

## **Illegitimate Births/Baptisms in England Parish Registers**

**David Flint**

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Illegitimate births were openly recorded in the parish registers. According to W.E. Tate in The Parish Chest, “Illegitimate children are invariably so described in the registers, whether from moral indignation at their parents’ offence, or from concern as to the effect their birth might have upon the poor rates.”

Tate also refers to the Latin terms used to describe illegitimate children in the registers: “On occasion the precise description of the status of such illegitimate children is wrapped in the decent obscurity of a dead language. … Generally the English phrases used are brutally frank.”

Much of the treatment of illegitimate births was intertwined with the operation of the Poor Laws in England. According to Mark Herber in Ancestral Trails, “A statute of 1610 provided that mothers of bastards could be sent to a house of correction for up to a year and, in the 17<sup>th</sup> and 18<sup>th</sup> centuries, they were often whipped.”

The Poor Law required everyone to have a parish of legal settlement, and that parish carried the permanent responsibility for providing poor relief to those legally settled there if they needed poor relief. A 1756 act empowered Justices of the Peace to examine the circumstances of the birth of an illegitimate child who could become chargeable to the parish. A woman was required by law to identify the father, who was required to pay for the child’s maintenance by a bastardy bond. If the father refused to marry the woman or pay the maintenance, an application could be made to the Justices for a maintenance order. A man accused under oath of being the father could be sent to jail until he provided security to the parish for its expense.

Several different documents were potentially involved in an illegitimate birth/baptism besides the parish register record. Those included examinations of the unmarried mother by the Justices of the Peace, indemnity bonds (also known as bastardy bonds), apprehension orders, and removal orders.

Illegitimacy also affected inheritance. This had been true since the 1200’s when it was settled in English law that children born outside of marriage would be considered illegitimate and could not be made legitimate by the subsequent marriage of their parents. This could not be changed by the civil authorities because they had passed all matrimonial matters to the Church courts. It also meant that illegitimate children were not related legally to their parents and could not therefore inherit from their parents.

## Terms for illegitimacy

- base child or base born
- bastard
- begotten in adultery/fornication/incest
- chanceling
- filius nullius (no one's child)
- filius populi (child of the people)
- fruit of adultery
- lovebegot
- natural son
- son of adultery
- son of a harlot
- son of shame
- spurius
- unlawfully begotten
- whoreson

### Selected Bibliography

Herber, Mark. *Ancestral Trails - The Complete Guide to British Genealogy and Family History*. Second edition. Baltimore, Maryland: Genealogical Publishing Co., Inc., 2004. (See pages 352-355)

Paley, Ruth. *My Ancestor was a Bastard*. Society of Genealogists Enterprises Ltd., 2019.

Tate, W.E. *The Parish Chest: A Study of Parochial Administration in England*. Cambridge University Press, 1969. (See pages 214-221)