

Norfolk Record Office Information Leaflet 57

Illegitimacy

1. Parish Registers

While researching your family history, it is quite likely that you will come across at least one case of illegitimacy. However, this does not always mean that a branch of your family research has come to an end. Sometimes, the clergyman will have noted the name of the reputed father at the child's baptism. You may also find clues to the father's identity in the names given to the child; sometimes the father's surname was given as a forename or middle name. It was also not uncommon for the parents of illegitimate children to marry shortly after the child's birth, so you may find that a child was baptised in the mother's maiden name, but then known by the father's surname throughout the rest of his or her life.

If there is a gap in the baptism entry, where the father's name should be, there is still a chance that you can discover his identity, by searching parish deposits and court records.

2. Bastardy Papers

The following papers are all types of bastardy papers and can be found in the parish deposits; see PD lists:

- Bastardy Examinations

Before 1834, if the father of an illegitimate child was not known, then the responsibility to maintain that child fell on the parish. Therefore, the parish overseers of the poor were very keen to find out the identity of the father and to make him pay maintenance. The first part of this process was for the pregnant woman to go voluntarily, or be called, before a justice of the peace. She would be required under oath to name the father, or she could face prison. If she managed to avoid this process, midwives attending the birth would often attempt to elicit this information during labour.

- Bastardy Bonds

The overseers of the poor, and perhaps the churchwardens of the parish, would then pay a visit to the alleged father. If he admitted paternity, the favoured option was to put pressure on him to marry the woman. If he refused, he could enter into an agreement whereby he would either consent to pay a weekly maintenance or a lump sum to the overseers, and to indemnify the parish against all future costs. These documents are called bastardy bonds and often a wealthier relative and/or employer was required to act as guarantor and countersign the bond, in which case they

would be liable should the man default or abscond. The bond remained in force as long as the child was dependent.

- **Bastardy Warrants**

If the man denied paternity and refused to sign a bastardy bond, then the overseers could apply to a local magistrate for a bastardy warrant to be issued. This ordered the local constables to apprehend the alleged father and bring either bring him before a justice of the peace, or provide sufficient surety for his appearance at the next quarter sessions court. If he were required to attend the next quarter sessions, and could not provide surety, he could be held in prison until his appearance. Bastardy warrants could also be issued if the father absconded or failed to make agreed maintenance payments.

- **Bastardy Orders**

When the alleged father appeared before the justice of the peace, he would again be given an opportunity to admit paternity and either marry the woman, or sign a bastardy bond. He might still refute paternity, but, unless he could prove that it was not possible that he was the father, for a reason such as he was in prison at the time, then in all likelihood the justice of the peace would issue a bastardy order. This ordered him to pay the overseers of the poor and churchwardens a weekly maintenance for the child. Men who still disputed paternity could take their case on to quarter sessions, but it was very difficult to provide the proof required to overturn these orders. If he failed to convince the court, he would also be liable for costs.

3. Apprenticeship Indentures

Many children were apprenticed, usually by the time they were fourteen years old. The parish would often arrange for poor children to be apprenticed at a very young age. Some of these apprenticeship indentures have survived amongst the parish deposits (see PD lists). The fathers of some illegitimate children did take an interest in their offspring and some may have taken them on as apprentices themselves. For this reason, it is worth checking to see if the master left a will, which might acknowledge the child as his own. The father of an illegitimate child may also have countersigned the apprenticeship indenture. So if you find a counter signature for no apparent reason, again, it may be worth checking to see if that person has left a will, which might mention the child. Will indexes are kept on the searchroom shelves and some of them are also included on our online catalogue (see <http://nrocat.norfolk.gov.uk>).

4. Overseers' Accounts

Overseers' account books record the parish's expenditure on poor relief, so collections of maintenance payments are likely to be found there (see PD

lists). Sometimes separate accounts of bastardy payments were kept (again see PD lists).

5. Quarter Sessions

Quarter sessions books hold details of some bastardy orders, up to c. 1844. So if you cannot find a bastardy order in the relevant parish deposit, it may be worth searching quarter sessions records see (C/S1 list).

6. Guardians of the Poor

After the Poor Law Amendment Act of 1834, responsibility for poor relief switched from the parish to the poor law unions. Thereafter, the guardians of the poor could apply to quarter sessions courts for maintenance from an alleged father. These applications were called affiliation applications and, if granted, an affiliation order was made. Details of affiliation orders can be found in the guardians' minute books (see C/GP lists). Unmarried mothers often had to go into the union workhouse for the birth of their children (see workhouse admission/discharge records, birth and baptism registers in the C/GP lists).

7. Petty Sessions

In 1844, the Poor Law Amendment Act allowed women to apply to the petty sessions courts, rather than quarter sessions, for maintenance from the father. So it is the petty sessions books that will hold details of such affiliation applications and orders, after 1844. Affiliation orders are usually recorded in the general court minutes, but for the North Erpingham Division, there is a separate series of affiliation orders, 1865 -1922 (see PS 24/19/1). Many early petty sessions books have not survived, but those which have can be found in the PS lists. However, copies of these orders were sent to the relevant guardians of the poor and there may be a record of them in their minute books (see C/GP lists).

8. Other Information Leaflets

Other information leaflets, produced by Norfolk Record Office, which may prove useful:

- Leaflet 38 – Norwich Children's Homes and Children in Care from 1712.
- Leaflet 39 – The Orphans' Home, Norwich, 1844 – 1932.
- Leaflet 40 – Adoption Records.
- Leaflet 51 – Norfolk Children's Homes and Children in Care from 1834.
- Leaflet 52 – Great Yarmouth Children's Homes and Children in Care from 1834.



If you need this leaflet in large print, audio, Braille, alternative format or in a different language, please contact the County Archivist on 01603 222599 and we will do our best to help.

Produced by:

Norfolk Record Office
The Archive Centre
Martineau Lane
Norwich
NR1 2DQ

Tel: 01603 222599
Fax: 01603 761885
E-mail: norfrec@norfolk.gov.uk
Website: <http://archives.norfolk.gov.uk/>



© Norfolk Record Office, May 2006