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Chelsea Settlement and Bastardy Examinations, 1733-1766

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"Hannah Eliett, aged about 18 years, the wife of George Elliot, upon oath says that on 31 May last, was twelve month, she, this examinant, was married to her said husband in the liberty of the Fleet, London, by whom she has a child living (named Mary), an infant aged near 3 months. And says that her said husband is by trade or employment a tailor, and that he learnt it of his uncle at Drogheda in Ireland without serving an apprenticeship. And says that her said husband has been a soldier and is now an out pensioner of Chelsea Hospital, and does not know that he ever rented a house of £10 a year, or done any act, to her knowledge, to gain a settlement. And this examinant says that as to herself, she has not lived a year in any service before her marriage, but says that her late father (Edward Penny) served his apprenticeship with one Mr. Hugh Hopkins, a lighterman, then of the parish of St. Olave, but now the parish of St. John in the borough of Southwark in the country of Surrey, with whom he continued and served the full term of his apprenticeship (as this examinant has been informed by her mother now living). And that her said late father from the time he served his apprenticeship, had never rented a house of £10 a year, or paid any parish taxes, or done any act (to her knowledge), to gain a subsequent settlement. And this examinant further says that her said husband being absconded and left her, [she] is not capable of providing for her said child without relief.

Hannah Eliett, her mark. Sworn , 6 June 1749 before us, Peter Elers, Henry Fielding. Passed to St. John in Southwark."

This was a typical Petty Sessions examination with two magistrates. Hannah Eliett had been married in the liberty of the Fleet, a place of marriage resorted to by well over a third of the London population, avoiding banns and license, parental permission, neighbourhood ribaldry and expense. To ensure that well-connected children would have to travel all the way to Scotland to get married without parental permission it was banned for both rich and poor by Hardwicke's Act in 1753. Hannah became pregnant very quickly, if she was not pregnant already, which was common enough. Hannah's husband appears to have been a professional soldier and may have been one of the many men demobilised in 1748. In any case he had chosen that time to marry. He chose the wrong year and the wrong town. While he was fortunate enough to become one of Chelsea Hospital's one thousand out-pensioners, his allowance was not sufficient to support a family. With so many demobilised soldiers and sailors looking for a living and with bankruptcies in London eighteen per cent above trend, this was not a good year for an Irish tailor without an apprenticeship or connections to be making his living.⁽¹⁾ Tailors, as a well-informed careers guide published during the previous year informed parents 'are as numerous locusts, are out of business about three or four months in the year, and generally as poor as rats'.⁽²⁾ Hannah's husband had abandoned her rather promptly - whether he was tramping the country to seek work or whether he had really disappeared is not said - and she needed relief to look after her child. The purpose of the examination was to establish her settlement, in order to decide which parish should look after the child and, if necessary, the mother. Establishing a settlement could be quite a complex legal process. The father was born in Ireland but had never been apprenticed in England or rented a house worth £10 a year or more, so he had not obtained a settlement and hence had no entitlement to poor relief. Hannah had some difficulty with her own settlement: rashly married at only eighteen years of age she had not been a year in service with anybody. However, the matter was clear cut: the child was the responsibility of her father's parish of St. John in Southwark, who might now have to support a young mother and her child for a decade or so. Out pensioners of Chelsea Hospital did not gain settlements in Chelsea, and neither did their wives, whatever Hannah Eliett may have thought.

The next example, although setting out to establish the same information, is of a different nature:

"The examination of Sarah Randall, single woman, taken upon oath before us, John Williams and Peter Elers, esqs...Who saith that on 24 Sept. last she was delivered of a female bastard child in the house of Mr. Gardner, a brazier near the horse ferry at Chelsea in the said county (which is baptised and named Susannah). And was unlawfully begotten on her body by one William Answorth then servant to Mr. Green, a brewer near Sand End near Chelsea aforesaid, who had carnal knowledge of her body the first time in or about the month [of] December last in the dwelling house of Mr Jonathan Wood at the Bull Ale House at Sand End, where this examinant lived a hired servant and where the said William Answorth at the same time lodged. And several times after in the same house. And this examinant further saith that the said William Answorth is the true and only father of the said child. And further saith not. Sarah Randall, her mark. Sworn at Chelsea, 18 nov. 1734, before us, John Williams, Peter Elers."

Sarah Randall had given birth to the child in the parish, thus giving it a settlement there. She named William Answorth as the father, alleging that this was an ongoing relationship with sexual intercourse taking place 'several times'. The child was duly born, nine months after the first act, with the relationship clearly continuing for a while after this. At some point something went wrong, and, unlike the great majority of similar couples in London, they did not get married. William Answorth, in an example of the workings of the eighteenth-century version of the Child Benefit Act, was duly named as the father and therefore liable to suffer a significant fall in his standard of living. We do not know whether he protested at this allegation of paternity, but we do know that fathers usually accepted the allegations.

This book is an edition of 469 such settlement and bastardy examination examinations taken in the parish of Chelsea between 1733 and 1766. These cover 153 pages and come with a 22 page introduction by the authors. The two examples quoted above give an example of the flavour. The London Record Society have produced successive high quality series of records, and this volume is well up to their standards. It is well

produced, the examinations are clearly presented, cross-references are clearly pointed out, and there is an index. Reviewers have a choice of routes that they can follow with a book such as this. It is possible simply to draw the readers' attention to its contents, to say that the introduction by Hitchcock and Black is good and brief, that it says what it is essential to say and to regret that the format of the series prevents a longer introduction, and to conclude by recommending the book to all those interested in the subject and more especially those looking for documents for teaching purposes. Alternatively one can put these sources into their context and discuss their reliability and how they fit into the ongoing historiography. This is what this review will set out to do. However, at this point it is necessary to make a confession: I happen to have been one of the examiners of John Black's London University Ph.D. thesis on 'Illegitimacy and the Urban Poor in London, 1740-1830', a thesis that examined the records of two Westminster parishes, St. Clement Danes and St. Mary-le-Strand, as well as Shoreditch in East London. It all went very satisfactorily, we were happy to pass the thesis, and it will soon be made available to researchers in the usual manner. I shall take the liberty of referring to it all the same, as the thesis examines in detail the bastardy and settlement examinations for these parishes. The purpose of this is not to pre-empt the findings of the thesis, but rather to give a foretaste of the richness of its source material.

Clearly bastardy and settlement statements have their problems. They can be examined under various headings. The first is that of accuracy. Sometimes they can be checked, sometimes not. There were obvious temptations to lie about settlement and paternity, though these matters could usually be checked by the parish. Nevertheless, one might choose to forget one's more recent parish of settlement. As for ascribing the paternity of an illegitimate child, Black has shown that it was rare for fathers to dispute this, despite the heavy expenses involved in the child's upkeep. Invention is more likely to have occurred when the mothers described their relationship with the father. A remarkably high proportion of bastardy examinants gave birth nine months after their first sexual encounter, with sexual encounters taking place 'several times' thereafter. Both the examples quoted above did so. Hannah Eliett had even taken the trouble to get married first. One may have some doubts about such a pattern of events. The tendency of the examinants to use the phrase 'several times' points to a clear desire to establish that this was an ongoing relationship, part of the normal courting practices of the London poor, which just happened to have been one of the ten per cent or so of births (and therefore less than ten per cent of courtings) that had not led to marriage. Few had the effrontery to stand before disapproving magistrates, admit to casual sex, and throw themselves on the goodwill of the parish of settlement. Edward Shorter has claimed that proto-industrial development and the resulting possibilities of employment for young women gave the latter the opportunity to free themselves from traditional sexual inhibitions. The argument has been heavily contested and has converted few. One of its weaknesses is the continuation well into the nineteenth century of such traditional practices as domestic service. However, recent work, especially that of Meldrum, has suggested that there was a very active labour market for women servants in London at this time. If, by some strange process, this exposure to the labour market relaxed women's libidinal inhibitions, a formal examination before the magistrates was not the place to reveal it. Nevertheless, the stress that the mothers made on the continued relationship with the father was so common that it need not be questioned, even if it may have been exaggerated. It is consistent with what Nicholas Rogers found in an earlier examination of illegitimacy in Westminster.⁽³⁾

Secondly, the precise nature of these documents should be noted. They combine two different processes: that of establishing paternity (and settlement) of the fathers of illegitimate children, and that of establishing the settlement of potential claimants. Parishes often have Bastardy Examination Books, but these are not complete and additional bastardy cases are to be found throughout the settlement certificates. It is easy to overlook the latter, as Trumbach appears to have done in the case of Shoreditch in his recent *Sex and the Gender Revolution*, ⁽⁴⁾ although it must be said that Trumbach did include the settlement certificates of Chelsea.

Thirdly, there are problems relating to the completeness of the statements. There are several dogs that consistently refuse to bark. It is rare for employers of servants to be named as fathers, or to be accused of violence. The editors point to only two cases, one clearly rape, the other at the very least intimidation. This is in keeping with what Rogers' study had found. Rogers' sample was smaller and his period of study longer,

but relations that were clearly unequal were named in one-third of the statements between 1703 and 1718, falling to 21 per cent between 1735 and 1752 (the period of the Chelsea study) and to fourteen per cent between 1780 and 1786.⁽⁵⁾ The Chelsea study suggests much lower figures, as does Black's research. Perhaps masters paid up voluntarily rather than risk being named. Perhaps to some extent their behaviour did change, though the author of Pamela clearly had his doubts on that score. For all we know the true father of Sarah Rendell's child may have been her employer who then paid her fellow lodger sufficient to persuade him to marry her. We may look forward to a printed exchange between Meldrum and Black. In any case, the paucity of employers from the mid century suggests an awakening of evangelicalism that is usually dated to a later period. Another topic that fails to appear is that of bundling, one on which it is to be hoped that Black will publish. It should, after all, have some connection to the enhanced importance of penetrative sex that Hitchcock ascribes to the eighteenth century. Again, there is little evidence cohabitation without marriage, before or after Hardwicke's Act, pace Gillis.

Fourthly, there is the Snell-Landau debate. How representative are settlement certificates? This - and this alone of the points discussed here - is touched on by the two authors in their introduction. Most of the examinations were held at petty sessions and appear to have been conducted 'under relatively formal conditions', but despite this there was a wide variety of practice with a 'combination of both inflexible propriety and sloppy disregard for the requirements of the law' (introduction, pp. xi-xii). The justices were conscientious in taking statements - though whether they had the resources to check these statements is another matter - and exercised flexibility in their interpretation. According to Hitchcock and Black 'these examinations contain numerous instances where the logical legal outcome of a given examination is eschewed in favour of more humane treatment of the pauper involved, or occasionally a result significantly advantageous to the parish of Chelsea'. And this leads to the fifth question - the administration of the Poor Law in London in general and in Chelsea in particular.

Followers of Tim Hitchcock's various publications will have become aware of the unfolding of the little commonwealth of Chelsea, a desirable parish for deserving or even undeserving paupers, provided that they could close their ears to the torrent of moralising condemnation that would fall on them. He has recently argued that in the mid-eighteenth century 'the range of institutions in London available to the indigent poor, and unmarried mothers in particular was immense'.⁽⁶⁾ London had several lying-in hospitals, the Foundling for infants, the Magdalene for penitent prostitutes, the Lock for treatment of venereal disease as well as (according to Hitchcock) almost 70 parish workhouses as well as other smaller institutions, 'and while it is certain that these institutions were patronising in their intent, abhorred by their users, and largely unpleasant in their overall formulation, they likewise provided a comprehensive service to a wide range of the population of London...One can argue, indeed, that London social provision provided the opposite to the contemporary welfare state. Whereas today, all the rhetoric suggests a universal benefit while the reality excludes an increasing proportion of the population, in the eighteenth century the rhetoric was exclusive while the reality remarkably inclusive'.⁽⁷⁾ It was, he has argued elsewhere, part of a changing rhetoric of sexuality that came to regard women as inherently sexually vulnerable and men as inherently (and thus excusably) sexually rampant, and which produced a host of institutions for fallen women, as well as Hardwicke's Marriage Act to prevent them from falling in the first place. The extent to which these institutions were produced outside London is another matter. Hitchcock's doctoral thesis was on English workhouses between 1696 and 1750, and it is a pity that he has not published more on the subject.⁽⁸⁾ Nevertheless, it does not impugn his work to say that eighteenth-century London poor relief is a little explored terrain and that more parochial studies are needed before the typicality of any parish can be established.⁽⁹⁾

There was a great deal happening during the first half of the eighteenth century that historians do not fully understand. The proportion of never-married in the national population fell from a quarter to a tenth and continued to fall thereafter, while the mean age of marriage dropped by about twelve months. National illegitimacy levels rose. The underlying crude death rate in London was higher than during the later seventeenth century while the various mortality peaks continued unabated. A quarter of a century of war and a good part of the Financial Revolution was followed by a change of dynasty, the South Sea Bubble and the

(apparently) even more disastrous 1726 depression, from which the London economy emerged into a prolonged period of slow growth or perhaps stagnation lasting some three decades.[\(10\)](#) London may have been unique in this respect, but London is the area of Hitchcock and Black's research. In addition it is claimed that London was home to a new definition and condemnation of homosexuality and a concomitant change in male sexual attitudes. This was also the period when all the workhouses were built. Workhouses were only one part of changing attitudes: any suggestion of a relatively flexible and relatively generous pattern of poor relief in Southern England needs to be countered by the highly flexible and decidedly ungenerous provision of relief in Lancashire that the work of Steve King is uncovering.[\(11\)](#) As all the participants in the debate realise, social policy was extremely heterogeneous, and it is this very heterogeneity that requires suitable frameworks in which to place it. Chelsea Settlement and Bastardy Examinations provides one point of entry for understanding eighteenth century social policy, but the world that we enter through it is still very imperfectly known.

Notes

1. L.D.Schwarz, London in the age of industrialisation (Cambridge, 1992), pp. 93, 98.[Back to \(1\)](#)
2. R. Campbell, The London Tradesman (1747), p. 192.[Back to \(2\)](#)
3. N. Rogers, 'Carnal knowledge: illegitimacy in eighteenth-century Westminster', Journal of Social History 23 (1989-90), pp. 355- 375.[Back to \(3\)](#)
4. R. Trumbach, Sex and the Gender Revolution (Chicago: University of Chicago Press, 1998). reviewed on 20 September 1999 for Reviews in History by R.B. Shoemaker.[Back to \(4\)](#)
5. Rogers, 'Carnal knowledge', p. 359.[Back to \(5\)](#)
6. T. Hitchcock, 'Unlawfully begotten on her body', in T. Hitchcock, P. King and P. Sharpe, eds., Chronicling Poverty. The Voices and Strategy of the English Poor, 1640-1840, p.75.[Back to \(6\)](#)
7. Hitchcock 'Unlawfully begotten', pp. 76-77. See also: Tim Hitchcock, 'Demography and the culture of sex in the long eighteenth century', in J. Black, ed., Culture and Society in Britain 1600-1800, (Manchester, Manchester University Press, 1997, pp. 69-84.[Back to \(7\)](#)
8. T. Hitchcock, 'The English workhouse: a study in institutional poor relief in selected counties, 1696-1750', D. Phil. thesis, Oxford University 1985. See also Tim Hitchcock, 'Paupers and Preachers: the SPCK and the Parochial Workhouse Movement', in L. Davison, T. Hitchcock, T. Keirn, R.B.Shoemaker, eds., Stilling the Grumbling Hive (Stroud, 1992), pp. 145-166.[Back to \(8\)](#)
9. The Chelsea workhouse register is presented in a computer-based teaching package: Tim Hitchcock and Robert Shoemaker, Economic Growth and Social Change in the Eighteenth-Century English Town (Glasgow, Core Resources for Historians, 1998).[Back to \(9\)](#)
10. Schwarz, London, pp.79-84.[Back to \(10\)](#)
11. Steve King, 'Reconstructing lives: the Poor Law and welfare in Calverley, 1650-1820', Social History (1997), pp. 318-38 and 'Poor relief and English economic development reappraised', Economic History Review (1977), pp. 360-68.[Back to \(11\)](#)

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