of a pauper burial, others asked the union to pay so that they might meet other associated costs, such as mourning clothes, alcoholic beverages, and baked meats.⁴⁷

Many—but not all—of the mothers who applied to the Hertford guardians conformed to the stereotype of a young, never-married domestic servant. One-third of women were in their teens and almost one-half (48 per cent) were aged 20–25. More women fell into the younger age groups than Jackson found for Kent.⁴⁸ However, a significant minority of the mothers of illegitimate children in Hertford were in their thirties (14 per cent), with the remainder in their late twenties (2.5 per cent) or their forties (2.5 per cent). A similar picture emerges from the Hertford workhouse baptism register (1847–1918), where half of unmarried mothers were in their teens or early twenties, 21 per cent in their later twenties, 25 per cent in their thirties, and 4 per cent in their forties.⁴⁹ The majority of mothers in the Application Book were unmarried (52) but there were two widows who gave birth to illegitimate infants: Charlotte Noble, aged 36, and Sarah Turner, aged 40. Charlotte had four other children (presumably legitimate) when she gave birth to illegitimate Ethel. The child died aged seven weeks and the guardians paid 19s. 6d. for her funeral. In Sarah's case she had approached union officials 'now in childbed; Cohabiting with Charles Andrews a labourer' and was allocated 2.5lbs meat. She was the only mother recorded as cohabiting. Domestic service was the largest occupational group (66 per cent), while the

47 J. Strange, *Death, grief and poverty in Britain, 1870–1914* (Cambridge, 2005).

48 Jackson, 'Medway Union Workhouse', 26–7.

49 HALS, BG/HER 39.

other women were employed in a range of employments including needlework and dress making, as charwomen, and one as a laundress, another as a rag sorter.⁵⁰ Florence Storey, aged 17, lived on West Street and was 'housekeeper to her father'. She applied the day after her infant was born for 'medical attendance which she cannot provide'. It was particularly difficult to combine motherhood with employment as a domestic servant; indeed, more than three-quarters of the domestic servants applied for admission to the workhouse. The dominance of servants is partly due to the prominence of domestic service as an employer for women but also because women could not easily keep their place while they were heavily pregnant. They could not go back to living-in domestic service with a child and a nurse would have to be found and paid for.⁵¹ Employment in the other occupations was poorly paid.

Many unmarried pregnant women entered Hertford workhouse for delivery, while others found that they could not make ends meet outside and entered the house later. This was also the case in Hatfield workhouse. Analysis of the Hatfield Admission and Discharge Registers for a much longer period—1834–1886—facilitates a detailed investigation of unmarried mothers' experiences of the union workhouse; evidence that is not available from application books. The registers contain information on the number of inmates who were pregnant single women, unmarried mothers with their infants, and bastard children, and their lengths of stay, before and after the birth of the infant, whether they brought other children in with them, and whether they returned.⁵² Very few occupations of unmarried mothers were recorded in the Hatfield Admission and Discharge Registers; of those that were the largest number were straw-plaiters (or hatters) and domestic servants. These were employers of large numbers of women in Hertfordshire.⁵³ The period

50 Where occupation was given; it was not given in 15 cases (28%). HALS BG/HER 45–57.

51 S. Williams, "'I was Forced to Leave my Place to Hide my Shame': the living arrangements of unmarried mothers in London in the early nineteenth century", in J. McEwan and P. Sharpe (eds), *Accommodating poverty: the housing and living arrangements of the English poor, c. 1600–1850* (Basingstoke, 2010), 101–219; J.R. Gillis, 'Servants, sexual relations and the risks of illegitimacy in London, 1801–1900', in J.L. Newton, M.P. Ryan and J.R. Walkowitz (eds), *Sex and class in women's history* (London, 1983), 114–145.

52 Hatfield Admission and Discharge Registers, 1834–1861, Univ. of Herts CD; HALS, BG/Hat/45–51 Hatfield Workhouse Admission and Discharge Registers, 1858–1886; HALS, BG/Hat 55–56 Register of Births. Identifying unmarried mothers and their children is not always straightforward. Some women entering the house for childbirth were listed as unmarried or single, others were not; despite there being a column for this information it was frequently left blank. However, their children were often described as a 'bastard' or 'illegitimate'. Marital status and illegitimacy could be confirmed by linkage to the workhouse baptism register, which usually stated the legitimacy or illegitimacy of the child. There were a few cases where it was highly probable that the women were unmarried but it could not be confirmed: they were young and there was no reference to a husband or the father of the child (six women and four children). Once women and their children had been identified it was possible to locate other admissions into the workhouse.

53 Goose, 'How saucy did it make the poor? The straw plait and hat trades, illegitimate fertility and the family in nineteenth-century Hertfordshire', *History*, 91 (2006), 530–56; N. Goose, 'The straw plait and hat trades in nineteenth-century Hertfordshire', in N. Goose (ed.), *Women's work in industrial England: regional and local perspectives* (Local Population Studies Supplement, Hatfield, 2007), 97–137; N. Goose, *Population, economy and family structure in Hertfordshire in 1851*, vol. 1 *The Berkhamsted region* (Hatfield, 1996), and vol. 2 *St Albans and its region* (Hatfield, 2000).

1834–1886 was divided into two sub-periods—1834–1860 and 1861–1886—so that change over time could also be considered.⁵⁴

Between 1834 and 1860, 67 unmarried mothers and 84 bastard children were inmates in the workhouse at some point. These mothers and children accounted for 4 per cent of all admissions into the workhouse. On census night in 1851 unwed mothers and their children accounted for 15 per cent of inmates in Hatfield workhouse; this was the highest proportion of unmarried mothers/children in all the Hertfordshire workhouses at this date.⁵⁵ Almost three-quarters (49 women) came into Hatfield workhouse to give birth. Six women gave birth in the workhouse twice, and one woman, Mary Judd, gave birth to four illegitimate children in the house. She entered the house when she was seven months pregnant, only to abscond four days later, returning after a fortnight to have her baby, John. She left, at her own request, five weeks later. She returned another three times to give birth to her children Sarah, another Sarah, and Mary Ann. As in Hertford, a number of widows were pregnant with illegitimate children, such as Mary Kampkin, who was admitted in 1841 for the delivery of her child Francis, who was described as a ‘bastard’. Accompanying her were her two other children, John (aged 7) and William (aged 5), presumably legitimate children from when her husband was alive.

The number of women who were pregnant with illegitimate children who were admitted into the union workhouse for delivery had halved by the later period: between 1861 and 1886 25 women were in the house for delivery (compared to 49 1834–1860) and they gave birth to, or brought with them, 31 illegitimate children. Nationally, illegitimacy had reached a high point at mid-century but declined thereafter.⁵⁶ Four women had more than one illegitimate child: two women had two illegitimate children, one woman had three, and the other, Elizabeth Challis, had four; she gave birth to three of her four children in the house. Lydia Scales, a field worker, brought her two illegitimate children, William (aged 10) and Ada Maud (aged 8), in with her when she gave birth to her youngest, Joshua George. For William and Ada, this meant a four-month stay in the workhouse, most probably separated from her in the children’s ward, while baby Joshua remained in the house when the rest of the family left (no reason was given).

Table 1 shows how soon before delivery pregnant single women entered Hatfield workhouse. A significant minority were admitted the day before delivery or actually in labour (six women 1834–1860, five women 1861–1886). Sarah Jellians, for instance, who

54 The full admission and discharge registers are available on the Family History CD and so all entries for unmarried mothers and illegitimate children can be examined. For the period 1862–1886 all references to single pregnant women, illegitimate children, and all women giving birth (then linked to the baptism register to establish illegitimacy) were extracted, and then any references after birth to re-entry of mother and/or child. Thus, evidence for the earlier period is more comprehensive than for the later one.

55 *The Hertfordshire census 1851, Family history edition*, Univ. of Hertfordshire CD, 2005.

56 P. Laslett, ‘Introduction’, in P. Laslett, K. Oosterveen, and R.M. Smith (eds), *Bastardy and its comparative history* (London, 1980), 1–70, at pp.14–18.

Table 1 **Period of time in the Hatfield Union Workhouse before delivery**

Period of time	1834–1860	1861–1886
	Number of women	Number of women
Same day—already in labour	4	5
Day before	2	0
Up to 1 week	9	0
2 weeks	4	2
3 weeks	3	7
1 month	4	3
Between 1 and 2 months	8	6
Between 2 and 3 months	8	2
4 months	3	1
6 months	1	0
7 months	1	0

Note: Figures do not necessarily total the number of women giving birth or lying-in given in the text due to omissions in the admission and discharge registers (dates) or due to stillbirths (and thus no date of birth given).

Source: HALS, BG/HAT 41–45; HALS, BG/HAT 45–51.

was aged just 16, was admitted into the house in labour, while Emily Myers was ‘admitted pregnant at 5 PM; child born 6.30’. It is unlikely that the women admitted on the day or the day before their deliveries had formally applied to be admitted (as in the Hertford Application Book); it is more likely that they had just turned up at the workhouse gates. Feigning labour at the gate was one way to gain entry: Elizabeth Chislworth was a 28-year-old vagrant who ‘Said she was pregnant and that her labour had set in’ but the very next day she ‘left at own request.at 3.0 pm demanded her Clothes after making a great fuss, deceiving the MO she evidently a rank imposter’. In another case, Mary Ryn was only admitted to the workhouse after she had given birth to her infant in a field. However, most women came into the workhouse up to one month before (26 women 1834–1860, nine women 1861–1886) and they had most probably applied for admission. At the other end of the range, a small group of women were admitted some months before their babies were due (in the period 1834–60 eight women one to two months before, another eight women two to three months before, and five women many months before). It is likely that these women were no longer able to work, possibly because they had lost their jobs or due to poor health. By the later period far fewer women were admitted many months before their deliveries.

Other studies have found that women usually stayed only a relatively short time in the union workhouse following childbirth. How long did these unmarried mothers remain in Hatfield workhouse after delivery? Table 2 shows that many women remained in the house for a lying-in month (17 women 1834–1860, nine women 1861–1886), but there was a great range in lengths of stay. In the earlier period two women actually ‘left the day of birth’ and in a further six cases the infant was recorded as born in the workhouse but there was no entry for the child’s mother; it has been assumed that the mother most probably

Table 2 Length of stay in the Hatfield Union Workhouse after delivery

Period of time	1834–1860 Number of women	1861–1886 Number of women
Left the day of birth	2 + 6	0
Up to 2 weeks	7	1
Up to 1 month	17	9
Up to 2 months	5	6
Up to 3 months	4	3
Up to 4 months	1	1
Up to 5 months	1	0
Up to 6 months	2	1
Up to 7 months	3	0
Up to 8 months	2	0
9 months–1 year	1	1
2–3 years	3	0
4 years	1	0

Note: See Table 1.

Source: HALS, BG/HAT 41–45; HALS, BG/HAT 45–51.

left the day of delivery (hence 2 + 6). Many women stayed far longer than a month, with 19 women (1834–1860) living in the house for up to a year, and a further four women staying for years. This indicates that mothers stayed longer in Hatfield workhouse than in workhouses elsewhere. However, in the period 1860–1886 far fewer women left early and few remained a long time. Thus, by the later period the length of stay in the workhouse—both before delivery and after—became concentrated and there was a greater conformity of experience.

Nine children were in the workhouse on their own between 1834 and 1860, with no reference to their mothers at all. For instance, George Barker, who was aged under one year, was in the house alone, presumably abandoned. Caroline Stone had definitely been deserted by her mother when she was aged 11; Caroline was in the workhouse for two years and was then put out to service. She re-entered the house another four times when she was out of place. When he was aged eight William Collins was admitted as ‘Too young to work’. He stayed for 16 months but died in the house. The case of Isaac Ford is rich and complex. He first entered the house alone as an illegitimate orphan when he was aged nine and was in and out of the house 11 times until he was aged 20. On his first visit he stayed just over a month and left at his grandmother’s request, presumably to live with her. He returned a year later and stayed for five years this time, only leaving when his aunt took him out. He returned another nine times between the ages of 15 and 20 when unemployed or destitute. Between the ages of 19 and 20 he was only ever out of the workhouse for a matter of weeks. His behaviour inside was unruly, however, and he absconded three times with workhouse clothing. On one occasion he was found guilty of ‘Stealing peas and cutting his jacket’ and sent from the workhouse to prison for 21 days. Eight illegitimate children died while they were in the workhouse: between 1834 and 1860

five were aged under one—three of whom were a month old, one was aged six months and the other aged nine months—two were aged one, and the last was aged eight. In the period 1861–1886 an infant of eight weeks died and Mary Ann Cooper’s baby was stillborn. In general the mortality of illegitimate infants was higher than that of those who were legitimate.⁵⁷

The workhouse offered accommodation, food, and medical care for pregnant and nursing women. It was usual for midwives or special nurses (sometimes termed ‘Head Nurses’) to attend women in labour in workhouses. Medical officers were only employed in particularly difficult cases requiring the skills of a surgeon or the use of forceps. Regular nurses were frequently other pauper inmates.⁵⁸ In Hatfield in 1839 it was resolved,

That attendance upon the poor in the Third District [workhouse] be offered to Mr Thomas at a salary of Twenty Pounds which is to include vaccination, midwifery cases and all medical and surgical requisites.⁵⁹

It is likely that Mr Thomas attended the difficult cases only, while a midwife dealt with more straightforward deliveries. There were no payments to midwives in Hatfield guardians’ minutes and so it is likely that if unmarried mothers wanted medical attendance in childbirth, then they had to enter the workhouse. However, conditions in the house were less favourable for these women than for other inmates and the workhouse minutes reveal a punitive attitude. On 31 May 1838, it was resolved that the ‘Mothers of Bastards’ ... ‘should not be allowed the indulgence of tea and sugar allowed to the aged,’ while on 21 February 1839,

‘Upon the application of the Master of the Workhouse, it was Ordered, that able-bodied young women with bastard children or pregnant shall not in future be allowed tea and sugar, unless by order of the Medical Officer.’⁶⁰

There is some evidence on what happened to unmarried mothers and their children after they had left the workhouse. Mary Wren and Elizabeth Manning both left the house with their infants in order to go with their mothers. Jane Andrews, who was admitted to the house with her two-year old illegitimate son William to give birth to another son, was removed with her children to Hertford Union. A number of women found themselves repeatedly in and out of the house, such as Charlotte Andrews, who entered the workhouse in January 1839 five weeks before she gave birth to Richard. They left together when he was five months old, but returned two and a half months later because Charlotte

57 A. Levene, ‘The mortality penalty of illegitimate children: foundlings and poor children in eighteenth-century England’, in Levene *et al*, *Illegitimacy*, 34–49; A. Reid, ‘The influences on the health and mortality of illegitimate children in Derbyshire, 1917–1922’, in Levene *et al*, *Illegitimacy*, 168–89.

58 J. Rogers, *Reminiscences of a workhouse medical officer*, ed. T. Rogers (London, 1889), 4, 12, 22; A. Sheen, *The workhouse and its medical officer* (2nd ed., Bristol, 1890), 10–11.

59 HALS, BG/HAT/2, 5.

60 HALS, BG/HAT/1, 315; HALS, BG/HAT/2, 76.

had no work and they remained in the house for eight months. Ten months later Charlotte deserted Richard in the workhouse, but requested he be discharged back to her four and a half months later. Charlotte reappeared on her own when she had no work. From September 1842 Charlotte, usually with Richard but sometimes alone, re-entered the house seven times for periods of illness or for a bad hand or a bad leg. Charlotte even had two brief spells in prison. Other mothers and their children were re-admitted to Hatfield workhouse, while on some occasions the children were re-admitted alone. For instance, Alice Limbury accompanied her mother into the house when she was aged four, but returned alone when she was aged eight because she was 'too young to work'. The widow Mary Kampkin, whose case was described above, was re-admitted with her illegitimate child and three legitimate children three years later when Mary was destitute. In another case, Lucy Skeggs delivered her child Henry in St Andrew Holborn and was removed through the settlement laws back to Hatfield when he was four weeks old. When Henry was aged two Lucy abandoned him and he was immediately removed from Hatfield workhouse back to London. In May 1869 Ann Marsh's son Alfred William was discharged to 'the Orphan Asylum St Albans Road', but they were both back in the house a few months later for two admissions in quick succession. When they finally left in January 1870 it was stated that, 'being very Wet and Windy, the Matron persuaded her not to take her Baby Out, but she refused to work and was very sullen. Had her discharge at 4 PM.'⁶¹

Conclusion

The new Bastardy Clauses of 1834 marked a significant watershed in attitudes towards and welfare provision for unmarried mothers and their bastard children. Although difficult to quantify, it is probable that many unwed mothers were forced—through their poverty and the difficulty in obtaining an affiliation order—into the union workhouse. These institutions were used as lying-in hospitals by many mothers of illegitimate children, although some chose to give birth outside and have up to three week's relief in kind instead. Outdoor relief given by the guardians was limited in nature and duration. Home births were no longer provided by the poor law and little relief was provided by way of cash. It is also highly likely that far fewer women secured an affiliation order ensuring weekly outdoor relief for the years of nurture. Over time, fewer unmarried pregnant women entered Hatfield workhouse for delivery and their experiences (in terms of length of stay) became increasingly similar. However, the workhouse was a contradictory institution for the unwed mother.⁶² On the one hand, the house provided

61 Unfortunately, there are no other sources of information on the Orphan Asylum at Hertfordshire Archives and Local Studies.

62 For the eighteenth-century metropolitan workhouse see T. Hitchcock, '“Unlawfully begotten on her body”: illegitimacy and the parish poor in St Luke's Chelsea', in T. Hitchcock, P. King and P. Sharpe (eds), *Chronicling poverty: the voices and strategies of the English poor, 1640–1840* (London 1997), 70–86; K. Siena, *Venereal disease, hospitals and the urban poor: London's 'foul wards', 1600–1800* (Woodbridge, 2004), 256–7.

free accommodation, food and the care of midwives, nurses and medical men in cases of emergency. Women were looked after during the last weeks and months of their pregnancies and for the weeks following childbirth when their ability to generate earnings was curtailed. A small but significant minority stayed far longer and were not expelled from the house. Mothers and/or their children could also return later in times of crisis. On the other hand, this was institutional provision, away from the comfort of family and friends. There was a disciplinary aspect to the house: mothers were subject to disapproval and stigma expressed through a diet devoid of the perks offered the 'deserving' elderly and they were expected to work. Most women did not apply to the guardians later in their lives. The new poor law had a negative impact upon the well-being of unmarried mothers. Without their own testimony it is difficult to decide whether these women chose to exploit a system that offered them free lying-in provision or whether poverty and desperation forced them into the workhouse. It must surely have been a mixture of both.