



Devon Family History Society  
Joint Project Publication with  
Devon Record Office



## **BASTARDY – QUARTER SESSIONS – RETURNS OF AFFILIATION ORDERS**

**1857**

**DRO Reference – QS16/14/1-21**

**DFHS Book Reference - D024**

Illegitimacy and the care of poor unmarried mothers were always a drain on the resources of parish overseers of the poor, and various acts were passed by parliament to try to cope with the problem more effectively. Married women had a husband to support them financially during pregnancy and childbirth, but when an unmarried woman became pregnant she would lose her job, which often provided her with board and lodging as well, and if her family could not help her, she became a charge on her parish of settlement. Any woman found to be pregnant would be questioned by a justice of the peace and asked to name the father of her child. If necessary, she would be removed to her parish of settlement because an illegitimate child's settlement was the parish where he or she was born, and no parish wanted to lumber itself with the expense of yet another poor child. Once the child was born, if it survived, the magistrates would order the father to make regular payments to support his child and to reimburse the parish as far as possible for the cost of the mother's 'lying-in'. The mother may have been sent to the parish poor-house for the birth, or boarded out with a family in the parish who would have been paid to look after her. The account books of parish overseers of the poor are full of notes of payments to midwives, and of expenses incurred caring for the mother, providing baby clothes, and sometimes, sadly, making a little shroud for a dead infant.

This system changed totally when the Poor Law Amendment Act, or 'New Poor Law', was passed in 1834. Unmarried mothers were now sent to the Union Workhouse, where they were often given a different uniform to wear to mark them out from the other women. The previous system of examining the mother and summoning the father to court came to an end. However, a later Poor Law Amendment Act, passed in 1844, gave the mother the right to apply to the justices at Petty Sessions for an order to the father to pay maintenance for the child. She was not entitled to ask for maintenance for herself. The application had to be made within twelve months of the child's birth, unless the father had already given a sum of money towards his or her upkeep. If the justices decided that the man named by the mother was indeed the child's father, then the order would be made. In Devon, the records of proceedings in these courts have not survived from this period, but returns of all the appeals

were made every year in each petty sessional division. They were sent to the Clerk of the Peace and filed with the Quarter Sessions records. The returns record the mother's name, the date of the appeal and of the court hearing. If the appeal was successful, they record the name of the putative father and the amount he was asked to pay. Some also give the father's place of residence and his occupation. If the justices decided that there was no evidence that the man named by the mother was her child's father, the case was dismissed and no order made.

These documents have been little used by researchers because they are unindexed and arranged by division, making it difficult to extract information from them, but they are an invaluable resource for family historians as they are the only contemporary record of the name of the father of an illegitimate child.

### **Divisions**

Axminster, Black Torrington East & Shebbeare South, Braunton, Crediton, Crockernwell, Cullompton, Ermington & Plympton, Great Torrington, Holsworthy, Honiton, Lifton, Midland Roborough, Paignton, South Molton, South Roborough, Stanborough & Coleridge, Tavistock, Teignbridge, Totnes, Wonford and Woodbury