

HELEN JANE MACDONALD

**CHILDREN UNDER THE CARE OF THE
SCOTTISH POOR LAW, 1880-1929**

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ABSTRACT

This thesis contributes to the debate about the division of responsibility between parents and the state towards children through a survey of the development of child welfare policy in Scotland under the Poor Law. The emergence of a distinctive Scottish practice was characterised by an intrusive approach to the family and reliance on the boarding out of pauper children to foster parents. To illustrate this, the administration of policy at both central and local level is examined and is compared with English Poor Law policy.

The focus of the thesis is in the period 1880-1929 although the earlier sections provide a background to the reform of the Scottish Poor Law in 1845. Section one explores the shaping of child care policy under the 1845 Act and the arrangements for its administration. Section Two looks more closely at the implementation of policy at local level and the evolution of discretionary and legislative intervention in parent-child relations. Section Three evaluates the application and effectiveness of Poor Law child care with boarding out as the main method and poorhouse provision as the 'last resort.'

What emerges is the existence of an approach to child welfare in Scotland which drew on traditional practice but no less responded to contemporary concern about the effects of social and economic change on children. Moreover, Scottish policy proved to be an important prototype in the framing of English Poor Law child care legislation. The study concludes by examining why the Poor Law care of children was discontinued, but argues that it nonetheless left a continuing legacy in modern Scottish child care policy.

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Abbreviations

The following abbreviations were used in the footnotes:-

ACA: Aberdeen City Archives

ARA: Aberdeen Regional Archives

ECA: Edinburgh City Archives

GGHBA: Greater Glasgow Health Board Archives

GMLGR: Glasgow Mitchell Library Glasgow Room

GRHBA: Grampian Regional Health Board Archives

PP: Parliamentary Papers (Those cited without volume numbers relate to Her Majesty's Stationery Office publications)

SRA: Strathclyde Regional Archives

INTRODUCTION

In recent years, much public and media interest in Britain has focused on child care and child protection work, and the activities of local authorities in dealing with alleged cases of child abuse and neglect. Debate has largely concentrated on the judgement and timing of intervention by social workers, and the dilemma they face in their decision-making. Too early an intervention might be viewed as unjustified whereas failure to act, with fatal consequences to the child, has provoked widespread criticism. These issues concerning local authority discretion surfaced most recently amid extensive publicity in Scotland in the 'Orkney Case'¹ where on 27 February 1991, following an investigation by the Orkney Social Work Department, the Royal Scottish Society for the Prevention of Cruelty to Children (RSSPCC), and the police, concerning alleged organised sexual abuse on the island, 'places of safety' orders were obtained from a sheriff, and nine children were removed from their homes. In April 1991 the children were returned to their parents following Sheriff Kelbie's dismissal of the case on the grounds that it was unsound because of 'procedural irregularities.' This case, which mirrored that of the 'Cleveland Case' in England in 1988, aroused immense public concern about the arbitrary powers of the state to remove children from their parents for indefinite periods. In June 1991 the Secretary of State for Scotland appointed Lord Clyde to conduct an inquiry into how the Orkney investigation had been handled.² Parallels can be drawn between the criticisms and

¹ See, for example, S. Asquith (Ed.): *Protecting Children : Cleveland to Orkney: More Lessons to Learn?* (Edinburgh, HMSO, 1993).

² *Report of the Inquiry into the Removal of Children from Orkney in February 1991* (House of Commons Paper, HMSO, 1992, 1995).

recommendations made in the Orkney Report and the Cleveland Report³ four years earlier. As discussion of the similarities between the two Reports revealed, however, the different child care systems of Scotland must also be taken into consideration when shaping future policy.⁴

As this thesis will demonstrate, the 'different child care systems' of Scotland are rooted in the Scottish Poor Law care of children. Between the mid-nineteenth and early twentieth centuries a distinct approach to state child welfare was implemented under the new Scottish Poor Law which differed notably from that in England. This thesis will explore this distinct Scottish Poor Law child care and assess its role in shaping late twentieth century interventionist systems of social work.

I

In recent years there has been wide interest and research into the history of childhood⁵ and it is agreed that from the late nineteenth century a unique social conception and legal definition of children was developed which viewed them as 'assets' to the nation, with distinct 'rights' to certain standards of care.⁶ This has been viewed as the culmination of a process which began in the early modern period. It is generally accepted that for successive centuries childhood was not recognised as a

³ *Report of the Inquiry into Child Abuse in Cleveland, 1987.* (HMSO 1988 Cm. 412.)

⁴ S.Asquith (Ed.), *Protecting Children.*

⁵ L.Pollock, *Forgotten Children* (Cambridge, 1983) gives a thorough coverage and critique on the key works on this topic.

⁶ See, for example, H. Cunningham, *The Children of the Poor* (London, 1991); J. Davis, *Youth and the Condition of Britain* (London, 1990); J. Heywood, *Children in Care*; (London, 1965) I. Pinchbeck and M. Hewitt, *Children in English Society* (Volume 2, London, 1973); L. Rose, *The Erosion of Childhood* (London, 1991); J. Walvin, *A Child's World* (London, 1982).

distinct phase from adulthood, but that from the early modern period a progressive improvement occurred in the status and treatment of children linked to specific social trends. In his pioneering study, Philip Aries⁷ argued that from the later Middle Ages a separate concept of the child evolved and was reflected by changes in artists' portrayal of children, and alterations in the language used to describe them. Advances in schooling, he contends, and the development of distinctive children's clothing, toys and games, completed the process by extending the length of time children were dependent on their parents for support. Ivy Pinchbeck and Margaret Hewitt⁸ have also agreed that a distinct concept of children emerged through the rise of an educational system as well as through the growth of protective legislation on their behalf. The promotion of childhood has further been linked by Richard Bremner⁹ and Lawrence Stone¹⁰ to the growth of democracy and individualism. Evidence of changes in family structure,¹¹ an increase in the maturity of parents in early modern society,¹² the growth of early modern capitalism,¹³ and the attendant broadening of humanitarian concern,¹⁴ have also been presented by various authors as part of the process.

⁷ P.Aries, *Centuries of Childhood* (English translation, London, 1962). ⁷ For a recent re-interpretation of Aries, see for example, S. Shahar, *Childhood in the Middle Ages* (London, 1990).

⁸ I.Pinchbeck and M.Hewitt, *Children in English Society*.

⁹ R.Bremner, *Children and Youth in America* (Three volumes, Cambridge, 1973).

¹⁰ L.Stone, *The Family, Sex and Marriage in England 1500-1800* (London, 1977).

¹¹ Key texts include, L. Shorter, *The Making of the Modern Family* (London, 1976); L.Stone, 'The Rise of the Nuclear Family in Early Modern England' in C. Rosenberg (Ed.), *The Family in History* (Philadelphia, 1975).

¹² L.de Mause (Ed.) *The History of Childhood* (London, 1976).

¹³ See, for example, M. Hoyles, *Changing Childhood* (London, 1979).

¹⁴ M. Mitterauer and R. Sieder, *The European Family* (English Translation, Oxford, 1982); R.Sears, *Your Ancients Revisited* (Chicago, 1975); R. Trumbach, *The Rise of the Egalitarian Family* (London, 1978).

Throughout the nineteenth and early twentieth centuries, children and their 'place' in society became subject to unprecedented analysis because childhood was increasingly viewed as the crucial stage influencing adult development. Widespread evidence was gathered which condemned the environment in which many children lived as detrimental to their moral and physical advancement in adulthood.¹⁵ As Britain attempted to assert itself as one of the leading world powers, the implications that this posed for the future supremacy of the country made child welfare one of the most urgent social considerations. By focusing on the Poor Law care of children the state's role in child welfare can be reviewed. Throughout the nineteenth and early twentieth century, the Poor Law provided the main state support network to children. Relief under the Poor Law was originally confined to children from pauper families, but from the late nineteenth century its obligation was extended to include the welfare of all children. The several accounts which have been written about the character and growth of nineteenth century Poor Law welfare provision for British children have centred almost entirely on England,¹⁶ with the effect that the distinct legal, social and cultural issues in Scotland have been ignored. This thesis attempts to redress this imbalance and provide some insight into how the Scottish Poor Law differed in the approach of its child care policy.

¹⁵ E.Royston Pike (Ed.), *Human Documents of the Industrial Revolution in Britain* (London, 1966) provides a good selection of the main contemporary sources relating to the condition of children in the mid-nineteenth century.

¹⁶ See, for example, J.Heywood, *Children in Care* (London, 1965); I.Pinchbeck and M.Hewitt, *Children in English Society* (Volume 2, London, 1973) .

II

The child welfare services that were developed under the new Scottish Poor Law must be viewed in the context of contemporary social concern about children. Although the focus of this thesis is on the late nineteenth and early twentieth centuries, it was felt necessary to provide an historical perspective on the mid-nineteenth century framework. Without an awareness of the impact of contemporary social concern about children in the mid-nineteenth century, together with the issues relating to the administration of relief under the new Poor Law in Scotland, it would be impossible to make sense of the late nineteenth century developments. For this reason, attention to the earlier detail, as provided in Section one of the thesis, was felt to be essential.

Chapter one of the thesis discusses the reform of the Scottish Poor Law in 1845 and the arrangements for the implementation of the new welfare system at both central and local level. Assessment is made of how far the new Poor Law in Scotland differed from the better-known reform in England in 1834, and the way in which the 1845 Act attempted to balance state support of children with parental obligation. Particular attention is given to the moral considerations, always prevalent in social policy, which affected the judgement in relief assessment.

Chapter two then considers the categories of children who came under the care of the Poor Law, and the welfare services that were implemented on their behalf. The 1845 Act provided for the parish support of two distinct groups of children; those who came into care with their parents, and those who came into care alone. The majority of Poor Law children were the dependants of 'incomplete' families, such as widows and unmarried mothers, and of those whose parents were unable to provide full support

because of illness or imprisonment. A smaller proportion of orphaned and deserted children came into parish care as paupers in their own right, and were entitled to be brought up at parish expense for their entire childhood. These children usually came from families already known to authorities, and Poor Law officials had no obligation to seek out friendless or abandoned children on the streets. The gaps in Poor Law provision were filled by the voluntary sector. The voluntary approach to child welfare and how far it influenced state policy forms a secondary theme in the thesis.

The creation of a social policy aimed at protection of the national investment in Poor Law children is then discussed. Apart from allowing provision for financial assistance in educating pauper children, the 1845 Act did not specify a national child care policy. It was naturally assumed that children followed their parents in the type of relief given, whether on the outdoor roll or in the poorhouse. No policy was however outlined for the orphaned and deserted children who came under the long-term care of the Poor Law. The implementation of child care for such children was therefore left very much to the discretion of individual parishes, with the guidance of the central authority. Unlike England, where a range of systems were advocated for this group of children, the Scottish approach centred around the boarding-out of long-term pauper children to foster parents. Explanation of this distinct Scottish policy is sought through discussion of Poor Law child care that existed under the old relief system, and through exploration of contemporary attitudes to children which may have influenced the new administration in the 1840s. As well as the ideological factors, the economic considerations which may have further influenced the preference for boarding-out are also assessed.

The parish relief system left decision - making very much to local initiative. Section two analyses in closer detail the implementation of child care policy at this level. A major theme explored in this chapter is the extent to which local parishes devised their own methods of dealing with child pauperism. A bias is perhaps apparent in the concentration given to urban parishes in this section. It will be suggested, however, that this is appropriate since the majority of Poor Law children were concentrated in the urban centres, and the urban initiative in responding to their welfare was often imitated elsewhere.

The parish concern to balance effective child care with cost efficiency is illustrated in greater detail in chapter three. Through reference to local parish records, related central authority sources, and parliamentary inquiries into Scottish poor relief, the chapter centres on the way in which ideological and economic issues provoked the development of an intrusive approach to child care. As will be shown, this was motivated by concern about the apparently damaging example of certain pauper parents towards their children. Many parishes responded by removing children from seemingly 'neglectful' parents and boarding them out to 'respectable' foster parents. It will be shown that the parish definition of the 'neglect' of children by their parents was based very much on moral considerations. The contemporary debate concerning such intervention in family life is discussed, and the Scottish response is compared to that of England. The wider issues concerning the 'neglect' of children in independent families which came outside the remit of the Poor Law, and the manner in which this was tackled by the voluntary sector is also explored. Particular attention is given here to the rise of the Scottish Society for the Prevention of Cruelty to Children (SSPCC) as a pressure group campaigning for the better legal protection of children.

The late nineteenth century, as will be outlined in chapter four, was characterised by a plethora of legislation concerning children. Beginning in 1889 with the first Act for the Prevention of Cruelty to Children, and culminating in the Children Act 1908, a series of legislation was passed which provided a more comprehensive definition of what constituted the physical and moral 'neglect' of children. As part of this process, parishes gained definite legal rights over the custody of children in their care, and increased powers of dealing with 'neglectful' parents. The parish obligation was further extended to include responsibility for the welfare of all children, and not just those from pauper families. As will be shown, this increased obligation on the Poor Law occurred when state support for children outside the Poor Law also grew as traditional ideas about poverty and individual failing were re-defined. The response by parishes to these developments is examined in this chapter. The extent to which they made use of their new powers to penalise 'neglectful' parents is assessed through investigation of parish prosecutions under the Children Act, 1908. Their role in the policing of 'neglect' in independent families is then compared with the activities of the SSPCC through reference to this Society's records. Attention is also given to the rise of the newly developing local authority child welfare services, and how they were used from the early twentieth century as an argument for the dissolution of Poor Law child care.

Section three examines in closer detail the character of child 'care' under the Scottish Poor Law through study of the boarding-out system and poorhouse provision. Reflection is made of the manner in which adequate 'care' was defined, and evaluation is made of its effectiveness in redressing child pauperism.

Chapter five explores the development of the community support of children with boarding-out, and the way in which it was articulated at local and central authority level. The extent to which boarding-out was copied by English Poor Law policy, and how far its implementation resembled Scottish practice is examined. Closer evaluation of the standard of boarding-out child care in Scotland is then made through scrutiny of how it worked in Glasgow, the largest Poor Law parish, which boarded-out the greatest number of children. For the purposes of this case-study, use was made of the 'Lists' of boarded-out children kept in Strathclyde Regional Archives, Glasgow. Information contained in the 1892 'List', concerning the 404 boarded-out children under the care of Barony Parish Council in 1892, and in the 1921 'List', which relates to the 1873 children under the care of Glasgow Parish Council in 1921 was examined. The year 1892 was chosen as an example of how boarding-out was applied in the late-nineteenth century, and the year 1921 to provide comparison with how the system worked in the inter-war years. The two 'Lists' were cross-referenced to the original applications by the children's parents for poor relief, which have survived more or less intact. This was feasible since the 'record-numbers' of the children in each source were compatible. To provide additional information, the 1892 'List' was then cross-referenced to the 1891 Census, and the 1921 'List' to card-indexed records of boarded-out children, a complete set of which have been deposited in Strathclyde Regional Archives. This data was computer-analysed using *Paradox* and *Excel* software.

Reliance on boarding-out in Scotland meant that the poorhouses were used only as a temporary refuge for those children unsuitable for fostering because of illness or age, and for those admitted with their parents. This diverse and mixed age group of children

in Scottish poorhouses are studied in chapter six. The statistical information concerning inmates in Scottish poorhouses is not so detailed as that relating to the workhouses in England and Wales. The English statistics classified indoor pauper families into various categories - married couples with and without children; widowers and widows with and without children; married men with and without children relieved without wives; deserted and other married wives with or without children relieved without husbands; and women with illegitimate children. Child inmates in the English institutions were further categorised according to whether they were relieved with or without parents. No such details are provided in the Scottish statistics, which merely state the annual number of adult and child paupers relieved. It is not therefore possible to provide a comprehensive statistical analysis of the divergent circumstances of the children relieved in Scottish poorhouses. Nonetheless, using the information collected for the purposes of the Royal Commission of the Poor Laws and Relief of Distress, 1905-1909, which made the first attempt to chart movement in and out of the Poor Law institutions, it is possible to provide a 'snapshot' of the children relieved in Scottish poorhouses in the early twentieth century. The remainder of the chapter then reviews the standard of care available to poorhouse children, and the pressures which parishes came under to provide more specialisation from the early twentieth century. The extent to which parishes were restricted in this endeavour by local resources is examined.

Through analysis of central and local records relating to the Poor Law care of children as indicated in this introduction, this thesis attempts to demonstrate the existence of a distinct social policy in Scotland which aimed at the removal of children from potentially damaging influence. The development of this policy will be shown to

be rooted in the legal background of the 1845 Act; the contemporary significance attached to environmental forces on child development; and the local emphasis on cost efficiency. The child care system which was so developed in late nineteenth and early twentieth century Scotland was viewed as universal in its benefits, and more enlightened than that which existed in England. Nonetheless, the limitations of parish child care became increasingly obvious, leading finally in 1948 to the dissolution of relief under the Poor Law as the main state child support network. The intrusive approach of the Scottish Poor Law, however, as viewed in the Orkney case, and the prevalence of confidence in fostering as the best method of child care, have survived long after its termination, and continue to influence modern social policy.

SECTION ONE

THE LEGAL BACKGROUND

CHAPTER ONE

THE 1845 ACT

Following the Treaty of Union of 1707 Scotland retained an independent system of poor relief from that in England. The Scottish Poor Law,¹ like the English,² was based on sixteenth century legislation aimed at relieving 'deserving' paupers while punishing vagrants and beggars. By the early nineteenth century each country had developed a distinct system of poor relief administration. English poor relief was purely civil in character and was collected through a compulsory rating system while that in Scotland could be raised through voluntary contributions distributed through the kirk sessions. When a new Poor Law was introduced into England in 1834 no provision was made to amend the Scottish system. Poor Law reform did not follow in Scotland until 1845. English change, which responded mainly to concern about population increase and abuses of the system,³ particularly by the able-bodied poor, was directed towards restricting relief. Attempts at implementing a more efficient Poor Law in England, based on the principles of less eligibility and the workhouse test have been well documented.⁴ The history of the new Poor Law in Scotland, which developed

¹ For full account, see R.A. Cage, *The Scottish Poor Law 1745-1845* (Edinburgh, 1981); J. Lindsay, *The Scottish Poor Law : Its Operation in the North- East from 1745-1845* (Devon, 1975); R.M. Mitchison, 'The Making of the Old Scots Poor Law' *Past and Present* 63 (1974) pp. 58-93.

² D.Marshall, *The English Poor Law in the Eighteenth Century* (London, 1926); J.D. Marshall, *The Old Poor Law 1795-1834* (London, 1968).

³ E.g. P.Dunkley, *The Crisis of the Old Poor Law in England 1795-1834* (London, 1982).

⁴ E.g. A. Brundage, *The Making of the New Poor Law* (London, 1978); M.A. Crowther, *The Workhouse System* (London, 1981); D. Fraser (Ed.), *The New Poor Law in the Nineteenth Century* (London, 1976); M.E. Rose, *The English Poor Law 1780-1930* (London, 1971) and *The Relief of Poverty* (London, 1974); S. and B. Webb, *English Poor Law Policy* (London, 1929).

independently from that in England, although not entirely neglected,⁵ has received less attention from modern historians. As this chapter will demonstrate, the different legal background to the new Poor Law in Scotland resulted in the implementation of a relief system that in many respects differed strikingly from that in England.

I

The earliest statutes dealing with the relief of the poor in Scotland date from 1424 when two separate Acts were passed restricting begging.⁶ New legislation in 1503 made it illegal for all but 'cruicked'; 'sick'; 'impotent', and 'weak' folk to beg, and a further Act of 1535 prevented beggars from seeking alms outside their native parish. This legislation set the precedent for an Act of 1579 whereby 'pure, aged and impotent' paupers were recognised as legitimate mendicants, and severe penalties were imposed upon 'vagabonds and idle beggars.' Several Acts followed which clarified the arrangements for poor relief administration. In 1661 the collection and distribution of funds was entrusted to 'overseers'; an Act of 1663 allowed poor rates to be assessed by landowners ('heritors'), and an Act of 1672 entrusted the ministers and elders of each parish with the duty of compiling lists of poor. Amended Acts in 1695, 1696 and 1698 again clarified the responsibility on the heritors, ministers and elders to organise poor lists and collect and distribute relief.

⁵ See, for example, M.A.Crowther, 'Poverty, Health and Welfare' in T.M.Devine and R.Mitchison (Eds.) *People and Society in Scotland Volume 2 1830-1914*. (Edinburgh, 1990); G.E. Graham, *The History of the Poor Law of Scotland* (Edinburgh, 1921); I. Levitt, *Poverty and Welfare in Scotland 1890-1948* (Edinburgh, 1988); G.A. MacKay, *The Practice of the Scottish Poor Law* (Edinburgh, 1907). For a general account of the 1845 Act see A. Paterson, 'The Poor Law in Nineteenth Century Scotland' in D. Fraser(Ed.), *The New Poor Law in the Nineteenth Century*.

⁶ W. Smart's 'Memorandum on the History of the Scots Poor Law Prior to 1845' in *Royal Commission on the Poor Laws and Relief of Distress, 1909 (Report on Scotland) Appendix pp.288-314* (P.P. 1909 Cd 4922) gives a thorough coverage of the main legislation prior to 1845.

By the early nineteenth century most parishes in Scotland had developed arrangements for poor relief administered through the Church whereby assistance was given to the genuinely needy, as defined under the legislation, mainly as a supplement to charity. The arrangements for relief were far from uniform throughout the country, and there were distinct regional variations. It was only in the south that a system of informal assessments operated, mostly financed by the landed sector. Elsewhere, relief was totally dependent on voluntary contributions and was principally characterised by outdoor payments. There was more institutional support for the infirm poor in the towns, the largest establishments being the Town's Hospital in Glasgow and the Edinburgh Charity Workhouse. Despite inconsistencies in the system, the general climate of opinion in Scotland was one of national pride in the voluntary parish welfare system. In 1818, for example, a report from the General Assembly of the Church of Scotland to the Select Committee on the English Poor Laws commended the voluntary system of Scottish poor relief as follows:-

Their funds...continue to be derived, except in comparatively few places, from charity, and are dispensed with that sound discrimination, which in the ordinary transactions of life belongs to real benevolence.⁷

Where defects were evident, many believed that they could be more effectively tackled through traditional means. One of the most prominent supporters of voluntary aid was the Reverend Thomas Chalmers,⁸ an evangelical minister who became one of the leading forces behind the establishment of the Free Church in Scotland. Chalmers argued that the poor were better served through community-based support networks.

⁷ Quoted by J.Lindsay, *The Scottish Poor Law* pp. 200-201.

⁸ Full accounts of his work are given in S.J. Brown, *Thomas Chalmers and the Godly Commonwealth in Scotland* (Oxford, 1982); A.C. Cheyne (Ed.), *The Practical and the Pious; Essays on Thomas Chalmers (1780-1847)* (Edinburgh, 1985).

Voluntary and mutual co-operation, he believed, encouraged independence, while statutory relief destroyed it. Chalmers was concerned about the apparent loss of community spirit with increased urbanisation and the corresponding decline in church-going. In his parishes at the Tron and later St John's in Glasgow⁹ he pioneered an experimental scheme whereby the poor were cared for by their family and neighbours, and where the poor relief funds were called upon only as a last resort. Chalmers' scheme received widespread acclaim and reinforced the values of the Scottish voluntary system. His system was admired by the English Poor Law Commissioners who visited Scotland in the 1830s to compare provision between the two countries.

Reform of the Scottish system was not considered when the English Poor Law was amended in 1834. Scotland remained fairly satisfied with its poor relief arrangements until the 1840s when the effects of social and economic change in Scotland became more apparent.¹⁰ Inadequacies and inequalities in the relief system were more obvious than before and it came under serious attack. The most scathing critic was Dr William Pulteney Alison who in 1840 published his *Observations on the Management of the Poor in Scotland*.¹¹ Alison, an Edinburgh doctor and later Professor of Medicine at the University of Edinburgh, drew on his medical experience to highlight the relationship between poverty and disease which, he argued, was further exacerbated by low relief payments and unemployment. He illustrated the shortcomings of Scottish relief through comparisons with other European countries. For example, he showed that while

⁹ R.A. Cage and E.O.A. Checkland, 'Thomas Chalmers and Urban Poverty: The St John's Parish Experiment in Glasgow, 1819-1837. *Philosophical Journal* (Spring, 1976).

¹⁰ I.Levitt and T.C.Smout, *The State of the Scottish Working Class in 1843* (Edinburgh, 1983) pp.152-161.

¹¹ W.P.Alison, *Observations on the Management of the Poor in Scotland* (Edinburgh, 1840).

Holland had an expenditure of around 4s. 4d. per head and France an expenditure of around 10s. a head, the comparable figure for Scotland amounted to only 1s. 3d. In more forceful terms, Alison stressed what he perceived as the main weaknesses of the Scottish system through unfavourable comparisons with England. As a remedy, he proposed the introduction of a relief scheme based on the model of the English compulsory assessment, with augmented relief allowances, the granting of assistance to the unemployed, and increased institutional provision for sick paupers.

Trade depression in the early 1840s which led to the unemployment of thousands of Scottish workers, gave Alison's criticisms added impact. The worst effects were in Paisley, where the staple industry, which was largely dependent on credit, was the manufacture of fine hand-woven textiles, particularly shawls.¹² Trade depression was worsened in Paisley because it coincided with a change in fashion which lessened demand for the Paisley shawl. This contributed to large-scale bankruptcy and unemployment. A relief fund was set up by the magistrates of the town, and within two months there were over 2000 claiming its funds. By the beginning of 1843 there were over 15, 000 claimants, and Edward Twistleton, assistant Poor Law Commissioner in England was appointed by the Government to 'suggest to the relief committee the adoption of certain regulations for relief.'¹³

Such large-scale unemployment highlighted the inadequacy of charitable provision in times of extreme economic distress, and the failure of the Scottish Poor Law in providing relief. This was further aggravated by the Disruption of the Church of

¹² See, for example, I.Levitt and T.C. Smout, *The State of the Scottish Working Class in 1843* (Edinburgh, 1979) Chapter 7; T.C.Smout 'The Strange Intervention of Edward Twistleton' in T.C. Smout (Ed.) *The Search for Wealth and Stability: Essays in Social and Economic History presented to M.W.Flinn* (London, 1979).

¹³ I.Levitt and T.C.Smout, *The State of the Scottish Working Class in 1843* p.156.

Scotland in 1843 which created a situation whereby neither the established church nor the new Free Church had sufficient resources to organise relief. The outcome of such failings resulted in the appointment of a Parliamentary Commission in 1843 to inquire into the working of the Scottish Poor Law. The Report of the Commissioners Inquiry, published in 1844,¹⁴ while admitting that some reform of the Scottish relief system was necessary, did not present as savage an attack as the English Poor Law Report of 1832 directed towards English relief. The English Report recommended wide-scale changes in England whereas the 1844 Scottish Report investigated the ways in which the existing Poor Law could be 'made to work more effectively, without making any material changes.' The 1845 Poor Law Amendment Act¹⁵ which followed thus attempted to introduce an improved system of poverty relief which drew on existing resources. The emphasis on forceful centralisation, loss of local identity and the priority attached to indoor relief, which so characterised English reform in 1834 and fuelled the anti-Poor Law movement¹⁶, were not enforced under the new Poor Law in Scotland. After 1845 each parish remained responsible for its own poor but all were required to appoint a parochial board with an inspector of poor as executive officer. A central authority, the Board of Supervision was created to ensure that the intentions of the Act were properly implemented.

¹⁴ *Report from Her Majesty's. Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws in Scotland* (P.P. 1844 X). See also W.P. Alison, *Remarks on the Report of Her Majesty's Commissioners' on the Poor Laws of Scotland* (Edinburgh, 1844).

¹⁵ *The Poor Law (Scotland) Act, 1845* 8 & 9 Vic. c.83.

¹⁶ N.C. Edsall, *The anti-Poor Law Movement 1834-44* (Manchester, 1971).

II

The emphasis on family obligation, as supported by upholders of the old system such as Chalmers, remained an integral feature of the new Poor Law in Scotland. Reliance on state support was restricted in the first instance by enforcing family responsibility across various generations.¹⁷ In England, where the main criticism of the old Poor Law had been that it reduced family responsibility, the 1834 Act enforced the legal obligation of husbands to support wives; parents to support children; children to support parents; and grandparents to support grand-children. In Scotland,¹⁸ where the old system had always stressed family obligation, and where much of the law relating to parent and child was based on Roman Law, the 1845 Act enforced the additional obligation on grandchildren to support grandparents; a son who became heir to property to support his siblings and their children; and until 1881, a husband to support his wife's parents. Similarly, a widow could claim against a relation-in-law who inherited her husband's estate. Members of a family in Scotland were also entitled to sue one another for maintenance, or a Poor Law authority could sue on their behalf. Poor Law parishes were further empowered under the 1845 Act to penalise those who failed to fulfil their family obligations. Under Section 80 of the Act prosecutions could be brought against husbands who deserted their wives; parents who deserted their children; and fathers who refused to maintain their illegitimate children with the effect that they came on the rates for support. Unlike England there were no separate Poor Law statutes for bastardy in Scotland.

¹⁷ M.A. Crowther, 'Family Responsibility and State Responsibility in Britain before the Welfare State'. *The Historical Journal* 25,1 (1981) pp.132-3.

¹⁸ W.G. Black, *A Handbook of Scottish Parochial Law other than Ecclesiastical* (Edinburgh, 1893).

Relief could only be claimed under the new system when all forms of family support had been exhausted. The categories eligible remained virtually unchanged from those entitled to relief under the old system. Despite the widespread incidence of destitution evidenced by the unemployment crisis in Paisley and elsewhere, the able-bodied remained disqualified from relief under the new Act. To claim, paupers had to be either 'destitute' or 'disabled.' These expressions were never defined by statute, and applications for relief were assessed at the discretion of individual parishes. Unlike paupers in England, the 1845 Act entitled those in Scotland to appeal against a parish's decision to refuse relief. Broadly, 'destitute' might be applied to persons unable to maintain an independent livelihood because of old age; immaturity of years; physical handicap; or disease. Despite concern about the limited provision available to sick paupers voiced by commentators such as Dr Alison, the 1845 Act did not compel parishes to employ a Poor Law doctor. Few rural parishes could afford this additional expense, although after 1849 many were subsidised through government grants.¹⁹ 'Disabled' was a more elastic term and did not always require physical or mental disability. The term was commonly applied for example to widows and unmarried mothers who needed relief to support their children, albeit their being 'able-bodied.' This was clarified by legal judgement in 1853:-

In the case of an able-bodied father there is a presumption *juris et de jure* he is able to gain a livelihood so as to support himself and his family, but there is no such presumption in the case of a mother. It depends altogether on circumstances whether a woman is capable of supporting herself and child. She is not held to have the same strength of body as the father....It is not a question whether she is able-bodied, but whether she is able-bodied to support herself and family.²⁰

¹⁹ See S.Blackden, 'The Board of supervision and the Scottish Parochial Medical Service' *Medical History* 30 (1986) pp.145-72.

²⁰ Mackay v.Baillie, 1853 15 d. 971 -974 as quoted in the evidence of Mr Ewan Macpherson, legal member of the Local Government Board for Scotland in *Royal Commission on the Poor Laws and Relief of Distress Appendix VI 1909 (Scottish evidence)* p.11 (P.P.1910 Cd 4978).

This distinction applied only where children were involved, and childless able-bodied women were no more entitled to relief than males. The obligation on parishes to support children applied until the child was *foris familiated*. Broadly, forisfamiliation was defined as occurring when the child became financially self-supporting.

The granting of relief was subject to specific terms and conditions. The legal right of paupers to claim relief in a particular area was determined by whether they had been born there, had acquired settlement by marriage, or had lived and worked there for a designated period.²¹ This was designed to prevent migrating workers, particularly Irish immigrants, from over-burdening the system. The 1845 Act extended the conditions of settlement from the three years that had been required under the old system to five years. A five-year settlement law was similarly introduced into England in 1846 but was later reduced to one year in 1865. Conditions of settlement were not relaxed in Scotland until 1898 when they reverted back to three years. Legitimate children took the settlement of their father, and this rule continued to apply if he deserted them. Illegitimate children took the settlement of their mother, whether acquired by birth, residence or marriage. Once married, a woman acquired the settlement of her husband until his death. Where settlement was through the mother's marriage, the settlement of an illegitimate child on attaining puberty reverted to the parish of birth. The settlement regulations allowed a pauper to be relieved in any parish, with the costs being reclaimed from the parish of settlement. If these costs were not met, paupers could be

²¹ For information on the settlement laws in England, see, M.E.Rose, 'Settlement, Removal and the New Poor Law' in D.Fraser (Ed.) *The New Poor Law in the Nineteenth Century*; For Scotland see, M.A.Crowther, 'Poverty, Health and Welfare' in *People and Society in Scotland* Volume 2 pp.279-80.

sent back to their place of settlement, and English and Irish paupers with no legal settlement in Scotland could be similarly returned home.

While the able-bodied continued to be denied relief under the new Act it was ambiguous at first whether this ruled out claims from the unemployed. Under the 1834 English Act attempts were made to de-pauperise able-bodied paupers, including those unemployed, in such a fashion that would make them less well-off than the lowest paid independent labourers. This was to be achieved by discontinuing relief to them in their own homes and offering only relief in the workhouse. In Scotland, Section 68 of the 1845 Act implied that the unemployed might be relieved as 'occasional' paupers, but did not possess an absolute right to relief:-

All assessments imposed and levied for the relief of the poor shall extend and be applicable to the relief of the occasional as well as the permanent poor. Provided nothing herein contained shall be held to confer a right on able-bodied persons out of employment.²²

Doubts concerning relief to such claimants under this section of the Act were subsequently dealt with through a series of legal judgements. In 1852 it was confirmed by the House of Lords that 'an able-bodied man has no right to parochial relief for himself although unable to find employment and destitute of the means of subsistence.'²³ The same year, it was decided that children of the unemployed were similarly ineligible for relief. In practice, however, the question of the able-bodied unemployed proved difficult to resolve and the extent to which they were refused relief has been qualified.²⁴ Those devoid of any means of support were more susceptible to

²² *Poor Law Scotland Act, 1845* 8 & 9 Vic. c.83.

²³ I.Levitt, *Poverty and Welfare in Scotland* p.11.

²⁴ See for example, M.A.Crowther, 'Poverty Health and Welfare' in *People and Society in Scotland* Volume 2; J.Whiteford, 'The Application of the Poor Law in Mid-Nineteenth Century Glasgow' (Unpublished Phd. Thesis, University of Edinburgh, 1982).

illness, and could claim relief on medical grounds. Others could equally rely on spurious injuries to substantiate their application for relief. The Board of Supervision itself recognised this dilemma and in 1878 issued the following recommendation to parochial boards:-

It must be kept in view that parochial boards have no power to expend any of their funds in the relief of persons who are not both destitute and (wholly or partially) disabled. In considering the question of disability, however, in the case of a person not really destitute, the Inspector should not carry the letter of the law to an extreme, and cause delay in a doubtful case by the necessary appeal to the sheriff. Moreover, it is obvious that if a person is *really destitute*, no long period would elapse before he also became *disabled* from want of food. It would probably be a safe rule of practice in such cases to afford immediate relief, if the Inspector is of opinion that the sheriff on appeal would order it.²⁵

It was not until the 1920's with mass unemployment that the restrictive policy towards the unemployed was relaxed, leaving a trail of bankrupt parishes.²⁶

III

Following the 1845 Act the administration of poor relief in Scotland continued to differ strikingly from that in England. Under the 1834 Act English parishes, usually in groups of 30 or more, were combined into Poor Law unions whose policies were rigidly shaped and enforced by the Poor Law Board. In Scotland relief continued to be administered by individual parishes under new parochial boards. This emphasis on close supervision at local level encouraged wide diversity since the geographical spread of Scotland was such that some parishes in urban areas were large and populous whereas others in rural areas were small and sparsely inhabited. In burghal and

²⁵ Quoted by Mr Ewan Macpherson, legal member of the Local Government Board for Scotland in *Royal Commission on the Poor Laws and Relief of Distress, Appendix VI 1909 (Scottish evidence)* p.10 (P.P.1910 Cd 4978).

²⁶ I.Levitt, 'The Scottish Poor Law and Unemployment 1890-1929' in T.C.Smout (Ed.) *The Search for Wealth and Stability*.

combination parishes, parochial boards consisted of not more than 30 members elected by the rate-payers; of four persons nominated by the burgh magistrates, and four nominated by the kirk-session. The number of members was fixed by the Board of Supervision, and varied from four in Anstruther Easter to 24 in Edinburgh and Glasgow. In all other parishes the local boards consisted of all owners of land and heritages to the value of £20 and upwards; of the provosts and baillies of any Royal burgh; of six members of the kirk-session, and of a fixed number of general members elected by ratepayers who were not already on the board. Women, married or single, were not eligible for election until 1895.

Parochial boards were elected triennially and all members went out of office together. They were expected to meet weekly, although in the large city parishes they often met up to five times a week. The boards were compelled to appoint an Inspector of Poor and could also employ a clerk. In most places the Inspector acted as clerk. The holders of certain offices such as that of justice of the peace; sheriff officer; procurator-fiscal or magistrate were ineligible for appointment as Inspector. In many of the smaller parishes the post was held by the local school-master and only the large parishes could afford to employ assistants to help their Inspector. Inspectors were low-paid and most held it with other jobs. Those who had no clerical experience often found parish accounting difficult, and it has been suggested that this encouraged lax administration, and at worst, embezzlement.²⁷

Unlike England, the Scottish central authority which was created under the 1845 Act did not issue rules or enforce procedure. The main function of the Board of

²⁷ A. Paterson, 'A Study of Poor Relief Administration in Edinburgh City Parish Between 1845-1894' (Unpublished Phd. Thesis, University of Edinburgh, 1973).

Supervision was to arbitrate complaints between ratepayers, parochial boards and paupers, and to advise on the implementation of policy. The Board of Supervision was comprised of nine members representing the various Scottish regions. The chairman was the only full-time member and part-time posts were held by three sheriffs, of Perth, Renfrew and Ross and Cromarty. The remaining posts were filled by three Crown representatives, one of whom was the chairman, the Solicitor General, and the Lord Provosts of Edinburgh and Glasgow. The composition of the first Board, in terms of upbringing, education and ideology towards pauperism has been described as 'a Board of Highland Scots'²⁸ who were predominantly Tory and possessed a 'status oriented view of the world.'

The Board of Supervision ceased to exist in September 1894 and its powers and duties were entrusted to the newly created Local Government Board for Scotland, which became directly responsible to Parliament.²⁹ The parochial boards were replaced by parish councils, although their duties concerning poor relief remained unchanged. Central inspection never characterised the Scottish system to the same extent as in England. By the early twentieth century, England had 63 central inspectors, comprising one chief and four assistant general inspectors; 14 general inspectors; two Poor Law medical inspectors; one chief and one deputy, and an additional 17 engineering inspectors; one chief, two assistant and 13 ordinary medical inspectors; and seven other inspectors of various kinds. By contrast, Scotland had only five,

²⁸ I.Levitt, 'Welfare, Government and the Working Class: Scotland, 1845-1894' in D.McCrone, S.Kendrick and P.Straw (Eds.) *The Making of Scotland* (Edinburgh, 1989) p.112.

²⁹ *Local Government (Scotland) Act 52 & 53 Vic. c.50.*

comprising four general inspectors of poor and one medical inspector.³⁰ From 1919 to 1929 Poor Law administration was placed under the Board of Health for Scotland .

IV

Relief could be granted to claimants under the new Poor Law in cash or in kind. Payment in kind could include the granting of such requisites as clothing, footwear, fuel and food. Despite an increase in expenditure under the new system however, it continued to remain less per head than that in England. In the early years of the new administration, for example, (i.e. 1860-64) approximately 52d. was spent per head on Scottish paupers while the comparable expenditure on English paupers was around 71d. per head.³¹ This trend continued until the early years of the twentieth century, when between the years 1900-1905 approximately 59d. per head was spent on Scottish paupers with the English rate remaining more generous at 89d. per head.³²

The erection of poorhouses, although not made compulsory was strongly recommended by the 1845 Act. Technically, the failure of a parish to provide poorhouse accommodation could be defined as failure to provide adequate relief. Institutional provision never became as widespread a feature of the New Poor Law in Scotland as it did in England. The 1845 Act allowed parishes to erect a poorhouse in their own area, or as was more practical in certain areas, to share costs with

³⁰ Evidence of Dr W.Leslie Mackenzie in Appendix No.CLXI (D) *Royal Commission on the Poor Laws and Relief of Distress Appendix VI 1909 (Scottish evidence)* p.929 (P.P.1910 Cd 4978).

³¹ *Ibid.* p.269. See also, K.Williams, *From Pauperism to Poverty* (London, 1981).

³² *Ibid.*

neighbouring parishes and build a 'combination' poorhouse. Parishes were further permitted to apply to the Board of Supervision to board paupers in a nearby poorhouse or in a lodging house. No new poorhouse could be built or any existing poorhouse enlarged or altered unless a plan was submitted and approved by the central authority. In 1848 there were only 14 poorhouses in Scotland, most of which had existed under the old system. By 1868 the number had risen to 66, with accommodation for approximately 12, 000 inmates, and by 1906 there were 70 with accommodation for over 18, 000. Outside the main cities, the majority were built as combination poorhouses.

Originally, the Scottish poorhouses did not have the same emphasis on deterrence as the English workhouses. In England the workhouses acted as a deterrent to the able-bodied poor, but this was less of a consideration in Scotland since this class were technically refused relief. Less emphasis was placed in Scotland on allocating inmates arduous work tasks although they were expected to help in the general running of the institution. Poorhouse provision was intended to be developed under the new system as refuges for sick and elderly paupers who could not be supported by outdoor relief. Neither parochial boards nor parish councils had powers to remove paupers to a poorhouse, and it was left to the individual to accept the offer. This often caused difficulty in the case of the elderly who were reluctant to leave their homes. In 1850 the Board of Supervision introduced the 'poorhouse test' as a means of checking improper applications for outdoor relief. This brought a new class into the institutions:-

The first of these two classes of paupers, for whom relief in a poorhouse is preferable to outdoor relief, comprises all destitute persons who are incapacitated by youth, or old age, or disease, whether mental or physical, from contributing in any way to their own support, and who, are at the same time, from being friendless, or from requiring more than ordinary attendance, cannot be adequately maintained and cared for by means of outdoor relief.

The other class of paupers for whom relief in a poorhouse is preferable to outdoor relief, and to whom it is peculiarly applicable, either as a test or as affording the means of needful restraint, consists of applicants for, or recipients of, relief of every kind, whose claims are doubtful, such as persons who are suspected of concealing or of misrepresenting the extent of their means and resources, whether arising from their own exertions or earnings, or from the aid afforded by friends and relatives: or persons who, though not able-bodied, are yet so disabled, as in the opinion of the Parochial Board, to render them incapable of maintaining themselves and their dependants, if any, without relief from the parish; but more especially all persons of idle, immoral, dissipated habits, who, if admitted to outdoor relief would squander their allowances in drunkenness and debauchery, or otherwise misapply them. Poor persons may not be allowed to starve because they or their parents are vicious, but the law leaves to the bodies to whom its administration is entrusted a choice as to the manner affording relief, and if parochial boards desire to discourage indolence, to detect imposture, to check extravagance, and to reform or control vice, they must make *work, confinement, and discipline* the conditions upon which paupers of this class are relieved.³³

From the later 1860s the Board adopted a more vigorous policy of urging parishes to show more discrimination in their relief assessments. In this respect, casual labourers and vagrants were singled out as in need of greater 'testing.'³⁴ Of greater significance in the care of children was a move to encourage stricter treatment of mothers with illegitimate children. This is illustrative of an attempt to maintain what the Board deemed to be 'family values.' Such policies, and their effect on the use of the poorhouse are summarised in the following circular issued by the Board in 1883:-

The experience which those charged with the administration of the Poor Law have acquired since 1850 has established that it is hurtful in practice to grant relief otherwise than in the poorhouse to the following classes:- (1) Mothers of illegitimate children, including widows with legitimate families who may fall into immoral habits; (2) Deserted wives; (3) Persons having grown up families settled either in this country or abroad; (4) Persons having collateral relatives in comfortable circumstances; (5) Wives of persons sentenced to terms of

³³ Quoted by Mr Ewan Macpherson, legal member of the Local Government Board for Scotland in *Royal Commission on the Poor Laws and Relief of Distress, Appendix VI 1909 (Scottish evidence)* p.11 (P.P.1910 Cd 4978).

³⁴ I.Levitt, 'Welfare, Government and the Working Class: Scotland, 1845-1894' in D.McCrone, S.Kendrick and P.Straw (Eds.) *The Making of Scotland* p.116-118.

imprisonment or penal servitude; (6) Generally speaking, all persons of idle, immoral, or dissipated habits.³⁵

As will be shown in greater detail later, the poorhouses thus developed in Scotland as mixed institutions for different types of inmate. As demonstrated by Table 1, indoor relief was never used to the same extent as outdoor relief. As will be shown in chapter six, it was not until the early twentieth century that attempts began to be made towards greater specialisation.

Table 1: Number of poor relieved by outdoor provision and by indoor provision, 15 May 1865-1900.

Year	In poorhouses	Outdoor roll	Ratio % in poorhouses to total number of poor	Ratio per 1000 estimated population Indoor	Ratio per 1000 estimated population Outdoor
1865	7 348	115 637	5.97	2.3	36.3
1870	7 928	118 311	6.28	2.4	35.5
1875	7 673	91 195	7.76	2.2	26.0
1880	9 296	85 793	9.78	2.5	23.2
1885	9 007	77 355	10.43	2.3	20.1
1890	8 182	74 727	9.92	2.0	18.6
1895	9 083	75 234	10.77	2.2	17.9
1900	9 868	75 982	11.49	2.2	17.2

Source: Annual Reports of the Board of Supervision for Scotland and the Local Government Board for Scotland.

V

As has been demonstrated in this chapter, the 1845 Poor Law Amendment Act provided for the introduction of a new Poor Law into Scotland which in many respects differed from the better-known reformed English system. Scottish reformers did not envisage the same radical changes in procedure as those in England. Scotland was less

³⁵ Quoted by Mr Ewan Macpherson, legal member of the Local Government Board for Scotland in *Royal Commission on the Poor Laws and Relief of Distress, Appendix VI 1909 (Scottish evidence)* p.11 (P.P.1910 Cd 4978).

dissatisfied with its old relief arrangements than England, and many features of the new Poor Law in Scotland were based on traditional practices. In particular, the emphasis on family support and local organisation of relief remained prominent characteristics. Similarly, the traditional reliance on outdoor relief continued, despite an increase in poorhouse accommodation. Scottish Poor Law authorities were less accustomed than those in England to institutional provision, and it was never adopted on the same scale in Scotland as in England. Nonetheless, the distinction between indoor and outdoor relief became increasingly based on moral considerations from the late-nineteenth century.

The dominance of local as opposed to central control made a uniform system of poor relief similar to that attempted in England impossible. The varying size and wealth of Scottish parishes created wide variations in provision. The larger and wealthier urban parishes were inevitably better equipped to provide better relief than the smaller more rural ones. Moreover, the absence of strict central control, unlike England, left much to the discretion of local boards. The following chapter will explore the extent to which such factors influenced the type of new Poor Law child care provision that was developed in Scotland, and how it differed from that developed in England.

CHAPTER TWO

CHILDREN AND THE 1845 ACT

Under the new 1845 Act state support of children was intended to be viewed as a 'last resort' which could be called upon only when the family support network had broken down. This was designed to discourage parents from possible over-dependence on relief, and so to set an example of self-sufficiency to their children. Nonetheless, throughout the nineteenth and early twentieth centuries, children comprised around forty per cent of the total number of poor. The majority of these children were dependants, relieved in their own homes with their parents. A smaller proportion of orphaned and deserted children, who had no parents to support them, were entitled to be brought up for their entire childhood in parish care. The latter group formed around ten per cent of the total number of poor relieved, and were usually from families already known to authorities. Nothing in the 1845 Act directed Poor Law officials to seek out friendless or abandoned children on the streets.

Since their circumstances could not be attributed to personal failing, the deterrent character of adult poor relief was not viewed as being appropriate in the case of children. Concern to reduce future adult pauperism made the treatment of children one of the most important considerations. As in England, the new Poor Law in Scotland attempted to develop special provision for pauper children by treating them differently from adults. As this chapter will demonstrate, the child welfare services that were adopted by the new Scottish Poor Law were shaped by traditional practice, combined with contemporary social concern about children. As will be shown, this resulted in the implementation of a child support system which differed from that in England.

I

New Poor Law child care was developed at a time when increasing emphasis was attached to the importance of childhood in moulding adult development.¹ Throughout the mid-nineteenth century, three dominant philosophies were developed about children, which viewed them either as ‘innately evil’; ‘naturally innocent’; or as a ‘*tabula rasa*.’ The concept of children as ‘innately evil’ was derived from the religious belief in Original Sin which grew with the growth of Protestantism from the seventeenth century.² Children were viewed as being born with an inherent propensity towards sin, and believers in this concept thus stressed the importance of breaking the emerging will of children in their early years. This doctrine was denounced in the late seventeenth century by the Cambridge Neoplatonist philosophies of Francis Bacon, Isaac Newton, and John Locke, who portrayed children as a ‘*tabula rasa*.’³ In this context, the child was not shaped by Original Sin but by environment. This idea was again expanded in the late eighteenth century by Jean-Jacques Rousseau in his famous *Emile*, which focused on the idea that the ‘original nature’ of children was ‘innocence.’⁴

¹ See, for example, H.Cunningham, *The Children of the Poor* (London, 1991); I.Pinchbeck and M.Hewitt, *Children in English Society* (Volume 2, London, 1971); L.Rose, *The Erosion of Childhood* (London, 1991); J.Walvin, *A Child's World* (London, 1982).

² P.Greven, *The Protestant Temperament* (New York, 1977); H.F.Mathews, *Methodism and the Education of the People, 1791-1851* (London, 1949).

³ K.Thomas, *Man and the Natural World: Changing Attitudes in England, 1500-1800* (London, 1983).

⁴ B.de Monvel (Ed.) J.-J. Rousseau, *Emile* (London, 1963).

With the emergence of industrialisation and urbanisation in the nineteenth century, each of these ideas about children received a new prominence. The idea of 'natural innocence' became a key theme used in the early nineteenth century 'Romantic' literature movement by such writers as William Blake, William Wordsworth, and Samuel Taylor Coleridge.⁵ In the context of social and economic change, the 'natural innocence' of childhood symbolised the artists' dissatisfaction with society. This remained a popular central theme in nineteenth century English literature as illustrated by the works of Charles Dickens, Charles Kingsley, and Lewis Carroll.⁶ The concept was also used with great effect by those campaigning for legislative reform of children's conditions in industry.⁷

The 'purity' of children, however, continued to be set against the more pessimistic notion of 'Original Sin.' This concept was rejuvenated in the nineteenth century by religious evangelicalism with its emphasis on redemption.⁸ Among the most public supporters was Hannah More, a prominent evangelical pamphleteer who argued in the 1820s, 'Is it not a fundamental error to consider children as innocent beings, whose little weaknesses may, perhaps want some correction, rather as beings who bring into the world a corrupt nature and evil dispositions...?'⁹

⁵ A.Bellringer and C.B.Jones, *The Romantic Age in Prose* (Amsterdam, 1980); P.Coveney, *Poor Monkey: The Child in Literature* (London, 1957).

⁶ R.Pattison, *The Child Figure in English Literature* (Georgia, 1978).

⁷ See, for example, C.Nardinelli, *Child Labour and the Industrial Revolution* (Indiana, 1990) .

⁸ K.Heasman, *Evangelicals in Action* (London, 1962); J.Morley, *Death, Heaven and the Victorians* (London, 1971); D.Rosman, *Evangelicals and Culture* (London, 1984); I.Strickland, *The Voices of Children, 1700-1914* (London, 1973); A.Toynbee (Ed.), *Man's Concern with Death* (London, 1968).

⁹ Quoted by P.Robertson, 'Home as a Nest: Middle Class Childhood in Nineteenth Century Europe' in L.de Mause (Ed.), *The History of Childhood* (London, 1976) p.421. See also, H.Hendrick, *Child Welfare* p.24.

The more neutral emphasis on '*tabula rasa*' was similarly revived by Robert Owen,¹⁰ New Lanark industrialist and social critic whose outlook on human development was strongly determinist.¹¹ Owen outlined the importance of environment to child development as follows:-

Much good or evil is taught or acquired by a child at a very early period of its life; much temper is correctly formed before he attains his second year; and many durable impressions are made at the termination of the first twelve, or even six months of his existence. The children, therefore, of the uninstructed and ill-instructed suffer material injury in the formation of their character during these and subsequent years of childhood and youth.¹²

Although these concepts about children were based on different ideologies, each stressed the importance of childhood in shaping adult advancement. This was similarly reflected in new Poor Law child care. The main objective of new Poor Law philosophy towards children was to equip them with the necessary skills for adult independence in order that they would be less likely to remain a future burden on the rates. Education was supported by both the Scottish and English Poor Laws as the best means of attaining this target. As will now be shown, however, the educational provision that was developed for pauper children in Scotland was more extensive in its application than that in England.

Under the 1834 Act English education was confined to workhouse children¹³, whom guardians were bound to instruct for a minimum of three hours daily in reading,

¹⁰ See, for example, G.D.H.Cole, *The Life of Robert Owen* (London, 1930) ; A.L.Morton, *The Life and Ideas of Robert Owen* (London, 1963); F.Podmore, *Robert Owen* (London, 1923).

¹¹ G.D.H.Cole (Ed.) R.Owen, *A New View of Society and Other Writings* (New York, 1963).

¹² Quoted by E.Lawrence, *The Origins and Growth of Modern Education* (London, 1970) p.232.

¹³ Key texts include, F.Duke, 'Pauper Education' in D.Fraser (Ed.), *The New Poor Law*; S.Oberman, *The Education of Children in Poor Law Institutions in England and Wales* (Unpublished PhD. Thesis, Queens University, Belfast, 1983); A.M.Ross, 'The Care and Education of Pauper Children in England and Wales, 1834-1896' (Unpublished PhD. Thesis, University of London, 1956).

writing, arithmetic, and 'other such instructions as are calculated to train them to habits of usefulness, industry, and virtue.'¹⁴ This emphasis on education and the development of schemes for implementing it was largely the work of Edwin Chadwick,¹⁵ J.P. Kay¹⁶ (later Kay-Shuttleworth) and Edward Carleton Tufnell, all supporters of the Benthamite utilitarian doctrine that social tensions could be effectively tackled through education. Throughout the 1830s the lack of elementary and religious knowledge among the juvenile population in Britain was much publicised, particularly by the various parliamentary inquiries into the conditions of juvenile employment. Although largely gathered for propaganda purposes, such reports aroused fears that large sections of the future generation were growing up to be ignorant and irreligious adults, thus posing a serious threat to future social stability. This prompted attempts at educational extension through the Church and voluntary sector,¹⁷ aimed at teaching children the basics of elementary and religious education in the hope that they would be more likely to confront their problems without moral collapse and social disorder in adulthood. Dr Kay supported state financed workhouse education on similar grounds and argued that it was 'one of the most important means of eradicating the germ of pauperism' and would therefore be 'the means of avoiding the ultimate dependence upon the ratepayers of the children.'¹⁸

¹⁴ Quoted by I.Pinchbeck and M.Hewitt, *Children in English Society* (Volume 2) pp.501-502.

¹⁵ S.E. Finer, *The Life and Times of Edwin Chadwick* (London, 1952).

¹⁶ F.Smith, *The Life and Work of Sir James Kay-Shuttleworth* (London, 1932).

¹⁷ See, for example, M.G. Jones, *The Charity School Movement* (Cambridge, 1964).

¹⁸ J.P.Kay, 'On the Establishment of Pauper Schools' *Journal of the Royal Statistical Society* 1 23 (1828). For an account of J.P. Kay's educational work in Norfolk, see A. Digby, *Pauper Palaces* (London, 1978) pp. 180-190.

The priority attached to educating workhouse children at a time when universal primary education was not compulsory was fiercely resisted in England. Many commentators argued that it gave pauper children an unfair advantage over children from independent families, and might encourage parents to become paupers in order that their children would benefit. Tufnell responded to such criticisms as follows:-

I know that it will be said that we should be giving the pauper children a better education than that of the independent labourer's child. While I allow and lament this truth, I wholly deny its force. Because the schooling of children outside the workhouses is neglected, is this a valid reason for equally neglecting those who are in it? According to this argument, not a single ray of moral or religious knowledge should be allowed to illumine the mind of a pauper child; he should be brought up a perfect brute; since it is certain that this is the lot of innumerable independent children. The object of the present mode of administering the Poor Laws is to check pauperism. To this end, nothing is more powerful than giving moral advantages to the children; we can thereby implant in them the seeds of industry and good conduct, and thus furnish them with the best safeguard against becoming future burdens on their parishes.¹⁹

In spite of this defence, criticisms prevailed. Writing in 1840, for example, Edward Twistleton, Poor Law inspector for east Norfolk noted local objections to pauper education in his area:-

Small farmers, and many of the gentry, have a decided repugnance to educating the poor... No statement of moral or distant advantages will have much effect, unless a good argument to the pocket can be maintained. The *expense* is the point on which everything will turn.²⁰

Both Kay and Tufnell were convinced of the need to develop separate schools for children outside the workhouses. Throughout the 1840s this was facilitated through legislation which allowed poor law unions to form district schools. Outside London, however, few of these schools were built. By 1860 there were only six, catering for

¹⁹ E.C.Tufnell, 'Report on the Education of Pauper Children' in *Report of the Poor Law Commission on the Continuance of the Poor Law Commission of 1840* Appendix B.No.1. p.75 (P.P. 1840 XVII).

²⁰ Quoted by A.Digby, *Pauper Palaces* p.189.

about one in every 13 indoor children.²¹ The district schools remained in theory the preferred official child care solution although outside official circles they were unpopular. Louisa Twining, for example, a prominent philanthropist and founder of the Workhouse Visiting Society in 1868, argued that the size of the schools made individual treatment impossible.²²

In Scotland the 1845 Act provided for a more comprehensive system of education. Under section 69 of the Act parishes were empowered 'to make provision for the education of poor children, who are themselves or whose parents are objects of parochial relief.' Unlike England, this enabled parents on the outdoor roll to claim towards the cost of their children's education. In 1858 the Board of Supervision reminded parochial boards of their obligation to honour this :-

There appears to us to be no question as to the moral obligation which lies upon all Parochial Boards to see to the education of all poor children...and the legal permission to expend their funds in such a case is so marked that it is a matter of great surprise to us that any Board would hesitate for a moment to pay school fees in addition to the alimentary allowances. It appears to us that there is not only a moral but a statutory duty incumbent upon Parochial Boards to make provision, and to take active steps, for the education of all poor children.²³

The Board further informed local authorities that failure to assist parents in the cost of their children's education would be used by them as a means of judging complaints for inadequate relief.²⁴ Similar assistance to children on the outdoor roll in England

²¹ F.Driver, *Power and Pauperism* (Cambridge, 1993) p.97.

²² L.Twining, 'Workhouse Education' *Transactions of the National Association for the Promotion of Social Science 1861* pp.31-318 See also F.Driver, *Power and Pauperism* p.97.

²³ *Poor Law Magazine* (Scotland) I (1858-59) p.201.

²⁴ *Ibid* p.203.

was actively discouraged by the English Poor Law Board throughout the 1840s.²⁵ The situation remained unchanged until 1855 when Boards of Guardians were empowered, but not compelled, under Denison's Act²⁶ to pay the school fees of outdoor children. In 1856, however, the Poor Law Board refused to admit that the inability to pay school fees was within the definition of destitution. Of the 200, 000 or more children on outdoor relief that year, only 3, 986 were at school.²⁷ English Guardians were not compelled to provide education to outdoor children until after the introduction of compulsory primary education in England in 1870 when an Act of 1873²⁸ made it a condition of outdoor relief that children between five and 13 years attended a public elementary school chosen by their parents.

Moreover, unlike England, there appears to have been little opposition to pauper education in Scotland. In 1870, for example, the following observation on the Scottish attitude appeared in the *Poor Law Magazine*:-

It is true, that in Scotland, generally, the money paid for educational purposes is looked upon as an investment; tending to the reduction of future pauperism, and that by these means the intellectual powers are developed, and Man is raised above the mere animal, and fitted to take his place in the general population, and occupy it intelligently, and with practical application to himself and benefit to his fellow men; and it is the practical application of this principle, and the good effects of early education which has raised the name of Scottishness to so prominently an eminence in the world's history.²⁹

²⁵ *Official Circular No. 31*, January 31, 1844 pp.178-179. As indicated by S.and B. Webb, *English Poor Law History* (Part 2) p.249.

²⁶ 18 & 19 Vict. c. 34.

²⁷ S.and B.Webb, *English Poor Law History* (Part 2) p.256.

²⁸ 36 & 37 Vict. c. 86.

²⁹ 'Education of Pauper Children in Scotland and England Contrasted' *Poor Law Magazine* 1875 V pp.160-161.

This lack of resistance to pauper education may be attributed to the ‘democratic intellect’³⁰ attitude towards education in Scotland, as evidenced by the attempts at various stages promoting juvenile education as beneficial to society. The origins of this ‘democratic intellect’ have been traced to an Act of 1496 requiring all barons and substantial freeholders to put their eldest sons to school from the age of eight or nine ‘until thai be competentie foundit and have perfit Latyne’³¹, which, although never enforced, has been dated as one of the first statutes imposing compulsory education. Moreover, the idea that education should be made available to children of all social classes in Scotland was an integral feature of the educational aims of a school in every parish outlined by John Knox and his Protestant Reformers. The Reformers considered the teaching of the basics of reading, writing and religion in childhood as essential for their spiritual welfare. Moreover, they stressed the importance of education as intrinsic to good government. In such terms the First Book of Discipline envisaged a system of juvenile education in Scotland whereby:-

The children of the poore must be supported and sustained of the charge of the Kirk, tryall being taken whether the spirit of docility be in them found or not. If they be found apt to learning and letters, then may they not (we meane neither the sonnes of the rich nor yet of the poore) be permitted to reject learning but must be charged to continue their studie, so that the Commonwealth may have some comfort by them. ³²

In 1616 it was decreed by the Scottish Privy Council that a school should be established in every parish, and this was ratified by Parliament in 1633. In 1646 a further Act for Founding Schools was passed. Similar educational proposals were

³⁰ G.E. Davie, *The Democratic Intellect: Scotland and Her Universities in the Nineteenth Century* (Edinburgh, 1964).

³¹ T.Thomson and C.Innes (Eds.) *The Acts of Parliament of Scotland, Volume 2* p.238 (12 Volumes, Edinburgh 1814-1875).

³² J.K.Cameron (Ed.) *The First Book of Discipline* (Edinburgh, 1972) p.132.

attempted in England, although they were never prescribed by statute. By the late seventeenth century, if not earlier, most parishes in lowland Scotland had at least one school, and throughout the eighteenth century considerable effort was directed towards the extension of educational provision in the Highlands.³³ The majority of these schools were subsidised by taxes whereas contemporary schools in England were dependent upon charitable donations. Moreover, in contrast to England, the universal availability of education in Scotland was further promoted under the old Scottish Poor Law, where kirk- sessions were permitted to provide money towards the school fees of pauper children.

Recent writers have qualified the accessibility of the parish education tradition in Scotland,³⁴ stressing its tendency to serve middle-class rather than poorer children. Nonetheless, although universal education may not have been widespread in practice, this does not weaken the idea that it was desirable in theory. The idea that pauper children were equally entitled to educational provision was thus well established before it was made a statutory condition of the 1845 Act, and this may explain the lack of any resistance to it similar to that which occurred in England.

The emphasis placed on education under the 1845 Act may also be attributed to the growth of contemporary social concern about children and to the increasing significance that was attached to education as a means of redress. Throughout the 1840s much attention focused on the low moral condition of children, particularly in the towns. This was prompted by the delinquent behaviour of the gangs of children

³³ See, for example, J.Scotland, *The History of Scottish Education* (London, 1969); D.J.Withrington, 'Schooling, Literacy and Society' in T.M.Devine and R.Mitchison (Eds.), *People and Society in Scotland Volume 1 1760-1830* (Edinburgh, 1988).

³⁴ R.D. Anderson, *Education and Opportunity in Victorian Scotland* (Oxford, 1983).

observed crowding in the streets. The existence of children on the streets was not new, but the problem grew with increased urbanisation in Scotland in the 1840s. The consequences were viewed at their worst by the existence of prevailing high rates of juvenile crime.³⁵ In 1844, for example, ten per cent of Dundee's prison population; seven per cent of Aberdeen's prison population; and five per cent of Glasgow's prison population were under fourteen years of age.³⁶ The usual starting point of juvenile criminals was taken to be between the ages of seven and ten years.³⁷ Many believed that juvenile delinquency and criminality were the direct result of contact with the pernicious urban environment. This prompted the development of philanthropic ventures aimed at diverting children from the temptations of crime and vice by providing them with religious and moral instruction; the basics of elementary education; and vocational training. Among the most prominent were the Ragged, Industrial and Reformatory Schools, pioneered for example by Lord Shaftesbury³⁸ in London; Mary Carpenter in Bristol³⁹; William Quarrier in Glasgow⁴⁰; the Reverend Thomas Guthrie in Edinburgh; and Sheriff Watson in Aberdeen.⁴¹ It seems likely that this contemporary concern about juvenile delinquency gave an added urgency to the

³⁵ See, for example, J. Tobias, *Crime and Industrial Society in the Nineteenth Century* (London, 1967); M.J. Weiner, *Reconstructing the Criminal 1830-1914* pp.131-141 (Cambridge, 1990).

³⁶ *Report of the Select Committee on Criminal and Destitute Children 1852-53* Appendix No.2 pp.432-439 (P.P 1852-53 674 XXIII).

³⁷ J.J.Tobias, *Crime and Industrial Society* p.47.

³⁸ G.B.A.M. Finlayson, *The Seventh Earl of Shaftesbury* (London, 1981).

³⁹ J.Manton, *Mary Carpenter and the Children of the Streets* (London, 1976).

⁴⁰ W.Gammie, *William Quarrier: A Romance of Faith* (London, 1905).

⁴¹ The work of Thomas Guthrie and Sheriff Watson has been less documented, although O.Checkland, *Philanthropy in Victorian Scotland: Social Welfare and the Voluntary Principle* (Edinburgh, 1980) chapter 15 provides some useful information. For Sheriff Watson, see also A.A.Cormack, *Poor Relief in Scotland* (Aberdeen, 1923).

necessity for universal educational provision under the new Poor Law in Scotland. Critics of the old Scottish system had similarly been concerned by the apparently delinquent behaviour of pauper children and Dr Alison had cited evidence of how readily pauper children lapsed into crime if improperly supervised.⁴² As with juvenile delinquents, it was felt necessary to regulate the environment of pauper children.

II

Parochial boards were further obliged under the 1845 Act to make arrangements for the upbringing of orphaned and deserted children who had no parents to support them. Since these children would spend a prolonged period, if not their entire childhood under parish care, they were potentially the ones who would benefit most from Poor Law training. Throughout the nineteenth and early twentieth century, the number of children who came under the long-term care of the Poor Law in Scotland remained below 10, 000 while those in England remained consistently above this figure. The 1845 Act did not specify the type of provision that parochial boards were to make, and most continued to favour the traditional practice, developed under the old apprenticeship system, of boarding-out long-term Poor Law children to foster parents who received them for a small allowance.⁴³ The exact origins of boarding-out are unclear. It does not appear to have been instigated by statute, but rather to have evolved as a feature of the traditional emphasis on community support.⁴⁴ In areas

⁴² W.P.Alison, *Remarks on the Report of Her Majesty's Commissioners' on the Poor Laws of Scotland* (Edinburgh, 1844) pp.55-61.

⁴³ J.Lindsay, *The Scottish Poor Law* cites evidence of cases of children being boarded-out under the old system in north-east Scotland, p.30.

⁴⁴ See, for example, W.Anderson, *Children Rescued from Pauperism* (Edinburgh, 1871); J.Skelton, *The Boarding-out of Pauper Children in Scotland* (Edinburgh, 1876).

where there were no institutions under the old law this system had been adopted for practical reasons. Yet it was often preferred even in areas where some form of institutional support did exist. In Glasgow for example, before the end of the eighteenth century, many of the children in the care of Glasgow Town's Hospital, the 'poorhouse' under the old system, were shown in the accounts as being on 'nursing wages', that is boarded-out. Between 1790 and 1830, the number dealt with in this way ranged between 105 and 1 072, the peak figure reached in 1820.⁴⁵ In such cases boarding-out was attractive because it was cheaper than institutional provision.

Nothing compelled parochial boards to board out children after 1845, but despite an increase in poorhouse provision as the new system was implemented, it remained the main method of child care. In 1868 the following description of the system appeared in the *Poor Law Magazine*:-

There is no central authority to enforce the practice. It is founded, not upon law, but has been brought about by the exercise of influence on the parochial boards, by the good-will of the parochial boards themselves, and by the perception in a series of years of its great advantages to the parish.⁴⁶

This practice of boarding-out long-term pauper children clearly distinguishes new Scottish Poor Law child care policy from that in England. Throughout the years of the new administration, only a minority of pauper children who came under the long-term care of the Scottish Poor Law were maintained in poorhouses while approximately eighty to ninety per cent were boarded-out. This contrasted sharply with England, where new Poor Law child care centred on various forms of institutional provision.

⁴⁵ T.Ferguson, *Children in Care - And After* (Oxford, 1966) p.46.

⁴⁶ 'Cottage homes for Poor Children' *Poor Law Magazine (Scotland)* II (1868-69) p.612.

After 1845 boarding-out remained attractive on practical and economic grounds, but it was increasingly supported for social reasons. The first indication of official central authority support for boarding-out under the new Poor Law was provided in 1852 when the Board of Supervision summoned a special inquiry into the practice. This followed as a result of the serious assault of two parish children who had been placed with a foster mother in Edinburgh.⁴⁷ After inquiry as to the working of the system in participating parishes, the Board did not find reasonable grounds for losing confidence in the system. While they conceded that 'individual cases of neglect or mismanagement may occur, and may for a time escape detection,' they nonetheless believed that 'in the vast majority of cases the children appear to be treated with kindness, and often with tenderness.'⁴⁸ The Board then outlined their full support to the system, which they believed offered pauper children the best protection against exposure to damaging influences, and so safeguarded public investment in their upbringing:-

The children become members of a family, with some feelings of the sacred character of its ties, its duties and responsibilities. They acquire the habits of thought and action of those with whom they associate, and cease to be a separate class. They are not placed in a position superior to that of the children of independent labourers, neither are they placed so much beneath that condition as to make it difficult to be attained; and the practical result appears to be, that they are speedily absorbed and lost sight of in the mass of the labouring population in which they have been brought up, to take their place naturally and as a matter of course side by side with the members of the family in which they have been reared.⁴⁹

⁴⁷ *Minutes of the Board of Supervision*, 4.2.1852 See also I.Levitt (ed) *Government and Social Conditions in Scotland 1845-1919* (Edinburgh, 1988) p.xxiv.

⁴⁸ *7th Annual Report of the Board of Supervision for Scotland, 1852* . Quoted in *Royal Commission on the Poor Laws and Relief of Distress (Scottish Evidence)* p.47 (P.P. 1910 Cd. 4978 VII). See also I.Levitt, *Government and Social Conditions in Scotland* p.xxiv.

⁴⁹ *ibid.*

Such 'laudable' benefits were clearly favoured over institutional support in poorhouses, which were viewed by the Board of Supervision and its successors as 'unsuitable' places for children. This aversion centred primarily on environmental considerations. As Sir John McNeil, Chairman of the Board commented in 1868:-

I would rather that no child were in any poorhouse. Every child that is brought up in a poorhouse is in heart a pauper. He has lived in an atmosphere of pauperism; he knows no other mode of life than that of pauperism; and on the first difficulty he encounters in the world he comes back to the poorhouse as the only home he knows. ... I want my pauper children to mix with a better class of children if I can manage it, to pick up their ideas from a better class of people. I do not want to intensify their pauper ideas by congregating them together.⁵⁰

Thus children reared in a poorhouse, it was believed, grew up so accustomed to an institutional mode of life that they were incapable of fending for themselves in adulthood, with severe repercussions for Poor Law investment in them. Such failings had been noted by certain parishes under the old system, as illustrated by the example of Paisley:-

...prior to 1848 our children were all brought up in the poorhouse; we found that had the worst possible effects, ...and their communications with paupers in the house had a very bad effect on them, so that we had bad accounts of them, and were very much troubled with them after they ceased to be chargeable and these evils were found to be so great that by way of experiment our Board determined to make a change, and to adopt the present system of boarding-out, and it has been done with the most excellent results.⁵¹

Concern about the exposure of children to adult pauperism in the poorhouse echoed contemporary concern about the grouping of children together with adults in prison, which many believed resulted in children leaving prison more corrupt than when they went in.⁵² As McNeil's comments further illustrate, however, the exchange

⁵⁰ *Report of the Select Committee on the Poor Law (Scotland) 1869* p.111 (P.P. 1868-69 IX)

⁵¹ *Ibid* p.308.

⁵² J.J.Tobias, *Crime and Industrial Society*.

of damaging example between the children themselves, when grouped together in a poorhouse, was believed to be equally injurious. This was founded on the idea that children could be classified according to their different stages of pauper 'development.' Thus older children, who had been longer exposed to the pauperising, and perhaps criminal lifestyle of their parents, or children who had spent a prolonged period of time in a poorhouse, were felt to provide a potentially harmful model for more impressionable younger ones. By contrast, the placing of children with independent foster families was preferable since it offered them an example for future self-sufficiency, and a surrogate family support network on which to call should they encounter difficulties in adult life. The system, which it was argued was discharged with 'kindness, judgement and success,' appeared to work with the most 'beneficial' results.⁵³ As William Anderson, chief reporter of the *Edinburgh Courant* commented in 1871:-

The author has done his best to discover faults in the plan as it is carried out by the Edinburgh City and St Cuthbert's Parochial Boards; and his answer to the question is the same as was given to him by an intelligent school-master who had taught boarded-out children during the last 20 years:- "I am not aware of any defect whatever, for it works entirely in favour of the children."⁵⁴

By boarding-out long-term Poor Law children, then, the idea of isolation from damaging example was extended to its full capacity. This was of particular relevance to urban parishes concerned about the effects of the damaging city environment on child development. In this respect, the boarding-out of urban pauper children to country areas seems to be symbolic of a conscious effort to promote the seemingly stabilising

⁵³ J.Skelton, *The Boarding-out of Pauper Children in Scotland* p.7.

⁵⁴ W.Anderson, *Children Rescued from Pauperism* (preface).

influences of country life as a means of mitigating the ostensible moral and physical 'decay' of the towns.

To some extent, such contrasts between urban and country living were noted also in the boarding areas. In the early years of the new administration local inhabitants often made fierce criticism of the consequences of an influx of 'pernicious' urban children in their rural vicinity. The following complaint from an Argyllshire inhabitant in 1869 is illustrative of this concern:-

Sir,
I requested Mr ____ of Auchindarroch to do what he could as an official to have some pauper children who are boarded in this neighbourhood removed...the respectable people about me complain very much about these children from Glasgow and Greenock...they say (and I quite believe them) that poor children in towns have ideas and language that country children know nothing about, and that associating with them at school spoils their children...The fresh air, I fancy is the only benefit the children get here, and surely that can be got for them in the parish they belong.⁵⁵

Such concern about the boarding-out of urban pauper children to rural areas surfaced at its most extreme on the island of Arran. During the mid-nineteenth century Arran was used as a popular area for the boarding-out of children from west coast urban areas. Arran was popular because it seemed to epitomise all the virtues of stabilising rural life:-

The larger parishes in the west of Scotland after many trials, resolved to board a proportion of their little dependants on the island of Arran. The reasons were numerous. It was healthy, and the fresh invigorating sea breeze was the best tonic to the debilitated frame of a poor child. A better class of persons with whom to board them could be found more easily than elsewhere practicable, religious training and secular education were plentiful and easily obtainable, and the island was easy of access for inspection and otherwise.⁵⁶

⁵⁵ Report by J.J.Henley on *The Boarding-Out of Pauper Children in Scotland* (P.P.1870 LVIII) p.31.

⁵⁶ 'Pauper Children Boarded in Arran' in *Poor Law Magazine* 1862-63 p.309-310.

The foster parents in Arran also seemed to offer the appropriate standard of 'care', the following 'typical' example being revealing in what this 'care' involved:-

A crofter and his wife, their adult son and daughter, four pauper children aged eleven and seven, two aged eleven and eight being brothers. The house consisted of two beds, and the inner room, with two beds. There was a horse, three cows and poultry. There was ample show of provisions in the house of all kinds- sacks of meal, oatmeal bread, peasemeal bread, eggs and butter, potatoes and hams hanging in the kitchen. The beds and general furniture good and substantial of their kind. In short there was all the appearance of a substantial and well stored house.⁵⁷

Yet while there was no doubt as to the perceived benefits to the children boarding in Arran, the advantages to the local population appeared less commendable:-

It is impossible to overlook, however, the questions which may arise from the importation of these pauper children into Arran- questions which those interested in the social prosperity of the island may possibly raise at no distant date, should the practice continue or the number of children be increased:-

(1) The effect of the forced introduction of unhealthy elements in the population, and the possible consequent propagation by intermarriage with natives of the island, of constitutional, or hereditary diseases, in the event of these children attaining suitable ages; becoming attached to the island, and people, and obtaining employment in it (as several have already done), thus becoming component parts of the population?

(2) The effect of such importation of pauper children, healthy or unhealthy, on the future liability of the parishes of Kilmary and Kilbride, in the event of these children subsequently acquiring a residential settlement, and at some future time again becoming burdens to the public?⁵⁸

Such concern about the future 'decline' of Arran provoked the Duke of Hamilton into ordering the summary removal from the island of the thirty or so children boarded-out there. Thereafter, Arran was never again used as a boarding area. This episode had raised important questions about the concentration of large numbers of pauper children in small localities, but it did not do any lasting damage to confidence in the system. By the late nineteenth century, as will be shown in greater detail in chapter five, boarding-

⁵⁷ *Ibid* p.312.

⁵⁸ *Ibid* p.314.

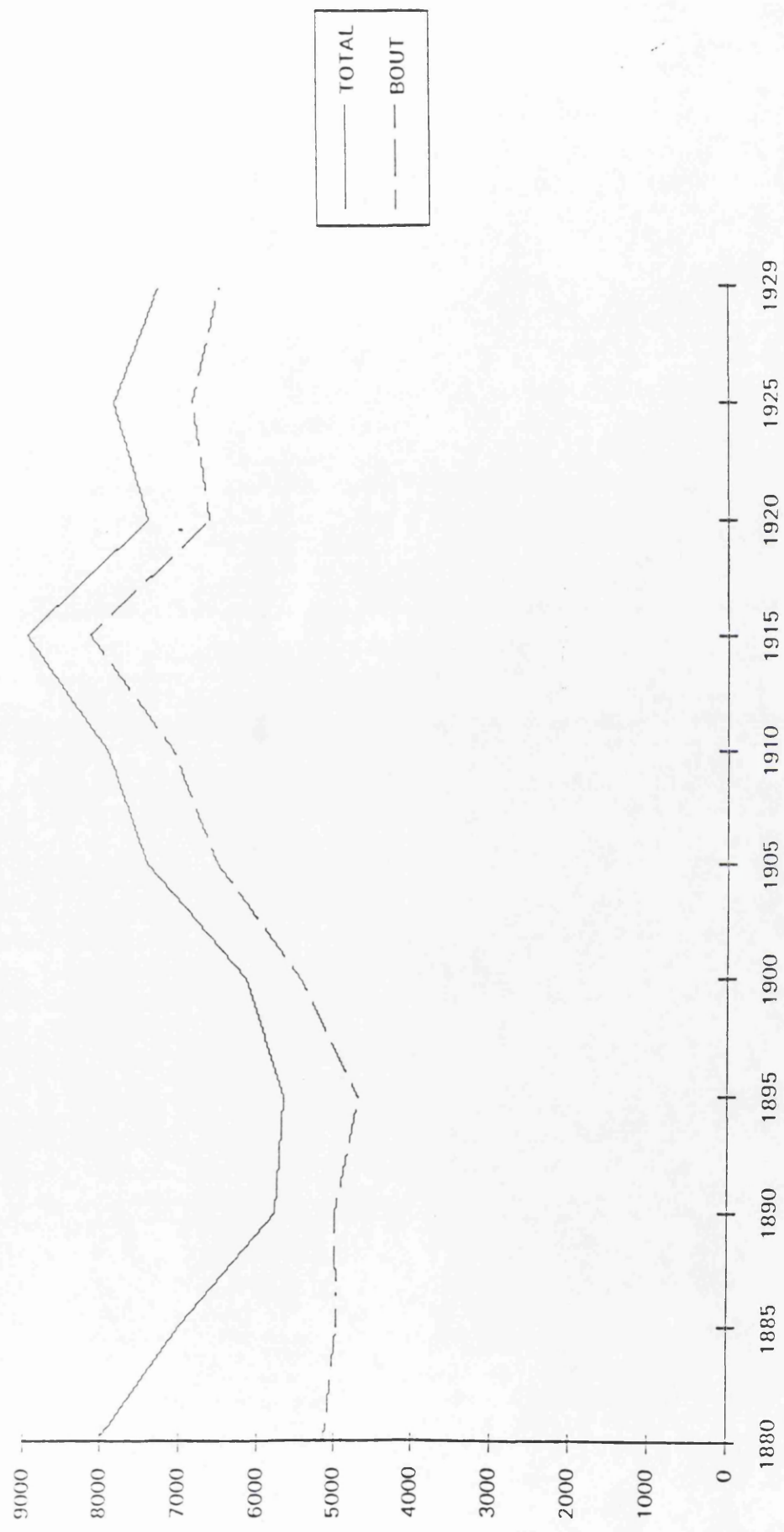
out had become a well-established feature of the Scottish Poor Law and was universally supported as the best method of parish child care. The numbers of children boarded-out from the late nineteenth century are illustrated by figure 1.

III

As demonstrated in this chapter, the child welfare provision developed by the new Poor Law in Scotland differed notably from that in England. While each country stressed the rehabilitation of pauper children through education and isolation from damaging example, Scottish policy appeared to be more 'enlightened' in its approach, characterised by universal access to education and the boarding-out of long-term Poor Law children to foster parents. This distinctive Scottish method has been attributed to the different relief tradition in Scotland, and the growing significance attached to environmental considerations in the mid-nineteenth century. Pauper education and the boarding-out of children had featured under the old system. The problems associated with juvenile delinquency in the 1840s, when the new system was implemented confirmed the validity of this provision.

In the boarding-out of long-term pauper children, the Board of Supervision was keen to promote a scheme which appeared to maximise the potential for future self-sufficiency, and which was cheaper than institutional provision. As will be shown in the following chapter, support for boarding-out as the most cost effective method of regulating the environment in which pauper children were reared led many parishes to extend its application to a greater number of pauper children. Moreover, as will be discussed in chapter five, the system was also influential in the development of late nineteenth century English Poor Law child care policy.

CHILDREN UNDER THE CARE OF THE SCOTTISH POOR LAW 1880-1929



SECTION TWO

INTERVENTION

CHAPTER THREE

DISCRETIONARY INTERVENTION

As shown in chapter two, parishes held greater control over the upbringing of children in their long-term care than over those who received relief with their parents. Yet a great number of children in the latter group were felt to be in particular need of Poor Law training and rehabilitation. This concern was founded on the view that pauper children often grew up ‘tainted’ through exposure to the profligacy of their parents.¹ Consequently it followed that they were likely to depend on poor relief as adults, and at worst, reproduce another generation of children on the rates. As this chapter will demonstrate, this led certain Scottish parishes in the mid-nineteenth century to go beyond the accepted principles of the law, and adopt an interventionist approach to the problem by separating from their parents certain children who might have been left with the parish and boarding them out. This response differed from that of the English Poor Law and is one of the most striking examples of the differences that emerged in the administration of child relief between the two countries. Moreover, as will also be shown, the Scottish intrusive policy predates the more well-known accounts of intervention in family life by voluntary societies, which occurred from the late-nineteenth century, and was epitomised by large-scale child emigration schemes.²

¹ See, for example, W.Chance, *Children Under the Poor Law* (London, 1897); F.Peeks, ‘Hereditary Pauperism and Pauper Education’ *Contemporary Review* 1877 XXXI pp.133-143.

² Key texts include, P.Bean and J.Melville, *Lost Children of the Empire* (London, 1989); J.Parr, *Labouring Children* (London, 1980); I.Pinchbeck and M.Hewitt, *Children in English Society*; G.Wagner, *Children of the Empire* (London, 1982).

I

The moral duty on parents to support their children was upheld under both common law and the Poor Law. Apart from this, there were no statutes relating specifically to the care of children. Parents could be held guilty of manslaughter if they endangered their child's life through lack of proper attention, but this was left to the individual judgement of the courts to define. In mid-nineteenth century Scotland, confining a daughter of weak intellect to a narrow room for a prolonged period without regard to her sanitary needs; failure to provide children with adequate food or clothing; or habitually exposing them to severe weather conditions, are examples of acts which were held to be criminal in the sheriff courts.³ Such behaviour was, however, difficult to identify and prosecute. Much neglect of children went undetected inside the home without witnesses and where cases came to trial they were difficult to prove since criminal law did not allow spouses to testify against each other. Such obstacles made it difficult to gather the full facts.

Parents held absolute rights of custody over their children. For legitimate children, the father's rights were paramount over the mother's. The courts would only intervene to deprive a father of custody in extreme cases, i.e. where he was blatantly profligate or adulterous, or where his treatment was so severe as to endanger the life of his children.⁴ The following example of such a case in Scotland, concerning Thomas Baillie of Polkemmet against Sir Stair Agnew was heard in 1775:-

Sir Stair Agnew was married to a daughter of Thomas Baillie of Polkemmet by whom he had several children. His wife having died, and Sir Stair having

³ See for example, T.Trotter, *The Law as to Children and Young Persons (Scotland)* pp.23-25 (Edinburgh, 1928).

⁴ For an introduction to English Law on this subject see, for example, P.Thane 'Childhood in History' in M.King (Ed.) *Childhood, Welfare and Justice* (London, 1981).

contracted unusual habits of drinking, in which he proceeded to high acts of ferocity and maltreatment and terror to his children, so that, in their grandfather's apprehension, they were in danger of their lives; the grandfather, March 1775 applied by summary petition to the court, setting forth the facts and praying the Lords to give such directions for putting the children in a place of safety as they should see proper.⁵

The children were then removed to the care of their grandfather while the allegations against their father were investigated. Sir Stair, in a counter-petition, 'denied the facts, and complained loudly of the affront and injury which had been done him, and demanded back his children.'⁶ The final judgement went against him however, and the children were placed in boarding- school care.

Such cases were exceptional, and in all other respects, the upbringing of children was left entirely to parental discretion. This emphasis on the 'sanctity' of family privacy and parental domination was widely upheld by the governing classes. Even 'enlightened' social reformers like Lord Shaftesbury, who campaigned relentlessly against the economic exploitation of children, believed that any weakening of parental responsibility would undermine the stability of society.⁷

Under the Poor Law also, as discussed in chapter one, the onus was very much on the parent to support the child. Parents could receive poor relief on behalf of their children until the child was *foris familiated*. As mentioned earlier, forisfamiliation was broadly defined as occurring when children ceased to be dependent on their parents for support. Those concerned about the treatment of certain pauper parents towards their children thus faced a dilemma. While the onus was on the Poor Law to enforce

⁵ Thomas Baillie of Polkemmet against Sir Stair Agnew, July 4 1775 in M.P.Brown, *Supplement to the Dictionary of Decisions* V p.526 (Edinburgh, 1823) .

⁶ *Ibid.*

⁷ I.Pinchbeck and M.Hewitt, *Children in English Society* p.357.

parental obligation, many officials were no less concerned about the long-term financial consequences of parental neglect. Yet they had no powers to withhold a child in Poor Law care against the wishes of the parent. In Scotland a legal judgement in 1852 had ruled that the Poor Law could not 'violently sever domestic relations.'⁸ and there was always the risk that such a policy might encourage more parents to evade their responsibilities. As Florence Davenport-Hill commented in 1868:-

The expediency of taking children who are evilly treated by reckless or vicious parents under State Guardianship is open at least to grave doubt. It would free the self-indulgent at the cost of the self-controlled, and worst still, would put a premium on their ill-treatment.⁹

The English response was a Poor Law Amendment Act of 1868 which allowed guardians powers to prosecute parents who failed to provide adequate food, clothing and lodging for their children. This Act has been viewed primarily as an attempt to reduce Poor Law expenditure by pressuring parents who seemed too reliant on relief.¹⁰ The number of resulting prosecutions were few and it seems that these powers were seldom used by economically minded guardians.

In Scotland also the issues concerning the neglect of certain Poor Law children by their parents began to come under closer scrutiny in the late 1860s. In their evidence to the *Select Committee on the Poor Law (Scotland)* published in 1870, many Poor Law officials expressed concern about the 'neglect' of certain pauper parents towards their children. The definition of 'neglect' was based very much on moral failings such as the

⁸ *Barbour v Adamson* 30 May 1853 *Macqu.* 376. 25th *Jurist* 419. Quoted by I. Levitt, *Poverty and Welfare in Scotland* p.30.

⁹ F.D. Hill, *Children of the State* (London, 1869 2nd Edition, 1889) p.222.

¹⁰ See, for example, J. Eekelaar and R. Dingwall, *The Reform of Child Care Law: A Practical Guide to the Children Act 1989* (London, 1990); N. Parton, *The Politics of Child Abuse* (London, 1985).

drunkenness of the parent, or their 'squandering' of relief payments, which seemed to endanger the 'proper' moral development of their children. Illegitimate children were felt to be in particular 'danger.' As W.A. Peterkin, Visiting Officer to the Board of Supervision revealed, certain parishes at times responded to this 'problem' by removing the child from the 'damaging' example of the parent:-

If a parochial board think it desirable for a child to be separated from a parent (we will suppose the mother to be of dissolute habits), the parochial board may take the child into the poorhouse and relieve the mother of it. Probably the mother is able to support herself. There are very few cases of this kind, but there is a power, I believe, which the parochial boards exercise sometimes, of taking charge of the children of dissolute parents and looking after them.¹¹

It thus appears that the strict ruling of the law in regard to the 'severing of domestic relations' was not always applied in practice. This practical response to an apparently rigid legal interpretation of the law is a crucial factor in assessing parish child care policy. Peterkin stressed that such a policy was pursued 'with the permission of the parent; they cannot do it otherwise.' Children separated in such a fashion were then usually boarded-out. Despite the emphasis on family support under the new Poor Law then, what seemed to matter was the quality of family life. As the secretary and solicitor for Dundee parochial board commented in 1868:-

We have had cases in which, owing to misconduct on the mother's part by squandering the out-relief, and not supporting the children properly, we have endeavoured to take the children from her, and send them to the country; we have done that in several cases, but that is only an exceptional thing.¹²

The Inspector of Poor for Paisley outlined similar practice in his parish:-

We keep such cases in the poorhouse until we despair of the mother doing any good in the way of supporting herself and the child; when once we are satisfied

¹¹ *Report from the Select Committee on the Poor Law (Scotland) 1868* p.318 (P.P. 1868-1869 IX).

¹² *Report from the Select Committee on the Poor Law (Scotland) 1868* p.130 (P.P. 1868-1869 IX).

that it is hopeless, we then ask the permission of the mother for her children to be sent out in the country, she herself remaining in the house.¹³

As already stressed, nothing in the 1845 Act or subsequent legislation directed parishes to proceed in such a fashion. Nonetheless, since those which pursued such a policy acted with parental consent, they did not feel they were acting illegally. Paisley's Inspector commented that there was usually 'no difficulty whatsoever'¹⁴ in obtaining parental consent for boarding-out separated children. Dundee's secretary defended his board's actions as 'an exercise of mercy to the children.'¹⁵ Mr D. Kemp, Governor of Edinburgh City Poorhouse echoed this sentiment:-

When a woman is found not to be well doing, it becomes a sort of choice of evils between the taking of the child and allowing the child to remain. The child is taken to try and save the child, and the mother left to her own courses.¹⁶

This intervention in pauper parent-child relations is one of the most striking examples of how the parochial system encouraged discretionary policy making at local level. The advantages of such an approach appeared universal. Not only did it enable the 'benefits' of boarding-out to be extended to a greater number of children, but it was the ultimate weapon with which to threaten erring parents. Moreover, as Davenport-Hill's comments implied earlier, there was always the risk that 'neglected' children could be deserted by their parents and so end up in parish care anyway. In this respect, the parish response of separating 'at risk' children before they were deserted could be justified in the long-term interest of the child. Nonetheless parochial boards which separated parent and child were aware of the limitations of their intervention.

¹³ *Ibid* p.308.

¹⁴ *Ibid* p.308.

¹⁵ *Ibid* p.130.

¹⁶ *Ibid* p.198.

Should parents reclaim their separated children, the parochial boards were powerless to refuse. The Governor of Edinburgh City Poorhouse commented on the disruptive effect this had on the child:-

I may mention that _____, a woman who had been imprisoned for stealing clothes, and who came back drunk, is, I think, the mother of five illegitimate children. She is a grandmother, her daughter having an illegitimate child, but her daughter and grandchild are not in the house. Her father is in the house, she has a sister in the house with an illegitimate child, and that woman has been coming and going to my knowledge for 13 years.

We have brought up several of her children, and her interference has just been the ruin of those children. As it unfortunately happens, the mothers of these children stop our actions. They take them from the board, bring them into town, and interfere with us in a great variety of ways, and the child is properly destroyed.... We have to yield to that demand with very great sorrow many times.¹⁷

Such waste of parish investment in children, he believed, could be prevented should parochial boards have the power to refuse to return separated children:-

I should very much like to see this state of things brought about, that when a parochial board had, in the exercise of their best judgement, sent a child to the country, the mother or parent of that child, having once consented to that, should not have the power to take it away, unless it was a clear understanding that she could do better for the child than the board was doing.¹⁸

No definite statistics exist as to the numbers of children separated from their parents in the early years of the new Poor Law. From 1863 parochial boards were compelled to keep a Children's Separate Register noting information about the children under their care.¹⁹ These Registers were to include information regarding orphaned and deserted children as well as those 'who may, by order of the parochial board, or a committee thereof, be separated from or placed elsewhere than with the

¹⁷ *Ibid* p.198.

¹⁸ *Ibid* p.198.

¹⁹ *20th Annual Report of the Board of Supervision for Scotland, 1865 Appendix A. p.372.*

child's parents or one of them.'²⁰ Given that only a few of these early Register's have survived, however, it is impossible to estimate the number of children who were separated from 'dissolute' parents in the early years of the new administration. Examination of those Register's which have survived suggest that the practice was mainly a feature in urban parishes. This was not however always confined to the main cities, and it appears that certain smaller towns were also separating and boarding-out separated children in the 1860s.²¹

No official returns of separated children were recorded until the late-nineteenth century. Nonetheless, other sources provide some insight into the numbers involved before this date. In 1869, for example, J.J. Henley, who was appointed by the English Poor Law Board to enquire into the boarding-out system in Scotland estimated that there were around 1000 boarded-out children who were separated from their parents, the circumstances of whom he described as follows:-

The parochial authorities, in some cases, undertake the responsibility and care of children in order to remove them from profligate parents or evil associations. Their parents may be inmates of the poorhouse, or maintaining themselves, in either case the children are removed (with their consent) and boarded out far away from evil influences so as to have an opportunity for starting a new life. Illegitimate children who come into the poorhouse with the mother are sometimes when there is more than one child, separated from her by her own consent, and boarded out.

It is open to argument whether it is politic to separate children from parents, to enable profligate persons to pursue a career of vice unburdened by their offspring, which are maintained by the harder working portion of the community. Of the advantage to the children there can be no question.²²

²⁰ *Ibid* See also Appendix No. I of thesis.

²¹ An example of this is provided in Appendix No.2 of thesis, relating to the parish of Forfar.

²² *Report by J.J.Henley on the Boarding-out of Pauper Children in Scotland, 1869* P.P.1870 (176) LVIII.71.

In 1873, Sir John Skelton, who took over from McNeil as Chairman to the Board of Supervision, estimated that there were about 495 such children under the care of parochial boards in Edinburgh:-

Various reasons are assigned by parochial boards for separating these children from their legal guardians, the most common being that in which the surviving parent, usually the mother, is held to be unfit from mental or physical weakness, or from intemperate or profligate habits, to have the custody of her children.²³

Although the 1845 Act did not direct parochial boards to act in this way, a precedent for the powers of separation that certain boards assumed can be traced to the sixteenth century and the Act of 1574 'Anent the Punishment of Strong and Idle Beggars and Provision for the Sustenance of the Poor and Impotent', which served as the basis for the 1845 Act. This Act established a system of repressing mendicancy whereby beggar children could be removed from the care of their parents to 'respectable' people who would train them for an independent adulthood.²⁴ The period of indenture was to last until the age of 22 for females and 24 for males:-

And Gif any beggars bairne being about the age of five years and within fourteen, male or female, sall be liked by any subjects of the Realme of onest estate, the said person sall have the bairn, be the ordour and direction of the said Provosts and Baillies within the Burgh, or be the judge of every Parochin to landwaire, gif he be a male child to the age of 24 years, and gif she be a female child to the age of 22 years.²⁵

Between 1574 and 1845 other statutes followed which provided further for the removal of children from beggars and other seemingly dissolute parents.²⁶ There is no

²³ J.Skelton, *The Boarding-out of Pauper Children in Scotland* (Edinburgh, 1871) p.25.

²⁴ See, for example, R.Cage, *The Scottish Poor Law 1745-1845* p.4.; J.Lindsay, *The Scottish Poor Law* p.13.

²⁵ Quoted by J.R.Motion, 'Children and the Poor Law', *Poor Law Magazine* (Scotland) XXIV (1914)p.142.

²⁶ T.Ferguson, *The Dawn of Scottish Social Welfare* p.287.

evidence to suggest that these statutes were ever enforced to any great extent, if at all. Nonetheless, they did provide new parochial boards with a precedent for intervention in pauper parent-child relations. The justification for such powers remained unchanged, and they were defended in the interests of both the children and society.

The interventionist approach that certain parishes adopted may also be linked to contemporary social concern about juvenile delinquency and to state efforts at quashing it. As with pauper children, the problems associated with damaging parental example were similarly noted by many of those working in the voluntary sector with juvenile criminals. Mary Carpenter, a prominent Ragged School campaigner, commented on this factor as follows:-

The great mass of juvenile delinquency is to be mainly attributed to the low moral condition of the parents, and to their culpable neglect of the early training of their children, or their incapacity to direct it. ²⁷

Without proper guidance, as the Reverend Thomas Guthrie of Edinburgh commented in 1852, these children had often no alternative but to fend for themselves, with disastrous social consequences:-

There is a great and increasing number of miserable little outcasts of both sexes, who, out of necessity, live partly by begging and partly by stealing. These houseless children of want are growing up in ignorance, misery and vice. Moral restraint, even in its weakest form, is entirely unknown and unfelt by them; their associations, and the influences they are under, comprehend all that is brutalising and worthless, they are neglected by those who should be their natural protectors, and crime, instead of being shunned, becomes with them a necessity and a habit. ²⁸

Guthrie's fears were further fuelled by reports of parents teaching their children to steal. Such observations questioned the extent to which juvenile criminals could be

²⁷ M.Carpenter, *Juvenile Delinquents: Their Condition and Treatment* (London, 1853) pp.155-156.

²⁸ *Report of the Select Committee on Criminal and Destitute Children 1852-1853*, Appendix No.2 p.433. (P.P 1852-1853.(674) XXIII).

held responsible for their actions, and prompted a revaluation of the ancient principle of *doli capax*.²⁹

Initially, as shown in chapter two, the voluntary sector organisations established on behalf of delinquent children aimed to address the problem by reforming the children within their family environment. Most of the street children ventures operated on a daily rather than a residential basis, the aim being that children would return to their homes at night and pass on to other family members what they had learned. This emphasis on family unity was a prominent feature of evangelical philanthropy,³⁰ and was aimed at reforming both parent and child. In Aberdeen, for example, Sheriff Watson published evidence that many parents had been greatly improved by the influence of their children who were in attendance at the city's Ragged Schools.³¹

The nature of the voluntary organisations changed once the problem of juvenile delinquency began to be addressed by the state. The apparent need to protect society from potential juvenile criminals resulted in their being incorporated into the penal system, and state intervention gave rise to residential provision. The first Industrial Schools Act,³² passed in 1854, applied exclusively to Scotland and aimed at preventing crime before it was committed. This empowered Scottish sheriffs to commit up to 15 vagrant children under 14 years of age, although not charged with any offence, to an Industrial School. Committal was not to be ordered if the parents, if the

²⁹ M.May, 'Innocence and Experience' *Victorian Studies* XCIII (1973) p.23.

³⁰ See, for example, K.Heasman, *Evangelicals in Action* (London, 1962); D.Rosman, *Evangelicals and Culture* (London, 1984).

³¹ Quoted in O.Checkland, *Philanthropy in Victorian Scotland* p.246.

³² 17 & 18 Vict. c. 48.

child had any, gave assurance for the improved behaviour of the child. Once children were committed, parents were bound to contribute towards their maintenance costs. Registered paupers were entitled to have these costs met by the parochial boards.

Three years later in 1857,³³ a similar Industrial Schools Act was passed in England, the crucial difference being that English Poor Law boards were not liable to meet costs where the parents were paupers. In 1866³⁴ Scottish and English legislation concerning these Schools was consolidated, although the obligation on English Poor Law authorities was still not enforced. The 1866 Act widened the definition of children who could be committed to include orphans and children whose parents were in prison and set the precedent for future Acts on the subject.

Reformatories similarly gained statutory recognition as appropriate institutions for juvenile offenders. The first Reformatory Schools Act, passed in 1854,³⁵ applied to both England and Scotland. Under this Act, power was vested in the Courts convicting a juvenile under 16 years to sentence the child to detention in a Reformatory for not less than two years, and not more than five years, in addition to imprisonment in gaol for not less than 14 days. The following year this Act was amended in minor details, and later by a consolidating Act of 1866.³⁶ As with the Industrial Schools, this laid the basis for future Acts.

It seems credible that the early Industrial and Ragged Schools Acts provided parochial boards with a contemporary precedent to intervene in pauper parent-child

³³ 20 & 21 Vict. c. 48.

³⁴ 25 & 26 Vict. c. 10

³⁵ 17 & 18 Vict. c. 86.

³⁶ 29 & 30 Vict. c. 117.

relations. In Scotland, unlike England, these Acts allowed the Poor Law to finance the care of delinquent children. In this respect, it may be argued that certain Scottish parishes separating children were extending this principal to finance the care of children of 'unfit' parents. As separating juvenile delinquents from their parents aimed at reducing future adult crime, separating pauper children could be similarly justified in the interests of reducing future adult pauperism.

Throughout the mid-nineteenth century it thus appears that certain parishes had adopted a discretionary practice, loosely based on past as well as contemporary precedent, of separating children from 'dissolute' parents and boarding them out. This practice was adopted only in 'extreme' cases, and parochial boards were aware of its limitations. Separation could only be enacted with parental consent, and should the parent reclaim their child, the parish had no power to refuse. Such restrictions concerning this practice were upheld by the Board of Supervision. In 1871, for example, when the Inspector of Poor to Linlithgow parochial board requested advice on separating the illegitimate children of a 'worthless' mother, he was informed that:-

... a parochial board cannot legally separate children from their mother without the mother's consent, unless they obtain the Sheriff's authority- which would only be given in extreme cases.³⁷

During the late-nineteenth century, the problems concerning children of 'unfit' parents again came under scrutiny. As greater effort was directed towards making relief more 'test' orientated, many parochial boards grew concerned about the welfare of children whose parents refused to accept the offer of indoor relief. A notable example of this concern is that of Kirkcowan parish. In 1877 the Inspector of Poor of

³⁷ *Minutes of the Board of Supervision 30 March 1871* Quoted by I.Levitt, *Poverty and Welfare in Scotland* p.30.

Kirkcowan Parochial Board, Wigtownshire, wrote to the Board of Supervision concerning the case of a woman with four children, whose settlement was in Mochrum, whom he had found 'sleeping out in the fields at night.' He placed them in lodgings with an aliment of 5s weekly, and 2s weekly to cover their accommodation. He then contacted the Inspector of Mochrum, who visited her and offered her and the children relief in the poorhouse, which she declined. The Kirkcowan Inspector was concerned about his legal obligation towards the children :-

If I stop at out-door relief, she and her children are at once cast out of doors to again sleep in the fields; and the Fiscal informs me that should anything befall her or her children through exposure, I would be held responsible in the eye of the law, and would be subject to prosecution.³⁸

The Board found 'difficulty in giving advice in this case, in consequence of their being no statutory power in regard to such a matter.' Nonetheless, they issued the following recommendations:-

1st. The parish of Mochrum having offered to take the pauper, and afford relief to her and her dependent children in the poorhouse, that parish will be freed from liability for any aliment afforded by Kirkcowan. Any advances, therefore, made by Kirkcowan to the pauper cannot be recovered from Mochrum, unless the pauper should become incapable of removal.

2nd. The Board, without professing to state what may be the law upon the subject, must express their opinion that the Inspector, having offered relief in the poorhouse to the pauper, incurs no criminal responsibility if she perversely refuses to accept the legal relief to the poorhouse offered to her, and chooses to go out and lie in the fields.

3rd. As regards the children, the advice which the Board gives the Inspector is, to endeavour to get them away from their mother, and carry them to the poorhouse, if he can do so quietly and peaceably.

4th. If this cannot be done, the Board would recommend the Inspector to apply to the Sheriff by petition for a warrant to take them to the poorhouse, on the grounds that their lives were endangered by being left with their mother in the fields. There can be no doubt of the authority of the Supreme Court to grant such a warrant; but the Board are unwilling to recommend such an application which would be somewhat expensive. They think that in the circumstances the

³⁸ Letters and Minutes Concerning the Case of Mary Kelly and Four Children in *32nd Annual Report of the Board of Supervision for Scotland, 1876-1877*, Appendix A, No.4 p.12 (P.P.1877 C.1884).

Sheriff would in such an emergency grant such a warrant, and they think that such a petition ought to be presented to the Sheriff.³⁹

This example is again illustrative of the limited powers that parochial boards held in intervening in family relations. Nonetheless, a few years later when a Dalbeattie Inspector sought advice from the Board of Supervision, he was informed that where a parent had accepted the offer of indoor relief, the welfare of their children was a matter for local 'discretion':-

Board of Supervision, Edinburgh, 19 December, 1883.
Mr Grierson, Inspector of Poor, Kirkpatrick-Durham, Dalbeattie.

Sir- I have to acknowledge the receipt of your letter, dated... The House Committee are entitled to board out the children of any person who enters the Poorhouse. This is a matter entirely within their discretion. Of course if the mother refuses to accept Parochial Relief on these conditions, she may leave the Poorhouse with her children. I am & (signed)

John Skelton,
Secretary.⁴⁰

It thus appears that the Board, while unwilling to comment on cases where parents refused the offer of indoor relief, were willing to support separation when the offer was accepted.

Another related effect of the increased use of the poorhouse as a 'test' was the corresponding rise in the number of children being exposed to the potentially damaging poorhouse environment. Among the first to respond to this problem was Glasgow's Barony parish which in 1884 developed a scheme of boarding-out

³⁹ *Ibid.* p.13.

⁴⁰ Letter to Kirkpatrick-Durham Parochial Board 19th December 1883 in *Departmental Committee on Habitual Offenders, Vagrants, Beggars and Juvenile Delinquents, 1894* Appendix XXXV p.573. (P.P.1895 C.7763).

increased numbers of children from the poorhouse.⁴¹ Barony was concerned about the high numbers of children being admitted to the poorhouse with their parents. By the end of 1882 for example, over three quarters of the children admitted to Barnhill Poorhouse were admitted with their parents, imposing a severe pressure on accommodation.⁴² A great number of these children were illegitimate and boarding them out thus appeared attractive for both social and practical reasons. Some objections were raised to the scheme by the parochial board's members on the grounds that immorality and illegitimacy would increase once parents were relieved of their 'natural' duty to provide for their children. Supporters provided an equally valid counter-attack and argued that certain parents had a better chance of becoming self-supporting once relieved of the 'burden' of bringing up their children. The scheme thus appeared to be in the interests of the children, the parents, and so the whole parish.

Barony sought advice from Malcolm McNeil, a central inspector Visiting Officer, who informed them, 'without pledging the Board', that a mother who accepted poorhouse relief with her children was:-

...not entitled to prescribe to the Board how their duty to her children is to be performed, and thus, if they think it best for the children, the Board are at liberty to maintain them elsewhere than under the roof which sheltered her.⁴³

Between November 1884 and May 1893, as illustrated by Table 1, Barony's scheme was applied to 270 poorhouse families, and involved the separation and boarding-out of 488 children. Barony defended the benefits by reporting that as a result, 224 (83%)

⁴¹ *Barony Parish Council Children's Committee Minutes 14 May, 1894* p.101. See also, I.Levitt, *Poverty and Welfare in Scotland* p.32.

⁴² I.Levitt, *Poverty and Welfare in Scotland* p.31.

⁴³ *Letter dated 29.8.84. Barony Parochial Board Children's Committee Minutes, 22.September, 1884. S.R.A. DCH 2 5 (5)p.97.* See also, I.Levitt, *Poverty and Welfare in Scotland* p.32.

of the parents had ceased to be chargeable. Barony commented on such success rates as follows:-

The question of dealing with children of improvident and vicious parents has, and always will be, a difficult problem to solve; but these figures must even to the most doubtful show what can be done by Parochial Boards, and if other Boards would largely enter into the system of separation with judicious selection, hereditary pauperism might, if not altogether wiped out, be reduced to a minimum.⁴⁴

Table 1: Results of Barony ‘separation cases’ between November, 1884 to May, 1893, involving 270 parents and 488 children.

Circumstances of parents prior to scheme	
In poorhouse	191
On outdoor roll	41
In Woodilee Asylum (insane)	12
On outdoor roll, lost control of children	26
Total	270
Of the above, 73 were illegitimate children of:-	
Deserted wives	6
Widows	12
Single women	55
Total	73
Results of scheme	
Still chargeable on grounds of ill-health	12
Ceased to be chargeable	224
Returning to roll at regular intervals	34
Total	270

Source: Barony Parochial Board Minutes, 14 May, 1889. S.R.A. DCH 2 4 (5) p.101

What distinguished Barony’s separation policy from that which had been adopted by a few parishes in the mid-nineteenth century, was in its refusal to return separated children to their parents. The whereabouts of the children separated children by Barony and boarded-out were not disclosed to their parents and parents who wanted their

⁴⁴ *Barony Parochial Board Children’s Committee Minutes, 14 May, 1894, p.101* S.R.A.DCH 2 5 (6) p.101.

children back had to demonstrate that they were 'fit' to regain custody. In 1885 the Board of Supervision clarified the legal standing of the parish to act in this way:-

If, as would appear ...the invariable practice ...is to refuse access to boarded-out children to the parents and other near relatives...the Board cannot approve of such a practice as an absolute rule without exceptions, and they are of the opinion that it is not justified by the Law.

The question whether the children should be kept altogether apart from their parents and relatives rests in the first instance, with the Parochial Board. Each case should be considered by them on its own merits, and the Board have no doubt in disposing of such cases the Parochial Board will exercise a wise and humane discretion.⁴⁵

Although the Board recognised that Barony had no definite rights to separate and keep children apart from their parents, it no less conceded that the return of such children to their parents was a matter for Barony's 'discretion.' This judgement marks an important shift in their earlier attitude to separation, and illustrates a greater willingness on their part to support the policy of separation in practice, if not in law. Barony appear to have interpreted the Board's advice as legitimising their actions, and they continued to refuse certain parents access to their separated children. In 1889, for example, on consideration of a mother's request to claim her daughter who was boarded-out by Barony, the Children's Committee 'unanimously agreed to refuse the same in respect of the mother's general character, and her inability to support the girl.'⁴⁶

From the late-nineteenth century, as illustrated by Table 2, the number of separated children steadily grew. This increased the number of children under the care of the Poor Law in Scotland, and by the early twentieth century, separated children formed the largest group. As with educational provision, however, the long-term benefits

⁴⁵ *Board of Supervision for Scotland Minutes 20.May, 1885 S.R..O. HH 23.30.*

⁴⁶ *Barony Parish Council Children's Committee Minutes 14.5.1889 S.R.A. DCH 2 4 (5) p.101.*

appeared to justify the immediate financial costs. As one commentator remarked in 1903:-

A wise administration of the poor law insists upon the refusal of outdoor relief to the mothers of illegitimate children, and persons of immoral or dissipated habits, and the best, and only, way in which the welfare of their children can be safeguarded is by removing them altogether from the evil influences that surround them.⁴⁷

Table 2: Pauper Children Chargeable at 15 May, 1890-1905

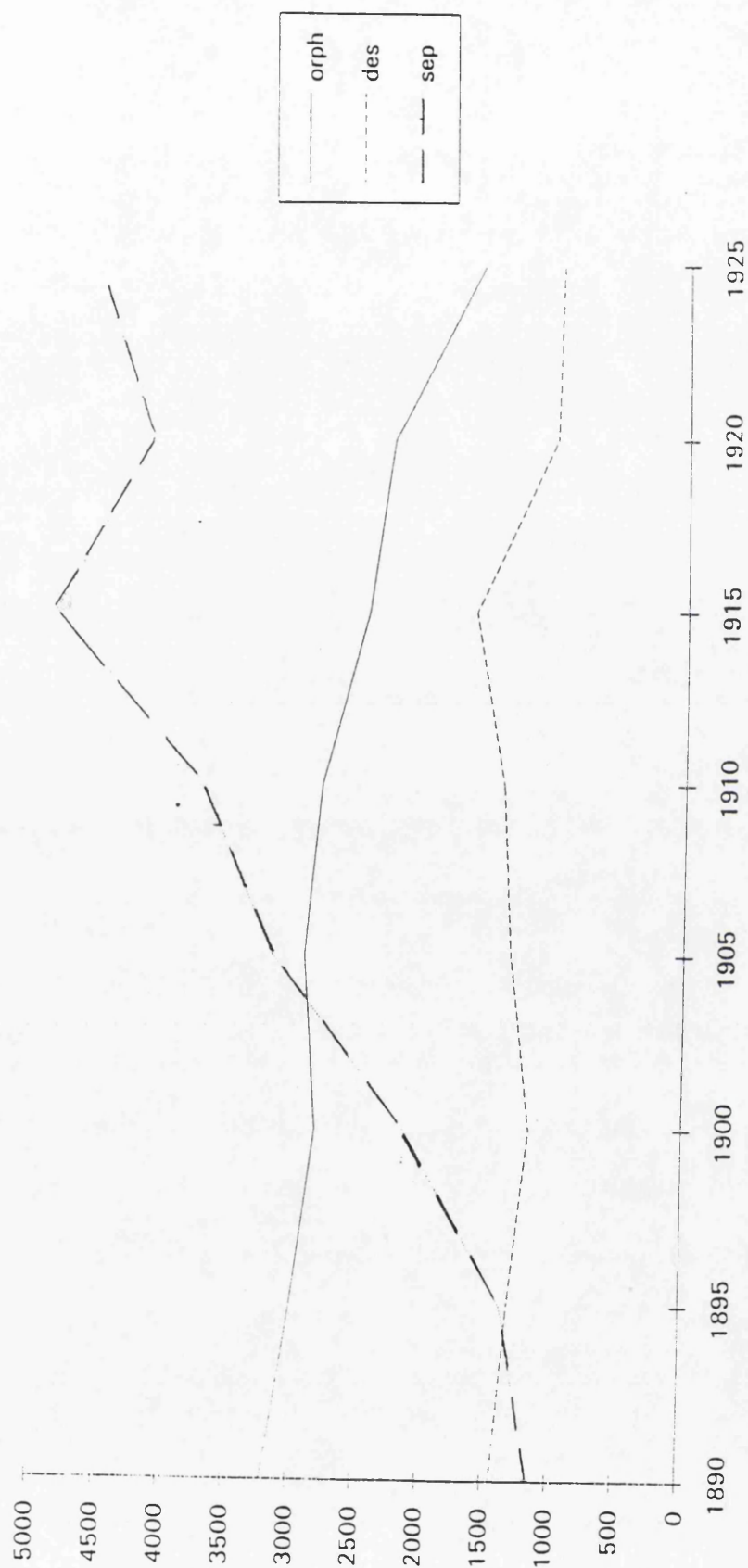
Year	Orphan	% Orphan	Deserted	% Deserted	Separated	% Separated	Total
1890	3201	55	1435	25	1145	20	5781
1891	3165	56	1316	23	1190	21	5671
1892	2906	53	1400	26	1159	21	5465
1893	2940	53	1417	26	1188	21	5545
1894	2948	53	1364	24	1296	23	5608
1895	2994	53	1322	23	1357	24	5673
1896	2807	50	1289	23	1534	27	5630
1897	2857	49	1310	22	1695	29	5862
1898	2861	49	1231	21	1708	30	5800
1899	2867	48	1213	20	1844	32	5924
1900	2819	46	1175	19	2149	35	6143
1901	2838	45	1205	19	2325	36	6368
1902	2805	42	1253	19	2635	39	6693
1903	2891	41	1299	18	2920	41	7110
1904	2954	40	1280	17	3199	43	7433
1905	2919	39	1331	18	3170	43	7420

Source: Annual Reports of the Board of Supervision for Scotland, and the Local Government Board for Scotland, 1890-1905.

What had begun then as a tentative policy pursued by a few parishes in the mid-nineteenth century, was by the early twentieth century becoming more widespread in application. This trend, also illustrated by figure 2, which charts the increase in the number of separated children who were boarded-out, will be discussed in greater detail in chapter four.

⁴⁷ 'Children Separated from their Parents by Authority of the Parish Council' *Poor Law Magazine* XIII (1903) p.523.

Boarded out children under the care of the Scottish Poor Law 1890-1925



II

From the late-nineteenth century, concern about the treatment of certain parents towards their children began to be reflected in the voluntary approach to child welfare. At the forefront were the voluntary societies established for the prevention of cruelty to children.⁴⁸ The first English Society was formed in Liverpool in 1883 by Mr Thomas F. Agnew, a merchant and banker, and the first Scottish society in Glasgow in 1884 by Mr James Grahame, a chartered accountant. The model came from the United States where both Agnew and Grahame had observed the work of similar societies in operation in New York and other areas throughout the late 1870s. The formation of societies in London, Birmingham and Edinburgh followed in 1885 with their help. In 1886 the Edinburgh society merged with the Leith Children's Aid and Refuge, which had been formed by Miss Emma Stirling in 1877 as a children's shelter and day nursery.

The creation of these societies was an attempt to address the inadequacies in the law relating to parent and child. Their primary concern was that of achieving the better enforcement of parental responsibility towards children, firstly through alerting public attention to existing child protection legislation, and ultimately through pressing for increased legislation and more effective ways of implementing it. The quest for legislation, as will be shown later, was largely taken up by the London Society, led by

⁴⁸ For an account of the Society's Work in England see, for example, A.Allen and A.Morton, *This is Your Child: The Story of the NSPCC* (London, 1961); G.Behlmer, *Child Abuse and Moral Reform in England, 1870-1908* (Stanford, 1982); L.Housden, *The Prevention of Cruelty to Children* (London, 1955); The work of the Society in Scotland has been less documented, although B.Ashley, *A Stone on the Mantelpiece: A Centenary of the RSSPCC* (Edinburgh, 1985) charts the main developments through a selection of the Society's sources.

its Secretary, the Reverend Benjamin Waugh⁴⁹ a congregational minister, and staunch evangelical. The societies stressed the importance of preventing cruelty before it occurred, and to this end they established a voluntary inspectorate to investigate suspected cases. They became commonly known as ‘The Cruelty Men.’ Most societies copied Liverpool’s definition of cruelty and neglect, which included all acts against children whereby their physical or moral well-being was endangered.:-

- (a) All treatment or conduct by which physical pain is wrongfully, needlessly, or excessively inflicted, or
- (b) By which life or limb or health is wrongfully endangered or sacrificed, or
- (c) By which morals are imperilled or depraved;
- (d) All neglect to provide such reasonable food, clothing, shelter, protection and care, as the life and well-being of a child require;
- (e) The exposure of children during unreasonable hours or inclement weather, as peddlers or hawkers or otherwise;
- (f) Their employment in unwholesome, degrading, unlawful, or immoral callings;
- (g) Or any employment by which the powers of children are overtaxed, or the hours of labour unreasonably prolonged; and
- (h) The employment of children as mendicants, or the failure to restrain them from vagrancy or begging. ⁵⁰

Their message was spread both publicly through lectures, pamphlets and posters and privately through their voluntary inspectorate. By 1889, 31 societies had been formed throughout England and Wales, and that year these societies amalgamated under the title of The National Society for the Prevention of Cruelty to Children (NSPCC), with its headquarters in London. The same year the Glasgow and Edinburgh societies also joined ranks to form the Scottish Society for the Prevention of Cruelty to Children (SSPCC), with its headquarters in Edinburgh. Unlike the more intrusive and coercive approach of the Scottish Poor Law, the SSPCC stressed the necessity for keeping children in their homes:-

⁴⁹ R. Waugh, *The Life of Benjamin Waugh* (London, 1913).

⁵⁰ Quoted in G. Behlmer, *Child Abuse and Moral Reform in England* p.55.

We hold that when parents have the means and are able to provide for their children, it is wrong in principle to relieve them of their responsibilities to step in and provide the children with clothing and food. Such a method can only aggravate the disease it is sought to cure, and while relieving an individual child cannot but encourage parents to neglect their children, and so lead to an increase in such cases. The aim of the Society, therefore, is not to destroy parental responsibility, but to encourage and enforce it; not to break up a family, but to reform it; not to create paupers, but to promote self-help; not to create criminals, but to turn idle, drunken, parents into industrious sober citizens.⁵¹

The formation of these societies marked a radical change in attitudes towards child cruelty and in the direction of child-based philanthropy. The existence of cruelty to children was not in itself peculiar to the late-nineteenth century and various writers have demonstrated examples of it in previous centuries.⁵² For the early modern period, evidence of infanticide; the early separation of children from their mothers; and the excessive corporal punishment of children have been highlighted in support of this.⁵³ For the eighteenth century, it has been argued that pre-industrial domestic labour created conditions where parental attitudes to children were severe.⁵⁴ Similarly, for the early nineteenth century there is widespread evidence, although perhaps exaggerated for political purposes, of the beating of children by their parents in factories and mines. There is also evidence to suggest that society condemned cases of child cruelty before the nineteenth century. A notable example of this is a case covered by a full page of *The Times* in 1787, concerning that of a three year old boy whose physical deformity

⁵¹ *The Society's Principles*, S.R.O. GD409/5/24.

⁵² As before, see, for example, L.Pollock, *Forgotten Children: Parent child Relations 1500-1800* (Cambridge, 1983) for a survey and critique of the main literature on this topic.

⁵³ See, for example, L.de Mause (Ed.), *The History of Childhood* (London, 1976).

⁵⁴ E.P.Thompson, *The Making of the English Working Class* (London, 1966).

incurred through severe ill-treatment by his parents, 'drew tears from almost everybody in court.'⁵⁵

What happened in the late-nineteenth century, with the growth of the NSPCC and the SSPCC, was that for the first time in British history, pressure groups emerged campaigning for stricter limits on parental power. These societies differed notably from existing children's charities. In the first instance, they were aimed at the protection of all children, without regard to 'character, creed, religion or nationality.' Hitherto, most child-orientated charities had been aimed at specific groups and were often organised denominationally. Moreover, in contrast to previous decades, what they proposed was a severe curtailing of parental rights. As mentioned earlier, many mid-nineteenth philanthropists had noted a correlation between 'degrading' parental example and parental neglect in fostering criminal behaviour in children. Where the emphasis in this philanthropy and in the mid-century state schemes had been placed on reforming the child, the NSPCC and the SSPCC in the 1880s now stressed the necessity for reforming the parent. Thus, where neglected children had previously been viewed as a threat to society, they were now increasingly viewed as objects of pity.⁵⁶ In this respect the creation of their voluntary inspectorate was a radical intervention in family life.

This change in direction and the greater willingness to invade the previous 'sacred' domain of family privacy has been linked to growing concern about social problems in the late-nineteenth century.⁵⁷ The Societies surfaced at a time when social problems

⁵⁵ *The Times*, 11 December, 1787 p.3. Quoted in L.Pollock, *Forgotten Children* p.93.

⁵⁶ See H.Cunningham, *The Children of the Poor* for more on this changing perception about street children.

⁵⁷ G.Behlmer, *Child Abuse and Moral Reform in England*.

appeared to be getting worse. Most of the early societies were established in the main cities where despite attempts at civic and public health improvement, and organised philanthropy, large-scale urban problems remained. Such reports as Andrew Mearns' *The Bitter Cry of Outcast London* (1883)⁵⁸ and the *Royal Commission on the Housing of the Working Classes* (1885)⁵⁹ highlighted the failures in existing social provision. The Cruelty societies have thus been viewed as an attempt at developing 'new schemes for civilising the city.'⁶⁰ Moreover, these societies were formed at a time when concern about the condition of British children was also growing. While much child deprivation continued to be related to moral issues, concern was also beginning to focus on physical welfare. In 1886 for example, James Burn Russell, the enlightened Medical Officer of Health for Glasgow outlined the constraints under which many city children lived;-

The child is physically even more than morally the father of the man. It may change morally, but it cannot get rid of rickety bones, or impaired organs, or a tainted constitution. If it gets insufficient or improper food to eat, foul air to breathe, impure water to drink, if it is confined in space and cradled in dirt, it cannot help itself. It must succumb, or grow up through sickly and unhappy adolescence into stunted manhood.⁶¹

Such reports prompted fears of race degeneration which posed severe implications for the future supremacy of the country. In the late-nineteenth century, as Britain faced increasing competition from rising industrial powers like Germany and the United States, criticism about the condition of the future labour and defence forces of the

⁵⁸ A.S.Wohl (Ed) A.Mearns, *The Bitter Cry of Outcast London* (New York, 1970).

⁵⁹ *Report on the Royal Commission on the Housing of the Working Classes, 1884-1885* (P.P. 1884-1885 XXX).

⁶⁰ G.Behlmer, *Child Abuse and Moral Reform*.

⁶¹ J.B. Russell, 'The Children of the City: What Can We Do For Them?' *Edinburgh Health Society, Health Lectures for the People No.6* (Edinburgh, 1886) pp.92 -93.

country hit hard. The societies aimed at the prevention of cruelty to children thus struck the public conscience at a time when the need for child protection appeared more urgent than before. Many supporters denounced child cruelty and neglect for humanitarian reasons, but underlying much of this concern was anxiety about the implications that neglect of children could pose for the future. The prevention of cruelty to children became a public issue in the late-nineteenth century for similar reasons as the prevention of delinquency had in the mid-century.

Most of the early prevention society members already had experience in child charity work, education and the law. They also attracted the support of prominent public and political figures. Vice-presidents of the first Liverpool Society for example, included Samuel Rathbone, chairman of the city's school board, and Edward Whitely and Lord Claud Hamilton, Conservative MPs for Liverpool.⁶² One-third of Liverpool's general committee members were justices of the peace. The first London Society gained the backing of ten MPs and of influential figures like Lord Shaftesbury, Cardinal Manning, Lady Holland and Baroness Burdett-Coutts.⁶³ The Earl of Glasgow acted as the president of the first Glasgow Society with committee members including William Mitchell, vice-president of Glasgow school board, and William Quarrier.⁶⁴ Similarly in Edinburgh the Duchess of Buccleuch and Lord Polwarth were among the first office bearers.⁶⁵ The inter-disciplinary composition of the societies enabled them to form a united front and to some extent to project an image of conservatism. They

⁶² G.Behlmer, *Child Abuse and Moral Reform* pp.54-55.

⁶³ *Ibid* p.65.

⁶⁴ *First Annual Report of the Glasgow Society for the Prevention of Cruelty to Children.*

⁶⁵ *First Annual Report of the Edinburgh Society for the Prevention of Cruelty to Children.*

continually stressed that they did not want to work in isolation and they openly invited co-operation from the general public, the police, Poor Law authorities, school boards and medical officers of health.

By publicising real cases of neglect in their annual reports and public speeches, the NSPCC and the SSPCC transformed their cause into a national issue. The character of certain cases, and their scale, horrified public opinion. The Glasgow Society alone dealt with over 2000 cases in its first two years. The nature of these case were broken down as in Table 3, overleaf, and are indicative of how methodically the problems of child neglect were investigated and classified.

Table 3: Cases investigated by the Glasgow Society for the Prevention of Cruelty to Children, 1885 and 1886.

	1885	1886
Violence		
Assault	13	6
Excessive beating	3	4
Cruel neglect		
General	420	370
Starvation	63	76
Begging, vagrancy, exposure		
Begging by day	209	495
Begging by night	111	118
Selling night and day	206	162
Exposure	43	105
Sleeping out at night	50	249
Overloading	4	6
Immorality		
Juvenile delinquency	4	71
Living in brothels	9	21
Dangerous surroundings	38	70
Total	1173	1753

As illustrated, overleaf, the Society did not stop merely at categorising the nature of the neglect, but also made some attempt to evaluate the ‘apparent cause of trouble.’ Like the work of the Charity Organisation Society, this is a prominent example of nineteenth century voluntary social casework

	1885	1886
Apparent cause of trouble		
Father dead	161	146
Mother dead	71	135
Both parents dead	16	24
Deserted by parents	51	57
Parents in prison	17	18
Parents blind	2	8
Parents grasping	78	158
Mother neglectful	55	53
Unkind step- parents	18	33
Illegitimate	11	18
Drink and its consequences	218	332
Poverty	43	33
Wilfulness of children	98	246
Parents living apart	43	53
Want of proper care	240	359
Parental Immorality	51	80
Total	1173	1753

Source: Second Annual Report of the Glasgow Society for the Prevention of Cruelty to Children.

These figures indicate that cruelty to children was as readily attributable to moral causes as to social and economic ones. It was the moral failings in parents which initially attracted the most attention. The Societies made use of powerful analogies in their public appeals. Neglectful parents were labelled ‘savages’, and children viewed as the ‘innocent’ victims. Much parental ‘savagery’ was attributed to drunkenness, particularly in the child begging problem. In 1886 the Reverend Doctor Donald MacLeod appealed to a Glasgow audience on the following terms:-

I do not know of anything more trying than to refuse a poor child who begs for assistance on a cold night in Glasgow. When a poor, hungry, ill clad child makes such a request it is difficult to say ‘No’, but, at the same time statistics go to prove that most of these children are sent out by cruel, drunken parents in order that by their piteous, wailing, ragged condition, extort money which their drunken parents spend on drink. Therefore, I say, it is the duty of the public not to give money to such children, but let each one willing to give alms take the trouble to find out about those children either themselves or by applying to the agents of the Society, otherwise they will be doing a foul wrong to the children whom they wish to help.⁶⁶

⁶⁶ *Second Annual Report of the Glasgow Society for the Prevention of Cruelty to Children 1886* p.12.

The Societies injected the public conscience with images of how children should look when 'properly' cared for and effective use was made of 'before' and 'after' type photographs in their publicity campaigns. Similar techniques were also used to gain support from middle-class children. In 1891 the NSPCC in England formed the Children's League of Pity and in 1893 a similar organisation was formed by the SSPCC in Scotland, headed by Lady Clementine Hay, daughter of the Marchioness of Tweeddale. All members of the League was expected to subscribe to their national society annually, and to secure at least three more donations throughout the year. Incentives were provided through medals, badges and rankings. This approach was common in juvenile voluntary organisations, and was also used by such organisations as The Band of Hope, the junior association of the Temperance League.⁶⁷ The League's paper, *City Sparrows* was distributed to members monthly, and attempted to rouse the support of its young readers by citing cases of children less fortunate than themselves. The following extract, which was published in the League's Scottish paper in 1894 is fairly typical of this:-

THE STORY OF A POOR LITTLE TRAMP

Jeannie had no mother to care for her as your mother loves and cares for you, and her father was not a good man, and did not mind what Jeannie suffered. ...She got kicks and blows and hard words, and suffered very, very, much. At last someone told us how badly this poor little mite of eight was being treated, and asked if we could help her...

She was in Kirkcaldy when we found her, and oh how pleased she was to come with us. The Officer who went to fetch her says "she smiled up in my face as if the news were too good to be true..." From the shelter she was removed to Murrayfield Home, and there you may see her any day you call. She was a poor, startled looking waif then, now she is well clothed and well fed, and we hope in time she will be quite plump and bonnie. You can see from her photo what she is

⁶⁷ See, for example, L.L.Shiman, 'The Band of Hope Movement; Respectable Recreation for Working Class Children' *Victorian Studies* XVIII (1973).

like, and we hope you will be interested in her, and try to do something for her.⁶⁸

This appeal to children did not go without criticism. Many social commentators condemned the national Societies for its appeal to child supporters, arguing that their childhood would be ruined when confronted with domestic brutality. This did not however deter the Societies from using this method of appeal. Throughout the late-nineteenth and early twentieth centuries the child supporters brought in important revenue from fund raising appeals such as markets, exhibitions, dramatic recitals and Heather Days.

III

From the late-nineteenth century, growing frustration about inadequacies in the law relating to parent and child also began to be reflected by a greater willingness by many voluntary sector child welfare workers to take the law into their own hands. Among the most prominent examples are the organisations associated with Dr Barnardo⁶⁹; William Quarrier; The National Children's Homes; and The Church of England Waifs and Strays Society⁷⁰. The approach of these organisations again differed notably from the mid-century emphasis on family unity, and they organised their rescue work around institutional provision, boarding-out, cottage homes and emigration schemes. These charities attempted to help as many children as possible. Both Dr Barnardo's and

⁶⁸ *City Sparrows* May, 1894 pp.8-10. SRO GD 409/76/1.

⁶⁹ Key texts include, G.Wagner, *Barnardo* (London, 1979). A.E.Williams, *Barnardo of Stepney: The Father of Nobody's Children* (London, fifth Edition, 1953).

⁷⁰ J.Stroud, *Thirteen Penny Stamps: The Story of the Church of England Children's Society 1881-1970* (London, 1971)

William Quarrier's Homes had a policy of 'no destitute child refused admission.' A great number of children in the care of such charities had parents who were still living. In certain cases children were taken to them by parents who were experiencing difficulties, common practice being to leave the child anonymously. In many cases, however, children were often forcibly removed from parents who mistreated them. Among the Barnardo emigrants between 1882 and 1908, six per cent of boys and more than eight per cent of girls were shipped to Canada illegally, without their parents' consent.⁷¹ As with the Scottish Poor Law practice, all contact between separated children and their parents was discouraged. In pursuing such a policy, they were aware that they were operating outwith the bounds of the law, but as Dr Barnardo argued, 'moral law' was on their side:-

...I have myself done that which the law of the land would neither do for me, nor knowingly permit me to do i.e. abducted children in order to save them. I have invaded the legal domain of parental control, and I have rescued (or abducted if you will) little girls and boys from the custody of parents and guardians who were to my knowledge, leading infamous and immoral lives; or were, by their conduct, about to inflict upon unfortunate children in their care grievous wrong.

In nearly all my saddest cases which in bare recital are enough to make Pity weep tears of blood, I have to proceed, not in the shelter of the law, but hiding myself from the daylight, to steal to the rescue of the little ones by means of what may be called philanthropic abduction. ..As I write, I have four children in hiding from their unnatural guardians, and efforts are constantly being made by these people to trace their whereabouts. I am watched, and followed sometimes on leaving the offices of these institutions, in order that some clue may be gained to their hiding-places. I am doubtful if in one of these cases the law of the land would sustain my action. And yet I am as convinced that the moral law is on my side in thus interfering on behalf of these poor children, as I am that the law of the land is below the level of what should be its ideal.⁷²

⁷¹ J.Parr: *Labouring Children* p.67.

⁷² Quoted in A.E.Williams, *Barnardo of Stepney: The Father of Nobody's Children* (London, fifth Edition, 1953) pp.148-149.

This approach often resulted in the charities being taken to court by parents whose children had been 'abducted.' By 1896, as W.T. Stead reported, Barnardo had been summoned to court 88 times for his philanthropic abduction.⁷³ Among the most famous of such cases were those concerning the 'Gossage', 'Tye' and 'Roddy' children. Harry Gossage, for example, was received into Barnardo care following an appeal from the Reverend Edward Husband of Folkestone. Harry claimed to be a Protestant 'like his father' although he believed his mother was a Catholic, and accounted for his destitution as follows:-

His father had been dead for some years. His mother had not got a proper home of her own but went on tramp, or lived in lodging houses. She was always 'on the drink' and was very unkind to him. He had two brothers in Canada, sent there by a kind gentleman in Leamington, where his mother lived. He would be glad to go to Canada too if he had the chance.

His mother had twice deserted him, leaving him at remote places but he had always been sent back to Leamington by the authorities. Finally, his mother had sold him to two organ-grinders, "furriners"; they gave her money for him- he could not tell how much, but he "know'd it were some shillings." They had had drink together in a public house, which the mother paid for out of the money she had received.⁷⁴

The organ-grinders later abandoned Harry near Folkestone, where Edward Husband took up his case. Barnardo sent a letter to his mother informing her of his whereabouts, to which she replied asking them to keep him as she could not afford to herself. A formal contract was then sent to the mother containing the standard clause authorising Barnardo to send the boy to Canada or elsewhere. Before his mother replied, Harry was taken to Canada by a Mr Norton. Complications then arose when Barnardo later received a letter written by a Mr Alfred Newdigate on behalf of Harry's

⁷³ Quoted by J.Parr, *Labouring Children*, p.68 See also W.T.Stead, 'Is Philanthropic Abduction ever Justified?' *Night and Day*, November, 1885 pp.149-152.

⁷⁴ Quoted in A.E.Williams, *Barnardo of Stepney* pp.158-159.

mother outlining her wish to have him transferred to the care of a Catholic institution. Subsequent letters followed from Newdigate and the institution which had agreed to admit Harry into their care. Barnardo was however unable to produce the boy and finally Mrs Gossage brought a writ of *habeus corpus* against him. Despite evidence of her neglect of Harry, she won the case, with the court ruling that Barnardo had no consent for Harry's emigration. Barnardo appealed against this to no effect, although Harry was never re-united with his mother since he could not be found. Rulings against Barnardo were likewise upheld in the 'Tye' and 'Roddy' cases, where the courts again stressed parental rights over custody.

Similar cases concerning children emigrated by charitable institutions without parental consent were heard in Scotland. The Scottish equivalent of the 'Gossage', 'Tye' and 'Roddy' cases concerned that of 'Delaney's' children.⁷⁵ In December 1882 Mr Delaney applied to have his three children, all under five years of age, admitted to the Leith Children's Aid and Refuge, run by Miss Emma Stirling. Miss Stirling then removed the children to Novia Scotia without his consent, and in 1887 she resigned her charge of the Refuge. In 1888 Delaney, now on the city's poor roll, brought a petition against the Refuge to get his children returned. In court it was shown that he had used 'every available means to ascertain where the children were' and that Miss Stirling had 'persistently refused' to give him, or the new directors of the institution any information of their whereabouts. Miss Stirling and the directors were ordered to return the children and the directors sent their Secretary to Novia Scotia to search for them. When Miss Stirling refused to help in the search, the directors instigated legal proceedings against her in the Supreme Court of Novia Scotia, Halifax, where a writ of

⁷⁵ 'The Case of Delaney's Children' *Poor Law Magazine* 1893 p.12.

contempt was issued against her. She was later discharged by the Court of Appeal on her plea that she was unable to find the children. Meanwhile, the directors of the Refuge had employed a detective who, after thorough investigation, reported that further searching would have little effect since it seemed that the children were being shifted from place to place 'with the deliberate intention of avoiding location in case of inquiry.' Since it then appeared that all had been done to find the children, the case was then dropped.

These custody cases received widespread publicity and drew greater attention to the fact that parents, however neglectful or degraded, held absolute rights of the custody over their children. It was thus becoming increasingly acknowledged that legislation was necessary to reform this apparent weakness in the law relating to parent and child.

In 1886 this was taken up by the London SPCC which, two years after its formation, introduced a Bill for the Prevention of Cruelty to Children which Lord Iddesleigh agreed to introduce in the upper house. This Bill was intended to apply only to England and Wales. James Grahame of the Scottish Society attended the London meeting when the Bill was drafted, and provided information on the various Police Acts and Education Acts concerning begging and street trading in Scotland.⁷⁶ In the Bill, deliberate, 'wilful' cruelty to children was made a punishable offence liable of fines up to £100 or two years imprisonment. Restrictions were imposed on certain types of employment not covered by existing legislation, particularly street trading, begging and theatrical performances. The sale of alcohol to children was prohibited, and radical legal changes to the law of evidence were proposed including the unsworn

⁷⁶ *SSPCC, Minute Synopsis 7 April, 1886 p.1 S.R.O. GD409/27/1.*

evidence of a child becoming valid, and spouses becoming competent, and, if necessary, compellable witness against each other. Magistrates were further empowered under the Bill to issue warrants enabling policemen to enter a house and investigate suspected cases of cruelty to children, and the courts were permitted to remove children from the custody of parents who mistreated them. The age limit of childhood was set at 14 years for boys, and 16 years for girls.

The introduction of this Bill was delayed since the original sponsor, Lord Iddelsleigh died suddenly in January 1887, and the replacement spokesman, John Morley, was unable to proceed due to his involvement in Irish affairs. The task was then referred to A.J.Mundella, President of the Board of Trade, with the backing of Lord Herschell in the Lords. After consultation with R.T.Reid, QC and Liberal MP for Dumfries, a modified version of the Bill was presented, which disregarded the most controversial clauses concerning forcible entry and evidence. The London Society, disappointed with the changes, distanced themselves from the Bill. Despite the modifications, the Bill came under attack in the Commons, and a week after its introduction, it was withdrawn.⁷⁷

In 1887 campaign for legislative reform concerning the Poor Law care of children in England was similarly taken up by Henry Tyler, Chairman of London's Strand Board of Guardians. Tyler asked the President of the Local Government Board, C.T. Ritchie, to consider providing guardians with some discretionary powers of retention over the custody of certain Poor Law children. Tyler cited the case of a woman, 'wretchedly attired' who had applied to his board to re-claim her two boys, aged twelve and fourteen, who were in Poor Law schools in Edmonton. Since the Guardians had no

⁷⁷ For a full account of this see G.Behlmer, *Child Abuse and Moral Reform* chapter Four, pp.76-110.

powers of retention, the boys were returned to their mother, despite the fact that her living conditions were deemed unsatisfactory, 'with only one room, ...devoid of furniture, little bedding and (she) shared a bed with a daughter, aged nineteen and a son aged sixteen.'⁷⁸ In response to his request for discretionary powers in such cases, the President of the Local Government Board informed Tyler :-

No doubt there are some instances in which the interests of children are prejudiced by their parents reclaiming them from the Guardians, but I should not be prepared to propose legislation which would enable a board of Guardians to withhold a child from its parent when reclaimed by him.⁷⁹

Unlike Scotland, then, the English central authority prohibited English guardians from acting at their discretion. The following year, the problem of the pauper child and the 'unfit' parent in England received much attention in the Select Committee on Poor Relief, 1888.⁸⁰ Debate echoed the sentiments of Florence Davenport Hill twenty years earlier, and her book *Children of the State* was reprinted in 1889. Most witnesses to the Committee agreed that Poor Law guardians should be granted greater control custody over the children already in their care. This was believed to be of particular importance in cases where children were deserted by their parents and re-claimed once they reached earning age. Opinion was less unanimous however, as to how far guardians should intervene and separate children from unsatisfactory parents. The Reverend R.H.Hadden was among those who pressed for greater powers :-

I should like to see what is called parental control considerably curtailed. I do not see much difference between a man and his wife say who are in and out of a workhouse, who are constantly drinking, and showing their children an evil example, who drag these children up and down the country for certain months of

⁷⁸ *Hansard, 3rd Series, 1887 315 cls 856-857.*

⁷⁹ *Ibid.*

⁸⁰ *Report of the Select Committee on Poor Relief (England) 1888 (P.P.1888 C.363 XV)*

the year, who at other times of the year make for London and take these children to the lowest lodging-house and those parents whose offences are more easily definable. In the case of such parents as I have been mentioning I should deny that they had any rights whatever over the children.⁸¹

Others continued to argue that separating children from parents in such a fashion 'would be the means of breeding vice in the parents.'⁸²

IV

As has been demonstrated in this chapter, it is in Poor Law policy towards children in Scotland that one of the earliest examples of state intervention in the family is found. This intrusive policy that certain Scottish parishes adopted was developed as a 'logical' solution to the problems posed by parental 'neglect', which appeared justified as a safeguard against the reproduction of pauperism. The boarding-out system, by providing a 'respectable' environment protected the national investment in separated children. The policy was also aimed at parental reform, and was the ultimate weapon with which to threaten erring parents into greater responsibility towards their children. As Barony's policy suggested, only the most 'worthless' parents would risk losing their children without hope of reconciliation.

In the mid-nineteenth century, the intervention in family life adopted by certain Scottish parishes went against accepted views on the state's role in parent-child relations, and it was developed in sharp contrast to English Poor Law policy. Although in theory parishes in Scotland were prohibited from acting in such a fashion, it appears that the strict ruling of the law was not always adhered to in practice. This has been attributed to the different legal background of the 1845 Act which allowed Scottish authorities greater freedom to use discretion than their English counterparts. Scottish

⁸¹ *Ibid* p.598.

⁸² *Ibid* For example, evidence of Mr Alexander, p.555.

initiative was developed at local level and was devised as a means of coping with the pressures on local resources. English authorities, although no less concerned about the social costs of parental neglect, could not act without approval from a central authority that was reluctant to go against established practice. As has also been shown, Scotland, unlike England, already had a precedent for Poor Law intervention in family life. The old Poor Law had contained legislation concerning the removal of children from 'dissolute' parents, and mid-nineteenth century legislation aimed at delinquent children provided a contemporary precedent for parish maintenance of separated children. Nonetheless, by the late-nineteenth century, such a policy remained to be properly sanctioned by law.

Scottish Poor Law intervention was however confined to pauper children and did not address the wider issues concerning the care of neglected children outside parish care. As illustrated, this was taken up by the voluntary sector, and by the late-nineteenth century many children's charities had begun to tackle the problem of parental neglect by similar coercive and 'illegal' methods. With the rise of the NSPCC and the SSPCC, pressure groups emerged campaigning for the greater legal protection of children. This set the agenda for a re-evaluation of the division of responsibility between parents and the state towards child welfare. As will be shown in the following chapter, this was reflected in a spate of child protection legislation, with wide-reaching implications for the Poor Law care of children.

CHAPTER FOUR

LEGISLATIVE INTERVENTION

By the early twentieth century the relationship between parents, children and the state had been radically reformed by statute. Through a series of child protection Acts, the number of punishable offences against children was greatly increased, and stricter limits were imposed on parental control.¹ At the same time, there occurred a growth of state obligation towards children outside the Poor Law. These developments will be outlined in this chapter, and their effect on parish child care in Scotland will be assessed. Although common themes emerged in child protection in both Scotland and England, it will be shown that Scotland retained a distinct approach to its implementation which was developed from the parish tradition of discretionary intervention in family life.

I

When the London SPCC re-introduced their child protection Bill at the end of the Parliamentary session in 1888, much public attention had been focused on their cause.² The Bill was extended to include Scotland and apart from the alcohol clauses concerning the sale of alcohol to children being dropped, which helped to gain Conservative backing, it was presented more or less in its original form, with its promoters stressing that it was not their intention to 'interfere with the proper and

¹ As before, see for example, H.Hendrick, *Child Welfare*; J.Heywood, *Children in Care*; I.Pinchbeck and M.Hewitt, *Children in English Society* for discussion on the main legislation.

² As before, see G.Behlmer, *Child Abuse and Moral Reform* for a discussion of the debate in Parliament.

legitimate control of the parent over the child.’³ In the debate that followed, the need to protect children from sadistic acts was not in itself disputed, and only minor amendments to the cruelty clauses were made. In order to prevent a child from being brought before the courts for inflicting cruelty on another child, the age limit for offenders was set at 16 years. Changes were also made to allow ‘reasonable’ punishment to children as disciplinary measures by parents and school-teachers.

As anticipated, the wider implications of the Bill concerning children’s earning capacity within the family and their theatrical performances were met with greater controversy. The debate on street trading was fiercely fought out between those such as John Kelly (Conservative, Camberwell North) who argued that the anticipated restrictions dealt a ‘cruel blow to the honest poor’, and those such as Henry Fowler (Liberal and member of the London SPCC), who argued that only drunken and dissolute parents would be affected.⁴ Scottish MPs also stressed the need to harmonise the clauses with the Scottish Education Act, 1878, whereby the casual employment of children aged 10-14 years was limited to those who held a certificate of elementary education. W.A.Hunter, (Liberal, Aberdeen North) argued that unless these provisions were recognised, the Scottish members would be obliged to oppose the Bill.⁵ The clauses relating to theatrical performances similarly incited debate on the right of the legislature to intervene in accepted social traditions.

The proposed changes to the law of evidence were also contested. Edward Pickersgill (Liberal, Bethnal Green) argued that allowing spouses to become

³ *Hansard 3rd series*, 337 July 19 1889 col. 229.

⁴ *Ibid* Cols. 248-50.

⁵ *Ibid* Col. 300

compellable witnesses against each other threatened the fundamental principles of English law.⁶ The Home Secretary further pointed out that compelling a wife to speak against her husband ‘might expose her to mistreatment at the hands of the most guilty party, and place her in a position of divided duty.’⁷ Despite this protracted debate, the Bill made it through the Commons. Following certain amendments in the Lords, providing greater allowances to street trading and theatrical performances, it passed its third reading on 8 August, 1889.

The resulting Act for the Prevention of Cruelty to and Better Protection of Children, 1889⁸, clarified the previously vague legal definitions of crimes against children, and provided the first national legislation on the protection of children in Britain. To ‘ill-treat, abandon, or expose’ a boy under 14 years of age or a girl under 16 years carried fines between £5 and £100, or prison sentence ranging from three months to two years. Child street trading was restricted to certain hours, and the employment of children under ten years in licensed premises was subject to permission from the petty sessional court in England, or the school board in Scotland.

Acts against children inside the home were now open to greater scrutiny. The police were empowered to enter a home to investigate suspected cases of cruelty and neglect, and doctors could be called to the scene to certify their findings. When assailants were brought to trial, spouses could be used as competent, but not compellable witnesses against each other. The unsworn evidence of a child was also accepted as valid. Where parents were convicted under the Act, their children could

⁶ *Ibid*, (July 3, 1889) Cols. 1365-68.

⁷ *Ibid* Cols.1370-71.

⁸ 52 & 53 Vic. c. 44.

be removed by the courts to the custody of relatives or other ‘fit’ persons. Parents who were so deprived of custody nonetheless remained responsible for contribution towards their child’s maintenance, thus maintaining a balance of parental responsibility.

An Amendment Act in 1894⁹ raised the age limit at which cruelty to boys was punishable to 16 years. The definition of offences was widened to include injury to mental health and the failure to notify a doctor about a child’s medical complaint. The penalties for cruelty were extended and the scale of contributions which parents might be liable to contribute towards the cost of their child’s maintenance was also increased. New powers were implemented to deal with alcohol related offences with the courts being empowered to send such offenders to a home for inebriates. Following this Act the NSPCC and the SSPCC amalgamated, with the Scottish Society becoming known as the NSPCC (Scottish branch).

The new Acts increased the responsibilities of Poor Law authorities towards children. Under section 12 of the 1889 Act :-

The guardians of any union or parish, or in Scotland the parochial board of any parish or combination may, out of the funds under their control, pay the reasonable costs and expenses of any proceedings which they have directed to be taken under this Act in regard to the ill-treatment, neglect, abandonment, or exposure of any child.¹⁰

As shown in chapter three, English authorities already possessed such powers under the 1868 Act, although few had used them. For Scotland, however, this was the first time that parishes were given specific powers of dealing with neglectful parents other than those who deserted or refused to maintain. This onus on Poor Law authorities was clearly defined as being applicable to all children, and not just those

⁹ 57 & 58 Vic. c.27.

¹⁰ *Act for the Prevention of Cruelty and Better Protection of Children* 52 & 53 Vic. c. 44.

from pauper families. The Acts also recognised workhouses and poorhouses as ‘places of safety’ where children ‘at risk’ could be taken. Again, this clarified that the Poor Law was now held more responsible for the welfare of all children. The 1894 Act further allowed parishes and unions to subscribe to the funds of their local SPCC.

In a relatively short space of time, then, two statutes were passed whereby the state had recognised the need to provide children with increased protection from parental cruelty and neglect. Nonetheless, it stopped short of offering full financial support. The clauses relating to the use of public money from the poor rates were permissive, and the new legislation was left very much to the voluntary sector to enforce. Moreover, the fact that the 1894 Act allowed Poor Law authorities to contribute to the NSPCC enabled them to evade their increased responsibilities.

There is little evidence to suggest that the Scottish parishes played an active role in seeking out offenders under these first cruelty Acts. Few parishes had the resources to investigate complaints of cruelty and neglect of children in families not already known to them. Moreover, many parishes were at first critical of their extra responsibilities towards non-pauper children. In 1884, for example, when the Superintendent of the Glasgow SPCC applied to Barony Parochial Board for permission to remove two neglected children to the poorhouse, the Board’s assistant inspector made the following observation:-

They (the Glasgow SPCC) take children into shelter from all quarters of the city. The system they work on appears to be that supposing a beggar of any kind is out either during the day or night with children in bad weather, a policeman or officer sees them and thinks it is a case of cruelty to children. The beggar is marched to the police office and charged with cruelty to children, with every chance of imprisonment. The children are sent to the Shelter meantime. If afterwards found that they have no home or friends they in every likelihood will be sent to this parish to be supported. Is this right? Is there any just reason why the parish should be saddled with such cases? Should the Shelter not keep them

during the incarceration of the parents, seeing that it is at their instance the children are there?¹¹

With the new legislation, parishes had no choice but to accept 'at risk' children into their poorhouses if brought to them, with the cost being met out of the poor rates:-

Boards of Guardians, and in Scotland, Parochial Boards, shall provide for the reception of children in pursuance of this Act, and where the place of safety to which a constable takes a child is a workhouse, the master shall receive the child into the workhouse if there is suitable accommodation,...and shall detain the child until the case is determined, and any expenses incurred in respect of the child shall be deemed to be expenses incurred in the relief of the poor.¹²

In situations where children 'at risk' were removed to poorhouses outwith their legal settlement, however, it was unclear as to which parish was responsible for meeting costs. A judgement in 1898 concerning a dispute of this kind between the parish councils of Stirling and Perth clarified the procedure.¹³ The case concerned that of seven children who had been residing with their mother in Stirling and were taken to Stirling Combination poorhouse by a policeman pending a charge against the mother of cruelty. The children were maintained in the poorhouse for 75 days and then were returned to their mother after the charges against her were withdrawn. Since the legal settlement of the children's deceased father was in Perth, Stirling Parish Council attempted to sue Perth Parish Council in the sheriff court to recover the £16 8s 1d which they had spent on the children's maintenance in Stirling poorhouse. Stirling argued that they had the same recourse to recover expenses as in ordinary cases of

¹¹ Letter dated 22 December, 1884 in *Barony Parochial Board Children's Committee Minutes 29 December 1884* p.57. SRA DCH 2 4 (5).

¹² *Act for the Prevention of Cruelty to Children 1894*, 57&58 Vic.c.41. sec.5.

¹³ *Stirling Parish Council v. Perth Parish Council*, Sheriff Court Decision, 3 May 1898 in *Poor Law Magazine* 1898 III pp.443-451.

disputed settlement. Nonetheless, the judgement went against them, with the sheriff ruling that since the children were not rendered paupers under the Prevention of Cruelty to Children Act, and that their liability to the parish was temporary, the burden rested on the poorhouse and parish of the locality where the offence of cruelty was committed. This dispute not only clarified the financial procedures but further reinforced the idea that parishes were responsible for the welfare of all children, and not just those from pauper families.

II

Although the child cruelty legislation had provided for the temporary removal of children from neglectful parents, the issues concerning the long-term custody of neglected children remained unresolved. As shown in chapter three, this question was of particular relevance to those working with pauper children. Following the 1889 Act, Poor Law authorities were in a better position to argue for powers of retention. In 1889 the President of the English Local Government Board reviewed his policy on non-intervention and introduced a Bill 'to provide that on application to the justices, an order might be made detaining a child already under the care of the guardians.' This met with little opposition in Parliament, with Earl Fortescue stating in the Lords that it was 'very desirable that children should be protected against the evil authority of their parents' and that powers of retention would be used by guardians 'with advantage to children, and to the community to which those children belong.'¹⁴

¹⁴ *Hansard, 3rd Series, 337 1889 Col.167.*

In 1889, with the Prevention of Cruelty to Children Act barely passed, a Poor Law Act ¹⁵ allowed guardians full parental rights, except over religious upbringing, of deserted children and children whose parents were in prison as a result of an offence against them. Guardians became *in loco parentis* to boys from these groups until they were 16 years, and girls until they were 18. Parents were allowed to appeal against this, but their children would only be returned if both the guardians and the courts were satisfied that this was in the best interests of the child. This mirrored procedure in Scotland, although the parishes and not the courts made the decisions.

In 1899 a further Act ¹⁶ extended these powers to include orphans and children whose parents were in prison for any offence or in an inebriate's home. Custody was also granted, with parental approval, over children whose parents were permanently bed-ridden in a Poor Law institution or disabled. Further, the Act allowed guardians for the first time discretionary powers to separate children from parents who were mentally ill, or 'due to vicious habits or mode of life,' 'unfit' parents. Those found guilty of inducing or assisting a child to escape Poor Law care or prevented a child from returning could be liable to a fine of up to £20.

Many guardians promptly made use of their new powers. By 1900 over 7000 pauper children had been 'adopted.'¹⁷ The majority of these children had been in Poor Law institutions.¹⁸

¹⁵ *Poor Law Act 1889* 52 & 53 Vic. c. 56.

¹⁶ *Poor Law Act 1899* 62 & 63 Vic. c.37.

¹⁷ S. and B. Webb, *English Poor Law History* (Part two) p.206.

¹⁸ *Ibid*

With this legislation, English guardians gained the legal right to separate parent and child that had already been unofficially pursued by certain Scottish parishes and children's charities. Without legal approval, the latter bodies were thus in a weaker position than the English authorities. This issue was finally resolved in 1891 with the Custody of Children Act.¹⁹ The Bill for this Act had been originally drafted for the voluntary sector but Edinburgh and Barony Parochial Boards successfully petitioned the Lord Advocate to incorporate provision for the Scottish parishes.²⁰

Under this Act Poor Law authorities, industrial schools, voluntary societies, and other 'capable persons entrusted with the care of children' were vested with full parental rights over the children in their care, again with the exception of religious upbringing. Children could only be returned to parents if the High Court in England, or the Court of Session in Scotland were satisfied that the parent was 'fit' to regain control.

This Act did not provide parishes with powers to remove children from neglectful parents, but it did enable them to withhold those they had already separated. Thus, following the Act Scottish pauper parents who wanted their children back were faced with the prospect of complex legal proceedings. Parents who attempted to get access through the sheriff courts were refused since the Act had clarified that sheriffs had no power to deal with the permanent custody of children. In one case, the Court of Session even refused to consider a petition originating in the sheriff court by a Glasgow mother seeking to recover her illegitimate children from Barony.²¹

¹⁹ *Custody of Children Act, 1891* 54 Vic. c.3.

²⁰ I.Levitt, *Poverty and Welfare* p.33.

²¹ *Gillan v. Barony Parish Council, Glasgow*, 29 November, 1898. *H.J.E. Fraser (reporter) Cases decided in the Court of Session 5 series Volume 1* p.183. See also *H.J.E. Fraser, Parent and Child* (Edinburgh, 1906) p.193.

The expense involved in proceedings under the 1891 Act were expensive, which made it expensive for both the parishes and the parent. As one witness to the *Departmental Committee on Habitual Offenders* commented in 1894:-

There is the Custody of Children Act 1881, giving the Parochial Boards power to apply to the Court for permission to retain children; but that Act has been practically useless. I believe that no case has ever occurred in which the Parochial Board could defend such cases, partly because of the great expense; but as a matter of fact parents do not take such cases to Court. These Courts are too far apart from them.²²

As a result of such financial considerations, it appears that the majority of separation disputes were assessed at local level by the parish Children's Committees. The following example, from Peterhead, in 1907 seems to be fairly typical of the procedure that was applied after the Act:-

Letter read from Inspector of Poor, St Andrews in which it was stated that Mrs ____ was desirous of getting back her two girls who have been boarded-out by the Council since 21 May 1905. Considering all the circumstances of the case, a sad and squalid one, the council, on the recommendation of the Boarding-out Committee, instructed the Inspector to reply that it was extremely undesirable that the woman should come to this part of the country for the girls. In the opinion of the Council it is not for the good of the children that they should lose the opportunity of a good upbringing and that, if the claim is persisted in, they will not be given to the mother here, but will be sent to St Andrews in charge of the matron of the Parish Home, who will hand them over to the Inspector of Poor there. Also, in view of past experience, the Inspector will be informed that no relief be given to her, should she apply for it except that of taking the children off her hands.²³

In 1909 William Murray, Vice-Chairman of Peterhead Parish Council, and headmaster of the North Public School, gave the following description to the Royal Commission on the Poor Laws and Relief of Distress of the separation process as it

²² Evidence of Miss Louisa Stevenson to the *Departmental Committee on Habitual Offenders, Vagrants, Beggars, Inebriates and Juvenile Delinquents 1894* p.106. (P.P. 1895 c.7753)

²³ *Peterhead Parish Council Minutes 19 February, 1907* ARA 6/64/5.

worked in his parish concerning parents who had ‘proved to be unworthy guardians in terms of the Prevention of Cruelty to Children Act’:-

(Mrs Webb) Q: What officer takes the legal proceedings to get a legal separation of these children from their parents?

A: I suppose it is the Inspector.

Q: Which Inspector?

A: The Inspector of Poor, but never on his own authority. It is decided by the Council of course.

Q: Who prosecutes?

A: He does not prosecute. They are thrown on the parish because they are in the parish; and in terms of that Act the parents are declared unworthy guardians, therefore the Parish Council look after the children.

Q: If a person goes into the jail, do his children become separated from him without any further legal process?

A: I think that follows.

Q: If I went into the jail and I had a lot of children, would these children be separated from me so that I could not get hold of them?

A: Yes: and it would be a great blessing for your children, would it not?

Q: I only wanted to know what the process is?

A: That is the process.²⁴

These examples would confirm that the 1891 Custody of Children Act was thus only resorted to when recourse to the ordinary methods failed, and where parents took their appeal through the legal machinery.

III

It is generally accepted that from the early twentieth century children were given a new social and political identity as ‘belonging to the nation.’ In part, this was the cumulative result of concern about the condition of children which, as has been shown,

²⁴ Evidence of Mr William Murray to the *Royal Commission on the Poor Laws and Relief of Distress, 1909 (Scottish Evidence) VI* p.513 (P.P.1910 Cd.4978).

had been growing since the mid-nineteenth century. In the early twentieth century, this concern began to be identified with an increasing quest for 'national efficiency.'²⁵ Much has been written about the part played by the Boer War in this process whereby the high proportion of British army recruits rejected as physically unfit for service in South Africa heightened anxiety about the low physical condition of children. Added to this were fears about race degeneration because of falling birth rates and high infant mortality statistics.²⁶

Alongside this concern, new perceptions about poverty began to emerge.²⁷ Detailed poverty studies were compiled throughout Britain, for example, by Booth in London; Rowntree in York; Paton in Edinburgh; Rathbone in Liverpool and Bell in Middlesborough. These studies outlined the causes of poverty as socio-economic, and indicated that despite moral attempts at maintaining a livelihood, thousands of British families were unable to achieve a healthy existence. The consequences were viewed at their worst in the abject state of children's health, which was demonstrated statistically by studies into their height and weight. In Scotland, reports by the Dundee Social Union,²⁸ the Edinburgh Charity Organisation Society,²⁹ and the Glasgow School

²⁵ See, for example, G.R. Searle, *The Quest for National Efficiency 1899-1914* (London, 1971); B.Semmel, *Imperialism and Social Reform 1860-1914* (London, 1960).

²⁶ See, for example, A.Davin, 'Imperialism and the Cult of Motherhood.' *History Workshop Journal*, Spring, 1978 pp.9-65.; D.Dwork, *War is Good for Babies and Other Young Children: A History of the Infant and Child Welfare Movement in England, 1898-1918* (London, 1987); J.Lewis, *The Politics of Motherhood: Child and Maternal Welfare in England, 1900-1939* (London, 1980).

²⁷ See, for example, J.H. Treble, *Urban Poverty in Britain 1830-1914* (London, 1979)

²⁸ Dundee Social Union, *Report on Housing and Industrial Conditions and Medical Inspection of Schoolchildren* (Dundee, 1905).

²⁹ City of Edinburgh Charity Organisation Society, *Report on the Physical Condition of Fourteen Hundred Schoolchildren in the City together with Some Account of their Homes and Surroundings* (London, 1906).

Board³⁰ illustrated how children from the lowest income groups had the poorest physique.

This raised fundamental questions about the Poor Law care of children. If parental neglect was not simply a matter of moral failing, then this seemed to call for closer parish scrutiny and supervision. This line of reasoning was reflected in a circular issued by the Local Government Board for Scotland in 1902 which suggested that 'respectable' widows on the outdoor roll should be given increased allowances as an insurance against neglect of their children:-

Unless such cases are suitably alimented, it seems to the Board that the mother may have to chose between the sacrifice of her children's welfare on the one hand, and starvation on the other. In such circumstances, the mother probably has no alternative but to seek employment away from home- a course which necessitates the children being left to their great disadvantage under the chance care of neighbours. This would, however, in many cases be avoided if the rate of aliment enabled the widow to remain at home engaged in such work as could be done there, and the Board cannot but think that the best security against the future pauperism of the children would be an aliment of such an amount as would allow the mother to do her duty by them.³¹

Glasgow was the first to respond by providing increased supervision. In 1900 Miss Jeannie Thompson, who held a certificate in medico-psychology was employed to supervise children on the outdoor roll. In 1902, in response to the Board's appeal, Glasgow established a special weekly payment scheme for widows on the outdoor roll, and another female official was appointed to supervise this scheme. Although the Board had intended only 'respectable' widows as beneficiaries, Glasgow soon extended the application of its special roll to widows of 'doubtful character' and 'bad habits' so that they might come under the close care of the lady inspector. With such

³⁰ Scottish Education Department, *Report as to the Physical Condition of Children Attending the Public Schools of the School Board of Glasgow* (P.P. 1907 Cd. 3637).

³¹ *8th Annual Report of the Local Government Board for Scotland, 1902 Appendix A. No.5* pp.14-15.

women in view, the Council distributed a leaflet on *Hints about the Management of the House and the Children*.³² As a condition of receiving outdoor relief, the leaflet outlined a mother's duty to keep her house scrupulously clean and well-ventilated, her children well-fed and dressed, and to ensure their regular attendance at school and Sunday school. Mothers were further advised to maintain a 'plain, nutritious diet' and to abstain from alcohol. They were reminded in no uncertain terms of their responsibility towards their children's welfare:-

No advice can be of the slightest use unless you, the parents...honestly let no selfish motive of convenience, or pleasure, or profit divert you from that which must be your first thought in the morning and last at night- to cherish and make healthy and happy the life which is so undeservedly put under your control. You must make up your minds to sacrifice yourselves for it, and do as you would be done by if you were equally dependent and helpless.³³

This preventative measure against neglect continued to be balanced by a punitive side. Mothers who showed good conduct remained on the roll until their children reached earning age while those who abused their privileged position could be struck-off and their children boarded-out. A 'single-mistake' might be over looked and cautioned, but those who showed repeated signs of drunkenness, immorality or neglect of their children would have their allowances stopped and their children removed. As in other cases of separation, the children were only returned if the parent could demonstrate moral reform. The following 'memo' was cited by the Glasgow Inspector of Poor as illustrative of this:-

³² *Glasgow Parish Council, 'Hints on the Management of the House and the Children*. SRA T.PAR 1.4. pp.17-20.

³³ *Ibid* p.20.

MEMO BY THE FEMALE INSPECTOR OF POOR ON THE CASE OF WIDOW D.D.

This woman was struck off the Roll on 12th April 1906 for keeping bad company, neglecting her children and drinking. The case was appealed the following month, when she was again placed on the Special Roll. She still continued her bad habits, and was finally struck off the Roll on 11th July, 1906, and her four children were boarded-out.

On Saturday evening 12th October, 1907, I was proceeding along Queen Street about 7 o'clock when Mrs D. came forward and spoke to me. I was very pleased to see her so respectably and neatly dressed. In course of conversation she expressed her deep gratitude to Mr Motion and other members of the Parish Council for their kindness to her during the time she was on the Roll and she also said she was sorry for giving so much trouble, and to quote her own words, said, "When my children were taken from me and boarded-out it was the best thing that ever happened to me, as it brought me to my senses." She, then realising how foolish she had been, there and then made up her mind to turn over a new leaf and to stick to it for the sake of her children.

She is now in a comfortable situation and doing well, striving to make a home for her children for which she has good prospects. She has asked me to call on her before the year is out.³⁴

Overall, the scheme appeared to work well, and as illustrated by Table 1, the successes outweighed the failures.

Table 1: Reasons for Widows Coming Off the Special Roll in Glasgow, 1908-1914

	1908	1912	1914
Married.	4	6	2
Drinking and neglecting children.	3	3	5
Transferred to ordinary roll, circumstances improved.	34	50	17
Dead.	1	4	—
Immorality.	5	2	—
Left parish.	—	2	2
Working.	—	1	—

Source: Annual Reports by the Inspector of Poor and Clerk to Glasgow Parish Council 1908; 1912; 1914.

³⁴ *Memo by Female Inspector on the Case of Widow D.D. in Statistical Report by the Inspector of Poor and Clerk to Glasgow Parish Council p.42 S.R.A.DGEW 1/4/2.*

IV

The new knowledge about poverty that emerged from the various social investigations also called into question wider issues concerning the welfare of children outside the Poor Law. If, as the poverty surveys indicated, large numbers of the child population were growing up ill-nourished at the expense of imperial decline, then this implied the need for a more comprehensive welfare system than that which existed under the Poor Law.

One of the most contentious issues that emerged from this idea was that on the state feeding of school children. From the mid-nineteenth century, most towns had voluntary organisations providing some form of feeding to children. These were of course very much dependent on voluntary contributions, and most operated on a seasonal basis. By the early twentieth century it was becoming increasingly obvious that they were unable to cope with demand. Added to this were the political implications of providing state education to children who were too ill-nourished to learn.

As has been widely discussed,³⁵ opinion was divided as to the introduction of state financed meals and medical inspection as a solution. In Scotland, these issues were taken up by Dr Leslie MacKenzie,³⁶ who was appointed as full-time Medical Inspector to the Local Government Board for Scotland in 1901. MacKenzie believed that the Poor Law was outdated in its philosophy and methods of dealing with pauperism, and

³⁵ See, for example, H.Hendrick, 'Child Labour, Medical Capital, and the School Medical Service, c.1880-1918' in R.Cooter, (Ed.) *In the Name of the Child: Health and Welfare, 1880-1940* (London, 1992); J.Hurt, 'Feeding the Hungry Schoolchild in the First Half of the Twentieth Century' in D.J.Oddy and D.S.Miller (Eds), *Diet and Health in Modern Britain* (London, 1985).

³⁶ From more information on this appointment, see, I.Levitt, *Poverty and Welfare in Scotland* pp.46-49.

he publicised these views in his evidence to the Royal Commission on Physical Training (Scotland) in 1902.³⁷ For the purposes of the Commission, he was appointed to undertake an investigation of school children in Edinburgh and Aberdeen which led him to recommend that school children needed better diet and exercise and that school medical inspection was necessary to monitor this. The final recommendations of the Commission went further, and suggested that school boards should provide voluntary organisations, and that where there were no local agencies, the school should make provision itself. This was echoed in 1904 by the Report of the Inter-Departmental Committee on Physical Deterioration,³⁸ which argued that ‘the time has come when the State should realise the necessity of ensuring adequate nourishment to children in attendance at school.’

The political debate which followed centred on two themes- how far State feeding would undermine parental responsibility, and whether the cost of such a scheme should be financed out of the poor rates or the education rates. After two unsuccessful Education Bills for the provision of school meals and medical inspection, an English Poor Relief (School Children) Order was passed in 1905, which offered relief to parents as a loan. With few exception, this Order was ignored. In 1906 an Education (Provision of Meals) Bill, influenced by Labour members put the onus on the education authority. This was passed and the resulting Education (Provision of Meals) Act 1906³⁹ which followed allowed, but did not compel, education authorities in England and Wales to make arrangements for the feeding of children. The following year the

³⁷ *Royal Commission on Physical Training (Scotland)*, 1902. (P.P.1903 Cd 1508 XXX).

³⁸ *Report of the Inter-Departmental Committee on Physical Deterioration*, 1904 (P.P.1904 XXXII).

³⁹ *Education (Provision of Meals) Act 1906* 6 Edw. VII c.57.

Education (Administrative Provisions) Act 1907,⁴⁰ provided for the medical inspection of school children. A similar Labour and Liberal Bill for Scotland was dropped. Scotland finally followed in 1908 with the Education (Scotland) Act, 1908⁴¹, which allowed for both school feeding and medical inspection.

With the introduction of school meals, welfare provision had been made for a larger group of children than those who came under the remit of the Poor Law. Moreover, the Poor Law had not been recognised as the appropriate agency to administer this relief. The development of new schemes for the state support of children posed important questions about the Poor Law methods of dealing with distress. This issue formed the central theme of the Royal Commission appointed by the Government in 1905 into the Poor Laws and Relief of Distress. The Commission, which reported in 1909, was not unanimous in its conclusions and produced Majority and Minority Reports. The Majority Report recommended that social welfare policy should build on the existing Poor Law structure, with improved administration and greater co-operation with the voluntary sector. The Minority Report, however, signed by the Dean of Norwich; Mr F.Chandler; Mr George Lansbury; and Mrs Sidney Webb, presented a scathing attack on what they viewed as the failure of the Poor Law to relieve destitution. They criticised the overlapping which existed in the care of children under different 'rival' authorities - the parish providing for the pauper; the Home Office responsible for the Industrial and reformatory Schools; and the new education departments developing the medical inspection and feeding of schoolchildren. This led them to argue for a 'break up' of the Poor Law and the transfer of its functions to

⁴⁰ *Education (Administrative Provisions) Act 1907 7 Edw. VII c.43.*

⁴¹ *Education (Scotland) Act 8 Edw. VII c.63.*

specialised local authority departments. Their Report on Scotland, as in England thus called for a reform of child care along the following lines:-

We are once more driven to the conclusion that a Destitution Authority, however wisely humane it may be, in whatever manner it may be constituted, and whatever name it may bear, is, just because it is a Destitution Authority, not a proper Authority to be entrusted with the care and supervision of the bringing up of any children of the State.

What we recommend, therefore, is that the whole public provision for children of school age should be entrusted to the Local Education Authority, which, whilst we have been deliberating, has been definitely required by Parliament to provide for the medical examination and supervision of all school children, and has been expressly authorised to provide, out of the Education Rate, for the cleansing, for the feeding and (where necessary) for the complete maintenance of neglected children.⁴²

V

Legislation concerning the protection of children in Scotland and England was further merged in 1908 by the Children Act.⁴³ This Act, which was passed to 'consolidate and amend the Law relating to the protection of Children and Young Persons, Reformatory and Industrial Schools, and Juvenile Offenders, and otherwise to amend the Law with respect to Children and Young Persons,' is commonly regarded as one of the greatest testaments to 'national efficiency.' In six parts, the Act covered infant life protection; the prevention of cruelty to children; juvenile smoking; Reformatory and Industrial Schools; Juvenile Offenders; and miscellaneous welfare provision. The Act included little that was new but was a major piece of consolidating legislation.

⁴² *Separate Report by the Very Reverend The Dean of Norwich, Mr F. Chandler, Mr George Lansbury, and Mrs Sidney Webb in Royal Commission on the Poor Laws and Relief of Distress (Report on Scotland)* P.P.1909 Cd. 4922 p.258.

⁴³ *Children Act 1908* 8 Edw. VII c.45.

Part One of the Act repealed earlier legislation on infant life protection. Those receiving infants for payment were compelled to register with a local authority; the minimum age for children to be registered was raised to seven years; and insuring a child's life was prohibited. Poor Law authorities were compelled to appoint infant life protection visitors to ensure that the provisions of the Act were properly implemented.

Part Two of the Act strengthened the law to prevent cruelty to children. 'Wilful' cruelty was extended to include such acts as the overlaying; suffocating; burning; or scalding of children. It was also made an offence to force a child to beg in a public place, or to be in a brothel. The Act further provided that parents could be guilty of neglect where, knowing they could not provide adequately for their children's food, clothing, medical aid or lodging they had failed to apply for poor relief. This had wide-reaching implications for the Scottish Poor Law where the able-bodied were technically denied poor relief.

Part Three of the Act prohibited juvenile smoking in the street, and made it an offence to sell tobacco to children under 16 years of age. Part Four dealt with Reformatory and Industrial Schools and the establishment of separate courts for juvenile offenders. Children under 16 years of age could no longer be imprisoned and those awaiting trial were to be held in 'remand homes' financed by the Treasury. The new courts were given powers over criminal jurisdiction as well as powers of dealing with children under 14 years who seemed to be in need of 'care and protection.' Children found begging; wandering and destitute; or frequenting the company of reputed criminals could be brought to the courts and taken into state care.

The Children Act again confirmed the responsibility of the Poor Law to the welfare of all children. In Scotland, parish councils took up their new duties under the Act

from 1st April, 1909. Glasgow Parish Council was the first to proceed. All its outdoor inspectors were appointed as visitors under Part One of the Act, and a female inspector was employed as the main Infant Life Protection Visitor.⁴⁴ The Council also organised the distribution of posters throughout the city, outlining the main provisions of the Act. Similar leaflets were supplied by the Council to the city Registrars, who were requested to give copies to all those registering the birth of an illegitimate child. Leaflets were also issued to all Glasgow midwives, and arrangements were made with the Medical Officer of Health to supply the Council with a list of all children born in the special homes managed by midwives. Moreover, the Council, in a concerted effort to 'stamp out baby-farming' in the city arranged with the Glasgow newspapers for them to refuse any advertisement from persons wishing to accept babies for reward unless they had a certificate from the Inspector of Poor.

Outside Glasgow, however, the majority of parishes were slow in taking up their new duties under Part One of the Act. It is possible to gauge this from the returns on parish activity under the Act which were published in the annual reports of the Local Government Board, and later the Board of Health for Scotland. The first return, as reproduced overleaf provides information on parish involvement during the first nine months of the Act's operation.

⁴⁴ J.R.Motion, 'Children and the Poor Law' *Poor Law Magazine* 1914 p.148.

Table 2: Summary of Returns Under Part One of the Children Act, 1908: Work Performed by Parish Councils from 1st April 1909 to 31st December 1910.

County	Number of Notices Received	Notices of Deaths Section 1 (5)	Notices of Removals Section 1 (5)	Prosecution Failure to give notice under section 1 (7)	Number of children on Register 31st December 1910	Removals of infants improperly kept	Number of Visits by Infant Protection Visitors	Prosecution for all offences under Part One
Aberdeen	1307	36	533	1	729	5	2092	1
Argyll	57	...	12	...	54	...	68	...
Ayr	283	8	129	1	148	2	600	1
Banff	184	6	72	1	108	2	286	1
Berwick	8	...	2	...	6	1	18	...
Bute	3	...	...	...	3	...	3	...
Caithness	8	1	4	...	3	...	10	...
Clackmannann	48	1	21	1	28	...	65	1
Dumbarton	151	7	59	6	86	...	257	6
Dumfries	175	5	64	...	113	...	307	...
Edinburgh	843	40	356	1	429	26	3023	1
Elgin	173	4	73	...	82	8	628	...
Fife	178	10	44	3	127	5	285	4
Forfar	319	9	148	1	165	1	693	1
Haddington	29	2	7	...	19	1	70	...
Inverness	74	5	41	...	34	6	214	...
Kincardine	102	3	45	1	44	6	371	1
Kinross	7	1	4	...	2	...	18	...
Kirkcudbright	104	1	46	...	62	...	221	...
Lanark	2108	135	1081	106	861	33	6035	119
Linlithgow	75	6	17	...	52	1	182	...
Nairn	23	1	11	...	8	...	42	...
Orkney	3	...	...	...	3	...	24	...
Peebles	16	...	4	...	12	1	28	...
Perth	154	...	59	1	99	1	403	1
Renfrew	359	15	167	11	165	10	582	12
Ross and Cromarty	10	...	6	...	7	...	24	...
Roxburgh	29	1	9	...	19	...	78	...
Selkirk	48	...	20	2	24	1	86	2
Stirling	167	8	43	3	108	5	473	3
Sutherland	1	...	1	...	4	...	11	...
Wigtown	68	1	33	...	47	...	144	...
Zetland	2	...	1	...	1	...	11	...
Total	7116	306	3122	139	3652	115	17352	154

Source: *18th Annual Report of the Board of Supervision for Scotland. 1912.* (P.P. 1913 Cd 6720).

As illustrated by the table, activity varied considerably between different counties, with the county of Lanark, which included the returns for Glasgow, taking the lead. Few parishes had made use of their powers to prosecute under this part of the Act. The Local Government Board's response was critical:-

The Board are not satisfied that the provisions of the Act have been carried out with that degree of zeal and thoroughness which such highly important work merits. While some parishes deserve high praise, others do not seem to have realised the nature of the new duties that have been imposed on them.⁴⁵

⁴⁵ *18th Annual Report of the Board of Supervision for Scotland. 1912*, Appendix A No. 7 p.88-89 (P.P. 1913 Cd 6720).

With a view to 'placing the administration of the Act on a more satisfactory basis', the Board made a number of suggestions. Firstly, that every parish council should obtain at least two copies of the Act, one for the Inspector of Poor, and the other for council meetings. Moreover, they recommended that each parish should appoint a salaried Infant Life Protection Visitor. For smaller parishes they recommended that this duty should fall on the Inspector of Poor, with a suggested increase to his salary of 5s. per annum for each child registered. For larger parishes they recommended the creation of a separate Infant Life Protection Visitor post, which they suggested should be filled by a female official.⁴⁶

Despite the Board's recommendations, many parishes remained confused over how they should proceed, particularly in relation to the prosecution process. Unlike English authorities, Scottish parishes were not entitled to any penalty payments from offenders under this part of the Act. This created resentment and, as Robert Lamond, law agent to Glasgow Parish Council remarked:-

...makes an unnecessary and prejudicial discrimination between Scottish and English local authorities, and may be inadvertent, but so long as it remains the law, it can hardly encourage parish councils to show zeal in enforcing the Act when the costs they will be put to cannot be diminished by the amount of penalties recovered.⁴⁷

Moreover, parishes were unclear as to how prosecutions were to be brought. In the initial years of the Act, the procedure appears to have varied, with some cases being brought as in ordinary prosecutions under the Poor Law by the parish with the concurrence of the procurator fiscal. In 1914, however, following a case heard in the Scottish High Court of Judiciary, the correct procedure was defined as competent only

⁴⁶ *Ibid.*

⁴⁷ R.P.Lamond: *Memorandum on the Children and Education Acts, 1908* p. 8 S.R.A. DTC 14.1.42.

if undertaken entirely by the fiscal. The test case concerned that of a Glasgow midwife who had failed to notify the parish within 48 hours of her receiving a baby for reward, and then failed to notify the council and the procurator fiscal of the baby's death.⁴⁸ The prosecution against her was brought in the sheriff court at the instance of Glasgow Parish Council with the consent of the fiscal. Her lawyer then argued that the case against her was invalid since the Parish Council had no title to prosecute. This called into question the various procedures of prosecution in the sheriff court, which were clarified at length as follows:-

There are two classes of prosecutions known to the law - prosecutions at the instance of the Crown, called public prosecutions, and prosecutions at the instance of some private individual, statutory official, or body of persons, called private prosecutions. Public prosecutions in the sheriff court proceed at the instance of the Lord Advocate, and may be conducted by any of his deputies, or by the local Procurator Fiscal or any of his deputies. Such an official must conduct the prosecution in person, and may lawfully prosecute for any crime or offence or statutory contravention cognisable by the sheriff court. ...A private prosecution, on the other hand, may be represented by a Law Agent, and he can instruct a title of the following conditions, viz:- (1) if a title to prosecute is expressly conferred on him by Act of Parliament; (2) if such a title is conferred on him by implication of Act of Parliament, on a just and reasonable construction of the terms of that Act; (3) if he can show that he has an interest - not necessarily a pecuniary interest - private and personal, or that he is aggrieved or injured by the crime of contravention complained of. Before he can prosecute by virtue of the last mentioned title, however, he must obtain the concurrence of the Procurator Fiscal - at all events in cases where imprisonment without the option of a fine may follow conviction. If a private prosecutor cannot instruct a good title under any of these heads, the concurrence of the Procurator Fiscal will not cure this radical defect.⁴⁹

Judgement therefore rested on two crucial points - whether Glasgow Parish Council had an interest to prosecute, and whether they had the right, if only by implication, to do so. Since the penalties incurred for offences under this part of the Act did not go to them, however, and since the title to prosecute was not conferred, or clearly implied,

⁴⁸ Glasgow Parish Council v. Edward in *Poor Law Magazine* 1914 pp.134-144.

⁴⁹ *Ibid* p.136.

the decision went against them. Glasgow viewed the ruling as a 'serious set-back.' James Motion, Inspector of Poor, predicted that since the 'overburdened' procurator fiscal did not have the same interest as the parish in such cases, that 'there is a strong possibility that this part of the Act will cease to be so rigidly enforced.'⁵⁰

Prosecutions do appear to have dropped significantly following this ruling. During the period from 1st January, 1911 to May 1912, before the ruling, 147 people were prosecuted for infant life protection offences.⁵¹ This compared to 32 prosecutions for the year ended May 1915, following the ruling.⁵² The number of prosecutions remained low throughout subsequent years. Despite 4034 infants on parish registers in 1924, for example, the number of prosecutions amounted to only five.⁵³ In 1927 there were only seven prosecutions, all from the Lanarkshire area, and all no doubt, from Glasgow.⁵⁴

It seems likely that by the late 1920s the provisions of the Act were more commonly understood, which may have lessened the number of unwitting offences. To some extent, this may be attributable to the growth of maternity and child welfare services developed during the inter-war period by local health authorities as advice

⁵⁰ J.R.Motion, 'Children and the Poor Law' *Poor Law Magazine* 1915 p.150.

⁵¹ Summary of Returns under the Children Act 1908: Work Performed by Parish Councils from 1st January 1911 to 15th May 1912, in *18th Annual Report of the Local Government Board for Scotland, 1912 Appendix B. No, 13* p.268 (P.P. 1913 Cd 6720).

⁵² Summary of Returns Under the Children Act 1908: Work Performed by Parish Councils during the year ended 15 May, 1915 in *21st Annual Report of the Local Government Board for Scotland, 1915 Appendix B No, 13* p.88 (P.P. 1916 Cd 8273).

⁵³ Summary of Returns Under the Children Act; Work Performed by Parish Councils during the year ended 15 May 1924 in *6th Annual Report of the Board of Health for Scotland Appendix 24* p.253 (P.P.1925 Cd.2416).

⁵⁴ Summary of Returns Under the Children Act 1908: Work Performed by Parish Councils during the year ended 15 May 1927 in *8th Annual Report of the Board of Health for Scotland 1927 Appendix 19* p.391.

centres for expectant mothers. The creation of such centres followed the passing of the Notification of Births (Extension) Act in 1915 which allowed any local authority to make arrangements for attending to the health of expectant and nursing mothers. By 1917 32 schemes for maternal and infant welfare had been implemented in Scotland by various small burghs and county authorities in addition to those schemes which were in existence in the main cities.⁵⁵ Nonetheless, it seems credible that the limited powers conferred on parishes under this part of the Act affected their activity. With no title to prosecute, and no financial gain in successful prosecutions, few over-worked parishes were prepared to invest time and money under this part of the Act. The decision to prosecute did however rest with the procurator fiscal, and there is no way of calculating how many cases recommended by the parish for prosecution were rejected by fiscals.

Part Two of the Children Act reminded parishes of their responsibility towards the welfare of all children. As before, however, the majority of councils, were too understaffed to 'seek out' offenders in families not already known to them, and these cases continued to be dealt with mainly by the SSPCC. By 1908 there were 27 prevention societies throughout Scotland, with an inspectorate of 38 officers. This had increased from 19 officers in 1901, with the growth being most marked in Lanarkshire where the number of officers had doubled to 14 from seven in 1901.⁵⁶ As mentioned earlier, the Scottish Society had in 1895 affiliated with the NSPCC in England under the title, NSPCC (Scottish Branch). Following the Children Act, the Scottish Society broke from its amalgamation with the English Society, and reverted back to its original

⁵⁵ O.Checkland, 'Maternal and Child Welfare' in O.Checkland and M.Lamb: *Health Care as Social History: The Glasgow Case* (Aberdeen, 1982) p.130 .

⁵⁶ B.Ashley, *A Stone on the Mantelpiece* p.76.

title of the Scottish Society for the Prevention of Cruelty to Children (SSPCC). The break followed legal wrangling and dispute between the English and Scottish societies concerning legacies bequeathed by Scottish subscribers. The Scottish Society was anxious that such money should be spent in Scotland. Added to this was the revelation by the Scottish Society's legal advisers, that the affiliation with England was void because no formal ratification of this had been made.⁵⁷ In 1908 it was thus decided that the two Societies should pursue their separate existence, although aiding each other by exchange of information and co-ordination of policy.⁵⁸ Royal Charter status was granted to the Scottish Society in 1922 and it has since been known as the Royal Scottish Society for the Prevention of Cruelty to Children (RSSPCC).

The Local Government Board acknowledged that parish councils relied heavily on the SSPCC under part two of the Children Act, and they did not see any reason to burden them with 'arduous and unfamiliar duties.'⁵⁹ Nonetheless, they recommended that parishes be 'cognisant' of their powers, and advised them to report any cruelty cases which came to their attention either to the Society or to the police. Parishes were further obliged to subscribe to the funds of their local SPCC.

The majority of cases dealt with by both the parish councils and the SSPCC under Part Two of the Act came under section 12, which provided for the fine or imprisonment of any persons who wilfully assaulted, neglected, abandoned or exposed a child in their charge. As might be expected, most of the cases which came to the attention of parish councils continued to be attributed to the 'low' moral habits of the

⁵⁷ For the Scottish Society's records concerning this dispute, see B.Ashley, *Ibid.* pp.32-39.

⁵⁸ B.Ashley, *Ibid* p.39.

⁵⁹ *18th Annual Report of the Board of Supervision for Scotland. 1912, Appendix A No. 7 p.88-89 (P.P. 1913 Cd 6720).*

parent, particularly drunkenness. As Glasgow's Inspector of Poor commented in 1913 for example:-

The offence of cruelty to and neglect of children seems to be on the increase, notwithstanding the numerous charitable agencies at work in their interest. From the evidence, it is clear that poverty has not much to do with it. In almost every case the houses of the accused were practically destitute of furniture and utterly lacking in home comforts, and this is directly attributable to over-indulgence in drink. There appears to be a general lack of proper control and sense of responsibility on the part of the parents for their children.⁶⁰

By contrast, although alcohol was similarly blamed for around one quarter of the cases dealt with by the SSPCC, the main cause of neglect was felt to be parental 'ignorance.' This factor led the Society to believe that 'cruelty to children in Scotland arises more from want of thought than from want of heart.' Lack of attention to cleanliness of children was frequently cited as an example of this. As the Inspector of the Ross-shire Society commented in 1929:-

...about 75% if the complaints received are in connection with the careless and slovenly habits of parents, who, so long as they provide sufficient food and clothing, are content to allow matters drift as far as the cleanliness of their children is concerned.⁶¹

This reflected a change in policy from the earlier years of the Society, where, as shown in chapter three, much neglect had been related to moral failings. This has been attributed to the growth of professionalism in the management of the Society.⁶²

These differences in opinion largely distinguish the Poor Law perception of neglect from that of the SSPCC. While parishes were accustomed to dealing with 'feckless'

⁶⁰ *Half-Yearly Report by the Inspector of Poor and Clerk to Glasgow Parish Council*. November, 1913, pp. 17-18.

⁶¹ Inspector Macdonald: *Report regarding the condition of Children in the Hebrides*, 10 September, 1906 S.R.O.GD409/29/4/2.

⁶² See also G.Behlmer, *Child Abuse and Moral Reform* chapter six.

parents, and had always blamed parental 'immorality' for child neglect, the SSPCC took a more cautious view, concerned always to project an image of moderation.

Prosecution was used by both parish councils and the SSPCC as a last resort. The number of prosecutions initiated by parish councils, rarely exceeded 100 in any year. The overwhelming majority of these prosecutions were initiated by councils in the Lanarkshire area, undoubtedly reflecting the work of Glasgow Parish Council. In 1910, for example, 106 out of the total prosecutions that year were in the Lanarkshire area, as were 69 out of the total in 1922. In 1927 there were no prosecutions outside Lanarkshire. In 1910 Glasgow Parish Council was the first to prosecute a parent whose failure to apply for relief resulted in the neglect of his children.⁶³

It would appear that outside Glasgow, few parishes made use of their powers to prosecute under this part of the Act. This can be attributed to the expense and difficulties involved in the prosecution process. Prosecution for cruelty was more expensive than for cases of desertion. Those charged with desertion usually admitted the offence, while witnesses had to be summoned in cruelty cases and the evidence of a doctor was also usually necessary. With such considerations in view, few parishes used their powers to prosecute, and the Act was important more as a means to threaten neglectful parents. Since the separation of children from parents was already established practice, few parents would risk the additional threat of prosecution. As Glasgow's Inspector commented:-

... the very fact that we have power under the Children Act to remove the children under warrant and thereafter punish the parent, is almost invariably sufficient to render such procedure unnecessary, and the children are handed over without trouble.⁶⁴

⁶³ *Glasgow Parish Council: Children Act 1908 Supplementary Report by the Inspector of Poor, June 1910.* p.9 GMLGR G362.7.

⁶⁴ J.R. Motion, 'Children and the Poor Law' *Poor Law Magazine*. 1914 p.153.

Similarly, the following case from Edinburgh Parish Council in 1915 also illustrates the use of the Children Act as a weapon with which to threaten parents into 'handing over' their children. This case concerned the application by a mother to have her three children who had been boarded-out by the parish returned to her: -

She is living with her mother and father (who is an old man) in a one apartment house but, on going there, her mother pretended that her daughter had a place of her own, and that she was away in Glasgow, and the house couldn't be seen. Neighbours state that this isn't the case, but that Mrs ____ is living with her mother. The two women make contradictory statements generally. Mrs ____ saying that her husband is working in Newcastle, and wishes herself and the children to go there, while in Mrs ____'s absence, her mother states that Mr ____ is a bad lot, and is making no more move to help them, and that her daughter and herself will provide for the children. Mr ____ was in jail Mrs ____ became chargeable, and Mrs ____ herself had just been convicted and fined for theft. She had been getting 8/- aliment in groceries, which was stopped owing to her misconduct, and she handed over the children - it being considered, however, that she did so partly in fear of proceedings being instituted against her under the Children Act.⁶⁵

The application for the return of her children was refused by the Council.

This idea that recourse to the Children Act was used only in the most difficult cases is further borne out by analysis of separated children in Glasgow following the Act. Until the outbreak of war, as shown by Table 3, the number of children separated under the Act was few compared to the number separated because of the usual moral considerations like parental 'drunkenness' or 'immorality.' From this table it would appear that few children came into the care of Glasgow Parish Council as a result of the child protection Acts, and that most were separated by parish discretion.

⁶⁵ *Edinburgh Parish Council, Children's Committee Minutes, 7 April, 1915* p.179. E.C.A.SL14/1/21.

Table 3: Separated Children Under the Care of Glasgow Parish Council, 1909-1914

	1909	1912	1914
Parents drunk.	255	286	309
Parent in prison (cruelty to children Acts.)	46	34	60
Father dead, Mother drunk, immoral.	311	330	374
Mother in hospital, Father dead.	47	84	96
Father in hospital, mother dead.	60	64	74
Father in hospital, mother drunken.	68	79	76
Mother dead, father in desertion, prison.	132	154	182
Illegitimate, mother drunken, immoral.	260	266	277
Father dead, mother unfit to support.	149	151	156
From variety of reasons, e.g. remit from sheriff courts, illegitimate through bigamous marriage, one parent dead, other in Asylum.	50	48	49
Total	1378	1496	1653

Source: Annual Reports of the Inspector and Clerk to Glasgow Parish Council

By 1913, as indicated by Table 4, separated children formed the largest group of pauper children, and were recorded in every county throughout Scotland. As might be expected the largest numbers of separated children were concentrated in the main cities. 152 out of the total 280 (54%) separated children in the county of Aberdeen for example, were from Aberdeen city. Similarly, in the county of Lanark, 2042 (81%) out of the total 2525 separated children were from Glasgow, and 290 (75%) out of the total 384 separated children in Midlothian were from Edinburgh. Nonetheless, separated children were returned even in smaller country and coastal parishes such as Kinghorn in Fife (with 6); Arbroath in Forfar (with 17); Cromdale in Elgin (with 13); and Rothesay in Bute (with 13).

Table 4: Children under the care of the Scottish Poor Law in 1913

	Orphaned	Deserted	Separated
Aberdeen	162	135	280
Argyll	51	21	35
Ayr	160	71	130
Banff	31	31	56
Berwick	5	3	7
Bute	6	3	20
Caithness	15	3	12
Clackmannan	9	7	13
Dumbarton	71	37	135
Dumfries	45	19	18
Elgin	21	23	54
Fife	88	23	128
Forfar	146	66	78
Haddington	28	5	9
Inverness	83	39	63
Kincardine	14	6	16
Kinross	2	-	2
Kirkcudbright	30	19	21
Lanark	862	594	2525
Linlithgow	41	26	22
Midlothian	221	167	384
Nairn	1	6	5
Orkney	19	1	6
Peebles	6	1	3
Perth	55	33	43
Renfrew	152	105	306
Ross and Cromarty	47	19	25
Roxburgh	19	4	15
Selkirk	6	3	17
Stirling	79	50	117
Sutherland	10	2	9
Wigtown	28	5	18
Zetland	4	-	4
Total	2517	1527	4576

Source: Summary of the number of poor relieved in each county on three given days during the year 1913 in 19th Annual Report of the Local Government Board for Scotland , 1913, Appendix B. No.7 pp.218-219 (P.P. 1914 Cd7327)

Few of the cases dealt with by the SSPCC ended in prosecution. More emphasis was placed on the prevention rather than the punishment of cruelty to children with offenders given every chance to reform by being placed under close supervision. Except in cases requiring special attention where domestic violence seemed imminent, supervision visits were usually every fortnight. These took the form of examination of

the child and its home conditions and the giving of advice to parents on such topics as housekeeping, cleanliness and diet. Advice was also given to destitute families on their right to apply for relief, and they were reminded that failure to do so could end in prosecution. Information regarding destitute families was forwarded to Inspectors of Poor. By 1915, over 500, 000 supervision visits had been made to families by various local Societies throughout Scotland.

Habitual offenders known to the SSPCC were given repeated warnings and only where no improvement occurred were they recommended for prosecution. In Aberdeen, for example, one father had been under observation for five years when he was finally brought to the attention of the procurator fiscal in 1913.⁶⁶ The Society was aware that strong evidence had to be collected for prosecution purposes which would stand up in court. Inspectors were therefore advised to gather precise information, substantiated where possible by statements from witnesses. The following hints were given:-

In cases of assault, an endeavour should always be made to obtain the evidence of neighbours who saw the blow struck. Evidence in cases must be complete. An Inspector should not say "the man (or woman) is of drunken habits", except from personal knowledge. Particulars should be got from neighbours as to the frequency or otherwise of drinking.

The statement of a child "she beats me", is incomplete. An Inspector should ascertain and state with what weapon the child was beaten, for how long, how often, and when the last beating took place.

A report should state whether a child seems emaciated or not, and if not whether neighbours have fed it.

In cases of immoral surrounding affecting children, a woman must not be described as a prostitute unless she has been convicted as one; and it should not be said that men visit the house for immoral purposes without corroborative evidence to this effect.⁶⁷

⁶⁶ *SSPCC Aberdeen Society Minutes 26 February, 1913* p.27. A.C.A (not catalogued).

⁶⁷ *SSPCC Branch Directory, 1914* pp.23-24, S.R.O.GD 409/26/9.

The majority of cruelty cases were tried in the sheriff courts, with only the most extreme reaching the High Court. As shown by table 5 the number of convictions reached a peak in 1910, immediately after the Act, and thereafter steadily declined.

Table 5: Cases of Cruelty and Neglect of Children dealt with by the SSPCC 1910-1925

	1910	1915	1920	1925
Warned	6689	6317	7365	6009
Reported to Fiscal	608	407	368	290
Dropped after investigation	91	29	28	37
Imprisoned	398	295	204	168
Fined	36	29	37	10
Inebriates'	3	7	2	-
Home				
Deferred	157	73	64	52
sentence				
Acquitted	14	3	6	10

Source: Annual Reports of the Scottish Society for the Prevention of Cruelty to Children, 1910, 1915, 1920, 1925 SRO: GD409/5 :-/25; /30; /35; /40

Much depended of course on the judgement of the fiscal and the sheriff. Fiscals would only initiate proceedings where there was sound evidence, and in the early years of the Act the Society often complained about the reluctance of fiscals to take up certain cases.⁶⁸ In particular, there were often delays in cases of desertion. In many instances fiscals refused to proceed on the grounds that it was a matter for the Inspector of Poor. The Inspector of Poor, however, could only act in cases where the wife and children became chargeable to the parish. This created a situation whereby 'the Procurator Fiscal refused to move, and the Inspector of Poor being unable to move, nothing was done to bring the offender to book.'⁶⁹ By way of remedy in 1920, the

⁶⁸ For example, *SSPCC Minutes*, 31 August 1917 p. 341, 22 November, 1921_p.237 S.R.O.GD 409/29/8.

⁶⁹ *SSPCC Minutes* 22 December, 1920 S.R.O. GD409/29/8.

Society issued a memorandum to all cruelty Inspectors asking them to report any such cases which could then be forwarded to the Crown Office.⁷⁰

The system of deferred sentencing, which, as illustrated by the table was often used, was similarly criticised by the Society. In 1914 they issued the following memorandum to sheriffs throughout Scotland:-

It is to be remembered that in every case dealt with by the SSPCC before information for a prosecution for neglect is lodged with the Procurator Fiscal the offender has been frequently remonstrated with by the Inspector of the Society, and has been warned that if his conduct does not improve he will be prosecuted. The offence therefore, is not a single act, but a habit, and has always been long continued before a prosecution is brought. If the offender is at last prosecuted, and if, although convicted, he finally escaped punishment, the power and influence of the Society as a preventative agency in the early stages of child neglect is weakened.⁷¹

By the 1920s however, as illustrated from the table, a higher proportion of cases recommended by the Society for prosecution ended in conviction. This would imply that by this time it was only the most substantial cases that were put forward, which in turn, were likely to hold in court.

Most children dealt with by the SSPCC whose parents were imprisoned under the Act were temporarily removed to 'places of safety', although in the majority of cases they were finally re-united with their parents in the end and closely watched by the Society. Allegedly, even those parents who were convicted rarely held grudges. The Society's annual reports often cited tributes from 'reformed' parents who were grateful of their second chance. Such statements as the following are typical of this analogy:-

⁷⁰ *Ibid.*

⁷¹ *Memorandum from the Executive Committee SSPCC to the sheriffs and sheriff substitutes of Scotland regarding the system of deferring sentences in prosecutions under the Children Act 1908 SSPCC Minutes, 21 September, 1914 pp.78-79. S.R.O. GD 409/27 /5.*

Wife's Statement
South Queensferry

Come away we are glad to see you. This is a very different house now, I am sure. Mr ___ is a very different man. He has been working steady, and comes home every night from his work, gets his tea, and after reading the evening papers he gives the children their lessons. We are getting on so well, although he has only a small wage. Of course we have a struggle, but what of that as long as we have peace and can manage. I can assure you he has not forgotten the 60 days. Be sure and come again, for we like to see you.⁷²

Such 'beneficial' results of prosecution continued to be reported in Poor Law cases also. As Glasgow's Inspector commented, children were not separated from their parents 'forever, without hope of recovery.' Where they could demonstrate a reformed character and ability to maintain a 'decent' home, they had every chance of getting their children back:-

One case may be quoted which illustrates the fact that, however degraded a man and woman may become, there is always hope of their reformation. In 1910 a couple were sentenced to a long period of imprisonment for keeping their children in a brothel, and the evidence showed that they had reached the lowest depths of degradation and debauchery, and fully merited the description of one witness that they were 'the worst pair in the Cowcaddens.' On his liberation from prison the man was advised by the Inspector to turn over a new leaf, which he promised to do. He kept his word and regularly paid the weekly contribution ordered by the court. He then got a situation in the country, and by dint of good industry and good conduct, gained the confidence of his employers, and the respect of his fellow workmen. He also provided and furnished a good home for his wife, who had given up her former mode of life, and in anticipation of regaining custody of their children. When their application came before the court, the sheriff expressed the greatest pleasure it gave him to grant the necessary order and wished them every prosperity in the future.⁷³

VI

From the late-nineteenth century, as has been outlined in this chapter, traditional ideas about parental domination were re-defined through a series of child protection

⁷² *Annual Report of the Edinburgh SSPCC 1902*, p.38. S.R.O. GD 409/5/17.

⁷³ J.R.Motion, 'Children and the Poor Law', *Poor Law Magazine*, 1911, p..152.

Acts. A new social perception and legal definition evolved of children as independent beings with 'rights' to particular standards of care and protection, which, if denied them, justified state intervention. This increase in state obligation was shaped in response to social concern about the condition of British children which, as demonstrated in chapters two and three, had been growing since the mid-nineteenth century. The state was thus forced to legislate to safeguard the future supremacy of the country. As Asquith commented in his 1907 Budget speech, the Children Act was felt to be essential to protect 'the material upon the fashioning of which depends whether children shall add to the common stock of wealth, intelligence or goodness, or whether they shall be cast aside as a waste product on the local rubbish heap.'⁷⁴

Between the late-nineteenth century and early twentieth century, the parish role in child welfare was transformed. With the new knowledge about the relationship between poverty and child health, some attempts were made by the city parishes to develop preventative welfare schemes. These policies were limited in scope, however, and the parishes were not recognised as the appropriate agencies in the administration of feeding to schoolchildren. With the rise of the local education authority feeding schemes, a new child relief network was developed which had called into question, if only by a minority, the continuation of the Poor Law.

From the second decade of the twentieth century, inadequacies in parish care became more obvious. Few parishes were able to respond to their increased obligation towards the welfare of non-pauper children under the various Children's Acts. Apart from cases where children were taken to poorhouses as 'places of safety', few parishes dealt with children from non-pauper families. This meant that gaps in provision were

⁷⁴ Quoted in M.K.Inglis, 'The State Versus the Home: Should There be a Central Government Department for Children?' *Fortnightly Review* 1908 LXXXIV p.167.

filled by the SSPCC. Indeed, change in practice in Scotland following the Act was not marked. Although parishes gained greater powers of retention over the children in their care, and of dealing with neglectful pauper parents, most appear to have separated children from unsatisfactory homes without recourse to the law. The new legislation was important in giving them legal backing but it was used only in extreme cases. The parish approach to parental neglect differed notably from that of the SSPCC. The SSPCC, with a less pressing monetary interest, viewed prosecution and the removal of children from the home as a final measure when all attempts at parental reform had failed. They were therefore more generous in the number of 'chances' they gave to parents than the parishes. Moreover, the Society was well aware that, given the nature of the Scottish prosecution process, only thoroughly substantiated cases would stand up in court. This was less of a consideration for the parishes, since legal action was rarely used.

Despite the growth of child protection legislation, then, parish care thus remained largely confined to children from pauper families with little change in procedure. Evaluation of the schemes that were developed on behalf of these children will now be made in the following section.

SECTION THREE

APPLICATION OF POLICY

CHAPTER FIVE

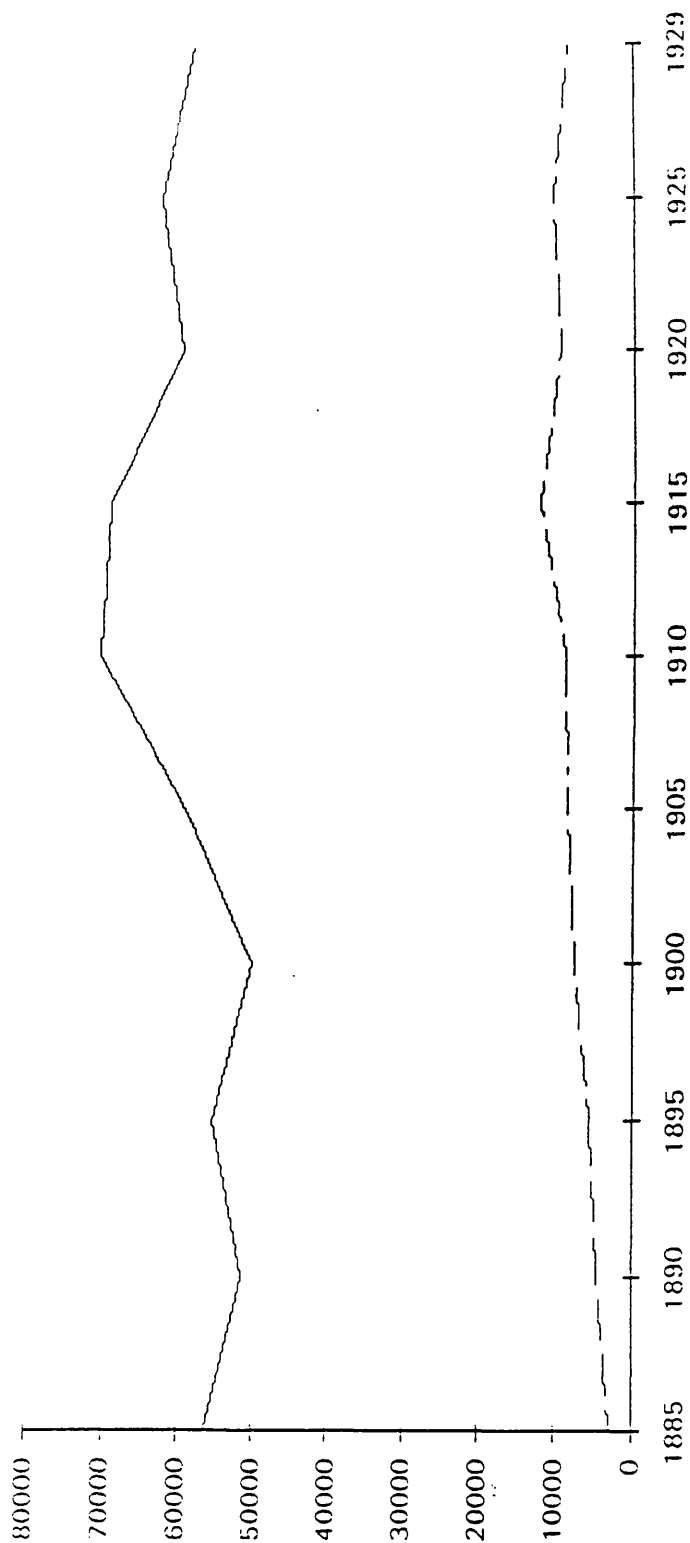
BOARDING-OUT

The practice of boarding-out children to foster parents was supported as one of the most successful features of new Poor Law policy in Scotland. The popularity of the system centred on the belief that it helped to reduce the 'spread' of pauperism with universal benefits. The children acquired a greater sense of individual responsibility than when brought up in a poorhouse; the foster parent was provided with a regular income and companionship; and the cost was cheaper than that of institutional provision. Many English commentators were equally impressed by such perceived advantages of boarding-out over institutional provision, and campaigned for its introduction into England.¹ Despite support, however, as illustrated by Figure 3, it was never adopted on the same scale as in Scotland.

This chapter will examine the administration of boarding-out in Scotland at both local and central authority level, and will assess the factors behind its failure to make any significant impact on the child care policy of the English Poor Law. Evaluation will then be made of the effectiveness of the system in Scotland through closer analysis of how it worked in Glasgow, the largest Poor Law parish, which boarded-out the greatest number of children.

¹ See, for example, W.L.Hall, *Boarding-out as a Method of Pauper Education* (London, 1887); C.W.Grant, *The Advantages of the Boarding-out System* (London, 1869); W.P Trevelyan, *Boarding-out* (London, 1895)

BOARDING OUT COMPARED WITH INSTITUTIONAL PROVISION 1885-1929 (ENGLAND)



— INST
- - - BOUT

I

Boarding-out was designed to sever children from all links with the poorhouse environment, and was supported by rural and urban parishes alike. In small rural parishes with few pauper children foster parents were usually found within the parish boundaries. In the larger city parishes, where the need to reduce pauperism was more urgent, most children were boarded-out as far as possible away from the 'evil associations' of town life to country and coastal areas. It was hoped the city children would thus benefit from the clean air and home produce of the country. Boarding-out to remote areas was also particularly expedient in the case of separated children since it lessened the chance that they would be found by their parents. Some areas, such as Peterhead in Aberdeenshire only allowed the natural parent to contact their child through special arrangement with the Inspector of Poor:-

As the object in many cases is to remove the children from evil influences, the guardians should keep in mind that relatives or friends of the children must not be allowed to visit any of them without showing a line from the Inspector of Poor, Peterhead; and every visit must be reported at once by the guardian posting the line back to the Inspector.²

Most urban parishes developed networks of boarding 'communities' in specific areas. Midcalder, Penicuik, Musselburgh and Kippen were popular places with Edinburgh authorities and such places as Midmar, Echt, Skene and Huntly with Aberdeen. Glasgow, as will be shown later, boarded-out its children wherever possible at a great distance from the city to areas as far apart as the Clyde coast, the Borders, and the Highlands and Islands.

² Rules and Forms Drawn Up By Peterhead Parish Council In Connection With the Boarding-out of Pauper Children. *11th Annual Report of the Local Government Board for Scotland, 1905*, Appendix A No.13 p.28.; (P.P. 1906 Cd 2989). See also Appendix III in this thesis.

In order for the system to work, foster parents had to be of a 'suitable' character. Where it seemed cruel to break family ties, such as in the case of orphans, children were sometimes boarded-out with relations. Most authorities however preferred to board out to strangers, believing that boarding-out to relations was no more than a form of outdoor relief, and so encouraged pauperism. Moreover, it was often felt that boarding-out to relations resulted in the placing of children in somewhat 'undesirable' homes. It was unusual for children to be restored to relations after they had been boarded-out elsewhere. A 'curious' case of this kind was amongst those investigated in Glasgow in 1909:-

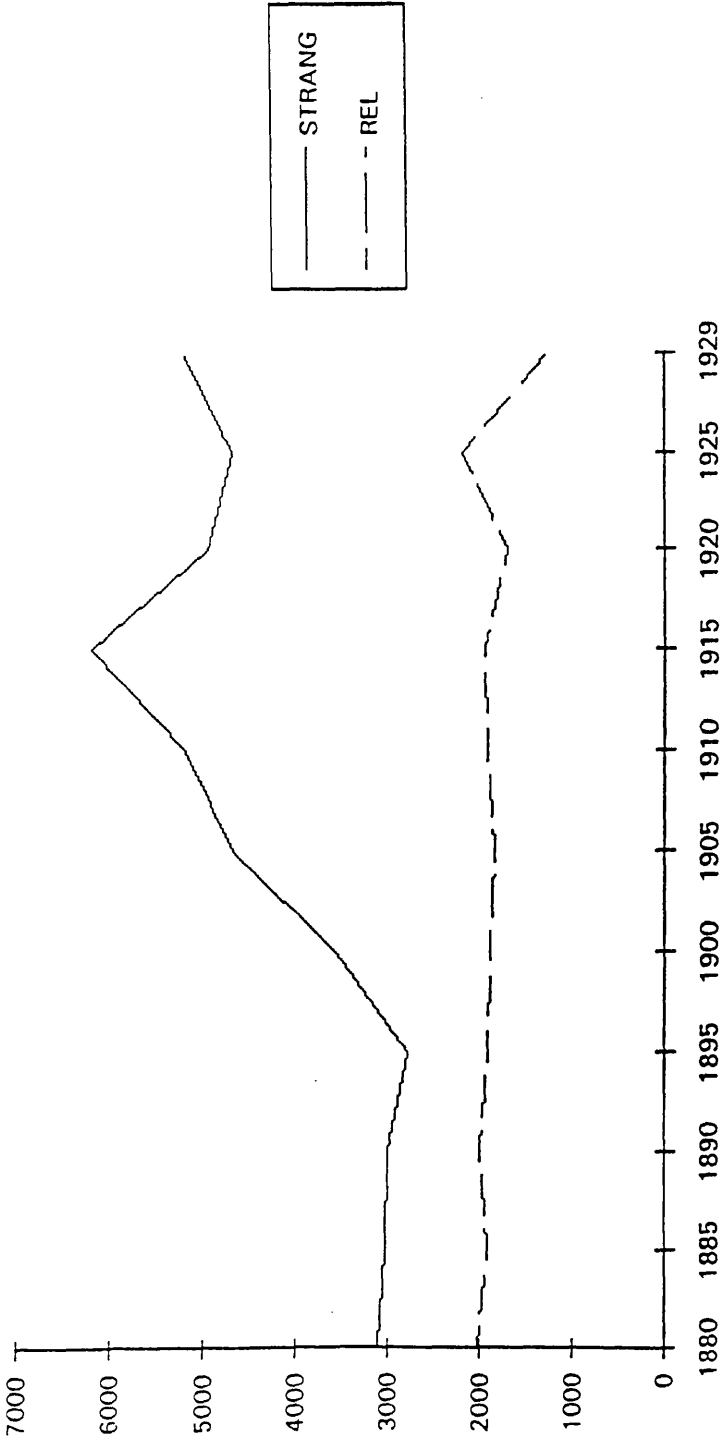
A child was boarded-out in the country by the council, because no relations could provide a suitable home. The grandmother, and her unmarried daughter however, never rested until they got him back. They lived in two dirty, untidy rooms, poorly furnished and badly looked after. The old woman, of the most excitable type of Irish peasant, was a school cleaner but growing very infirm. The daughter, of a similar type, but appearing a little dull-witted, was a weaver with very little work. Both women were very dirty, dishevelled, and excited when visited. They appeared to be devoted to the boy, who was the light of their eyes, but the officials looked upon the home as unsuitable and considered that the committee had been over-easily worked upon when they consented to bring the boy and his sister back from the country to his grandmother. The boy, however, was clean, healthy and curiously refined in speech and manners. This is a case which is exceptional, and cannot fairly be judged as typical of the boarding-out system.³

Thus children were only boarded with relations who were considered morally suitable and the majority of children, as illustrated by figure 4, were placed with strangers.

Foster homes for urban children were found either through the urban Inspectors requesting a list of suitable names from country and coastal Inspectors or through interested parties applying directly to the parish. Inspectors in small parishes with few children on their roll had time to vet foster parents themselves. Mr William Pressley,

³ Report by C.T. Parsons on the Condition of Children who are in Receipt of Various Forms of Relief in Certain Parishes in Scotland p.54. *Royal Commission on the Poor Laws and Relief of Distress*, 1909 Volume LII (P.P. 1910 cd 5075).

STATUS OF FOSTER PARENTS 1880-1929



for example, Inspector of Fraserburgh Parish Council, and Secretary for the Association of the Society of Poor Law Inspectors for the north of Scotland took a keen personal interest in the selection process:-

I generally write to some of the inspectors of the country parishes with whom I intimate. I meet them at the meetings of the Association, and I get to know a man who will be very careful in recommending a good guardian. Then I go down and see the guardian myself, I make inquiry at the schoolmaster or the minister, and after satisfying myself that the guardian is suitable in every way, I then board out the child.⁴

Few of the urban Inspectors in the larger parishes had the time or resources to pay such close attention in the choosing of homes, and had to rely on recommendation alone. Some general qualifications were observed. Those claiming poor relief were not considered and married agricultural labourers and crofters were the preferred type. Crofters in particular epitomised the model of self-sufficiency which the parish wanted to instil in the children. As James Russell Motion, Inspector of Poor and Clerk to Glasgow Parish Council commented:-

No better foster parent can be found than the decent Highland crofting population, whose thrift, honest independence, and sterling character has for centuries been the backbone of our Scottish nation.⁵

Where their character and accommodation were suitable, small tradesmen, mechanics and widowed or single persons were accepted. In theory, foster parents had to be of the same religion as the child and church attendance, as with school attendance, was compulsory for the children. Foster parents received a monthly aliment for maintaining the children, with the cost of school fees and medical care also being met. Authorities were anxious not to place children with foster parents whose motives appeared purely

⁴ Evidence of Mr William Pressley, *Royal Commission on the Poor Laws and Relief of Distress, 1909* (Scottish evidence) p.506. (P.P.1910 Cd. 4978).

⁵ James R. Motion, ' Children and the Poor Law: A Lecture delivered to Glasgow School of Social Study' *Poor Law Magazine* 1914 p.180.

financial, although most accepted that in some cases the desire to make a profit was mingled with 'a real love of children and a desire to have them for their own sake.' Few parishes experienced difficulties in finding foster parents for their children. As late as 1928 the Inspector of Keig Parish Council in Aberdeenshire received over 100 applications in response to his advertisement for suitable homes for two orphans.⁶

One difficulty often remarked upon, however, was that of a shortage of suitable Roman Catholic foster parents, with the result that many Catholic children were boarded-out to Smylum Orphanage at Lanark, run by the Sisters of Mercy. In 1909 when C.T. Parsons was appointed on behalf of the Royal Commission on the Poor Laws to report on boarding-out in Scotland he found that owing to a shortage of Catholic foster parents, many had been fostering different children for as long as forty years. In exceptional circumstances, where no Roman Catholic foster parents could be found, it does appear that such children were boarded-out to Protestant foster parents. The following declaration, signed by a Roman Catholic Glasgow mother is indicative of this:-

I _____ presently residing in Barnhill poorhouse and a Roman Catholic, do hereby hand over my children to the Inspector of Poor of the Parish of Barony for the purpose of being boarded-out in the country with a Protestant guardian and receive their education from a Protestant school.⁷

Such attempts at proselytism by parishes was however felt to impair public confidence in the system, and they were discouraged by the central authorities from resorting to this course of action.

By the 1860s most large parishes had established Children's Committees whose members were responsible for arranging boarding-out and inspection of the children in

⁶ *Keig Parish Council Minutes, 14 December, 1928* p.78 A.R.A. 6/36/3/ .

⁷ *Barony Parochial Board; Applications for Poor Relief* S.R.A. DHEW 15/5/6 5/1758 pp.185-186.

their new homes. The children were visited annually by the Inspector of Poor from the parish from which they were boarded-out, and at least twice yearly by the Committee members. In small parishes, where there were no Children's Committees, the Inspector was responsible for supervision unaided. This was viewed as part of his normal parish duty, and no extra remuneration was allocated for the purpose. Poor Law Inspectors in the boarding parish had no obligation to monitor the children, although they were expected to be aware of any child boarding in their parish, and to report any abuse which came to their attention. On the whole, surveillance was very much dependent on the information networks of the boarding communities, through local ministers and school teachers. As William Murray, Vice-Chairman of Peterhead Parish Council commented:-

The experience of the Council has shown that direct unofficial supervision by themselves is best supplemented by ministers, teachers, and other friends of standing in the various localities. To have the children within easy distance of the Council and yet well out of the reach of undesirable relatives, the homes are invariably chosen within the limits of the country, but as far as possible from railways.⁸

As George Grieg, Inspector of Poor for Edinburgh City Parish further remarked, reliance on local informants helped to safeguard against neglect of the children:-

We have a schoolmaster, and we get from him a quarterly return of the attendance at school of every child...tradesmen, and perhaps the shoemaker or the tailor may tell us about them. And, in addition to that, where there are two or three nurses, they are very jealous of one another, and we very soon get an account of one who is supposed not to be doing her duty.⁹

This was of crucial importance, particularly to urban parishes which boarded-out children in distant localities. It must be remembered that travelling to remote areas in

⁸ Evidence of Mr William Murray, *Royal Commission on the Poor Laws and Relief of Distress, 1910* (Scottish Evidence) Appendix VI p.513 (P.P.1910 Cd. 4978).

⁹ *Report from the Commissioners on Reformatories and Industrial Schools 1884* p.404 (P.P. 1884 XLV C3786).

Scotland was often difficult, particularly in the winter, and this increased reliance on local informers.

The upbringing of the children was left very much to the discretion of the foster parent although any complaints alleging neglect of boarded-out children were investigated by the parish. The following example, again from Edinburgh is illustrative of this:-

The Clerk submitted and read the letter dated 25 November 1903 from the NSPCC in regard to the sleeping accommodation provided for _____, a boy boarded with _____ in Dewarton. The Society's Inspector reports that the boy is made to sleep in the back kitchen which is cold and comfortless and unsuitable as a sleeping apartment.

Mr Kilpatrick, Assistant (Poor Law) Inspector reported that he had visited the house and enquired into the matter, when he found that the boy had for a short time been sleeping in the back kitchen. The guardian explained that the boy had been put there in consequence of a habit he had formed, but inasmuch as she believes him to be free from it, he has been removed back to his former sleeping quarters.

The Committee, after consideration, were satisfied with the explanation given and agreed to take no action in the matter.¹⁰

Where complaints of neglect were found to be justified, foster parents were cautioned and threatened with the removal of the children.

II

Between the late nineteenth and early twentieth centuries, the administration of boarding-out changed very little. The Board of Supervision and its successors appear to have assumed only a limited role in regulating the practice and it was left to the discretion of individual parishes. That boarding-out, was such a long established tradition, and so worked itself without intervention from the central authority, is the

¹⁰ *Edinburgh City Council Children's Committee Minutes Wednesday 9 December, 1903* p.22. E.C.A. SL14/1/10.

impression given through most official documentation on the subject. Official enquiry into the system was limited. Only one report, by W.A. Peterkin in 1893¹¹ was commissioned by the Board of Supervision. Peterkin, who boasted 50 years' official knowledge of boarding-out, gathered information from every parish participating in the system. He found that 360 out of the total 885 parishes had no child paupers on their roll. The remaining 525 parishes, with few exceptions, all had some boarded-out children in their care. Seven parishes in the main cities had more than 50 boarded-out children on their rolls- Barony in Glasgow with 380; Govan Combination with 274; Glasgow City with 253; St Cuthberts Combination in Edinburgh with 221; Edinburgh City with 218; Dundee Combination with 263; and Aberdeen City with 95. Smaller towns usually had less than 50 children. For example, Hamilton had 38; Inverness 47; Dunfermline 37; Paisley 37; and Perth 30. In 132 of the total 525 parishes there was only one child chargeable. Most parishes, whether dealing with large or small numbers, reported favourably on the system, the following examples being fairly typical :-

Fearn During 40 years, 10 boarded-out. Boarded-out children have the great benefit of being brought up under the influence of the family circle. They attach themselves to their guardians in much the same way as they see other children attach themselves to their parents. They are, considering circumstances, well looked after; the guardians being fully cognisant of the public eye. The system results in the children being saved from having attached to them in after years the stigma of having been brought up in an institution. They are reared and trained in the more natural manner, and thus are enabled the more easily to adapt themselves later on to the varying circumstances in the battle of life.¹²

Inverness: During 10 years, 107 boarded-out. There are now 42 on the roll. The system gives moral and physical strength, self-reliance and independence, which life in an institution cannot give. The "building" in the estimation of the child,

¹¹ W.A. Peterkin: 'Report on the System in Scotland of Boarding Pauper Children in Private Dwellings, 1893' Reprinted in *48th Annual Report of the Board of Supervision for Scotland*, 1893 Appendix A No. 6 pp.12-56. (P.P. 1893 -94 C7078.).

¹² *Ibid* p.31.

takes the place of the parent, and thus the affections are not reached. Before the boarding-out system was adopted here, almost every girl who was brought up in the poorhouse returned thereto sooner or later. During the last 10 years, only 1 of the boarded-out girls returned chargeable to the rates.¹³

Old Monkland (Lanark): During 34 years, 358 boarded-out; of 296 who ceased to receive relief, 227 turned out satisfactorily, 20 unsatisfactorily, and regarding 49 there was no sufficient information. The girls invariably turn out the best; several of them are at the present moment respectable mothers of families doing their duty to society and the State, and still retaining a warm feeling for their old guardians. The boys, when they reach manhood, are inclined to leave the district, but in several cases the elder brothers, when their trades are learned, have made homes for the other members of the family, and thereby relieved the Board of further chargeability. The system cannot be too highly commended, and has worked very satisfactorily in this parish. That expression "the poorhouse taint" has been removed, and while mingling with other children, a spirit of independence and self-reliance has been inculcated that enabled them to take their places in the struggle for existence without the reproach of poorhouse assistance being thrown at them in after life. The Parochial Board of Old Monkland made it a standing rule in their administration, never to allow children to be in the poorhouse when they can be boarded-out.¹⁴

Most parishes stated that the success of the system was dependent on the character of the foster parents. The strongest criticisms came from the Wigtown area. In Inch, for example, the Inspector expressed his disapproval of boarding-out because 'the people who take the children make a trade of it, and do not look properly after the interests of those entrusted to them.'¹⁵ Similarly, the Inspector of New Luce believed that in many cases the children would be better off in the poorhouse since 'when boarded-out they generally do a lot of work in the families and are always looked upon as paupers when with strangers.'¹⁶ Such criticism was, however, few compared to the praise the system inspired.

¹³ *Ibid* p.34.

¹⁴ *Ibid* pp.40-41.

¹⁵ *Ibid* p.49.

¹⁶ *Ibid* p.49.

Peterkin concluded his report with reference to certain proposals made by Inspectors for improvement of the system. These included suggestions that a local medical officer should examine and report on the condition of the children annually; that foster parents should be rewarded when their children received passes in school work, particularly in domestic economy, cooking, cleanliness and tidiness; and that teachers should report annually on the progress of the children. There was some disagreement over certain points, with some Inspectors desiring that foster parents should have no children of their own and others believing that the company of children, particularly if they were of similar age to the boarded-out child, was beneficial. Peterkin's final comments were favourable, and dismissive of any boarded-out child being neglected:-

In the Reports of the Society for the Prevention of Cruelty to Children, many instances are given of children living with and grossly neglected or ill-treated by their parents, all more or less of a painful description. The contrast between the position and condition of such children and those of pauper children is very great. In the one set of cases the most distressing cruelty on the part of parents is with great difficulty discovered. Whereas, in the case of pauper children, no such thing could ever occur without being known at once, for, if any guardian ventures to neglect, far less maltreat, a pauper child, it would be known to the neighbours and promptly reported. The mere knowledge that an inspector may *at any time visit the house and remove the child* is besides sufficient to deter guardians from neglecting or acting with cruelty to any child. The Board have every reason to be well-satisfied that the boarded-out pauper children are well looked after and that the system has been of great value to the children themselves. How far the reduction of pauperism throughout Scotland is due to the care bestowed on thousands of pauper children during the last fifty years, it is impossible to say, but that that care has contributed very materially to lessen the number of persons who would otherwise have fallen on the rates cannot for a moment be doubted.¹⁷

The new Local Government Board continued to give boarding-out its full support. Like the Board of Supervision, they left the running of the system very much to local

¹⁷ *Ibid* p.56.

initiative, and recognised that there ought not to be too much central authority interference. This was felt to be a crucial consideration in building up a sense of trust with the foster parents, and allowing them some form of freedom in bringing up the children. As Mr Abijah Murray, Chief Clerk of the Local Government Board commented in 1909:-

The practice of boarding-out children having been spontaneously adopted by parish councils, the Local Government Board have not had much occasion to press it on their attention. The Board's duty has rather been to maintain a general supervision of the system, with a view to checking any tendencies that might result in failure or abuse. While the General Superintendents of Poor, in the course of their ordinary duty, visit regularly the homes where children are boarded-out and report to the Local Government Board the result of their inspections. The Board are alive to the risk that over-inspection and visitation may frustrate one important object of the system, viz. to make the pauper children indistinguishable from the juvenile population.¹⁸

Praise for the Scottish boarding-out system was upheld by the Royal Commission on the Poor Laws and Relief of Distress, 1909. For the purposes of this Commission, Dr C.T. Parsons was appointed to collect information on 'the condition of children in receipt of the various forms of poor relief.' Parsons' report echoed the accepted view that boarding-out was 'in most cases far better for the child than bringing it up in institutions.'¹⁹ The final recommendations of the Commission however, urged for more 'thorough and constant' supervision than that which existed. The suggestion was that this inspection should be both lay and medical, and that the Local Government Board should appoint one or more Lady Inspectors of boarded-out children.²⁰

¹⁸ Evidence of Mr Abijah Murray, *Royal Commission on the Poor Laws and Relief of Distress, 1910* (Scottish evidence) Appendix VI p.47 (P.P.1910 Cd. 4978).

¹⁹ Report by C.T. Parsons on The Condition of Children who are in Receipt of the Various form of Poor Relief in Certain Parishes in Scotland. *Royal Commission on the Poor Laws and Relief of Distress 1909* Volume LII p.102 (P.P.1910 Cd. 5075).

²⁰ *Royal Commission on the Poor Laws and Relief of Distress, 1909 : (Report on Scotland)* p.132 (P.P.1910 Cd. 4922)

This latter recommendation was implemented in 1910 when Dr Mary J.Menzies was appointed as the first central Inspector to boarded-out children. The creation of her post followed the introduction of school medical inspection in Scotland. Unaided in her duties, Dr Menzies was able to visit only about one quarter of the foster homes a year. In her visits, she paid particular attention to the circumstances of the foster parent and the condition of the foster home and the physical condition of the children and their educational achievements. She recognised that it was 'not easy to estimate the value of a guardian personally on one inspection', although she had a clear idea of what was unacceptable:-

I should regard as unsatisfactory those guardians who are inherently uncleanly and untidy, since, apart from the resulting discomfort and the unhealthiness of the surroundings, the training for the child is bad; those who are too old, since they can neither keep a comfortable home, nor control or give a good moral training; and those who are unable to exercise proper control over the children in their care; those suspected of overworking the children.²¹

With few exceptions she found that crofts were the best homes available for children, with gain to both foster parent and child. The following description is revealing in what the accepted standard of boarding-out 'care' involved:-

A croft produces certain foods, oats, potatoes, other vegetables, milk, eggs, fowls, and sometimes sheep, which cannot profitably be taken to market. By importing pauper children to his croft, the crofter brings a market of his own hearthsome, and thus disposes of his otherwise comparatively valueless produce for a good cash return. Because he wishes to keep the children and the money which is paid to him for their maintenance, he is willing to permit the boarding-out parish to exercise a control and supervision such as would not otherwise be readily tolerated. The crofter obtains from the children assistance in the lighter croft work.²²

²¹ Report by Dr Mary J.Menzies, Lady Medical Inspector, for the period August-December, 1913 *19th Annual Report of the Local Government Board for Scotland, 1913*, Appendix A. No.6, p.17.(P.P.1914 Cd.7372)

²² *Ibid.* p.18.

In 1913 the Local Government Board attempted to introduce more detailed case documentation concerning boarded-out children. A new Children's Register was drawn up to replace the existing one which had not been revised since 1864.²³ The amended register now asked parishes to provide information concerning any mental or physical handicap of the child; the number of rooms in the foster home; and the number of inhabitants, including adults, boarded-out children, and the foster parent's own children. Any change in foster home, and the reasons for removal were to be noted, and details of the child's employment progress for three years after coming off the roll were also to be noted. In this way, the Board hoped to advise parishes on the character of foster parents, and to 'test the efficiency' of boarding-out 'and to verify by accurate data over a wide area and period the merits which we believe are justly claimed for it.'²⁴ Those Registers that have survived, however, indicate that few parishes kept a record of the children once they came off the roll. Some were no doubt too pressed for the extra work that it would involve, while others felt that keeping former boarded-out children under close observation would be detrimental to their development as independent wage earners. Aberdeen Parish Council did not agree with the employment checks on the following grounds:-

It is, for obvious reasons, undesirable in the interests of the children that the Inspector should follow them about the country for two years after they are self-supporting to obtain the desired information. The (Children)Committee's principal reason for taking objection therefore is the risk of young people being taunted by their fellow employees of having been brought up by the parish.²⁵

²³ See Appendix IV in thesis.

²⁴ *19th Annual Report of the Local Government Board for Scotland, 1913* p.xv (P.P.1914 Cd.7372)

²⁵ *Aberdeen Parish Council Minutes, 13 January, 1914* p.45 A.C.A. 22/2/8 .

Glasgow also opted out of this scheme because, as will be shown later, it already had by this date already devised a card-indexed case system of children in its care.

It thus appears that the system of boarding-out children was developed along markedly informal lines, with little intervention from the central authority. As will now be shown, this approach differed notably from the manner in which the system was introduced into England.

II

Although some form of boarding-out existed in the early years of the new Poor Law administration in England it was not as widespread a feature of child relief as in Scotland.²⁶ The numbers involved in England were small and the system was only applied within union boundaries. English child care centred instead around institutional provision in the workhouses and district schools, reflecting the overall emphasis on indoor relief. Nonetheless, despite the efforts that had been directed towards education and segregation from adult inmates, institutional child care came under increasing attack from the mid-nineteenth century. This led many commentators to investigate the Scottish practice of boarding-out beyond the parish boundary and to press for the introduction of a similar system into England.²⁷ As this section will demonstrate, however, the system of boarding-out which subsequently developed in England differed markedly from that in Scotland.

Support for boarding-out in England grew as a reaction against the apparent weaknesses in institutional provision. By the mid-century, neither the district schools

²⁶ See, for example, I. Pinchbeck and M. Hewitt, *Children in English Society* Chapter 17.

²⁷ For an account of the boarding-out system in England see, V. George, *Foster Care* (London, 1970); I. Pinchbeck and M. Hewitt, *Children in English Society* Volume 2; S. & B. Webb, *English Poor Law* Part 2.

nor the workhouses appeared to be proving successful in their objectives of preparing pauper children for adult life. In 1861 the Report of the Royal Commission on the Education of Neglected Children²⁸ (the 'Newcastle Commission'), of which Kay-Shuttleworth and Tufnell were both members, presented a large-scale attack on workhouse provision for children. Kay-Shuttleworth estimated that at least one third of all London prostitutes had been brought up in the workhouse. The Poor Law Board responded by arguing that large numbers of those brought up in the district schools were equally liable to return to the workhouse in adult life.

In view of such criticisms, the Scottish system of removing children completely from the institutions began to influence certain English commentators and the perceived benefits of boarding-out were much publicised. Among the most prominent supporters was Florence Davenport-Hill, who in 1868 outlined the benefits of boarding-out in her book, *Children of the State*. Davenport-Hill attempted to convince her readers of the benefits of boarding-out, and illustrated how it worked in Scotland as a system which 'forms a natural tie between different classes...help to raise the self-respect and natural ties and develop the many excellent qualities of our neighbours, which impresses on us all the moral and material advantages of home life.'²⁹ The cause was quickly taken up by many voluntary societies, notably the Charity Organisation Society and various societies for befriending pauper children, and it gained the support of prominent philanthropists such as Mary Carpenter and Louisa Twining.

The Poor Law Board was, however, cautious of lending support to a system which would give them less control and supervision of children than the institutional method.

²⁸ *Report of the Royal Commission on the Education of Neglected Children, 1861* (P.P.1861 XXI).

²⁹ F.D.Hill, *Children of the State* (London, 1868; 2nd Edition, 1889) p.214.

This was associated with fears about the possible neglect and ill-treatment of foster children as had come to public attention under the apprenticeship system. Nonetheless, growing public interest in the system pressurised the Board into commissioning an enquiry into its operation in Scotland and in 1869 J.J.Henley, an Inspector to the Board, was appointed for the purpose³⁰. Henley's report was encouraging and although he was critical of the selection and supervision of foster homes in Scotland, he acknowledged that boarding-out, if properly conducted, improved the mental and physical condition of pauper children and effectually broke their connection with the poorhouse. This persuaded the Board to introduce a Boarding-out Order in 1870 which approved the introduction of boarding-out beyond the union as an alternative method of child relief. The Order provided for a well-regulated system. Only orphaned and deserted children who were between the ages of two and ten years were eligible. Foster parents were to be carefully selected and of the same religion as the child. Inspection of foster homes was placed at regular intervals of not less than once every six weeks, and, unlike Scotland, the duty of inspection was placed upon the receiving area through the formation of local voluntary committees. A restriction of a mile and a half's distance from a school was set on foster homes, and of five miles from the residence of some member of the boarding-out committee. From the start, then, the integration of boarding-out beyond the union in England developed on more regulated lines than in Scotland, with more formal provision for inspection at local level.

The introduction of boarding-out into England met with some controversy, and throughout the late century the anticipated advantages and disadvantages of the system

³⁰ *Report by J.J.Henley on the Boarding-out of Pauper Children in Scotland: and in Certain Unions in England, 1869* (P.P. 1870 Cd 176 LVIII).

were widely debated. Tufnell, although not one of the Board's members at the time, pressed for its removal. The most scathing attack came from Henry Fawcett, Professor of Political Economy at Cambridge,³¹ who argued that the system violated the principles of 'less-eligibility' and would encourage an increase in illegitimacy and of the number of children deserted by their parents. Fawcett's sentiments continued to be echoed throughout the next decade, as illustrated by the following letter to the *Charity Organisation Reporter* in 1882 denouncing the system:-

If a labouring man sees that the pauper children boarded-out with a neighbour are much better provided for in every way than his own children, from the simple fact that, however industrious and thrifty he is, he cannot earn as much for each child as the paupers receive, and that their maintenance and schooling and doctoring do not depend, as in his own case, on the fluctuations of the labour market, he can hardly avoid coming to look upon the condition of pauperism as highly desirable, at least for the children, and in any case, where the large family was a burden, there would be a strong temptation to desert a child or two in order to secure for them a desirable home.³²

Despite such criticism, support did not weaken. In particular the conclusions of Mrs Senior's report into the education and training of pauper girls in 1874, which pointed to a lack of initiative in such girls' attitude to education and the failure of the institutions to provide them with sufficient skills for adult life, helped to strengthen the boarding-out movement.³³ In 1896 the Report of the Departmental Committee on the Education and Maintenance of Pauper Children in the Metropolis³⁴ presented a further attack on all forms of child institutional care in favour of boarding-out. Supporters

³¹ H.Fawcett, *Pauperism: Its Causes and Remedies* (London, 1871).

³² *The Charity Organisation Reporter* July 6 1882, p.205.

³³ *Observations on the Report of Mrs Nassau Senior as to the Effect on Girls of the System of Education at Pauper Schools, 1874.* (P.P. 1875 LXIII).

³⁴ *Report of the Departmental Committee on the Education and Maintenance of Pauper Children in the Metropolis 1896,* (P.P. 1896 XLIII).

continued to press for its expansion. In 1885 an Association for the Advancement of Boarding-out was formed aimed at interesting public opinion on the subject, helping in the formation of boarding-out committees, and the giving of information and advice to Poor Law guardians. Support similarly grew during the 1890s with the formation by Henrietta Barnett of the State Children's Aid Association which aimed at dismantling the district schools in favour of boarding-out. Moreover, established boarding-out committees, such as those at King's Norton and Windermere published encouraging statistics on the progress of those who had been boarded-out. In 1889 established boarding-out committees, such as that of King's Norton reported that out of a total of 270 children whose chargeability to them had ceased between 1873 and 1889, 168 (62%) were making satisfactory progress, 33 (12%) were doubtful, although 'may yet do well' and only 8 (3%) were in any way unsatisfactory. Supporters also argued the benefits in monetary terms. In 1893 Florence Davenport Hill estimated the annual cost of boarding-out at between £12 -£13 per child, as compared with £31 per head in institutions.³⁵

A number of factors however, prevented the large-scale adoption of boarding-out in England. By far the greatest obstacle to its implementation came from the central authority, who, unlike that in Scotland, never really gave the system full backing. As mentioned earlier, their main concern was to prevent any neglect or ill-treatment of the children, and because of this inspection played a prominent part in the procedure. The Poor Law Board and its successors continually stressed the necessity for close supervision:-

The Board cannot insist too strongly upon the importance of a close inquiry, by the Boarding-Out Committees, into all matters affecting the health and condition

³⁵ F.D.Hill, 'The System of Boarding-out Pauper Children' *The Economic Journal* III 1893, p.72.

of the children, such as food, clothing cleanliness, and sleeping arrangements, as it appears that the success of the whole system mainly depends on effective inspections.³⁶

Close supervision at local level was also backed up by strict inspection by the central authority. In 1885 a female inspector, Miss Marianne H. Mason was appointed as the first Inspector of boarded-out children to the Poor Law Board.³⁷ Her job was to monitor the progress of the local committees who had charge of the children. In 1898 a second female Inspector was appointed and in 1902 a third. The creation of this female inspectorate has been viewed as greatly advancing the role of women in English local government.³⁸ Each Inspector was required to submit detailed annual reports on the working of the system, and although each supported it as 'an excellent system, and one difficult to improve upon', they similarly stressed the need for thorough examination of the children and the foster homes. This even involved undressing the children should they think necessary. As Miss Mason pointed out:-

The feet are a better guide than anything else to the treatment of the child, for it is in the hollow of the ankles that strata of dirt accumulate most visibly; and having now seen some thousands of children's feet, I am generally able, by taking off one stocking, to tell the date of the last bath to a week, if it is only six weeks since. There is very little difference between dirt of six month's and a year's standing. The human skin cannot retain strata of more than a certain thickness. The removal of a stocking often reveals broken chilblains, blisters and sores, nails uncut, and broken below the quick, or growing into the foot. The neck, shoulders, and upper part of the arms also show dirt, bites, and marks of vermin, skin complaints, and blows. Beating is generally begun on the upper part of the arms. I sometimes find bruises there, evidently made by stick; and where this is the case I undress the child as much as further as necessary.³⁹

³⁶ Boarding-out of Pauper Children. Report of Miss M.H. Mason in *27th Annual Report of the Local Government Board (England)*, 1897-98 Appendix B No. 48 p.156 (P.P. 1898 C.8978.).

³⁷ See, for example, S.Dawkins, 'Perspectives of Childhood: Marianne Mason, Inspector of Boarded Our Children' (Unpublished M.A. Thesis, University of Bristol, 1980).

³⁸ P.Hollis, *Ladies Elect: Women in English Local Government 1865-1914* (Oxford, 1987).

³⁹ Report of Miss Marianne Mason, *21st Annual Report of the Local Government Board, 1891-92*, p.195. See also V.George, *Foster Care* p.39.

She also stressed the necessity for examination of the children's wardrobe and bedding, particularly in the colder winter months. Miss Mason believed that women were better equipped to inspect the children than men, and she was keen to promote increased female membership of the local committees. Women, she argued were not only more approachable to foster mothers seeking advice, but were also better suited to undertake intimate inspection of the children:-

I must again draw attention to the uselessness of visits made by men...because, to speak quite plainly, men cannot turn up girls' petticoats, take off their stockings, and look at their shoulders &c; and without this kind of inspection, it is, as I have said, impossible to ascertain the real facts as to the children's treatment, and it is only guess work.⁴⁰

For this reason she was often critical of the inspection of Scottish boarded-out children carried out as it was on the whole by male Inspectors of Poor. The English system of inspection she thus argued, with females as official inspectors, was 'greatly ahead of that of any other country.'⁴¹

Some foster parents objected to these rigorous inspection methods on the grounds that it humiliated the child and deterred prospective foster parents. In 1910 the Report by Miss Ethel Williams to the Royal Commission on the Poor Laws also cited evidence that inspection often created resentment and so resulted in difficulties in finding foster homes.⁴² Miss Mason and her colleagues however argued that genuine foster parents rarely took offence. As Miss Margaret Pell commented:-

⁴⁰ Report of Miss Marianne H. Mason, *23rd Annual Report of the Local Government Board, 1893-94*, Appendix B. No. 48 p.166 (P.P. 1894 c.7500.).

⁴¹ Report of Miss Marianne H. Mason, *32nd Annual Report of the Local Government Board 1903-03* Appendix B. No. 42. p.167 (P.P. 1903 cd 1700.)

⁴² Report by Miss E. Williams on the Condition of Children who are in Receipt of the Various Forms of Poor Relief in England and Wales. *Royal Commission on the Poor Laws and Relief of Distress, 1909*. Appendix VIII p.95 (P.P.1910 Cd. 5037).

This fear is without foundation. Those committees who employ regularly the method of thorough inspection, have told me that their foster-mothers never make the slightest objection to the examination of the children's bodily condition, or of their clothing, or of the inspection of the whole house; and my experience is that where the mothers are doing well by the children they are only too pleased that the committee and Inspector should see the results of their labours.⁴³

The female inspectorate thus continually stressed that the success of boarding-out was dependent entirely on close supervision and inspection. As Miss Walton Evans argued, it was fruitless to support the system on principle alone, and it in certain cases it was not always necessarily preferable to workhouse provision:-

In one particular instance after bringing reasons forward, as to the total unsuitability of a home, in which two girls were boarded-out, the Secretary (of the local Committee) remarked, "Oh, but anything is better than the workhouse." It would be far better for children to be kept in workhouses, where they are properly fed and kindly treated, than to be boarded-out in a home, such as the one I inspected. (The girls were subsequently removed.) From experience, one knows the care and trouble than is taken with children, also in the choice of trainers to look after them, in the majority of workhouses, and one has no hesitation in saying that it would be wiser to keep them in workhouses than board them out in carelessly chosen homes.⁴⁴

Official regulation of the system was also more pronounced than that in Scotland. The English central authorities passed many orders regulating the system, often on the advice of the female Inspectors. Amendments to the regulations for boarding-out beyond the union were made in 1889 and 1905 and to boarding-out within the union in 1889 and 1909. Boarding-out beyond the union remained confined to orphan and deserted children until 1905 when guardians were empowered to board out those children separated from their parents under the 1889 and 1899 Poor Law Acts. In 1911 a new Order was passed covering both boarding-out within and beyond the union

⁴³ Report of Miss Margaret Pell, *32nd Annual Report of the Local Government Board, 1902-03*, Appendix B. No. 43, p185. (P.P. 1903 cd 1700.)

⁴⁴ Report by Miss B. Walton Evans, Inspector of Boarding-out in *32nd Annual Report of the Local Government Board for England, 1902-03*. Appendix B No. 44 p.197. (P.P. 1903 Cd.1700).

and this remained the main piece of legislation on the subject until the Children Act 1948. The 1911 Order was lengthy, and covered all aspects of boarding-out administration. As before, the English Local Government Board stressed the necessity for the close supervisory arrangements under the new Order.

The issue of the new Order appears to the Board to present a favourable opportunity for calling attention both to the advantages of this system of dealing with children and also to its limitations, to its peculiar dangers, and to the risk of abuses which it is liable unless it is most carefully watched and regulated.⁴⁵

Provision for the regulation of boarding-out under the Order included the setting of a limit of no more than two children per foster home unless the children were related. Children were not allowed to be boarded-out without a certificate from a Medical Officer stating full particulars of their health. No child was to be boarded with any person who had been a convicted criminal, and children were to be withdrawn from the care of those committing an offence while acting as foster parent. Those occupying licensed premises were not considered as foster parents. Foster parents had to sign an agreement undertaking to bring up the child as their own, and to endeavour to train the child 'in habits of truthfulness, obedience, personal cleanliness, and industry, and to take care that the child shall duly attend a church, or chapel, and school.' A limit of a radius of two miles from the nearest elementary school was set on the location of foster homes, and schoolteachers were required to submit a quarterly report on the children's educational progress. If the schoolteacher's report was in any way unsatisfactory, the foster parent was cautioned. Supervision of the children continued to remain in the charge of local committees in the boarding area. Committees were to consist of at least three members, and one third of the members

⁴⁵ The Boarding-out Order, 1911 Circular letter, 16 October, 1911, reprinted in *The Law Relating to the Relief of the Poor* p.152. See also Appendix V in thesis.

had to be female. The children were to be visited in their foster homes not less often than once every six week by the female member. Committees were further expected to meet once every three months, and to keep records of the children in their care which were to be supplied to the central authority on request.

Strict regulation of the system in England limited the numbers of children that could be boarded-out. Added to this, a number of practical obstacles also restricted the large scale adoption of the system. Many guardians, particularly those who had built district schools, were reluctant to adopt new ventures, and so waste existing resources. Moreover, what should have acted as an incentive to board out, the Poor Law Institutions Order, 1913, had very little effect. The Order at last forbade the retention of healthy children in a workhouse for more than three weeks:-

... in every union where children of school age are still maintained in the workhouse, the Guardians should take prompt measures to remove them from the workhouse and provide for them in some more suitable manner. The Board wish to emphasise this point particularly, and they trust that in each of these unions a special effort will be made with this object.⁴⁶

The Poor Law Institutions Order came into operation on 31st March 1915 but during the war and for a short time afterwards it was suspended owing to the difficulties in enforcing it. Once it was re-instated, problems still remained in enforcement. Certain guardians complained that the removal of children from the institutions would increase expenditure, while others argued that it was unnecessary since workhouse conditions for children had greatly improved. From the 1890s most workhouse children had toys and books and by the early twentieth century, most were attending schools outside the workhouse grounds. In such situations, where the children appeared 'tolerably well

⁴⁶ Children Under the Poor Law, Circular letter, 16 June, 1910 reprinted in *The Law Relating to the Relief of the Poor* p.166.

attended' in the workhouse and satisfactorily segregated from the adult inmates, the Ministry of Health believed that they lacked a sufficiently strong case to compel the removal of the children.⁴⁷

Where boarding-out was adopted, similar practical difficulties at times restricted the smooth running of the system. Local committees often reported difficulties in finding suitable foster parents for the children. Opinion in Scotland often supported the view that English foster parents were of an inferior type, due to the absence of a class comparable to the crofters. Moreover, as Miss Mason indicated in 1900, for example, the availability of foster homes was often dependent on economic conditions:-

Owing to the rise of wages in the country,... the labourers and working people are, as a rule, so much better off that they do not want to be troubled with foster children, and the supply of suitable foster homes is therefore becoming limited.⁴⁸

Added to this, problems were at times experienced in the formation and continuation of the local committees. Numbers often dwindled with local fluctuations in trade and agriculture, and through the death or removal of members from the locality. A further problem often encountered was that of finding committee members who held enough status in the community to be respected by the foster parents. As Miss Mason indicated, the female committee members were often criticised by the foster parents on class grounds:-

In one case in North Lancashire, the foster parents refused to receive the visits of the committee, because, I was told they were all too much of a level; and the same was the case with another committee in that neighbourhood. In another instance in Kent, ... a foster mother told me that she would object to the visits of paltry people, and that there was no real lady in the parish; and she carried out

⁴⁷ *Memorandum on Article IV: Poor Law Institutions Order 1913, 1927-28 p.1 P.R.O.MH57/46.*

⁴⁸ Report of Miss M.H. Mason in *30th Annual Report of the Local Government Board 1900-1901*, Appendix B. No.50, p.186. (P.P. 1901 cd746.).

her threatened resistance to the visits of a lady whom she did not think good enough.⁴⁹

Throughout the late nineteenth and early twentieth century the numbers of boarded-out children in England steadily increased. By 1890 there were 4 366, the numbers having risen to 8 620 by 1905 and to 9 354 by 1920. By the early twentieth century, these numbers were comparable to those in Scotland. Unlike Scotland however, the system never became the main method of dealing with pauper children in England. In 1929 there were still over 50, 000 children in Poor Law institutions in England and Wales.

III

Closer evaluation of the boarding-out system in Scotland can be made from analysis of how the system worked in Glasgow, the main Scottish urban centre. Throughout the early years of the new Poor Law, relief in Glasgow was organised by two separate parishes, Barony and Glasgow City. In 1898 the two amalgamated to form Glasgow Parish Council, which was the largest Poor Law parish in Scotland with the greatest number of paupers on its roll. In 1906, for example, the ratio of poor on 15 May for the whole of Scotland was 23 per 1000 of the population, and for Glasgow it was 27 per 1000. The ratio of child paupers at this date was 12.60 per 1000 for the whole of Scotland, and 22.71 in Glasgow.⁵⁰ The pressure that the vast number of paupers posed on indoor accommodation, combined with the desire to 'rescue' children from the urban environment meant that great numbers of children were boarded-out from

⁴⁹ Report of Miss M.H.Mason in *25th Annual Report of the Local Government Board 1895-1896 Appendix B. No. 47* p.232 (P.P. 1895-96 C.8218).

⁵⁰ Evidence of James Russell Motion to the *Royal Commission of the Poor Laws and Relief of Distress, 1909* (Scottish evidence) p.243 (P.P.1910 VI Cd.4978).

Glasgow. Moreover, between the late nineteenth and early twentieth centuries, approximately 40% of the annual number of separated boarded-out children came from Glasgow.

In 1855, Barony Parish Council was the first parish to appoint a Superintendent of Children, William Grimmond, and to set up a Children's Committee. It was probably the first parish to board out children. In 1895 William Grimmond died, and was replaced by William Toward (previously Assistant Indoor Inspector) who took up his post for a salary of £150 per annum.⁵¹ The first Inspector and Clerk to Glasgow Parish Council was James Russell Motion, who had entered the service of Barony Parochial Board as a clerk at 14 years of age. In 1878, at the age of 26 years, he was appointed Collector of Poor and School Board rates for Barony. In 1885 Motion was appointed Acting Inspector of Poor and in 1898 on the amalgamation of Barony and City parishes, he took up his post as Inspector of Poor and Clerk of Glasgow Parish Council, and Clerk and Treasurer to the District Lunacy Board.⁵² In 1909 Glasgow Parish Council comprised 31 members, four of whom were women. Table 1 (overleaf) lists their occupations.

Glasgow Parish Council was extremely proud of their child care system developed under James Motion. James Cunningham, J.P., outlined the main provisions of the Poor Law as administered in Glasgow in 1914 as follows:-

The one bright spot in Poor Law work is the blessing that it is to the child. The best thing that many a parent has ever done for their child is to either die or desert them, and leave them to the tender mercies of the Poor Law, for they are tender to a degree. When one sees the kind and loving treatment meted out to a Poor Law child, you can hardly believe that only a century ago Dickens had ground for the terrible tales of cruelty then exercised on the workhouse child.

⁵¹ *Barony Parish Council Children's Committee Minutes 1 February, 1895* pp.156-157 S.R.A.DCH/1/3.

⁵² *Who's Who Scotland, 1900.*

What a change has come over our common humanity when, as now, 'a child - let him be as wicked, as filthy, as diseased, as helpless, as hopeless as you can imagine - is taken in hand with only the one thought of setting him right in all respects as far as possible, and fitting him when grown to be a useful member of society.'⁵³

Table 1: Occupations of Glasgow Parish Council in 1909

Writer or solicitor	2
Draper and clothier	2
Working blacksmith	1
Restaurateur	1
Monumental sculptor	1
House factor	2
Newspaper manager	1
Pawnbroker	2
Yarnmerchant	1
Physician and surgeon	3
Trades' Union secretary	2
Master hairdresser	1
Grocer	2
Jeweller and silversmith	1
Auctioneer	1
Measurer	1
Upholsterer	1
Master painter	1
Metal merchant and publican	1
Printer and publisher	1
No occupation	3
Total	31

Source: Evidence of James Russell Motion to the Royal Commission of the Poor Laws and Relief of Distress, 1909 (Scottish evidence) p.241 (P.P.1910 VI Cd.4978)

For the purposes of this case-study, the circumstances of boarded-out children under the care of Barony Parish Council in 1892 and of Glasgow Parish Council in 1921 were examined. The numbers involved were 404 in 1892, and 1873 in 1921. The year 1892 was chosen in order to acknowledge the 1891 Custody of Children Act, and the census year 1921 as an example of how the system worked during the inter-war years. The study is based on information contained in printed *Lists* of boarded-out children kept in Strathclyde Regional Archives. These *Lists*, which contain information

⁵³ James Cunningham, J.P., 'The Main Provisions of the Poor Law as Administered in Glasgow.' S.R.A. T.PAR 1.24.

on the name of each child; their age and religion; and the name and address of the foster parent; were bound in pocket-sized books and were presumably used on inspection visits. For the 1892 study the *List*⁵⁴ was cross-referenced with about 70% success to the original application made by the children's parents' for relief. It was further cross-referenced to the 1891 *Census*, with about 60% success in order to gather information on the children boarding with foster parents who were strangers. It did not seem necessary to investigate those boarding with relations since the main purpose of the case-study was to investigate those children who were separated from their parents and removed to new localities. Often the full address was not given for some of the children in the *List* which made accurate location in the *Census* difficult. The 1921 *List*⁵⁵ was cross-referenced, with 100% success, to card-indexed files which contained more detailed information on the case-histories of the children. The cards concerning children boarded-out at this date did not, however, provide any details on the foster parents, and since the 1921 *Census* is closed no information on foster parents could be gathered for the study. The cards did not give particulars on foster parents until the 1930s. Linking information from the *Lists* to the poor relief applications and card-indexes was possible since the 'Record Number' of each child was consistent. The information from the *Lists* was analysed using *PARADOX* and *EXCEL* software. Additional material for the case study was gathered from the minutes of Glasgow Parish Council and other related parish records.

Of the 404 boarded-out children under the care of Barony Parish Council in 1892, 35% were orphans, 5% deserted, and 60% separated by the Council from their parents.

⁵⁴ *List of Children Boarded by the Barony Parish 1892* S.R.A.DHEW /24/8. See Appendix VI in thesis.

⁵⁵ *List of Children Boarded by Glasgow Parish 1921* S.R.A.DHEW/24/32. See Appendix VII in thesis.

59% of the children were Protestant and 41% Roman Catholic. Comparatively, of the 1873 children in the 1921 study, 20% were orphans, 8% deserted and 72% separated. 72% were Protestant and 28% Roman Catholic. The higher proportion of Protestants by 1921 may suggest the possibility of a shortage of Roman Catholic foster parents. The drop in the proportion of orphans by 1921 may be explained to some extent by improved mortality rates but also reflects the existence of an increased voluntary network providing for orphans, particularly war orphans, by this date. The number of deserted children had risen slightly by 1921. In the majority of desertion cases in 1921 the mother had been deserted by the father, leaving her unable to cope. Throughout the immediate post-war years, the apparent increase in wife desertion caused the Council great concern. By 15 May 1920, applications for relief in Glasgow on the grounds of desertion had increased by 248 from the previous year, with the number concerning illegitimate children having risen by nearly 40. A great number of offenders had been found in English cities, particularly London. The Council had also been forced to search world-wide, and traced a number to Canada, America, New Zealand and Australia. As shown in chapter four, the prosecution process was expensive, and by 1920 the Glasgow Inspector was urging for a simplification of the legal procedure, not only in regard to wife desertion and the maintenance of illegitimate children, but also as a means of pressurising families to support their aged parents and other relatives.⁵⁶

The majority of separated children in the 1892 study had been removed from parents whom the Council considered to be drunkards or otherwise 'immoral'. By 1921 the reasons for separation now included cases where the parents were in prison

⁵⁶ J.R Motion; 'Wife Desertion and Adoption of Children' *Poor Law Magazine* 1920 XXX pp.267-273.

for neglect under the 1908 Children Act; where widows had been struck off the special roll; and in the case of those boarded-out during the war years, where the mothers had neglected them while the father was in active service.

The average age of those under the care of Barony in 1892 was seven years old, whereas by 1921 the average had dropped to five years. This would imply a more concentrated effort at boarding-out children from an earlier age. In both years the majority of children had been boarded-out to strangers and relatives were only used for orphans. Every effort appears to have been made to place children from the same family in the same foster home, or at least with neighbouring foster families. In 1892 there was an average of three children per foster household, and in 1921 of one child per home, perhaps reflecting concern about overcrowding during the inter-war years. The majority of foster parents were married couples, 38% in both years, although a considerable number were widowed or single. In the 1921 study around 15% of the foster parents were described simply as 'Mrs'. The majority of these women took in children during the war years, and while they may have been widows, it seems more likely that they had husbands on active service, and thus welcomed the additional income they could make from fostering. On average, foster parents received 12/- monthly in 1892. By 1921 the monthly aliment had risen to 34/-. Unemployment benefit during the twenties was around 15/- a week. Almost one third of the foster parents in 1921 received an annual clothing allowance of £7 for the children. This had increased from £5 in 1920, a sum which many foster parents had complained was quickly exhausted, particularly where boys between 10-14 years were concerned, on the purchase of one suit and one pair of boots.⁵⁷

⁵⁷ *Glasgow Parish Council Medical and Children's Committee Minutes 22 November, 1920*, p.615. S.R.A. DHEW 1.2.29.

As illustrated by Table 2, foster homes had been found for the children in all parts of Scotland. In 1892 the majority of homes were located in agricultural communities in such places as Banff, Inverness and Stirling. Much depended of course on the religion of the foster parent, which had to be the same as the child's. All of the children boarding on the island of Iona in 1892 for example were Protestant, while Catholic foster homes had been found in such areas as Dalbeattie and Castle Douglas in Kirkcudbrightshire. By 1921 the areas to which the children had been sent had extended quite considerably, with some children now boarding in Bute, Sutherland and the Orkney Islands. The majority of Roman Catholic foster homes in 1921 were located in Lanarkshire, although a considerable number had been found in remote areas such as Arisaig in Inverness-shire. The impact of the children on the small communities was great. In 1921, for example, 100 of the children were residing on the island of Mull, which had a population at the time of only 4 949. 70 of these children were residing in the small community of Bunessan at the south of the island. This concentration of boarded-out children in particular areas would confirm that certain communities made a practice of taking in pauper children. The reception of such large numbers of city children met with a mixed response. In particular, the boarded-out children often placed a pressure on existing school resources. This led many education authorities to request financial help from the Parish Council to help towards increased provision.

Table 2: Location of Foster Homes in 1892 and 1921

	1892	1921
Aberdeenshire	1	120
Angus	1	24
Argyll	31	200
Ayrshire	43	52
Banffshire	78	230
Bute	-	13
Clackmannanshire	-	3
Dumfriesshire	9	4
Dunbarton	14	30
East Lothian	-	3
Fifeshire	-	4
Inverness-shire	54	595
Kincardineshire	22	18
Kirkcudbrightshire	34	52
Lanarkshire	71	243
Midlothian	-	3
Moray	-	10
Orkney Islands	-	20
Perthshire	-	2
Renfrewshire	3	60
Ross and Cromarty	-	92
Stirlingshire	43	46
Sutherland	-	35
West Lothian	-	2
Wigtownshire	-	12
Total	404	1873

Source: Lists of Boarded-out Children 1892 and 1921

In order to gain additional information on the foster families, the children in the 1892 study were cross-referenced to the 1891 *Census*. As mentioned earlier, only those boarding with strangers were investigated, and this was achieved with 60% success. One of the most striking revelations was the ages of the foster parents. Almost 70% of them were aged over 50 years, with around a quarter of these aged over 70 years. In the majority of cases concerning elderly foster parents there were no young relations in the home although there were often domestic servants or housekeepers in residence. In some cases there were also lodgers, perhaps confirming the idea that the children in such homes were kept for monetary reasons. In one household in Dumfries,

there were a total of 11 occupants in the house, comprising of the married foster parents, aged 60 and 61 years; five lodgers; and four boarded-out children. The majority of foster parents in the 35-50 year age-band (31% of the total traced) had children of their own or siblings or parents living with them. As might be expected, the majority of the elderly foster parents were retired or crofters. In the latter cases it seems likely that the children were put to use on the land. In about 25% of the homes traced, the occupation of the head of household was returned as 'boarder of children'. This would again verify the idea of a tradition of boarding-out in Scotland as a money-making venture. On average, the foster homes located in the *Census* had three rooms (with windows) although in a few homes there were over five rooms. The shortage of space would however imply that the children shared rooms, and probably beds. Most of the children residing in Highland and Island parishes were returned as both Gaelic and English speakers, so implying some form of integration into their new locality.

Glasgow Parish Council was anxious that the children should fit into their new surroundings. In an attempt to encourage community spirit among the children, and to illustrate it to the public, they sponsored annual outings to such events as the Gaelic Mod. Any evidence that could be used as proof of the benefits of the system in giving the children a fresh start in life was publicised by the city's Inspector. Much 'evidence' however, such as the following letter to the Council from a boarded-out child in 1903, was obviously carefully selected, and perhaps hints at being dictated to the child by the foster parent:-

Dear Sir- I am very thankful to you for sending us to such a nice place and for cladding us and how nice it is to see the birds singing in the trees and the cows always howling, but how thankful we should be to the one that made all these things and sent them here to us...I like the school too and my sister is getting on

fine among the boys. I hope I will be a better writer the next time and I hope I have more to say.⁵⁸

Similarly, any reports from native inhabitants in the boarding areas that illustrated the integration of children in their new communities were also keenly publicised. The following example appeared in the Inspector's annual report in 1915, reprinted from a letter in the *Oban Times* :-

BUNESSAN - A TRIBUTE TO THE BRAVE

As I think of the little lads boarded-out here by the Glasgow Parish Council and who for years went amongst us, and were brought up in our midst, and who so loyalty and devotedly have given themselves to King and Country...I feel we owe them a deep debt of recognition as members of the units of 400, who, I am told, form a roll of honour from the same source.⁵⁹

Any complaints about the conduct of Glasgow boarded-out children in their new communities were promptly and thoroughly investigated. The most serious attack against the Council came in 1911 in a report by a Mr C.P. Mudge in the *Mendel* concerning the behaviour of the Glasgow children boarded on the island of Iona. Mudge thoroughly condemned boarding-out, arguing that the Glasgow pauper children were so 'inherently vicious that no education and no environment (could) save or redeem them from the tyranny of their innate immorality.' Among the criticisms he put forward was a charge of hooliganism:-

Here we see in the making...slums fashioned out of a congenital race of slum producers....The Glasgow rowdies congregate in bands and create noise and disturbance. They link their arms, and rushing through the village street in a

⁵⁸ *Annual Report by the Inspector of Poor to Glasgow Parish Council November, 1903*, p.42. S.R.A. DHEW 1/14/3.

⁵⁹ *Glasgow Parish Council Medical and Children's Committee Minutes 17th August, 1915*, p.499. S.R.A. DHEW 1/2/24.

serried rank, shouting, whistling, and gesticulating, drive all others before them.⁶⁰

This article was quoted extensively in the press and so threatened to damage the reputation of both the parish council and the boarding-out system itself. In response, the Local Government Board appointed Dr John Macpherson, Commissioner in Lunacy, to visit Iona and investigate the claims.⁶¹ On his visit Dr Macpherson was accompanied by Mr Munro Fraser, H.M. Chief Inspector of Schools for the Western Division of Scotland.

In addition to discussing Mudge's observations with the local island inhabitants, Dr Macpherson undertook a thorough examination of the boarded-out and native children on the island. Of the total 61 children on the school register, 34 were from Glasgow and 27 were born on the island. His tests included investigation into their heights and weights; muscular energy; head measurements; vision; hearing; colour sense; sensation; taste and smell; and physical health. He had no prior knowledge of which were native and which were boarded-out children. The results showed little evidence to substantiate Mudge's attack on the Glasgow children:-

If physical and mental stigmata are to be regarded as signs of moral deterioration, it is evident that the Glasgow schoolchildren in Iona are not as a class either physically or mentally degenerate. Such stigmata as they do exhibit (with one or two exceptions) are evidently diseases, the result of their early environment and nurture, or, as in some of the mental and eye defects, for example, probably the result of inherited degeneracy. To argue from the presence of such stigmata that those who exhibit them are anthropological varieties of a criminal type is absurd.⁶²

⁶⁰ Quoted in 'Report by Dr John Macpherson, Commissioner in Lunacy, on the Glasgow Parish Council Children Boarded-out on Iona.' In *17th Annual Report of the Local Government Board for Scotland, 1911* Appendix A. No.7 (P.P.1912 cd 6192).

⁶¹ *Ibid.*

⁶² *Ibid* p.70.

Dr Macpherson also went on to present a favourable report of the boarding-out system and on what he observed as the 'mutually affectionate' relationship between the boarded-out children and their foster parents. Although his report fully vindicated Glasgow Parish Council, he did include some suggestions, mainly drawn from local comment on how to improve the system of boarding-out in small communities like Iona, and so reduce the possibility of future attack. These suggestions centred around three main issues; that younger children were preferable to older ones; that the number of boarded-out children should at all times be kept below that of native ones; and that the stay on the island of children who had left school should be discouraged.

As he concluded:-

I am far from saying that these children are paragons of virtue - no boys or girls are. ... I hold no brief on behalf of the Glasgow Parish Council, but I can testify to the care with which these children are looked after by their officials. I believe a very large proportion of them turn out well. Some children, even in good families, seem to be born with a moral "twist", but it is at least doubtful if ethical tendencies are transmitted with the same mechanical regularity as physical peculiarities. Environment may settle whether a boy that is "clever with his hands" is to turn out a skilful workman or a burglar.

The Glasgow system has its defects, and the three points I mention deserve serious consideration - but I make bold to say that the Parish Council are doing a most beneficent work.⁶³

The ultimate success of the system was judged by whether the children became self-supporting in adult life. Glasgow children came off the roll twice yearly in May and November, usually from the age of 14 onwards, depending on their capability and maturity for work. Foster parents were expected to help in finding the children employment, or arranging apprenticeships. The Council usually stepped in to help where nothing could be found by the foster parent. By the early twentieth century

⁶³ *Ibid* p.72.

many of the children were sent to parish financed training homes. Working boys' homes were established in most of the urban centres and provided technical training. Similar establishments for girls provided them with training in domestic service. Low wages, particularly during apprenticeships were often supplemented by the Council. Moreover, exceptional pupils could apply to the Council for bursaries to finance their higher education.

As may be viewed from the following tables, most boarded-out children found some employment on coming off the roll. It was not possible to gain information on the occupations of the children in the 1892 study. Table 3 relates instead to boarded-out children who came off the roll between 1882 and 1902, which was provided in the information of James Motion to the Royal Commission on the Poor Laws in 1909. It was possible for the 1921 study to provide this information on the children from the card-indexes.

As may be viewed from both tables, the majority of boys started work in farm service, and the girls in domestic service. In both studies the numbers who remained in the care of foster parents while looking for employment was considerable. This was felt to be one of the great successes of the system in that the 'family ties' helped to maintain a stability in the children's lives. Considerable numbers of children were also discharged to relatives, although in most cases they were orphans who had been boarded-out to relations in the first instance. The Council continued to refuse separated children information about their birth parents even when they came off the roll. The 1920s card files contain numerous references of children seeking such details, and of their requests being refused. The children were encouraged instead to keep in contact with their surrogate foster families.

Table 3 : Employment of Glasgow boarded-out children, off-roll, 1882-1902.

Occupation	Males	Females	Total
Trades	242	39	281
Farm servant	311	56	367
Domestic servant	-	520	520
Miner	96	-	96
Millworker	47	81	128
Ironworker	15	-	15
Labourer	88	-	88
Tramcar driver	4	-	4
Clerk	26	4	30
Soldier	36	-	36
Sailor	38	-	38
Clothier	1	-	1
Commercial	1	-	1
Traveller			
Carter	4	-	4
School teacher	-	6	6
Postman	5	-	5
Railway porter	2	-	2
Dairyman	1	-	1
Roadman	1	-	1
Warehouseman	1	4	5
Shopman	7	-	7
Outworker	-	6	6
Stair gas lighter	1	-	1
Deaf and Dumb	1	3	4
Institution			
Woodilee Asylum	2	3	5
(insane)			
Returned to	21	17	38
poorhouse			
Adopted by guardians	60	90	150
To parents or	23	29	52
relatives			
Died	24	23	47
Total	1058	881	1939

Source: Royal Commission on the Poor Laws and Relief of Distress, 1909. (Scottish evidence)
Appendix VI p.954.(P.P. 1910 Cd.4978.)

Table 4: Off-Roll employment of boarded-out children who were under the care of Glasgow Parish Council in 1921

	Males	Females	Total
Domestic service	25	434	459
Farm service	289	43	332
Foster parents	90	123	213
Relatives	88	92	180
Working homes	95	22	117
Trades	77	13	90
Clerical	23	47	70
Hospital	36	26	62
Apprenticeships	38	8	46
Emigrated	40	32	72
No information	29	26	55
Died	8	15	23
Glasgow	9	12	21
Armed forces	20	-	20
Poor-roll	7	12	19
Shop work	8	8	16
Poorhouse	2	11	13
Factory work	3	9	12
Higher education	8	3	11
Nursing	-	9	9
Millwork	2	5	7
Mining	6	-	6
Self-employed	6	-	6
Shipbuilding	5	-	5
Railway work	3	-	3
Tailoring	-	3	3
Prison	2	-	2
London	-	1	1
Total	919	954	1873

Source: Card-indexed files of boarded-out children under the care of Glasgow Parish Council in 1921.

From the 'off-roll' statistics, it appears that most children found the parish ideal of independence after boarding-out. The majority who remained on the roll or who entered the poorhouse, for the 1921 study at least, did so because they needed medical treatment of some kind. In both years it appears that some children were lost sight of when coming off the roll, which would imply that they did not keep in touch with their foster parents and could not therefore be traced by the parish after leaving their foster home. Children were under no compulsion to inform the parish of their whereabouts after coming off the roll. The majority of children in the 1921 study do however appear

to have remained in their boarding area once off the roll. This would support the claims of the system that the children became fully integrated into their new communities

These figures only provide a limited picture of the adult life of the children since they refer only to the immediate period after boarding-out. Closer analysis of the 1921 children, which was impossible for the 1892 children, reveals that many boys, particularly those employed as farm servants, were forced back on the rates for short periods during the winter months. The same applied to certain girls. A prominent revelation in the case cards was the high proportion of domestic servants (26%) who became pregnant and entered the poorhouse to give birth. In the majority of cases their babies were boarded-out when born. This then resulted in a new generation of children on the rates, which the boarding-out system so tried to prevent. Nonetheless, seasonal variation in agriculture and high rates of pregnancy among domestic servants were typical of the time, and there is no evidence to suggest that ex-boarded-out children were more vulnerable than children brought up in independent families.

It is of course difficult to assess the children's perception of boarding-out. The limited oral history that has been done on the subject has revealed two distinct experiences. Evidence of a favourable view on the system was related to a Strathclyde Regional Council social worker in 1991 as follows:-

I had an inquiry from an old man recently who had been boarded-out to the north when he was an infant. They were the best years of his life, he said, "I had a warm bed and plenty of food."⁶⁴

Alongside such 'happy memories,' evidence of harsh treatment of the children has also been documented.⁶⁵ The information that can be gleamed from the official

⁶⁴ 'For Their Own Good' *The Scotsman Weekender*, 23 February 1991.

⁶⁵ K.McNeilly, 'Public Provision for the Poor in Glasgow 1890-1914' (Unpublished M.Phil thesis, Glasgow College, 1986).

documentation on the children's experience similarly offers two distinct views. The following example of a letter from a former boarded-out child cited by the Glasgow Inspector in his annual report for 1914 is illustrative of good feeling about the system:-

Mr Motion, Dear Sir,

I have no doubt you will be surprised at receiving this letter. I am now very pleased to let you know that I am in America, in a splendid position in the drapery line, which I served my apprenticeship to while in _____. After I left Messrs H & Co. _____, I went to Glasgow to work with Messrs Arthur & Co., Queen Street. I remained there for a period of six months. Afterwards I went to Toronto, Canada, and from Canada to where I am now (Chicago, U.S.A). I have done very well in the past and am now able to save money and have prospects of promotion in my present situation. I am writing this note as I feel it is my duty to return you my most grateful thanks for your past kindness in my infancy to the present date, not only to me, but to my sisters and brothers. M. is a housemaid with some London people. W. is still at the dressmaking in _____, and P. is in Toronto in a first class situation at the tailoring business. So the least we can do is thank you for looking after us so well, and we are now in the best of health and very happy. I should be glad to hear from you when you have a few moments to spare us as I like to keep in touch with a good friend.⁶⁶

A great many of those who left Scotland however, no doubt lost contact with their foster families and siblings. A letter sent to Glasgow's Inspector in 1900 is illustrative of this, as well as of a less fond recollection of the boarding-out experience:-

Mr Motion or Mr Morison,

I take the pleasure to write to either of you to let you know I am settled down at last. I was one of your children whom you took charge of when I was young. But now (I was twenty-one last August) I am in America going on four years, and no one knew it. But I would like to find some of my friends, especially my brother, Robert. I would like very much to have my brother write to me. His name is Robert _____. I have changed my name because I am married since the 5th of last December. When I left my brother about six years ago he was with Duncan _____. When I lived there I was the oldest, and I got blamed for everything, and was counted the bad one - learning the rest; so I got away from there. I had hard luck for about two years, so at the end I picked up courage and

⁶⁶ *Half-yearly Report of the Glasgow Inspector of Poor and Clerk to Glasgow Parish Council, November, 1914* p.39 S.R.A.DHEW 1/14/4.

saved enough money to take me to America. Without a friend it was hard to bear it all at first, but it was to be so. Now I am married to an American gentleman, whose trade is a blacksmith. If I had the means I would come home and let them see I was not to be a wreck and disgrace to the family. I ain't rich, but I've got a comfortable home- as good as any working man, and as happy, for we married for love. Only I hope you will answer my letter, and give me some of their addresses. The names of the ones I'd like is Robert, then my Aunt Annie ____, or my oldest brother, James. I would like very much to hear from my friends, then I wouldn't think I was alone in this wide, wide, world, although I did since I was fourteen years of age; and I think I did as well as any of the children that came out of Barnhill. I think I will close, hoping this letter will help me.

Although these letters provide different perceptions of the system they both illustrate to that the children were very much aware of their status as pauper children, and the extent to which they should feel indebted to acknowledge their 'worth' as adults.

IV

As has been demonstrated in this chapter, boarding-out was universally appreciated at both local and central authority level as the best method of dealing with children under the care of the Scottish Poor Law. While certain criticisms were made, none were so damaging as to discourage its application. The system received widespread acclaim as working in the interests of future society. Such confidence in the fostering arrangements seemed to justify the removal of children from 'unsatisfactory' homes.

From the late nineteenth century, the perceived advantages of boarding-out in Scotland were influential in directing English Poor Law child care. As has been demonstrated, however, the system never became the main method of dealing with pauper children in England. Why boarding-out worked in Scotland but not in England is one of the most of the most revealing aspects of the differences in the administration of the new Poor Law between the two countries. The crucial difference was over the regulations for inspection. In Scotland, boarding-out developed with a tendency to

follow traditional paths without much questioning. This allowed Scottish authorities to rely on the information networks of small communities to alert them when things went wrong. In England, implementation of the system was restricted to a great extent because authorities had to rely on formal rules from the beginning. Moreover, it can be argued that boarding-out worked in Scotland because of a traditional willingness of small communities to accept pauper children. This did not exist in England because of the newness of the system there.

It is difficult to assess whether boarding-out in Scotland was any more successful in its child care objectives than institutional support in England. There are no definite statistics proving the advantages of one method over the other. Whether a former pauper child became fully self-supporting in adult life was more dependent upon the economic climate of the time and on employment opportunities. At worst, it seems likely that ex-pauper children turned out no better than unskilled workers, and as vulnerable to economic fluctuations in trade⁶⁷ Arguably, former boarded-out children had the advantage here if they were able to call on their foster families for support.

From the Glasgow case study it would appear that boarding-out worked sufficiently well in giving children a start in independent adult life. Nonetheless, the psychological effects that many children may at first have experienced in being uprooted to a completely different environment, and in many cases separated from their parents, must be considered. The change from city to country life, particularly in remote island communities must have taken some adjustment, although it does appear that most eventually settled in their new communities, and often remained there as adults. The limited oral history that has been done has suggested that that some children were

⁶⁷ See also, M.A Crowther, *The Workhouse System* p.220.

worked hard on the land, but this was the common lot of many native rural children at the time. Much depended on the foster parent, and some children inevitably fared better than others.

It does seem reasonable to conclude that boarding-out worked well in Scotland although it must be viewed in the context of a poor relief system which balanced moral considerations with cost efficiency. The system was however mainly confined to healthy pauper children. As will be demonstrated in the following chapter, for those who were unsuitable for boarding-out, provision was less attractive.

CHAPTER SIX

POORHOUSE CHILDREN

Despite the preference for boarding-out, institutional support for children in poorhouses remained an essential feature of Poor Law child care in Scotland. In the first instance, poorhouses were used to accommodate children waiting to be boarded-out. A smaller number remained in them for longer periods due to the impossibility of boarding them out. Throughout the mid-nineteenth century, the poorhouses had developed in Scotland very much as mixed institutions, providing varying standards of care to a diverse group of inmates. From the late nineteenth century parishes came under pressure to provide more specialised institutional services for the various classes of indoor poor. Following the Report of the Royal Commission on the Poor Laws in the early twentieth century, this intensified. As this chapter will demonstrate, however, little was done towards the development of specialised care for poorhouse children. In the majority of areas outside the main cities the number of child inmates was too small and their stay too short to justify any additional expenditure. Moreover, in the cities themselves where the numbers were greater, plans for improved facilities were often shelved because of more pressing problems concerning adult inmates.

I

The emphasis on boarding-out meant that poorhouse provision was used very much as a 'last resort' for children who, due to a variety of reasons, could not be fostered. This included those whose parents were in the poorhouse; in hospital or prison; and

teenagers who were too old for fostering. Basic medical treatment was also provided in poorhouses for sick children, as were maternity services for expectant mothers. In the majority of cases, this relief was temporary. Mentally ill children who needed long term institutional care were largely provided for in voluntary institutions at parish expense. Common practice was to send these children to Baldovan Institute, near Dundee, which was erected in 1853 at the private cost of Sir John and Lady Ogilvie, and opened in January 1855. Provision was made for the maintenance of children at Baldovan at two separate rates of payment, with poor children paying less.¹ The existence of this special payment scheme naturally made it attractive to parishes. The children sent to Baldovan had to have their removal sanctioned by the Board of Lunacy. The number of Poor Law children was usually greater than private ones. In 1905, for example, 550 pauper children had been sent to Baldovan, as compared with 126 private ones.²

By the late nineteenth century, up to 6000 children entered poorhouses annually, although there were rarely more than 2000 resident at any time. It was only in the main city poorhouses in Glasgow; Edinburgh; Dundee; and Govan that the number of child inmates ever exceeded 200 at any time. At the opposite extreme in Highland and Island parishes in such areas as the Black Isle, Mull, Sutherland and Thurso, the number was usually less than ten. As with the adult inmates, the number of children in poorhouses was always greater in the winter than in the summer months. This was no doubt a reflection of the harsher weather conditions which made the poor more vulnerable, and so more likely to accept the offer of indoor relief. This seasonal pattern

¹ See, for example, T.Ferguson, *The Dawn of Scottish Social Welfare* (Edinburgh, 1948) p.296.

² *Jubilee Report of Baldovan Institute, 1905* S.R.A.T.PAR 1.5.

is comparable with that of the fluctuations in inmate numbers in the English workhouses, although in England the picture was influenced also by the activities of the able-bodied inmates where casual workers often found it more difficult to find work in the winter.³

From the late nineteenth century until the First World War, as illustrated by Table 1, the proportion of child inmates rarely exceeded 20% of the total indoor poor.

Table I: Numbers of Children in Scottish Poorhouses 1875-1913.

Year	Number of indoor poor, 30 June	Of whom children	% children	Number of indoor poor, 31 December	Of whom children	% children
1875	7 289	1 645	22%	8 354	1 695	20%
1880	9 246	1 902	20%	10 504	2 114	20%
1885	8 757	1 667	19%	10 388	1 963	19%
1890	8 078	1 127	14%	9 591	1 322	14%
1895	9 326	1 362	15%	10 897	1 462	13%
1900	9 732	1 472	15%	11 807	1 684	12%
1905	13 266	1 881	14%	14 745	1 922	13%
1910	14 140	1 982	14%	16 137	2 047	13%
1913	12 619	1 743	14%	14 070	1 816	13%

Source: Annual Reports of the Board of Supervision for Scotland and the Local Government Board for Scotland.

As shown, the numbers of poorhouse children began to creep up, although the overall proportion to adult inmates steadily declined. This increase was largely attributable to the use of poorhouses as ‘places of safety’ from the 1890s. From the information that is available on such use of the poorhouses, it seems that large numbers of ‘at risk’ children entered the institutions through the SSPCC. By 1900 nearly 3000 ‘at risk’ children dealt with by the Society had been removed to poorhouses. The numbers reached a peak in 1910 when nearly 600 children were so removed, illustrative of an

³ See M.A. Crowther, *The Workhouse System* pp.228-229.

upsurge in activity following the 1908 Children Act. As shown by Table 2, 147 (25%) of the children taken to Scottish poorhouses in 1910 were from Glasgow. The majority of these children were taken to the poorhouse as a temporary measure while proceedings were brought against their parents.

Table 2: Children removed to Poorhouses in Scotland by the SSPCC during 1910.

Branch	Number removed to poorhouses
Aberdeen	16
Peterhead	12
Ayrshire - Ayr	-
Ayrshire - Kilmarnock	17
Ayrshire - North	13
Borders Counties	15
Caithness	-
Dumbartonshire	-
Dumfries and Galloway	10
Edinburgh District	49
Leith	6
Elgin, Banff and Nairn	10
Fife - East	4
Fife - West	17
Forfarshire	35
Inverness-shire	20
Lanark - Glasgow	147
Lanark - Hamilton	9
Lanark - Wishaw	28
Lanark - Monklands	23
Lanark - Airdrie	13
Perthshire	22
Renfrew - Greenock	75
Renfrew- Paisley	14
Ross-shire - Dingwall	18
Ross-shire - Hebrides	-
Stirlingshire	15
Wigtownshire	-
Total	588

Source: Annual Reports of the SSPCC 1910, S.R.O. GD 409/5/25

Although the poorhouses were used as ‘places of safety’, they never became, as the English workhouses did, places of detention for young offenders awaiting trial under the 1908 Children Act. In 1909 the Board clarified the reasons behind this policy:-

The difficulty at present experienced in inducing poor persons to take advantage of an offer of relief in the poorhouse is largely attributable to the superficial resemblance that these institutions have to prisons, and it appears to us that if poorhouses become places of detention for children or young persons who are charged with or have been convicted of offences, their resemblance to prisons will necessarily become closer and more obvious, with the result that the reluctance of the poor to enter the poorhouse will be strengthened and the difficulties of the Poor Law Administration will be seriously aggravated.⁴

The most detailed information relating to poorhouse inmates in Scotland is that collected for the Royal Commission on the Poor Laws, 1905-09. The Commission made the first official attempt to chart movement in and out of the Scottish poorhouses, and this information can be used to provide a ‘snapshot’ picture of child inmates in the early twentieth century.⁵ The following tables relate to the age groups of children in poorhouses; their geographical concentration; their physical condition; and the length of time they were relieved.

Table 3 is drawn from the census of paupers taken on 31 March, 1906. As illustrated, there were on this date 1 845 children in Scottish poorhouses, compared with 974 in charitable institutions, and 5 998 boarded-out. 1 382 of the poorhouse children were aged between three years and under 16 years. This figure represented 4% of the total number of children of those ages in receipt of poor relief in Scotland. The corresponding figure for children similarly aged in workhouses and infirmaries in England and Wales was 7%.⁶

⁴ *15th Annual Report of the Local Government Board for Scotland, 1909* p.xxix (P.P. 1910 Cd 5228).

⁵ *Royal Commission on the Poor Laws and Relief of Distress, Statistical and Other Documents Relating Specially to Scotland, 1910* (P.P.1911 XXX Cd.5440).

⁶ *Ibid* p.51.

Table 3: Methods of Child Relief and Ages of Children 31 March, 1906

Age Groups	Children in Poorhouses	Children in Institutions other than Poorhouses	Children Boarded-out
Under 1 year	171	1	13
1 and under 3	292	5	94
3 and under 5	287	21	208
5 and under 10	620	229	2000
10 and under 13	311	349	2401
13 and under 14	71	142	789
14 and under 15	46	122	373
15 and under 16	47	105	110
Total	1845	974	5988

Source: Royal Commission on the Poor Laws and Relief of Distress, Statistical Information Relating Specially to Scotland, 1910 XXX p.51 (P.P.1911 Cd.5400)

These figures confirm that where possible, all but the new born and infant children were boarded-out. A great proportion of the babies born in the poorhouses were illegitimate, particularly in the large urban parishes. In Glasgow, for example, during the six years inclusive from 1901 to 1906, 549 (61%) of the 892 children born in the city's poorhouse were illegitimate.

When the statistics relating to the poorhouse children at this date are broken down by parish, as in Table 4, it can be seen that the majority were relieved in the eight large towns of Aberdeen; Edinburgh; Leith; Dundee; Glasgow; Govan; Greenock; and Paisley. This is to some extent attributable to the fact that there were a greater number of sick children in the town poorhouses compared to the rest of Scotland. As illustrated, 381 (88%) out of the total 434 children on the sick list were from the large town parishes. Moreover, in the eight large towns, the ratio of the total number of children boarded-out on 31 March, 1906, to those aged two to fifteen who were in the poorhouse, exclusive of the sick, was 4.7. to 1. In the remainder of Scotland the ratio was 6.4. to 1. This implied to the Commissioners that boarding-out was rather more

frequently adopted by the rural than the urban parishes. This was attributed to the fact that ‘the more temporary character of urban pauperism would probably prevent the adoption of the system in a certain number of cases.’⁷

Table 4: Physical Condition of Child Inmates in Scottish Poorhouses, 31 March 1906.

	8 Large Town Parishes	Rest of Scotland
Children on Sick List		
Children Under 15	381	53
Children not on Sick List		
Children Under 2	134	105
Children 2 to 15	774	383
Total	1289	541

Source: Royal Commission on the Poor Laws and Relief of Distress, Statistical Information Relating Specially to Scotland, 1910 XXX , from the tables on p.46 (P.P.1911 Cd.5400)

Figures were also collected for the purpose of the Commission on the number of times paupers were relieved in poorhouses during the year ended 15 May 1908. As may be viewed from Table 5, the majority of child inmates (82%) were relieved only once throughout that year. Moreover, as illustrated by Table 6, it appears that the duration of relief for child inmates was short, with the majority leaving the poorhouse within one month.

Table 5: Recurrence of Poorhouse Relief by Children. Year Ended 15 May, 1908.

Number of Times Relieved During Year Ended 15 May, 1908	Children Under 14 Years	
	Number	%
Relieved once	4927	82
Relieved two to four times	1042	17
Relieved five times or more	69	1
Total	6085	100

Source: Royal Commission on the Poor Laws and Relief of Distress, Report on Scotland, 1909 , from the tables on p.21 (P.P.1909 Cd 4922)

⁷ *Ibid* p.51.

Table 6: Duration of Stay of Children in Poorhouses. Year Ended 15 May, 1908.

Aggregate Duration During Year Ended 15 May 1908	Children Under 14 Years	
	Number	%
Not exceeding 4 weeks	2298	38
Over 4 weeks and not exceeding 13 weeks	1363	23
Over 13 weeks but less than the year	1421	23
For the whole year	953	16
Total	6035	100

Source: Royal Commission on the Poor Laws and Relief of Distress, Report on Scotland, 1909 , from the tables on p.21 (P.P.1909 Cd 4922)

It thus appears that poorhouses were used in Scotland mainly as temporary refuges accommodating a mixed group of children with diverse needs, which made them a difficult class to manage. Nonetheless, this was typical of the overall structure of the poorhouses, where the ‘test’ cases; the sick; and the infirm adult inmates were similarly grouped together. The following section will now explore the provision that was developed on behalf of poorhouse children.

II

By the late nineteenth century, conditions for children in the poorhouses had changed little. Like England, the regime for institutional children was based in theory on segregation from the adult inmates and education. In practice, however, it was only usually in the large town poorhouses that attempts at inmate segregation were possible. Edinburgh’s Craiglockhart, for example, was designed around a quadrangular plan of separate blocks whereby:-

According to the arrangements of the blocks, the perfect isolation of the sexes...has been steadily kept in view throughout. ...The south half of the front block is occupied by the married women. As these will be principally employed in cleaning the poorhouse they are placed next to the officials, so that when required they can be easily summoned. ...The dissolute women, who require most supervision, are placed in the north half of the block, next to the officials.

...The old women of good character are placed in the east front block. The west half of the east block is devoted to the doubtful old women.

By this means, the two worst classes of women are concentrated in the internal courts. The girls are placed in the east half of the east block, and are entirely isolated from the old women. ...To the southward of their wards is the boys' playground, which is fitted up with gymnastic apparatus.⁸

A similar plan was attempted at Govan in its new poorhouse at Merryflatts, which opened in 1872 with separate wings for adults, children, hospital patients and the mentally ill. In many poorhouses however, it was architecturally impossible to place children at any distance from the other inmates, which meant that their isolation had to be enforced by strict discipline. In 1871, for example, Kincardineshire Combination Poorhouse came under attack from the Board of Supervision for its unsatisfactory inmate segregation:-

There seems to be some apathy on the part of the officials as to the separation of the children from the adults. ... Where (as in this case) the building does not admit of separation by means of locked doors, it is necessary to punish severely any communication between the classes.⁹

Where possible, healthy children were sent outside the poorhouse to school. This was attractive for two reasons. In the first instance it allowed them to spend time away from the poorhouse environment and to mix with ordinary children. Moreover, since children were usually only resident temporarily, it was a more economical and practical system than providing inside schools. By the early twentieth century, with few exceptions, it was only sick children who received their education inside. By 1913, for example, 265 (90 %) of the total 295 children at school inside were in the Glasgow and Govan hospitals. As the Governor of Govan Poorhouse remarked in 1912 on the education of the children there:-

⁸ 'Craiglockhart' *Daily Review* Monday 6 December, 1869 p.7.

⁹ *Kincardineshire Combination Minute Book* 1 January, 1871 p.173. GRHB/21/1/62-64.

The children under instruction do not, on average remain more than six weeks at a time in their classes; the inmates of the Institutions are continually shifting in and out and the teachers deserve much credit for the good work they are doing under such disadvantageous circumstances. The discipline is firm, but kindly.¹⁰

Table 7 illustrates the number of children who were educated inside and outside the poorhouse between 1880 and 1913.

Table 7: Children at school inside and outside poorhouses, 30 June, 1880-1913

30 June	Total at school	Outside Poorhouse	% Outside Poorhouse	Inside Poorhouse	% Inside Poorhouse
1880	1072	400	37%	672	63%
1885	1003	586	58%	617	62%
1890	605	320	53%	285	47%
1895	647	497	77%	150	23%
1900	611	509	83%	102	17%
1905	820	527	64%	293	36%
1910	807	446	55%	361	45%
1913	533	238	45%	295	55%

Source: Annual reports of the Board of Supervision for Scotland and the Local Government Board for Scotland.

Overall, life for children in the poorhouses was similar to that of the adults. Apart from if they went outside to school, they rarely left the institution. Recreation was spent within the grounds and the supply of toys, non-text books and entertainment was usually dependent on charity. In most institutions they ate at separate times from the adults. Religious services were conducted inside with the children attending alongside the adults. Most of the children also attended Sunday school classes inside, and in many poorhouses weekly meetings of the Band of Hope, the juvenile organisation of the Temperance Society, were also held.

¹⁰ Report by the Governor of Govan Poorhouse in *17th Annual Report of the Local Government Board for Scotland, 1911* (P.P. 1912 Cd. 6192) Appendix A No. 4 p.5.

There were no special staff to attend to the children. In the smaller poorhouses they were usually looked after by the Governor's wife, and in the larger institutions they were placed under the charge of trustworthy adult inmates like elderly widows. These arrangements often created problems. As Aberdeen Parish Council noted in 1901, for example :-

The Governor of East Poorhouse reported that he had difficulty in keeping the infant nursery department properly attended to, as the children were nursed during the day by old women inmates, and that "many of these old women were not able to do much work, while others were found to be careless or incompetent."¹¹

Corporal punishment was frequently used to enforce discipline. For example, children who tried to escape, who truanted from school, who fought with each other or persistently annoyed the elderly inmates could face retribution ranging from six to ten strokes of the cane or a cold bath.¹²

From the late nineteenth century, conditions in poorhouses began to come under closer review from the Board of Supervision and its replacement the Local Government Board. As has been well documented, parishes came under pressure to provide greater classification of their indoor poor and to provide more specialised care.¹³ Attempts to improve child care facilities played a prominent part in this process.

Of all the classes of indoor poor, it was the sick who required the most urgent attention. The treatment of sick paupers in poorhouses was always less satisfactory

¹¹ *Aberdeen Parish Council, Minute Book, 8 January 1901, p.31 ACA 22/1/5.*

¹² *Buchan Combination Poorhouse: Report Book of Offences and Punishments GRHBA 34/3/1.*

¹³ I.Levitt, *Poverty and Welfare in Scotland* chapter 5.

than that available in the voluntary hospitals.¹⁴ Concern for economy in the parish institutions meant that expenditure on medical provision was kept to a minimum. Unlike the voluntary hospitals there were few resident doctors or surgeons and the sick were looked after by healthy pauper inmates. Moreover, the stigma attached to parish relief made the poor more reluctant to enter. As a result, parishes often paid for paupers to be treated in the voluntary hospitals while the poorhouses became refuges for the chronically sick and infirm who were rejected by the voluntary hospitals.

From the late nineteenth century the gaps in provision between the two types of hospital became more noticeable. The voluntary hospitals began to expand and new methods of surgery and nursing care were introduced.¹⁵ This increased public expectations, and called into question whether parishes were fulfilling their legal obligations of providing 'adequate' maintenance in the poorhouses. In response, the Board of Supervision pressed for the introduction of improved Poor Law medical care. In 1878 it issued a circular condemning the use of pauper nursing and recommending the introduction of trained nurses. This objective was similarly taken up by the new Local Government Board which aimed at the ideal of having trained nursing for the sick in every poorhouse.

Barony Parochial Board in Glasgow was the first to respond, and appointed Miss Augusta Pigott of Guy's Hospital in London as the first Lady Superintendent at Barnhill. Miss Piggot took up her appointment on 1 July 1880 and in February 1881 six probationer nurses were also appointed. The probationers undertook a two-year

¹⁴ See, for example, D.Hamilton, *The Healers : A History of Medicine in Scotland* (Edinburgh, 1981); R.Gaffney, 'Poor Law Hospitals 1845-1914' in O.Checkland and M.Lamb: *Health Care as Social History* (Aberdeen, 1982).

¹⁵ See, for example, B.Abel-Smith, *The Hospitals, 1800-1948* (Harvard, 1964).

training period, which covered general experience in all the wards, lectures, and written and oral examinations. After training they had to complete a further year as staff nurse before being awarded a certificate from the Board of Supervision. Outside Glasgow, however, few parishes could fund the extra costs of improved medical care. To help towards this, the medical grant was doubled in 1882, and permission was granted to use the money towards nurses' salaries. Even then, however, the salaries offered were often too meagre to attract nurses to the poorhouses. In 1890 for example, one nurse refused to take up appointment at Aberdeen poorhouse unless she was offered a salary of £30. The Council refused and another less qualified nurse, Miss Thompson, was installed at £22 per annum with board and uniform supplied.¹⁶ By 1890 14 parishes had trained nurses, and by 1902 only 27 poorhouses had pauper nurses only. As shown by Table 8, in the majority of these which had no pauper nurses, the number of sick was less than ten.

Table 8: Trained Nursing in Scottish Poorhouses, 1902.

Poorhouses having hospitals which are training schools for nurses.

	Accommodation	Inmates	Sick	Nurses
Glasgow (City)	1 750	1 527	602	24
Glasgow (Barnhill)	1 4461	1 263	365	22
Govan	1 065	874	241	12

Poorhouses which have hospitals under charge of a Lady Superintendent or Head Nurse.

	Accommodation	Inmates	Sick	Nurses
Aberdeen, East	356	264	132	6
Aberdeen, West	270	202	39	3
Edinburgh, Craiglockhart	741	455	133	9
Edinburgh, Craigleith	830	540	155	6
Greenock	410	282	109	7
Leith	406	375	65	4
Paisley	635	443	110	7
Cunninghame	479	243	62	4

¹⁶ *Aberdeen Parochial Board Minute Book; 14 October, 1890, p.55. ACA 22/1/3.*

Poorhouses where Matron is a trained nurse and has other nurses under her.

	Accommodation	Inmates	Sick	Nurses
Dumbarton	202	166	40	3
Old Monkland	276	165	30	3
Stirling	176	59	29	3
Lorne	234	85	26	2

Poorhouses where Matron is a trained nurse and has no nurses under her.

	Accommodation	Inmates	Sick	Nurses
Arbroath	126	71	15	1
Dumfries	94	72	17	1
Lews	66	18	11	1
Long Island	20	7	1	1

Poorhouses having trained nurses other than Matron

	Accommodation	Inmates	Sick	Nurses
Linlithgow	230	132	32	1
Perth	230	119	14	1
Campbeltown	124	40	7	1
Easter Ross	100	47	18	1
Inveresk	117	87	15	1
Kyle	168	125	10	1
Dunfermline	122	77	18	1
Zetland	74	46	14	1

Poorhouses having paid nurses which do not comply with Board's requirements.

	Accommodation	Inmates	Sick
Buchan	138	60	12
Cambusnethan	120	90	32
Dundee, West	152	133	37
Forfar	85	53	11
Hamilton	170	143	39
Inverness	173	104	22
Kincardineshire	128	73	17
Kirkcaldy	130	86	20
New Monkland	204	171	44
Nairn	75	26	8

Source: 8th Annual Report of the Local Government Board for Scotland, 1902 P.P. 1903 cd 1521
Appendix A. No.1 pp. 4-6.

By the early twentieth century, then, most parishes had made some attempt towards improving their medical provision in the poorhouse. Nonetheless, it seems unlikely that children benefited at this stage from improved medical care. Those

appointed were too busy with other duties to provide any but a general supervision of the children. In the medical care of children the poorhouses continued to lag behind the voluntary hospitals. In 1893 a children's ward was opened at Dundee Royal Infirmary¹⁷ and in 1889 a new surgical ward was opened at the Royal Edinburgh Hospital for Sick Children.¹⁸ In 1900 Dr D.C.A. McCallum was appointed to the Edinburgh Hospital, and the same year it opened a convalescent home for children at Gullane. Most seriously ill parish children continued to be sent to the voluntary hospitals for treatment.

The closer attention to medical provision also led to a greater understanding of the wider implications of health. Closer official scrutiny of poorhouse diets are illustrative of this trend. By the late nineteenth century the inmate diets had remained unchanged since the 1850s. A report by the Visiting Officer, Malcolm McNeil in 1884 illustrated how far the Scottish diet lagged behind that of the English workhouses. McNeil found differences between the two countries to be particularly acute in the case of children:-

It appeared from my inquiries that the amount of food issued to each English child is nearly double the quantity thought sufficient for less healthy children in this country, that its quantity is better, and that much attention is devoted to securing such variety as to encourage appetite. Complaints have reached me of the inability of the children to consume their share of the poorhouse diet, and an argument against an increase is founded on this fact, but when the nature and unvarying sameness of the food are considered, it is not wonderful, as I think, that the appetites of delicate children should fail them. The English scale is unnecessarily high, but it is inconceivable that a Scotch child can be adequately nourished on one-half the quantity which is thought reasonable in the South.¹⁹

¹⁷ H.J.Gibson, *Dundee Royal Infirmary, 1798-1948*, (Edinburgh, 1948).

¹⁸ D.Guthrie, *The Royal Edinburgh Hospital for Sick Children* (Edinburgh, 1960).

¹⁹ M.McNeil, Half-Yearly Report to the Board of Supervision, June, 1885. *39th Annual report of the Board of Supervision, 1884-85*. (P.P. 1884-85 C.4559 Vol.XXXIV) Appendix A. No.3. p.15.

In 1887 the Board of Supervision appointed Dr Bell, President of the Royal College of Surgeons, and Dr Littlejohn, Medical Officer of Health for Edinburgh, and part-time Medical Officer to the Board, to investigate these apparent inadequacies in diet.²⁰ They found that the arrangements for feeding children in the poorhouse varied greatly between urban and rural areas:-

In poorhouses of limited size, there was apparently more of a home arrangement, and the older paupers took a great interest in the children. In large establishments, on the other hand, where stricter discipline was necessary, and was maintained, there was some difficulty in insuring careful superintendence, and there was a chance of the weaker children not receiving due attention and consideration.²¹

Among the recommendations they made was the substitution of oatmeal in the children's diets as opposed to the more common use of Indian meal.

At a more local level, McNeil's reports as Visiting Officer indicated a failure of certain parishes to make full use of the boarding-out system. McNeil reminded parishes of their obligation to board out as many children as possible, and throughout the late-century, the system was fully extended. Some parishes even began to board out 'defective', although not mentally handicapped children.²² Other parishes began to devise schemes for the removal of sick children from the poorhouse environment. Govan Parish Council was among the first to act and in 1902 it acquired Stewart Hall, an old mansion house on the island of Bute where weak and tuberculous children could receive convalescent care before being boarded-out. The house had accommodation

²⁰ Report by Drs Bell and Littlejohn on Dietaries of Children in Poorhouses, 3 1 December, 1887 in *Annual Report of the Board of Supervision for Scotland, 1888 Appendix A No. 8* (P.P.1888 Cd 5550).

²¹ *Ibid.*

²² Report by C.T.Parsons on the Condition of Children who are in Receipt of the Various Forms of Poor Relief in Certain Parishes in Scotland in *Royal Commission on the Poor Laws and Relief of Distress, 1909 XXXIII* p.555 (P.P. 1910 Cd 5075).

for 20 children, and an extensive garden. A trained nurse was employed. The Local Government Board gave their full support to the experiment:-

The expense is not great and if only a few children are yearly sent out with every prospect of becoming in after-life self-supporting, it will be financially successful.²³

Govan's scheme was later followed by Glasgow Parish Council who purchased a cottage hospital at Dunoon, and by Paisley Parish Council which leased a cottage hospital in Largs.²⁴

With improved provision for sickly children, attention began to turn to healthier children who remained in the poorhouse but who could not be boarded-out. This was in keeping with the Board's recommendation for specialisation. The first serious attempt made to classify the indoor poor by housing different classes in separate institutions was in Glasgow. Following the amalgamation of the parishes of Barony and City in 1898, three new hospitals were provided which opened between 1902 and 1904. Two of these, the Eastern and Western District Hospitals were set aside for medical and surgical cases. The third new institution at Stobhill provided for those suffering from more chronic illnesses, the aged, the infirm and children. Stobhill was the largest of the new hospitals, with accommodation for 1700 patients. The 'test' cases and the less respectable indoor poor remained in Barony's old Barnhill poorhouse.

Accommodation was provided for children at Stobhill²⁵ in ten pavilions, built in two rows and separate from the main hospital. Attempts were made to segregate the

²³ Report by General Superintendent of Poorhouses and South-Western District, Year Ended 15 May. 1902. *8th Annual Report of the Local Government Board. Appendix A. No.1. p.3. (P.P. Cd. 1512.)*

²⁴ *15th Annual Report of the Local Government Board for Scotland, 1909* p.xxvi, P.P.1910 Cd.5228.

²⁵ Glasgow Parish Council: Memorandum by the Inspector of Poor regarding Children who become Chargeable to the Parish in Glasgow Parish Council Minutes, 19 October, 1900, pp.555-560. See also

different groups of child inmate. Newly admitted children were placed in a quarantine ward in the hospital where they remained for three to six weeks before being transferred to the pavilions. Children were segregated in the pavilions by sex and by age. Most of the pavilions had space for up to 40 children, and contained a play-room and dining-room as well as dormitories. A larger pavilion for accommodation for up to 60 children was used as a nursery, and another was set aside for use as a children's hospital. Maids were in charge of each pavilion, and two nurses were responsible for the older and sick children.

A schoolroom was built in the centre of the pavilions, and was staffed by one head teacher and three assistants. It was hoped that the provision of a school within the grounds would eliminate truancy and attempts at escape from the poorhouse. Between December 1898 and August 1900, 72 boys and 7 girls had absconded from Barnhill on the pretext of going out to school. It was also anticipated that 'backward' children would progress better than in local schools. A library and gymnasium were also provided within the school complex. Standard practice was for the children to rise at 6 a.m., breakfast at 8 a.m., attend school 9.30 a.m.-1 p.m., and resume lessons after lunch from 2 p.m.- 4 p.m. Play was allowed after school and before bed at 7 p.m. In their spare time and at the weekends, the older children were assigned cleaning duties in their pavilion, and the girls assisted in the nursery. This regimental way of life was further enforced by the employment of a drill sergeant who was responsible for the discipline of the school -aged children.

A smaller scheme was adopted by Paisley in 1909 where children and maternity cases were removed from the poorhouse and accommodated in a house in the east end of the town. The house had accommodation for up to 70 inmates and consisted of two floors and an attic with separate dormitories for boys and girls, and a communal day-room and dining-room. A qualified nurse was appointed, with an additional two nurses under her, and a cook and two domestics were also employed.²⁶

In the majority of areas, however, children continued to be accommodated in the early twentieth century in general mixed poorhouses. The evidence presented to the Royal Commission on the Poor Laws and Relief of Distress in 1909 illustrated how this was attended with various standards of care. In his report to the Commission on the state of children in poorhouses, Dr C.T. Parson found conditions in Edinburgh relatively favourable, and his description is revealing in what was viewed as the acceptable standard of poorhouse 'care':-

The children at Craiglockhart poorhouse were housed in rooms in the poorhouse. The rooms were pleasant and homely- looking. They were heated by open fires. The girls' playroom contained a piano and rocking-horse, and there were pictures on the walls and ornaments and plants in the room. The dormitories are not heated except in very cold weather, There were about 420 cubic feet to each bed. Most of the bedsteads had spring mattresses. There was a small pleasant yard off each play-room for the children to play in.

The children go to a school about a mile off. They are taken and fetched by an inmate. They go to church in the poorhouse. The children do all the cleaning of the rooms. The young children have a bath daily, the older ones two to three times a week. They are supplied with towels twice a week, but not with tooth-brushes. Each child looks after its own towel, and this is relied upon to prevent the towels getting exchanged. They rise at 7a.m., have breakfast at 8.15.and then go to school, taking their lunch with them. They have dinner on their return at 4.30 and supper at six- bedtime is 6.30. for the younger children, and 7.45 for the older ones.

²⁶ *16th Annual Report by the Local Government Board for Scotland, 1910*, p.xxvii, (P.P.1911 Cd.5620.).

The children have three suits, one for home wear, one for school, and one for Sundays. The boys' clothing was the same as at Glasgow and Govan, but they had a thick cape for wearing outside. The girls had warmer underclothing than at Glasgow or Govan. The children evidently receive a great deal of care and are looked after with much kindness and sympathy.

The conditions at Craigleith poorhouse were very similar. The children lived in the poorhouse. The boys' play-room looked rather bare, but the girls' room was cheerful and homely, and contained a piano. The children go to school outside, and are taken and fetched by the gate-porter. They go to church on the premises, and go out for walks in the summer. The boys have a gravel playground with swings, and parallel bars, and play football and cricket. The girls have a grass court with swings. The clothing is similar to that at Craiglockhart, except that the boys have somewhat warmer underclothing. The bathing arrangements are good, each child has two towels, one for the hands and one for the face, and these are changed daily, but the face flannels are used indiscriminately. Tooth-brushes are not supplied. The children kept the rooms clean. As at Craiglockhart the children evidently receive a great deal of thoughtful and kind attention. In both poorhouses the children, when ill, are placed in the ordinary sick wards of the poorhouse. Most of the wards at Craiglockhart are very old and unsuitable for use as sick-wards. At Craigleith the wards are much better. No dentist is attached to either poorhouse. Several pauper inmates are employed in the children's rooms.²⁷

Similarly at East poorhouse, Dundee, the children continued to be housed in a small block of rooms in the middle of the institution, and when ill were sent to the adult sick-wards.

Of all the methods of child relief, poorhouse provision attracted the most criticisms from Parsons:-

The poorhouse is a most undesirable environment for a child to grow up in, and it is impossible to condemn too strongly those cases in which the child lives and attends school within the poorhouse, and never mixes with children outside. Quite apart from the unnatural conditions under which the child grows up, and its lack of knowledge of the world, the staffing of these institutional schools is usually so small that the child must suffer considerably in its ordinary education.²⁸

²⁷ Report by Dr C.T. Parsons on the Condition of Children who are in Receipt of the Various forms of Poor Relief in Scotland, *Ibid.* p.97-98.

²⁸ *Ibid* p.102.

He emphasised the inadequate standard of care through reference to the improper attention to the children's hygiene; unvaried diet; and the absence of trained staff. The attendant physical and mental failings in poorhouse children were illustrated statistically in his report, as shown in Table 9 .

Table 9: Physical condition of children in Scottish city poorhouses, 1909.

	Stobhill Hospital	Govan Poorhouse	Edinburgh Poorhouses	East Poorhouse, Dundee
5% or more below the average standard weight	78.0%	68.4%	66.6%	72.9%
5% or more above the average standard weight	4.6%	12.2%	13.9%	10.1%
5% or more below the average standard height	73.1%	56.1%	54.8%	71.1%
5% or more above the average standard height	0.6%	1.7%	-	1.7%
Badly nourished children	23.3%	15.8%	8.6%	20.9%
Health appearance bad	18.0%	29.8%	15.0%	5.1%
Classed as bright	24.6%	10.5%	24.7%	20.0%
Classed as dull	19.3%	22.8%	20.4%	38.0%

Report by Dr C.T. Parsons on the Condition of Children who are in Receipt of the Various forms of Poor Relief in Scotland

From these figures, as Parsons stated, 'it is at once noticeable that children in the poorhouses are of a badly developed type.' Nonetheless, this was to some extent expected since 'the worst children, mentally and physically tend to collect in the poorhouses from the impossibility of boarding them out.'²⁹

²⁹ *Ibid* p.101.

Overall, the Royal Commission was critical of conditions for children in the poorhouses, and many incidences of children being insufficiently segregated from the adults and improperly supervised were recorded. Their final observations condemned the general poorhouse, and its inefficiency in dealing with the various classes of inmate:-

To sum up, the General Poorhouse is, in our judgement, wholly unsuited to cope with the existing conditions of pauperism. In spite of the improvements carried out from time to time- ...the poorhouse is, and must remain, inefficient and even demoralising. It attempts to combine the functions of a hospital for the sick, a home for the infirm, aged, and children, and a workhouse for the able-bodied. It provides no proper classification, and no suitable treatment for the great majority of its heterogeneous population. In fact, it attempts, within the walls of a single institution, to accomplish incompatible objects.³⁰

Their recommendations pressed for the abolition of the general poorhouse, and its replacement by separate specialised institutions for the various classes of inmate. As part of this process they urged that 'effective steps should be taken by the Local Government Board to secure that the maintenance of children in the general poorhouse be no longer recognised as suitable or legitimate treatment of them.'³¹ The Minority Report echoed this sentiment with its condemnation that ' a poorhouse is under no circumstances a fitting place for a baby to be born in, or for infants to be reared in.'³²

³⁰ *Royal Commission on the Poor Laws and Relief of Distress: Report on Scotland*, 1909 p.97. (P.P. 1910 Cd.4922).

³¹ *Ibid* p.240.

³² Separate Report by the Very Reverend The Dean of Norwich, Mr F. Chandler, Mr George Lansbury, and Mrs Sidney Webb in *Ibid* p.256.

III

The Royal Commission marked a turning point in poorhouse provision for children. Its scathing condemnation of existing conditions prompted many councils into action. In 1910 Glasgow Parish Council discussed a memorandum prepared by the Inspector of Poor:-

... on the question of making some provision outside the institutions for unfit pauper children, so that they might be taught something suitable to their health and capacities. The class of children referred to had no future before them but residence in a poorhouse, owing to their condition of health rendering them unable to earn a livelihood when discharged, or become in any way self-supporting.³³

In 1911 the Council opened a children's home at Duncutha, Kilmarnock, for such children where they were taught handicrafts such as knitting; weaving; canvas and basket work; and outdoor hobbies such as gardening and fruit-picking.

In 1913, Edinburgh Parish Council agreed to built a separate children's home in Craiglockhart's grounds. The staff of the new Balgreen Home, which opened in 1915, consisted of a Matron, who was a trained nurse; an Assistant Matron; two additional nurses; a sewing maid; a cook; and two ex- pauper females, who were 'slightly defective, and unable to look after themselves.' Three female inmates of Craiglockhart also helped in the general running and cleaning of the Home. The Matron and Assistant Matron were largely occupied with administrative arrangements, and the two nurses were left largely in charge of looking after the children:-

The two Nurses - one for the girls and one for the boys - have to supervise the children and get them ready for school. The children rise at 7. have breakfast at 7.40, and have to be off to school by 8.30. The Nurses round the dormitories and make any beds that are unmade; they also supervise the condition of the Day Rooms, dust and polish if necessary. They are off from 8.30 to 9 attending to their rooms. They assist with the dinner. They also attend to the serving of tea, or rather hot milk, which is provided in place of tea. They have to amuse the

³³ 'Unfit Children in Glasgow' in *The British Medical Journal*, September 24, 1910 p.900.

young children who are not at school, and on favourable days have to take them out. They do repairs to the clothing and darn the stockings that are in use. They attend to the bedding of the children at 6.30, and later on, at 9 p.m. attend to any children that may need attention owing to their bad habits.

The children in the Home in many cases have received no home care, and require a very great deal of supervision; they are careless as regards their clothing, and , in some cases, not too cleanly in their habits.³⁴

In the majority of areas outside the main cities, no plans for specialisation were made. Most children remained in the mixed institutions, which continued to be criticised for inadequate standards of care. In 1911, for example, Kincardineshire Combination Poorhouse came under attack from the Local Government Board for its refusal to employ trained children's staff, and for continuing to group children of all ages and conditions in a room which was 'not large enough for the purpose, very close, and not good for the children.'³⁵ Many councils even refused to provide rudimentary improvements like toothbrushes.

Inadequate resources continued to prevent the development of specialised schemes in rural areas. During the war and after, plans that may have been developed were delayed owing to escalating building costs. In Aberdeen, where the children's wing of the poorhouse burnt down in 1911 and where plans to rebuild were shelved during war, the Council refused to agree to the erection of a separate children's home in 1924 on the grounds that it was an 'unnecessary expense to the ratepayer.'³⁶ On the outbreak of war, much of the poorhouse stock was adapted for use as military hospitals, and the children removed elsewhere. Stobhill children , for example, were removed to the various homes of the 'Fresh Air Fortnight' Charity, in such areas as Rothesay, East Kilbride and Shandon.

³⁴ *Edinburgh Parish Council Children's Committee Minutes, 3 March, 1924 E.D.A.SL14/1/30.*

³⁵ *Kincardineshire Combination Poorhouse September, 1910 p. G.R.H.B.A. 21/1/5.*

³⁶ *Aberdeen City Parish Council Minutes, 8 September, 1925 p.272 A.C.A.22/2/4.*

Medical care for children in the poorhouse continued to be under-developed compared to the voluntary sector hospitals. In Glasgow, analysis of child operations in Stobhill Hospital between 1920-1929, as illustrated by Table 10, reveals that teeth extraction far outweighed any other operations.

Table 10: Nature of medical complaints of child patients treated in Stobhill Hospital, Glasgow, July 1920-December 1929

Dental	621
Ear, nose and throat	296
Tuberculosis	198
Bone complaints	104
Abscesses	83
Surgical	57
Eye conditions	45
Birth defects	42
Chest conditions	27
Skin complaints	14
Medical examinations	14
Brain operations	6

Source: Stobhill Hospital Admissions Register GGHBA HB19.

While this is indicative of attempts to address the dental problems outlined by Parsons in 1909, it is hardly indicative of the development of specialised children's medicine. As before, children continued to be treated in the voluntary hospitals.

Despite attempts at specialisation, many children still remained in Scottish poorhouses by 1929. In Govan, for example, 49 children in 1929 had been resident in the parish Southern General Hospital for over one year. Of these children 61% had been there for over two years, mainly because they were too old, unfit, or mentally 'deficient' for boarding-out.

IV

As has been demonstrated in this chapter, of all the provision for children under the care of the Scottish Poor Law, it was the poorhouses which attracted the most criticism, and which proved the most difficult to resolve. The bias for boarding-out as the main method of child relief meant that the poorhouses were used to accommodate the mixed group of children unsuitable for foster homes. Attempts at improving conditions for these children were slow owing to a number of factors. The main consideration was financial, and in the majority of poorhouses the number of child inmates was too insignificant to justify expenditure.

By the early twentieth century, some moves toward specialisation had been made. Most of the large city parishes, where the number of poorhouse children was always greater than elsewhere had made some attempts at meeting the different needs of the various classes of children. This gradually removed more children from the poorhouse environment. Nonetheless, many councils acted only after being publicly embarrassed. The outbreak of war and post-war economic stringency delayed other plans for specialisation that may otherwise have been made. Moreover, the rise of the voluntary children's medical service encouraged complacency in the Poor Law. It was cheaper to continue to pay for treatment in the voluntary hospitals, and Poor Law medical child provision continued to remain less specialist than that in the voluntary hospitals.

By 1929 the majority of children still only entered the poorhouse as a temporary measure although some remained for prolonged periods. In many respects, this was perhaps inevitable. Given their condition - mentally deficient; physically weak; and in the case of older children, often viewed as morally delinquent, alternative provision was neither financially nor socially expedient.

CONCLUSION

What has emerged from this thesis on children under the care of the Scottish Poor Law in the late nineteenth and early twentieth century, is the existence of a distinctive Scottish welfare policy characterised by intervention in family life and the boarding-out of children to foster parents. To a great extent, one policy was influenced by the other. The existence of boarding-out, which appeared to offer Poor Law children the benefits of a 'respectable' family life, and the greatest potential for future adult independence, justified the removal of children from 'unsatisfactory' homes. This approach to child welfare was devised in the best interests of cost-efficiency which was a crucial consideration given the nature of local relief funding, and was supported because it seemed to offer an insurance against the perpetuation of pauperism.

The different legal background to the 1845 Poor Law Act permitted the development of this child welfare policy. The traditional emphasis on outdoor relief, and the reliance on local decision-making, gave rise to the implementation of a child care system which differed notably from that developed under the new Poor Law in England. The boarding-out of children, and provision for the separation of children from 'unfit' parents, were features of the old relief system in Scotland. The growth of social concern about children, and the increasing importance attached to environmental considerations from the 1840s convinced the new administrators of the contemporary relevance of such an approach. Unlike their English counterparts, Scottish parishes were not prohibited from acting without statutory approval, and this enabled them to use their discretion in shaping policy. Thus while the practice of separating children

adopted by certain Scottish parishes in the mid-nineteenth century went beyond the accepted principles of the law, it could nonetheless be justified as a valid local attempt to meet need.

By the late nineteenth century parish intervention in family life was a marked feature of Scottish Poor Law policy. This had evolved before the introduction of definite statutory powers of separation. Following this legislation, however, most parishes continued to separate children without recourse to the law. This practice of separation remained confined to pauper children however, and few parishes had the financial means or trained expertise to respond to the welfare of children outside the remit of the Poor Law. These gaps in provision were filled by the voluntary sector. From the early twentieth century it was becoming increasingly obvious that the parish system was not the appropriate network for the administration of increased state child support. This was confirmed by the growth of state provision for children outside the Poor Law.

Throughout the nineteenth and early twentieth century parish relief remained confined to pauper children with little change in procedure. In the light of modern experience, criticisms can be made of the administration of this child care. In particular, the failure of the system to offer 'separated' children rehabilitation within their family environment; the development of boarding-out as a money-making venture with informal supervision; and the apathy by many parishes in monitoring the progress of children when they left care, are all obvious defects. Moreover, the standard of 'care' offered to Poor Law children was, by modern standards, 'basic' in character. It must always be remembered, however, that these policies were constructed in the

context of a system where priority was attached to moral considerations mingled with cost-efficiency.

From the Second World War it was becoming increasingly obvious that the British Poor Law system was no longer appropriate in the administration of child welfare. In 1945 failures in the Poor Law care of children surfaced amid extensive publicity in the immediate post-war period following the death of Dennis O'Neill, a boarded-out child who died as the result of cruelty and neglect in his foster home. Along with his two younger brothers and sisters, Dennis had been removed from his home in 1939 by the NSPCC and committed to Poor Law care. He was then boarded-out, with one of his brothers at Bank Farm, Minsterly, England.¹ That a child separated from the apparently dangerous conditions of his natural home should experience fatal treatment in public care incited widespread concern, and an official inquiry was appointed to investigate the administration of boarding-out.² The inquiry catalogued a series of faults in the boarding-out system under the Poor Law, particularly those relating to shortage in staffing and the lack of training in skilled child care. Such defects were again echoed the following year when two Inter-Departmental Committees were appointed to inquire into the care of 'homeless' children in England and Scotland. The two Committees spent up to 17 months examining witnesses; visiting institutions and foster homes; and interviewing local authorities involved in child care. The English Report³ (commonly known as the Curtis Report) was wider in its scope of reference

¹ For more information on this case see, for example, J. Heywood, *Children in Care* (London, 1959); I. Pinchbeck and M. Hewitt, *Children in English Society* Volume 2 (London, 1973).

² *Report by Sir Walter Monckton on the circumstances which led to the boarding-out of Dennis and Terence O'Neill at Bank Farm, Minsterly, and the steps taken to supervise their welfare.* (HMSO 1945, Cmd 6636).

³ *Report of the Inter-Departmental Committee on Homeless Children (England), 1945* (P.P. 1946 Cmd. 6922 X).

than the Scottish Report⁴ (commonly known as the Clyde Report), the reason being that the number of 'homeless' children in Scotland was only about one-seventh of the number in England and Wales.⁵

The two Reports stressed similar weaknesses in state care of children, with the main criticisms echoing that of the Minority Report of the Royal Commission on the Poor Laws and Relief of Distress, 1909. They indicated an over-lapping and lack of co-ordination between various local authorities. As the Clyde Report commented on Scottish child care provision:-

Great complication exists to-day in the methods adopted in regard to different types of children. The public appreciation of the growth of this problem has led to a series of attempts by the Legislature to meet it. These attempts, however, have not been co-related, and present to-day an involved and overlapping picture.⁶

In this 'medley' of administration, the Committee felt it 'wonderful that the system has worked as well as it has,' and argued that 'all this differentiation must go.' Their conclusions, like those of the English Report pressed for the creation of one child care authority 'with uniform jurisdiction' which they believed, would encourage specialisation and 'raise the standard of the work of administration.' Detailed recommendations were then made on how to improve the quality of child care. These included greater attention to the psychological effects of children separated from their parents; the abolition of poorhouse and workhouse provision for children; more training for child care workers; and increased after-care arrangements. Fostering

⁴ *Report of the Inter-Departmental Committee on Homeless Children (Scotland), 1945* (P.P. 1946 Cmd. 6911 X).

⁵ J.S. Heywood, *Children in Care* p.143.

⁶ *Report of the Inter-Departmental Committee on Homeless Children, Scotland, 1945* pp. 5-6.

continued to be viewed as the preferred method of dealing with 'homeless' children, although each of the Reports stressed the need for close supervision and regulation, in order that the conditions under which children were placed was in keeping with modern standards. With this latter recommendation in view, the placing of children in Highland crofts, which had for so long been a central feature of boarding-out in Scotland, was felt to be out-dated and inappropriate:-

Many of the Local Authorities board out children on crofts. Some witnesses have condemned such a practice as unsuitable, and we feel there is substance in their criticism. While fully appreciating what has been accomplished in the past through this valuable service, and the opportunity of home life which has been afforded to homeless children on some crofts, we think that, under modern conditions, radical changes are necessary. We strongly deprecate the boarding-out of city children on crofts in very remote areas where they have no real contact with other children, where they have no facilities for learning a trade which is congenial to them, or where the living conditions are bad. These conditions are aggravated in many cases by the advent of summer visitors. Investigation of conditions in Highland crofts has shown that the lack of sanitation and the absence of facilities for training the children in cleanliness and personal habits make it inadvisable to board out children in remote crofts in the Highlands, where economic conditions are such that the practice of taking children seems to be regarded as an industry, and the labour obtained therefrom often enables the guardians to maintain their crofts. Instances were found where children on crofts were overworked by their foster parents. Other instances were found where the boarding-out Authority did not pay for school dinners for the children, and the foster parents said they could not afford to pay for dinners at school. Enquiries from head teachers showed that, through lack of proper accommodation and through evening employment on the croft, the boarded-out children were deprived of time and opportunity for study, and were unable to make good the want of education in their earlier years. In a few areas, good crofts which provide satisfactory foster homes do exist, but in most of these cases, the foster parents have some subsidiary occupation in addition to crofting. Our conclusion is that, if children have to be boarded-out on crofts, far greater care must be taken by the selectors and inspectors to see that the conditions under which they are placed conform to modern standards.⁷

⁷ *Ibid* p.21.

Thus, while support for the system of boarding-out, as developed under the Scottish Poor Law was not weakened, a new approach to its implementation was recommended.

By the end of the Second World War, the way forward for British state child care appeared to centre on specialisation and detachment from the stigma of the Poor Law. While the Scottish Poor Law had attempted these objectives in its child care policy, the parish emphasis on cost-efficiency had encouraged wide variations in provision. Following the introduction of new insurance benefits; family allowances; and a national health service in the late 1940s, the Poor Law was finally dissolved. Moreover, under the 1948 Children Act provision was made for a more comprehensive system of child welfare. Inspired by the recommendations of the Curtis and Clyde Reports, this Act provided for the creation of local authority Children's Departments; better regulated foster care as the superior policy; and the restoration of children in care to their natural families.

Since 1948 national British child protection has placed increasing emphasis on preventative measures and the maintenance, where possible, of family relations. Nonetheless, the fostering of children, as developed under the Scottish Poor Law, has remained an integral feature of child care, although the system is now subject to a more rigorous selection process and supervision. Moreover, Scotland has retained a distinctive approach to child welfare, characterised by the Children's Hearing System, which unlike England, provides a non-court based forum for the decision-making process. The Hearing System offers greater consideration to the child's wishes and feelings, and provides greater involvement of parents in the formal decisions than that which existed under the more interventionist procedure of the Scottish parishes under

the Poor Law. As the 'Orkney Case' indicated in 1991 however, the relationship between parents, state intervention and the child's best interests has proved difficult to resolve. Further, as the recent *Review of Scottish Child Care Law*⁸ has also indicated, provision for increased professionalism in child social work training, and for the advice and assistance for children brought up in care, and for their preparation for future life after care, remain to be adequately addressed.⁹ The implementation of such specialisation has been delayed to a great extent by restrictive government funding.¹⁰ In this respect, the problems of cost-efficiency that characterised the care of children under the Scottish Poor Law in the nineteenth and early twentieth centuries, remain no less pertinent in contemporary local authority child care.

⁸ *Scottish Office: Review of Child Care Law* (Edinburgh, HMSO 1989).

⁹ See also, for example, B.Kahan, *Growing Up in Care* (London, 1979); M.Stein and K.Carey, *Leaving Care* (London, 1976); S.Jackson, *Education of Children in Care* (London, 1987).

¹⁰ See, for example, S.Asquith (Ed.) *Protecting Children* (Edinburgh, 1993); Scottish Child and Family Alliance, *Child Care in Rural Communities- Scotland in Europe* (Edinburgh, HMSO, 1991).

APPENDIX I

FORM B.

CHILDREN'S SEPARATE REGISTER, PARISH OF _____

Name of Child _____

Reference to previous }
Folio in this Register } _____Reference to Folio in }
General Register } _____

Date when Chargeable _____ Age at that Date _____

Condition—Whether Orphan, or Deserted, or Separated from Parents _____

General Health _____ Ailment, if any _____

If Separated from Parent, Reason for Separation _____

Religious Denomination, whether Protestant or Roman Catholic _____

Grounds for holding Child to be of that Denomination _____

Name and Residence of Parents, or last surviving Parent _____

Religious Denomination of Parents, or last surviving Parent _____

Date of Minute directing Child to be sent to a Poorhouse or to be Boarded out _____

If to a Poorhouse, Name of Poorhouse _____

Date of Removal to Poorhouse _____

If to be Boarded out, Person with whom Boarded _____

Religious Denomination of do. _____

Occupation of do. _____

Residence of do. _____

Date of Removal to do. _____

No. of other Children in charge of, or belonging to, and living in
Family of do. _____

Religious Denomination of such Child or Children _____

If Child Registered as Roman Catholic, Date of Intimation to Priest of that Faith residing
nearest the place where Child boarded _____

If Child at School, Name of School _____

If Child Apprenticed or Engaged as a Servant _____

Date when Apprenticed or Engaged _____

Person with whom Apprenticed or Engaged _____

Occupation or Trade _____

Residence _____

Date when Child ceased to be Chargeable _____ Age _____

Cause of Non-chargeability _____

Dates.	Change of Circumstances and Proceedings in Case, not entered above.	Dates.	Change of Circumstances and Proceedings in Case, not entered above.

APPENDIX II

CHILDREN'S SEPARATE REGISTER,

Name of Child *Alexander Anderson.**Illegitimate*Reference to previous Folio in this
RegisterReference to Folio in General
Register

Date when Chargeable

Age at that Date

Condition—Whether Orphan, or De-
serted, or Separated from Parents }

General Health

Ailment, if any

If Separated from Parent, Reason
for SeparationReligious Denomination, whether
Protestant or Roman Catholic ... }Grounds for holding Child to be of
that DenominationName and Residence of Parents, or
last surviving ParentReligious Denomination of Parents,
or last surviving ParentDate of Minute directing Child to
be sent to a Poorhouse, or to be
Boarded out

If to a Poorhouse, Name of Poorhouse

Date of Removal to Poorhouse ...

If to be Boarded out, Person with
whom Boarded

Religious Denomination of do. ...

Occupation of do.

Residence of do.

Date of Removal to do.

Number of other Children in charge
of, or belonging to, and living in
Family of do.Religious Denomination of such Child
or ChildrenIf Child Registered as Roman Catho-
lic, Date of Intimation to Priest of
that Faith residing nearest the place
where Child Boarded

If Child at School, Name of School

If Child Apprenticed or Engaged as
a Servant

Date when Apprenticed or Engaged

Person with whom Apprenticed or
Engaged

Occupation or Trade

Residence

Date when Child ceased to be Chargeable

Age

Cause of Non-chargeability ...

*Mr Mackie**Protestant**Small farmer**Kingsmuir by Forfar**5th December 1864**one**Protestant**Kingsmuir School**28th May 1867**15 years**Working for himself*

CHILDREN'S SEPARATE REGISTER,

Name of Child *James M. Nale, Illegitimate*Reference to previous Folio in this
RegisterReference to Folio in General
Register

Date when Chargeable

Age at that Date

Condition—Whether Orphan, or De-
serted, or Separated from Parents }

General Health

Ailment, if any

If Separated from Parent, Reason
for SeparationReligious Denomination, whether
Protestant or Roman Catholic ... }Grounds for holding Child to be of
that DenominationName and Residence of Parents, or
last surviving ParentReligious Denomination of Parents,
or last surviving ParentDate of Minute directing Child to
be sent to a Poorhouse, or to be
Boarded out

If to a Poorhouse, Name of Poorhouse

If to be Boarded out, Person with
whom Boarded

Religious Denomination of do. ...

Occupation of do.

Residence of do.

Date of Removal to do.

Number of other Children in charge
of, or belonging to, and living in
Family of do.Religious Denomination of such Child
or ChildrenIf Child Registered as Roman Catho-
lic, Date of Intimation to Priest of
that Faith residing nearest the place
where Child Boarded

If Child at School, Name of School

If Child Apprenticed or Engaged as
a Servant

Date when Apprenticed or Engaged

Person with whom Apprenticed or
Engaged

Occupation or Trade

Residence

Date when Child ceased to be Chargeable

Age

*William Daley
Protestant
Crofter
Wm of Lownie
27th April 1868**363.
14th May 1866
5 Years
Separate from Parents
Good
None**Mother in Poor House
Protestant
The Parents are
Protestants
David M. Nale &
Eliza Thomson
Protestant**8th
8 April 1868**18th
July 18th
19th*Reference
RegisterReference
Register

Date when

Age at the

Condition
described,

General

Allment,

If Separated
for SepReligious
ProtestGrounds
that DName and
last surReligious
or lastDate of
be sent
Board

If to a P

PARISH OF *Forfar*

77

Name of Child *Thomas Rodger*

Reference to previous Folio in this
Register

Reference to Folio in General
Register

Date when Chargeable

Age at that Date

Condition—Whether Orphan, or De-
serted, or Separated from Parents

General Health

Ailment, if any

If Separated from Parent, Reason
for Separation

Religious Denomination, whether
Protestant or Roman Catholic ...

Grounds for holding Child to be of
that Denomination

Name and Residence of Parents, or
last surviving Parent

Religious Denomination of Parents,
or last surviving Parent

Date of Minute directing Child to
be sent to a Poorhouse, or to be
Boarded out

690

14th February 1876

5 Years
Mother Deserted and
Separated from Father
and

Parents Drunken

Protestant

Parents - Protestants

James Rodger -
Castle Street, Forfar

Protestants

13th April 1876

If to be Boarded out, Person with
whom Boarded

Religious Denomination of do. ...

Occupation of do.

Residence of do.

Date of Removal to do.

Number of other Children in charge
of, or belonging to, and living in
Family of do.

Religious Denomination of such Child
or Children

If Child Registered as Roman Catho-
lic, Date of Intimation to Priest of
that Faith residing nearest the place
where Child Boarded

If Child at School, Name of School

If Child Apprenticed or Engaged as
a Servant

Date when Apprenticed or Engaged

Person with whom Apprenticed or
Engaged

Occupation or Trade

Residence

...

alex Milne

Protestant

late Teacher

Welton, by Forfar

21st Oct 1876

Two

Protestants

Gall Burgh School

APPENDIX III

**PETERHEAD PARISH COUNCIL-APPLICATION FOR BOARDED-OUT
CHILDREN BELONGING TO PETERHEAD PARISH COUNCIL**

(Date), _____

Inspector of Poor, Peterhead,

Dear Sir,

Having read and considered the Boarding-Out Regulations, I shall be glad to board * _____ children for Peterhead Parish Council, if the Council consider the following particulars satisfactory.

I am, yours faithfully,
(Signature) _____

* Say how many.

PARTICULARS.

Applicant's Name, _____
Postal Address, _____

Names, &c., of all other persons living in the house.

NAME	AGE	DESIGNATION
		Husband, Son, Daughter, &c., or Servant.

How many dwelling rooms? _____
How many of these are bedrooms? _____
How many acres of land? _____
Where exactly does the place lie? _____

What is the nearest railway station? _____
and how far from it? _____
What school? _____
and how far? _____
What Church? _____
and how far? _____
Clergyman's Name? _____
and Address? _____

If necessary the Applicant may send also a separate letter with additional particulars or remarks.

PETERHEAD PARISH COUNCIL - TEACHER'S REPORT ON BOARDED-OUT CHILDREN

Quarter ending _____
_____ School.

Pupil	Address	Attendance Actual /Possible
-------	---------	--------------------------------

REMARKS.

(Signature) _____

PETERHEAD PARISH COUNCIL - BOARDED-OUT REGULATIONS.

1. Guardians require to be well-recommended people who can be depended upon to look after the health, comfort, education, and general upbringing of the children, and to show them a good example.
2. Homes that have been offered are visited and inspected, and inquiry is made regarding the character of the guardians before being accepted. The most suitable are placed on a list to be available, when required, should there be no immediate need for them.
3. Farms and crofts are preferred, not cottar houses, as a rule, nor villages.
4. Visitors from the Peterhead Parish Council may visit at any time without notice, and see for themselves if the conditions are being duly observed.
5. The allowance, at the rate of 3s. a week, is payable by P.O. Order at the end of each quarter in February, May, August, and November, in addition to clothing, school books, medical attendance &c.
6. Applications for clothing, &c., when required, should be addressed to the Inspector of Poor, Peterhead, not later than the first Tuesday of a month. The Council may either send the things that have been granted, or may allow the guardians to order them and send on the accounts.
7. In the case of illness of a boarded-out child the guardian may call in her own doctor, and ask him to charge the Peterhead Parish Council direct the needful attendance and requisites.
8. The guardians are expected to keep the children's clothing clean, tidy, and in good repair themselves, and to see that their boots and shoes are properly repaired before being too far worn, and send on the shoemaker's account.
9. Regular attendance at Church and Sunday school is expected, when these are within reasonable distance for the ages of the children; and attendance at the day school will be reported upon quarterly by the teachers.
10. The guardians are expected to be on the outlook for suitable employment for those who are over fourteen years of age, and to send particulars of any openings found, so as to obtain the approval of the Boarding-Out Committee, before engaging. When engagement is sanctioned an outfit is provided.

APPENDIX IV

Name of Child.

Reference to Folio in General Register.

I. General Particulars.

Date and Place of Birth.

Date of becoming Chargeable.

Circumstances in which Child

became Chargeable.

Condition—Whether Orphan or Deserted or Separated from Parents.

Does the Child suffer from any mental or physical disability?

If so, state nature of same.

Names of Brothers and Sisters—and particulars

as to how they have been dealt with. If

any appear in this Register, give reference

to Folio in each case.

Religious Denomination of Child—Protestant or Roman Catholic.

Name and Residence of Parents—if alive.

Religious Denomination of Parents.

If Parents dead, Cause of Death.

Date of Minute directing Child to be sent to a Poorhouse or to be Boarded-out.

If to a Poorhouse, name of Poorhouse.

Date of Removal to Poorhouse.

II. Boarding-Out.

Person with whom Boarded.

Give degree of Relationship to Child, if any.

Religious Denomination of Guardian.

Occupation of Guardian.

Residence of Guardian.

In Parish of

Date when Boarded-out.

Amount of Weekly Aliment paid on behalf of Child.

If any other Children boarded with same Guardian,

give Names and Parishes to which chargeable.

Number of Rooms in Guardian's House.

Number of Inmates in House—Adults, M.

F.

Children, M.

F.

Sleeping Arrangements of Household.

If Child at School, Name of School.

Date when Form 77 sent to Local Government Board.

III. Changes of Guardianship.

Circumstances which led to Change of Guardianship.

Name of new Guardian, and Relationship, if any.

Religious

Residence

Date when

If any other

give

Number

Number

Sleeping

If Child

Date when

Circumstances

Date when

V

Nature of

Amount

Does Child

If any

Do Parents

when

Any other

Date when

Present

Employment

Report

Date when

Present

Employment

Report

Date when

III. Changes of Guardianship—continued.

Religious Denomination of Guardian.

Occupation of Guardian.

Residence of Guardian.

In Parish of

Date when Boarded-out.

Amount of Weekly Aliment paid on behalf of Child.

If any other Children boarded with same Guardian, }
 give Names and Parishes to which chargeable. }

Number of Rooms in Guardian's House.

Number of Inmates in House—Adults, M.

F.

Children, M.

F.

Sleeping Arrangements of Household.

If Child at School, Name of School.

Date when Form 78 sent to Local Government Board.

IV. Death, Transference of Liability, or Removal from Poor Roll.

Circumstances in which Chargeability ceased.

Date when Form 79 sent to Local Government Board.

V. Boarded-Out Child apprenticed to a Trade or obtains Regular Employment.

Nature of Work in which Child is engaged.

Amount of Wages earned.

Does Child still live with Guardian? }

If not, state present address. }

Do Parish Council contribute any, and if so, }
 what amount, towards support of Child? }

Any other circumstances.

Date when Form 80 sent to Local Government Board.

VI. First Year's Report as to Employment.

Present Address of Child.

Employment at which Engaged.

Weekly wage earned.

Report as to Conduct and Progress.

Date when Form 81 sent to Local Government Board.

VII. Second Year's Report as to Employment.

Present Address.

Employment at which Engaged.

Weekly wage earned.

Report as to Conduct and Progress.

Date when Form 82 sent to Local Government Board.

PARISH OF _____

Name of Child _____

Reference to previous Folio in this
RegisterReference to Folio in General
Register

Date when Chargeable

Age at that Date

Condition—Whether Orphan, or De-
serted, or Separated from Parents }

General Health

Ailment, if any

If Separated from Parent, Reason
for SeparationReligious Denomination, whether
Protestant or Roman Catholic ...)Grounds for holding Child to be of
that DenominationName and Residence of Parents, or
last surviving ParentReligious Denomination of Parents,
or last surviving ParentDate of Minute directing Child to
be sent to a Poorhouse, or to be
Boarded out

If to a Poorhouse, Name of Poorhouse

Date of Removal to Poorhouse ...

If to be Boarded out, Person with
whom Boarded

Religious Denomination of do. ...

Occupation of do.

Residence of do.

Date of Removal to do.

Number of other Children in charge
of, or belonging to, and living in
Family of do.Religious Denomination of such Child
or ChildrenIf Child Registered as Roman Catho-
lic, Date of Intimation to Priest of
that Faith residing nearest the place
where Child Boarded

If Child at School, Name of School

If Child Apprenticed or Engaged as
a Servant

Date when Apprenticed or Engaged

Person with whom Apprenticed or
Engaged

Occupation or Trade

Residence

Date when Child ceased to be Chargeable

Age

Cause of Non-chargeability... ..

DATES.

Change of Circumstances and Proceedings in
Case, not entered above.

DATES.

Change of Circumstances and Proceedings in
Case, not entered above.

APPENDIX V

APPENDIX V

THE BOARDING-OUT ORDER, 1911

[**Note.**— The "Orphan Child" is the first-named in Article 1 of the Boarding-out Order, 1911, of the classes of children that may be boarded-out under the provisions of the Order. As since the issue of the Order that has been enacted the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, the provisions of that Act should be borne in mind with respect to children boarded-out as orphans or who may become orphans while boarded-out—hereon see Introduction, *ante*, where the Act is dealt with; also see Circular 643, *post*, on submission by Boards of Guardians of pension claims in respect to orphans dealt with under the Boarding-out Order, 1911. The said Act does not lessen or interfere in the least with the powers of Boards of Guardians to board-out children. Having regard, however, to section 21 (2) and the Third Schedule of the Act, the probable effect will be to extend the boarding-out system where children coming into the custody of the Guardians are entitled to pensions under the provisions of the Act.]

To the Guardians of the Poor

of the several POOR-LAW UNIONS for the time being in ENGLAND AND WALES;-

And to all others whom it may concern.

WHEREAS by the Boarding-out Order, 1905 (herein-after referred as "the Order of 1905"), We, the Local Government Board, prescribed, in relation to each Poor-Law Union for the time being in England and Wales, Regulations with reference to the boarding-out of pauper children in homes beyond the limits of the Poor-Law Union:

And whereas the Boarding-out (Within Unions) Order, 1909 (herein-after referred to as "the Order of 1909"), We prescribed, in relation to each of the several Poor-Law Unions in England and Wales wholly outside the Administrative County of London, Regulations with reference to the boarding-out of pauper children in homes within the limits of the Poor-Law Union:

And whereas it is expedient that the Order of 1905 and the Order of 1909 should be rescinded, and that Regulations should be made as herein-after contained:

NOW THEREFORE, in pursuance of the powers given to Us by the Statutes in that behalf, We hereby rescind the Order of 1905 and the Order of 1909, except so far as those Orders are herein-after expressly declared to remain in force for any purposes of this Order:

And We do hereby Order with regard to each of the several Poor-Law Unions for the time being in England Wales that the Regulations with respect to the boarding-out of Children by the Guardians in homes either within or beyond the limits of the Poor-Law Union shall, except so far as We may assent to any departure from the Regulations in any particular case, but the following, that is to say:—

Article I.—(1) Notwithstanding anything in any Order issued by the Poor-Law Commissioners or the Poor-Law Board, or by Us, the Guardians of a Poor-Law Union

may board-out pauper children chargeable to the Poor-Law Union either within or beyond the limits of the Poor-Law Union, and in any case in which a child is boarded-out as aforesaid, the Guardians shall observe all such rules and conditions set forth in this Order as are applicable to the case, and shall in other respects comply with the provisions of this Order:

Provided that—

- (a) A child shall not be boarded-out in a home either within or beyond the limits of a Poor-Law Union unless he is
 - (i.) an orphan child; or
 - (ii.) a deserted child; or
 - (iii.) a child in respect of whom the powers and rights of a parent or Poor-Law Act, 1899, vested in the Guardians of the Poor-Law Union:
- (b) A child shall not be boarded-out in a home within the Administrative County of London or within any area which We may by order hereafter prescribe.

(2) In any case in which the Guardians in the exercise of any powers other than the powers given to them in pursuance of sub-division (1) of this Article, afford relief other than medical or institutional relief to or on account of a child apart from its parents, the provisions of this Order shall apply as if the child were a child boarded-out under sub-division (1) of this Article.

Article II.—(1) For the purposes of the execution of this Order, a Boarding-out Committee may be—

- (a) appointed by the Guardians; or
- (b) constituted by persons acting for that purpose independently of the Guardians.

(2) (a) Every Boarding-out Committee shall consist of not less than three members, and one-third at least of the members shall be women.

(b) A person deriving any pecuniary or other personal profit from the boarding-out of a child shall be thereby disqualified from becoming or continuing to be a member of the Boarding-out Committee.

(3) Every Boarding-out Committee shall hold a meeting at least once in every period of three months.

Article III.—(1)(a) A Boarding-out Committee appointed by a Board of Guardians may consist wholly of members of that Board or partly of members of that Board and partly of other persons experienced in the matters to which the duties of the Committee relate.

(b) The appointment of such a Committee shall be made annually at the first or second meeting of the Guardians after the 15th day of April in each year, or at such other meeting as We may determine, and the Committee shall continue in office until their successors are appointed:

Provided that—

- (i.) the first appointment of such a Committee may be made at any time after the date of the operation of this Order; and
- (ii.) the Guardians may, subject to the provisions of this Order, at any time appoint additional members of the Committee.

(c) A Member of the Committee shall continue in office until the expiration of the period for which he was appointed, or until he dies, or resigns, or becomes disqualified, or goes out of office as a Guardian.

(d) The Committee may from time to time appoint one of their members to act as secretary, and if no such appointment be made by the Committee the Guardians shall assign the duties of secretary to the Clerk to the Guardians or an Assistant Clerk.

(e) An account shall be kept on behalf of the Committee of any money received by them from the Guardians and their disbursements and each member of the Committee who makes payments on behalf of boarded-out children shall keep an account of money advanced to him for that purpose and of his disbursements. Such accounts shall be laid before the Guardians at their meetings and audited by the District Auditor with the accounts of the Guardians.

(f) The quorum, proceedings, and place of meeting of the Committee shall, in other respects, subject to the provisions of this Order, be such as may be determined by Regulations of the Guardians, and, subject to such Regulations, shall be such as the Committee direct.

(g) It shall be duty of the Committee to find and superintend homes for all children boarded-out by the Guardians within the Union and for any child in regard to whom an agreement has been made by them under paragraph (b) of sub-division (2) of Article IV. of this Order, and to observe the regulations applicable to them prescribed by this Order or by any Order which may hereafter be issued by Us.

(2)—(a) A Boarding-out Committee constituted by persons acting for that purpose independently of the Guardians shall consist of persons who are approved by Us, who have signed an engagement in the Form No. 1 in the Schedule to this Order, and who have obtained Our written authority to make administrative arrangements with the Guardians for the purpose of finding and superintending homes for pauper children within an area specified in the said authority and generally for the execution of this Order.

(b) The area within which the Committee is authorised to find and superintend homes for pauper children may, with Our approval, be extended or diminished.

(c) The number of members of the Committee may, with Our approval, be altered and, with Our approval, any person may be substituted as a member of the Committee for any existing member who shall cease to act as a member of the Committee.

A person shall not act as an additional or substituted member of the Committee until he has signed an engagement in the Form No. 2 in the Schedule to this Order.

(d) The Committee shall from time to time appoint one of their members to act as secretary.

(e) The secretary shall forthwith inform Us of any vacancy occurring in the Committee by reason of the death, resignation, or disqualification of a member, or from any other cause; and shall report to Us as soon as practicable after the First day of July in every year the names and addresses of the Members of the Committee in the Form No.3 in the Schedule to this Order.

(f) Before a child is boarded-out by the Guardians in pursuance of administrative arrangements with a Boarding-out Committee constituted under sub-division (2) of this Article those arrangements shall be defined and embodied in an agreement made, with Our approval, between the Guardians and the Committee.

The agreement shall be in the Form No. 4 in the Schedule to this Order.

Article IV.—For the purposes of the execution of this Order the Guardians shall—

(1) in any case in which they board out children in homes within the Poor-Law Union, either—

(a) appoint a Committee in accordance with sub-division (1) of Article III. of this Order; or

(b) enter into administrative arrangements with a Committee constituted in accordance with sub-division (2) of Article III. of this Order:

(2) in any case in which they board out children in homes beyond the limits of the Poor-Law Union either—

(a) enter into administrative arrangements with a Committee constituted in accordance with sub-division (2) of Article III. of this Order; or

(b) *subject to Our approval*, make an agreement with a Committee appointed in accordance with sub-division (1) of Article III. of this Order by the Guardians of the Poor-Law Union in which the child is to be resident.

[Note.—The words "subject to Our approval" in Article IV. (2) (b) are cancelled by Article III. and the Schedule of the Powers of Boards of Guardians Order, 1921.]

Article V.—(1) A Boarding-out Committee shall furnish to Us or to any of Our Officers or to the Guardians, when so required, all reasonable information respecting the proceedings of the Committee and the children boarded-out under their superintendence, and shall keep a book containing a record of the proceedings at each meeting of the Committee, and all records or reports kept by or made to the Committee shall be in the custody of the secretary to the Committee and shall at all times be open to inspection by any of Our Officers.

(2) The Clerk to the Guardians of every Poor-Law Union shall, as soon as practicable after the First day of January in every year, make a Return to Us, in the Form No. 5 of the Schedule to this Order, of every child boarded-out by the Guardians on that date.

(3) The secretary of every Boarding-out Committee shall, as soon as practicable after the First day of July in every year, make a Return to Us in the Form No. 6 of the Schedule to this Order of every child boarded-out by Guardians, and under the supervision of the Committee on that date.

Article VI.—(1) The Guardians may, and when required by Us shall, appoint a woman as a Visitor for the purpose of visiting any children boarded-out by the said Guardians in homes within the Union.

(2) Every appointment of a Visitor for the purposes of this Order shall be subject to Our sanction, and the Guardians shall pay to each person so appointed such salary or other remuneration as We direct or approve.

[**Note.**—This paragraph (2) is now cancelled by Article III. and Schedule of the Powers of Boards of Guardians Order, 1921.]

(3) Subject to any Regulations that may be made by the Guardians the Visitor shall act under the direction of the Boarding-out Committee.

Article VII.—The following Rules and Conditions shall be observed by the Guardians or by the Boarding-out Committee, and shall otherwise be applicable in the case of children boarded-out by the Guardians, that is to say:-

No.1.—(i) Not more than two children shall be boarded-out by the Guardians in the same home at the same time, unless all the children are brothers or sisters, or brothers and sisters;

(ii) Not more than one child shall be boarded-out by the Guardians in a home in which any child is boarded-out, either permanently or temporarily, by persons other than the Guardians, nor shall any child be boarded-out in a home in which there is more than one child boarded-out by persons other than the Guardians either permanently or temporarily.

(iii) A child shall not be boarded-out in a home in which, at the time when the child would first be placed in it, there would be, including the said child, more than five children resident; and

(iv) If a child be subsequently boarded-out by persons other than the Guardians in a home in which a child is boarded-out by the Guardians, and, including that child, there are already five children resident, the child boarded-out by the Guardians shall forthwith be withdrawn.

No.2. A child shall not be boarded-out with any person who is at the time, or who has been within twelve months preceding, in receipt of relief; and if a foster-parent at any time become in receipt of relief, every child boarded-out with him shall forthwith be withdrawn from him.

No.3. In no case shall a child be boarded-out with a foster-parent of a religious creed different from that to which the child belongs. The child's creed shall be ascertained from the Creed Register, if it be entered therein.

[**Note.**—But if no suitable foster-parent of the parent's creed can be obtained, and there is reasonable ground for supposing that the creed attributed to or professed by the parent was only nominally his and that he would not himself have objected to his child being brought up by a parent of another creed, the Minister of Health is prepared to consider an application for sanction to a departure from the strict requirement of the Regulation, subject to the condition that definite arrangements are made to secure the child's attendance at the Church and Sunday School of the Denomination to which he belongs.—Circular Letter, dated 3 May, 1920.]

No.4. A child shall not be boarded-out with a person who has at any time been convicted of an offence which renders him unfit to be a foster-parent, and if a foster-parent be at any time convicted of any such offence, every child boarded-out with him shall forthwith be withdrawn from him.

No.5. A child shall not be boarded-out with a person occupying or residing in a house or premises which are licensed for the sale of intoxicating liquors, and if a foster-parent at any time remove into a house or premises so licensed, or obtain any such licence, every child boarded-out with him shall forthwith be withdrawn from him.

No.6. A child shall not be boarded-out without a certificate, which shall be in the Form No. 7 in the Schedule to this Order, shall be signed by one of the Medical Officers of the Poor-Law Union to which the child is chargeable, shall state the particulars of the child's health, and shall be forwarded by the Guardians to the Boarding-out Committee.

No.7. Before receiving a child to be boarded-out with him, a foster-parent shall sign, in the Form No. 8 in the Schedule to this Order, an undertaking in duplicate, one copy of which shall be kept by the foster-parent and the other copy by the Guardians.

No.8. On the delivery of the child to the foster-parent, he shall give an acknowledgement in the Form No. 9 in the Schedule to this Order.

No.9. A child and its home shall be visited not less often than once in every six weeks by a member of the Boarding-out Committee, who shall be a woman, and who shall, after the visit to the child and its home, make a report in writing to the Boarding-out Committee in the Form No. 10 in the Schedule to this Order:

Provided that where the Guardians have appointed a Visitor under Article VI. of this Order the visit and report hereby prescribed may in the case of a child boarded-out in a home within the Poor-Law Union be made by the Visitor instead of by a member of the Committee.

No.10.—[*Note.*—This rule is repealed. *See* Circular Letter dated 3rd May, 1920. It related to the rate of payment to the foster parents for maintenance and allowance in respect of clothing. These matters are now entirely in the discretion of the Guardians.]

No.11.— (i) A foster-parent shall not enter into a contract for the purpose of insuring the payment to the foster-parent of a sum of money upon the illness or death of a child boarded-out with him in pursuance of this Order.

(ii) Where the Guardians or the Boarding-out Committee have reason to believe that the foregoing prohibition has been infringed by a foster-parent in respect of a the case may be, shall forthwith withdraw the child from the foster-parent.

No.12. A child shall not be boarded-out in a home which is distant more than two miles from a public elementary school, the Schoolmaster of which, in consideration of a weekly payment by the Guardians to him after a rate not exceeding one penny per week, undertakes to draw up and send to the Guardians, at least once a quarter, a written report upon the child, in the Form No. 11 in the Schedule to this Order; and a child shall not be boarded-out in a home which is distant more than three miles by the nearest road of access from the residence of some member of the Boarding-out Committee, except where a child and its home are to be visited by a Visitor appointed under Article VI. of this Order.

No.13. A boarded-out child shall not be employed in street trading as defined by the Employment of Children Act, 1903, or any Act amending the same.

Article VIII.—The sum payable to a foster-parent in respect of the maintenance of every child boarded-out with him shall, unless We otherwise direct, be paid to the foster-parent by the Clerk to the Guardians.

Article IX.—A Boarding-out Committee, out of such moneys as are provided for that purpose by the Guardians, may defray the reasonable cost of providing, in the case of a child boarded-out under their superintendence, for any necessary medical or dental treatment, and may also arrange for the periodical examination of such child, as often as may be necessary by a duly qualified medical practitioner.

Article X.—The Guardians shall not order relief in pursuance of this Order for a period exceeding fourteen weeks at any one time.

Article XI.—Any relief given under the provisions of this Order by the Guardians may, if the Guardians think fit, be given by way of loan to the parent of the child.

Article XII.—The Guardians may, if they think fit, advance at the beginning of each quarter to a Boarding-out Committee such sum as may reasonably be expected to be required by the Boarding-out Committee during that quarter to defray expenses incurred in respect of the children boarded-out under the supervision of the Committee.

Article XIII.—The Guardians may pay the reasonable expenses incurred by them in conveying a child to and from the home in which the child is boarded-out, including, where necessary, the reasonable expenses of a person sent in charge of the child.

Article XIV.—Subject to the provisions of this Order a Boarding-out Committee duly constituted or appointed in accordance with the provisions of the Order of 1905 or the Order of 1909, or of any of the Orders rescinded by those Orders, and in existence at the date of the operation of this Order, shall for the purposes of this Order be treated as having been duly constituted or appointed in accordance with the provisions of this Order.

Article XV.—In any case in which the Guardians are, at the date of the operation of this Order, boarding-out children under the provisions of the Order of 1905, or the Order of 1909, it shall not be necessary, with regard to the children so boarded-out, that fresh undertakings shall be entered into by the foster-parents under the provisions of this Order; and any child may continue to be boarded-out with the foster-parent with whom the child is boarded-out at the date of this Order (if no Regulation in the Order in pursuance of which the child was boarded-out is thereby contravened); and for the purposes of this Article the Order of 1905 and the Order of 1909 shall remain in force notwithstanding their rescission by this Order.

Article XVI.—If We withdraw from a Boarding-out Committee the authority to enter into arrangements under the Order of 1905 or the Order of 1909 or this Order, the Guardians who have made arrangements with the Committee for the boarding-out of pauper children shall, on receiving notice of the withdrawal of that authority, take back with all reasonable expedition all children boarded-out in homes found by the Committee:

Provided that the foregoing requirement shall not apply in any case in which We declare that the withdrawal of authority from the Committee shall not extend to children already boarded-out under their superintendence.

Article XVII.—In this Order—

- (a) The expression "Guardians" means a Board of Guardians elected under the Poor-Law Amendment Act, 1834, and the Acts amending the same, and includes a Board of Guardians or other body of persons performing under any Local Act the like function to a Board of Guardians under the Poor-Law Amendment Act, 1834.
- (b) The expression "Poor-Law Union" means any parish or union of parishes for which there is a separate Board of Guardians.
- (c) The expression "child" means a child under the age of sixteen years.

- (d) When applied to a legitimate child, the expression "orphan child" means 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 England; and the expression "deserted child" means 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 England; 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 England, the other parent being likewise in one of those conditions.
- (e) When applied to an illegitimate child, the expression "orphan child" means a child whose mother is dead; and the expression "deserted child" means 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 England.
- (f) The expression "foster-parent" means the persons or person with whom any child is boarded-out under the provisions of this Order.
- (g) The expression "institutional relief" means relief given in any Workhouse or in any other institution in which for the time being relief by Guardians may lawfully be given.
- (h) Unless the contrary intention appears—

Words importing the masculine gender include females,
and

Words in the singular include the plural, and words in the plural include the singular.

Article XVIII.—This Order may be cited as "The Boarding-out Order, 1911," and shall come into operation on the First day of January, One thousand nine hundred and twelve.

[**Note.**—For the expression "Local Government Board," wherever used in the forms of the following Schedule, now read "Minister of Health." (Ministry of Health Act, 1919, section 3.)]

SCHEDULE

FORM No.1

Engagement by persons proposed to be constituted a Boarding-out Committee under sub-division (2) of Article III. of the Boarding-out Order, 1911.

We, the undersigned, being desirous of being constituted a Boarding-out Committee for the purpose of finding and superintending homes within the area specified below, for such children as may be boarded-out by a Board or Boards of Guardians under the provisions of the Boarding-out Order, 1911, do hereby engage that, in the event of our obtaining the requisite authority of the Local Government Board to act as a Boarding-out Committee, we will truly and faithfully observe the Regulations which are prescribed in the said Order, or which may from time to time be prescribed by the Local Government Board with respect to the Boarding-out of Pauper Children.

And we do also hereby undertake to furnish to the local Government Board, or to any of the Inspectors of that Board, when so required, all reasonable information respecting the proceedings of the Committee and the children who may be boarded-out under the superintendence of the Committee. We further undertake that all records or reports kept by or made to the Boarding-out Committee shall at all times be open to inspection by any of the Officers of the said Board.

And we do also engage that meetings of the Committee shall be held not less often than once in every period of three months on days to be fixed by the Members of the Committee at the first meeting in each year, the days and place of meeting to be subject to such alterations as may be agreed upon at one of the ordinary meetings of the Committee after due notice to every member, and further that a book shall be kept containing a record of the proceedings at each Meeting, and that the minutes of the last meeting shall be read at the next succeeding Meeting and signed by the presiding Chairman, who shall be a member of the Committee other than the person appointed to act as Secretary.

AREA OF ACTION OF COMMITTEE

Parish, Parishes or parts thereof of which Area consists	Union comprising Parishes.	County.

Signatures in full.	Rank. profession, or Calling*	Addresses.

Dated this day of19 .

To the Secretary
Local Government Board
Whitehall, London, S.W.

* In the case of any woman having no calling or profession of her own, the rank profession, or calling of her Husband or Father should be entered in this column thus:-

Wife, widow, or daughter of a

FORM No. 2.

Engagement by proposed additional or substituted Members of a Boarding-out Committee constituted under sub-division (2) of Article III. of the Boarding-out Order, 1911.

I (or We), the undersigned, being desirous of becoming (a) Member(s) of the Boarding-out Committee formed for the purpose of finding and superintending homes within the area specified below, for such children as may be boarded-out by a Board or Boards of Guardians under the provisions of the Boarding-out Order, 1911, do hereby engage that _____ will truly and faithfully observe the Regulations which are prescribed in the said Order, or which may from time to time be prescribed by the Local Government Board with respect to the Boarding-out of Pauper Children.

And _____, do also hereby undertake to furnish to the Local Government Board, or to any of the Inspectors of that Board, when so required, all reasonable information respecting the proceedings of the Boarding-out Committee and the children who may be boarded-out under the superintendence of the Boarding-out Committee. _____ further undertake, in conjunction with the other Members of the Committee, that all records or reports kept by or made to the Boarding-out Committee shall at all times be open to inspection by any of the Officers of the said Board.

AREA OF ACTION OF COMMITTEE

Parish, Parishes, or parts thereof of which Area consists.	Union comprising Parishes.	County.

Signatures in full.	Rank, profession, or calling,*	Addresses

Dated thisday of19

To the Secretary,
Local Government Board,
Whitehall, London, S.W.

*In the case of any woman having no calling or profession of her own, the rank, profession, or calling of her Husband or Father should be entered in this column thus:-
Wife, widow, or daughter of a

THE BOARDING-OUT ORDER, 1911.

FORM No. 3.

.....BOARDING-OUT COMMITTEE.

.....

*Statement to be sent to the Local Government Board showing the names and addresses
of the Members of the above Committee on the 1st July, 19*

Names.*	Addresses.

* It will be convenient if the names are arranged in alphabetical order.

(Signed)

Secretary of Committee

To the Secretary,
Local Government Board,
Whitehall, London, S.W.

Date

FORM No. 4

AGREEMENT entered into between THE BOARDING-OUT COMMITTEE of
 _____ in the County of _____ constituted under sub-division
 (2) of Article III. of the Boarding-out Order, 1911, for the purpose of finding and
 superintending homes for pauper children within the _____ parishes
 _____, in the Count _____ of
 (herein-after called the "Committee"), _____ of the one part and THE BOARD
 OF GUARDIANS OF _____, in the Count _____ of
 (herein-after called the "Guardians"), of the other part.

WE, THE COMMITTEE, do hereby agree with the GUARDIANS as follows:

That we will undertake to find homes and Foster-parents for Children to be sent to us
 by the Guardians, and for so many more Children as may hereafter, with the approval of
 the Local Government Board, be agreed upon between ourselves and the Guardians:

That we will cause each of the Children placed with the said Foster-parents and its
 home to be visited not less often than once in every six weeks by at least one member of
 the Committee, unless the child and its home are so visited by a Visitor specially appointed
 by the Guardians, and will send a Report to the Guardians of the apparent bodily condition
 and behaviour of each child visited by a member of the Committee, of the condition of the
 home, and of all complaints made by or concerning the Child against or by the Foster-
 parents, not less often than once a quarter:

That a Member of the Committee shall from time to time duly inspect the clothing of
 the Child and shall ascertain whether the quarterly sum allowed by the Guardians for the
 repair and renewal of the said clothing is properly expended unless these duties are
 performed by a Visitor specially appointed by the Guardians:

*That we will make arrangements with a duly qualified Medical Practitioner for the
 attendance upon the said Children in case of sickness, for the supply of the necessary
 medicines, and for the periodical examination of each of the said Children as often as may
 be necessary:

*That we will also make arrangements with a duly qualified Dentist for the care of the
 Children's teeth:

That, in case at any time any of the said Children should die, We will cause the
 deceased Child to be decently and properly buried:

That we will truly and faithfully observe in all respects such rules and conditions as are
 set forth in the Boarding-out Order, 1911, and such other provisions of that Order as are
 applicable to the Boarding-out Committee and to their execution of that Order, and all
 regulations from time to time prescribed by the Local Government Board with respect to
 the boarding-out of Pauper Children:

* These clauses may be omitted if suitable arrangements are otherwise made to the satisfaction of the Guardians.

That we will, upon the demand of the Clerk to the Guardians or a person duly authorised in writing by the Guardians, give up possession of any of the said Children who may be under our custody or control.

And We, the Guardians, do hereby on our part undertake and agree with the Committee as follows:-

That, when suitable homes and Foster-parents have been found for the said Children, and the undertaking required by Article VII., No. (7), of the Boarding-out Order, 1911, to be signed by the Foster-parent before receiving any Child shall, in the case of each Child, have been forwarded to us by the Committee, We will provide every such Child with a proper outfit of clothing and the Committee shall be authorised, in the case of every such Child, to make on our behalf the following payments; namely,—

- (a) The sum [*not exceeding* [] *shillings*] inserted in the said undertaking as the amount to be paid for the weekly maintenance of the said Child.[†]
- (b) A sum not exceeding per quarter for the repair and renewal of the Child's clothing.
- (c) A sum, not exceeding One penny per week, to be paid as a remuneration to the schoolmaster of the school at which the Child attends, for drawing up and sending the Quarterly Report upon the said Child as prescribed by the Boarding-Out Order, 1911.

That We will defray the reasonable cost of provision by the Committee of medical or dental treatment in respect of any Child boarded-out by us under their superintendence, the cost (if any) of providing such extra nourishment or medical or surgical appliance for a Child in case of sickness as shall have been ordered by the medical practitioner and certified by a member of the Committee, and also the cost of the examination of any such Child in pursuance of any arrangement made by the Committee in pursuance of Article IX. of the Boarding-out Order, 1911.*

That in consideration of the Committee undertaking that, in case any of the said /*Children at any time while boarded-out as aforesaid should die, the Committee will cause every Child so dying to be decently and properly buried, We will pay to the Committee, if the Child so dying were not more than Ten years of age at the time of death, such sum not exceeding Twenty-five shillings, and if the Child were more than Ten years of age at the time of death, such sum, not exceeding Forty shillings, as has been disbursed by the Committee for burial purposes.

That We will remit quarterly to the Committee the sum of money required to reimburse them all moneys expended and payments made as aforesaid on our behalf, and a sum of One penny per week for each Child, to meet other expenses incurred by the Committee in respect of the Child. Provided that where We advance a sum to the Committee under the provisions of the Boarding-out Order, 1911, the amount so advanced shall be taken into account in making the remittance aforesaid.

[†] This clause should be omitted unless the Local Government Board direct that the payment may be made by the Committee.

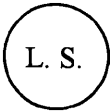
* This clause should be omitted if the preceding clauses marked * are omitted.

And it is hereby mutually agreed that an account of moneys received by the Committee and of their disbursements shall be kept: that such account shall be made up and balanced to the 31st March, the 30th June, the 30th September, and the 31st December in each year, and be signed by the Chairman or the Secretary of the Committee, and be transmitted to the Guardians within ten days after each of those dates: and that receipted vouchers shall be attached to the account as made up for each Quarter for all payments in respect of medical or dental attendance and medicines, extra nourishment, medical or surgical appliances provided by the Committee under the terms of this Agreement, and or burial expenses.

And We, the Guardians, do hereby further agree with the Committee, that if any Child shall at any time after being placed with a Foster-parent be found to be suffering from any incurable bodily disease, or from lunacy, or shall in the judgement of the Committee be incorrigible and of confirmed bad habits, We will in every such case, upon the same being duly signified to us, cause the said Child to be removed from the home wherein it may be boarded-out as aforesaid, and to be conveyed at our own expense to a suitable Institution.

In witness whereof the Presiding Chairman and Secretary of the Committee have hereunto set their hands, this day of _____, 19____, and the Guardians their common seal, this _____ day of _____, 19____.

Signatures of the Presiding Chairman and Secretary of the Committee.



The common seal of the Guardians was hereunto affixed at a meeting of the Board of Guardians held on the day last aforesaid, by _____, Chairman of the Board at the said meeting, in the presence of _____, the Clerk to the Guardians.

[**Note.**—This Form is not now used. It has been superseded by For giving the number of children boarded-out within the Union of chargeability and the number boarded-out beyond the limits of the Union of chargeability.]

FORM No. 5.

_____ POOR LAW UNION.

Return of the Children chargeable to the Union and boarded-out in Homes wither within or beyond the limits of the Union on the 1st day of January, 19

Name of child	Age	Name of Foster-parent.	Address of Foster-parent	Boarding-out Committee under whose superintendence the Child is boarded-out
1.	2.	3.	4.	5.

_____ *Clerk to the Guardians.*

_____ *Date.*

NOTE.—If no children are boarded-out at the date to which the Return relates the word "Nil" should be written across the Return.

FORM No. 6.

RETURN TO THE LOCAL GOVERNMENT BOARD OF THE CHILDREN
BOARDED-OUT
under the supervision of
BOARDING-OUT COMMITTEE on the 1st day of July, 19 , with the Names and
Addresses of the Foster-parents.

Name of Child	Age	Name and Address of Foster-parent	Poor Law Union to which chargeable
---------------	-----	--------------------------------------	---------------------------------------

(Signed) _____
Secretary of the Boarding-out Committee.
(Address) _____

Date _____

To the Secretary,
Local Government Board,
Whitehall, London, S.W.

NOTE.—If no children are boarded-out under the supervision of the Committee on the date to which the Return relates the word "Nil" should be written across the Return.

FORM No. 7.

_____ POOR LAW UNION

I, the undersigned, having this day personally examined *C.D.*, aged _____ years,

residing at _____, hereby certify

that he is not suffering from any contagious or infectious disease and that h

bodily health and mental condition is good [with the exception that*

], and that, in my opinion, the case is in all respects suitable for the

administration of relief by boarding-out.

(Signed) _____

A Medical Officer of the above-named Poor Law Union.

Dated this _____ day of _____ 19__

 * Here stated the particulars of any exceptions

FORM No. 8

Undertaking of Foster-parent.

 _____ Poor Law Union.
 _____ Boarding Out Committee.
 _____ Name of Child.
 _____ Name of Foster-Parent.

I, _____ *A.B.*, _____ of
 _____ do hereby engage with the
 Guardians of the above-named Poor Law Union, in consideration of my receiving the
 sum of _____ per week, to bring up *C.D.*, aged
 _____ years on the _____ day of _____ last, as one of my own
 children, and to provide h____ with proper food, lodging and washing, and to endeavour
 to train h____ in habits of truthfulness, obedience, personal cleanliness, and industry; to
 take care that the child shall duly attend at church [or chapel*] and school; that in
 consideration of my receiving the sum of _____ per quarter, I will provide for the
 proper repair and renewal of the child's clothing; that, in case of the child's illness, I will
 forthwith report the illness to the above-named Boarding-out Committee; and that I will
 at all times permit the child to be examined and the home and the child's clothing to be
 inspected by an Inspector of the Local Government Board, by a Member of the
 Boarding-out Committee, or by any person authorised for that purpose by the Guardians,
 by the Boarding-out Committee, or by the Local Government Board. I do also hereby
 engage, upon the demand of the Clerk to the Guardians or of a person duly authorised in
 writing by the Guardians, or by the Boarding-out Committee, to give up possession of
 the child.

†

Dated this _____ day of _____ 19____

Signature (in full) of Foster-Parent

Address of Foster-Parent.

*Witness to the signature of
 the Foster-Parent*

Address of Witness.

* Insert "church" or "chapel" according to the religious creed to which the child belongs.

† Any other matter which may be agreed upon may here be decided.

N.B.—Communications to the Guardians to be addressed _____

FORM No. 9.

POOR LAW UNION.

I, *A.B.*, of _____ hereby acknowledge that I have this day received *C.D.*, aged _____ years, from the Guardians of the Poor of the above-named Poor-Law Union, on the terms and conditions contained in the annexed undertaking; and that I have also received for the use of the said *C.D.* the articles of clothing set out in the list appended hereto.

Dated this _____ day of _____ 19____.

(Signed) _____

Address

Witness _____

Address of Witness _____

LIST OF CLOTHING

(Here set out the Articles in detail.)

FORM No. 10.

TO THE _____ BOARDING-OUT COMMITTEE

Report by (a) Member of the said Committee, or

(b) appointed Visitor with respect to _____,

aged _____ years, boarded-out with _____

at _____.

1. Date of visit and of last previous visit.
2. Was the child's condition satisfactory?
3. Were you satisfied with the home training and influences?
4. Did you find the home satisfactory?
5. What was the sleeping accommodation?
6. Were any complaints made?
7. Other remarks, if any.

Signature of Committee Member or Appointed Visitor

Date _____

Note.—In noting the child's condition, attention should be paid to questions affecting health, feeding, clothing and cleanliness; and in determining whether the home is satisfactory, regard should be had to its cleanliness, order and general surroundings, and specially to the adequacy and decency of the accommodation, particularly in the sleeping rooms.

FORM No. 11.

SCHOOL.

Report for the Quarter ending

Name of Child.	Age.	Name and Address of Foster-parent.	Number of times School open during the Quarter.	Attendances missed during the Quarter.	Alleged Causes of Absence.	Standard or Standards in which Child is now working.	Observations as to Appearance, Conduct, and Progress of Child, and any other remarks.

(Signature)

(Address)

(Date)

NB. This report may be arranged in any other manner which may be deemed more convenient, provided that all the particulars above-mentioned be included in it.

Given under the Seal of Office of the Local Government Board, this Sixteenth day of October, in the year One thousand nine hundred and eleven. [L.S.]

JOHN BURNS, President. H.O. MONRO, Secretary.

APPENDIX VI

LIST OF CHILDREN

BOARDED AT THE EXPENSE OF THE

Those marked with an

L—AIRDRIE

(Messrs. McCULLOCH

BARONY PARISH, at 14th May, 1892.

Asterisk (*) are illegitimate.

AND AUCHENTRIBER.

AND MILLER, Jnr.) :—

No.	Record	Name or Surname	Age	Religion			Condition			Date when Boarded here.
				Pto.	R.C.	Opb.	Des.	Sep.	Monthly Allow.	
1	7/817		12	1		1				8/ Oct. 18, 1885
2	7/2160		91	1		1				10/ May 11, 1891

II.—SALTCOATS, CATRINE, KILMARNOCK,

(Messrs. McQUIGGAN

3	15960		85	1			1			12/ Dec. 4, 1880
4	16777		51	1			1			8/ Dec. 29, 1883
5	7/569		12	1		1				12/ Dec. 13, 1886
6	7/2056		13	1		1				12/ July 12, 1889
7	7/2092		4	1		1				14/ do.
8	44021		11	1			1			12/ Nov. 7, 1887
9	4/607		9	1			1			12/ April 9, 1889
10	7/1937		7	1				1		18/ Nov. 26, 1889
11	7/488		7	1		1				12/ May 8, 1891
12			1	1		1				18/ do.

NELSTON, AND HIGH FENWICK.

AND SELLARS.

Child	Name of Guardian.	Address.	Remarks.
5	John Boyd and Wife,	69 N. Bridge St., Airdrie,	Step Grandfather.
8	David M. Both and Wife,	Hunter's Building, Auchentrib, High Blantyre.	Uncle.

6	Donald Sinclair and Wife,	Windmill St., Saltcoats,	App. Tailor.
8	do.,	do.,	App. Joiner.
6	Miss Elizabeth Welsh,	Canal Street, Saltcoats.	
10	do.,	do.	
1	do.,	do.	
6	Wd. Elizabeth Carruthers	21 Hamilton St., Saltcoats	
6	do.,	do.,	
6	James Hastie and Wife,	Cowan Place, Catrine,	Deserted by mother, a prostitute. Blind, mother 306 Main St. (Br.)
6	Henry M. Gendie & Wife	Buchanan House, Catrine	
6	do.,	do.,	

APPENDIX VII

LIST OF CHILDREN

Boarded Out by the Glasgow Parish Council at 15th May, 1921.

Those marked with an Asterisk (*) are Illegitimate.

Those marked with a Dagger (†) receive £7 per annum for purchase of Outfits, Repairs, &c.

1.—ACHINACRAIG, BUNESSAN, CREIGH, WISKEN (MULL), and IONA.

MESSRS. STEWART AND HORNE.

No.	Record	Date when supplied with Clothing	Name or Child	Date of Birth	Religion			Condition			Monthly Aliment	Date when Boarded Out
					Pro	R.C.	Opb.	Dec	Sep			
11	4985	1/11/20	Mrs. Annie M'Kae, Balmuccia, Oban.	1/12/07	1		1				34/	4/2/15
2	G12/5815	1/4/21	Miss Jane Kennedy, Lochdonhead, Achnacraig, Mull	15/10/08	1		1				34/	11/9/13
3	3351	1/10/20	Archibald Campbell and Wife, Lochdonhead, Achnacraig, Mull	16/9/08	1		1				34/	7/10/15
4	G12/5815	1/4/21		1/11	1		1				34/	11/9/13
5	57.187	2/5/21	Miss Ann Campbell, Taoslin, Bunessan, Mull	14/12/09	1						34/	2/5/21
6	✓	31/1/21		10/12/09	1						34/	26/1/21

No	Record	Date when supplied with Clothing	Name or Child	Date of Birth	Religion	Condition	Monthly Aliment	Date when Boarded Out
7	58001	1/11/20	Miss Margaret M'Kay, David Robertson	28/9/09	1		34/	26/11/17
8	"	"	James do	15/3/11	1		34/	"
9	99321	27/8/20	Duncan M'Kinnon and Wife, Lee, Bunessan, Mull Andrew Millen	3/2/11	1		34/	24/8/20
10	66134	"	Charles Cornish	21/5/18	1		34/	"
11	49030	1/3/21	Mrs Donald Beaton, Lee, Bunessan, Mull John Waugh	29/12/08	1		34/	17/3/19
12	"	"	Elizabeth do	20/10/11	1		34/	"
13	"	"	George do	22/1/13	1		34/	"
14	"	"	Charles do	29/3/16	1		34/	"
15	60667	1/8/20	Miss Margaret M'Donald and Brother, Knockin, Bunessan, Mull Vera G. Smeaton	20/7/04	1		34/	8/8/18
16	"	"	Isabella do	2/2/07	1		34/	"
17	"	"	Mary do	28/12/08	1		34/	"
18	"	"	Alexander do	26/2/11	1		34/	"

BIBLIOGRAPHY

The sources have been arranged as follows:

Part I: Manuscript sources

A: The Scottish Record Office (Edinburgh)

B: The Public Record Office (London)

C: Local Archives and Libraries

Part II: Official Sources

A: Parliamentary Papers

B: Acts of Parliament

C: Hansard

Part III: Newspapers

Part IV: Contemporary Journals

Part V: Contemporary and other works published before 1960

Part VI: Other Printed Works, 1960-1994

Part VII: Unpublished Theses

A: M.A. Theses

B: PhD. Theses

I

Manuscript Sources

A: Scottish Record Office

Home and Health Department Papers (HH)

Scottish Society for the Prevention of Cruelty to Children Records (SSPCC; NSPCC (Scottish Branch); RSSPCC):-

Edinburgh District Committee Records: GD409/1

Finance Committee Records: GD409/2

Case Committee Records: GD409/3

Miscellaneous Records: GD409/4

Annual Reports: GD409/5

Conviction Book (1902-1924): GD409/6

House Committee Records (1909-1929): GS409/7

Press Cuttings: GD409/19

RSSPCC Branch Directory: GD409/ 26

Edinburgh and Leith Children's Aid Refuge Minute Book: GD409/1/2
 General Reports by the Inspectors on the Condition of Children in the North West, Hebrides and Shetland: GD409/29
 Scrapbook, press cuttings relating to work of Society and League of Pity: GD409/35
 Volume containing Acts of Parliament, statutory rules, memoranda etc. on matters relating to Society's work: GD409/36.

B: The Public Record Office

Memorandum on Article IV , Poor Law Institutions Order, 1913 (1927-1928) MH57/46
 Report of W.E. Knollys, Inspector Durham and Northumberland. (1889) MH32/51
 Report of Dr Mouat, Inspector for Kensington (1875) MH32/51/1
 Reports of J.J.Henley (1877-1892) MH46/32

C: Local Archives and Libraries

ACA: Aberdeen City Archives:-
 Aberdeen City Parochial Board and Parish Council:-
 Minute Book: 22/1; 22/2
 SSPCC Minute Book 1900-1930 (not catalogued)

ARA: Aberdeen Regional Archives:-
 Auchterlees Parochial Board and Parish Council:-
 Children's Separate Register: 6/5/6; 6/5/7
 Minute Book: 6/5/2; 6/5/3; 6/5/4
 Register of Guardians: 6/5/8

Fyvie Parochial Board and Parish Council:-
 Children's Separate Register: 6/28/11; 6/28/12
 Minute Book: 6/28/1; 6/28/2; 6/28/3; 6/28/4; 6/28/5; 6/28/6

Keig Parochial Board and Parish Council:-
 Children's Separate Register: 6/36/6; 6/36/7
 Minute Book: 6/36/2; 6/36/3

Logie Buchan Parochial Board and Parish Council:-
 Children's Separate Register: 6/47/6; 6/47/7
 Minute Book: 6/47/1; 6/47/2
 Register of Guardians: 6/47/7; 6/47/8

New Machar Parochial Board and Parish Council:-
 Children's Separate Register: 6/59/9; 6/59/11
 Minute Book: 6/59/3; 6/59/4; 6/59/12

ECA: Edinburgh City Archives:-
 Edinburgh Parochial Board and Parish Council:-
 Children's Committee Minutes: SL14/1/2

Minutes: SL8/8/9

Law Committee Minutes: SL8 8/2

House Committee Minutes: SL8 8/4/5

Craiglockhart Poorhouse Rules (1921-22) : SL9/9/3

St Cuthbert's Parochial Board:-

Children's Committee Minutes: SL10/9/1 SL10/10/1

Education Committee Minutes: SL10/8/1

GGHBA: Greater Glasgow Health Board Archives:-

Barnhill Poorhouse: GHB24:-

Poorhouse Regulations, 1893-1905

Govan Combination Parochial Board and Poorhouse:-

Superintendents reports, 1925-1929; details of accommodation at Merryflatts HBI7

Glasgow Parish Council: HB17

Minutes, 1912-1930

Stobhill Hospital admissions and discharges, 1928-1929

GMLGR: Glasgow Mitchell Library Glasgow Room:-

Lamond, R.P: Memorandum on the Children and Education Acts: G362.7

Memorandum Regarding Proceedings adopted by the Parish Council of Glasgow and its Inspector of Poor on the Children Act, 1908: G362.7

Supplementary Memorandum by the Inspector of Poor on the Children Act 1908, (June 1910): G362.7

GRHBA: Grampian Regional Health Board Archives:-

Buchan Combination Poorhouse Minute Book :34/1/2; 34/1/3

Buchan Combination Poorhouse Report Book of Offences and Punishments: 34/3/11

Kincardineshire Combination Poorhouse Minute Book: 21/1/62-63

SRA: Strathclyde Regional Archives:-

Barony Parochial Board and Parish Council:-

List of Children Boarded by the Barony Parish, 1892: DHEW/ 24/8

Minute Book: DHEW/2/2

Children's Committee Minutes: DCH 1/3

Applications for Poor Relief: DHEW 15/1

Bothwell Parish Council:-

Children's Separate Register: CO1/24/72

Cambuslang Parish Council:-

Children's Separate Register: CO1/25/40; CO1/25/41

Glasgow Parochial Board and Parish Council:

Lists of Children Boarded by the Parish: DHEW 24/32

Minute Book: DHEW/1/2
 Register of Guardians: DHEW/28/1
 Children Act, 1908, Registers of Applications and Adoption Advertisements:
 DHEW/28/3
 List of Children Boarded By Glasgow Parish, 1921: DHEW 24/32
 Indexes of Boarded out Children: DHEW/28/5
 Children Act, 1908: Registers of Apprehensions and Prosecutions: DHEW/28/6.
 Annual Reports by the Inspector of Poor and Clerk to Glasgow Parish Council:
 DHEW 1/14
 Information Regarding Boarded Out Children T.PAR 1.3
 Hints on the Management of the House and the Children T.PAR. 1.3

Govan Parish Council:-
 Miscellaneous Children's Records, 1910-1930: DHEW/27

II Official Reports

A: Parliamentary Papers

Annual Reports of the Board of Supervision for Scotland (1846-1894)
 Annual Reports of the Local Government Board for Scotland (1894-1919)
 Annual Reports of the Board of Health for Scotland (1919-1929)
 Annual Reports of the English Poor Law Board (1880-1894)
 Annual Reports of the Local Government Board for England (1894-1919)
 Annual Reports of the Board of Health for England (1919-1929)

Report of the Poor Law Commissioners on the Continuance of the Poor Law
 (England) 1840 P.P. XVII
 Report of the Royal Commission on the Poor Law (Scotland): P.P. 1844 XX-XXV
 Report of the Select Committee on Criminal and Destitute Children P.P. 1852-53 (674)
 XXIII
 Report of the Select Committee on the Poor Law, 1868 (Scotland): P.P. 1868-69 IX
 Report by J.J. Henley on the Boarding Out of Pauper Children in Scotland 1869
 P.P. 1870 LVII
 Peterkin, W.A.: Report to the Board of Supervision on the System of Boarding Out in
 Scotland: P.P. 1893-94 XLVI
 Report of the Departmental Committee on Habitual Offenders, Vagrants, Beggars,
 Inebriates and Juvenile Delinquents P.P. 1895 XXXVII
 Royal Commission on Physical Training (Scotland): P.P. 1903 XXX
 MacKenzie, W.A. and Foster A.: The Physical Condition of Children Attending the
 Public Schools for the School Board of Glasgow: P.P. 1907 LXV
 Report by T.J. Macnamara on Children Under the Poor Law (England) P.P. 1908
 Cd. 3899

Report of the Royal Commission on the Poor Laws and Relief of Distress, 1909:-
(Scottish Evidence) Appendix XXVI P.P.1909 Cd. 4922

Report on Scotland P.P.1909 Cd 4922

Report by Parsons, T.C. on the Condition of Children who are in Receipt of the
Various forms of Poor Relief in Certain Parishes in Scotland Appendix LII P.P.1910
Cd.5075

Statistical and Other Documents Relating to Scotland: Appendix XXX P.P.1911
Cd.5440

Report by Miss E. Williams and Miss M. Longman on the Condition of Children who
are in Receipt of the Various Forms of Poor Relief in England and Wales XVIII
P.P.1910 Cd.5037

Report of the Inter-Departmental Committee on Homeless Children (England)
P.P.1946 Cmd. 6922 X

Report of the Inter-Departmental Committee on Homeless Children (Scotland)
P.P.1946 Cmd. 6911 X

Report of the Inquiry into Child Abuse in Cleveland 1987 P.P.1988 Cm.412

Report of the Inquiry into the Removal of Children from Orkney in February 1981
(HMSO House of Commons Paper, 195)

B: Acts of Parliament

Poor Law (Scotland) Amendment Act, 1845 8&9 Vic.c.83

Prevention of Cruelty to, and Better Protection of Children Act, 1889: 52&53 Vic.
c.44

Pauper Children (England), 1889: 52&53 Vic. c. 56

Custody of Children Act, 1891: 54&55 Vic. c. 3

Prevention of Cruelty to Children Amendment Act, 1894: 57&58 Vic. c. c.27

Prevention of Cruelty to Children Amendment Act, 1904: 4 Edw.7 c.15

Education (Provision of Meals) Act (England): 6 Edw. 7. c. 57

Education (Administrative Provisions) Act (England): 7 Edw. 7 c. 43

Children Act, 1908: 8 Edw.7.c.12

Adoption of Children (Scotland) Act, 1930: 20&21 Geo.V. c.37

C: Hansard

III

Newspapers

The Glasgow Herald

The Scotsman

The Times

IV

Contemporary Journals and Periodicals

British Medical Journal
Contemporary Review
Charity Organisation Society Reporter
City Sparrows (SSPCC Junior Supporter Magazine)
Dublin Review
Economic Journal
Fortnightly Review
Glasgow Medical Journal
Journal of the Statistical Society
Poor Law Magazine (Scotland)
Scots Law Times
Scots Law Reporter

V

Contemporary and other works published before 1960

Alison, W.P.: *Observations on the Management of the Poor in Scotland* (Edinburgh, 1840)
 Alison, W.P.: *Remarks of the Report of Her Majesty's Commissioners on the Poor Laws (Scotland)* (Edinburgh, 1844)
 Anderson, W.: *Children Rescued from Pauperism* (Edinburgh, 1876)
 Black, W.G.A.: *A Handbook of Scottish Parochial Law, other than Ecclesiastical* (Edinburgh, 1893)
 Carpenter, M.: *Juvenile Delinquents: Their Condition and Treatment* (London, 1853)
 Chalmers, A.K.: *The Health of Glasgow, 1818-1930* (Glasgow, 1841)
 Chance, W.: *Children Under the Poor Law* (London, 1897)
 Cole, G.D.H.: *The Life of Robert Owen* (London, 1930)
 Davie, G.E.: *The Democratic Intellect: Scotland and her Universities in the Nineteenth Century* (Edinburgh, 1964)
 Ferguson, T.: *The Dawn of Scottish Social Welfare* (Edinburgh, 1948)
 Ferguson, T.: *Scottish Social Welfare* (Edinburgh, 1958)
 Fraser, W.: *Parent and Child: On the Law of Scotland* (Edinburgh, 1906)
 Gibson, H.J.C.: *The Dundee Royal Infirmary, 1798-1948* (Dundee, 1948)
 Grant, C.W.: *The Advantages of the Boarding Out System* (London, 1869)
 Hall, W.: *Boarding Out as a Method of Pauper Education* (London, 1887)
 Hill, F.D.: *Children of the State* (2nd Ed. London, 1889)
 Heywood, J.: *Children in Care* (London, 1959)
 Kay, J.P.: 'On the Establishment of Pauper Schools' *Journal of the Royal Statistical Society* 1 23 (1828)
 Lamond, R.P.: *The Scottish Poor Laws* (Glasgow, 1893)
 MacKay, G.A.: *The Practice of the Scottish Poor Law* (Edinburgh, 1907)
 MacPherson, J.M.: *The Kirk's Care of the Poor* (Aberdeen, 1941)
 McCormack, A.A.: *Poor Relief in Scotland* (Aberdeen, 1923)

- Poor Law Officers' Journal: *The Law Relating to the Relief of the Poor* (London, 1927)
- Pepler, D.: *The Child and the Parent* (London, 1912)
- Russell, J.B.: 'The Children of the City: What Can We do for Them?' *Edinburgh Health Society* (Edinburgh, 1886)
- Skelton, J.: *The Boarding Out of Pauper Children in Scotland* (Edinburgh, 1876)
- Smith, F.: *The Life and Work of Sir James Kay-Shuttleworth* (London, 1923)
- Trevelyan, W.P.: *Boarding Out* (London, 1895)
- Trotter, T.: *The Law as to Children and Young Persons* (Scotland) (Edinburgh, 1938)
- Tuckwell, G.: *The State and its Children* (London, 1894)
- Twining, L.: *Workhouses and Pauperism* (London, 1898)
- Wagh, R.: *The Life of Benjamin Wagh* (London, 1913)
- Webb. S. and B.: *The Prevention of Destitution* (London, 1916)
- Webb, S. and B.: *History of English Local Government* (London, 1929)
- Webb, S. and B. : *English Poor Law Policy* (London, 1929)
- Williams, A.E.: Barnardo of Stepney: *The Father of Nobody's Children* (London, 2nd Ed. 1953)

VI

Books and Related Works published 1960-1994

- Abel-Smith, B.: *The Hospitals, 1800-1949* (Harvard, 1964)
- Anderson, R.D.: *Education and Opportunity in Victorian Scotland*: Oxford, 1983)
- Aries, P.: *Centuries of Childhood* (English Trans. London, 1962)
- Ashley, B.: *A Stone on the Mantelpiece: A Centenary Social History of the RSSPCC* (Edinburgh, 1985)
- Asquith, S.: *Protecting Children Cleveland to Orkney: More Lessons to Learn?* (Edinburgh, 1993)
- Bainham, A.: *Children, Parents and the State* (London, 1988)
- Bean P, and Melville.J.: *Lost Children of the Empire* (London, 1989)
- Behlmer, G.: *Child Abuse and Moral Reform in England, 1870-1908* (Stanford, 1982)
- Bratton, J.S.: *The Impact of Victorian Children's Fiction* (London, 1981)
- Bremner, R.: *Children and Youth in America* (Cambridge, 1973)
- Brown, S.J.: *Thomas Chalmers and the Godly Commonwealth in Scotland* (Oxford, 1982)
- Cage, R.G.A.: *The Scottish Poor Law, 1745-1845* (Edinburgh, 1981)
- Cage, R.G.A. and Checkland, E.O.A: 'Thomas Chalmers and Urban Poverty, The St John's Experiment, Glasgow 1819-1837' *Philosophical Journal* Spring, 1976
- Checkland, S.G. and E.O.A (Eds.): *The Poor Law Report of 1834* (London, 1974)
- Checkland, E.O.A. : *Philanthropy in Victorian Scotland* (Edinburgh, 1980)
- Checkland E.O.A. and Lamb.M.: *Health Care as Social History: The Glasgow Case* (Aberdeen, 1982)
- Cheyne, A.C. (Ed.): *The Practical and the Pious: Essays on Thomas Chalmers, 1780-1847* (Edinburgh, 1985)
- Cole, G.D.H (ed.) R.Owen, *A New View of Society and Other Writings* (New York, 1963)
- Cooter, R.: *In the Name of the Child: Health and Welfare, 1880-1940* (London, 1992)
- Crowther, M.A.: *The Workhouse System 1834-1929* (London, 1981)

- Crowther, M.A: 'Family Responsibility and State Responsibility in Britain before the Welfare State' *The Historical Journal* 25,1 (1981)
- Cunningham, H.: *The Children of the Poor* (Oxford, 1991)
- Davis, S.: 'Imperialism and the Cult of Motherhood' *History Workshop Journal* (spring, 1978)
- Davis, J.: *Youth and the Condition of Britain* (London, 1990)
- Devine, T. and Mitchison, R.(Eds): *People and Society in Scotland, Volume One* (Edinburgh, 1986)
- Digby, A.: *Pauper Palaces* (London, 1978)
- Dingwall, R. and Eekelaar, J.and Murray, T. : *The Protection of Children: State Intervention and Family Life* (Oxford, 1983)
- Donzelot, J.: *The Policing of Families; Welfare Versus the State* (English Trans. London, 1979)
- Driver, F.: *Power and Pauperism* (Cambridge, 1993)
- Drummond, A.L. and Bulloch, J.: *The Church in Victorian Scotland, 1843-1874* (Edinburgh, 1975)
- Dwork, D. : *War is Good for Babies and Other Young Children : A History of the Infant and Child Welfare Movement in England, 1898-1918* (London, 1987)
- Eekelaar, J. and Dingwall, R.: *The Reform of Child Care Law: A Practical Guide to the Children Act, 1989* (London, 1990)
- Ferguson, T.F.: *Children in Care- And After* (Oxford, 1966)
- Finlayson, G.B.A.M: *The Seventh Earl of Shaftesbury* (London, 1981)
- Fraser, D.: *The Evolution of the British Welfare State* (London, 1973)
- Fraser, D. (Ed.) : *The New Poor Law in the Nineteenth Century* (London, 1976)
- Fraser, H. and Morris, R.J.: *People and Society in Scotland, Volume Two*, (Edinburgh, 1990)
- Frost, N. and Stein, M.: *The Politics of Child Welfare* (London, 1989)
- George, V.: *Foster Care: Theory and Practice* (London, 1970)
- Gilbert, B.B.: *British Social Policy 1914-1939* (London, 1970)
- Gosdsen, P.H.J.H: *Self Help: Voluntary Associations in Nineteenth Century Britain* (London, 1963)
- Gordon, L.: *Heroes of Their Own Lives* (London, 1989)
- Hamilton, D.: *The Healers: A History of Medicine in Scotland* (Edinburgh, 1981)
- Harvie, C.: *No Gods and Precious Few Heroes* (London, 1981)
- Heasman, K.: *Evangelicals in Action* (London, 1962)
- Hendrick, H.: *Child Welfare, England, 1872-1989* (London, 1994)
- Heywood, J.: *Children in Care* (London, 1965)
- Hollis, P.: *Ladies Elect: Women in English Local Government, 1865-1914* (Oxford, 1987)
- Hoyles, M.: *Changing Childhood* (London, 1979)
- Jackson, S.: *Education of Children in Care* (London, 1987)
- Kahan, B.: *Growing Up in Care* (London, 1979)
- King, M. (Ed.): *Childhood, Welfare and Justice* (London, 1981)
- Lawrence, E.: *The Origins and Growth of Modern Education* (London, 1970)
- Lewis, J.: *The Politics of Motherhood: Child and Maternal Welfare in England, 1900-1939* (London, 1980)
- Levitt, I. and Smout T.C.: *The State of the Scottish Working Class in 1843* (Edinburgh, 1979)
- Levitt, I.: *Poverty and Welfare in Scotland, 1890-1945* (Edinburgh, 1988)

- Levitt, I.: 'Welfare, Government and the Working Class:Scotland 1845-1894' in McRone.D and Straw P.: *The Making of Scotland* (Edinburgh, 1989)
- Levitt, I.: *Government and Social Conditions in Scotland 1845-1919* (Edinburgh, 1988)
- Lindsay, J.: *The Scottish Poor Law 1745-1845* (Illfracombe, 1975)
- Lubenow, W.C.: *The Politics of Government Growth* (London, 1978)
- Macnicol, J.: *The Movement for Family Allowances* (London, 1980)
- Manton, J.: *Mary Carpenter and the Children of the Streets* (London, 1976)
- Marshall, J.D.: *The Old Poor Law 1795-1834* (London, 1968)
- May, M. 'Innocence and Experience' *Victorian Studies* XCIII 1973
- Mayers, G.: *England's First State Hospitals and the Metropolitan Asylums Board, 1867-1930* (London, 1971)
- de Mause, L.(Ed.): *The History of Childhood* (London, 1976)
- McCrone, D. and Straw, P. (Eds) : *The Making of Scotland* (Edinburgh, 1989)
- Mitteraur, M. and Sieder, R.: *The European Family* (Oxford, 1982)
- Morgan, J. and Zeedner, L.: *Child Victims, Crime, Impact and Criminal Justice* (Oxford, 1992)
- Mowat, C.L.: *The Charity Organisation Society, 1869-1913* (London, 1961)
- Parr, J.: *Labouring Children* (London, 1980)
- Parton, N.: *The Politics of Child Abuse* (London, 1985)
- Pattison, R.: *The Child Figure in English Literature* (Georgia, 1978)
- Pinchbeck, I. and Hewitt, M.: *Children in English Society (Volume Two)* (London, 1973)
- Pollock, L.: *Forgotten Children: Parent Child Relations* (Cambridge, 1983)
- Radzinowicz, L.: *A History of English Criminal Law and its Adminisrtation from 1750 (Four Volumes)* (London, 1948-1969)
- Richards, M. and Light, P.: *Children of Social Worlds* (Cambridge, 1986)
- Rose, L.: *The Erosion of Childhood: Child Oppression in Britain, 1860-1914* (London, 1991)
- Rose, M.E. : *The Relief of Poverty, 1834-1914* (London, 1974)
- Rosenberg, C. : *The Family in History* (Philadelphia, 1975)
- Rosman, D.: *Evangelicals and Culture* (London, 1984)
- Scotland, J.: *The History of Scottish Education* (London, 1969)
- Scottish Office.: *Review of Child Care Law* (Edinburgh, HMSO 1989)
- Scottish Child and Family Alliance.: *Child Care in Rural Communities- Scotland in Europe* (Edinburgh, HMSO, 1991)
- Searle, G.S.: *The Quest for National Efficiency* (Oxford, 1971)
- Sears, R.: *Your Ancients Revisited* (Chicago, 1975)
- Semmel, B.: *Imperiaism and Social Reform, 1895-1914* (London, 1960)
- Shiman, L.L.: 'The Band of Hope Movement:Respectable Recreation for Working Class Children; *Victorian Studies* XVIII (1973)
- Shorter, L.: *The Making of the Modern Family* (London, 1976)
- Smout T.C. (Ed.) *The Search for Wealth and Stability* (London, 1979)
- Smout, T.C.: *A Century of the Scottish People, 1830-1950* (London, 1986)
- Stevenson, O.: *Child Abuse: Public Policy and Peofessional Practice* (London, 1989)
- Stone, L.: *The Family, Sex and Marriage in England 1500-1800* (London, 1977)
- Strickland, I.: *The Voices of Children, 1700-1900* (London, 1973)
- Thane, P. : *The Foundations of the Welfare State* (London, 1982)
- Thane, P.: *The Origins of British Social Policy* (London, 1978)

- Thomas, K.: *Man and the Natural World: changing Attitudes in England 1500-1800* (London, 1983)
- Tobias, J.J.: *Crime and Industrial Society in the Nineteenth Century* (London, 1967)
- Toynbee, A.: *Man's Concern with Death* (London, 1968)
- Treble, J.H. : *Urban Poverty in Britian, 1830-1914* (London, 1979)
- Wagner, G.: *Children of the Empire* (London, 1982)
- Wagner, G.: *Barnardo* (London, 1979)
- Walvin, J.: *A Child's World: A Social History of English Childhood, 1800-1914* (London, 1986)
- Weiner, M.: *Reconstructing the Criminal, 1830-1914* (Cambridge, 1990)

VII

Unpublished Theses

A: M.A. Theses

- Dawkins, S.: Perspectives of Childhood: Marianne Mason, Inspector of Boarded Out Children (Bristol, 1980)
- Duke, F.: The Education of Pauper Children: Policy and Administration, 1834-1855 (Manchester, 1968)
- McNeilly, K.: Public Provision for the Poor in Glasgow 1890-1914 (Glasgow College, 1986)
- Ross, E.M.: Women and Poor Law Administration, 1857-1909 (London, 1956)

B: Ph.D. Theses

- Oberman, S.: The Education of Children in Poor Law Institutions in England and Wales (Belfast, 1983)
- Paterson, A.: Poor Law Administration in the City Parish of Edinburgh, 1845-1894 (Edinburgh, 1974)
- Ross, A.M.: The Care and Education of Pauper Children in England and Wales, 1834-1896 (London, 1956)
- Whiteford, J.: The Application of the Poor Laws in Mid-Nineteenth Century Glasgow (Edinburgh, 1982)