

(4) That to enable poor people to prove their wills, and take out administration as cheaply and as locally as possible, the recent Scotch Acts for this purpose should be followed.

(5) That taking the 150 towns in which County Court Judges sit, as the established convenient limit for exercise of local administrative jurisdiction, the petty sessions clerks of these towns should be the officers to carry out the cheap local proof of wills.

(6) That to make the petty sessions clerks in these towns suitable for this and other duties that would devolve on them as subordinate officers of justice, the principle of the English Justices' Clerk's Act, 1877, should be extended to Ireland.

(7) That the great principle of union rating, carried for England in 1865, and extended in principle to the whole of London in 1867 and 1870, should be followed in Ireland—the commencement made in 1876 being completed by the full adoption of the English system.

(8) That this reform would diminish the stimulus to interfere with the distribution of population produced by the 3,438 electoral divisions in Ireland, with an average population of 1,600, as compared with the 35,000 average population of the English area of charge.

(9) That the English principle of valuation for taxation according to letting value should be substituted for the old Irish principle, still retained, of valuing according to scales of prices of agricultural produce. That the Irish principle conflicts with live and let live tenant-right.

(10) That the adoption of a uniform basis of valuation for the purposes of taxation throughout the United Kingdom, besides its natural justice and equity, is of importance as a recognition as far as possible of the principle of maximum identical legislation.

(11) That the principle of simplifying and codifying the law which has in recent years been so successfully carried out in India, should be applied to Irish law, and especially to the whole of the laws relating to land in Ireland.

VIII.—*On the importance of raising Ireland to the level of England and Scotland in the matters of Industrial Schools and Compulsory Education.* By W. Neilson Hancock, LL.D.

THE principle of compulsory education has a two-fold aspect. (1) It secures the education of the neglected and the helpless, and provides an organised means by which their education shall be provided and paid for. (2) When non-attendance at school arises from parental neglect, then the state steps in to enforce the performance of parental duty. (3) The enforcement of the parental obligation logically leads to a further benefit—the utmost tolerance in the organization of schools, because the object which the state proposes to itself is not

the opening of schools which parents may or may not use, but the ascertainment whether or not children are educated. In other words, examination and ascertainment of results takes the place of providing endowment, and leaving the results to chance. Again, as there is to be the minimum of interference with parental liberty—only so much as is necessary to secure the result, it follows that all schools must be equally recognized by the state that attain the object of training up and educating the children.

*How do the neglected and helpless children fare in Ireland for want of compulsory education?*

In the annual reporting on the Criminal Statistics, my attention has been directed to this matter for some years. I will state some of the latest published figures.

In 1876, out of 188 boys committed to reformatories, only 17, or about 10 per cent., had received a proper education; 59 could read and write imperfectly; while 112, or three-fifths of the entire number, could neither read nor write. How much wiser it would have been for the state to look after these children at the earlier stage of neglected education, then to wait till that neglect has involved them in petty crimes, the stain of which it is so hard to obliterate.

When we come to girls in reformatories, the figures are still more unsatisfactory. Of 56 committed, not a single one was properly educated; 27 could read and write imperfectly, while more than half (29) were wholly uneducated. The pressure upon the weaker sex affords the best proof of the want of compulsory education to secure the welfare of the helpless. For no class, however, does society pay more severely in the long run than neglected girls. They produce the hardened, the habitual, and the vicious criminals, for whom charity has to provide, at a later stage, by prison-gate missions, penitentiaries and refuges.

The truly hopeful work is to begin early, and check the commencement of evil. This is what compulsory education does. Under it, the state takes up the question, how is a child being reared—how is parental duty being discharged, at a very early period, before any evil or contamination can have occurred that would leave permanent injury?

The lamentable want of education amongst the neglected classes in Ireland is further shown by the statistics as to industrial schools. Of 467 girls sent to industrial schools in Ireland in 1876, only 21, or about 5 per cent., were properly educated; 138 could read and write imperfectly, and no less than 308 were entirely ignorant.

Such being the official figures, how is this matter dealt with by the state in Ireland? This is a subject that about a year ago was brought before the Statistical Society of Dublin by the Recorder of this city (Mr. F. Falkiner).

*Defects of Irish Industrial Schools Acts.*

After industrial schools had been established for ten years in England, a Bill was introduced by the O'Connor Don to secure exact assimilation. The Bill was opposed; and at the end of two sessions a

measure less perfect than the English one was passed. Ten years more have elapsed, and we have the Recorder of Dublin (Mr. Falkiner), and the Inspector of Reformatories and Industrial Schools (Mr. Lentaigne), both concurring in asking to have the difference between the English and Irish law done away with.

One of the differences I will not dwell on, as it relates to the contribution of local authorities, as prison authorities, which may be considered as modified by the Prisons Acts. The Recorder of Dublin, however, calls attention to two other clauses, for the non-extension of which to Ireland no such reason can be suggested. By the 17th section, pauper children of refractory or of criminal parents may be sent, on the application of poor-law guardians, at the discretion of justices, to industrial schools. By the sixteenth section, on the application of their parents, refractory children under fourteen may be sent at the discretion of justices.

Now when the industrial school system has been so taken up and adopted by the Irish people of all denominations, on what principle can such minute disabilities on local authorities be defended? In all the recent inquiries, the guardians of the poor-law have been taken as the model for other Irish local institutions, yet this approval of local authority is distrusted in the small matter of managing refractory children. Is it any wonder Parliament is overloaded with business, when part of two sessions were spent in creating this minute difference between Irish and English law, as how to care refractory children, when within ten years after the distinction is established, it is publicly condemned by the two official representatives of the imperial government in Ireland, who are brought most in contact with the class to which the law relates—the Recorder of Dublin and the Irish Inspector of Industrial Schools.

The misfortune of the O'Connor Don's Bill of 1867, for identical legislation, being cut down in the way noticed by the Recorder, is that Ireland has been left out of all the subsequent progressive legislation of England and Scotland on the subject; so we are now in some respect eight years, and in some twenty years, behind English legislation.

In 1870, under the English Elementary Education Act of 1870, the power which English prison authorities had under the Act of 1866, of contributing only to the building and establishment of industrial schools, was enlarged, and school boards were enabled to take the initiative, and undertake the entire expense of inauguration out of the local rates.

In 1873 this enlarged power was extended to prison authorities by 35 & 36 Vic. c. 21. In 1874 prison authorities were enabled to borrow, on the security of their local taxes, all funds necessary. In 1876 school boards were enabled to borrow the funds necessary, on the easy terms of being repayable in fifty years. Thus, while the subject has been before Parliament in 1870, in 1873, in 1874, and in 1876, owing to the fatal mistake of denying assimilation in 1867 and 1868, Ireland is year by year getting further behind.

In 1876, on the amendment of the English School Act of 1870, Lord Sandon introduced a clause providing for day industrial schools.

In the preceding month the importance of such institutions, and their applicability to Ireland, had been advocated in our Statistical Society by an English officer, who during his stay in Ireland devoted time to a study of Irish charitable institutions—Major Geary.

Day industrial schools was the original idea of Sheriff Watson, the great Scotch philanthropist, to whom we are indebted for these institutions; and in Scotland so strong is the feeling in favour of boarding children out, which day schools represent, that a Bill was introduced into Parliament by Her Majesty's government, in 1876, which provided that—

"No orphan or deserted child, and no child separated from its parents, above the age of three and under the age of twelve years, should be detained in any poor-house in Scotland for a longer period than three months; and all such should and shall be boarded, as far as possible, in rural districts," etc.

In the same session the age of children boarded out under the poor-law in Ireland was extended from ten to thirteen—thus further conceding the merits of the boarding-out system (analogous to the day industrial schools), and its applicability to Ireland.

*What are the suggestions which have been made upon the subject?*

In 1877 the Recorder of Dublin proposed that the 16th section of the Elementary Education Amendment Act, providing for day industrial schools, should be extended to Ireland:—

"The schools, as explained by Lord Sandon, were to be in all respects like ordinary industrials, save that they are not to afford lodging, nor, as a general rule, clothing. They provided industrial training, elementary education, and one or more meals a day, and to entitle them to share in the parliamentary contribution, are to be subject to examination according to the standards of proficiency in force in the public elementary schools. The same classes are to be sent there by magistrate's order as those specified in the Act of 1866, and for these Parliament may contribute in aid of local expenditure one shilling per head per week—the parent being liable to contribute not exceeding two shillings."

The Recorder next describes how these schools form part of compulsory education:—

"When children are sent simply in consequence of non-attendance at elementary schools, or on the application of the local authorities and parents, the government contribution is to be sixpence only per week, as against one shilling by the parent."

Then the provision as to buildings is as follows:—

"The school boards have the same power of establishing the schools out of local rates, and of borrowing for that purpose, as exist in the case of boarding schools."

The Recorder takes the day industrial schools up only as part of the compulsory education question, commenced in England by Mr. Forster in 1870, and extended by Lord Sandon in 1876, on the principle enunciated in the fourth section of the latter Act—"that it is the duty of the parents of every child to cause it to receive efficient elementary instruction."

In March, 1877, a motion was made in the House of Commons

by Mr. O'Shaughnessy to promote the general diffusion of elementary education in Ireland.

In the Dublin Statistical Society, in June, 1876, Major Geary read a paper on day industrial schools. In a note referring to the subsequent passing of the clause introduced in the Elementary School Act of 1876, by Lord Sandon, Major Geary adds:—

"It is submitted that no city in the United Kingdom presents a field so in need of the measure as Dublin, and that Government should be moved to introduce a short Bill extending this boon to Ireland."

Mr. Lentaigne, in his address to the Dublin Statistical Society last November, complained of the defective legislation as to industrial schools in Ireland. He said:—

"The Industrial Schools Act of 1868, though a very great boon to Ireland, was shorn of many of the provisions for that object applicable to other parts of the United Kingdom, and to the present day a destitute friendless orphan, when once admitted into a workhouse (unless on remand by magistrates under the 12th section of the Act) must remain permanently a pauper, reared in the children's ward of the union, in charge of adult paupers, whose adversity or misuse of life has drawn them to end their days in the union."

Here we have the want of education amongst the helpless and neglected classes placed beyond the possibility of doubt, by independent officials and philanthropists of the most diverse opinions on other subjects, concurring in a demand that the Irish law as to Industrial Schools shall be assimilated to the English in all these matters.

*What are the steps necessary to secure the extension of Compulsory Education to Ireland?*

If we take the Scotch Act as a model (where the system is perfectly worked out) and only substitute the centralised boards and authorities which exist in Ireland for the local boards and authorities which exist in Scotland, the whole benefits of the system could be conferred on Ireland without the creation of a single office, by simply utilizing existing official organisations.

*Extension of Sixty-ninth section of the Scotch Education Act to Ireland.*

The first step is to extend the 69th section of the Scotch Education Act to Ireland. It provides:—

"It shall be the duty of every parent to provide elementary education in reading, writing, and arithmetic, for his children between five and thirteen years of age."

A similar principle is enunciated for England by Lord Sandon's Act of 1876. There ought to be no difficulty in laying down the same principle in Ireland in 1878. The Scotch Act next provides:—

"The parent, if unable from poverty to pay therefor [i.e. the education of his children] to apply to the parochial board [corresponding to an Irish board of guardians] of the parish or burgh where he resides; and it shall be the duty of said board to pay out of the poor fund the ordinary and reasonable fees for the elementary education of every such child, or such part of such fees as the parent shall be unable to pay, in the event of such board being satisfied of the inability of the parent to pay such fees."

Then follows a conscience clause:—

"No such payment shall be made or refused on condition of the child attending any school in receipt of the parliamentary grant, other than such as may be selected by the parent."

There can be no difficulty in extending this provision to Ireland. Upon any system of poor-laws, there cannot be a wiser or more economical payment than to secure the education of children of very poor parents; as they are just the class, if neglected at that critical stage, most likely to be ultimately burdensome on the rates.

*Mode of proceeding against defaulting parents.*

In Scotland the school board employ officers—

"To ascertain and report to the school board what parents resident within the parish or burgh have failed or omitted, or are failing and omitting to perform the duty of providing for their children such elementary education as aforesaid; and it shall be the duty of such officer to keep the school board constantly informed of the names and designations of all such parents."

Now in Ireland the machinery used for the collecting of all such information, whether for the census or for the annual returns of the agricultural statistics, is the constabulary. Therefore all that is done in Scotland by the local officers of school boards could be done in Ireland by the constabulary. In Scotland the prosecutions for neglect are conducted by the local crown solicitor (there called procurator fiscal). In Ireland, they could in ordinary course, like other offences prosecuted summarily, be conducted by the constabulary; so there would be an economy and convenience in having the information collected by the officer who was to prosecute.

In Scotland, before any parent is prosecuted, the case is examined into by a school board, and when a prosecution is instituted the school board have to certify in writing—

"That the parent has been and is grossly and without reasonable excuse failing to discharge the duty of providing elementary education for his child or children."

To secure that prosecutions in Ireland will be limited to analogous cases only, it will be necessary, in the absence of school boards, to admit the certificate of medical men as to health, and clergymen as to family reasons; and if they certified that there was a reasonable excuse for such failure, then the police should not prosecute. This would limit the cases proceeded against to the grossly and wilfully negligent parents, as in Scotland.

Again, to guard against prosecutions where the neglect arose from the want of schools being provided, no prosecution should take place without the certificate of the National School inspector of the district—that there was sufficient school accommodation within reach of the parent reported to be negligent. This would be analogous to the school board in Scotland stopping prosecutions in a locality inadequately supplied with schools.

With the simple precautions I have suggested, the prosecutions would be limited to grossly and wilfully negligent parents.

Now, when there were in England and Wales, in 1876, 25,000

prosecutions of negligent parents under the Elementary Education Act, why should there be more in Ireland.

The great measure of Sir Robert Peel in 1828 was to assimilate the Irish and English criminal law. At the end of half a century we are going back. Differences on the elementary question in jurisprudence and social science, of the duty of parent not to neglect the education of his child, have been allowed to grow up, with the lamentable result that when the criminal law of England is proposed to be reduced to a code, Ireland was at first omitted.

Again, when children whose education has been neglected fail in Ireland, in consequence of that neglect, and drift over to England in search of the more varied employment that there exists, their crimes and shortcomings are noted down and ascribed to Irish race, instead of to their true source—the conceded shortcomings of imperial law in leaving Ireland behind in laws as to industrial schools and compulsory education.

Then the differences between the two countries are kept up in a two-fold manner—by distinct legislation and a false reference to race origin, in a way to inflame race or religious prejudices.

Take the matter in another light. The greatest efforts are made to check drunkenness, and to prevent parents spending in drink the wages they should spend in educating, clothing, and feeding their children. The necessity of such measures are specially urged in Ireland—not so much as specially necessary there, but because public opinion is specially against drunkenness and the neglect of parental duty. If so, there ought to be no difficulty in punishing neglect of parental duty in the matter of education in Ireland, if the measure be guarded in the way I have suggested, and be limited, as in Scotland, to the grossly negligent cases.

Such, then, is the simple machinery necessary to introduce the principle of enforcing the performance of parental duty in the matter of education in Ireland.

*Ultimate Effects of proposed extension of Compulsory Education to Ireland.*

The ultimate effect of the measure remains to be considered. Its immediate effect would be, as in England, to punish a number of parents—which, from the English figure I have referred to, might be estimated at 4,000. In the course of procedure for this purpose, two sets of facts would be ascertained: (1) Whether there were any parts of Ireland where the National School inspector reported that there was not sufficient school accommodation to warrant a prosecution of parents neglecting to educate their children; (2) whether there were any parts of Ireland in which, notwithstanding the certificate of the National School inspector, the justices refused to convict on the grounds of inadequacy of school accommodation.

All such reports and decisions should be sent to Commissioners of Charitable Donations and Bequests, and to the inspector of Industrial Schools. The Bequest Commissioners should inquire whether there were any endowments for education not in operation, directly applicable to the neglected district, or any endowments which, on the *cy pres*

or proximate application doctrine, might be so applied. The industrial school department should inquire whether the want could be supplied by day industrial schools, or in any other way by voluntary charitable effort. By such inquiries, pursued for two or three years, Government and Parliament could have complete information on all weak spots in the arrangements in Ireland for supplying primary education by the state, or by voluntary bodies and individuals. It could then be seen on undoubted official evidence whether any assistance (like that offered this session in matters of intermediate education) was necessary for industrial and primary education; and if so, under which of the existing authorities, connected with education or endowments in Ireland, the assistance might be best applied.

*Summary of Conclusions.*

(1) The official statistics of children committed to reformatories in Ireland show that only 10 per cent. of the boys and none of the girls were properly educated. More than half of the girls and three-fifths of the boys were totally ignorant,

(2) To remedy the state of ignorance disclosed, the following suggestions as to industrial schools are recommended for adoption :—

(a) The suggestions of the Recorder of Dublin (Mr. Falkiner), that Lord Sandon's clause in the Act of 1876, for establishing day industrial schools, should be extended to Ireland.

(b) The suggestions of Mr. Lentaigne, Inspector of Reformatory Schools, that the full benefit of English law as to industrial boarding schools should be extended to Ireland.

(3) As to compulsory education, it is proposed to follow the Scotch Act of 1872, only substituting in the details Irish existing centralized official machinery for the Scotch local machinery :—

(a) Elementary education of children between five and thirteen to be obligatory on parents.

(b) Guardians to be enabled, in case of poverty, to pay school fees.

(c) Irish police to collect information as to neglect of parents, as officers of local boards do in Scotland, and to prosecute—unless medical officer (as to health), clergyman (as to family reasons), or inspector of National Schools (as to want of school accommodation), certified that parent might be excused.

(4) Where National School inspector reported school accommodation deficient, or justices refused to convict for that reason, reports to be referred to Commissioners of Donations and Bequests, to see if any unused endowments were applicable, and the inspector of Industrial Schools to see if want could be met by industrial day schools and other voluntary effort.

(5) From such reports could be collected, as to whether assistance for industrial and primary education would be necessary, like that afforded to intermediate education.