

# “Begot with child”, the treatment of seduced and abandoned Austrey women at the Warwick Quarter Sessions, 1732-1820

Quarter Sessions Court examinations of witnesses hauled before the Warwick Justices of the Peace after the 1732 Act of Settlement, throw light on the daily life and treatment of the labouring poor, especially poor unmarried girls who fell pregnant while working outside their own parish. There was a dramatic increase in illegitimacy in England over the course of the 18<sup>th</sup> century, ascribed mainly to economic changes such as the rise of cottage industries and increased seasonal migration. The 1732 Act followed a series of settlement Acts attempting to deal with this alarming rise in the number of illegitimate children, and to provide guidelines for child support in the case of abandoned mothers, particularly servants and migratory workers who had left their home parish to find work. It obliged mothers to declare their pregnancy if there was likely to be a charge upon the parish, and to identify the father so that provisions could be made for the child's upkeep. The fathers were usually required to enter into a “Bond of Indemnification” for a sum of money to support the child. These “Bastardry” cases from the parish of Austrey tell a fascinating tale of servants and labourers charged with bearing or fathering illegitimate children, with remarkably revealing explanations in the witnesses' own words.

The earliest case relating to Austrey is the examination of Mary Ward, described as a “singlewoman”, taken upon oath before one of his Majesty's Justices of the Peace for this County this 14th day of March, 1737”. She confessed that she was pregnant and that the child was likely to become a charge on the parish. She revealed that the father was Daniel Moreton, a butcher “who begat her with child in the barn of Richard Read in Austrey” twelve days ago around noon “as they returned home from Thomas Harrison's christening”, this being the only time he'd had carnal knowledge of her body. The Justices had already issued a warrant to the Austrey constable to bring Daniel into custody, to appear at the next session. On 4<sup>th</sup> October Daniel Moreton of Burton on Trent (here described as a baker) signed papers to be bound to Thomas Hinks and Thomas Read, William Grimley and Richard Wright, the Austrey churchwardens and overseers of the poor and to pay them £40 as indemnity for the upbringing and education of Joseph Ward, the “poor bastard child”.

The examination of Sarah Arnold, another unmarried woman, was taken on oath on 1<sup>st</sup> March, 1745. She too confessed that she was “with child” likely to become a charge on the parish of Austrey, naming the father as William Tinsley. William had “begat her with child at her master's house, Mr Lees in Austrey, upon a Bed in the parlour there”. She confessed that he had “carnal knowledge of her body for the fifth time about a week before the Harvest” and for the last time about a week after. The fact that both Mary and Sarah left marks instead of signing their names suggests that they were illiterate. These attitudes reflect the bawdy and licentious world of country folk caricatured by Thomas Rowlandson and described by novelists like Henry Fielding in *Tom Jones*.

In 1750 John Wisedale, a Warwickshire farmer, bound himself to William Lilly, Thomas Roberts, William Foster and John Thickbroom, the Austrey overseers, for £40 for “maintaining and bringing up a male child born of the Body of Elizabeth Jugeraum”, probably his servant, the child being baptised William. Some two decades later in March, 1771, Joseph Foarster of Shuttington in Derbyshire bound himself to the Austrey overseers, Edward Wilson and William Fisher, for the maintenance and upkeep of Sarah Lunn's unborn child, she having already named him as the father. Three years later on

10<sup>th</sup> February, 1774, Sarah swore an oath that he was again pregnant with child of Ralph Mousley, an engineer from Oakthorpe in the parish of Castle Tamworth, who duly entered into a £40 bond of indemnity for child support.

The evidence presented before the courts occasionally reveals poignant stories of misadventures, abandonment or failed courtships among the labouring and servant classes. An examination of Mary Clark of Austrey in 1784 taken before Stanford Wolfeston Esq., one of his Majesty's Justices of the Peace, reveals the father of her bastard child was Charles Riler, a widower and labourer working at Thorpe in the county of Stafford, who "pretended to make love to her and often came to her Father's House at Austrey aforesaid where about April and May last He had carnal knowledge of her Body at one of which times he begot the child". Patient Starkey, a servant girl testifying before the justice Mr Harkey in 1788 recounts that she was a hired servant to William Wood of Austrey when John Haywood, "her fellow servant ... by Promises of Marriage did prevail upon her to let Him lye with Her and that He had several times carnal knowledge of her body in her Master's House at Austrey aforesaid in the months of August and September last past, whereby she is now pregnant". John who described himself as a husbandman was bound to William Foster, Henry Lees, Elizabeth Toon, widow, the Austrey Churchwardens for £40, on 4<sup>th</sup> February 1788 signing the indemnity with a capital J.

An undated £50 bond entered into by George Blunt, an Austrey yeoman, with the churchwardens John Hinks and Henry Lees, refers to Mary Clark a singlewoman, pregnant with his child or children likely to be a charge on the parish. Another bond jointly entered into by John Leonard and Joseph Leonard of Oakham in the County of Rutland, Writing Master (perhaps his father), names Ann Wood of Austrey, lately "delivered of a Male Bastard Child", of which John a labourer from Chilcoat in Derbyshire acknowledging himself to be the father. He and Joseph both signed their names when bound to the Austrey churchwardens on 22<sup>nd</sup> January, 1794.

In the reign of George III the court began to order weekly payments rather than cash settlements for the maintenance of illegitimate children. In December, 1817 John Mousley of the Parish of Osgathorpe was ordered to pay three shillings weekly towards the support of Hannah Anstow's child, she to contribute nine pence weekly. A few months later an "Order for Filiation", attempting to reconcile the parents for child support, directed Joseph Prince of Shuttington to pay two shillings each week to Hannah Pegg, a singlewoman, "delivered of a female Bastard child of John Waters in the parish of Austrey". Hannah Pegg was ordered to pay one shilling per week, with Joseph serving as guarantor.

The last recorded sessions court order relating to Austrey is dated 31<sup>st</sup> August, 1819 on the eve of the Industrial Age which saw passage of the first Reform Act of 1832. The court ordered William Higgs to pay a weekly rate of two shillings for his illegitimate offspring, "a male Bastard child now chargeable", while the boy's mother Ann Bates was ordered to contribute a shilling weekly. The handful of cases from Austrey that found their way into the Warwick sessions represent only a fraction of the matters dealt with by the overseers of the poor and the parish constables over the course of the century as servants and hired workers streamed into and out of the parish in search of employment. Most settlement cases would have been dealt with quietly and efficiently by local churchwardens and overseers of the poor. Incomplete and fragmentary as they are, the quarter sessions records provide

a fascinating glimpse of the workings of what amounts to a nascent social welfare system operating at parish level.

**Sources:**

**Warwick County Record Office**

Quarter Sessions Examinations (1714-1818), DRB 48/55

Quarter Sessions Certificates (1714-1805), DRB 48/56

Quarter Sessions Bonds of Indemnity (1758-1777) DRB 48/57

Lawrence Stone, *The Family, Sex and Marriage in England, 1500-1800* (New York, 1979)

© Alan Roberts, 2013