

Army Schools Certificates and Prizes Committee.

This Society being the only society in Dublin in connexion with the Society of Arts, is enabled by co-operating with a committee consisting of members of the Society and others, to assist Mr. Carnegie, Inspector of Army Schools (one of our members), in securing for soldiers and soldiers' children in Dublin military schools, all the benefits offered in the way of examinations by the Society of Arts.

III.—*Reports of Charity Organisation Committee.*

- (1) ON THE LEGAL PROVISIONS IN IRELAND FOR THE CARE AND INSTRUCTION OF IMBECILES, IDIOTS, DEAF AND DUMB, AND BLIND, WITH SUGGESTIONS FOR AMENDED LEGISLATION.

[Read, 27th June, 1876.]

IN pursuance of the reference of the Council, at the suggestion of Mr. Jonathan Pim, to prepare a report on queries submitted by Sir Charles E. Trevelyan, Bart., K.C.B., viz. :—

“(a) What arrangements have been made for the care of idiots, imbeciles, and harmless lunatics in Ireland?”

“(b) What further ought to be done to complete the provision for the education and care of idiots, imbeciles, and harmless lunatics?”

“(c) Whether the position of the two other classes of naturally afflicted persons—the blind, and the deaf and dumb—are so similar as to make it desirable that they should be included in the same arrangement?”

“(d) Whether, when all cases requiring public aid have been provided for by administrative arrangements, charitable institutions could be relied on to meet cases from the lower middle and upper working classes?”

we beg to report as follows :—

We find that the subject of a State provision for imbeciles, as well as for the deaf and dumb, and the blind, was brought before the Statistical and Social Inquiry Society of Ireland, by Mr. Jonathan Pim, so far back as 20th January, 1864, in a paper published in the fourth volume of the Journal of the Society.

In that paper, Mr. Pim quotes the opinion of the Irish Census Commissioners of 1861, repeating words they had used in their Report of 1851 :—

“We respectfully suggest to your Excellency the propriety of taking some steps towards the education and moral improvement of idiots and imbeciles—a subject which at present engages the attention of the philanthropic both in England and on the Continent, where several establishments for the purpose have been erected, and are supported by the state, and in which the susceptibility of this class to a certain amount of education has been demonstrated.”

Mr. Pim states the result of his investigation of the subject :—

“The sufferings of the imbecile, when kept at home by their parents, are sometimes very great, and the ill-treatment they frequently receive when allowed to go at large is painful to witness. In general, their lot in such circumstances is a very unhappy one.

“In the poor-houses, or in lunatic asylums, these poor creatures are,

no doubt, fed and clothed; but they are not taught or employed, and the difference as respects their happiness is very great, though not greater than anyone who reflects on the subject must expect.

“But when instructed and employed, the exercise of their newly acquired powers becomes a source of great positive enjoyment. They become much attached to those who treat them kindly, and their freedom from care preserves them from many of the anxieties to which persons of clearer intellect are liable.”

The separation of harmless lunatics from those which required special treatment was carried out in the old House of Industry in Dublin, which preceded the introduction of the complete Irish Poor-law of 1838.

Some time after the introduction of the Poor-law, these harmless lunatics were, in 1847, placed under the care of Dr. Henry H. Stewart, their cost being paid for out of the general taxes. Ultimately an arrangement was entered into, by which Dr. Stewart took charge of them in an asylum which he opened for the purpose, at Lucan. In the year 1868 Dr. Stewart handed over his asylum, along with a donation of £5,000, to the charitable institution known as the “Stewart Institution for the Training, Education, and Maintenance of Idiotic and Imbecile Children.”

This institution, founded in 1868, is the only one of its kind in Ireland. The selection of the persons to be admitted is upon the votes of subscribers.

The number of children educated in it is forty-three. Of these, fifteen are of the poorest class, and are supported wholly at the expense of the institution, and twenty-one being the children of persons above the poorest class, have part of the cost of maintenance paid by their relations, to the extent of £9 a year on an average. For the remaining seven pupils the full cost of maintenance is paid by their friends.

We thus find that there is, as respects this charity, the same competition between those who ought to be maintained by taxation, and those of the lower middle class whose relatives should pay for them in whole or in part, as exists with respect to the larger asylums in England.

In Ireland, however, the pressure against the middle class is still greater than in England, because the Guardians of the Poor have no power to pay for imbecile or idiot children in the Stewart Asylum, as they have in the case of the deaf and dumb and the blind, sent to appropriate institutions, and as English Guardians have with respect to the imbecile and idiot classes.

Successful working of provision of the Irish Poor-law Act of 1843, enabling the Guardians to pay for the education and care of the Deaf and Dumb and Blind in Ireland.

(a) *The Deaf and Dumb.*

The Irish law under which Guardians of the poor pay for children in deaf and dumb and blind asylums, dates so far back as 1843 (6 and 7 Vic., c. 92, s. 14, passed immediately after the Poor-law of 1838 came into actual operation). It provides that:—

“The Guardians of any Union may send any destitute poor deaf and dumb or blind child, under the age of eighteen years, to any institution for the maintenance of the deaf and dumb or blind, which may be approved of by the Commissioners, with the consent of the parents or guardians of such child, and may pay the expense of its maintenance there out of the rates.”

Under this provision there were, on 13th February, 1875, 336 deaf and dumb children in asylums in Ireland. The cost in the year ended 29th September, 1874, was £4,550.

The total number of deaf and dumb in Ireland in 1871 was 5,554; the number between the ages of five, which is the earliest at which they are admissible to any institution in Ireland, and eighteen, the limit fixed for supporting them by the Act of 1843, is about 30 per cent., or 1,666. Of these only 478 were in deaf and dumb institutions, and of that number 336 were paid for by the poor-rates.

It is satisfactory to observe that of the entire number in these institutions, so large a proportion as 70 per cent. are thus educated under the provisions of the Act of 1843.

It is, however, a matter deserving of careful inquiry, whether 478, being less than one-third of the number at which the deaf and dumb between the ages of five and eighteen have been estimated, is at all sufficient to secure that all shall be educated.

It appears from Mr. Pim's paper, that in 1861 there were only 399 in such institutions, so that there has been an increase of 79 in the ten years to 1871; still he notices that the then existing institutions were capable of holding 586, or upwards of 100 more. He then states the grounds of his opinion that the provision for their education was inadequate:—

“We also find that the number of *educated* deaf mutes living in Ireland in 1861 was only 1,229, while the uneducated amounted to 3,830; and of these as many as 930 persons—538 males and 392 females—are stated to have been aged from five to fourteen, both inclusive, and therefore of the school age, or at that period at which, according to the most eminent authorities, this afflicted class of the community are most susceptible of education.”

The following passage from the Irish Census Commissioners' Report for 1871, shows the progress which has been made in the promotion of industrial training amongst the deaf and dumb since the date of Mr. Pim's paper:—

“It is gratifying to find that the number of handicrafts pursued by the deaf and dumb has greatly increased, and the number of those who either followed no definite occupation or whose occupations were unspecified, decreased from 2,376 in 1861, to 1,344 in 1871. This improvement is mainly due to the literary and industrial education afforded by the institutions for this afflicted portion of the population; for we find by comparison with the tables of 1861 and 1851 a most remarkable increase in the number of deaf-mutes employed in handicrafts, and also in the number returned as ministering to literature.”

Under these circumstances, whilst recognising how much has been done by private charity, and how much by the Guardians under the Act of 1843, we think that the care of the deaf and dumb is so important that the Guardians of the Irish unions should be under a legal obligation to send all the children under their care to special

schools, in order that they may become self-sustaining members of the community.

(b) *The Blind.*

The number of blind supported out of poor-rates in asylums, on 13th February, 1875, was 191; and the cost in the year ended 29th September, 1874, was £2,608. This number is only 51 per cent. of the total number of blind in asylums in 1871, viz., 371.

The proportion of blind persons of all ages, who were in asylums at the time of the census of 1871, was only 5·8 per cent. of the entire number—6,347; whilst the 478 deaf and dumb in asylums was 8·6 per cent. of the entire number—5,554.

While so much has been done for the blind by private charity, and so much by the Poor-law Guardians under the Act of 1843, Mr. Pim points out the shortcomings of the arrangements for securing the education of all:—

“The condition of the blind is more difficult to investigate, because many of those who become blind have previously received literary instruction, and are therefore returned in the census as “educated,” while they may still be in want of that special instruction which their loss of sight renders necessary. Even without taking these into account, we find that out of the 6,879 blind persons in Ireland, 3,932 were uneducated; and of these there were 753—328 males and 428 females—between the age of five and twenty-five, of whom 149—43 males and 106 females—were in Union workhouses.”

As to both the deaf and dumb and the blind, Mr. Pim adds:—

“It is evident that the present institutions, even if the amount of accommodation was fully made use of, would fall very short of the wants of this class of sufferers; and I feel assured that you will fully unite with the suggestions of the Census Commissioners that it is advisable ‘either to engraft upon the national system of education, institutions for the instruction of this afflicted class,’ or to grant aid from the State to those schools already in existence, or to render it compulsory upon boards of Guardians to send for instruction to suitable institutions such deaf and dumb, or blind persons, under the age of eighteen, as may be in their Unions, and who now come under the provisions of the Poor-law Act.”

It appears that in 1871, out of the blind persons in Ireland, as to the commencement of whose blindness returns were received (5,965), only 209, or less than 4 per cent., were born blind; 1,607, or 27 per cent., had lost their sight before twenty, while not less than 4,148, or 69 per cent., lost their sight after twenty years of age.

Under these circumstances we think the provision of the act of 1843, enabling Guardians to send blind persons to an asylum to train them to learn a trade, should not, as at present, be limited to children under eighteen years of age.

We find that in an English Act of 1867 (30 and 31 Vic. chap. 106, s. 21), the principle of Guardians aiding the education and care of adult blind, and deaf and dumb, is recognised—it provides:—

“The Guardians may provide for the reception, maintenance, and instruction of any adult pauper being blind, or deaf and dumb, in any hospital or institution established for the reception of persons suffering under such infirmities, and may pay the charges incurred in the conveyance of such pauper to and from the same, as well as those incurred in his maintenance, support, and instruction.”

The want of mere education, apart from special training, amongst the blind in Ireland, in 1871, was very marked, nearly one-half of the entire number, whose state was in this respect specified, being wholly uneducated.

The adequacy of existing charitable institutions to provide for an additional number of blind, if sent by the Guardians, is shown by the fact that while the nine asylums for the blind could accommodate 708 blind, there were only 371 inmates in 1871.

Under these circumstances, we think that the training of the blind is so important, that Guardians should, as to this class also, be under a legal obligation to send to blind asylums all under their care who require such training, irrespective of the age when blindness occurred.

Failure of the Irish Poor-law to provide for the Education and Training of Imbeciles and Idiots.

The Irish Act of 1843, which has been in successful operation in the case of the deaf and dumb and the blind, does not apply to the case of imbeciles and idiots. The reason of this omission is made very obvious when we consider that, "the first association in England for the education of the imbecile was formed in October, 1847," being four years after the Irish Act was passed. The effect of the establishment and development of such institutions in England appears in the English legislation for 1862.

The Act of 25 & 26 Vic., c. 43, enacts:—

"The Guardians of any parish or union may send any poor child to any school, certified as hereinafter mentioned, and supported wholly or partially by voluntary subscriptions, the managers of which shall be willing to receive such child."

The 10th section provides

"That the word *school* shall extend to any institution established for the instruction of blind, deaf, dumb, lame, deformed, or idiotic persons."

By the 11th section, it is provided that this Act shall not extend to Ireland or Scotland.

The only reason that can be suggested for this—the provision as to idiotic persons—not extending to Ireland, is that there was no Irish institution for the education of idiots then in existence. Since then, however, the Stewart institution has been established, as already noticed; and we think the extension of the Act of 1862 to Ireland would lead to other institutions for the education of imbeciles and idiots being established, just as the Act of 1843 led to the foundation of charitable institutions in Ireland for the deaf and dumb and the blind, and in more recent times the passing of the "Reformatory Schools Act" of 1858, and of the "Industrial Schools Act" of 1868, has led to the great development of these charitable institutions in Ireland—so that there are now 10 reformatories, with 1,160 inmates, and 55 industrial schools with 4,751 inmates. While deaf and dumb institutions, blind asylums, reformatories, and industrial schools have been most successful in Ireland, the provisions for district schools, by combination of Poor-law Unions, have entirely failed

—whether under the “Poor Relief Extension Act” of 1847, s. 21, or the amended Act of 1848, s. 2.

Recommendations founded upon preceding statements.

Under the circumstances above stated, we beg to report:—

(1) We entirely concur in the view of the select committee of the Charity Organisation Society of London on idiots and imbeciles that the education and care of this class should be provided for in separate and appropriate institutions.

(2) That they should all be removed from workhouses.

(3) That they should all be removed from lunatic asylums.

With regard to the sort of institutions to be provided for their care, having regard to the circumstances that the imbeciles and idiots are a class who, like the blind, and the deaf and dumb, naturally excite the sympathy of well-disposed people; and further, that it is necessary, for the sake of the lower middle classes and others able to pay, that state assistance for the destitute should be given in such a form as to assist and not overthrow voluntary institutions; and having regard to the great success in Ireland of the charities for the deaf and dumb and the blind, and for the neglected children, that are provided for in Reformatories and Industrial Schools, we are of opinion:—

That the principles of the Act of 1862 should be applied to Ireland, and that the Irish Act of 1843 should be amended, so as to enable the Guardians of the poor to send idiot and imbecile children, up to the age of eighteen, to appropriate charitable institutions in the same way as they now send deaf and dumb and blind, under the present existing Act.

As to all idiots and imbeciles, above the age of eighteen, who are now in district lunatic asylums:—

We think that the governors of these asylums should be empowered to send them also to charitable institutions, on the same terms as they are enabled by the Act of 1875 to send them to workhouses—namely, by keeping their names on the books of the asylum, and charging their expenses in the same manner as if in the asylum, that is to say, charging them to the general taxes to the extent of the state allowance, and charging the remainder to the county cess.

As to all idiots and imbeciles above the age of eighteen, who are now in workhouses, we think the Guardians should be empowered to send them to charitable institutions, the expense to be defrayed in the same way as if they were sent from district asylums, as above explained.

In this way a termination would be put to the conflict of law as to the chargeability of idiots and imbeciles, according as they are sent to workhouses or district lunatic asylums in Ireland. Up to eighteen they would be charged to the poor-rate, which is almost universally equally divided between lessors and occupiers, and after eighteen to the county cess, which is divided only as to agricultural and pastoral holdings, let since the Land Act. In the latter case, the cess would be aided by the contributions from the general taxes now given as respects lunatics, under the arrangement of 1875.

Statistics as to Imbeciles and Idiots compared with Statistics of Lunatics in Ireland.

Whilst the Commissioners of Lunacy in England express a strong opinion in favour of separating imbeciles and idiots from lunatics, they still keep them mixed together in their statistics; following the old legal principle which looked primarily to the protection of property, which both idiots and lunatics require equally. It is, no doubt, from this consideration that the common dealing with these two distinct classes naturally arose.

In Ireland the inspectors of lunatic asylums have for some years published very carefully-classified statistics of idiots and imbeciles, from which the following table has been compiled, with the corresponding statistics of lunatics added for comparison.

IRELAND, 31ST DECEMBER, 1874.

How Placed.	Idiots and Imbeciles.		Lunatics.	
	Number.	Per cent.	Number.	Per cent.
Total number	8,151	100	10,236	100
In Workhouses	1,740	21.4	1,401	13.7
In Asylums	638	7.8	7,802	76.2
In Gaols	—	—	2	—
At large	5,773	70.8	1,031	10.1

It appears from these figures, that while only 10 per cent. of lunatics are at large in Ireland, about 71 per cent. of the idiots are at large and uncared for.

Again, as to the manner in which they are cared for, the system is very different. In the case of the lunatics, 76 per cent. are in asylums, and only 14 per cent. in workhouses. In the case of the idiots and imbeciles, however, the number in asylums is less than 8 per cent. of the total number, whilst upwards of 21 per cent. are in workhouses.

The proportion of imbeciles and idiots in both the workhouses and asylums in Ireland taken together is about 29 per cent., which falls short of the proportion estimated to be in workhouses alone in England and Wales, namely, 33 per cent.

Statistics as to Treatment of Lunatics, Idiots, and Imbeciles in Ireland and in England and Wales compared, and result traced to differences in the Laws in England and in Ireland.

Taking idiots, imbeciles, and lunatics together, the comparative figures in Ireland and England appear to be as follows:—

LUNATICS, IDIOTS, AND IMBECILES.

How Placed.	Ireland, 1874.		England and Wales, 1874.	
	Number.	Per cent.	Number.	Per cent.
Total number	18,387	100	72,000	100
In Workhouses	3,141	17	15,018	21
Boarded out on Out-door) Relief	—	—	6,839	9
In Asylums	8,440	46	40,120	56
In Gaols	2	—	—	—
At large	6,804	37	9,973	14

It appears from this table that only 14 per cent. of lunatics, idiots, and imbeciles, taken together, are at large, unsupported by out-door relief, in England and Wales, while 37 per cent. are so at large in Ireland; only 46 per cent. are in asylums in Ireland, while 56 per cent. are in asylums in England and Wales; only 17 per cent. get assistance from the Poor-law in Ireland, whilst 30 per cent. get assistance from the Poor-law in England and Wales, and of these 9 per cent. are boarded out, while none are boarded out in Ireland.

It thus appears from the English figures that the proportion to which assistance from taxation was given is much larger than in Ireland; and we observe in the summary of the existing provisions for the care and education of imbeciles and idiots, drawn up for the Select Committee of the London Charity Organisation Society, the following statement as to England and Wales. :—

“Even now, in the contemplation of the law, every idiot or imbecile who cannot be provided for by his own family, is entitled to a suitable provision at the public charge.”

Under the seventh head of Agenda for the Committee, the legislation bearing on the provision for idiots and imbeciles is set out, and the first act referred to is the “English Lunatic Asylums Act of 1853.” (16 & 17 Vic., c. 97, s. 2.)

Under that Act the justices of every county and (with certain exceptions) of every borough, “are bound to provide an asylum for the pauper lunatics thereof;” and by section 132 of the same Act, it is expressly enacted that the word “Lunatic shall mean and include every person of unsound mind, and every person being an idiot.”

In any case of default, the Home Secretary, on the report of the Commissioners in Lunacy, is empowered by section 29 to require the Justices to provide a fit and sufficient asylum for so many pauper lunatics as, upon the report of Commissioners, he may think fit to direct.

These provisions refer to one asylum; but under section 30 the Justices are empowered to provide additional asylums where neces-

sary, and the Home Secretary, on the report of the Commissioners in Lunacy, is likewise empowered to require the Justices to do so, in the event of default on their part. In Ireland the governors of each district or county lunatic asylum are distinct from the Justices (though composed chiefly of Justices), and are appointed by the Lord Lieutenant of Ireland. This slight difference of constitution has stood in the way of prompt extension to Ireland of the latest principles of English law as to idiots and lunatics.

Thus the English Act of 1800, allowing the Justices to send lunatics having a *purpose to commit a crime*, and that were dangerous, to gaols, was not extended to Ireland till 1837. In the same year, the Justices were prohibited sending *lunatics* to gaols in England, and were directed to send them to asylums. This Act was not, however, extended to Ireland till 1867. In the meantime, the English Act of 1853, above referred to, making it obligatory on the Justices to send lunatics to asylums *without waiting till the intention to commit a crime was proved*, was passed. But in legislating for Ireland in 1867, it was the provisions of the earlier English Act of 1837 which were extended, instead of the existing Act of 1853. Under the Act of 1853, the Justices in England are bound to provide for all "pauper lunatics," which term is defined to include "*every person being an idiot*;" but under the earlier act of 1837, the Justices in England had power to send to asylums "*dangerous idiots*," or lunatics, whether dangerous or not, who had an intent to commit a crime.

In Ireland, consequently, the Justices have never had the power to send idiots, who are not dangerous, to asylums, though English Justices have been bound to do so in the case of destitute idiots since 1853.

We are of opinion that this distinction ought to terminate, and that the provisions of the latest English Act of 1853 should be applied to Ireland, instead of those of the earlier Act of 1837, so as to place the obligation of the state in respect to harmless idiots and imbeciles in the same position in both countries.

The effect of substituting the latest for the earlier English provisions in Ireland, would also assimilate the law as to harmless lunatics.

Under the Act of 1853, English Justices have power to send a pauper lunatic to an asylum, upon a certificate that he is deemed to be a lunatic, and a proper person to be sent to an asylum (s. 67), and to send to the asylums lunatics (whether paupers or not) who may be wandering at large, not being properly cared for, or being cruelly treated (see p. 81).

The Act of 1853 contains very stringent penalties upon medical officers and overseers of the poor, etc., who omit to give notice so as to have the above class of cases brought before the Justices.

Under the earlier provision of the Act of 1837 (which has fallen into entire disuse in England, but which was extended to Ireland in 1867, with the further restriction of requiring lunatics to be dangerous), Irish Justices have to wait until lunatics as well as idiots have become dangerous, and until an intent to commit a crime can be proved. The delay thus caused in the case of the commencement of attacks of insanity is most injurious; besides, in the case of harm-

less lunatics, as of harmless idiots, the power of the Justices is entirely taken away.

As the care of imbeciles, idiots, and harmless lunatics is a social question, it is one in which the imperial law, as administered in Ireland, ought not to be as it now unfortunately is, behind the corresponding branch of imperial law administered in England and Wales.

Difference in the Irish and English Poor-law as to harmless Lunatics.

One of the resolutions of the Select Committee of the London Charity Organisation Society is

“That the improvement of idiots and imbeciles would not be promoted by boarding them out; but in certain cases boarding-out, under proper supervision, is not unsuitable to harmless lunatics.”

In connection with this resolution, we think it right to notice that under the order of 1844, Poor-law guardians can in England grant out-door relief to able-bodied persons in case of any sickness, accident, or bodily or *mental* infirmity, affecting either themselves or any member of their family; and accordingly lunatics are, to the extent of 6,839 persons, or 9 per cent. of the whole number in England and Wales, maintained by out-door relief in England.

For Ireland, however, by the imperial statute of 1847, different words are used and a different rule is laid down, the power of granting out-door relief under similar circumstances being limited

“to such destitute poor persons as are permanently disabled from labour by reason of old age, bodily or *mental disease*, and of such destitute poor persons as being disabled from labour by reason of severe sickness or serious accident, are thereby deprived of the means of earning a subsistence for themselves or the families whom they are liable by law to support.”

Under these words it is only harmless lunatics who have not relatives bound to support them, that could get out-door relief.

This difference between the Irish and English Poor-law was brought under the notice of the Statistical and Social Inquiry Society of Ireland by Dr. Ingram, in his address as Vice-President in 1864, and it would require to be removed to allow the recommendations of the Select Committee of the London Charity Organisation Society to which we have referred to be carried into effect in Ireland.

We think it right to record the great importance we attach to the removal of all minute distinctions in the laws of the three kingdoms, resting upon no well-ascertained or fixed principle.

Such distinctions lead to unnecessary complications in the laws, and delay and impede the extension of the latest reforms to all parts of the United Kingdom.

When these distinctions occur in branches of law respecting the poor, and are connected with the discharge of the duties of the wealthier classes to their poorer fellow-subjects, they diminish the prestige of the legislature and of the executive government, and mar the good effect which the cheerful discharge of social duties is calculated to produce, and when the variations are co-extensive with the different sections of the United Kingdom, they keep up distinctions in the most objectionable of all forms, and those most calculated to produce discontent.