

**THE DUTY OF THE STATE TOWARDS THE PAUPER  
CHILDREN OF IRELAND.**

BY S. SHANNON MILLIN, ESQ.

[Read 19th February, 1909].

It is not without many misgivings that I approach the subject of pauperism, on which is dependent to so large an extent the social prosperity of the Irish people. The subject has been discussed in various aspects from the platform of the Statistical Society, since its foundation in 1847, memorable in the history of Ireland as the year when the misery which accompanied the Potato Famine was at its greatest height. Many legislative enactments have since been passed to grapple with the great social problem of the relation of the community to the poor, and some of the beneficent changes which have been effected in Westminster, as to the mode of administering relief, were previously discussed and advocated here, in the calmer atmosphere of philosophical inquiry. Much still remains to be done towards the solution of the problem, and without attempting to approach the larger subject, I shall direct my remarks, more especially, to what I consider its most important branch, *viz.*, the duty of the State towards the pauper children.

Speaking generally, the poor laws of this country have been directed to alleviate the hardships attendant on pauperism, rather than to reduce the evils out of which pauperism springs. Modern medical science looks for the germs of the disease which it wishes to eradicate, and advocates precautionary measures, in preference to the aid of surgical skill, or in other words, it says that prevention is better than cure. Nor is this maxim only applicable to the science of medicine. It is no less true in that of government. During the past year the State has pledged itself to contribute to the comfort and happiness of those who have attained the allotted span of three score years and ten, so that the old wounded soldiers in the great battle of life will be henceforth provided with the means by which to stave off the pangs of hunger, and to pass their declining years with some small share of

comfort. But what of those who are, or will shortly be, putting on the armour to take their part in upholding the cause of our national advancement? Shall they be provided, at the expense of the State, with a proper equipment to fight a way through life by their own inherent strength of mind and muscle; or shall they, for want of the necessary expenditure, fall wounded in the first engagement, to become thenceforth a burden on the community as useless members of society? These are questions of tremendous national importance, but they are not incapable of solution. Of those innumerable elements that act and react on the vital organization of a nation, there is none more important than the proper training of its youthful members, so as to secure the healthy development of their moral natures. Let a child acquire the habit of begging and the chances are against that child ever becoming a useful member of society. Let a child be branded with the stamp of pauperism, and the chances are that it will develop into a chronic pauper, and henceforth regard the workhouse as its natural home. To quote the words of a former president of this society\* :—

“Great as is the value of efforts based on sound principles, and wisely ordered and combined, for the benefit of the adult poor, it is the children who are the most hopeful object of such effort. Their characters are still in process of formation—their habits are not yet definitively fixed. By dealing with *them*, by giving them the ability and cultivating in them the desire of supporting themselves by honest industry, we may hope, in the expressive phrase of a writer on this subject ‘to cut off the entail of pauperism.’”

For a quarter of a century after the passing of the Poor Law Relief Act, 1838, which was the first legislative enactment on the subject in this country, the guardians had no power to board any child outside the precincts of a workhouse. In 1862 the guardians were for the first time empowered to board out orphans and deserted children up to the age of 5 years, or, with the consent of the Poor Law Commissioners, up to the age of 8 years. In 1869 the age was extended to 10 years. In 1876 there was a further extension of age to 13 years, and in 1898 the limit was fixed at 15, which is the age at present in force. In none of these four Acts of Parliament was there the slightest attempt at defining what was meant by “orphan” or “deserted child,” and in 1902 a short Act,

\* “The Organization of Charity and the Boarding out of Pauper Children.” An Address delivered at the Opening of the 29th Session, November, 1875, by John Kells Ingram, Esq., LL.D.

consisting of 2 sections, was passed. Section I. of that Act\* is as follows :—

- (a) In the case of a legitimate child, the expression “ orphan child ” shall mean a child, both of whose parents are dead, or one of whose parents is dead, the other being under sentence of penal servitude, or suffering permanently from mental disease, or being permanently bedridden or disabled and an inmate of a workhouse, or being out of Ireland ; and the expression “ deserted child ” shall mean a child deserted by both parents, or deserted by one parent, the other being dead, or under sentence of penal servitude, or suffering permanently from mental disease, or being permanently bedridden or disabled and an inmate of a workhouse, or being out of Ireland ; or a child, one of whose parents is under sentence of penal servitude, or suffering permanently from mental disease, or is permanently bedridden or disabled and an inmate of a workhouse, or is out of Ireland, the other parent being likewise in one of these conditions ; and
- (b) In the case of an illegitimate child, the expression “ orphan child ” shall mean a child whose mother is dead ; and the expression “ deserted child ” shall mean a child deserted by its mother, or whose mother is under sentence of penal servitude, or suffering permanently from mental disease, or is permanently bedridden or disabled and an inmate of a workhouse, or is out of Ireland.

As the law stands at present in Ireland no workhouse child can be boarded out, unless it comes within the above definition.

The Acts to which I have referred were purely Irish, and therefore did not apply to England. But in the year 1889 an Act† was passed to enable the guardians in both countries to pass a resolution by which they could assume all the powers and rights of a parent over a child who had been deserted by its parent, and who was, at the date of the resolution, being maintained by the guardians. The control of the guardians continued until the child reached the age of 16, if a boy, and 18, if a girl. This Act‡ was amended in 1899§, and the age was extended to 18, whether a boy or a girl. More extensive powers were given to the guardians, who could, by resolution, assume the powers and rights of a

\* 2 Edw. VII., c. 16. † 52-53 Vic. c. 56. ‡ 62-63 Vic. c. 37.

parent over a child, maintained by them, in the following cases :—

Where

- (1) The child has been deserted by its parent ; or
- (2) The guardians are of opinion that by reason of mental deficiency, or of vicious habits, or mode of life, a parent of the child is unfit to have control of it ;  
or
- (3) A parent is unable to perform his or her parental duties by reason of being under sentence of penal servitude, or being detained under the Inebriates' Act, 1898 ; or
- (4) A parent of the child has been sentenced to imprisonment in respect of any offence against any of his or her children ; or
- (5) A parent of the child is permanently bedridden or disabled and is the inmate of a workhouse, and consents to the resolution hereinafter mentioned ;  
or
- (6) Both the parents, or in the case of an illegitimate child, the mother of the child, are, or is, dead.

Having now stated the law respecting pauper children in Ireland, let us for a moment examine how that law is interpreted, and for that purpose, I shall take an extreme case—a drunken, worthless, ill-conducted mother of three or four illegitimate children, each one of whom is an inmate of an Irish workhouse. In such a case the guardians have power to pass a resolution, that, by reason of her vicious habits, the mother is unfit to have control of the children, and the guardians may thereupon assume “all the powers and rights of a parent.” The guardians now stand legally *in loco parentis*, but inasmuch as the children do not come within the legal definition of orphans or deserted children, the guardians have no power to board those children outside the workhouse, without first receiving the consent of the mother, whom they have already adjudged to be unfit to have control of her children. Such an anomalous state of affairs could only arise in Ireland. In England it is different. Once the English guardians assume the powers and rights of a parent over a child, they can do as they, in their judgment, think best for its welfare. In order to understand how this anomaly has arisen, it will be necessary to consider for a moment how the subject of Poor Law in this country was approached by its promoters. The utter disregard of Irish opinion, when the Poor Law Relief Act of 1838 was passed, has been so clearly set out in the Report of the Viceregal Commission on Poor Law Reform in Ireland, that there is no

occasion for me to do more than mention the fact. It is common knowledge that on the recommendation of an Englishman, who had but a meagre acquaintance with Irish wants, the workhouse test was applied to this country as the most stringent system of relief.

The plan of exclusive workhouse relief was introduced into Ireland, not as a system which had proved itself a success in England, but out of an innate fear that any other system of relief would open the floodgates of imposture, which would be obviated, in the opinion of the promoters, if the test were to cross the threshold of a workhouse. The system proved an utter failure, and in 1847 out-door relief was legalized. In the First Annual Report of the Commissioners of the Irish Poor Laws, which was published in 1847, there appears the following :

“ If there has been anything unsatisfactory in the operation of the workhouses as a condition of relief, in the present season of severe distress, it is, that in localities where destitution has undoubtedly prevailed, the unwillingness of some poor persons to avail themselves of this mode of relief has been so great, that they have sacrificed their own lives, or the lives of their children, by postponing acceptance too long, or by refusing such relief altogether. These results are greatly to be deplored ; but when it is considered that shelter, food, clothing, medical aid, and spiritual consolation are duly prepared for all persons who enter the workhouse, the determination to suffer the worst privations rather than accept such relief, must be regarded as the direct cause of these melancholy events ; and such cases may properly be classed with cases in which persons are stated to have incurred starvation and yet to have refused to part with personal property capable of being exchanged for food.”

The system of outdoor relief thus established in 1847 has since grown in an ever-increasing proportion, until to-day the average daily number in receipt of outdoor relief considerably exceeds that in receipt of indoor relief, as will be seen from the accompanying table.

Year.	Expenditure on Poor Relief.		Average Daily Number in Receipt of	
	In-door Relief (Maintenance and Clothing).	Out-door Relief.	In-door Relief.	Out-door Relief.
	£	£		
1852-3	446,030	4,920	—	—
1857-8	266,070	3,135	—	6,263
1862-3	380,737	18,372	55,610	14,940
1867-8	436,842	44,785	53,017	27,509
1872-3	446,760	91,154	45,753	33,517
1877-8	449,634	110,415	44,676	58,835
1882-3	470,922	186,064	50,569	65,506
1887-8	369,197	201,152	46,427	59,137
1892-3	352,638	188,566	41,582	57,133
1897-8	407,611	216,170	43,194	55,578
1902-3	440,205	185,310	41,892	56,822
1907-8	465,554	197,076	44,359	

The next change effected was the permissive right conferred upon the Irish guardians to board out orphan and deserted children. The predominating influence that brought about this change was the danger to infant life involved in workhouse routine. On 29th September, 1861, which was the year previous to the Act for boarding out orphan and deserted children, the number of healthy children under fifteen was 35 per cent. in excess of the number of able-bodied paupers inside the Irish workhouses, the figures being 12,307 and 9,092 respectively. In point of numbers this was a very considerable decrease, as compared with former years. On 1st April, 1848, there were 50,225 children under 15; on 8th June, 1850, the number had attained the high-water mark, viz., 115,639; and on 2nd April, 1853, it had decreased to 82,434.

In the Sixth Annual Report of the Poor Law Commissioners, dated 6th May, 1853, there is published a return of the number of children under fifteen years of age in workhouses in Ireland

on Saturday, 27th November, 1852, classified according to the following heads :—

Orphans	..	..	..	—	22,771
Children of Widows—					
Whose mother is in workhouse				11,255	
Whose mother is not in workhouse				8,399	
				————	19,654
Children of Widowers—					
Whose father is in workhouse	..			1,648	
Whose father is not in workhouse				5,543	
				————	7,191
Children whose parents are both living—					
Parents both in workhouse	..			2,381	
Mother only in workhouse	..			5,529	
Father only in workhouse	..			1,038	
Neither in workhouse	..			5,407	
				————	14,355
Illegitimate children—					
Whose mother is in workhouse	..			2,995	
Mother not in workhouse, but alive	..	..	..	1,436	
				————	4,431
Total children under fifteen years of age	..	..	..	..	68,402

In the report from which I have taken these figures the Commissioners say :—

“ There are still in the workhouses, especially in those of the province of Munster, a great number of young persons, consisting chiefly of children of both sexes, under fifteen years of age, and females between the ages of fifteen and twenty-one.

“ In regard to these classes, the strict discipline and close confinement so essential to the proper management of this system of relief, suggest some painful reflections. These classes have become inmates of this asylum through misfortune, wholly unconnected with any default on their own part, and they remain inmates because there is no other resource of which they can avail themselves. . . . Notwithstanding that a larger degree of indulgence, as to air and exercise, is provided, as well as educational and industrial training, for the children, it is impossible that these classes should not suffer, both physically and mentally, from continued residence in a workhouse, where no degree of care, in discipline or in training, can supply the moral advantages

of domestic protection, and no industrial system can duly awaken that energy of character which is necessary to enable them to struggle successfully for some position in society, however humble."

I am not aware of any more damning criticism of the workhouse system of bringing up children than those words, written now over half a century ago—"where no degree of care in discipline or in training can supply the moral advantages of domestic protection." And what was the outcome of that condemnation of the system? Nine years later the guardians were empowered to board out orphans and deserted children up to the age of five years. For what purpose? Not for "the moral advantages of domestic protection"; not for the purpose of "enabling them to struggle successfully for some position in society, however humble"; but, as was set out in the preamble to Section 9 of the Act of 1862\* because "it has been found that the mortality among infant children admitted into workhouses without their mothers is very large, and that in other respects the workhouses are not well suited in all cases for the care and nurture of such children during infancy." Thus the predominating influence that brought about the power to board out was the danger to infant life involved in workhouse routine, and the moral and social reasons were apparently left out of consideration. It was not until 1876 that the legislature extended the age to thirteen "on sanitary and social grounds." It was at this stage, when the boarding-out of orphans and deserted children was based upon social grounds, that the Act of 1889 was passed, and which has resulted in the anomaly to which I have already referred. The English Boarding Out Order, 1905, is as follows:—

A child shall not be so boarded out, unless he is an orphan child, or a deserted child, as defined by this Order, † or a child in respect of whom the powers and rights of a parent or parents are in pursuance of Section 1 of the Poor Law Act, 1889, or of the Poor Law Act, 1899, vested in the guardians.

There is no reason whatever why any such Order should not be legalized in this country; and the sooner it is done, the better for the community. Nor is this the only instance of a glaring disparity in the two countries. In England the Ladies' Committee, appointed by the guardians to visit the children who are boarded out, has a direct responsibility to

\* 25-26 Vic., c. 83.

† The definition is identical with that contained in the Pauper Children (Ireland) Act, 1902.



the Local Government Board. In Ireland it has no such responsibility.

It is of the utmost importance that all incentives to pauperism should not only be removed, but, as far as possible, be withheld. The paupers of to-day are, to a large extent, composed of men and women who were, perhaps, born and reared in a workhouse, but who certainly were deprived of all sense of self-respect through their early association with a workhouse life. Does the present system of dealing with pauper children tend to make them useful members of society, or does it tend to make them chronic paupers, relying for their support on the poor rates? Of the many reforms advocated by the Viceregal Commissioners in the administration of Poor Law Relief in Ireland, there is none more urgently demanded than the removal of all children from the demoralizing influence of workhouse life. As they say in their report:—

“Children in workhouses are frequently contaminated and debased by their parents and by their association with disreputable inmates.”

“For the good bringing up of children a home would, in our opinion, have to be really bad, and not merely faulty, to make it inferior to what would be considered a well managed, effective, institution.”

“We have come to the conclusion that practically all rate-supported children can be boarded out with advantage to the children themselves, to the community at large, to the persons who would receive such children, and to the rate-payers.”

These are a few of the statements of the Commissioners, after sitting for 59 days, extending over a period of 2½ years, to receive the evidence of 743 witnesses.

But let us now see what the Lady Inspectors, appointed by the Local Government Board to visit these boarded-out children, say on the subject.

“The removal of all children from the precincts of the workhouse is much to be desired.”

“Upon the proper choice of suitable, good and worthy foster-parents the whole success of the boarding-out system depends. Home example and training are stronger with a child for good or evil than any other influence. Given this one essential, a good home, boarding-out undoubtedly affords the pauper boy or girl advantages no other system can hope to bestow.”

“Ireland is a country to which this system is specially adapted.”

"We have in Ireland an abundant supply of foster parents of the best type, well enough off to feed the children suitably, and not sufficiently affluent to look down on them as servants. Cruelty amongst these people is almost unknown. Their natural kindness might be exemplified by many remarkable instances which have come under my own notice."

"It is one of the most humanising influences which can be brought to bear on the waifs and strays of our population with which the poor law has to deal."

"The improvement, mental and physical, observable within a very short time in children freed from the restraints of workhouse life, and transferred to surroundings in which their individuality has an opportunity of asserting itself, affords the strongest possible argument in favour of this method of up-bringing."

"At present when a child, on being tried in several foster homes, is found to be unsuitable for boarding-out, there is no other course open than return to the workhouse, which is, as a rule, equivalent to life-long pauperism."

In view of these statements, it is a startling disclosure to find that for the year ended 28th March, 1908, there was an average number of children in Irish workhouses of 5,645, while the number of pauper children boarded-out on 28th March, 1908, was 2,230, making a total of 7,875 children in receipt of poor law relief. That is to say, 72 per cent. of the children are being reared inside a workhouse, with all its baneful influences, and its morally unhealthy atmosphere. In Scotland, whose population at the last census was practically the same as Ireland, the number of pauper children chargeable on 15th May, 1907, was 7,322, and taking an average for the past 12 years, 87 per cent. of those children were boarded out.

		Pauper Children		Pauper Children	
		chargeable	15th May.	boarded-out	15th May.

1896	..	5630	..	4855	
1897	..	5862	..	4993	
1898	..	5800	..	4992	
1899	..	5924	..	5219	
1900	..	6143	..	5446	
1901	..	6368	..	5562	
1902	..	6693	..	5721	
1903	..	7110	..	6195	
1904	..	7433	..	6455	
1905	..	7420	..	6531	
1906	..	7260	..	6617	
1907	..	7322	..	6710	

When we come to analyse the Scotch figures, we find that the increase in the pauper children chargeable to the rates is made up principally, not of "orphans" and "deserted," but of those children who are classified as "separated from parents." In 10 years they increased from 1,695 to 3,044.

On the 1st January, 1906, there were 60,033 children classified in England and Wales as receiving in-door relief. Of this number three-fifths were relieved in institutions other than workhouses and infirmaries. That is to say, there were 24,015 children in the workhouses of England and Wales, or in other words, 1 to 1,353 of the population. On the 15th May, 1906, there were 643 children in the workhouses of Scotland, or 1 to 6,954 of the population. While on the 6th January, 1906, there were 5,996 children under 15, not in hospital, in the workhouses of Ireland, or 1 to 747 of the population. These figures show that, in proportion to the population, for every child in a Scotch workhouse, there were 5 in England and Wales, and 9 in Ireland.

As to the financial aspect, the Viceregal Commissioners say:—

"Boarding out is, in our opinion, by far the best, and it is also the cheapest, mode of rearing children. During the financial year upon which we base our calculations a workhouse child costs about £18 9s. 4d. a year; a Glin School child about £16 10s. 8½d. a year; a Trim School child about £24 17s. 11d. a year; an Industrial School child about £18 0s. 1d. a year; a reformatory school child about £22 1s. 6¼d. a year; while a boarded out child only costs on an average £8 10s. 0d. a year in some good Unions, including an average allowance of £1 10s. 0d. yearly for clothing. This is the total amount approximately in many Unions; but, if a strict average be taken, the cost per child for all Ireland is only £7 8s. 1d., including clothing. We think that, allowing for desirable improvements in the system, the cost of a boarded-out child might be put down at £10 a year, including clothing. There are at present in workhouses (excluding inmates of Sick Wards) and district schools 5,357 children above the age of infancy, and the saving under this head, calculating the expenditure at the estimated increased rate of £10 a child per annum, would, on the average cost given above, amount to £45,867 per annum. On the question of the saving that would result from the substitution of the boarding-out system, we may point out that the sum of £9,108 is paid out of a Parliamentary Grant for the salaries of workhouse teachers. This sum would be available for other Irish purposes, if these teachers were no longer required."

As an example of a great waste of public money under the present system, I would instance the Belfast Union School, where, for the year ended 30th September, 1907, there was an average attendance of 63.3 in the boys' school, and 95 in the girls' school. For the education of those 158 children £878 was spent, which works out at £5 10s. per annum for each child, or 2s. per week for fifty-two weeks of the year. Every one of these children could be boarded out, if the law were altered, at an average cost of 3s. per week, and they could be educated at a national school at a very much less expense to the ratepayers.

The State has been painfully slow to recognise the rights of helpless children to at least some degree of parental care and solicitation for their welfare. But it has already established the principle of compulsorily separating a child in receipt of relief from its parent, where, in the opinion of the guardians, there is a failure of parental care. If a parent, by reason of mental deficiency, or of vicious habits or mode of life, is unfit to have control of a child, it is not only an act of kindness to the child, but a duty which it owes to the community, that the State should put itself *in loco parentis*. Hitherto the principle has only been enforced where the child is "maintained by the guardians." But, by the Children Act \*, which received the Royal Assent on 21st December of last year, a wider principle has been established. By that Act, any child under fourteen who is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise), or being in any street, premises, or place for the purpose of so begging or receiving alms, may be sent to a certified Industrial School, by order of Petty Sessions Court. The principle has at length been sanctioned in this country of sacrificing sentimental feelings in the interest of the community. But, while I approve of the principle of separating a child from its parent, where the child is found soliciting alms in the public streets, I do not approve of that child being removed to an Industrial School. Apart from the fact that the Industrial School child costs twice as much as the boarded-out child, the institutional life should only be adopted where the other method fails. Admitted that it is right and essential that the act of begging by a child of tender years should be *prima facie* evidence of desertion, who is to determine as to the disposal of the child? Therein lies the weakness of the Children's Act. What we want in Ireland is a Department for Children, which will in no way be connected with the workhouse, nor bear a name which will cast a stigma on the children. The management of that

\* 8 Edw. VII., c. 67.

Department should be largely, if not exclusively, in the hands of women. There should be full power to board out any child in any part of Ireland; and no child should be sent to an Industrial School, unless sanctioned by the Department, after boarding-out has been tried, and has proved a failure in each particular case. The Department should assume all the powers and rights of a parent over each child up to the age of eighteen, but, at the same time, have power to recover the cost of maintenance from the parents, if they should at any time be in a position to pay it.

The Poor Laws of this country have now been in operation for seventy years, and, notwithstanding repeated alterations and improvements in the methods adopted for the administration of relief, they stand arraigned at the bar of public opinion, and condemned by a Viceregal Commission. We are, I believe, on the eve of important legislation, and it is, therefore, of the greatest importance that we should disentangle the subject matter from all extraneous complications. While we may not hope to find a perfect solution, in our present state of civilisation; we may, nevertheless, acting on the assumption that pauperism is a preventible disease, succeed in rescuing from its grasp thousands of young lives which are destined to fall a prey to its encroachment. Much has been done in this direction by philanthropic effort through the channels of private charitable organizations. But as a matter of national importance, it comes clearly within the province of State intervention. I do not place it within the category of charity, but as a form of police I hold that it is a sounder economy to assist deserted children (and I use the expression in its widest sense) in developing into useful citizens, than that they should pass into the ranks of paupers and criminals, to become a danger and a menace to the welfare of society. Let the State approach the subject without fear, favour, or affection, and extend to an Irish child, whose misfortune it is to be the offspring of worthless parents, as much kindly consideration, as to one born under similar circumstances in the sister country. If boarding-out in such a case is desirable on the one side of St. George's Channel, there is no earthly reason why it should be forbidden on the other side. If the unmarried mother is entitled to outdoor relief for the child of her shame, it is a standing disgrace to give a respectable widow with one child no alternative between starvation and entering a workhouse, to be associated with disreputable and debased companions. These anomalies must, in common decency, be obliterated from the statute book, and the old conception of regarding an Irish child as possessed of a double dose of original sin must give way to a more enlightened policy—

a policy calculated to develop rather than to cramp the individuality and initiative of the child; a policy of accentuating rather than withholding the advantages of a home life; a policy of sparing no effort or expense to remove and withhold the stigma of pauperism from the child as it enters into the great world of industrial activity.