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Article abstract

Dans la société du XIX^{e} siècle, grossesses et naissances illégitimes étaient considérées comme de graves manquements au code de l'honneur qui prévalait à l'époque. La littérature en témoigne d'ailleurs fort éloquemment puisque, dans les nombreux romans qui exploitent ce thème, la mère célibataire est toujours marquée par la honte, l'ostracisme et, souvent même, par une mort prématurée.

Qu'en était-il, cependant, dans la réalité ? C'est sur ce problème que se penche l'auteur de cet article, à partir de l'exemple du Canada anglais au XIX^{e} siècle. Ainsi, il s'arrête d'abord aux taux d'illégitimité qui sont établis pour la période; il examine les implications légales qui sont rattachées au fait de la naissance illégitime; puis, il étudie quelques-uns des secours auxquels les mères célibataires et leurs enfants avaient accès, qu'il s'agisse de l'aide apportée par la famille ou de celle offerte par diverses institutions de l'époque. Enfin, il conclut que la femme aux prises avec le problème d'une grossesse illégitime au Canada anglais, pendant le XIX^{e} siècle, n'a pas véritablement vécu les déboires qu'ont essuyés les personnages féminins de la littérature contemporaine, et ce, quelque soit la gravité de leur crime ou l'inconvenance de leur conduite.

Unwed Motherhood in Nineteenth-Century English Canada

W. PETER WARD

Seduction and betrayal was a compelling motif in nineteenth-century fiction.[1] The tragic lives of Scott's Effie Deans, Eliot's Hetty Sorrel, and Hardy's Tess all testify to its evocative power. Each succumbed to illicit passion, each was abandoned by her lover, each bore a bastard as proof of her transgression, and ultimately each suffered grievously because of her lapse. Effie Deans fared better than most. Later married to her seducer, a dissolute English gentleman, she lived in fear and sorrow, estranged from her own family, and denied the licit child for which she and her husband yearned. The susceptible Hetty fell victim to a thoughtless, carefree youth. Leaving home in pursuit of her lover, she had a child, destroyed it, and was condemned for infanticide. Although reprieved from the gallows, she was nevertheless transported, deprived of all comfort from her friends and relations. The fruit of Tess's unhallowed intercourse died soon after its birth. Later, when she confessed her past to her husband on their wedding night (in reply to his own like confession), he abruptly left her. Returning to her former lover, she later murdered him for ruining her life. In the end she died a criminal's death, though in Hardy's eyes she was "a beautiful, warm soul run down by the dogs of fate, in her case the bloodhounds of sex and love."[2]

In the world of fiction, then, the destiny of unwed mothers was shame and ostracism, and quite possibly early death. This was so because the woman who yielded was marked by a vivid moral blemish. Though she might be the victim of masculine lust and easy male conscience, she also bore the guilt of her own wilful surrender. Seduction implied her acquiescence if not her outright consent. Consequently, she shared responsibility for her undoing. In upholding this understanding, the nineteenth-century novel maintained contemporary orthodoxies of respectable sexual conduct.[3] The standards it defended confined sexual intimacy exclusively to partners in marriage. All who fell short of this ideal were considered guilty of moral failure. The ideal itself was the common property of a trans-Atlantic middle class which used it to measure, judge, and regulate the sexual habits of those who lived about them. Its roots lay deeply embedded in Christian tradition

1. Elizabeth Hardwick, "Seduction and Betrayal", in *Seduction and Betrayal: Women and Literature* (New York, 1970), pp. 175-208.
2. *Ibid.*, p. 205.
3. Peter T. Cominos, "Late-Victorian Sexual Respectability and the Social System", *International Review of Social History*, 8 (1963), pp. 18-48 and 216-50.

and its manifestations were evident in custom, practice, and law on both sides of the Atlantic. In the process of defining this rigid code of behaviour, the ideal also established a sliding scale of opprobrium for various infractions. According to the scale, the indiscretions of women should be penalized more heavily than those of men; a female breach of the code invariably warranted reproach while in some circumstances that of a man might be tolerated. The ultimate female transgression occurred when a woman bore a child out of wedlock. In doing so she not only revealed herself to have been unchaste, but she undermined the central principle of nineteenth-century family life: that men and women *together* should beget and nurture children and should do so only within the sanctified bounds of marriage. When fictional unwed mothers challenged the rules of appropriate conduct, the consequences could only be unhappy.

But no matter how powerful its representation, the novelist's world is an imaginary one. Thus there is every reason to question its faithfulness and veracity. What of all the actual, nameless Effies, Hetties, and Tesses? What really became of women who were seduced and abandoned, who brought children into the world outside matrimony? This paper examines some of the implications of unwed motherhood in English-Canadian society—particularly in central Canada—during the nineteenth century. After a brief comment on the extent of illegitimacy in this period, it explores the legal consequences of bastard bearing and then discusses the familial and institutional accommodation of unwed mothers and their newborn children. As will be seen, however serious an unwed mother's lapse of conduct and however firm the chastisement for her wrongdoing, she seldom walked the narrow path described in the nineteenth-century novel.

The precise extent of illegitimacy in nineteenth-century English Canada is unknowable. Many basic sources which form the building blocks of historical demography simply do not exist. The study of illegitimacy can best be pursued through parish registers, few of which have survived for the period before 1840, the years of British settlement in Upper and Lower Canada. Fewer still have been kept with sufficient care and diligence to inspire confidence in their reliability. The problem is further exacerbated by the religious pluralism of colonial society. In British North America, unlike much of premodern Europe, several denominations commonly offered religious services within a single community. Thus, two or more sets of reliable parish records are required in order to study the population history of a particular district. Those of the Methodist churches (whose adherents were particularly numerous) are especially problematic. The Methodist practice of itinerant preaching by men of little formal education, while well-adapted to frontier circumstances, discouraged systematic record keeping, and those records which survive are drawn from a preacher's circuit, not a specific locale. Furthermore, Methodist preachers could not legally perform marriages until 1831 in Upper Canada and, as a result, no Methodist marriages were recorded separately before that date. After Confederation, provincial governments began to collect vital statistics, but their procedures were generally so haphazard and so intermittently en-

forced that a large proportion of births went unreported until long after the turn of the twentieth century.[4] Illegitimate children almost certainly constituted a disproportionately large segment of the unrecorded births because of their notably high death rates and because the shame of bastard bearing often led to concealment. For these various reasons, the extensive accumulations of illegitimacy data compiled by European demographers would seem impossible to duplicate for nineteenth-century English Canada.

Nevertheless, it remains possible to estimate the approximate extent of illegitimacy in colonial society. A cluster of parish registers has survived for Cornwall (Stormont County) and Charlottenburg Township in adjoining Glengarry from the first half of the nineteenth century. The three churches involved—St. Andrews Presbyterian in Williamstown, Trinity Anglican in Cornwall, and St. Raphael's Roman Catholic in Charlottenburg—were among the earliest in the district and thus drew adherents from a large surrounding area. No contemporaneous Methodist records for the region have survived and this constitutes a problem, for Methodism seems to have been popular there as elsewhere in the colony. Nonetheless, the surviving records would seem to reflect the experience of a large proportion, if not an actual majority, of the community's population.

Table 1 — Illegitimacy Ratios in Glengarry and Stormont Counties, Upper Canada, 1800-1853[5]
(% of births illegitimate)

	St. Andrews 1800-1815 (1509 births)	Trinity 1803-1846 (2370 births)	St. Raphael's 1815-1825 1840-1853 (2954 births)
1800-04	1.0	0	
1805-09	.4	0	
1810-14	1.5	2.2	
1815-19	1.6	1.9	1.6
1820-24		4.1	.2
1825-29		3.8	
1830-34		4.9	
1835-39		3.3	
1840-44		1.4	2.2
1845-49		.9	3.2
1850-53			3.6
Average	1.1	2.8	2.2

4. Neil Sutherland, *Children in English-Canadian Society: Framing the Twentieth-Century Consensus* (Toronto, 1976), p. 64.
5. Archives of Ontario (AO), St. Andrews Presbyterian Church, Williamstown, Parish Registers; AO, St. Raphael's Roman Catholic Church, Charlottenburg Township, Parish Registers; Public Archives of Canada (PAC), Trinity Anglican Church, Cornwall, Parish Registers.

As Table 1 suggests, the average ratio of illegitimate to total births in this district ranged between 1 and 3 per cent, with a tendency to increase over time. Extremely low ratios may have been due to the small size of population samples during the early years of each congregation, as well as inefficient record keeping. The highest ratios, which approached 5 per cent during the 1820s and 1830s, may well have reflected disturbed conditions in Cornwall, a port town, associated with high immigration and the cholera epidemics of 1832 and 1834. Differences amongst the ratios recorded by the three denominations were likely due to the attitudes each held toward bastard bearers. Presbyterians traditionally exercised more rigorous church discipline in cases of sexual misdemeanor than did the other denominations, and this may have lowered their illegitimacy ratios while it inflated those of the Anglicans. Furthermore, while the ratios do differ, they are not widely discrepant. Nor are they inconsistent with nineteenth-century estimates of illegitimacy in French Canada (1770-1870) which placed urban rates at between 2 and 3 per cent, and those of rural areas at between 1.5 and 2 per cent.[6]

Table 2 — Illegitimacy Ratios in Ontario, Nova Scotia and New Brunswick, 1866-1899[7]
(% of births illegimate)

	Ontario 1872-1899 (1.15 million births)	Nova Scotia 1866-1875 (99,000 births)	New Brunswick 1889-1894 (36,000 births)
1866-69		2.1	
1870-74	.8	2.1	
1875-79	1.2	1.8	
1880-84	1.9		
1885-89	1.4		1.0
1890-94	1.3		.9
1895-99	1.5		
Average	1.4	2.1	1.0

6. *Census of Canada, 1871*, V, p. 353. A preliminary retrospective survey of illegitimacy ratios in early nineteenth-century Lower Canada offers slightly higher estimates, 4 to 6 per cent in Quebec and Montreal and 2 to 3 per cent in their surrounding countrysides. (J.P. Wallot, "Religion and French-Canadian Mores in the Early Nineteenth Century", *Canadian Historical Review*, 52 (March 1971), p. 85, n. 144.) Ratios reported for the French era are 1.87 per cent for Montreal between 1646 and 1715, and between .2 per cent and 1.2 per cent for New France as a whole between 1700 and 1760. (L. Dechêne, *Habitants et Marchands de Montréal au XVIIe Siècle* (Paris and Montreal, 1974), p. 114.)
7. Ontario, *Ontario Sessional Papers*, "Annual Report of the Registrar of Births, Marriages, and Deaths", 1872-1899; Nova Scotia, *Annual Report of the Marriages, Births and Deaths Registered in Nova Scotia, 1875* (Halifax, 1877), p. 20; New Brunswick, *Journals of the House of Assembly*, 1890-1895.

The illegitimacy ratios revealed by provincial vital statistics collected during the later nineteenth century (see Table 2) are consistently lower than those of the earlier sample. Most likely these figures do not represent a lower incidence of bastard bearing, but rather a higher incidence of concealment and inadequate record keeping. As a guide to the proportion of births which were illegitimate, they probably are less reliable than those based on parish records if for no other reason than that, because of its small scale, data collection during the first part of the century likely was more thorough than that of the new province-wide systems which were adopted from the 1860s onward. In effect, the later ratios represent minimum estimates, the true extent of bastardy being higher by an indeterminate amount. It would seem highly unlikely, however, that illegitimacy ratios in English Canada would have much exceeded 5 per cent at any time in the nineteenth century and probably ranged somewhere between 2 and 4 per cent of all births during the century. If so, the incidence of illegitimacy was significantly lower in Canada than throughout most of contemporary western Europe. In England and Wales, it fluctuated between 4 and 6 per cent during these years, a somewhat lower range than in the previous century. In Scotland, the national average exceeded 9 per cent in 1861 when statistics were first compiled, though it gradually fell by a third over the next forty years. The Irish ratio was much lower, about 2.5 per cent between 1750 and 1865. Outside the British Isles, there was even greater variation, the highest ratios exceeding 20 per cent in Iceland and 14 per cent in Austria. Indeed, Ireland apart, the only western European nations with ratios comparable to English Canada were Switzerland and the Netherlands.[8]

The civil law of British North America had important implications for an unwed mother, both before and after her child was born. The law of bastardy and legitimation, in particular, bore directly on their circumstances. One of its most striking features was the inducement it gave pregnant women to marry before their children were born.[9] British common law presumed that an infant born to a married woman was the legitimate child of her husband. This presumption could only be challenged in court and rebutted only by convincing proof of the contrary. The only proof acceptable was that which demonstrated a husband's lack of access to his wife at the time the child was conceived. In its absence, the presumption of legitimacy remained intact. The fact that a child was obviously conceived out of wedlock did not alter this presumption, the act of marriage being

8. Peter Laslett, *et al.*, eds., *Bastardy and its Comparative History: Studies in the history of illegitimacy and marital nonconformism in Britain, France, Germany, Sweden, North America, Jamaica and Japan* (London, 1980), pp. 14-8; Michael Flinn, ed., *Scottish Population History from the 17th century to the 1930s* (Cambridge, 1977), pp. 349-67; S.J. Connolly, "Illegitimacy and Pre-Nuptial Pregnancy in Ireland Before 1864: The Evidence of Some Catholic Parish Registers", *Irish Economic and Social History*, 6 (1979), pp. 5-23; Shirley F. Hartley, *Illegitimacy* (Berkeley, 1975), pp. 36-9.

9. The task of establishing rates of premarital conception is fraught with the same perils listed earlier. It is further complicated by the need to match pairs of birth and marriage registers, few of which have survived from Upper Canada before 1840. The linkage of marriages and subsequent first births is also a considerable problem in the light

considered the husband's acknowledgement of the child as his own. Conversely, all children born out of wedlock were deemed bastard even when their parents subsequently married one another.[10] Thus, a pregnant woman who married before the birth of her child would legitimize her infant in all but those instances in which her husband could (and wished to) prove conclusively that he was not the father of her child. Even in the event of such proof, it had no effect on the validity of the marriage itself which, once legally constituted, could not be nullified on the grounds of premarital pregnancy or childbirth. Not surprisingly, a quiet, hasty wedding was by far the easiest solution to the problem of unmarried pregnancy.

The legal status of women who had borne a child outside marriage or who while pregnant could not induce someone to marry them, differed considerably among the British North American colonies. Soon after attaining colonial status, Nova Scotia and New Brunswick incorporated the English poor law into their legal practice and enacted their own bastardy legislation based on the English model. During the later 1750s, illegitimacy was a pressing problem in Nova Scotia, according to Governor Jonathan Belcher, because of "the great Concourse of dissolute abandoned Women, followers of the Camp, Army and Navy."[11] Like its English inspiration, colonial law provided that a man named by an unmarried woman,

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of the high rates of transiency characteristic of colonial society. For these reasons the following rates of premarital pregnancy should be treated with caution. In all instances marriages were checked against birth records for five years following the date of marriage. In each case a child was regarded to have been conceived before marriage when born eight and one-half months or less after marriage.

Premarital Conception Rates in Five Canadian Parishes, 1800-1878

	Marriages Linked to Subsequent Births	Number of Conceptions Premarital	% Conceptions Premarital
St. Andrews Presbyterian, Williamstown, 1800-1815	165	13	7.9
Trinity Anglican, Cornwall, 1816-1846	149	26	17.4
St. Raphael's Roman Catholic, Charlottenburg, 1815-1825	99	7	7.1
1840-1853	93	9	9.6
Franktown Presbyterian, 1834-1855	42	8	19.0
Guelph-Galt Primitive Methodist, 1858-1878	21	3	14.3

10. Earl of Halsbury, *The Laws of England*, first edition (London, 1908), II, pp. 426-31.
11. R. Williams, "Poor Relief and Medicine in Nova Scotia, 1749-1783", *Collections of the Nova Scotia Historical Society*, 24 (1938), p. 41.

either pregnant or recently delivered of a child, could be arrested and jailed on her sole testimony. The hearing could be held before a justice of the peace who could also accept security from the accused for the cost of delivering and supporting the child. The putative father was then bound over to the next sitting of the Court of Quarter Sessions which could adjudicate the woman's paternity claim and order maintenance for the child.[12] False accusation bore a penalty of up to six months imprisonment in Nova Scotia; in New Brunswick, however, no explicit penalty was attached. Although these laws were later heavily amended, their basic provisions and principles remained unaltered throughout the nineteenth century.

The obvious intent of this legislation was to protect local governments and ratepayers from the costs of illegitimacy. The welfare of unwed mothers was clearly a matter of secondary concern. Colonial laws gave them no statutory right of independent action against the putative father; this authority lay in the hands of government officials. Nevertheless, the law offered such women a powerful instrument of coercion. As a man could, on the basis of her accusation, be arrested and either jailed or forced to provide a substantial bond for his future appearance in court, she could use the threat of such action to bring a reluctant bridegroom to the altar. Clearly the law also offered a potential incitement to perjury and blackmail, as the commissioners of inquiry investigating the poor law discovered in England in the early 1830s.[13] Furthermore, if it functioned as in England, it gave local officials considerable purchase upon careless male lovers, for of the many opportunities for official corruption conferred by the old poor law, none were better than those offered by its bastardy clauses.[14]

Upper Canada, in contrast, did not adopt the English poor law when the colony was founded. Consequently, no public responsibility for poor relief existed in the colony at the outset.[15] In theory, at least, indigents (including unwed mothers) had to shift for themselves. But on occasion practice may have strayed from the path of legal theory, as it did in January 1798, when Peter Empey of Osnabruck Township, Stormont County, complained to the Court of Quarter Sessions that his unmarried daughter, Elizabeth, had given birth to a daughter begotten by Albert French, gentleman, of Cornwall. On the basis of Elizabeth's oath, the court ordered French to pay the church wardens of Osnabruck forty shillings for her lying-in and a further shilling and three pence weekly thereafter for the support of the

12. Sidney and Beatrice Webb, *English Poor Law History: Part I: The Old Poor Law*, vol. 7, *English Local Government*, reprinted (London, 1963), pp. 308-13; *Nova Scotia Statutes at Large*, 32 George II, chap. 19; Beamish Murdoch, *Epitome of the Laws of Nova Scotia* (Halifax, 1832), II pp. 31-6; *Acts of the General Assembly of New Brunswick*, 32 George III, chap. 3.
13. U.R.Q. Henriques, "Bastardy and the New Poor Law", *Past and Present*, 37 (July 1967), pp. 103-7.
14. Webb, *English Poor Law*, pp. 308-13.
15. Richard B. Splane, *Social Welfare in Ontario, 1791-1893: A Study of Public Welfare Administration* (Toronto, 1965), pp. 65-8.

child until it was no longer chargeable to the township.[16] In this instance, the court followed the spirit if not the letter of the English poor law. In the absence of statutory authority, however, the practice was probably exceptional.

One alternative source of child support was a private agreement between the parties involved, assuming the father would voluntarily accept financial responsibility for his child. Two examples of such contracts survive from Upper Canada, one signed in 1812 and one in 1842. On each occasion the pregnant woman and her father agreed to accept a lump sum payment from her seducer—in one instance £25, in the other £27.10.0—for the maintenance of the child.[17] In return, they discharged the putative fathers from all further claims. There is no way of knowing how often such agreements were reached. But lacking the fulcrum which the poor law gave to women in the mainland Maritimes colonies, unwed mothers in Upper Canada were not likely too successful in prying child support from reluctant former lovers.

In 1837, the colonial legislature in Upper Canada established a statutory procedure permitting any person responsible for the support of a bastard to sue the child's father for the expense of its upkeep.[18] The mothers themselves could press such a suit although, when they did so, their testimony alone was insufficient to sustain the action; their claim required some further corroboration. The process required that, as a first step, the mother swear an affidavit as to the child's paternity either before, or within six months of, its birth. In its essentials, this legislation remained unchanged until the twentieth century. Consequently, unlike their counterparts in the Maritimes, from 1837 onward unwed mothers in Upper Canada (and later Ontario) could independently claim support from the father of their bastard child. Whether they actually did so, however, is quite another question. An attempt to link eighty-two affidavits of affiliation sworn in Leeds and Grenville between 1837 and 1849 to the county's district court files did not locate a single subsequent lawsuit ensuing from a preliminary declaration of paternity. While this is not conclusive proof that child support was not forthcoming, it would seem to suggest that, whatever the law, women seldom used this means to obtain aid from their seducers.

Two other possible avenues of legal redress were also open to unmarried mothers: civil suits for seduction and breach of promise of marriage. An action for seduction could not be pressed by the aggrieved woman herself, she having

16. AO, RG 22, series 7, part iii, 1798, pp. 211-2, Eastern District Quarter Session Minutes, 24 January 1798.
17. An interesting feature of both sums is that they estimate the costs of rearing a child in rural Upper Canada during the first half of the nineteenth century. AO, Acc. 12764, Memorandum of Agreement for Child Support, 19 February 1812; PAC, MG 9, D8, 24, Price Family Papers, Norfolk County Historical Society Collection, pp. 12028-9, Obligation for Payment, 27 April 1842.
18. *Statutes of Upper Canada*, 7 William IV, chap. 8.

been a consenting party to the transaction.[19] It could only be maintained by her father or some other close relation in whose home she resided. The common law on seduction was derived from that of masters and servants, for masters could recover damages when they had lost the aid of a servant through the wrongful act of a third party. In a case of seduction, a father would sue for loss of filial services. He was required to prove his daughter's residence at home, both at the time of the seduction and when the child was born, as well as her performance of simple domestic chores. On her part, the daughter need not testify before the court. The defendant's most common response was to impugn her character by alleging her promiscuity, a claim which need not defeat the action but which might mitigate the damages awarded. The award was intended to compensate the plaintiff not only for losses sustained, but for his distress and anxiety, his dishonour, the loss of his daughter's society, and his expenses in maintaining an illegitimate child. Because of its scandalous nature, such a lawsuit would besmirch the reputations of all parties involved. But judging from the frequency that they came before the courts, this seems not to have proved much of a deterrent. The second possibility, a suit for breach of promise of marriage, could be launched by an aggrieved woman herself, the chief requirement being that she offer evidence of such a promise having been made. The damages awarded were entirely at the discretion of the jury and could be based upon the injury to her affections and future marriage prospects, her social background, and also the defendant's means.[20]

The criminal law on abortion and infanticide were also relevant to unwed motherhood. Each of the British North American colonies fell heir to English law on both offences at the time they gained colonial status during the second half of the eighteenth century. At this time English jurisprudence differentiated between abortions performed before and after the "quickening" of the child, the point at which the foetus could be felt to stir in the womb. Abortion before quickening was not considered an offence while that which occurred afterward was treated as a misdemeanor unless the mother died, when it was regarded as a felony and punished as for murder. During the nineteenth century, the British Parliament amended these provisions in a succession of statutes,[21] but the amendments did not obtain in the colonies where eighteenth century law prevailed until it was superceded by local statute. The New Brunswick legislature made abortion a felony punishable by death in 1810, although it provided lesser penalties if the child was not quick. At mid century, this distinction was abandoned and the penalty lowered to a maximum of fourteen years imprisonment. The Nova Scotia house passed a similar measure at about the same time. In 1841 the first law enacted

19. Halsbury, *Laws of England*, XX, pp. 270-5. Seduction cases were widely reported in the colonial press. Two representative examples can be found in the AO, Mackenzie-Lindsey Papers, files 2857 and 6008, dated 2 June 1845 and 14 April 1860.
20. Halsbury, *Laws of England*, XVI, pp. 274-7. For examples, see the *British Whig* (Kingston), 24 October 1874 and the Mackenzie-Lindsey Papers, file 6008, two undated clippings entitled Whitlaw v. Davidson and Fahy v. Mojer.
21. Great Britain. *Report of the Committee on the Working of the Abortion Act*, I, *Report*, appendix A (London, 1974), pp. 196-200.

in the Canadas imposed penalties of up to life in prison at hard labour for convicted abortionists. After Confederation, however, legislation followed recent British example by distinguishing self-induced from other abortions, reducing the penalty for the former, and exempting abortions performed when the life of the mother was in danger.[22]

Another possible alternative for the unwed mother was infanticide, the crime of Hetty Sorrel. Unlike Hetty's case, however, infant murder was difficult to detect and prove in an age of high infant mortality. Consequently, English criminal law had long defined the offence in extremely broad terms. In 1623 Parliament had enacted that a woman who bore a bastard and then killed it, procured its death, or attempted to conceal its birth was to suffer death unless a witness testified that the child was born dead.[23] This statute departed markedly from English legal practice in that it presumed guilt unless innocence could be proved. Effie Deans' predicament pivoted upon a similar Scottish law enacted in the late seventeenth century.[24] Both measures, in turn, were fashioned after a similar French edict of the mid sixteenth century (first promulgated in New France in 1722).[25]

The inaugural sitting of the Nova Scotia legislature enacted a similar bill.[26] Early in the nineteenth century, English law reduced concealment to a misdemeanor and comparable amendments were soon made to the criminal law of Nova Scotia, New Brunswick, and Lower Canada. Henceforth, infanticide was to be treated as murder, but concealing the birth of a child brought a maximum sentence of two years imprisonment. The law also provided that, following an acquittal for child murder, a person might still be sentenced for concealment without a new trial.[27] In this fashion, juries reluctant to convict for a capital offence were given the alternative of a lesser punishment. In Upper Canada, however, the law was not reformed. Consequently, in 1817 and 1823, two women were convicted and sentenced under the seventeenth-century statute, one for infanticide and the other for concealing birth. Both were reprieved after strong public pressure and judicial reluctance to see the law pursue its full course.[28] After some further delay, the

22. *Acts of the General Assembly of New Brunswick*, 50 George III, chap. 2; *Revised Statutes of Nova Scotia*, (1851), chap. 162; *Statutes of Canada*, 4-5 Victoria, chap. 27, s. 13; *Revised Statutes of Canada*, (1886), chap. 162, s. 47 and s. 48; *Statutes of Canada*, 55-56 Victoria, chap. 29, s. 271 to s. 274.
23. Great Britain, *Statutes at Large*, 21 James I, chap. 27.
24. R. Sauer, "Infanticide and Abortion in Nineteenth-Century Britain", *Population Studies*, 32 (March 1978), p. 82.
25. *Recueil Général des Anciennes Lois Françaises* (Paris, 1822-33), XIII, pp. 471-3; P.G. Roy, *Inventaire des Ordonnances des Intendants de la Nouvelle-France*, (Beauceville, 1919), I, pp. 216-7.
26. *Nova Scotia Statutes at Large*, 32 George II, chap. 13, s. 5.
27. *Acts of the General Assembly of New Brunswick*, 50 George III, chap. 2; *Laws of Lower Canada*, 52 George III, chap. 3; *Nova Scotia Statutes at Large*, 53 George III, chap. 11.
28. R.L. Fraser, "Angelique Pilotte" and "Mary Thompson", forthcoming in the *Dictionary of Canadian Biography*.

law in Upper Canada was amended to conform to other colonial practice.[29]

Yet a wide gulf may divide criminal law from social conduct and as a result no particular relationship should be assumed between the severity of a criminal penalty and the relative incidence of the crime for which it was prescribed. It is now impossible to know the frequency of abortion and infanticide in the nineteenth century. But evidence suggests that both were far from uncommon. Great Britain apparently experienced a rise in infanticide during the mid nineteenth century and, while it declined later in the century, abortion seems to have increased.[30] Angus McLaren has shown that women in late Victorian Canada had access to folk remedies, patent medicines, untrained abortionists, and licensed physicians when seeking an end to an unwelcome pregnancy.[31] Nevertheless, Table 3 reveals that, in the largest city in English Canada, arrests for performing, aiding, or procuring an abortion were relatively infrequent, although they did increase toward the end of the century. Arrests, of course, are simply an index of law enforcement, not a measure of rates of crime. What the table suggests is that even though abortion was subject to strict censure the chance of detection remained slight. All parties to such deeds obviously had an interest in maintaining secrecy and as a

Table 3 — Arrests and Summonses for Abortion, Concealing Birth, and Infanticide, Toronto, 1860-1899[32]

	Abortion	Concealing Birth	Infanticide
1860-64	—	1	4
1865-69	—	2	1
1870-74	3	5	1
1875-79	2	1	3
1880-84	1	3	2
1885-89	15	2	5
1890-94	5	—	1
1895-99	14	—	—
	40*	14	17**

Years missing: 1861, 1869, 1887, 1893.
*30 males, 10 females
**1 male, 16 females

29. *Revised Statutes of Upper Canada*, 2 William IV, chap. 1.
30. Sauer, "Infanticide and Abortion", pp. 81-93.
31. Angus McLaren, "Birth Control and Abortion in Canada, 1870-1920", *CHR*, 59 (September 1978), pp. 319-40.
32. City of Toronto Archives, *Annual Report of the City of Toronto Police Department*, 1860-1899.

result abortions seldom came to light unless, through mischance, the woman died.[33]

Infanticide, too, was common although almost equally difficult to detect. Table 3 reveals thirty-one arrests for concealing birth and infanticide in Toronto over a thirty-five year period. But the number of suspected infanticides must have been substantially higher. The York County coroner, whose jurisdiction included Toronto, investigated fifty-three known or suspected infanticides between 1877 and 1894.[34] A suspect could be identified in only four instances, three of whom were convicted while one eluded arrest. From 1878 to 1884, Kingston newspapers reported ten instances of infants being found dead in public places in the district and eleven accounts of abandoned babies discovered while still alive.[35] Abandoned children were not necessarily left to die and infants found dead were not always victims of a criminal deed. Nevertheless, these statistics leave the unmistakable impression that the wilful destruction of infant lives often occurred in Victorian English Canada. Presumably not all who sought an abortion or exposed an infant were unmarried mothers. Still, it seems safe to conclude that, despite strong sanctions in the criminal law, both were common solutions to the predicament of childbirth outside marriage.

Their legal status apart, unwed mothers occupied a rather ambiguous position in public opinion. Having breached prevailing codes of respectable sexual deportment, they were guilty of a delinquency which was generally condemned. As long as marriage occurred before childbirth, women paid only slight social penalties for unlicensed pregnancy. No doubt their indiscretions earned them knowing looks, private chastisement, brief local notoriety, and some embarrassment, but beyond this nothing more. (Like most generalizations, however, this one has its exceptions, in particular the common Presbyterian practice of public confession and rebuke for fornication and other sex-related offenses. Many congregations in rural Ontario used formal shaming punishments to defend social mores as late as the 1880s.)[36]

Those who bore children outside marriage could not expect the same leniency. In April 1818, Anne Powell, wife of the Chief Justice of Upper Canada, suspected that one of her servants was pregnant, an opinion shared by her son. Her account of what ensued emphasizes the uncompromising character of upper and middle class opinion and for that reason is worth repeating at length. Having made up her mind, Powell imparted her fears to the woman's sister, also a servant in the house,

33. C.M. Godfrey, *Medicine for Ontario: A History* (Belleville, 1979), pp. 87-9; *Canada Medical and Surgical Journal*, 12 (November 1884), p. 452; C.S. Clark, *Of Toronto the Good. A Social Study* (Montreal, 1898), p. 124.
34. AO, County of York, Coroner's Inquests, 1877-1894.
35. *British Whig* and *Kingston Daily News*, 1878-1884. I would like to thank my colleague, Fritz Lehmann, who compiled this list for me.
36. D.W. Crerar, "Church and Community: The Presbyterian Kirk-Session in the District of Bathurst, Upper Canada", (M.A. thesis, University of Western Ontario, 1979).

> who shocked at the suggestion interrogated her with the most perfect fraternal solicitude, and obtained nothing but the steadiest denial of the possibility of that which we suspected;—a medical man was called in before night, who from the respectability of her Character, and her assertions, bled her, gave her laudanam [sic] and [a] warm bath to her feet;—by this time I got alarmed, and sent for a more experienced Doctor, who laughed at my credulity, and pronounced decidedly on the cause of her complaint;—but in the midst of her agonies, she still persevered in her denial and the living proof of her misconduct which made its appearance after 13 hours of dreadful sufferings, scarcely convinced her that delusion was no longer practicable;—as the apartment for the female servants is only warmed by the warm air ascending from the kitchen, and by the stove in my room into which it opens, I was of course obliged to abandon my apartment, and share Mary's ... a little flight of snow enabled me to put the mother, her child, and a sister who came to attend her into a sleigh and send them to her miserable Father on Sunday last;—her determination to conceal the name of the Father of the Infant is uniform; and all who know her lament the error into which she has fallen, the too probable contemplation of a crime never to be forgiven; this quite an history, and a proof of moral depravity of which I have before heard, but never till now witnessed.[37]

Indelibly stamped on this account are the scorn and condescension of a haughty upper class woman for the misfortunes of a serving girl. Yet Anne Powell was no more charitable to those of her own class—indeed even her own family. Two decades later, her prominent husband now dead and her family's fortunes quite clearly on the wane, she bitterly condemned one of her granddaughters, pregnant but without marriage prospects, as guilty of "criminal conduct." She had "sacrificed her own earthly happiness" to a "bad man," thus casting the entire family into disgrace. "Without deep and heartfelt repentency," Powell avowed, would vanish "her hopes for pardon from her eternal Maker and as yet I fear there is no prospect of contrition; thus in a few months another victim to her depravity will be brought into the world, uncertain to whom it owes its paternity."[38] Here spoke the voice of respectable opinion.

Yet popular attitudes toward unwed mothers were not invariably as unyielding as fiction, legend, and the respectable consensus might seem to suggest. There is persuasive evidence that, far from being ostracized, they commonly enjoyed the support of their families and, probably, the toleration of their neighbours as well. This evidence can be found in the affidavits of affiliation sworn by unmarried mothers and mother-to-be in Upper Canada from 1837 onward. Sworn before a justice of the peace either before the child was born or within six months of its birth, the affidavits contain the following information: the complainant's name and residence, the putative father's name and residence (and sometimes his occupation as well), and the name and residence of the justice of the peace. As these procedures seldom led to court action, one might speculate why a woman would

37. Metropolitan Toronto Library, Baldwin Room, Powell Papers, Mrs. W.D. Powell to George Murray, 1 April 1818.

38. *Ibid.*, Powell to Murray, 17 September 1839.

make a public declaration of such embarrassing circumstances. Presumably some women swore affidavits with the intent of pressing a suit, but later changed their minds. Others perhaps merely hoped to keep alive the possibility of an action though its likelihood seemed remote. Perhaps, too, some viewed the process as an instrument of informal coercion, a means of mobilizing local opinion against their seducers in hopes that marriage or child support might ensue. All three—especially the latter—seem likely possibilities.

Three series of these affidavits have survived, one for Newcastle District (1837-1849), one for Leeds and Grenville (1837-1893), and one for Elgin County (1853-1899). In the nineteenth century, all three were predominantly rural districts although they each included towns and small cities; all were among the more settled areas of Upper Canada. The affidavits themselves reveal little social information, but they indicate clearly the movements of the women who swore them (see Table 4).

Table 4 — Location of Affidavits Sworn by Unwed Mothers, 1837-1899[39]

	Number of cases	% sworn in township of residence	% sworn in township adjoining residence	% sworn further from residence
Leeds and Grenville	574	75.6	18.3	6.1
Newcastle District	71	77.5	21.1	1.4
Elgin County	193	76.7	18.1	5.2

In each area, three-quarters of the unwed mothers swore affidavits in their home townships and another fifth journeyed no further than the next township—often perhaps to the nearest justice of the peace—to make their declaration. In every case, only a small number seem to have left home to publicize their predicament. (Had affidavits been located for a major urban area, however, they would undoubtedly have revealed a much higher percentage of women who had left home, for large cities were the common resort of unwed mothers in search of shelter.) These proportions did not vary significantly during the century. Nor did they depend upon whether or not the child had been born; women were no more likely to leave the community in order to conceal their pregnancy than they were to depart once their child had been delivered. Thus, in rural communities at least, unwed mothers commonly remained at home. Far from trying to conceal their state, they

39. AO, Affidavits of Affiliation, Leeds and Grenville, 1837-1893; AO, Affidavits of Affiliation, Newcastle District, 1837-1849; University of Western Ontario Library, Regional Room, Affidavits of Affiliation, Elgin County, 1853-1924.

went to the nearest court official and proclaimed their condition, as well as the name of the man who had seduced them. In the small, closed communities of nineteenth-century rural Ontario, this constituted publicizing one's condition. No doubt the declaration was common knowledge in the district within a few days. Had public censure been as strong as has been assumed,[40] surely far fewer women would have willingly exposed themselves to it. Gossip there no doubt would be, and likely a woman's marriage prospects would be blackened as well. But the rural Ontario family of the mid and late nineteenth century was sufficiently elastic to absorb bastardy, and the rural community seems to have accepted it as well.[41]

Information found in the manuscript census affirms these conclusions. Two groups of women in Leeds and Grenville who swore affidavits during the four year periods up to and including 1851 and 1871 were traced into the census. The results are tabulated as follows:

Table 5 — Unwed Mothers Living with Parents, Leeds and Grenville, 1851 and 1871[42]

	Number of Affidavits	Number Linked to Census	Mothers Home with Children	Mothers Home without Children
1851	33	11	8	3
1871	48	21	12	9

Fewer than half of the complainants could be located and this might seem to contradict the assertion that the family was the common haven of unmarried mothers in rural society. But these figures are not inconsistent with known rates of transiency for Upper Canada during this period and it should not be assumed that the missing women were absent only because they left home to conceal their pregnancy or bastard child. On the contrary, the samples suggest that a significant proportion continued to live in their family homes, with or without their illegitimate children. Several who did even named male children for their natural fathers.

But the family was not always a refuge for unmarried mothers. Some lacked relations to whom they could turn while others had families too poor or too censorious to offer them assistance. Fiction's ostracism borne of family shame doubt-

40. J.K. Galbraith, *The Scotch* (Boston, 1964), pp. 21-30.

41. English Canada would seem to have been rather more tolerant than was nineteenth-century rural Ireland, for example. At that time, according to K.H. Connell, "it was the lucky mother, or likely mother, of an illegitimate child who was not shunned by her neighbours and despised, if not cast off, by her own family." K.H. Connell, "Illegitimacy Before the Famine", in *Irish Peasant Society: Four Historical Essays* (Oxford, 1968), p. 51.

42. Manuscript Census of Canada, Leeds and Grenville, 1851 and 1871.

less had its counterpart in reality. The woman who had to shift for herself faced rather bleak prospects for, having committed a serious breach of ethics, she could expect little sympathy no matter which way she turned. Respectable folk would not normally offer her work or shelter lest they be seen to encourage sin.

One possibility was for a woman to cross the border to a nearby American city where a charity or boarding house could discretely mask her circumstances. In the Canadas, too, from the early part of the century, maternity boarding houses could be found in larger urban centres. Essentially, they were private maternities, some of them run by midwives or attended by physicians. In Ontario toward the end of the century, they fell under increasing censure from reformers who condemned them as unsavoury places "where large numbers of illegitimate children are born into the world annually, which children are, by some means or other, got rid of."[43] A Toronto medical health officer's survey of four such houses, conducted after licensing regulations were passed in 1898, revealed conditions in these homes which were considered acceptable and most likely were superior to those found in many earlier establishments.[44] All four were large, shabby, and sparely furnished; only one boasted an indoor toilet while two provided a bath. Usually they accommodated five or six boarders as well as the housekeeper and her family. The most crowded of the four establishments housed six patients, two newborn infants, the keeper, and her five children in a five bedroom dwelling with no indoor plumbing. The housekeepers were middle-aged women, two or three of them widows. They offered simple room and board for $2.50 to $3.00 weekly. Some of the homes were regularly attended by physicians while in others the boarder had to make her own arrangements. Since the housekeepers themselves lacked medical training, the most that they could offer was simple nursing care. Nonetheless, while primitive even by the standards of late nineteenth-century maternity hospitals, these boarding houses offered their clients some evident benefits, not the least of which were discrete and inexpensive shelter and a modicum of medical care.

The unwed mother and mother-to-be also pricked the colonial philanthropic conscience. The first charitable institution established for their needs was a Catholic lay organization founded in Montreal in the later 1820s. A successor (subsidized by the Church and the colonial government) sheltered some three hundred women between 1829 and 1836.[45] In turn it was succeeded by the Soeurs de Miséricorde, founded in 1845 as a lay charity but constituted a regular Catholic order three years later by Bishop Bourget. The sisters established a maternity hospital, Ste Pélagie, which had ministered to some fifteen thousand unmarried patients by the end of the century, the great majority of them Catholics but a significant number of Protestants too.[46] The order later expanded throughout Canada and into

43. Toronto, *Department of Health Report*, (1897), p. vii.
44. City of Toronto Archives, Toronto, Department of Public Health, Maternity House Inspections, 1898-1899.
45. E.-Z. Massicotte, "Le Refuge des filles repenties à Montréal", *Le Bulletin des Recherches Historiques*, (décembre 1940), pp. 374-6.
46. Soeur Sainte-Mechtilde, "La Fille Mère: Ses Problèmes Sociaux", (Dissertation soumise à la Faculté de l'Ecole de Service Social de l'Université de Montréal, 1946).

the United States. In the eyes of the Church, women who sought refuge with the sisters were not simply patients, but penitents as well. Consequently, the "fallen" were urged to amend their ways and live respectable lives in the future. Ultimately, a separate rule was established for women who had come to the sisters in need and who later wished to take holy orders.

Many unwed mothers also found refuge in lying-in hospitals. During the nineteenth century, children were normally born in their mothers' homes. Indeed, far from encouraging institutional childbirth, the first general hospital in York explicitly forbade it (though the rule was occasionally broken in practice).[47] Nevertheless, by mid century some general hospitals had added lying-in wards, and to them poor and unmarried women turned as their time of delivery approached. For many the hospital offered more than short-term shelter. Most of the women who had children at the Kingston General Hospital in the 1860s and 1870s were unmarried, their average stay in the institution being about twelve weeks.[48] Other hospitals continued to refuse maternity patients until late in the century. Neither institution in Ottawa would admit them, with the consequence that boarding houses remained the only alternative until a maternity hospital was opened in 1879.[49]

In Montreal and Toronto, separate lying-in hospitals had been established somewhat earlier, six (including Ste Pélagie) during the 1840s and early 1850s. In most instances, a mixture of medical and philanthropic motives underlay their foundation. Physicians wanted improved facilities where medical students could be taught the arts of midwifery; philanthropists succoured the poor and unmarried, and hoped to prevent infanticide. In addition, like so many Victorian humanitarians, they considered theirs a work of reclamation. In the words of one Toronto hospital management committee, their institution was a reformatory "where the erring sister is brought into contact with virtue and respectability, and being in some measure forced into the presence of religion, learns to value both as superior to vice and infamy."[50] The University Lying-in Hospital, established in Montreal in 1843, reflected these twin aspirations at its inception. It was created and operated by a coalition of doctors from the McGill medical faculty and a committee of worthy middle class ladies, the former overseeing its professional and pedagogical affairs while the latter looked to its domestic management. Like most such institutions, its patients were predominantly unmarried—three-fifths of the four thousand who delivered children there between 1843 and 1886.[51]

47. *Rules and Regulations, Proposed, for the Government, of the General Hospital* (York, 1830); W.G. Cosbie, *The Toronto General Hospital, 1819-1965: A Chronicle* (Toronto, 1975), p. 96.
48. M. Angus, *Kingston General Hospital: A Social and Institutional History* (Montreal, 1973), pp. 34-5; Queen's University Archives (QUA), Kingston General Hospital Papers, file B 103.3, J.W. Langmuir to the Treasurer, 8 May 1879.
49. *Ontario Sessional Papers*, 1881, no. 8, "Thirteenth Annual Report of the Inspector of Asylums and Prisons", pp. 226-7.
50. Toronto Public Library, Baldwin Room, *Report of the Lying-In Hospital for the Year 1857* (broadside published by the Toronto Dispensary and Lying-in Hospital).
51. McGill University, Osler Library, University Lying-in Hospital, Montreal, Minutes, volumes 1 and 2.

But childbirth was only the most pressing of an unmarried mother's concerns. Women who could not fall back on their families immediately faced the need to support themselves and their children. For most of them, opportunities for wage labour were extremely limited. One traditional source of income for poor and unmarried women was wet-nursing. In France, for example, infants were commonly put out to be nursed, a practice followed not just by the upper classes, but the lower as well.[52] Unfortunately, little is yet known about infant rearing in the English-speaking world during the nineteenth century, but indications are that, while not as widespread as in France, wet-nursing still was frequent. Fleeting references to the practice are made in the family papers of colonial Canada. Very early in the century, Elizabeth Hale, daughter of an English aristocrat and wife of a senior government official in Lower Canada, hired a wet-nurse for two of her children and kept one in readiness for the third though she suckled it herself. A Windsor, Nova Scotia woman reported in August 1832 that she had put her newborn daughter out to nurse "till the warm weather is over", though in this instance the wet-nurse lived next door. In Toronto, John Macaulay secured one for his wife in 1840 and again in 1842, although in the first instance he may have done so because his wife had been delivered of triplets. At the same time, however, Charlotte Ridout, of a leading Toronto family, nursed her newborn babe herself.[53]

The unwed met much of this market for wet-nurses' services and lying-in hospitals, with their poor and unmarried clientele, often served as employment agencies. Families seeking a wet-nurse would apply to a hospital; on payment of a small fee they were introduced to a candidate who, if acceptable, accompanied them home. At the University Lying-in sixty-two (one in three of the year's patients) got situations in 1849, half of them being unmarried. In the mid-1850s, hospital reports noted that the demand for wet-nurses was greater than the available supply. The practice was also encouraged as an agent of character reformation, for the unmarried woman who went out to nurse was thought to enter a respectable family whose influence, it was assumed, could scarcely be but for the good. Generally, wet-nurses parted with their own children, most often giving them up to an institution or putting them out to adoption.[54] In Toronto, however, a public nursery was opened in 1858 which offered temporary child care in return for a third of a wet-nurse's wages[55] (which ranged between £4 and £12 a year during the mid-century decades). Wet-nursing declined sharply during the early 1870s and by the end of the next decade it had all but disappeared.

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52. George D. Sussman, "The Wet-Nursing Business in Nineteenth Century France", *French Historical Studies*, 9 (1975), pp. 304-28.
53. University of Toronto Library, Thomas Fisher Room, Hale Family Papers, E.F. Hale to Amherst, 6 January 1802, 2 March 1803 and 13 December 1806; Provincial Archives of New Brunswick, Dixon Papers, E. Chubbuck to Mary Dixon, 14 August 1832; AO, Macaulay Papers, John Macaulay to Ann Macaulay, 13 April 1840 and 1 September 1842, AO, Ridout Papers, Charlotte Ridout to Mrs. J. Daly, 17 November 1840.
54. University Lying-in, Minutes, volumes 1 and 2.
55. *First Annual Report of the Public Nursery* (Toronto, 1858), pp. 24-5.

Charitable institutions offered unmarried mothers an alternative haven, often serving as employment exchanges too. The rules of the Kingston House of Industry forbade the admission of unchaste women with bastard children.[56] Nonetheless, between 1850 and 1857, twenty-eight unmarried mothers and their children took refuge there for periods ranging from two days to ten months.[57] Some came directly from the hospital with newborn babes in their arms; others—clearly transients—were accompanied by slightly older infants. Most remained in the house for less than a month before moving on. The largest number—thirteen—hired themselves out to farmers and townsmen in the district, usually taking their children with them. The Kingston refuge thus seems to have been a clearing house for domestic labour, where an unwed mother might find temporary shelter and then get a place where she might work for wages and still keep her child. This, too, bespeaks an atmosphere none too critical of her misdemeanor.[58]

The 1898 survey of Toronto's maternity boarding houses provides another brief glimpse of the unwed mother's immediate prospects.[59] Of the twenty-three women interviewed, only ten were receiving aid from the fathers of their children. The remainder were self-supporting or were assisted by their families. Their plans for the future varied considerably. Two had not yet decided on a course of action and two had lost their infants soon after birth. Eight proposed to give up their children and seek work alone. The other eleven, half of the sample, intended to keep their children. But their employment opportunities were extremely limited. Four planned to take their child home with them and rely on family support. Four more intended to find a job and board out their babies. Only three thought it possible to take work and raise their children themselves. While half of the mothers surveyed wished to assume the full responsibilities of parenthood, economic opportunities were such that only a small number could foresee the prospect of independent family life. On average unwed mothers were in their early twenties,[60] at which age their employment prospects should have been greatest. But their opportunities for self-support were severely limited. As a result, for most, boarding or adoption remained the only possible alternatives to a return to the family fold.

Magdalen Asylums provided another refuge for unwed mothers in Victorian Canada. By the 1880s, the government of Ontario was subsidizing five of them

56. P. Malcolmson, "The Poor in Kingston", in G. Tulchinsky, ed., *To Preserve and Defend: Essays on Kingston in the Nineteenth Century* (Montreal, 1976), p. 294.
57. QUA, Kingston House of Industry, Inmate Registers, 1850-1867.
58. Whether this example was typical remains to be seen. One recent study reveals that unwed mothers were rarely admitted to the Toronto House of Industry. They constituted less than 1 per cent of the families without a male head entering the institution between 1879 and 1882. J.M. Pitsula, "The Relief of Poverty in Toronto, 1880-1930", (Ph.D. thesis, York University, 1980), p. 90.
59. Toronto, Maternity House Inspections, 1898-1899.
60. The average age of unwed mothers at the time of the birth of their children has been ascertained for four samples: Leeds and Grenville, 1851, 22.6 years (11 cases); Leeds and Grenville, 1871, 21.0 years (21 cases); Kingston House of Industry, 1851-1857, 21.9 years (27 cases); Toronto Maternity House, 1898-1899, 24.0 years (22 cases).

in the province's larger cities.[61] They sheltered a wide range of female supplicants: the chronic indigent, the confirmed prostitute, and the potentially delinquent as well as the destitute, the neglected, and the abandoned. Like most nineteenth-century charities, the Magdalens were expected to serve both corrective and humanitarian functions, particularly in cases when sexual codes had been breached. The reclamation of "fallen women" was an object of most asylums although the energy devoted to this goal varied from one institution to the next. The early rescue work of the Salvation Army amongst unmarried mothers, begun in 1886, pursued the same goal.[62] But the Magdalens offered no maternity care. Thus a husbandless mother with children could resort to one, but a pregnant woman would no doubt have had to look elsewhere.

Those who sought to relinquish their children also had several alternatives before them. Adoption, while by no means infrequent, was not the common form of giving up illegitimate children which it later became. In Ontario, the provincial government made no significant statutory provision for adoption until 1897, leaving the legal basis of adoptive family relationships to be defined by the common law.[63] Throughout the nineteenth century, apprenticeship remained the preferred means of supporting children who lacked appropriate parental care. From mid century onward, institutions for child care also proliferated, but only a small number of them received and cared for infants. Consequently, baby farming was widely practised, at least during the second half of the century. Unwed mothers often gave their infants to older women who boarded them for a fee. Although long a fixture in urban areas, the farms attracted little public notice until the 1880s, when middle class critics began to condemn them for gross neglect of their inmates. All too often they were little more than mortuaries for the very young. Frequently, children were abandoned in farms, their mothers leaving an initial sum for their care but later failing to make further payments. The farmers, in turn, neglected these waifs with the result that infant mortality in baby farms was extraordinarily high. The death rate among foundlings farmed by the Grey Nuns in Montreal during the 1850s was about 80 per cent.[64] In 1887, an expose in Montreal claimed that 96 per cent of the foundlings farmed out soon died, victims of poor and negligent keepers who accepted as little as ten cents daily for their care.[65] Legislation ultimately provided for inspection and licensing of infant homes and crèches. But irregular baby farming persisted into the twentieth century, still linked to illegitimacy and still attended by gross abuses.

Yet unwed mothers seeking someone to care for their children usually had few alternatives available to them. Orphanages normally accepted much older children and other institutions, while willing to receive infants, often were ill-prepared

61. *Ontario Sessional Papers*, "Annual Report of the Inspector of Asylums and Prisons", 1870-1885.
62. R.G. Moyles, *The Blood and the Fire in Canada: A History of the Salvation Army in the Dominion, 1882-1976* (Toronto, 1977), pp. 135-6.
63. Splane, *Social Welfare in Ontario*, p. 225.
64. *British American Journal*, 3 (January 1862), pp. 36-7.
65. *Daily British Whig*, 29 July 1887.

to meet their special needs. According to one report, the Toronto House of Industry took in abandoned babies and absorbed them into its general population,[66] as did that in Kingston. But none of the four foundlings accepted at the latter home between 1853 and 1856 survived more than a few weeks.[67] (Considering that one of the unfortunates, a babe of three weeks at admission, was fed half a pound of bread daily, its fate should be scarcely surprising.) In Montreal, illegitimate children relinquished by their mothers were taken to the Grey Nuns whose general hospital cared for aged and infirm men and women in addition to orphans and foundlings. Like most multi-purpose charitable institutions, it could not care for infants and so they were farmed out, with the attendant high mortality rates noted above. The order cared for the survivors and tried to find them homes, failing which the nuns raised the children themselves until they could be apprenticed.

The Toronto Infant's Home, established in 1875, was one of a small number of philanthropic institutions intended for the very young, two others being located in Montreal and Halifax. Established to combat the evils of baby farming, it accepted motherless children and those of wet-nurses or other working mothers.[68] It also admitted an infant's mother on condition that she remain for four months, nurse a second child, and help care for other young inmates. In return she received room, board, and care for herself and her child, and when her sojourn was up she was helped to find a job. In the eyes of its directors, the home offered two great benefits: it provided moral correction for women and, by instituting a superior regime of nutrition and care, it saved infant lives. The latter claim, at least, was borne out by experience. During the later 1870s, infant death rates at the three institutions which admitted mothers and children ranged between 19 and 41 per cent, one-quarter to one-half of those apparently experienced in institutions which accepted children alone.[69] (Nevertheless, infant mortality in such places remained strikingly high. About 45 per cent of the 2600 children admitted to the Toronto home between 1876 and 1900 died in residence.[70]) In all, the outlook for unwed mothers seeking child care was far from promising. The prospects of bastard children were bleak in the extreme.

While fiction and reality do intersect, imaginative literature often fails to sketch a realistic portrait of the world which gives it life. Certainly Effie, Hetty, and Tess do not represent unwed motherhood, at least in nineteenth-century British North America. Of course, this is not to fault the novels which these women inhabit. Each author destined his heroine for other artistic and moral purposes and

66. S.A. Speisman, "Munificent Parsons and Municipal Parsimony: Voluntary vs. Public Poor Relief in Nineteenth Century Toronto", *Ontario History*, 65 (March 1973), pp. 37-8.
67. Kingston House of Industry, Inmates Register.
68. *First Annual Report of the Infants' Home of Toronto.*
69. *Fourth Annual Report of the Infants' Home of Toronto*, pp. 6-7.
70. *Annual Report of the Infants' Home of Toronto*, 1876-1900.

shaped her character accordingly. One need only note that unwed motherhood was a good deal more complex, and rather less harsh, than it appeared in the nineteenth-century novel.

What was the position of unwed mothers in nineteenth-century English Canada? One condition common to all was the climate of opinion which enveloped their actions. While convention disapproved of childbirth outside marriage, considering it proof of personal depravity and an assault on the citadel of family life, in practice attitudes were rather more tolerant. Unwed mothers were seldom shunned by their families or ostracized by their neighbours, though idle tongues must sometimes have made theirs an unenviable lot. Nor was the archetypal double standard so widely invoked that women in this situation had to bear sole responsibility for their predicament. Inevitably, they must have carried a heavier burden than their seducers. But the law provided the seduced with means of gaining compensation, means which were employed often throughout the century. Moreover, an undercurrent of sympathy in Victorian popular thought supported the wronged woman. Unless her offence was particularly flagrant, she did not always lack for compassion. Urban middle class opinion was most openly critical of such transgressions. Anne Powell's forthright condemnations and the more subtle paternalism of later philanthropists both derived from rigid adherence to orthodox codes of sexual behaviour. Bastard bearing was not condoned, nor should bastard bearers be accommodated any further than Christian humanitarianism dictated. But rural society seems to have been rather more forgiving. At the very least, a woman could take her child to her parents' home and continue to live there.

The position of unwed mothers also points to the primary, but largely hidden role which the family played in meeting social welfare needs before the twentieth century. While this is scarcely a novel observation, it is rare to catch as clear a glimpse of the family extending mutual aid as it often did in these circumstances. Moreover, the circumstances themselves were somewhat unusual for, unlike the misfortunes caused by illness, accident, or old age, these were the consequences of wilful deeds. The victim was culpable. Nevertheless, the nineteenth-century rural family commonly absorbed the burdens of both the illegitimate infant and the obloquy attached to bastardy. Given the limits of the legal, institutional, and economic resources at her disposal, one might think that a family had little alternative but to accept its errant daughter, if destitution was her only prospect. Be that as it may, social pressures were not so great that she would inevitably be cast off by her own people.

Finally, even though the family offered the most usual refuge, an increasing number of unwed mothers did not fall back on their kin. Without other aid, they quickly became enmeshed in a network of private and public institutions which provided for their welfare. Most accessible was the system of maternity and child care offered by private boarding houses and baby farms, which could be found in most larger towns and cities throughout the colonies. As the century progressed, a parallel system of charitable institutions evolved to provide similar services. The two differed strikingly in the quality of the services provided, the philanthropists offering much better care than the housekeepers, or so they claimed on the basis

of rather convincing evidence. But charity also cloaked a middle class concern for the moral improvement of lesser folk. The unwed mother often bought her care at the price of a patronizing concern for her future deportment. These two alternatives coexisted until the end of the century, the first an attempt by poor women to live off the misfortunes of others, the second an expression of the voluntaryist philanthropic principles so central to nineteenth-century Christian thought. Late in the century the state, prodded by middle class reformers, sought to abate the evils of the mercenary system through inspection and licensing while subsidizing the philanthropists pursuit of good works. On her part, the unmarried mother found it difficult to get help from someone who wished neither to exploit nor to improve her.