

VI.—*The Workhouse as a mode of Relief for Widows and Orphans.*—
By W. Neilson Hancock, LL.D.

[Read 29th January, 1855.]

ONE of the effects of the great contest in which we are now engaged, is to develop to an extraordinary degree our devotion, self-denial, and generosity,—in short those qualities of our nature which are comprised under the phrase, manly character.

This tendency has been shown in the promptness with which the duty of providing for the widows and orphans of soldiers has been recognised, and the zeal with which a patriotic fund worthy of the nation has been raised.

The paramount duty thus enforced and established, involves a principle of much more general application. We deem it necessary to provide for the widows and orphans of our soldiers, because we believe that men are the natural supporters of their wives and families, and that women cannot in general be expected by their unaided exertions to support themselves, much less their children.

One of the most obvious applications of this principle is to the case of the widows and orphans of those who perished during the recent years of famine and disease.

In what way are they treated by our Poor Laws ?

The administration of the Poor Laws in Ireland is based on the policy introduced in England by the Poor Law Amendment Act of 1834. One of the fundamental maxims of that policy is to use the workhouse as the chief test of destitution; the labourer is, as a condition of relief, to be placed in a position less eligible than that of the independent laborer, and the regulations and discipline of the workhouse are framed so as to effect this object. So stringently is this principle carried out in Ireland that there are scarcely any able-bodied men receiving relief. On the assumption that in ordinary times all who are able and willing can find means of support by their labour, it is fair and right to adopt effectual means for protecting the public from encroachments arising from indolence or idleness. But during the recent famine, when thousands of men from no fault of their own, but from a national calamity that baffled forethought or remedy, were plunged in destitution, the workhouse system as applied to men entirely failed, and out-door relief on an enormous scale became inevitable. The absurdity of attempting in such times to diminish pauperism by putting the pressure on the poor became manifest.

Such being the foundation of the workhouse test, we have next to see how widows came to be brought under its operation. This rests on the maxim in Poor Law policy of treating women as being as regular labourers for wages as men, and as equally bound to support themselves and their children. Hence women are classed as able-bodied, and they are not allowed to leave the workhouse whilst a single child is supported out of the poor rates. The plan

of applying the workhouse test stringently to women has been attended with very different results from its application to men. Applying pressure to the women has not increased their ability to support themselves—and at the present time the most remarkable facts in the poor law statistics of Ireland are the extraordinary number of women, especially of young women, in the workhouses, and the almost total cessation of out-door allowances. Thus making the workhouse the sole mode of relief for women and children.

Now this exclusive adoption of workhouse relief for these classes is a very important and responsible step, and it requires to be justified and defended on some principles that can satisfy our consciences in the discharge of our duties towards those who have such strong claims on our protection.

From what I have already said it is plain that we cannot dispose of the question by calling a widow an able-bodied pauper, and by assuming that she is able to support herself and her children, and must therefore undergo the workhouse test. On such principles what would be the meaning of the Patriotic Fund, and all the manly anxiety for the widows and orphans of our soldiers?

It may be observed too, as illustrative of the public feeling with respect to our Poor Law system, that no one ventures to propose the workhouse as a suitable place of relief for the widows and orphans of our soldiers. It is plain, therefore, that the spontaneous and universal recognition of the principle that women ought naturally to be supported by men, implies a complete condemnation of the Poor Law doctrine of applying the workhouse test to women and children.

If we proceed to examine the suitability of our present system on other grounds, it will naturally occur to us to ask, how is the widow assisted in the arduous duty of rearing her children, without the advice and authority of a father to control them, by having them separated from her and from one another?

How again are she and her grown up daughters aided by having relief given to them in a way that forces upon them the constant companionship of the unfortunate and depraved of their own sex?

So strongly has this difficulty pressed on the minds of conscientious guardians that they have attempted a classification of females within the workhouse on the grounds of character. Such a proceeding, however, is at once impracticable and unfeeling—impracticable, because you cannot define the degree of frailty that is corrupting; neither can you fix a stigma on character without evidence and fair trial. It is unfeeling, for, however unfortunate or depraved a pauper may be, you cannot, with any feelings of humanity, accompany the giving of assistance to distress with a sentence of degradation. Such a classification would be not only unfeeling but repulsive, if it should condemn the penitent to associate only with the depraved.

The natural feelings of the poor as to the kind of relief suited for widows, were brought under my notice on a recent occasion. An application was made to the trustees of a local charity to place a widow on the list for an allowance of out-door relief of less than one shilling a week—her husband had died of fever during the

famine, leaving her with three children. She had been admitted to the workhouse—one child had died there; after some time another had been apprenticed out of the workhouse by the guardians. She proposed, if the allowance were made to her, to bring out her remaining child with her, and to have a home for her son when his apprenticeship would terminate, when she hoped that he would be able to provide for her entire support without the allowance being continued. Unfortunately she was not born within the limits of the special charity, and so was disqualified. A relative in America had sent a remittance to her, which was however not sufficient for the passage money of more than one. She waited nearly two years for a further remittance—it came at length, and she was thus enabled to take her infant with her, but she had to leave her son behind.

Now the arrangement which the woman contemplated was the natural and the right one. If the assistance given in the workhouse had been allowed her outside, she might have had her son under her care during his apprenticeship—she might have remained in this country to rear him as a useful and valuable member of society. If again the cost of her and her child's relief had been given to her when the first remittance came from America, she might have been enabled to emigrate at once, and to have taken both her children with her. In either case the children would not now be separated by the Atlantic, the mother would not now be in want of the comfort and protection of her son—he would not now be a poor-law apprentice, without a home in Ireland. In short, but for the stringent application of the workhouse test, the calamity of the father's early death need not have produced the further calamity of breaking up a human family.

The case which I have narrated brings us at once to the consideration of the next branch of the subject—the suitability of the workhouse as a place for rearing orphans.

It appears at first view a strange way of supplying the loss of the father, to remove the children from the care and control of the mother—to break up besides all the ties of blood, kindred, and even of acquaintanceship.

The system has not been long enough in operation in Ireland to enable us to judge of the full effects of it by experience, but an experiment on a large scale ought to suffice for our guidance without sacrificing a whole generation of pauper children for our further instruction. The children reared in Foundling Hospitals in Ireland were in a position in most respects similar to that of orphans in a workhouse. The system was not successful in producing useful members of society, and the reasons of this failure will be easily perceived.

The natural way of rearing children is as members of a family, with a mother to cherish and a father to control. If the family should be broken in upon by the death, as in the case we are considering, of the father, his place should be supplied by some one similar to him in position, to stand in his place to the children—in short by a guardian. Now the duties of guardian to a child cannot be properly discharged by a Board—they are from their

very nature individual and personal duties. Take for instance the two most important duties to be discharged, the religious and moral instruction of the child, and the selection of the trade or calling to which he shall be brought up and in which he is to spend his life. How can a Board of Guardians, composed in every instance of persons of different religious persuasions, superintend the religious instruction of orphans?

How again can a Board, composed of persons in one rank in life, choose the proper trade for orphans in a totally different rank, of whom they know nothing personally as to their tastes, opportunities, connexions, or abilities? Indeed the apprenticing of pauper children by Boards of Guardians, so ably exposed by Dickens in his *Oliver Twist*, presents instances of reckless levity, and of the most heartless selfishness. The motive of reducing the rates by apprenticing the child often leading to the acceptance of the first proposal that may be offered.

I have said that we have not realized the full result of rearing children in workhouses, but there are indications of what that result is likely to be. There has been a remarkable increase in juvenile crime in Ireland.

Mr. Jonathan Pim called attention to the extent of this in his introductory address.

Mr. William H. Pim called our attention to the same subject in his paper on Juvenile Depravity.

Mr. O'Hagan, in a recent charge to the Grand Jury at the Quarter Sessions at Longford, dwelt on the same subject.

The remedy suggested for the prevalence of juvenile delinquency is reformatory establishments. These again are objected to, on the ground that the removal of children from parental control turns out ultimately disastrous. All these facts and discussions indicate that the defect lies deeper; that we neither enforce the due performance of the parental duty, nor do we adequately supply its place where death or depravity has deprived the child of parental guidance and control.

The importance of transferring the guardianship of pauper children from Boards to individuals is shown by other considerations. Some recent cases of the transmission of paupers from England and Scotland have shown such disgusting selfishness on the part of Boards of Guardians, as to demonstrate that the more helpless portion of the poor require some protection against the inhumanity of those who are mis-called their guardians.

The first case I shall refer to on this point is noticed in the *Nation* of the 13th of January. A man named James Smith left Drogheda about the year 1821, at the age of 10 years. He resided for the last 34 years in England, chiefly at Chelmsford in Essex. He there married an Englishwoman some twelve years ago. Until recently he supported himself and his family entirely by his labour, with the exception of one occasion, when for a fortnight during illness he obtained relief from the poor rates. In the course of last year, he and his wife got into bad health; he applied for and obtained relief. His ill-health continued for some months. The selfishness of the guardians was aroused; they

thought that they might have to support a sickly labourer in his old age, or that they might have for a few years to support his widow and children. How was the family to be got rid of? The fact that Smith had been born in Drogheda was recollected, and accordingly the man, with his wife and three children, was brought up to London, and in the depth of winter they were placed as deck passengers on board a steamer for Dublin, with 2s. 6d. given them for their sustenance. They were on the sea for five days and four nights, and when landed on the Quay in Dublin did not know where to go. They are now in the North Dublin workhouse.

Now if the man should die, what is to become of his widow and orphans? She, an Englishwoman, is transported from every relative she has; the children are removed from the place where they were born and reared, where their father worked and was known, and where any friends he had made in his own rank in life resided.

This conduct of the guardians arose from no mistaken notion as to their duties, but simply from heartless selfishness; they wanted to get rid of what they considered a burden, and they were ready to shift the burden on any one else, utterly regardless of the effect of their conduct on the helpless family entrusted to their care. Suppose both parents should die, and the children after being reared in the workhouse should commence supporting themselves in Dublin, what feelings will be created in their minds by the conduct of the Chelmsford guardians—will they have more respect for the laws, or for the class to which the guardians belong? Will they restrain their selfishness, or will it not be increased ten-fold by the way in which they have been treated? Can we be surprised if children so treated increase the number of juvenile delinquents?

The Scotch case, which also happened in the present month, is still worse. I take it as quoted from the *Belfast News-Letter* :—

“ BELFAST POLICE OFFICE.—Surgeon Browne, R.N., proceeded to make an application arising out of the following circumstances: On that morning a woman named Glenn, with five children, had been landed from the Scotch boat in Belfast, having been sent there by the authorities at Paisley under the provisions of the Scotch law. The woman was a native of the county Donegal in Ireland, but had lived in Scotland (Paisley) for twenty-two years with her husband, also an Irishman, who had lived in Scotland for the same time. She had become the mother of eight children, all of whom were born in Scotland. A short time since, her husband was obliged to leave her and go in search of work, being a labourer; the consequence of which was that his wife and family were, for the time being, left in a state of temporary destitution. She took the course which was usual under such circumstances there, and made application to the parochial authorities of Paisley for relief. They sent her before the sheriff's substitute of the shire of Renfrew, where she was sworn as to the length of time she had lived in Scotland. She then received a ticket, with which she was sent back to the relieving officer, with the impression that she would receive the aid for which she had applied for herself and her children. On handing the ticket to that functionary, she was shown into an inner room, without anything being said to her regarding what was designed for her, and there she remained for six hours without receiving meat or drink! At the end of that time four of her children, two of whom had been working for themselves, were brought to her, and she was told that she was to be sent from Scotland, and was placed in the train to be taken to Greenock for such exportation. On her way to the train, some person whom she did not know came to her and thrust a child in her arms, which was none of hers, and which she had never seen before, telling her that she was to take care of it, and then suddenly disappeared, leaving the poor bewildered woman no time to decline the charge. The regular documents regarding the child were duly forwarded to

Belfast, and the poor woman took care of it until her arrival in Belfast, and still retained it in her arms in the court.

“ A long conversation arose out of this most extraordinary statement of facts.

“ Mr. Tracy said that such a truly savage case had never come before him. Here was a child, stated to be from Donegal, thrust upon this poor woman, and sent over to Belfast, where it had no claim, without either money, or anything in the shape of maintenance. The treatment that the woman had received was such as one could hardly believe to be given to a fellow-creature in a professedly Christian country. Of course, temporary relief must, in the meantime, be provided at the Union Workhouse, until something further should be done. The case was one so harrowing in every light in which he could view it, that he almost felt himself incompetent to proceed with any other business, so deep was the impression it had left upon his mind.”

I will not attempt to make any additions to the manly expression of feeling of the magistrate before whom this case came; neither will I enter upon the large question which it raises as to the power of removal now entrusted to guardians. I use these cases only to show that Public Boards cannot be safely left as the sole guardians of widows and orphans.

From a due consideration of these cases, we must also feel convinced that the workhouse test is not that perfection of human wisdom which it was represented to be. The intense selfishness which it seems to produce in guardians is a much greater evil to the community than some of the generosity and even laxity of administration which it was intended to counteract.

Besides the question of guardianship, there are objections to rearing children in workhouses on sanitary grounds. In the arrangements respecting their food and their health, there cannot be that care, that watchfulness and hearty sympathy, which individualized responsibility, accompanied by some natural tie and some human feeling, can alone produce.

With respect to some workhouses in Ireland, it has been alleged that the diet for the children is insufficient. In others, as in the North Dublin Union, the mortality of infant children is excessive. Some ten years ago, the mortality there rose to such a height that it became matter of public investigation. What it is at present I do not know, but a remark of a guardian at a recent meeting was significant of his opinion on this point. When a question arose as to the religion in which two deserted children should be brought up, Mr. Roper said, “ I think it a thousand pities to lose so much time about a matter of no consequence, because every man knows that from the system of the house not one of these children will be alive this day twelve months.” How guardians, with such convictions on their minds, can be found to be the instruments for enforcing the rule that no child shall receive relief except in the workhouse, it is not easy to understand.

However strongly we may feel on this subject, it would be to little purpose for me to direct your attention to it without suggesting remedies.

As to widows, out-door relief ought, I think, to be the rule, and the workhouse the exception. The relief should be given to them in such a manner as to aid them in rearing their children, and so that it might be accepted by the widows of soldiers and sailors, with a slight increase in consideration of their husbands' services.

As to orphans it would be necessary, in like manner, to make out-door relief to them also the rule. This relief should be given to the mother as long as she remained a widow, and devoted herself to the care of her children.

As I have already noticed, the mother's duty is to cherish, and the father's to support and control. It would then be necessary for the proper rearing of the children, not only to support them out of the rates, but to make some legal provision for giving some male relative, nominated by the father's will, or chosen by the mother, the office of joint-guardian along with her. This would in fact be only extending to the fatherless children of the poor a protection somewhat similar to that which has for centuries been in operation with respect to the fatherless children of the rich.

Although we have in theory the same law for the poor as for the rich, yet in practice the poor are debarred by our system of law taxes from the benefit of all the more refined and valuable protections of the law. Thus the officers of the courts of probate being paid by fees and not by salaries out of the general taxes, it becomes too expensive to prove a poor man's will. As a matter of fact not one in a hundred is proved, yet the appointment by a poor man of a guardian for his child is as sacred and as important a *duty*, and one that the law should foster with as jealous care as the same act when performed by the richest and proudest peer in the land.

Again the Court of Chancery will interfere and appoint a guardian for a child, but as the officers here again have in past times been paid by fees, it has been established that this jurisdiction as to the person will only be recognised where there is property to administer. It should have been, where there is property to pay the fees.

This limit of jurisdiction, apart from the fees, rests on a most strange doctrine, in which the care of some property is made of more importance than the rearing of a youth to be a worthy member of society; in which, in short, money is more thought of than man.

If the principle was fully carried out of having the officers of the law all paid by salaries, and all like the police fulfilling their duties without fees from the parties protected, then the jurisdiction as to guardianship might be extended to all orphans, and the magistrates in the different localities might be enabled to appoint the guardians for each orphan or orphan family.

There is one evil that the removal of the children from the workhouse might produce, which ought to be guarded against—I refer to the neglect of their education. To prevent this it would only be necessary to make their allowance contingent on their attending some approved school in their neighbourhood after attaining a suitable age. Such a precaution would bring them under view, have them compared with other children of their own age, and save them from being too early put to labor.

I cannot conclude without observing that the time has arrived when the question I have raised, and other questions as to Poor Laws, are likely to be considered on broader principles than those upon which the Poor Law Amendment Act was framed in 1834, and the Irish Poor Law introduced in 1838.

If we look back at the discussions of those periods, we shall be surprised not more at the change in the condition of the country than in the opinions of the public.

The defeat of protectionism has rendered a return to the abuses of the old English Poor Law almost impossible. The agriculturists of the present day could no more reduce the wages of their labourers at the expense of their neighbours, than they can raise the price of corn.

Again, the Malthusian doctrine that all the sufferings of the poor are of their own creating, and the remedy within their own control, is exploded. Thus the principal danger which the new Poor Law was intended to meet no longer exists, and the theory on which it was framed is no longer believed.

In Ireland the change since 1838 has been still greater—the opposition of the landlords, which rendered the introduction of any but the most stringent Poor Law impossible, has entirely ceased. The Incumbered Estates Court has disclosed the real cause of the most violent part of that opposition. We now know that in 1838 one-sixth of Ireland was in the hands of proprietors, who from the amount of their incumbrances were only the nominal owners of their estates, and entirely unable to pay poor rates, or discharge any other duty connected with property.

Again, the emigration which successive governments recommended but were unable to manage, has been carried out by the poor themselves under their own guidance, and out of their own resources. The labourers who were represented as idle, improvident, and so savage as to prevent the landlords improving the country, have in America earned high wages by their industry, saved largely by their providence, and have shown the finest traits of humanity and civilization in devoting their savings to the assistance of their relatives and friends in Ireland.

Again, instead of able-bodied men abandoning all labor, crowding the workhouses, and to use the language of the time, “with the proneness of the Irish peasantry to outrage and insubordination, breaking through all restraint and demolishing the buildings,” we have scarcely an able-bodied man in any workhouse, and during the sixteen years since the law has been introduced no workhouse has been destroyed by violence, and scarcely any serious disturbance has taken place.

In short, the principles on which the Irish Poor Law is to be administered for the future must be learned not from the traditions of the changes introduced in England in 1834, nor from the idle theories prevalent in Ireland in 1838, but from a careful consideration of the present state of the poor and of the country in which they are to pass their lives.

The changes which I have recommended are of general application, but they are specially required for the widows and orphans of soldiers. The Patriotic Fund supplies only support but not control; the guardianship of each orphan family is entirely unprovided for. The consideration of the questions which I have raised ought not therefore to be postponed until the termination of the war. If the policy recommended is worthy of adoption, it is right that it should be introduced without delay