reforms in the law and practice of deeds' registration, would be inimical to the success of a Registration of Title.

Mr. Leech was associated with Mr. Holmes, C.B., Treasury Remembrancer in his inquiry into the Registry of Deeds Office, 1884–5. He has, therefore, special knowledge of the matters dealt with by the details of this bill. It is a significant fact then, and one that tells very much in favour of this measure, that so able and so uncompromising an opponent should practically confine his attack to one feature, leaving the major part of those provisions to which I have the honour to invite the society's attention this evening, to go unchallenged. It would be disingenious not to admit that Mr. Leech's attack is directed against a cardinal point in the bill. It would be unjust to under-rate the value of his criticism, considering his position, his attainments, and his special knowledge of his subject. But putting aside the wider question dealt with in his work, his line of criticism regarding this measure is open to this objection—that not content with attacking the principle of the bill, he went into the provisions of it, but went only so far as seemed to suit the contention he desired to establish. What I have said of the general subject of Land Transfer is true also of this bill—namely, that it should be viewed in its totality. To assist the society in doing so, is the object of this paper.

IV.—*Our Industrial and Reformatory School Systems in relation to the Poor.* By E. D. Daly, Esq.

[Read Tuesday, 17th March, 1891.]

THE subject of my paper is an old one, often treated of in this society and elsewhere by abler pens than mine.

My purpose in again bringing it before you can only be to refresh our minds on a subject of importance, apt to be somewhat overlooked in the rush of politics around us.

It is a subject on which a great deal of learning can be brought to bear, from theories of high philosophy, to the numerical arguments of statistics; but it can also be approached from points of view which involve no learning beyond such as may be acquired by most of us, who in the homely duties of life gain some practical knowledge of human nature.

From such a standpoint the discussion must consist chiefly in generalizing from those principles and tendencies of human conduct which everyday life tests and illustrates.

Every day we have opportunities of understanding what overkindness leads to in dealing with kinsfolk or employes. We may study also how selfishness, like the recoil of an ill-charged gun, is sure to hurt the selfish. We may observe how much more easily the young are influenced for good or evil, than is the case with those of confirmed habits; and the kind of care they most need is learned every day. We may note, that one of the most precious links of

duty by which members of a community are united and human character trained for good, consists in the family tie between parent and child. And with some care in generalizing from what most of us thus have practical experience of, we may bring to bear on the problem of neglected childhood, a considerable knowledge of the most vital of all principles affecting it.

It is from such a point of view that I shall endeavour to discuss the matter, and it seems to me to be a point of view from which no one need be excluded, by feeling, as I do, the disadvantage of being unlearned. It is a point of view from which busy men, poor-law guardians, members of various committees, and others, may think over what is going on, aided by such experience of the great wage-earning population as their various pursuits offer, and even though they never get time to read a line of Herbert Spencer.

But there is this caution to remember. Neglected childhood can no more be discussed without constant allusion to those causes by which its unwholesome environment is created, than the cure of an ulcer can be thought of without constant reference to the general health of that body on which it grows; we must, therefore, watch how poverty at large is affected by possible remedies.

I shall now begin by asking you to consider whether our obligations as a community are, or are likely to be, adequately discharged towards the poverty-cursed young, by a great official system built up under statutes, while the principal interference of the competent citizen world which stands by looking on, is to pay taxes or subscribe funds.

In making this attempt it is necessary to go back some years, and taking salient points observe where and in what way principle after principle has been attended to, because for practical purposes it is important to know at what rate difficulties have been dealt with, as well as what has been done up to date, in order to judge as to what, on the whole, we can expect from state executive tied down by acts of Parliament.

State action. Its delays, indecision and oversights.

Setting aside workhouse treatment, state consideration for the neglected young assumed a new aspect in 1838, and was first turned to those charged for indictable crime. At that date a horrible state of things existed. The hulks were in use, and were nests of infamy. Prisons, though improved since Howard's time, were by no means what they are now. Children seven, eight, and nine years of age were detained for weeks in custody, awaiting trial by jury. Guilty or innocent, therefore, they caught the taint of gaol. If found guilty they were sentenced to transportation, although it was not usually carried out in the case of the very young. Elder lads, from ten and eleven on, were sent to the hulks or deported in convict ships, and their fate, in close contact with adult infamy may be surmised by persons of experience. A considerable section of the young life of the nation was thus, as it were, dragged towards perdition.

Now, observe, what state action meant in facing this dreadful state of things. The preamble to the Parkhurst Statute of 1838,

declared it would be of great public advantage to provide a place where young offenders might "receive such instruction and be subject to such discipline as should appear to be most conducive to their reformation and the repression of crime." Thus was adopted in theory, the idea of separating the treatment of erring childhood from that of adult crime, and of aiming more directly at reformation in case of the young; but the practical application at the time of these principles resulted only in establishing one prison at Parkhurst, where selected young persons from amongst those sentenced to transportation, were subjected to reformatory discipline. Even some years afterwards children as young as ten and numbers under fifteen, were still left to their fate in the hulks, and no attempt at all was made to avoid the evil of keeping untried children in gaol for long periods. So small an expedient as Parkhurst, in face of so enormous an evil as that mentioned, seems to stamp as feeble and insufficient the state action that took place.

Nine years then passed, during which parliament ignored the subject, until in 1847, it was arranged to exempt some of the children charged with indictable crime, from the necessity of being tried by judge and jury, and magistrates were given power to deal with them. One would suppose that as the reason for this arrangement arose from the fact and nature of childhood, it would apply to all children whom the previous law left to trial by jury. But instead of this being done, only some of the little crowd were set aside, namely those charged with larceny. That is to say, if a child stole a shilling, a magistrate might deal with him at once. But if he purloined a shilling received by him in payment for his masters goods, or if he procured a shilling by falsely stating his master sent him for it, he should, in either case, be kept in gaol, as of old, until a judge came round. The distinction, based upon legal subleties, being that the first case only was larceny, while the second was embezzlement, and the third a case of fraud by false pretences.

Now in relation to the responsibility and fate of a boy or girl, such distinctions have as little bearing on the classification of childhood, as metaphysics have on the sorting of a museum. For all purposes as regards the child these cases stand on the common footing of youthful wrong-doing; and to send one before a magistrate, and leave the other no option, but to wait for a judge, seems in the absence of adequate reason, to be a capricious and incompetent selection. I do not mean that no other consideration but the fact of childhood affects the question. It may, for instance, be inexpedient to leave some very serious crimes, such as murder, to magisterial jurisdiction; but those are so few in comparison to the great body of indictable crime, that there can be no justification for selecting larceny and larceny alone, as the only case in which to consider children.

In 1861 the criminal law was, to a great extent, codified, and the case of children charged with indictable crime was again under consideration. I am entitled to say that because an opportunity for being whipped was created in case of lads under sixteen, with which casual attention the subject was dismissed.

The matter was dealt with again in 1874 in England, and 1884 in Ireland. At these dates acts were passed which, without removing the right to be tried by jury, gave the magistrates power, with consent of the interested parties, to deal with children. The class of children was greatly enlarged, but even yet all children are not included, and it is impossible not to want to know in cases of "young persons" between twelve and sixteen—why, although embezzlement is now included with larceny, as a charge which need not go before a judge, false pretences must still be sent on? Why may boys be dealt with by magistrates for injury to railway machinery, and not for injury to mining machinery.* Why can a boy be disposed of at once for stealing a pound note, but if he pass a bad sixpence he must stay in gaol until commission.

Now turn from the idea of giving children a speedy trial, over which the state was pondering from 1847 to 1884, and let us see how the other idea of separating their punishment from that of adults was pursued:—For that purpose we must pass from 1838, when Parkhurst was started, until those years between 1854 and 1858, when practically, for the first time, Reformatory and Industrial School Acts began to operate generally in England and Scotland. Thus it took nearly twenty years to push the principle of separating the punishment of children from that of adults, as a state arrangement much beyond the Parkhurst experiment. However, when the period I mention arrived, there were throughout the country various institutions, chiefly started and maintained by private philanthropy for the reformation of juveniles, either before the law had seized upon them, or after it had punished and discharged them. Several of these were now adopted by act of Parliament as reformatory schools, and about the same time the industrial school system spread from Scotland to England.

The important features of these arrangements were that now, practically for the first time, statute law embodied the principle, that not merely criminal children, but those who were abandoned to neglect, claimed care from the state to an extent never previously recognised. Accordingly, industrial schools were appointed for detention of little ones not guilty of direct crime, but simply vagrant or abandoned, and who were to be sent to such schools without having been punished in a gaol at all. While reformatories were assigned for children who broke some law, and who must first be punished in a gaol before being sent to the reformatory.

Now bear in mind these three principles of action as regards a great social difficulty—First, the Juvenile Offenders Acts, chiefly designed to afford a simple and prompt method of trial. Second, the Reformatory School Acts, concerned with the mode of punishing and reforming children, and exempting them from machinery devised for adult blackguards. Third, the Industrial School Code, concerned about the redemption of children, who did not merit punishment, but only needed care.

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* 24 & 25 Vic., cap. 97, sec. 29; ditto sec. 35 and schedule 47 & 48 Vic., cap. 19.

Although each principle *applies* to all childhood, they all, in consequence of the mode of definition adopted, have been made to operate only on different sections of childhood; considerable sections remaining in each case ignored.

The Juvenile Offenders Code, as has been shown, for years ignored large sections of childhood, and still ignores many between twelve and sixteen.

In case of Reformatories we find another incomprehensible expedient used for defining a class of childhood, by means of facts that have no more to say to childhood than the examination for the Indian civil service has. That is to say, the kind of penalties which have been assigned to different crimes—a boy being made liable to reformatory treatment only when he does something for which he may be sent to gaol without the option of a fine, in England, for at least ten days, and in Ireland for at least fourteen.

In this case the vicious plan of defining the class seems to exclude a larger section of those requiring an application of the principle, than in either of the other instances. Because every day boys and girls under sixteen, are being brought before magistrates for offences for which they may be fined and sent to prison until they pay, but for which they may not be sent to prison without the option of paying.

None of these, even though coming back over and over again, can be sent to reformatories; and yet a large number of them are obviously on the way to that very fate from which reformatories are designed to save. Thus to this day reformatory treatment has not been made available for all children who, according to our theories, need it.

The Industrial School Code overlooked all Irish children until 1886, and still ignores all childhood between fourteen and sixteen. Now, does it not seem that if, as the reformatory system declares, children can be redeemed from actual crime up to sixteen, *a fortiori*, they can be redeemed from incipient crime up to the same age: and if it is equally possible it must in each case be equally obligatory, provided there be any duty on us at all in the matter.

I dwell on these dates and distinctions for a definite purpose. They, and analagous instances I shall give, seem to indicate delay and want of comprehensive treatment, the like of which you do not always see in other spheres of important social organization.

Even though the preambles of old statutes in careful words define the high purposes in view, we find the very first principles of what is in question, only brought into action bit by bit, and with intervals of delay measured by years, and that even now, after sixty years, full fruition has not been allowed to ideas adopted in a very early stage.

The inference which seems to me forced on us, and the suspicion which haunts me as I go on, is that we are in danger of relying too much on what acts of Parliament can do or are likely to do in grappling with the serpent-like forces of social evil. Let me not for a moment be understood to cavil at those workers to whom existing acts are due. Hansard gives many a hint of how heart-breaking it must have been to them, to see intelligent efforts marred by prejudice

in the house, incompetent interference in committee, or by the rush of other business. But what I dwell on is, that however we account for it, there is much reason to suspect that the ponderous strength of Parliament is not nimble enough to be left to deal with great social problems.

But I have not fully stated my case. Taking the reformatory code and juvenile offences code together, the whole policy obviously involves three grounds of justification:—(1) The child is not responsible to any such extent as adults are. (2) The young are more open to reformation than those who have reached an age of confirmed habits. (3) And (following from 1 and 2) modes of trial and punishment suitable for adults cannot be equally suited for them.

If these propositions be not sound, there is no sense in taxing the state with the cost of the whole system. If they be sound, there is no sense in not acting consistently upon them—and, I think, we are open to the latter reproach.

If, for instance, it is wise to separate the correction of children from that of the infamous and vile—is it not inconsistent to oblige magistrates to baptize a child as a gaol bird, by committing him to a common gaol before he may be sent to a reformatory. Is it not inconsistent to attach to his young life the associations that cling to thief and prostitute. I have more than once heard parents appeal to have their child sent on to the school at once, and heard it explained to them that the law did not allow of that being done. I am aware it has been said you must separate punishment from reformation, but it by no means follows that you must identify the correction of children with that of the disorderly refuse of town populations. If it hurts children to associate their reformatories with the idea of punishment, how much more hurtful it must be to associate themselves with prisons for punishing drunkards and thieves. And, again, the inference seems to be that we should not be satisfied with the existing state of things.

Then, having once decided that the young offenders should be differently treated from old and confirmed ones, it is not easy to understand why the principle should not be more extended than it is to the tribunal as well as to the prison—above all in the case of first offences. Fifty years ago, when Parkhurst was established, the utmost care was to be taken to avoid any species of discipline "inconsistent with the habits and character of youth, or calculated to harden and degrade." But what can violate that canon more than identifying machinery for inquiry into the errors of childhood with that used to investigate the blackguardism and licentiousness of large towns. It is horrible, and nothing but the habit of always looking at it seems to me to prevent the horror of it being felt—to see a lad of twelve or fourteen, with his little frightened face, or, sadder still, with a look of hardy bravado, standing before the magistrate and beside a big constable in the dock, which a prostitute has just left, and into which some thief is about to step, and where youth is surrounded by all those outward and visible details, arranged with a view of controlling the most depraved. Of course I am aware that

poor folk and their children are not so sensitive as they might be to the disgraceful associations of misconduct, but that is no reason to leave them so. You might as well argue that squalor and vice in the fleet, such as Dicken's described, should have been left undisturbed, because, as Mr. Pickwick observed, "the prisoners did not seem to mind it much."

And it is difficult, it seems to me, to rouse ourselves out of that lethargy of thought so apt to ensue in matters with which we become familiar, without feeling persuaded that for one child we correct into better ways by our police methods, we stain the young lives of numbers beyond remedy, we so harden and degrade them ; and that it would be better for child and community alike if other arrangements were sought for.

Now, the Act of 1884 does, it may be said to some extent, touch this question of arranging a more suitable means for trying children, in as much as it substitutes, with a view to carry out that idea, summary jurisdiction for trial by jury to a greater extent than before. But passing over the slight way in which the matter is touched on, and taking that act as a state effort to deal with children upon principles relevant to childhood, I think and urge that strong reasons to complain of it become obvious, the moment we begin to generalize from what every day life indicates as true to what the act of Parliament says shall be done.

It makes no attempt to deal with the evil in its initiatory stage, by distinguishing first offenders as a class. It does devise more lenient methods for certain youngsters, but it is upon the ground of their offences being trifling and not by reason of their being first ones. Yet a serious offence, if it be a first one, leaves more reason for us to pause before sending a youth to gaol, than offences, however trifling, if they be second or third or fourth. In the latter case they are evidence of a criminal habit of which a first offence can never be evidence to the same extent. And I submit it is a grave defect to see this obvious principle ignored by an act dealing with childhood.

Again, although the act enables a magistrate to summon a parent or guardian when a child is in custody, it seems to be only with a view to having his consent to the summary jurisdiction. For there is no provision to punish such parent for neglect The idea of inquiring who is to blame for the state of the child is not followed out in any way, although newspapers constantly report the observations of magistrates who, in imposing a sentence on a child, declare often that they do so, less from any feeling that the little creature is responsible, than with a view of extorting some penalty from the father or mother.

The law is like the wild Indian, whose best idea of coercing a parent is to get hold of and be cruel to a child. And even this clumsy method only touches the better parents. It does not reach at all the class there is most need of reaching, namely, the worthless parent who leaves the child to gaol or anything else, and if he has money, is more likely to drown his feelings in the bowl than to pay penalty imposed on the child.

Now, if we have to undergo all the cost and trouble of correcting

and reforming other people's children, what reason can there be for neglecting to treat the evil at the fountain head. Why should not criminal tribunals be prohibited from sentencing first offenders until parents and guardians were called on to account for the child's condition. Why should not the onus be thrown on parents to show that they were blameless, and in default of that being shown, make them liable directly to fine or penalty.* Why should not an American idea be followed up of having competent inspectors to report upon first offences, by means of whose supervision adequate home treatment might be enforced, and children only be brought into public courts in default of that.

There may, no doubt, be better and wiser expedients still, and I do not suppose myself competent to define the best or wisest; but what I wish to press is that it is not reasonable to rush along legislation, calling on taxpayers to provide all sorts of schools, without some direct attempt to get at those parents whose neglect, there is obvious reason to suppose, is a chief cause of such legislation being needed.

Of the Industrial School Code I shall but notice at present one inconsistency of principle as between England and Ireland. Here the only operation of the system legally possible is such as interrupts and, perhaps, obliterates the family tie—the association of child and parent—which surely it is unwise to extinguish if we could preserve it. In case of bad parents of course it does not matter, but all poor parents are not bad, and numbers of them are so hard-worked that the young cannot be properly seen to during working hours. The Irish system affords no relief in such cases, short of removing the children altogether, and practically extinguishing the family life and feeling. In England, on the contrary, by an act of 1876, if a secretary of state

> "Is satisfied that, owing to the circumstances of any class of population, a school in which industrial training, elementary education, and one or more meals a day, but not lodging, is expedient for the proper training and control of children,"

he may sanction such day industrial schools, and apply to them the principles of the general code as to selecting and controlling the children. Parents are made liable to contribute to the cost, but the local guardians may grant them relief if necessary.

Thus two most important principles are incorporated. The one, that of aiding children of deserving parents amongst the labouring poor, without wholly obliterating the family tie; and the other, that of enlisting the aid of poor-law authorities to distinguish *bona fide* poverty. Neither grand juries nor magistrates can have the same opportunities for detecting false representation on the part of the parents, that a local poor-law board has, if it chooses to use them. None of these arrangements extend to Ireland.

If it be worth bothering about the reformation of children at all, a most important question, is that of arranging their periods of detention. The whole effort is counteracted if either the period of de-

* Compare secs. 5, 6 & 7 of repealed Act, 20 & 21 Vic. cap. 48.

tention has been too short, or if discharge occurs at too early an age. But, although the same purpose exists in the case of reformatories and industrial schools, the training periods in each are regulated differently. Without, however, dwelling on that, the wisdom in case of both systems may be doubted, of calling, as the law does, on the tribunal which commits a child to estimate and define the length of detention necessary for its reformation or training. When it is a question of pronouncing a sentence calculated to deter others from crimes of known character, or a question of inflicting punishment for what has been done and accomplished, the judge is in as good a position as one is ever likely to be, to estimate what length of imprisonment is proper. But when it is a question of reforming a strange child, whose character, capacity, and disposition are unknown, the judge can have no such data for measuring the period for his detention, as those authorities are likely to possess who subsequently superintend his discipline and observe his development. If a lunatic is charged before a magistrate, the warrant directs him to be given in charge at the asylum, but no attempt is made to dictate how long he shall be kept. And there is just as little grounds in the case of a strange child, for calling upon a magistrate, who has no knowledge of him beyond the fact of destitution and soforth, to define the period which may be necessary for his training.

Reason and common sense appear to indicate that the time and circumstances of discharge should be left to the school authorities, subject to the necessity of satisfying the treasury and the local contributing body, in cases of prolonged detention, and fixing an age after which the youth's consent should be necessary. It is obvious that a discretion of this kind would enable a majority of the stronger lads to be sooner absorbed into the labouring population; and it would also, in exceptional cases, prevent the whole effort from being wasted by too early a discharge.*

But, perhaps, graver questions arise from the absence of any further legal power to interfere once the magistrate's sentence expires. Daily life warns us of one most obvious risk to which all youth is exposed. It is the risk of going wrong when direct guardianship is withdrawn; parental forethought always tries to guard against it, and there must be some radical defect in arrangements which ignore it, as the statutes do. I know of a little girl sent some years ago to a school. The mother was a prostitute, and is still in contact with that class. She and a man who married her, occasionally go to gaol. The child upon her discharge at sixteen may rejoin them, so far as the law goes, for there is no law to prevent it. She may, perhaps, get a situation on leaving school, but the pleasures of freedom, and the irksomeness of service, attract her home, and the result of state interference may be to have provided a choicer morsel for the streets. The point is, that the risk is obvious. The statute law does not provide against it; and what we are considering is, how the law has set out to encounter social evil in the class to which children belong.

* The licensing system to some extent affords a means of early discharge; but the occasional need of prolonged training is not provided for.

I passed in Sackville-street, not long ago, two girls on the town. both of whom had been rescued from parents who neglected them, and having been trained into health and comeliness, at the cost of the state, and at first put out in situations, so far as I could learn, they soon returned to their native atmosphere, where the freshness of their looks may be some sort of profit to their kinsfolk. It does not need, however, to bring up instances. It follows with the assurance of intuition, that if you discharge young people without using some caution to combat the influence of depraved connections, you must be, in many cases, only recruiting for brothels and the streets.

I am not prepared to suggest to what extent this goes on. Although I cannot help distrusting statistics, when plain and known laws of human nature do not corroborate their indications, I admit, nevertheless, that school managers worthily exert themselves to evade the legal rights and practical opportunities of parents and aunts, to resume control. But that is no answer to the fact, that even in a minority of cases the whole costly effort of reformation goes to waste, because the law has carelessly omitted to guard against a manifest danger.

Tendency of existing arrangements to demoralize the poor.

Now, look more closely at what influence this kind of benevolent legislation must be exercising on the habits and ways of thinking of poor people. I need not dwell on the evil of over-population; how it almost paralyzes our efforts to mend matters very much—and how wretched childhood is the raw sore, where suffering, consequent on improvident marrying, is most concentrated. But what is the teaching of these statutes upon this subject. They say if you have little ones you can neither feed nor teach, it shall be done for you, *and they say no more.* They have no accents in which to convey warning against such marrying.

Seventy years ago, Sydney Smith wrote—

> "You have been calling on your population for two hundred years to beget more children, furnishing them with food and clothes, and houses, taught them to lay up nothing for matrimony, nothing for children, nothing for age, but to depend upon the justice of the peace for every human want."

And still the teaching of our statute law is very much the same.

There is no controversy as to the fact of improvident marriage, the church is aware of it, the law looks on in silence. In large towns clergymen, from fear of being party to bigamy, often require bridegrooms, whom they do not personally know, to make a statutable declaration that they are not already married. Years ago, in the city courts, a fee of sixpence used to be charged on such declarations, which often wound up with the words:—"I solemnly declare that I have no means to pay the fee due for this." Whereupon, for fear of in any way checking population, the department gave it free. It seems hardly fair that such things should go on, not by stealth, but under the eyes of magistrate and clergyman; and that no one has any right to interfere, although enormous cost is thrown upon all of us, as a consequence of such habits. I am not, to-night, going to dis-

cuss possible remedies for all this. But remedy or no remedy the fact is there, and whether we like it or not it half paralyzes our ability to save children, because there is no restraint upon the supply. And while the fact is so, grand juries and corporations may well be excused for scrutinizing, with a jealous eye, bills presented to them for the care and maintenance of other people's children.

Consider now the case of hardworking labouring folk up some laneway, stinting themselves to secure food and decency for their lads. Or some over-strained mother, toiling from early morning, to keep the home together. To these the full burden of their young is attached, as securely as Bunyan's burden to his back, and the state offers no hand to help them through the slough of despond. But the idle father or drunken mother a few doors off, who leave their children to the chances of the streets, suddenly find themselves relieved of all care of them, by the action of some wandering philanthropist, who carries the children, with the aid of a magistrate, off to a school. And advantages are bestowed by the state upon the children of the most worthless parents, such as decent labouring people cannot secure for theirs. Of course that must be a standing temptation for weaker souls to take it easy, like their state-aided neighbours. Whatever authorities differ upon, they agree in this—that indulgence towards the thriftless and indolent, inevitably increases the number of them. Poor-law reports are as full of instances of that law as the science is of examples of the survival of favoured forms of life; and favouring, as the statutes do, thriftless and child-neglecting parents, must, as sure as human nature is there, be tending to demoralize the poor.

It may, perhaps, be an over-statement to say, that the law has done nothing in the matter; although, practically, it effects, I think, nothing, yet in theory it has done a little. It has adopted the plan of making parents liable to be called on to contribute to the system, when their children are taken. The natural effects of this are first, financial, and secondly, moral.

There is no occasion to dwell on the propriety of the financial aspect, but the importance of the moral one is too often overlooked. It acts by way of a deterrent penalty on worthless parents, who press in to take advantage of a benevolent system; and it also acts as a counter check against the tendency of the system to be an evil temptation for the decent poor. And if it were vigorously carried out, if persons of the worthless class were continually harassed by summons before magistrates, by seizing their furniture and imprisoning themselves, and by stringent investigation, not only of what they are actually earning, but also of their habits as to indolence or work, then the decent poor beside them would be less tempted to become like them. But whether you look at the matter financially or morally, the state does not seem to have effected anything but slipshod arrangements. The duty of suing parents has not yet been entrusted to the local body, whose taxes are called on, and who would be most likely to discharge it effectively, inasmuch as the cost of failure falls on them, and details of local information are most at their command. But upon whomsoever the duty

may be cast, there is no adequate machinery at present for its discharge. Ordinary methods in use in analagous circumstances have never been adopted ; there is no obligation for parents to report change of residence ; there is no lien on what may be due them as wages ; there is not any statutable direction to question the employer ; and, stranger still (I am speaking of Ireland), although in reformatory cases a man may be imprisoned for neglecting to pay contributions, that is not possible in industrial school cases. For while a form of arrest warrant was provided in the schedule of the Irish Act of 1868, the necessity was forgotten of inserting in the body of the act a provision enabling the warrant to be used. Well, the best of us may make a mistake ; but what can be said of methods of working which leave an important one, important not, perhaps, financially but morally, unremedied from 1868 until 1891. Consider how it works. Take a sweep, of that hearty temperament, inclined rather to drink than to accumulate goods. He has, let us say (and I am not wholly drawing on my imagination), one boy in a reformatory, and another in an industrial school. He has been summoned in each case, and ordered to contribute ; but, it is wonderful how these people apprehend legal "points," and it is quite generally known that they can be arrested for reformatory money and not for school money. Accordingly, my acquaintance usually pays in reformatory cases, rather than go to gaol ; but in the school cases, in anticipation of a distress warrant, he disposes or pawns his few seizable goods ; and having created for himself, what Fielding calls the greatest of all securities, namely, the comfortable satisfaction of having nothing to lose, he laughs in the face of the collector who goes to distrain. In another instance, of which I have been told, a widow managed to have her three children sent to a school ; then she got a good situation, and took furnished lodgings. When the collector tried to get her to pay a contribution, she became very indignant ; said the nuns ought to be very much obliged to her, that she had not sent the children to Mrs. Smylie ; and there was no legal strategy by which to assail her. Of course, the bulk of such parents are really poor, and no system can exact large contributions. But that, I submit, is the least important point ; and it is a great defect, that the far most important moral question should not be properly followed up, namely, the question of creating a practical feeling amongst the labouring poor, that it will no longer be as easy as at present for them to escape inconvenience themselves, in case they marry improvidently, or neglect their young.

The claims of childhood supreme in any case.

Having, however, said all this, it seems to me utterly wrong to let the matter rest as a question between parent and parent, or between the taxpayer and the thriftless, and utterly wrong to suppose that to avoid the demoralization of grown-up people is the supreme consideration. So far from this being so it seems to me that it is never sufficiently borne in mind, that once children are there, no matter who begot them, they are as much members of the state as the biggest man amongst us, and have the like claims to be defended

from wrong and aided in unmerited misfortune; and though it is right enough to prevent any more coming and to check improvident marriages, and to lessen the number of worthless parents by means of penalties on the parents themselves (if you can invent any), it seems to me to be a cruel doctrine to seek those objects by casting or by tolerating evil upon the innocent creatures who have had no opportunity of declining to be born. Yet the doctrine is pushed to that length. A writer in *The Spectator* recently took credit for what he no doubt felt great pain in doing, namely, refusing food to starving children in order to spur a lazy father to work. Poor-law guardians have been known to prosecute a prostitute in order to force her to take girl of thirteen out of the workhouse, although they were made aware that there was no place for the child to go to save the brothel in which her mother was. This is the meaning of the doctrine that you must leave children to their fate and not interfere too much, for fear of bringing too many of them on your hands and for fear of demoralising parents.

Dean Swift's burst of satire suggested decent slaughter of superabundant children and the salting of their bodies to feed the poor. But his grim humour only concerned the body. The doctrine I speak of leaves the body to hunger and disease, and in addition leaves the soul to infamy and corruption. It seems to me not only a cruel doctrine but a stupid one, for it violates not humanity alone, but self-interest also. You cannot separate human effects from human causes, and as surely as bad harvests follow bad husbandry, so surely must the growing difficulties of our day—between wage-earners and employers, between authority and the mob, between the owners of property and the hosts of poverty—be aggravated by our apathy in dealing with the uncared-for young. While, therefore, I seek to prove that we are using inadequate methods, and that we are doing much mischief, I urge also as earnestly as I can that the legal principle, as far as it means saving the child, is one of supreme social obligation.

No attempt made to have ALL *neglected children looked after.*

But if that be so, how is it possible, in reason or common sense, to justify our haphazard way of working at present. Cattle disease would never be stamped out if we cured only some cows here and there, and then left them open to the risk of wandering back to where the still infected herd roamed at large, and that is what is going on as regards neglected children.

I have already dwelt on the risk of their wandering back. I must again touch the question of how many are removed to be cured; and here I must admit that the law is doing all it undertook to do. The statutes defined the classes of children which ought to be sent to industrial schools. They neither undertook to gather them all in nor to provide accommodation for them. Local bodies or persons must provide schools, in which case the treasury help to pay; but it is no one's special duty to see that *all* the children needing care shall be gathered in—the result is to leave the application of the code to child life a matter of unjust chance. It is notoriously not

the most destitute and the most friendless who are always sent to schools, but rather those who happen to have friends to look after a vacancy, that is to say, either relatives who want to get rid of them, or certain well-meaning but not always judicious ladies. Habitual drunkenness of both parents would surely be improper guardianship within the statute, but I cannot remember any children rescued from it, and need I add that habitual drunkenness is known in our midst. You meet the tramp to and from the workhouse, and children at his heels qualifying for that manhood suffrage looming in the future, but they pass unheeded. The police stand by looking at waifs upon their beats and knowing of them in by-lanes, but they would not be encouraged to interfere. They dare not watch for wretched children as zealously as they do for unmuzzled dogs, for the existing schools are full, and ratepayers are inclined to grumble. Magistrates can only see that no improper cases are sent. They have no means of distinguishing in any locality what cases are most pressing nor whether there are any.

If then but half of what I have said be well founded, must we not feel that the whole difficult question is yet in its infancy; that our duty towards neglected child-life is not adequately discharged by what acts of Parliament have done; and that we citizens and taxpayers have not yet set to work in earnest to see how justice, kindness, and common sense shall be effectually applied to the condition of children begotten amid poverty and crime.

State officials not to blame.

But if I am at all right; if sixty years of royal commissions and acts of Parliament have not sufficed to grapple with the problem of childhood, cursed by social environments, at once hereditary and unwholesome, we must in point of reason seek some explanation of the failure.

I do not believe that it is to be found in the state official class. On the contrary, although of course I do not know, yet I should not be surprised to learn that every matter which has been alluded to to-night, so far as it is a true defect, has been noted, and its remedy thought out in some official file, where it waits in vain for the opportunity of being pushed into life amid the rush of other measures in Parliament. I do know that there is little new in anything I have said. Point after point has been noted long ago by Sir John Lentaigne and others, at congress after congress, as well as in the journals of this society. And I can have no doubt, I think no one can have any doubt, that officials like him have time after time thought of these matters and of their remedies. But no civil service ever yet was able, under a free parliamentary constitution like ours, to grapple any great social problem in the absence of public opinion. High or earnest officials may often point to the pass, but they never carry it and never can.

That was so in prison reform; it was so more recently with temperance legislation. Whatever has been done by statutes, was not done until public opinion grew into some consistent shape. Even the socialist agitator is a more potent force than any degree of

intelligence on the part of the official class. He may be no saint himself, but he wakes up the christian asleep in his pew, and sets us all thinking.

The official servant of the state has no such opportunities. He can only translate his knowledge into statutes, according as public opinion lends its force, and an explanation of failure is to be sought in the absence of that opinion, rather than in any incompetence on the part of those by whom the state is served.

Why no sound public opinion exists.

Now, what sound public opinion means is that a majority of our neighbours and ourselves should learn to understand the matters which may be in question. But the greater number of us cannot adequately understand what the greater number of us come into no practical contact with. And the chief purpose of this paper is to exhibit that proposition as an unavoidable law of social effort—to show if possible that our habitual methods of carrying out the unselfish purposes of social life violate that law, and that in its habitual violation we find a true explanation of much of our failure in combating social evil.

Look around where you will into practical life and the abiding rule prevails, that whatever person or persons deal with facts for the purpose of profit or advantage, constant and vigilant observation of the facts to be dealt with must be maintained *as a habit;* and in its absence you find errors of judgment and indecision in management leading to wasted efforts and bankrupt results. There is no dispute about that law—we all recognise it and guard against its violation in a thousand details of active life. We watch the state of the markets and scent danger afar. We ourselves keep a tight hand over employes. We ourselves attend meetings of shareholders, of bank committees, and of chambers of commerce. We trust no one but ourselves, and the shrewdest and ablest amongst us press in to see what is going on. But the moment social problems and benevolent organisation in relation to them are in question, the majority of practical and experienced men stand aside and leave the matter to be attended to by their wives and daughters and doctrinaires of every description. So that even an official expert like Sir John Lentaigne finds his knowledge of little avail, because there is no weight of wholesome citizen opinion likely to make it operative.

Remember the kind of facts with which society has to deal when it concerns itself about the causes and possible remedies for a social evil such as neglected childhood. Remember that these facts are interwoven by intricate chains of cause and effect, so that you have to consider them all together, like members of a human body, of which if one suffer all must suffer, because of their subtle and constant interaction and mutual dependence. They are the thriftless and the drunken herded together, population in excess of employment, overcrowded tenements, suffering and destitute age, the decent poor beside the deliberate mendicant, and into this unwholesome condition of life, not improved by injudicious alms, whether in the shape of penny dinners or pennies without the

dinners, those children are being born, about whom for the last sixty years we have been thinking what to do, and are still in doubt.

These are not matters relating to the needs of distant lands. Like the Almighty they are not far from every one of us. And the truth about these things in relation to the state is nothing but the truth about them in localities like ours, multiplied several times. And my contention is that there are no local methods amongst us, habitually persevered in by competent persons after the examples of practical life, by means of which right and useful opinion in those complicated and many-sided questions could possibly have been formed amongst citizens at large.

Try to induce a business man of experience to give some of his time to a small local experiment, and you will soon find the truth of what I say. He will give you his subscription in most cases, but in hardly any will he give you the co-operation of his worldly wisdom and organising skill to the extent of exerting himself personally on one or two evenings a week. If a large distress fund has to be distributed, as was the case in London some years since, no sufficient number of trustworthy distributors can be got with any knowledge of local poverty adequate to distinguish between the deserving and the undeserving.

I know of places where the St. Vincent de Paul work had to be discouraged by the priest, because of abuses due to the want of competent residents willing to look after the work. When a gigantic expedient like the Booth scheme suddenly confronts us, you learn as you chat with different persons, to classify them, first with those who are carried away by Mr. Booth's rousing descriptions and who in hot haste send off a subscription; next, with those who are carried away by Professor Huxley and treat the whole thing with contempt, and do not read Mr. Booth's book; and in a wretched and miserable minority you have to place a few who appear to have devoted some reasonable effort to consider both sides of the question. And it seems to me indicated in a thousand fashions, that the practical mind of the nation at large, that masculine energy of thought which enables our empire to lead the industrial world, has never yet been brought to observe, to understand, and to operate adequately upon our social plague spots.

I do not, for one moment, forget one most gracious form, in which the home and surroundings of the neglected child is habitually approached and habitually observed, by numbers of our best people. It is, perhaps, best typified by the Roman Catholic Orders of Charity and Mercy. It has also many an example in my own communion, both in voluntary district visiting, and in more formal sisterhoods. But, however, such workers may be suited to comfort and to tend, I do not see, upon any grounds, how they can be trusted to understand those sterner principles by which alone, as Lord Derby says, benevolence can become beneficence.

No true opinion as to the problems of poverty and child-life in its fatal atmosphere, can ever be kindled by means of eyes blind to all but love; and until you show me active in these matters through-

out the country, citizens of experience and judgment, who know something of social and economic laws, and are compelled in practical life to deal with and understand the great wage-earning population, I maintain I am entitled to say—that there is no sound public opinion abroad as to our social difficulties—that there are no means visible by which it could have been arrived at—that the sluggishness of the state is explained by the indifference of the citizen, and our best has by no means yet been done, *because* we are violating those known canons to which the operations of mankind must conform in order to succeed.

The most effective means of creating sound views.

But the question arises, if such reasoning so far is at all sound, and if, in order to do much real good, we shall have to get into more experimental contact with poverty than hitherto, are we, therefore, in the absence of instructed public opinion, to rush to the support of heroic schemes invented by private energy.

Now, it may be said, I think truly, that people who sit waiting with money in their pockets, until a perfect system is elaborated, might show same graciousness in criticising almost any attempts made in those experimental ways, by which alone good systems have ever been evolved. But, notwithstanding all that, history appears to warn us against gigantic organizations, for however good a purpose, which are neither under responsible state control, nor surpervised by a public opinion competent to watch against abuse and misdirections of purpose. It cannot be denied that risk of error and corruption exist under such circumstances. No doubt there is like risk in small and local associations also. The difference is this —where the scheme is gigantic, the risk of mischief or of waste is gigantic, and cannot safely be faced.

In what direction, then, shall we turn for light? The answer in this, as in all matters where the element of practical duty is very much involved, seems to me to be found in what is familiar and commonplace, if we will but attend to it, rather than in the more attractive promises of what is heroic or sublime. Sacred tradition tells how the patriarch of old dreamt that a ladder reaching to heaven was set up upon the earth, while he himself lay sleeping. But in our days no such visions are vouchsafed; and christian philosophy points no pathway for immortal hopes, other than the daily rounds and common task, in which each, according to his talent, must share, if all are to progress. So, too, in social philosophy it seems to me that no series of brilliant steps, from what is low to what is high, are likely to be revealed or set up, so long as the community at large lies slumbering with mind and conscience dull; and that the greatest progress is most likely to be achieved by individual efforts widely distributed. No one can be a Christian by deputy, and in the analogous sphere of unselfish purpose, no community of men can safely depute the details of benevolence to others, liberally subscribing it may be, but being disciplined themselves only in the race for personal profit, repute, or enjoyment. So surely as they do, so surely by every law of our nature must individual

conscience and understanding remain dormant in respect of benevolence and economic conditions affecting it, and until conscience and understanding be trained, there cannot possibly be any public opinion calculated to give us light as to what to do.

Every consideration, therefore, seems to indicate that it is in the homely paths of individual duty, habitually trodden in an experimental way, that we must seek the solution for social problems if it is ever to be found.

Well, let us suppose that the most shrewd and practical minds amongst us were willing to get face to face with those perplexities, which are so disturbing to our judgment.

Then it becomes a question of how most safely to bring the needful contact about; and the answer appears to be found in the host of local associations of all kinds, from the society of St. Vincent de Paul down to the smallest congregational committee. And my contention is, that it is by means of these, rather than by royal commissions, which become forgotten, and acts of Parliament, which fail, and stereotype errors, that we should set to work to find out what best can be done about neglected child-life, and its foul environment.

I am not prepared to point out the comparative merits of such local attempts. Most possibly, knowing as we do, how much mere kindness and good nature has to say to them, their aims and operations are injudiciously indulgent.

But that is not the point. My argument is, that at present, for the purpose of getting to understand better what can or cannot be done, and for the purpose of creating public opinion, we have in existing local institutions the safest points of contact possible, between experienced citizens on the one hand, and ignorance and evil on the other. The impulse which a man's understanding gets by going and doing something himself in furtherance of his social theories, throws more light into his soul on the subject than can be won either by giving subscriptions, or by brooding over learned volumes. And there is no worthy reason to prevent anyone from inquiring to-morrow, what benevolent society operates in his locality, and from ascertaining how he could join on to it, along with or in turn with others. If able and competent men would do this, the incompetent and amiable persons who now so largely work such agencies, would receive a needful teaching, such as they never can otherwise receive. That most necessary and stern side of benevolent effort, the repression of mendicancy, and severity towards indolence, would be enforced. Some reliable ideas of what should be done about neglected children would be spread, and each experienced man might thus take a practical stand, shoulder to shoulder, or in turn with other good citizens, against poverty, hunger, and dirt, and their baneful influence on the unhappy child.

I am quite aware it may be hard to rouse busy men into such a course; but let me not at least be told that the efforts, if made, would be in vain, for poverty and its brood will be with us always.

I do not, myself, believe in the certainty of that. But if it were certain, the certainty is no answer to the duty of meeting it. Tempt-

ation is likely to be always with us too. We may not be sure of ever overcoming it. But if we be men we shall die resisting it.

It is no part of my argument that we can do without acts of Parliament. We need them to punish mendicants, and force them and their example from beside the decent poor, to enforce obligation on parents, and for other purposes. What I do contend is, that in the absence of public opinion, statutes cannot be efficiently framed or enforced; and that, having regard to the vital need of sound public opinion, royal commissions and acts of Parliament can do nothing for us in comparison with what we might do for ourselves. They can offer no light to guide, such as might be won, if, stirred by some impulse of high faith, or unselfish endeavour, able men, here and there throughout our towns and counties, could be induced to bring their worldy wisdom to the aid of benevolence more than they do.

I do not think any one can be in a position to forecast the ultimate conclusions which such methods would develop into public opinion. The subject is one of enormous difficulty, and the various alternatives suggested, seem, at present, hardly to have been thought out. Is, for instance, an arrangement for transplanting children to colonial homes, to be carried out on a scale, and at an expense to taxpayers enormous enough to deal with the supply? Or are we to face, as our ideal, an extinguishing of family life amongst the poor; and, gathering children in numbers into school after school, see a large section of the nation raised like fowl in a poultry farm? Or shall we, taxpayers, upon whom the dilemma appears to be forced of either seeing the young suffer cruelly, or else incurring heavy cost to provide for other people's babies, at length brace ourselves to the question of interfering to check both improvident marriages and illegitimate births?

It is not the purpose of this paper to answer such questions. My whole contention is, that we are in no position to answer them, because we do not understand them, and that we are not trying, as we might, and ought to try, to understand them aright. And I venture to prophesy that a time is surely coming, when, utopian or not, the attempt must be more energetically made.

The conditions of democracy will force us in self defence to deal with neglected children.

We live in days unlike any recorded in history in respect of this. Nearly every one can read; we have the most active press the world ever saw. And the means of communicating common purposes and directions, between distant centres, are such as never existed. That creates opportunities of combining for the greatest number, such as never affected civilization before, and which plainly have not yet had their full developement.

The people, enfranchised as they are now, have outgrown revolution *à la Francais*. They are learning to use the more potent weapons of constitutional agitation and combination; and no man can foretell on what or whom those weapons may fall, if the light of conscience and the habits of order, be not kept alive. In such circumstances it is a more vital question for us than it ever was with

our forefathers, to know how we shall defend all that we hold sacred and pure—all that is of good report, and that belongs to liberty—from the in-rushing flow of ignorant and ill-trained life. And we are no longer safe, with only such a state system as that discussed in this paper, standing as our chief barrier against the threatening tide, like an imperfect dam, built from time to time with fitful energy, weakened by defects long neglected, and carelessly repaired, and the opening or closing of the sluices left to any good-natured person who happens to pass by.

It has so happened that, until the last couple of years, my attention was not much turned to these subjects. The Royal Commission of 1883 altogether escaped me, and was only brought to my notice after I had read this paper to a friend; and after reading that report my first idea was to omit a great deal of what I had written. Then I came to the conclusion to let it stand, for two reasons: first, it seems useful to refresh our minds upon a rather dry subject, and next, the fact that my reasoning appeared to carry me in much the same direction taken in the report of that commission, is, I think, some evidence that any ordinary person who choses to exert his common sense, and to generalise from what his own experience tells him of others, is not incompetent to discuss these subjects, and that therefore the problems involved are just such as may be best faced in the practical ways on which I have dwelt.

But is not the fact that the elaborate enquiry and report of 1883 is now seven or eight years old, and that its teaching has not yet became law, the strongest argument I could bring that we must, if any good is to be done, rely more upon ourselves as citizens, than upon state methods. The report and evidence is not much use to individual citizens. It is too bulky and diffuse to be available; and yet if a man feel inclined to interest himself in local work he feels the want of a handbook up to date.

Now both America and the continent are ahead of us in many expedients for carrying out some of the principles involved in dealing with neglected childhood and its surroundings. An individual is at some disadvantage in collecting information; but it seems to me a good work might be done for our own native city if a sub-committee of this society spent some time in collecting information as to practical methods known elsewhere, and digesting it in a form available for distribution amongst business and professional men, so as to turn more attention to the matters I have so imperfectly ventured to discuss. Thus we might be roused by the example of others and enlightened by their efforts.