

**Pauper education from the Poor Law Amendment Act  
1834 to the Education Act 1870:**

**Three perspectives on pauper education**



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# INTRODUCTION

## 1.1 Theme and aim for the thesis

In Charles Dickens' novel "Oliver Twist" we are being introduced to the workhouse. The children that were educated in the workhouse will be the main focus of this thesis, but I will also focus on the pauper children that did not reside in the workhouse. Simon Fowler opens his book "The Workhouse. The People. The Places. The Life Behind Doors" by saying that the workhouse had an unfeeling resonance over it. He said that it was bleak and horrid.<sup>1</sup> His first description of the workhouse fits quite accurate with the theme of this Master thesis. The children in the workhouses were not living the good life, rather the opposite. As you will see from my analysis, most of my sources agree that the education in the workhouses was flawed. The improper education had according to my sources many different reasons. Some of these reasons will be explored in the following chapters, along with the different solutions that are offered to these problems by my sources. Charles Dickens' uses "Oliver Twist" to criticize the New Poor Law and the treatment of children, my research into reports and letters from the same era will show that he was not alone in doing so.

"Pauper education from the Poor Law Amendment Act 1834 to the Education Act of 1870" is the title of this thesis. In this first chapter I will present the theme and aim for this thesis, along with a brief discussion of the period that I have chosen. I will also present earlier published works by historians and social scientists on the poor laws and the poor. After I have presented the literature I will discuss the sources that I have selected for this thesis.

The theme for this Master thesis will be pauper education in England and Wales during the nineteenth century.

Pauper education is a theme that is very little explored by the historians. That is one of many reasons to why I chose this theme.

My thesis will base itself on the Poor Law Amendment Act of 1834 that is more commonly known as the New Poor Law, and it is this name I will use in my thesis.

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<sup>1</sup> Simon Fowler: "The Workhouse. The People. The Places. Life Behind Doors" p. 13

This thesis will not tell what actually were going on in the workhouses at that time. This thesis will focus on texts of three very serious and dedicated well educated men that had taken a special interest in the education of pauper children, namely James Phillips Kay<sup>2</sup>, C. Richson and Thomas Hawksley<sup>3</sup>. In their reports and open letters they analyze the state of pauper education and suggest improvements to it. These texts are from two doctors and one reverend. These representing medical and theological standpoints and they also represent three different decades (1838, 1850 and 1869). The study of these will probably also show if there have been an historical development in the view of pauper education. I will come back to the sources and their origins later in this chapter (1.4).

I will not write thematically, but I will write chronologically after the years the sources are written in. But it is my aim to sum up the thesis thematically in the conclusion. The reason for this has been that I want to show development from the first source to the last.

The questions that I seek to answer by analysing these sources are:

- 1 a) How did Kay, Richson and Hawksley assess the pauper education in their period? b) What suggestions did they have to improve it?
- 2) To what extent were they able to influence politicians/public debates and what impact did they have on the pauper education?

I want to answer these questions by analysing their reports and one open letter. I also want to see how these influenced politicians in the Parliament by looking at a few debates from the same era.

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<sup>2</sup> Later Sir James Kay-Shuttleworth

<sup>3</sup> Not to be confused with the water engineer

## **1.2 The period 1834-70**

The reason to why I have chosen to work with the period 1834 to 1870 is simple. In 1834 the New Poor Law was passed by the Parliament. The making of the Poor Law will be briefly presented in the following chapter and I will also present the two bills that are directly linked to the thematic of this thesis.

There are many reasons to why I have chosen to end this thesis in 1870. The main reason is the Education Act that was passed that year. If I had included ten or more years in this thesis I would have had to consider the impact of this Law as well as the Poor Law. But I will say that one of the sources that I will be analysing in this thesis are more or less directly linked with the passing of the Education Act, and this will be pointed out in the chapter where I will be analysing this source.

Another aspect I had to consider was the length of this thesis, if I had added another ten years to the thesis, then it would have become too long.

The period I have selected is a very interesting period, because it is when Britain became an empire under Queen Victoria. The industrial revolution that started in the eighteenth century had permanently changed the country and we now see the results of this revolution. There was without no doubt many good results that came from this revolution, these results are well documented and many historians have written about them. The less documented results of the Industrial Revolution are what this thesis will deal with. When I started this process I wanted to tell the story from the children's point of view, unfortunately that is not possible because there is no documentation that tells this story from their point of view.

### 1.3 Earlier themed literature

Even though the theme pauper education is very little explored by historians, the poor laws and the workhouse are definitely written about. In this part of the chapter I will present the published works on this theme by historians and social scientists. I have two core books and four additional books that I will present in this chapter. I will do this chronologically, starting with the oldest one first.

#### 1.3.1 "Workhouse children" by Frank Crompton (1997)

This book is the first of my two core books. This means that I have used this book to highlight some of the thematic in my analysis later in this thesis. This book is written in 1997.

Crompton sets out in this book to investigate the way children were handled in 13 Worcestershire Poor Law Union Workhouses from 1834 to 1871. The first two chapters of the book are about the period 1780-1834. The book focuses most on the way the children were treated and educated, but it also focuses on the management of the children.<sup>4</sup>

Crompton has divided his book into seven different chapters with these titles:

- 1) "Children under the Old Poor Law 1780-1834"
- 2) "Apprenticeship under the Old Poor Law 1780-1834"
- 3) "The treatment of children"
- 4) "The medical treatment of children"
- 5) "The Workhouse staff"
- 6) "The Workhouse school"
- 7) "Employment and the Workhouse child"<sup>5</sup>

In this chapter my aim is not to go into detail about the different chapters, but I will present his results which are presented in his conclusion.

In his conclusion he writes that his book was the most recent of over thirty studies about the New Poor Law in the last four decades from when he wrote this book. However he does state that only a few of them were regarding the treatment of

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<sup>4</sup> Crompton, Frank p. xi

<sup>5</sup> Crompton, Frank p. v



children. Most of these studies were social histories.<sup>6</sup> He says that few administrative historians have studied the New Poor Law that relates to children.<sup>7</sup>

The first part of his conclusion is mostly about what earlier studies have focused on and also the difference between specific types of sources.

He then says that it always have been implicit in many studies that there was a difference between the urban interpretation of the Poor Law and the rural interpretation.<sup>8</sup> This difference had been used in earlier studies to contrast areas in a union. Crompton argues that this is wrong because he meant that many of the places that were compared were extremes and that therefore the findings could be misleading.<sup>9</sup>

He then argues that in nineteenth century literature it was the urban densest populated areas that posed the biggest threat to the middle and upper classes. But for the workhouse institution it was the amount of inmates that created problems.<sup>10</sup>

He argues that the pauper's needs did not vary from the rural to the urban areas, and the treatment of the children was no different between the workhouses with the most children and those with the fewest number of children. He says that this was of course within broad bounds. However there was a difference when it came to the finances of each workhouse. The workhouses with the most inmates spent usually more money to appoint different types of officers than the workhouses in the rural areas did.<sup>11</sup>

The New Poor Law was according to Crompton based on the ideas of "The Principle of Less Eligibility" that was the product of Jeremy Bentham's utilitarian ideas in "Pauper Management Improved". Crompton says that it was suggested in this work that there should have been introduced to the workhouses a test of destitution to those people who wanted to enter it.<sup>12</sup>

Education and training were soon being used as a solution dealing with the problems made by the children.<sup>13</sup>

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<sup>6</sup> Crompton p. 225

<sup>7</sup> Crompton p. 225 Worth mentioning here is the Ph. D Thesis of S.P. Obermann, "The Education in Poor Law Institutions in England and Wales during the Period 1834-1870", unfortunately this Ph.D thesis was not published and it has proven impossible for me to obtain it in time.

<sup>8</sup> Crompton p. 226

<sup>9</sup> Crompton p. 227

<sup>10</sup> Crompton p. 227

<sup>11</sup> Crompton p. 227

<sup>12</sup> Crompton p. 228

<sup>13</sup> Crompton p. 229

Rural unions were more hesitant than the urban unions to introduce education. He then presents a specific example of this that I have chosen to exclude from this presentation here.

Crompton states that initially it was said by the New Poor Law that the “Principle of Less Eligibility” should apply to all including the children, however this changed within a period of ten years after the passing of the law.<sup>14</sup>

“National Uniformity” was another idea in which the New Poor Law based its principles on. At the beginning this was a simple concept that said that all classes of paupers should have been treated equally. However this did not seem to be the practice, since more than often, the workhouse was a segregated place.<sup>15</sup>

This meant that the children’s ward operated differently than the wards for the adults and elderly.<sup>16</sup>

Crompton argues that the New Poor Law was looked upon as preventative. It intended to save children from a life as paupers. The District school was recommended by the state as a remedy for pauperism, but in the rural areas the District school was looked upon as unsuitable and impractical. Due to this negative feeling towards the District school, the children’s wards in rural workhouse unions in Worcestershire was separated from the rest of the workhouse so that they could avoid children from having contact with adult paupers.

Crompton then argues that the education offered to the children in workhouses was better than the education offered to non-pauper children in Worcestershire.<sup>17</sup>

When the Poor Law Board was created in 1847 children were treated as special cases in some unions but in others the twin principles still applied.<sup>18</sup>

Later in the conclusion he argues that it was a tradition in Worcestershire to confine the workhouse staff as well as the inmates. This tradition seemed unappealing to especially doctors, who often came from the middle class. So in Worcestershire it was difficult to find local doctors to take a position as medical officer.<sup>19</sup>

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<sup>14</sup> Crompton p. 229

<sup>15</sup> Crompton p. 229-230

<sup>16</sup> Crompton p. 230

<sup>17</sup> Crompton p. 231

<sup>18</sup> Crompton p. 232

<sup>19</sup> Crompton p. 233

The central and local Poor Law Administration became more and more bureaucratic as the years went on.<sup>20</sup> The Poor Law had according to Crompton started out as a punitive measure. But the children were not considered responsible for their own destitution so they soon received advantages.<sup>21</sup>

He finally concludes that his study is in broad agreement with other social histories on the New Poor Law that he mentioned earlier in the conclusion,<sup>22</sup> and that even though there were many differences, there were also many similarities with the Worcestershire Unions and other unions throughout the country.<sup>23</sup>

### **1.3.2 "Poverty and Poor Laws Reform in 19<sup>th</sup> Century Britain, 1834-1914" by David Englander (1998)**

This book is divided in three parts with all together six chapters. I will be very short in describing this book, because it is only parts of this book that is relevant for my thesis. It is only the first three chapters that I have defined as relevant for my thesis. The first chapter is the introduction to the book and in this introduction he says that it is his aim in this book to show the development of poor law policy in the whole of Britain, including Scotland.<sup>24</sup>

The second chapter that has been titled "Poor Law Policy in England and Wales" consists of eight different parts, the latter part being a conclusion to the chapter. In the conclusion of this chapter Englander writes that the theoretical basis of the poor law administration was never realized in practice. Englander argues that outdoor relief resisted abolition, despite the fact that the poor law had said that it was to be abolished.<sup>25</sup> He argues that workhouses with separate wards were expensive to build and to build them the local government required financial support from the central government.<sup>26</sup> He also argues that the poor law was the dominant provider of social services, but not the only one. More and more it faced rivalry from central and local government.<sup>27</sup> Further there is no mention of education of children before 1870

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<sup>20</sup> Crompton p. 235

<sup>21</sup> Crompton p. 236

<sup>22</sup> Crompton p. 237

<sup>23</sup> Crompton p. 237

<sup>24</sup> Englander, David «Poverty and Poor Law Reform in 19th century Britain, 1834-1914», p. 4

<sup>25</sup> Englander p. 29

<sup>26</sup> Englander p. 29

<sup>27</sup> Englander p. 30

in this conclusion. He does however mention the Education Act of 1870 and the result of this when it came to the pauper children.<sup>28</sup>

The third chapter that has been titled “Inside the Workhouse” will be used in the following chapter that will give background material to the upcoming analysis in the following three chapters. So I will be very short when describing chapter three here. The chapter is divided into six parts, those being;

- “Pauper Palaces”
- “The Inmate Population”
- “Workhouse Staff”
- “Workhouse Discipline”
- “Inmates and Indiscipline”
- “The Workhouse and the Working Class”

This sums up what I have rendered relevant for this thesis in the book by David Englander.

### **1.3.3 "State, Society and the Poor in Nineteenth-Century England" by Alan Kidd (1999)**

This book is divided into five chapters, with only one chapter which I have decided as relevant for this thesis. There is no introduction or conclusion to the book, so I have just decided to present what he says about children in the chapter that I have deemed relevant and also present what he concludes with in this chapter.

The second chapter has been titled “The State and Pauperism” and consists of several different parts, including one about children.

Kidd argues that education for pauper children was one of the earliest special provisions inside the workhouse system. He states that the 1834 report had said that the children needed to be educated so that they could become valuable members of

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<sup>28</sup> Englander p. 30

society.<sup>29</sup> He also states that the Poor Law Commission had written down a set of rules for the workhouse which had said that the children should at least be educated three hours per day.<sup>30</sup> Kidd argues that the workhouse school was the only direct intervention from the State into the education of their citizens apart from the army and the prisons.<sup>31</sup>

Kidd also refers to James Phillips Kay report in the fourth annual report of the Poor Law Commissioner.<sup>32</sup> I will come back to his assessment of Kay's report on a later stage in this thesis.

Kidd states that the most common form for education was to be found in the workhouses themselves, and it was common that the workhouses continued to treat their children in traditional ways. As an example here he mentions the old tradition of apprenticing the children out.<sup>33</sup>

Kidd continues after this to argue that considerable less is known about those children who received outdoor- relief. He argues that children made up thirty to forty per cent of the total pauperized community in England. He says that considerable more children received outdoor relief than indoor relief.<sup>34</sup>

Kidd then argues that by 1860 the Poor Law had not achieved what it set out to do, to reduce pauperism. One of the reasons for this he says could have been the rapid changing community. The rural community was shrinking and urbanization created new environments for poverty.<sup>35</sup>

Now I will move on to the conclusion of the chapter in which he concludes that the New Poor Law never had the intention of setting out to become a provider of social services.<sup>36</sup> But the increasing numbers of exceptions to the "Principle of Less Eligibility" complicated this. He goes on by explaining the responsibilities of the New Poor Law; this includes women, children and the aged poor.<sup>37</sup>

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<sup>29</sup> Kidd, Alan: «State, Society and the Poor in Nineteenth-Century England»: p. 42

<sup>30</sup> Kidd: p. 42

<sup>31</sup> Kidd p. 42

<sup>32</sup> This is one of the sources that I will be analyzing later in this thesis, so I will come back to Kidd's interpretation of this source in chapter 3.1.1

<sup>33</sup> Kidd p. 43-42

<sup>34</sup> Kidd p. 44

<sup>35</sup> Kidd. p. 44

<sup>36</sup> Kidd. p. 63

<sup>37</sup> Kidd. p 63

He argues that outdoor relief was to be abolished from the 1870's, even though the New Poor Law had abolished it from the beginning.<sup>38</sup>

He ends his conclusion by arguing that by the 1860's the intellectual climate was changing and this had an impact also on the way the society viewed the Poor Law.<sup>39</sup>

Here ends my recollection of Kidd's book about the poor. I will not go into the rest of the book, since I have deemed it irrelevant for this thesis.

#### **1.3.4 "The English Poor Laws, 1700 – 1930" by Anthony Brundage (2002)**

The title of this book tells us that this book will provide us with information about Poor Laws that dated back to 1700. This is relevant as background material for this thesis. As the following chapter will be about the background for the analysis I will not go into detail about this book here.

But what I will do is tell you that this book is divided into eight chapters, each dealing with different periods. The last two main chapters of this book are not relevant for this thesis at all since they tackle the years 1870-1930.

His first chapter is an introduction in which he tells us his aim for his book. This aim is to convey the significance of the poor laws, whilst not losing the individual human dimension. He says that this book is mainly a historiography of poor law history.<sup>40</sup>

Knowing this we can now skip to his conclusion of his book.

In his conclusion he starts by writing that the poor laws was deeply imprinted in the character of the English Government and community. From the lens of Whiggish linearity he said that we could see progression from a much localized mechanic for dealing with pauperism to greater layers of authority by the state.<sup>41</sup>

He said that throughout the book he had attempted to look at the English poor laws as consensual, questioned and dependent.<sup>42</sup>

He argues that for a long period which this book covers, people accepted the local administrated poor relief.<sup>43</sup>

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<sup>38</sup> Kidd. p. 63

<sup>39</sup> Kidd p. 64

<sup>40</sup> Brundage, Anthony: «The English Poor Laws, 1700-1930» p. 3

<sup>41</sup> Brundage: p. 154

<sup>42</sup> Brundage. p. 154

<sup>43</sup> Brundage p. 155

But he also says that it is important to consider the sharp and bitter debates that occurred about the poor laws that characterized the period during the latter part of the 1700's and the beginning of the nineteenth century.<sup>44</sup>

The visionary behind the New Poor Law, Jeremy Bentham, had an idea that meant to restructure the government and reconfiguring the character of poverty through "Panopticon". Which he believed was a simple architectural idea.<sup>45</sup>

Brundage finally concludes that it was no steady advance to "humane" policies in poor law history, and the New Poor Law is the best example of this, since the poor themselves looked upon it as inhumane.<sup>46</sup>

This sums up the most relevant parts of this book. The next book that I will present is the second core book in this thesis.

### **1.3.5 "The Workhouse: The People. The Places. Life behind Doors" by Simon Fowler (2007)**

I have considered this book to be one of two core books that have been used as a basis for this thesis. Even though there is just one chapter in this book that deals directly with the workhouse children, I have found that what Fowler has written to be very relevant for this thesis. This book is also one of the most recent published works on this subject.

Simon Fowler sets out to answer these questions in his book:

- 1) "Why the poor law was regarded with horror?"
- 2) Was every workhouse as bad as the one at Andover?"
- 3) Were the pauper inmates treated as badly as we suppose?"<sup>47</sup>

This was the three questions presented in the beginning, but he repeated them in his conclusion and he was more direct here so it was from the conclusion I decided to quote him. He continues in his conclusion by arguing that the biggest problem with the poor law was its structure.<sup>48</sup> Fowler states that there were at least 650 workhouse unions in England and Wales and that each of them had their own board of

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<sup>44</sup> Brundage p. 155

<sup>45</sup> Brundage p. 155

<sup>46</sup> Brundage p. 157

<sup>47</sup> Fowler, p. 261

<sup>48</sup> Fowler p. 261

Guardians that were pretty much free to do as they liked with their own workhouse. The central Government had little direct power over the Guardians.<sup>49</sup>

Ordinary people were reluctant to pay more than they already did to care for the paupers, but the poor themselves pitied those who were innocently forced into the workhouse, like elderly and children.<sup>50</sup>

He argues that some workhouses were awful, but that usually the problems in the workhouses were of a minor factor.<sup>51</sup> The majority of the inmates were elderly, infirm or children, and it soon became clear that the workhouse was not the right environment for them to live in.<sup>52</sup> He argues that it was few able-bodied persons who entered the workhouse on purpose because the workhouse was designed to cause misery to the people it was supposed to be a relief to.<sup>53</sup>

The rest of the conclusion sums up the situation after 1870.

This was the literature that I will use along with my sources in this thesis. How much depends on what the sources say. And it is the sources that are my next theme in this introduction

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<sup>49</sup> Fowler p. 261

<sup>50</sup> Fowler p. 262

<sup>51</sup> Fowler p. 262

<sup>52</sup> Fowler p. 263

<sup>53</sup> Fowler p. 263



## 1.4 The sources

The three sources that are the basis of this thesis represent three perspectives on pauper education. They are all written in different decades, from different standpoints. James Phillips Kay had been commissioned to write this report from the Poor Law Commissioner who he worked for as an Assistant Poor Law Commissioner. His report became a part of the fourth annual report of the Commissioner. The report is written in 1838 and it is based on his own inquiries and visits to different poor law establishments and educational facilities in England, but also in other countries in Europe. His intention with this report was to enlighten and influence the Poor Law Commissioner, the public and the Parliament on the subject of training of pauper children. Earlier in this thesis I mentioned that James Phillips Kay was educated as a Doctor and later in this thesis I will tell you why he left his profession and became an Assistant Poor Law Commissioner.

The second source was written by Reverend C. Richson as an open letter to the Secretary of State for the Home Department, Sir George Grey. This source is however not complete. There are an unknown number of pages lacking from the end of the document. The difference from this source to the previous one is that this was not written on command from someone else. Richson is writing to the Secretary in this open letter as a concerned citizen. However his position as a reverend is important when analyzing this source. It is not made clear in this letter whether Richson himself had a position in relation to the workhouse in his parish, but being a reverend he was probably not unfamiliar with the situation in the workhouse school. His intent with this letter was to influence the public and the Parliament regarding pauper education. If he was successful is also something that will be explored later in this thesis in chapter 4.2.

The third source was written by Thomas Hawksley MD in 1869. It is a report that considers education for state legislation. He has also written this source as a concerned citizen. His intent is the same as the previous two, but he is not just concerned with pauper education, he concerns himself with education for all children and not just pauper children. With that being said most children that were in need for better education was pauper children and they were very central in his report.

The fourth source that I have used is a debate from the Parliament. The reason I have chosen to use this debate is to shed a light on the information given in Kay's report and to show how the people in charge of the country were thinking about the same matter. I have taken the transcript of the debate from the historical digital archive of the Parliament (Hansard). Even though there is no known transcriber of this debate I have decided to trust it, given that they are from an official government source. I use the debate to show if Kay was successful and if he is cited by anyone in the meeting.

## BACKGROUND

### 2.1 The political Landscape in England and Wales during the Nineteenth Century

To understand the making of the New Poor Law in 1834 it is important to know a little bit about the political landscape at that time. The dominant political parties in the period that I have chosen are the Conservative party and the Whig party.

Both parties were founded at the latter part of the 17<sup>th</sup> century. The Conservative party was however up until the beginning of the nineteenth century known as the Tory party, and colloquially it is still being called that. The Tory Party was faithful to the monarchy and fought hard for non-resistance towards this. For the Tories the Anglican Church was the only church and meant that they had exclusive rights.<sup>54</sup> The change from the Tory party to the Conservative Party was being led by Sir Robert Peel. His followers became known as the Peelites, but after some time they split with the Conservative party and joined the Whigs and after some time them together formed the Liberal party in 1859.<sup>55</sup>

The Whig party was formed in the late 17<sup>th</sup> century, but was in the beginning known as the Country party; it was their opponents that gave them the name "The Whigs". The party was formed by the earl of Shaftesbury and they organized petitions around the country for the exclusion of Charles II brother James to take the throne.<sup>56</sup>

The Whig party believed in religious freedom and was strongly committed to the Protestant succession.<sup>57</sup>

This is all very general, but to know what each party stood for is important if we are going to understand the process when the New Poor Law was passed in 1834.

### 2.2 The making of the New Poor Law

To understand why the New Poor Law was made it is important for me to show you why it was created. The existence of the New Poor Law was made possible because

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<sup>54</sup> Morrill, John «Government and Politics: England and Wales 1625-1701» in «The Cambridge Historical Encyclopedia of Great Britain and Ireland»p. 204

<sup>55</sup> Matthew. H.C.G «Government and Politics 1846-1901: free trade, franchise and imperialism» in «The Cambridge Historical Encyclopedia of Great Britain and Ireland» edited by Christopher Haigh, 1992 p. 255

<sup>56</sup> Morrill, John «Government and Politics: England and Wales 1625-1701» in «The Cambridge Historical Encyclopedia of Great Britain and Ireland»p. 204-205

<sup>57</sup> Ibid p. 204

important people were not pleased with the Old Poor Law. The Old Poor Law was passed in 1597 at the end of the reign of Queen Elizabeth I. Anthony Brundage's book "The English Poor Laws, 1700-1930" tells us the story of how the New Poor Law came to be. Brundage argues that the Old Poor Law was passed to deal with the social problems that England experienced during the Tudors' reign.<sup>58</sup> It was according to Brundage the first publicly financed poor relief in England and Wales. The Old Poor Law gave the parish the responsibility of being poor law authority when it came to administration and taxation. It remained this way for two centuries.<sup>59</sup>

It was William Pitt the Younger's system of allowances that in the end became the downfall for the Old Poor Law. The most famous of these systems was the system that famously became known as the Speenhamland system. This system was only giving out relief in certain districts at certain times of the year, so it was not a universal form of relief. It was mostly used in rural areas in times during the harsh winter months.<sup>60</sup> It was the critics of this system that played an important and powerful role in the debate that led up to the New Poor Law of 1834.<sup>61</sup>

Brundage argues that Britain's economy was during the eighteenth century going through structural changes. One can say that the industrial revolution also led to an economical revolution in the country as well. Banks and other financial institutions gained more and more power as the needs of investors and entrepreneurs increased. The agriculture was also affected by the new economic activity in the country and it became more and more a capitalist enterprise.<sup>62</sup> Brundage argues that there was during the period from 1800 many economical philosophers that started to question the Poor Law, and they demanded reform. They were all rationalists, the most prominent of them being Thomas Malthus and Jeremy Bentham.<sup>63</sup> They were soon challenged by a movement that spoke of religion and morals.

This movement became known as Evangelicalism. Evangelicalism became to be because people dreaded a social revolution. It demanded close participation in the poor's lives.<sup>64</sup>

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<sup>58</sup> Brundage p. 9

<sup>59</sup> Brundage p. 9

<sup>60</sup> Brundage p. 29

<sup>61</sup> Brundage p. 29

<sup>62</sup> Brundage p. 29-30

<sup>63</sup> Brundage p. 30-37

<sup>64</sup> Brundage p. 37

Evangelicalism did not support the abolition of the poor law, it was even stated that the poor laws was a very important component of the British constitution. In the Parliament however, they were very reluctant to consider poor law reforms, mainly because of the war that was going on against France. But they did approve a motion for official returns of poor law expenditure for the years 1802-1083. The returns showed that the poor relief had doubled since 1783. And it was in those areas where the allowance system was in use that the expenditure was highest.<sup>65</sup> During those years, the poor law debate in Parliament was mostly influenced by Malthus. But instead of abolition, the Whig Member of Parliament Samuel Whitbread suggested to reform the old poor law.<sup>66</sup> However Whitbread did go too far in his scheme and it was criticized from several holds; even Malthus himself criticized him for his scheme.<sup>67</sup> Even though that he was not successful in getting interest enough in the Parliament to do something with the situation, his proposal had successfully awakened interest in the rest of the country.<sup>68</sup>

I will now mention another dimension to the poor law debate that went on in the beginning of the nineteenth century, and that was the poor laws impact on the economic development. Brundage argues that the poor laws represented the old discredited mercantilist system where a paternalist State banded resources to strategies thought to have a communal importance.<sup>69</sup>

He continues to present many questions regarding this issue and he says that many of them are questions that also have baffled historians.<sup>70</sup>

Among the challenges that faced the poor law was the economic changes that had happened during the course of the eighteenth century. These changes accelerated at the end of the century and the beginning of the nineteenth century. The closure of many farms had a negative effect on the labourers in the agriculture industry. The industrialization also made sure previously rural handcrafts disappeared due to new machinery and factories. In short, this resulted in a high unemployment rate and need for poor relief by many people, which could only have a negative effect on the economy. Brundage then again goes into the dilemma with the allowance system. He argues that the allowance system became increasingly more criticized and that soon

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<sup>65</sup> Brundage p. 39-40

<sup>66</sup> Brundage p. 40

<sup>67</sup> Brundage p. 40

<sup>68</sup> Brundage p. 41

<sup>69</sup> Brundage p. 42

<sup>70</sup> Brundage p. 42

it was being regarded as a complete failure.<sup>71</sup> But nonetheless before 1815 it was the war with France that took precedence and little was done to succumb to the massive needs of the people.

After the war, which Britain emerged victorious, it was made clear that internal problems could threaten the country.<sup>72</sup> Before the war was over the government had responded to the internal uproar with military force and draconian laws. This was because they seriously feared a revolution.<sup>73</sup>

The post-war depression led to the passing of the 1815 Corn Law which excluded lower-priced grain from outside Britain.

This did not seem to help the poor, what they needed was that someone removed the shield of the poor-laws. It was argued that if this was done the economy would become much better a lot sooner.<sup>74</sup>

The national discourse on the poor-laws that occurred became more and more active and the debates that occurred showed that most people were leaning against abolition of the poor laws.<sup>75</sup>

The Evangelical writer and Tory supporter John Bird Sumner was really supportive of Malthus' ideas. Sumner later became an important figure in the Royal Commission on the Poor Laws (1832-1834).<sup>76</sup>

Knowing that there was an abundance of writers that were writing that the Poor Laws needed to be either abolished or reformed Brundage argues that the crises of both economic and social character boosted the interest of the Nation's politicians in this matter and it made the list of urgent matters for the Parliament.<sup>77</sup>

In 1817 there was set down a committee that were to look into the problems of the Poor Laws, this committee was named "House of Commons Select Committee on the Poor Laws" and it was chaired by William Sturges-Bourne. The report of this committee has a strong Malthusian character. However, the Prime Minister at that time, Lord Liverpool, was not satisfied with the report, as he wished the report would offer a more cohesive plan for reform. Brundage argues that his response to this

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<sup>71</sup> Brundage p. 42-43

<sup>72</sup> Brundage p. 44

<sup>73</sup> Brundage p. 44

<sup>74</sup> Brundage p. 45

<sup>75</sup> Brundage p. 45

<sup>76</sup> Brundage p. 46

<sup>77</sup> Brundage p. 48

report was to set down a committee in the House of Lords; however this committee was not successful either.<sup>78</sup>

For the majority of the Parliament the hope for a more effective outlook of the poor relief was in select vestries. In 1818 and 1819 the Select Vestries<sup>79</sup> laws were passed and symbolized the first step towards moving away from the parochial voting system and towards an oligarchic direction.<sup>80</sup>

The vestries were to be elected and the men who had the most valuable land were given additional votes in these elections. The system of the vestries spread rapidly in several counties, among them was Berkshire as Brundage specifically mentions.<sup>81</sup>

One of the most important legacies of the Select Vestries Act was according to Brundage the overseers. In relating to cases regarding the poor law an overseer had the responsibility to prepare parochial returns, inspect pauper people's houses as well as the workhouse once a week. These overseers paved the way for the New Poor Law's civil service which consisted of relieving officers and workhouse masters for instance.<sup>82</sup> The second legacy of the Select Vestry Act was the plural voting system, which later was to be used when electing Guardians.<sup>83</sup>

Brundage states that Nottinghamshire was looked upon as a testing ground for experimentations when it came to the Poor Law. The poor law was set out to be reformed by three men; Reverend J.T. Becher, Reverend Robert Lowe and George Nicholls. It was the latter one that made sure that their efforts were made public and also expanded.<sup>84</sup>

Lowe and Nicholls both wanted to eradicate outdoor relief and introduce to the workhouses a test of destitution (I will come back to this test later in the thesis).

Lowe was also accredited with introducing the system of less eligibility in the county in 1818.<sup>85</sup> Nicholls was later appointed to one of three Poor Law Commissioners in 1834.<sup>86</sup>

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<sup>78</sup> Brundage p. 48-49

<sup>79</sup> Select Vestry= The body of parishioners meeting and constituting a parochial board or council of management (from the Oxford English Dictionary online)

<sup>80</sup> Brundage p. 49-50

<sup>81</sup> Brundage p. 50

<sup>82</sup> Brundage p.51- 52

<sup>83</sup> Brundage p. 52

<sup>84</sup> Brundage p. 52-53

<sup>85</sup> Brundage p. 54

<sup>86</sup> Brundage p. 55

Even though Nottinghamshire was good with their reforms, it does not necessarily mean that the country was moving with a steady pace towards the New Poor Law. Brundage argues that even though Nottinghamshire was an inspiration for other counties, and some of them were somewhat successful in introducing the ideas of Becher, Lowe and Nicholls. In Gloucestershire it was decided that the workhouse should be turned into a place where no one wanted to enter voluntarily if they could get work elsewhere and within two years the amount of people living on outdoor relief was reduced from 977 to 125.<sup>87</sup>

But Brundage argues that in most places between 1820 and 1830 the direction was going in a complete opposite direction when it came to outdoor relief.<sup>88</sup>

He argues that the tradition of caring for the poor was still strong in most counties, and that it would only take a mandatory passed law to change the way they treated their poor.<sup>89</sup>

The reason why the politicians finally decided to reform the Poor Law was the impact of the Captain Swing riots which Brundage describes as a rising of labourers in the summer of 1830 to the winter of 1831. The rising started in Kent and spread to other counties, mostly in the south, the east and in the Midlands.<sup>90</sup>

The uprising was a result of the major changes that had occurred on the countryside relating to the industrialization. Their demands were mainly that machines should have been eliminated and that their wages should rise. But their mischief with the poor law also became clear after some time.<sup>91</sup>

Brundage argues that even though the rioters demanded change, there was never any revolutionary intent behind the riots; the paupers only wanted better conditions. But the riots resulted in a political climate that made the reform of the Poor Laws possible to execute.<sup>92</sup>

Up to this point I have presented the events and processes that lead up to the poor law reform, a work that started in 1832. We see that there are many contributing factors that contributed to the final change that occurred in 1834, the Swing riots being according to Brundage the direct cause for the reform.

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<sup>87</sup> Brundage p. 55

<sup>88</sup> Brundage p. 56

<sup>89</sup> Brundage p. 56

<sup>90</sup> Brundage p. 57

<sup>91</sup> Brundage p. 58

<sup>92</sup> Brundage p. 59



Brundage states that it was the Chancellor of Exchequer, Lord Althorp that in February 1832 set down a commission to look closer at the Poor Laws. The Commission that was selected consisted of mostly extern experts, but also former and present MPs.<sup>93</sup>

To this Commission it was appointed twenty-six assistant commissioners. Each of them had the responsibility of doing inquiries in their select district. One of the most notable of these assistant commissioners was Edwin Chadwick. He was the following year promoted to the Royal Commission.<sup>94</sup> He collaborated later with James Phillips Kay who is very central in this thesis. The commission gathered in inquiries from about ten per cent of the 15 500 parishes in England and Wales. The commission ended up with material enough to make a condemning report of the Old Poor Law, and especially the problems with the allowance system.<sup>95</sup>

In 1833 the Government printed a volume of extracts that consisted of the results of the inquiry. The final report was written in 1834 by Chadwick and Nassau Senior. It concluded that the existing system was very flawed and reform was urgently needed.<sup>96</sup> Of course the result of the report ended with the passing of the New Poor Law in 1834.

Up to this point I have talked about the processes that led up to the passing of the law and little about education of children. Before the New Poor Law was passed it was up to each parish what was done with the children. It is clear from the themed literature that most children coming to the workhouse were more than often apprenticed out. For the children outside the workhouse education was non-existing, and as you will read later in this thesis, this was also the case after the passing of the New Poor Law.

The New Poor Law that was passed in 1834 consists of 109 bills. The most important change that the New Poor Law came with was the introduction of Unions instead of parishes. The workhouses in one district were to be organised into Unions and it was supposed to be appointed Guardians that were to manage the day to day running of these Unions. The Guardians themselves answered to the Poor Law Commissioner (later the Poor Law Board). The New Poor Law also abolished outdoor relief, but as

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<sup>93</sup> Brundage states on p. 62-63 that the members that were selected was: Nassau Senior (Oxford professor in Economy), John Bird Sumner, Walter Coulson (Barrister), Reverend Henry Bishop, William Sturges-Bourne, Henry Gawler and Charles James Blomfield (Bishop of London)

<sup>94</sup> Brundage p. 64

<sup>95</sup> Brundage p. 64

<sup>96</sup> Brundage p. 65

you will see later in this thesis, it was not possible to do so completely.<sup>97</sup> Out of the bills, two of them deal specifically with education of children. The two bills in question are §15 and §19.

§15 states that the education of the children in the workhouses were under the responsibility of the Poor Law Commissioner. That means that it was the Commissioner who were supposed to lay down the rules that the workhouses had to follow when it came to the education and the treatment of the children that resided within their walls. As long as it was in accordance with the directions of this Act the Commissioners could from time to time change or suspend rules that they had laid down for this purpose, but the Act did say that they were not allowed to interfere in individual cases where the purpose was to obtain relief.<sup>98</sup>

§ 19 states that none of the aforesaid rules that were decided by the Poor Law Commissioner were to oblige any inmate of the workhouse to attend a religious service that did not coincide with the inmate's own religious creed. This also applied to the children, and it was not allowed to authorize the education of any child in another religious creed that was not professed by the parents or in case of orphans; Godparents.<sup>99</sup>

### 2.3 The workhouse

A central part of the New Poor Law was the workhouse. Both David Englander and Simon Fowler try to give us the best image of what the workhouse really was like. Englander describes the workhouse as a prison-like establishment. It was designed to scare the paupers from ever take refuge there, so that it was only the most desperate ones who would even consider seeking relief from it.<sup>100</sup> Each workhouse was divided into separate wards for each sex and there were also special wards for children and infirm. The classification of the paupers decided where they should be located. It was especially important to separate the children from the adults, insane from the sane and the sick from the healthy.<sup>101</sup>

The discipline in the workhouse was very strict, meaning that everything the inmates were doing was regulated by the workhouse staff. The most strictest rules did not

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<sup>97</sup> <http://www.workhouses.org.uk/poorlaws/1834act.shtml>

<sup>98</sup> <http://www.workhouses.org.uk/poorlaws/1834act.shtml> : §15

<sup>99</sup> <http://www.workhouses.org.uk/poorlaws/1834act.shtml>: § 19

<sup>100</sup> Englander: p. 31

<sup>101</sup> Englander p. 32

apply to the children, but it was important that their situation never was better than the children of the labouring classes. Even though their situation was not allowed to be better than the labouring classes, it was decided that education and training should be offered to them in the workhouse, because otherwise they would not have the chance to become independent members of the community.<sup>102</sup> The results of this education will be more thoroughly discussed in the analysis.

Fowler states that the workhouse was controlled by the Guardians that were elected by the rate-payers.<sup>103</sup> In 1839 there were according to Fowler existing 583 Poor Law Unions in England and in Wales.<sup>104</sup>

I hope that this background has been enough to give you an idea of what the Poor Law and the workhouse stood for. There is of course more to be said and I hope that this will be covered in the following chapters. I will start the analysis in 1838 with a report that was written for the purpose of reforming the education for the pauper children.

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<sup>102</sup> Englander p. 40

<sup>103</sup> Fowler p. 32

<sup>104</sup> Fowler p. 51

# PROPOSALS FOR REFORMING THE EDUCATION FOR PAUPER CHILDREN IN 1838 AND 1841

## 3.1 Introduction

There is no cloud so dark and dangerous in our political horizon, no blot so foul upon our social system, no stain so deep upon the Christianity which we all profess, as the existence of...perhaps 500000 children...who are growing to man's estate to be a curse instead of a blessing to the community in which we live.<sup>105</sup>

This quote refers to all the children in the UK and the fear that they would grow up to be a burden on the society instead of useful members of the society.

This analysis will not try to figure out what the real situation was, but how it was perceived by James Phillips Kay and the politicians that were present during a Commons sitting in March 1841.

This chapter will answer how Kay assessed pauper education as it currently was and what suggestions he offered to solve what he perceived to be a problem with the training of pauper children.

To do this I will analyse his arguments by asking specific questions which will be presented in the next segment.

The second question this chapter will answer is if Kay was in any way able to influence the politicians. To do this I will analyse a transcript from a debate that occurred during a Commons sitting on the date previously referred to. I have asked very specific questions to the debate to determine if this debate was influenced by Phillips Kay. The final question that I will be answering is if the ideas of Kay was fulfilled when we take into consideration what actually happened in the following decades.

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<sup>105</sup> George Melly MP in the House of Commons on 12 March 1869: in Horn, Pamela « The Victorian and Edwardian Schoolchild»

### 3.2 James Phillips Kay's report on the training of pauper children

In this part of the chapter I seek to find out the following: 1) who was James Phillips Kay and what was the intention behind this report? 2) What was the problem about the current system according to him? 3) What was his solution to this problem? Later it is my intention to show how it was received and if it had any impact on the politicians in the following decade, more specifically I will analyse one parliamentary debate from 1841 and see if this report has made an impact on the politicians. And this again will help me to answer my main hypothesis for this master thesis.

James Phillips Kay was born in Rochdale, Lancashire on the 20<sup>th</sup> of July in 1804. His birth name was James Phillips Kay. He married Janet Shuttleworth in 1842. In 1827 Kay finished his medical degree at the University of Edinburgh. He worked alongside Doctor William Pulteney Alison who introduced him to the *New Town Dispensary* who provided medicine and medical assistance to the poor in Edinburgh.<sup>106</sup> Kay became sure that their misery and destitution was not caused by their own failings like many of his contemporaries believed, but that their misery were caused by social disasters that required other explanations. This made him begin to study political and social issues, and he read the philosopher Adam Smith and Thomas Chalmers who highlighted the role of education in bettering the moral and physical condition of the poor.<sup>107</sup> After finishing his medical degree, Kay established his own private medical practice in Manchester. He became one of the founders of the *Ardwick and Ancoats Dispensary (1828)* and one of the founding editors of *North of England Medical and Surgical Journal (1830)*. Kay was central in the medical treatment of patients when the cholera epidemic reached Manchester in 1832.<sup>108</sup>

He was active in local politics and a supporter of Lord John Russell and the Whigs. Being that his father was a cotton merchant it was only natural that Kay was interested in their conditions, and in 1832 he published the first edition of the pamphlet "*The moral and physical condition of the working classes employed in the cotton manufacture in Manchester*". In this pamphlet he described a city which was filled with dirty streets, towering mills and overcrowded houses. He also described drunkenness, greed and the exploitation of children. He did not believe that these

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<sup>106</sup> <http://www.oxforddnb.com/view/article/15199> : viewed on 05.09.2012

<sup>107</sup> <http://www.oxforddnb.com/view/article/15199> : viewed on 05.09.2012

<sup>108</sup> <http://www.oxforddnb.com/view/article/15199> : viewed on 05.09.2012

evils was the necessary result of the commercial system, he pretty much blamed the poor for their own destitution. It is obvious that he had changed his opinion about the poor not being to blame for their own destitution earlier in his career and up until this point. But he also understood that the industrialization was changing the society and this was a factor that could not be dismissed.<sup>109</sup>

In 1833 Kay played an important part in the establishment of *Manchester Statistical Society (MSS)* which was first of its kind in England.

His medical career in Manchester ended in disaster and he soon fled from Manchester to become an assistant poor law commissioner. The reason his medical career ended in disaster was because he was defeated in the election he ran for as an honorary physician to the Manchester Infirmary. This would have been a major step towards professional acknowledgement.<sup>110</sup>

His career as assistant poor law commissioner started in Suffolk and Norfolk. He pressed individual parishes into poor law unions. Kay soon became concerned with the education of the pauper children in the workhouses, which he felt was inadequate.<sup>111</sup> And it is the report that he produced after a trip to Scotland and Holland that is the text which will be analysed in this part of the chapter. He produced the report for the Poor Law Commissioner to be published in their fourth annual report. The report was written in Norwich in 1838.

The reason why I have chosen to look closer at this report is because this was one of the first critical reports on the current education system of pauper children. And as I will show later it was given a lot of weight amongst the MPs. In this part of the chapter I will analyse the report and then I will show how this report influenced the politicians in the Parliament.

What was the problem with the system in his eyes? Kay starts by saying that the pauper children that were maintained in the workhouses were dependent, but to no fault of their own. It was their misfortune that had made them dependent on others. He says that even though they lived in a workhouse, they had not necessarily contracted the taint of pauperism. He meant that this could not continue for much longer and that it was natural for the Board of Guardians to remove the guardianship

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<sup>109</sup> <http://www.oxforddnb.com/view/article/15199> : viewed on 05.09.2012

<sup>110</sup> <http://www.oxforddnb.com/view/article/15199> : viewed on 05.09.2012

<sup>111</sup> <http://www.oxforddnb.com/view/article/15199> : viewed on 05.09.2012

of their natural guardians and place the responsibility of these children in the hands of the workhouse and give them the education needed so that they could become independent. He says that the physical condition of the children that were deprived of the care of their natural guardian should not elevate the condition of the child of the self-supporting labourer. He says that their clothes, food and lodging should not exceed that of a self-supported labourer can provide for his children.<sup>112</sup> But he says that where there is no natural guardianship anymore (orphans and deserted children) it was impossible to adopt a standard for the training of these children the average amount of care and skill that was bestowed on the moral and religious culture of the working class. They shouldn't have been condemned to receive such confessed insufficient and meagre secular instruction. He continues by saying that education was one of the best ways of eradicating the germs of pauperism. What did he mean by the word germ? It did not mean the same then as it does today. A germ today is the same as bacteria or virus; this was not the case in 1838. Those terms did not exist back then, but it is possible that the word germ here is synonymic with the word disease, and from this we can see here that he, like many of his contemporaries believed that pauperism was a disease in the society, and like diseases it could be treated. The meaning being that the agent for eradicating pauperism in this case was education. He says that it was important that the society acknowledged just how far ignorance was the cause of pauperism. He believed that proof of that existed in large quantities.<sup>113</sup> He has presented numbers from Kent, Norfolk and Suffolk that shows that the large majority of the people in the workhouses there could neither read nor write.<sup>114</sup>

Further he says with referring to the MSS and that their inquires regrettably had shown that the education of the poorer classes in towns like Liverpool, Bolton, York and Manchester can only afford slender opportunities for the contrast between the instruction among the dependent and self-supported classes. Here we can see that he refers to the organization that he himself was the co-founder of. And the cities in the north of England wasn't alone in this case, the same applied to many of the boroughs more south in the country, like in the areas around London. He says that this is just an observation, and that it must be seen in light of the fact that

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<sup>112</sup> James Phillips Kay: "Report on the training of pauper children": p.3

<sup>113</sup> Ibid: p. 4

<sup>114</sup> Ibid: p. 4 (table from Suffolk and Norfolk in an appendix?)

England was one of the most pauperised countries in Europe at that time.<sup>115</sup> I will say that this last statement of his is powerful, and is not being thoroughly argued for and against by Kay. What evidence is there to support this statement of his? Further on K-S reports that the majority of the pauper children is absolute dependent on the workhouse or other parts of the society that serves to help them. He believes that the children were very much neglected in the workhouses under the old poor law, and for proving that he refers to an inquiry conducted in English jails on the request by the Poor Law Commissioners that says that the inmates had largely been recruited to crime in the workhouses under their former management.<sup>116</sup>

He believed that it was in the state's best interest to adopt measures to prevent breeding a race of prostitutes and convicted felons. He believed that with the right instruction the poorest children could very easily be eligible to serve in the nation's army and navy.

When presenting the Poor Law Commissioner with important questions to consider he uses the workhouses in Norfolk and Suffolk as examples. He says that in December of 1837 there was in total 1 906 children in these workhouses combined.<sup>117</sup> The questions he presented were about how many children that would remain in the workhouses if they were in periods rendered completely dependent on the Guardians for education, and how far would the lack of education increase the hereditary pauperism and lastly what means could be adopted, legally, to train these children so that they become independent from rate-payers in the future? Hereditary pauperism was also an issue that his colleague E.C. Tufnell concerned himself with the following year in his report to the Poor Law Commissioner. He believed that pauperism was a hereditary taint and that the present system was not good enough to eradicate it.<sup>118</sup> In this context hereditary would mean socially and not biologically, because Kay says that this can be prevented by removing the children from their parents early on.<sup>119</sup>

Kay says that the measures needed are for the permanent residents of the workhouses. Children who enter the workhouse with their parents were most likely to leave the workhouse with their parents when times were better.

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<sup>115</sup> Ibid p. 5

<sup>116</sup> Ibid, p. 5

<sup>117</sup> Ibid. p. 6

<sup>118</sup> Kay and Tufnell: p. 17

<sup>119</sup> Kay p. 14



He says that a child needs to be trained in industry, moral and religion. These three points are key figures to prevent the children to be recruited to crime or end up as adult paupers in the workhouse.<sup>120</sup>

Kay anticipated that there were a much larger proportion of the children in the workhouses that were without their parents than the ones that were with their parents, and he set out to figure out just how many children were living in the workhouses by themselves in Norfolk and Suffolk. His investigation is very thorough and his findings are very interesting. Of children old enough for instruction there were in total of 1 847 children present in the workhouses at the time of the inquiry in December 1837. He had divided these children into nine separate groups which were (in descending order);

1. *Bastards (543)*
2. *Orphans (382)*
3. *Children deserted by father (279)*
4. *Children of men doing time in prison (171)*
5. *Children of able-bodied widows resident in the workhouse (144)*
6. *Children belonging to large families of able-bodied workers, who were admitted into the workhouse as relief to their parents (122)*
7. *Children of persons with mental or bodily infirmity (116)*
8. *Children deserted by both parents (54)*
9. *Children of able-bodied widowers resident in the workhouse (36)*<sup>121</sup>

From this list we can see that a small majority are children who are either bastards or orphans. A bastard is a child born out of wed-lock and usually the mother would have been their primary caregiver. Kay does not specify if these children in the workhouse were deserted by their mother or not. Group number four is well worth noticing as it is a group of children that have ended up in the workhouse because their father has committed a crime, and if we use the same methodology as Kay, when he says that parents can pass on their immoral habits to their children, then these children are the ones that are most likely to end up as criminals themselves.

To this result Kay said that it was difficult to imagine how the dependence of these children would cease if they weren't offered proper education. He says that a

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<sup>120</sup> Kay p. 6

<sup>121</sup> Numbers from Kay p. 7-8

labourers child were more than often trained in labour, by following the father of the house to work the boy would learn the trade of his father. The girls growing up in rural areas were given training in domestic work and lighter tasks around the farm.

He said that when a child trained in the workhouse goes out to find work one of two results must be expected. The first result is that the child has picked up enough moral, religious and industrial skills so that his dependence ceases to exist. The second result is the more negative one as it says that this are the result when the child haven't gained enough skills to go out into service and then have to be apprenticed out, just like in the old system (chapter two). He believes that the apprenticeship premiums have turned out to be a very harmful system.<sup>122</sup>

He goes on by saying that it has been proven very difficult to reform children of vagrants in the schools run by the Children's Friend Society at Hackney Wick and in Chiswick. Especially is this true when the child is twelve years or older at admittance. He says that it would be a lot more difficult to apprentice out these children who have no form for education at all. The workhouse children are more equipped for apprenticing than the vagrant children.<sup>123</sup>

Kay says that the proportion of children being educated in workhouses in Norfolk and Suffolk are considerably less than in other parts of England and Wales. He says that the areas south in England does have much higher percentage of children in workhouses than the areas north in the country. He then presents a table showing how long the children in the workhouses in Norfolk and Suffolk have been resident. The number of children over two years old that have stayed in the workhouse for more than a year is 474 children.<sup>124</sup> On the list that he has divided into six categories, 474 are the second largest number of children, only the category of children that have stayed in the workhouse for more than a month, but less than three are larger.<sup>125</sup> He compares the system in Norfolk and Suffolk with the infant school Glasgow Normal Seminary where the children are aged between two and six. He continued by saying that if the same proportions are given to the workhouses in the rest of England the number of children given education in the workhouses would be 46 125 children. Over 44 000 of these would be children who are resident over a

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<sup>122</sup> Kay p. 9

<sup>123</sup> Ibid p. 11

<sup>124</sup> Ibid p. 12

<sup>125</sup> Ibid p. 12

longer period of time in the workhouse.<sup>126</sup> He says that if the old system still applied a majority of these children would end up as adult paupers due to heritage. He says that this could mean a financial burthen on society on up to £105 000 a year. This also includes if some of these would end up in prison.<sup>127</sup> It is clear that this would be something that the government couldn't ignore, and this is probably his intention by writing this. These calculations are however based on the old system and may not be valid.

Kay continues his report by saying that the commissioners would not be insensitive to any idea which could have influenced the minds of moralists when it came to the future destiny of as many as 45 000 children.

It is Kay's intention to inquire what legal means that could have been put in place to train these children to independence. Here I want to ask the question; what was his solution to the problem he had put forth? And how did he argue for the solution? He believes that it is more reasonable and convenient to discuss the possible improvement of the general conditions in the workhouses for the children before discussing what methods to be put in place for the training of the pauper children in industry, moral, secularity and religion.

His argument is that these subjects have been considered in relation to an improvement in the general management of the workhouses. It was the applicability, the desire of two District schools and the number of orphans and other children maintained in each Union that was the considered important points.<sup>128</sup>

He says that the amount of children that comes into the workhouses with their parents on just a temporary basis can disrupt the routines of the said workhouse school. This is a very important point, but there is no discussion around it from Kay. He could have been so much more thorough because this is such a powerful statement that needs more arguments for and against. Kay continues by saying that the orphans and deserted children had in his eyes two impairments regarding industrial training that would cease to exist if the children were to be sent to a District school.<sup>129</sup> He does not mention what kind of impairments they are, so it is difficult to understand what he means here.

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<sup>126</sup> Kay p. 12

<sup>127</sup> Ibid p. 12

<sup>128</sup> Ibid p. 13

<sup>129</sup> Ibid p. 13

Further he believed that the adult paupers in the workhouses were a bad influence on the children and that the children acquired nothing but evil from having contact with them. He also believed that coercion and restraint had nothing to do with the education of pauper children; the children needed love and attention and they needed to be inspired to industry instead of the above. Because of this he argues that the best place for the children were the District school and not the workhouse.<sup>130</sup> Let us take a closer look at his statement that children were best of not being socialized with adult paupers. He was not alone in having this attitude towards the adult paupers and this is an attitude that is mentioned by for instance Simon Fowler<sup>131</sup> and Frank Crompton<sup>132</sup> in their research. The attitude towards adult paupers and the fact that they could infect the children with pauperism must be looked at with a perspective that Kay and alike lived in a period where they did not have the information we have today on what that is causing poverty. I have in chapter two presented theories to what is believed to be the cause of the rapid spreading pauperism in the nineteenth century. And there is no doubt that the Industrial Revolution has to be one of the biggest reasons to why there were so many paupers in England and Wales at that time. Kay does not seem to take this into consideration in his report so far.

Kay continues with his arguments for the District school by saying that under the old system the pauper children were considered outcasts from the societies along with the adult paupers. He believed that the dependence of the children was caused by their parents' crimes.

Kay wanted to import schoolmasters from Scotland to teach in the workhouses or the District schools. But the cost would have been very high for this to happen. He says that the unions had to pay at least £35 per year to afford a good schoolmaster. The schoolmistress was a little bit more affordable with £20 per annum. He says that where they have teachers that were paid less, these had no regular instruction in how to tutor children at all. It is being made clear by Kay that ordinary teachers would not take a job in a workhouse because of the conditions there, and when the salaries are so low there was a difficulty in getting qualified staff to teach the children.<sup>133</sup>

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<sup>130</sup> Kay p. 14

<sup>131</sup> Fowler p.

<sup>132</sup> Crompton p.

<sup>133</sup> Kay p 14-15

So his argument here is that a District school would solve the problem of getting educated staff to the teaching positions. He says that this would also reduce the annual expenditure of the Unions. He believed that the total cost when everything is taken into consideration would be around £2000 per year. This sum is half of what the same would cost to maintain the children in the workhouses.

Money is as we see a deciding factor when it comes to what kind of education the children received in the workhouses. This solution of Kay seem to be saving money, but also be favourable to the children, since the staff employed had to have the proper training in tutoring.

Kay says that to his trip to Scotland with this colleague Mr Tufnell they inspected the sessional school in Edinburgh. This school was run by Mr Wood<sup>134</sup>; there is no further information about Mr Wood, which is regrettable. He also visited the earlier mentioned school Glasgow Normal Seminary. All of these trips of his that he is referring to show us that he wanted the reader to know that he knew what he was talking about because he had been there and seen what was going on with his own eyes. He goes on by saying that he has also inspected several industrial schools in England, like the one at Hackney Wick and Chiswick, which is mentioned earlier in this chapter. He also adds that he has recently had the opportunity to inspect schools in Netherland and Belgium.<sup>135</sup>

He presents methods that he believes should be put in place for the industrial training of the children. He says that the goal of these methods that he is to present is to train hardy and intelligent working men. He believes that a child that only has been trained in reading and writing is not fitted for labour. He says that in his model it is not proposed to train the children into a specific trade or industry, but they are to be given practical lessons and they shall learn how to use various tools so that they can much more easier obtain skills for a certain trade or industry. This is all to give them much more comfort in their own lives when they grow up. He says that the District school should be surrounded by a garden up to ten acres for the children to learn gardening in a proper manner. He has taken this model from Lady Byron's school at Ealing.<sup>136</sup> He thereby presents an account of the system at the said school. Which I will present shortly and then come with an analysis of this account.

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<sup>134</sup> Kay p. 16

<sup>135</sup> Ibid p 16

<sup>136</sup> Ibid p 17

The most important to take away from this account is that the object of the school is to educate the children into agriculture. It could definitely be beneficial for the children to be educated in skills that could give them a future in the rural industry. The children should be thought the value of labour and acquire the habits of patient industry. To do this it is required that the children work for three hours a day, partly for their school and partly for themselves in their own gardens which they have been given to let by the school. When they work for the school they are paid according to the labour they have been able to perform. Their work is supervised and the supervisor reports back to the schoolmaster about their industry. It is the schoolmaster who is responsible for payment for their labour.

To give them responsibility of their own little garden gives them an insight in good husbandry and neatness. Most of the vegetables cropped in their own gardens were taken home to their families or disposed of.

Further he says that the most important lesson they learn there are tidiness and neatness. The tools which are handed out to the children to work with are to be handed back to the school at the end of each day. Each boy also had a book of his own to keep record of earnings and expenditure. This book will help the boys to keep record, but it will also show the schoolmaster the character of the boy who is keeping it. The gardens would have become more profitable as time elapsed and other branches of industry will then be so organized so that they can bring in a return of importance.<sup>137</sup> His account ends with a presentation of a page in one of the boys' books which show how the boy has earned his keep and how he has paid his rent. This boy is named George Kirby, although it is not certain that this was his real identity.<sup>138</sup>

After this it is made clear by Kay that this wasn't a school for pauper children and that alterations were to be made if this system were to be put in place in a school for them.<sup>139</sup>

This account of his shows a model of how he would like the system at a District school to be like. The fact that he points out that it has to be made alterations to fit into a pauper District school is good because it shows that he is not naïve. It is also an example of how the society felt about pauperism at that time. I will show later

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<sup>137</sup> Kay p. 18-19

<sup>138</sup> Ibid p. 19-20

<sup>139</sup> Ibid p. 21

in the analysis of the debate that took place in the Parliament in 1841 that their general feelings towards the pauper adults were abysmal.

His account from the school at Ealing Grove is in my eyes showing a school that is harmonic and perfect. It is also a school that serves best in a rural community. This type of school would not have worked in dense populated areas. And it is in the dense populated areas where the pauperism is high where a District school would have best served its purpose. It was to my knowledge in the dense populated areas that a District school was most needed. There would be no need for a District school in less populated areas because the number of children wouldn't be high enough to meet its requirements. It is more probable that these children would have been placed in District schools closer to a more dense populated area.

About this system being implemented in the District school Kay says that the earnings of each child on their own gardens shouldn't be at the expense of the rate-payers.<sup>140</sup><sup>141</sup>

In his opinion it was desirable that the land was to be divided between the boys that had received a certain amount of training and skills in gardening. The account of the children that was ready to go into service should be carefully scrutinized before sending them out.<sup>142</sup> It isn't surprising that he feels that the accounts of these children should be more supervised than those at the Ealing Grove School. He says that the District school should be supplied with the vegetables that the boys are growing in the garden that is used for training the boys. He does say

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<sup>140</sup> Kay p. 21

<sup>141</sup> Poor's Rate=" Any one of a number of taxes levied on the inhabitants of a particular area and used to fund local services; (in modern use) spec. a tax of this kind levied by a local authority, expressed as a proportion of the assessed value of property owned or leased (freq. in pl.). Cf. precept n. 4e. *In Britain the Poor Relief Act of 1601, consolidating earlier legislation, introduced the compulsory payments of rates by the occupier of each hereditament for the relief of the local poor or sick. These rates were collected by the churchwardens and overseers of the parish, and from later in the 17th cent. Were additionally used to meet other local expenses. The rating system of the U.K. was reformed by the Rating and Valuation Act of 1925. This system was formally replaced (except in Northern Ireland) by the community charge (introduced in Scotland in 1989 and England and Wales in 1990), which was in turn replaced by the council tax in 1993. Local rating systems are also used in Australia and New Zealand. For further information see E. Cannan *The history of local rates in England* (rev. ed., 1912), L. Golding *Dictionary of local government in England and Wales* (1962), and W. E. Tate *The parish chest: a study of the records of parochial administration in England* (ed. 3, 1969)."*

: <http://www.oed.com/view/Entry/158412?rskey=jNPEtM&result=1&isAdvanced=false#eid>: viewed on 18.06.2012

<sup>142</sup> Kay p 21

however that the endgame of the boy's labour should not be to make profit, but to make them used to how the society will use their skills when they go into society.<sup>143</sup>

Referring to earlier said about the gardening being fit to a school in a rural community, he says that gardening can be used as a recreational activity if the location is suitable enough. But again I see that a recreational hobby is not the same as industry, and especially in larger cities, this would have been difficult to combine.

Kay continues his report by mentioning other skills a son of an agricultural labourer could be thought. He talks about the school at Hackney Wick that was rebuilt almost entirely by the school's boys.

It was said that it was desirable that the children also learned to fix and maybe sow their own clothing, even if tailoring was considered undesirable as a labour for the children.<sup>144</sup>

His next theme is about his trip to Rotterdam and a visit to the correctional facility for juvenile offenders. He says that many of the earlier said skills were being thought to the children at this establishment and this was a part of the moral discipline thought there. He says that also the workhouses around England employ boys to do simple tasks, and it is important for Kay that the trades which are thought in the workhouses relate to the industry carried out in the neighbourhood.<sup>145</sup> So this goes back to what I have mentioned in this analysis earlier that the workhouse or the District school has to adopt the industry that is closest to its location and give the children instruction in those so that they can get employed by local businesses when they are ready to go into service.

Kay then goes on with another subject, the training of the girls. He meant that the girls should have been divided into classes with responsibility for different aspects of the domestic chores in the workhouse. He does not say what his intention behind this division is, but it seems to me that this will make the workload for the girls manageable. But being that the reason for this girls to be doing these chores are to learn domestic skills, this division had to be done so that they could rotate on the chores so that they learn how to do everything in a household, since when they are old enough they are most likely to go into service as maids, where they would have been given responsibility for the entire household, and not just parts of it.

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<sup>143</sup> Kay p 21

<sup>144</sup> Ibid p 23

<sup>145</sup> Ibid p 23



Kay believed that a District school would empower the Commissioner to control the dietary of the children<sup>146</sup>, and with reference to the dietary it feels natural to mention that Peter Higginbotham has published a book on the workhouse diet. In this book he presents a sample dietary that the Poor Law Board published in April 1856 that says just how much food the children were given to eat each day of the week. It says that the children from the ages of two to five were given four ounces of bread and half a pint of milk each day for breakfast. This was the same each day and did not change during the week or the weekends, the dinner however varied a little bit. On four days of the week they were given three ounces of meat and eight ounces of potatoes. Two days of the week they were given eight ounces of suet pudding, and one day a week they were given eight ounces of rice pudding. The children from the ages of five to nine were given the same food but in larger quantities. He says that children from the ages of nine and above were given the same quantities of food that the able-bodied women received (as mentioned in chapter two).<sup>147</sup> It is not specified if this was both boys and girls or just the girls.

Kay says that the Commissioner wanted to enable the schoolmistress to give the girls of the establishment training in cooking so that they would be able to meet these requirements later in their life. He says that the schoolmistress should keep instruction books in cooking and other domestic skills at hand and use this for guidance when tutoring the girls. The girls would also be required to learn how to nurture and care for the sick and elderly. This should have happened in the workhouse infirmary at the superintendence of a trained nurse and the medical officer.<sup>148</sup> Of course the nursing profession was a lot different than the profession of a domestic worker, so the girls was thought an entirely different skillset in the infirmary than the girls working in the kitchen or with other domestic chores.

All this have been about the industrial training of the children, he now goes over to another theme and that is about the moral discipline. He mentions that the methods that are used by the National schools are so well known that it won't be mentioned. So what are these methods of the National school?

Kay wanted to use the method provided in Scotland and at Glasgow Normal Seminary where they have divided the school into four parts; an infant school, a

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<sup>146</sup> Kay p 24

<sup>147</sup> Higginbotham: p. 95

<sup>148</sup> Kay p 24

juvenile school and an industrial school for each of the sexes. He says that in this school in Scotland the boys and girls are trained together in the infant and the juvenile school, the reason being, and here I will give an extract of the quote he came with to justify why boys and girls should be trained together;

*To educate the boys and girls separately will be injurious to both, because it deprives the girls of the benefit of the concentrated answers produced by the stronger minds of the boys; and it deprives the boys of the quick perception, and sometimes deep feeling, evinced even by very little girls, particularly when Scripture narratives are under consideration. The boys require to be educated with girls, in order to soften the boisterous manners consequent on their exuberant animal spirits; and the girls require to be educated with boys in order that they may set more value on intellectual and moral qualifications, and less on frivolous show (...)<sup>149</sup>*

It is in my opinion that this quote clearly shows the attitude of the Victorian society towards both girls and boys. Further on it is also said that the attitude towards the schoolmistress wasn't the highest either. It is easy to come to a conclusion here that this system based on this way of thinking is wrong, but when thinking about that this was a common way of thinking this is progress. Normally the girls and boys would be separated from each other during school hours, and this was common also in other European states like Norway.

Kay says that the system of mixed classes should have been carefully tested out and the best way to test it out was in classes when the children were having religious instruction. He says that in the infant school the children were removed from the streets where their parents lived. Religious instruction was very important from a very early age said Kay.<sup>150</sup> Kay describes the method of ascertaining what the infant knows as an interrogation.

Kay is a general supporter of learning by rote, but he did feel that the system had to be supplemented by other ways of teaching to get the children to understand what they were thought. From this point he starts talking about the system they had been using in Netherland for some years. He believed that the schools in England and Scotland had not yet perfected their system of teach the infants how to read in an early age.

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<sup>149</sup> Kay p 25

<sup>150</sup> Ibid p 26-27

Kay says that the children should have been able to show that they had understood what they just have read and they would not been permitted to read if they couldn't do so.<sup>151</sup>

He says that in Glasgow children weren't thought how to read until they had turned six, he gives no reason for this but we can imagine that the reason for this is the maturity of the child.

Kay also believes that mental precocity is very seldom attained if it comes at the expense of a child's health. But he does believe that a child could move from the infant school to the juvenile school and further up without any problems if the process of learning was not disturbed.<sup>152</sup>

He says that the child of the infant school should associate the word learning with a pleasurable exercise.<sup>153</sup>

The instruction in both moral and religion could have been successful if conveyed properly. The whole school can be instructed at the same time if the instruction is made to depend on illustrations by living objects, drawings or models. Although he does say that in some cases there will occur proficiency which requires that the school is divided into classes.

He says that in the Dutch schools the school was divided into classes of up to 50 pupils in one classroom. This was also the case in Switzerland, Prussia and Germany.<sup>154</sup>

He says that when the classes are so big the schoolmaster were reliant on an assistant. Kay believed that the best students in the upper classes could be appointed as pupil-teachers. This phenomenon is described by Kay to be a mild form for apprenticeship. They often acquired much more skill and knowledge than the other children.

As mentioned earlier Kay believed that there was no room for corporal punishment in the school. He says that in schools where the children are given a pleasurable exercise of the mind; the fear of punishment is not needed.

At the Lady Noel Byron's school at Ealing a plan of moral distinction is founded on intellectual proficiency alone. Good conduct is elevated above intellectual attainments and it has shown to be a very successful system according to K-S.<sup>155</sup>

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<sup>151</sup> Kay p. 28

<sup>152</sup> Ibid p 28

<sup>153</sup> Ibid p 28

<sup>154</sup> Ibid p 29

Continuing on to the methods used in teaching, he believes that the method used in the Sessional School of the Church of Scotland for reading should be adapted to the District schools in England. In this school they had started to use lesson books as well as the Bible, the Testament and the Book of Common Prayer. He says that these lesson books provided the pupils with knowledge in geography, natural history, and the arts and so on. He believes that the use of these books would prevent the children from obtaining knowledge from the publications that he refers to as popular.<sup>156</sup>

He believed that it was important that the books the children were given treated the duties of workmen and servants in domestic and social relations, and of course how they could obtain the best skill in a handicraft or art.<sup>157</sup>

He then refers again to the Sessional School in Edinburgh and he says that English schools should follow their example when it came to teaching.

He says that in Edinburgh orthography is tutored by getting the children to spell the words which occur when they are having reading lessons. Writing is thought first with a pen and then on a slate from dictation. He says that arithmetic should be thought with extending the children's vocabulary. Geography should be thought by gradually extending the pupil's knowledge of his or hers surroundings, city, country and at last the world. In workhouses near a seaport it would be wise to have classes in maritime crafts.

His emphasis is definitely on religion. He says that the bible should be read daily. The master should give lessons as the chaplain has directed it. He refers to paragraph nineteen in the Poor Law when he says that at the entrance of each child into the school, the parents are liable to inform which sect the child belongs to. All the children that belonged to the same church which is thought by the schoolmaster were to follow this instruction. The children that didn't had the right to have a minister from their sect to come in and give tutoring as often as possible.<sup>158</sup> Kay is not alone bringing this issue up, while it seems that he supports the paragraph, we will see in the next part of this chapter that this was not always the case amongst the MPs.

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<sup>155</sup> Kay p. 31-32

<sup>156</sup> Ibid p. 32-33

<sup>157</sup> Ibid p. 33

<sup>158</sup> Ibid p. 35

As mentioned earlier this is written for the support of the District school, and for the District school to become a reality he says that buildings are required. It is the District school that Kay means is the future for the education for pauper children, so it was important that the state acquired buildings for the purpose of schooling children there. He believed that in many unions and large parishes there are some workhouses that with small adjustments could easily be transformed into schools that could support up to 450 children each. He presents a table of what he means a school should consist of.<sup>159</sup>

It is obvious that the cost of erecting a District school would have been substantial, so his suggestion of already using existing buildings would probably have attracted the attention of those who doubted the District school.

Kay adds that for the District schools to be built there have to be a Board of Management in each District to oversee the schools. He believes that this Board should consist of two or three Guardians from each union and these should have served as Guardians for at least a year.<sup>160</sup>

This Board of Management should have according to Kay have met once a month at the school, but there should also be weekly attendance of three or four Guardians to superintend the execution of the directions given by the Board.<sup>161</sup>

One of Kay's suggestions was that if a District school was established in a district, then the children who were admitted to the workhouse should not have been resident there much longer than a month before they were moved to the school. This was especially important for the children who were dependent on the rate-payers for maintenance and education.<sup>162</sup>

Another suggestion was that the Board of Management should be entrusted with the authority to requisite land for the District school where this was needed. He also says that the applicability of these suggestions of management remained to be determined. He has considered five obstructions that could hinder the applications of his suggestions on Management;

The first obstruction that he sees is the desire of an adequate number of children in every school in order to enable the teachers to classify their children in a correct manner. His second point is the constant interruptions caused by the

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<sup>159</sup> Kay p. 37-38

<sup>160</sup> Ibid p. 39-40

<sup>161</sup> Ibid p. 40

<sup>162</sup> Ibid p. 40

admission and discharge of children into the workhouse/school. The third point of obstruction he lists is about the association the children sometimes have with the adult paupers.<sup>163</sup> His fourth point being that the children can lose self-respect with these new applications.<sup>164</sup>

His fifth obstruction is the difficulty of always having enough qualified teachers available.<sup>165</sup> It would seem that the obstructions he mentions here were rhetorical ones that could possibly have occurred if these suggestions about the management had been implemented. I don't have the sources to tell me if these obstructions did occur or not.

Hereby he continues by arguing that there already had been implemented some improvements into the workhouse schools.

The first improvement he mentioned was that some of the workhouses already had started the process of securing themselves teachers from various schools around the country and Scotland. He says that this process hadn't been easy, and that those teachers that had been obtained had now undergone further training in industrial instruction.<sup>166</sup>

The second improvement that he mentioned was that it had been introduced training in gardening, carpentering and so on for the boys and various domestic skills were being taught to the girls.<sup>167</sup>

The third improvement according to Kay is that care had been taken to supply the schools in the workhouse with the Bible, prayer books and the lesson-books that normally were used in the National schools.<sup>168</sup>

The fourth improvement mentioned by Kay was that the master and mistress of the workhouse school had been given the newest and best books on the art of teaching.<sup>169</sup>

The fifth and final improvement that he mentions is the apparatus that had been supplied to many workhouse schools.<sup>170</sup>

All of these improvements that he mentions here are mentioned by him earlier in this report, only earlier in this report they were suggestions to improvements and

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<sup>163</sup> Kay p 40

<sup>164</sup> Ibid p 40

<sup>165</sup> Ibid p 41

<sup>166</sup> Ibid p 41

<sup>167</sup> Ibid p 41

<sup>168</sup> Ibid p 41

<sup>169</sup> Ibid p 41-2

<sup>170</sup> Ibid p 42

not improvements that already had been made. Although the improvements mentioned here in the last part of the report are improvements made to the workhouse school and not the District schools that were already functional at the time when this was written.

He finishes his report by suggesting how the workhouse school should look like and how the school day should have looked like. The last issue he mentions are the sanitary conditions of the workhouse, and he feels it is important that when the children were admitted into the workhouse that they are meticulously cleansed. A visit to the medical officer should also be obligatory before they were allowed to mingle with other children at the establishment. Every workhouse should have infirmary wards with own sections for the children that had scabies, scald head, infectious maladies, measles, scar Latina and small-pox.<sup>171</sup> Michelle Higgs has in her book "Life in the Victorian Hospital" written that the workhouse infirmaries were often unhealthy and infested and there was not enough staff to care properly for the sick and infirm.<sup>172</sup> She argues that the workhouses generally lacked lavatories. This was because it was said that the paupers was not used to use lavatories.<sup>173</sup> All of this information is not to be found in Kay's report.

It is noticeable that Kay, who had a medical degree, does not focus more on the health of the children in this report.

Alan Kidd argues in his book about "State, Society and the Poor in Nineteenth Century England" that Kay's main focus was on industrial and the intellectual and moral training of children. This coincides with my analysis of this report. Kidd also argues that Kay's preference was the District school.<sup>174</sup> In the conclusion of this chapter I will go further into the conclusion of Mr Kidd regarding the district schools.

In the next part of this chapter I want to show how this report influenced a Parliamentary debate in 1841. I will later in this thesis also come back to this report when I will look at the development from this decade to the 1860's.

### **3.3 The Debate in 1841**

In this part of the chapter I want to find out the following about the debate that took place in 1841; 1) what was the theme of the debate? 2) What were their

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<sup>171</sup> Kay p 48

<sup>172</sup> Higgs, Michelle «Life in the Victorian Hospital» p. 28

<sup>173</sup> Ibid p. 28

<sup>174</sup> Kidd p. 43

arguments for and against the suggested change in the clause? 3) How did they argue for their arguments? 4) What were the consequences of the said report of Kay?<sup>175</sup> 5) What was the result of the debate?

Before I start with the analysis I will like to comment that there were many participants in this debate, and to explain in the text who all of these were would be disruptive and only take up too much space, I have therefore decided to add further information about them in appendixes and refer to these in the text.

It is the discussion around the proposed clause relating to the insane and the infant poor that I found interesting in the debate that occurred on March 29<sup>th</sup> 1841. The theme for the Commons sitting was the Poor Law Amendment Bill. This was one of many Sittings debating the Poor Law Amendment Act, and there was several changes agreed to at that meeting. But it is the clause regarding the children that is my concern in this analysis, and I will start by adding that previous to the discussion around the children proposed in this bill there had been a very brief discussion around the subject of the insane.<sup>176</sup>

Mr B Wood<sup>177</sup> proposed to add a sentence into a clause that sounded: “with the consent of the majority of the board of guardians of such union” which led to a long and serious debate about religious instruction to children in workhouses. He argues that as the original clause stood it allowed the Commissioners to make decisions without the consent of the Guardians, which he felt was wrong and needed to be expressed in the clause itself. He believed this was necessary because it was the Guardians that had control of the rates.<sup>178</sup>

Lord J. Russell<sup>179</sup> presented a counter argument against the clause when he said that this would have given the boards of guardians an initiative. He argued that if this initiative had been given to the guardians earlier fewer unions had been created. He believed that after the formation of the unions the vestries had showed great enthusiasm in carrying out the requirements in the bill. He also argued that Mr Wood had forgotten that the latter part of the clause did state that no funds could be raised without the consent of four-fifths of the board of guardians of the union in question.

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<sup>175</sup> Chapter 3.2

<sup>176</sup> <http://hansard.millbanksystems.com/commons/1841/mar/29/poor-law-commission> : p. 12 viewed on the 06.10.2011

<sup>177</sup> Appendix nr 7

<sup>178</sup>: <http://hansard.millbanksystems.com/commons/1841/mar/29/poor-law-commission> p. 12

<sup>179</sup> Appendix nr 1



He argued that this did give the Guardians the power that Mr Wood desired them to have.<sup>180</sup>

Mr Hodges<sup>181</sup> also presented an objection to Mr Wood's clause by arguing that the expense would be too high. He meant that the children were already supplied with sufficient means of instruction.<sup>182</sup>

Mr Grote<sup>183</sup> came with an objection to Mr Hodges argument that the children already were supplied with means of instruction. He argued that this was not the case by saying that no acceptable means had been made by the boards of guardians for the training and education of children. This had been proved by evidence presented to the House and Dr Kay's report. He does not say which report this is<sup>184</sup>, but the report that I have presented earlier in this thesis did criticize the current system to a great extent. If this is the report that I have presented, then this is proof that it had influenced at least Mr Grote in his opinion about education for pauper children.

He continues by arguing that children could not be properly educated in the workhouses mainly because of the number of children and the size of the workhouse. He says that there were between 35 000 and 45 000 children maintained in the workhouses throughout the country. He argues that it would have been so much better to educate 200-300 children in a separate school away from the contaminating environment at the workhouse.<sup>185</sup> He believed that the institution established by Mr Aubin<sup>186</sup> at Norwood was the confirmation that this would be successful. He continues by arguing that the commissioners had the right to create boards of management without the consent of the guardians<sup>187</sup>, which is a totally different direction than the one that was presented by Kay.<sup>188</sup>

Mr Goulburn<sup>189</sup> objected to Mr Grote's arguments about establishing more District schools in the country like the one at Norwood. He meant that even if that system was good for London, a big metropolis, it would not be good enough for agricultural districts. The way that he understood the definition in the bill of the infant

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<sup>180</sup> HC Debate p. 12-13 (URL above)

<sup>181</sup> Appendix nr 7

<sup>182</sup> HC Debate p. 13

<sup>183</sup> Appendix nr7

<sup>184</sup> Kay had also published an additional report in 1839, but this report was a follow-up of the first one and focused more on the situation in London.

<sup>185</sup> HC debate 1841 p. 13

<sup>186</sup> Principal or founder of the District school at Norwood

<sup>187</sup> HC Debate p 13

<sup>188</sup> Kay: p. 39-40

<sup>189</sup> Appendix nr 2

poor every person that was under the age of sixteen could be transferred into one of these schools. He had all reason to believe that this would not apply to everyone, but only a select few.<sup>190</sup>

He argued that it would have ended up with that those children remaining in the workhouse then would be without any education at all, because of the cost of running the District school.<sup>191</sup> He believed that removing the children from their own environment would be a mistake, because he meant that it was highly beneficial that the children maintained connected with their family and friends in and around the area where they were brought into this world. He argued that even orphans and illegitimate children had many of the same connections to their environment, if they took in consideration that orphans often had siblings and illegitimate children usually had at least one parent to depend on.<sup>192</sup> It would not be in the best interest of the child to destroy those connections to the neighbouring environment.<sup>193</sup>

He also argued that the religious instruction would become weaker if the children were to be sent to a District school.<sup>194</sup>

Mr Hawes<sup>195</sup> argument was that as it stood as present thousands of children were wholly without proper education.<sup>196</sup> He argued that there was not possible for the workhouses in the present situation to provide proper education in combination with the other arrangements of the workhouse. He objected to the argument from Mr Goulburn and said that in London it was already established schools at a distance from the town that was appropriate for the children.<sup>197</sup>

He argued that there should be no problem to separate the children from their parents since the wealthy upper classes also did so without any problem whatsoever.<sup>198</sup> His argument about the cost of the District school was that it would be more economical to introduce the school. The children at Norwood had more applications for their services than the school could supply. He says that this is in strong contrast

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<sup>190</sup> HC Debate 1841 p. 13

<sup>191</sup> HC Debate p. 13

<sup>192</sup> HC Debate 1841 p. 13

<sup>193</sup> HC Debate 1841 p 13

<sup>194</sup> HC Debate p. 13

<sup>195</sup> Appendix nr 7

<sup>196</sup> After this sentence this occurs in the text:” [No, no!]”, this could be an outburst by someone else in the House of Commons.

<sup>197</sup> HC Debate p 14

<sup>198</sup> HC Debate 29 March 1841 p 14

with the old system, where the business owners needed strong convincing to take anyone at all.<sup>199</sup>

About religious instruction he argues that the Clergy should be highly salaried for the endeavours. Finally he argues that the education given at Norwood was not inferior to the education given in the public schools throughout the country.<sup>200</sup> I have interpreted his last argument to mean that it was a prevailing thought that the children in the workhouses and the District schools should not be given instruction that was better than the one given in the National schools.<sup>201</sup>

Colonel Wood<sup>202</sup> objected to this by saying that to compare pauper workhouse children with children from the upper classes like that was incorrect since the conditions at the workhouse probably weren't as good as the homes of the children of the Upper Classes.<sup>203</sup> He agreed with Mr Goulburn about the removal of children from their own communities.<sup>204</sup>

Sir C Lemon<sup>205</sup> followed up the debate by agreeing to the clause as it stood. He argued that in his own union, where he was chairman, he had seen the application of the principals of the clause in his own eyes and this was highly advantageous for the poor.<sup>206</sup> It is not specified which union he represented here.

Lord Stanley<sup>207</sup> felt that the committee had been prematurely in their discussions about the technical arrangements of the clause. He argued that there had already been alterations made to the same clause after it had first been proposed to the House.<sup>208</sup> He added to Mr Goulburn's earlier argument that it was a big difference between sending a child to school and having the child taken away from you to be sent to school. He believes that Lord Somerset's proposal to make the clause only applying to the orphans, illegitimate children and those who had agreed to removal was a good suggestion and unobjectionable. He believed that even though an advantage of superior education could be good, this could also be counterbalanced by the upheaval of social and domestic ties.<sup>209</sup>

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<sup>199</sup> HC Debate 1841 p. 14

<sup>200</sup> HC Debate 1841 p- 41

<sup>201</sup> Kay-Shuttleworth said this and it has been discussed in the previous part of this chapter.

<sup>202</sup> Appendix nr 7

<sup>203</sup> HC Debate 29 March 1841 p 14

<sup>204</sup> HC Debate 1841 p. 14

<sup>205</sup> Appendix nr 7

<sup>206</sup> HC Debate 1841 p 14

<sup>207</sup> Appendix nr 3

<sup>208</sup> HC Debate 1841 p 14, it is not specified when it was first brought for the House.

<sup>209</sup> HC Debate 1841 p 15

He was sure however that the education that would be offered in the District school would be a lot better than the one given to them in the workhouses. He also gave credit to the school at Norwood, but admitting that he had never visited the school himself.

He argued that inserting the amendment to the clause would work in the favour of those children that were being cared for by the state. He mentions that the mother of a child born out of wedlock did not have the same rights as a mother that had shown virtuosity. However he did feel sorry for the position the mother of an illegitimate child was in.<sup>210</sup> To the suggestion of Mr Wood he felt that he should allow the other motions that were relative to this clause to be disposed of first and if he then was not satisfied by this guarantee, he should submit his proviso.

His next comment was on the proposal of the Member for Kilmarnock<sup>211</sup>, who had suggested that a clergyman for the Church of England should be attached to each school. He had picked up by the Member for Lambeth<sup>212</sup> that the clergyman was not attending the schools at present and he felt that this was wrong, since he knew that the school at Norwood was under the supervision of a priest. He felt it was important that the children brought up in workhouses and District school were under the superintendence of the church.<sup>213</sup>

Lord Russell took the word again and said as a reply to what his friend had said that he was right in saying that sonic actions could be taken by the Board of management without the consent of the Guardians. He argued that the State had no right to refuse the pauper who asked for education for their children. He had the impression from reading the reports of the commissioners that had visited the workhouse in the Isle of Thanet that the children who entered the workhouse were; “dirty in their persons and habits, and given to lying, swearing, and theft, and were either utterly ignorant, or had been very imperfectly instructed”.<sup>214</sup> He continues his speech by saying that it should be the responsibility of the state to educate these children wherever they are in the workhouse system. But he is also aware that this is problematic because the parents of the child could object to the education that the

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<sup>210</sup> HC Debate 1841 p 15

<sup>211</sup> Not referenced to who it is.

<sup>212</sup> Not referenced to who it is

<sup>213</sup> HC Debate 1841 p. 15

<sup>214</sup> HC Debate 29 March 1841 p. 16

children received. He did think that it would be the most beneficial to the children that the state educated them. It was the responsibility of the state to educate them. The benefactions were been shown at the workhouse at Norwood.<sup>215</sup> Lord John Russell also felt that there should be no distinction between legitimate and illegitimate children as the noble Lord the Member for North Lancashire had suggested. This because he thought this could be damaging for the children, especially in agricultural districts. He then refers to the argument from the Member for Kilmarnock, which is mentioned earlier in the debate, and argues that the dissenters from the Church of England would feel that an additional burthen had been put on them to support the church.<sup>216</sup>

Mr Goulburn responded to Russell's arguments by asking that it seemed that his intention was that the District school should only be for secular instruction.

Lord Russell answered by explaining that if there was appointed chaplains to the school the Dissenters would feel that they had to pay an additional rate to support the clergy.

Mr Goulburn was not satisfied with this explanation and argued that it seemed to him that Russell had stated that in smaller unions it was practical for the chaplain to be attending the workhouse school to superintend the religious instruction for the children. He knew from own experience that this was practical. But in larger schools with children from several unions, it could not be expected that the clergyman were to take on the role to superintend their religious instruction. His understanding was that the noble Lord Russell would leave the instruction in these schools to any generous individual living near the school.<sup>217</sup>

Mr Colquhoun<sup>218</sup> responded to Lord Russell by arguing that his doubt had already been dealt with by the commissioners and they had agreed on his reasoning. No complaint had been made towards the attachment of chaplains to workhouse schools and the recommendation from the Commissioners had been that the boards of Guardians should be the ones who appointed chaplains to the Church of England.<sup>219</sup> He mentioned that Dr Kay had said in his report on education of pauper children that the problems with the variances of religious creeds were incidentally found to

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<sup>215</sup> HC Debate p 16

<sup>216</sup> HC Debate p 16

<sup>217</sup> HC Debate p 16-17

<sup>218</sup> Appendix nr 7

<sup>219</sup> HC Debate 29 March 1841: p 17

operate. But the instruments adopted for being able to give the children religious instruction were fortunately obtaining universal acceptance.<sup>220</sup>

Further he referenced to the school at Norwood which already had appointed a chaplain and he said that the commissioners ordered the chaplain the obligation of oversee the whole establishment. The commissioners had set down some ground rules for the chaplain to follow and it sounded like this;

*The secular instruction and moral and industrious training of the children are designed to counteract their vicious tendencies, and such practical lessons will pervade that secular instruction and moral training as will aim at that object; but the sanctions of religion are to be at the foundation of their instruction, and the claims and duties of religion are to be carefully enforced.*<sup>221</sup>

To be successful in the rest of the country with the system that they had enforced in Norwood there needed to be a devout and active chaplain connected to each central workhouse school. It would be important he said that if the children were to be taken away from their parents a strong religious chaplain needed to be present in the children's upbringing from that point.<sup>222</sup>

Mr Slaney<sup>223</sup> was the next to comment on the clause, and he argued that there was no doubt that this subject was very important because these children were often the offspring of criminal parents. It would probably be costly, but it would be much more costly if all those children didn't receive the moral instruction that was needed and ended up behind bars. So to invest money in proper religious instruction would save the state many expenses in the future.<sup>224</sup>

Sir Robert Peel<sup>225</sup> said that he had concluded with that it was possible to educate them as children of the State without any violation of parental rights to decide which instruction the child was supposed to receive. He also refers to the workhouse school at Norwood and the report of Dr Kay by quoting page 128 in his report;

*"As far as teachers and servants are concerned, this evil now to a considerable extent remedied by the more constant superintendence which the chaplain(the rev Joseph Brown), in addition to his other important duties, is enabled to bestow on the punctual attendance and persevering activity of the several officers, and on the maintenance of harmonious co-*

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<sup>220</sup> HC Debate 29 March 1841: p 17

<sup>221</sup> HC Debate 29 March 1841: p. 17

<sup>222</sup> HC Debate 29 March 1841: p 17

<sup>223</sup> Appendix nr 7

<sup>224</sup> HC Debate 29 March 1841: p. 17-18

<sup>225</sup> Appendix nr 4

*operation among them, since he has relinquished his superintendence of two other children's establishments, and confined his attention solely to that at Norwood. The chaplain's aid in the selection of servants and nurses, in a vigilant inspection of their moral conduct, and their deportment towards the children, has been of great importance to the establishment, has remedied several defects, and affords the board of guardians one of the best safeguards against abuses.*<sup>226</sup>

I have figured out that this quote is not from the same report as the one that I have analysed in this thesis; this quote is about the staff at the District school and not the children. But his point about more presence by the Church in the school is the same as presented in the report that I have analysed earlier.

Robert Peel continued after the quote by saying that he had questions to what where the best way to make sure that this system was successful. He argued that if there was more doubt about this issue, they could consult the instructions by Mr Chadwick and the evidence that had been presented by Dr Kay. In the document that Dr Kay had presented they were told that it was a most painful task to bring virtue and industry to the most vicious children. For that reason he argued that it was the State's obligation to give them religious instruction. Given that the Protestant faith was the State's religion, should also then the chaplain's appointed to the schools also be Protestant or didn't it matter if the chaplain had a different religious creed than the State?<sup>227</sup> Another Lord had proposed that all the children under the age of 16 residing in the workhouse should be subjected to this Act. Peel argued that it would be difficult to carry this out into effect.<sup>228</sup>

After this he presents an example of a virtuous and industrial labourer who was admitted into the workhouse with his children. He then objected to being separated from his children by their removal from him. If this was the case within the same workhouse, wouldn't it have been much more difficult to remove the children away from the workhouse and to a District school? He said that this could interfere with the labourer's filial duty. He could not see how this could be put in practice.<sup>229</sup>

He then presents an example of a labourer entering the workhouse with his wife and children. In the example the labourer is a seasoned worker who is forced into the workhouse due to harsh winter conditions. This labourer would not be expected to reside in the workhouse long and he would return to his work when the conditions

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<sup>226</sup> HC Debate 29 March 1841: p. 18

<sup>227</sup> HC Debate 29 March 1841: p. 18

<sup>228</sup> HC Debate 1841 p 18

<sup>229</sup> HC Debate 1841 p 18-19

bettered. If the children of this man were to be sent to a District school at another location, because the law required them to, it would only disrupt the instruction given at that school when the parents of those children were to discharge themselves from the workhouse again. Peel talks not just of one or two children; he talks about 100 children perhaps. His objection was to the District school, not the workhouse school.

He was afraid that the children of the able-bodied labourers that resided in the workhouse just for a short period would end up with no education offered to them at all. The solution would be to have two sets of establishments for education.<sup>230</sup> He then goes on to consider who could be eligible for education in the District schools, and he believes that children of convicted felons were to be deemed as orphans.<sup>231</sup>

He did not make the same distinction between illegitimate and legitimate children as Lord Stanley did previously in the same debate.

He was not sure if the number of children would be adequate to support the establishment of District schools. He argued that he did not believe that the education offered in the workhouse schools were not as bad as many people would have it to be. He refers to Sir John Walsham who had inspected thirty-two workhouse schools and figured out that out of those thirty-two, twelve sent their children to be educated in the National schools. Eleven out of the thirty-two sent their children to other educational facilities to be educated. And the reminding nine educated the children themselves.<sup>232</sup> On the basis of this he found the establishment of District schools questionable. But he then concludes the way he began his speech, by saying that he did find the results at Norwood to be satisfying and that to educate a large number of children in one school together was very practical. He would then come to the conclusion that he would support the amendment to the clause that Wood had suggested.<sup>233</sup>

Lord Somerset<sup>234</sup> agreed with Wood in that the Commissioners needed to execute their power with great discretion, his objection was that it did not go far enough.<sup>235</sup>

Mr Langdale<sup>236</sup> questioned Mr Peel's argument that all the children were to be considered children of the State and therefore to be given instruction in the State's

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<sup>230</sup> HC Debate 1841 p 19

<sup>231</sup> HC Debate 1841 p 19

<sup>232</sup> HC Debate 1841 p 19

<sup>233</sup> HC Debate 1841 p 19

<sup>234</sup> Appendix nr 5

<sup>235</sup> HC Debate 1841 p 19-20



religion. He believed that this argument was not coinciding with Peel's earlier argument regarding education and religion. He did not object that the dissenters should approve a chaplain being appointed to the schools, but he did object that children of the dissenters being forced to adopt a new religion. He knew that at the Norwood school the catholic children were given instruction by a Catholic clergyman who came into the school regularly.

Sir Peel replied that he had never said that the children of able-bodied labourers who came into the workhouse and did not confess to the established church should be forced to send their children in other religious instruction than the one they confessed to themselves. His argument was only valid to the orphans and the children of convicted felons.<sup>237</sup>

Mr Langdale replied that he was satisfied with the answer from Peel.  
What conclusions can we draw from this debate?

As we can see from the discussion in this debate, James Phillips Kay had been successful in influencing many of the politicians in the debate with several reports on education of pauper children. Given that James Phillips Kay was a supporter of the Whig cause, it is surprising to see that he has also influenced Conservative politicians like Sir Robert Peel. Sir Peel did in his speech express that he was generally negative to the District school, but he did however vote in favour for the suggested amendment.

This specific case ended with a divided House with 172 who voted for the clause and 108 that voted against it, the majority being 64 people for the clause.<sup>238</sup>

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<sup>236</sup> Appendix nr 6

<sup>237</sup> HC Debate 1841 p 20

<sup>238</sup> HC Debate 1841 p 20

### 3.4 Conclusion

If we go back to the questions asked in chapter one, what can this chapter contribute to answer those questions? Firstly we see that Philips Kay is a profound believer in the District school. It is the District school that is the solution according to him. He wants the Government to take lessons from according to him, successful models in Scotland, the Netherlands and Prussia. He presents us with data that first shows how awful the current system in England and Wales was, and then he presents us with his own witness accounts from workhouses, before he presents what he witnessed in the educational facilities that he had visited in Scotland, the Netherlands and Prussia. His report was as earlier stated a part of the Poor Law Commissioner's fourth annual report, and the intention was to influence the public and the politicians. Alan Kidd refers to this report in his book "State, Society and the Poor in Nineteenth Century England" and he says that when the Poor Law Commission was replaced by the Poor Law Board in 1847, there were built six more District schools.<sup>239</sup>

In a Commons sitting in 1841 where the Poor Laws are up for discussion his name comes up in a debate about the education of pauper children. This proves that he was somewhat successful in influencing one or more of the MPs. He is mentioned by both Whigs and Conservatives. His cause, the District school did receive mixed reviews. Some of them thought that the current system of education in the workhouses was more than good enough, while others believed that it was time for a big change and supported the District school. The model school at Norwood was mentioned as a school that had achieved good results.

In retrospect we see that already in the Poor Law's early years they were discussing the District school, but it took them nearly ten years from Kay's report until they made any progress. But as we will see later in 1869 there was only built those six schools that were established after 1847, and Kidd also states that the reason they did not build more of these schools was that they were discredited because of their strict discipline and narrow curriculum. This is however a discussion that I will continue with in chapter five. In chapter four I will show that there still was discontent with pauper education in 1850, this again will show the lack of development regarding this issue altogether.

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<sup>239</sup> Kidd, p. 43

## STILL DISSATISFACTION WITH PAUPER EDUCATION IN 1850

### 4.1 A Letter to Sir George Grey, MP

I want to analyse an open letter written to Right Honourable Sir. George Grey, Bart., MP from the Reverend C. Richson, M.A., clerk in orders of the cathedral in Manchester in 1850. Sir George Grey was the Secretary of State for the Home Department. This open letter was written to the Secretary about Pauper Education. This letter is important because it highlights some of the challenges of The New Poor Law was facing in the beginning of the decade and the suggestions from Reverend Richson to the government can be interesting to see in a context when we see what is debated later in the decade. And it was meant to influence the opinion of the said Secretary. The reason I have decided to use this letter is because it can show who influenced the politicians and how they did it. It also shows where the popular opinion about the poor law system lied. I want to ask these questions to the letter; 1) what was the problem according to Richson? 2) How does he argue for it? 3) What is the suggested solution of his? 4) How does he argue for this solution? Later I will try to find out if the Secretary had been influenced by this letter.

The first important issue in this letter that is worth to point out is that he says that the legislature regarding education for pauper children started eighty years earlier.<sup>240</sup> This is important because it sets pauper education in a larger perspective. And the legislature applied to the metropolitan areas of England and Wales.<sup>241</sup> It is not mentioned why this legislature didn't apply to the rural areas of England and Wales, which I find interesting since England and Wales at that time, consisted mostly of agricultural communities. It is reasonable to assume that if the legislature were to apply to these communities it had to have been different than it was.

What was the problem and how did he argue for it?

Basically this letter contains many references to inspectors from different parts of the country reporting about the conditions in their districts. The reports he presents in this letter are in whole very negative towards the pauper children and their adult likes. This leaves an impression that the system didn't work the way the authorities wanted

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<sup>240</sup> C. Richson: 1850: p. 3

<sup>241</sup> C. Richson: 1850: p. 3-4

it to work. He goes so far as to calling it mischievous. He compares the workhouse school with the National schools for ordinary children. But it seems that he has no substantial data to get significant information from, this he admits in the letter himself. The negative tone of this letter continues; he even goes as far as calling the workhouse education system for a complete failure. This he does after presenting a rather positive table that shows the improvement of workhouse boys when it comes to reading, reciting the Lord's prayer and recite the Ten Commandments.<sup>242</sup>

Why it is only these three skills that are listed is not mentioned in the letter, but in another table there is mentioned other subjects like history and geography. It seems that the two people that have conducted the research have had different opinions of what they deem as important skills for the children to obtain during their time in school.

He is not finished criticising the workhouse school; on the contrary, he continues his slaughtering of the existing system by saying that it perpetuates poverty in its current form. He presents a number of reasons to why the workhouse school has failed, and the number one reason to this is the making of regulations and the supervision of these schools on a general basis. He mentions many articles in the "General Consolidated Order" that was published by C. Knight and written by the Commissioners about the Guardians and their responsibilities. It seems that he means that most of the Guardians do not have the knowledge needed to manage a workhouse school properly. He points out that many of the Guardians are men that have been elected into this office and usually have little time devote their time to public duties because they have other businesses on the side. This he means is a neglect of their duty as Guardians.<sup>243</sup> Secondly he criticises the employment of teachers he feels is not competent for the position. What he means by this is difficult to tell, but Frank Crompton's research says that they often used elder students as teachers.<sup>244</sup> This is also mentioned in Kay's report above. Which will mean that they had little other training than the one received in the workhouse. Richson's proposed solution would be to hire well trained teaching staff for the position as workhouse school master or mistress.<sup>245</sup> Thirdly he criticises the Industrial training that the children are receiving, by saying that in many workhouses the children received

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<sup>242</sup> Richson: 1850: p. 9

<sup>243</sup> Ibid: p. 13

<sup>244</sup> Crompton p. 110

<sup>245</sup> Richson p. 13

second to none industrial training at all. Lastly he comes with critique of the religious instruction, and here he is very thorough in his critique. He states that the guidelines of the legislation had been very negative. He refers to both sections 15 and 19 which is presented in earlier in this chapter (3.2.1). He says that it is implied in section 19 that the Commissioners' also are responsible for the religious instruction. This he argues with that it is said that it is the Commissioners' that are responsible for the appointment of the chaplain to the workhouse. He argues that the Commissioners' in their "Consolidated Order" seem like they agree with the fact that there is supposed to be religious freedom, but on the other hand they do not want children attending religious services of other creeds than the one they belong to. If such thing were to occur, prohibition of this practice would be ordered. He concludes that the most important reason for the workhouse education's failure is because the children had been allowed interaction with adult paupers. He, as many others, felt that adult paupers were immoral and damaging for the children. After this conclusion he suggests a medicine for the declining health of the system, and it is here I ask the two remaining questions, what was his suggested solution and how did he argue for it? Even though he states that not every flaw is fixable, but most of them are. He means that the best way to educate the children most effective is to remove them from the workhouse and educate them in a separate school. He says that the District school would be ideal for this purpose.<sup>246</sup> After this follows a mention of an Act passed in 1843/4. He says that this Act, which I will for this purpose call the 1844 Act, said that authorisation was given to a combination of unions and parishes within a certain district to support one common pauper school for children. In other words the foundation of the District School.<sup>247</sup> In the Act it says that the District Schools is supposed to be the responsibility of the Poor Law Commissioners, and it was supposed to house children from the workhouses in one entire District, with the consent of the Guardians. It is also said that there was some restrictions, but not what they were.<sup>248</sup> In the Act it is said that the cost of building the District schools were to be covered by the Poor's rate of the said unions in the District. The ratepayers are also responsible for electing the District Board in the said District. There was supposed to be appointed one chaplain for each of the District schools

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<sup>246</sup> Richson p. 20

<sup>247</sup> Ibid p. 21, at this point unsure which Act he is referring to, but will do an effort to find out.

<sup>248</sup> Ibid p. 21

with the authorization of the Bishop in the diocese. Many of the directions for the District are in accordance to the Poor Law of 1834. For example direction number six and seven is pretty much alike Bill number 19 in the Poor Law.

When Richson wrote the letter in 1850 only one District school had been build. This means that the schools that were mentioned by Kidd in his book were built after this letter was written. This was the District school at Norwood.<sup>249</sup> He says that the delay is due to that the government has been eager to correct errors and make up for bad impressions of the workhouse education. Objection one from the Government was that pauper education had only been regarded as an necessary part of the Workhouse discipline and therefore would an establishment of a District school add a new element into the pauper education, and the expense of this new element would also be added to the ratepayers.<sup>250</sup> Objection two says that the District school does *not* present a new element, but the cost of erecting the school will be great on the behalf of the ratepayers. In a table he is presenting the number of paupers relieved, with the ratio per cent of total population in England and Wales. The table is for the years 1845-1848 and it says that the total numbers of paupers and the total number of people committed for trial for a milder criminal offence increased in those years. The paupers increased by over four hundred thousand people and the criminals by six thousand. The starting figures for paupers were at 1,470,970 million people in 1845 and the criminals were 20977 people. The end figures were at 1 876 541 in 1848. The total of criminals in 1848 were 26 082. Although these numbers are vast, the increasing of the poor's rate from 1845 was £6,791,006 to £7,817,430 in 1848. That is a difference of over one million pounds.<sup>251</sup> About this Richson says that the ratepayer is more eager to reduce the Poor's Rate, rather than increasing it. As a counterpoint he says that the workhouse education is a vicious form for education and that the District school can remedy that. He also argues that the cost would not have been as great as feared by the ratepayers. According to Richson the cost of the provision of these schools are in three parts, first the erection of the building, then the payment of the educational staff and apparatus, and finally maintaining the building

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<sup>249</sup> Richson p. 23 (reference to Min 1847-8-9, p. 3

<sup>250</sup> Richson p. 23

<sup>251</sup> Ibid. p. 25

and the children that are to be educated on the premises.<sup>252</sup> On these three reasons he offers a few remarks. The first remark is to the cost of the building of these schools, he says here that the Poor Law Commissioner had said that in almost every district there was an available building, usually a former workhouse that could be used to the purpose of a District school. The second remark he has on this subject is that the cost of the teachers and apparatus should be divided between the different Unions in the District; he says that this cost won't be as high as feared. He also says that it is better to pay a little bit more for effective teachers, than maintaining to pay ineffective educational staff they have now in the workhouses.<sup>253</sup> His third remark is on the maintenance of the children. About this he says that the Guardians are often more than eager to get rid of them, by sending them into service without enough qualifications.<sup>254</sup> These children are usually returned to the workhouse, because of bad behaviour or they weren't able to fulfil their position. He argues that preparing the child for his future properly, will cost the society less, since they won't have to pay for him when he comes of age. He refers to Mr Tufnell who had said that the society would save considerable more if the children were ready for service at a younger age than now. He also makes a point out of that a young man returning to the workhouse or even prison, because he didn't get proper instruction in morality and industry at an early age would be a burden to society. Richson concludes that the cost of maintenance of the children is not a good enough reason to oppose the establishment of District schools.<sup>255</sup>

Objection three is about the fluctuation of many children. And he does say that this is common in the workhouse school, but that the District school will be for children who are permanent residents of the workhouse. Those are for instance orphans and deserted children. Again he refers to Mr Tufnell who reports that in the workhouse of Bethnal Green, there were during one year two hundred or so of boys admitted into the workhouse and seventy-nine where discharged. The total number in the school was all year a little over one hundred, leaving the school more than operational with several classes. It is remarked that there are more children in the workhouses during the winter, and less children in the spring and summer months. A teacher that is well enough trained should be capable to handle these changes, and

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<sup>252</sup> Ibid. p. 25

<sup>253</sup> Ibid. p. 26-27

<sup>254</sup> Ibid. p. 27

<sup>255</sup> Ibid. p. 27-28

bring the newly arrived children up to speed. However, in the District school will be less fluctuating than the workhouse school. He concludes that education in the District school is not incomplete by any measures.<sup>256</sup>

The fourth objection he discusses is about the educational advantages of the children. He says that it is said that for the working class children the District school would be a *Premium upon Pauperism*.<sup>257</sup> Richson doesn't agree with this assumption and says to understand his disagreement; he needs to go into his reasons thoroughly.<sup>258</sup> These details is presented in the letter are five points, that I will shortly mention. His first point says that it is not the children's fault that they have landed in the position they are in. But nevertheless they have become a burden to society. For orphans and deserted children the destitution is the worst, and it is the Guardians duty to feed and clothe them.<sup>259</sup> He calls this "in loco parentis", which means that the Guardians have taken over the role as legal guardians for the child.

His second point is that when people say that pauper children don't deserve a more superior education than the self-supporting labourer can afford for his children, this is sometimes contended. He does not agree in the notion that pauper children don't deserve as good as an education as the children of the working class men and women get. He refers and quotes Sir Kay-Shuttleworth when he addresses this issue. He had said that it was unfair to let the physical condition of the children in the workhouse to be better than those children of the same class who weren't supported by any others than their own parents. But it is important that the religious and the industrial training isn't left insufficient for the needs of the applicants for public funds.

The goal of the industrial and religious training was that the child should grow up independent of help from the workhouse.

Richson's third point is that the District school is not necessarily a premium upon pauperism because the children in the District school often lack what other children have, no affection from a parent, less free play and a smaller opportunity to learn about how humans interact and behave because they don't have anyone to show them how this happens. These are definitely disadvantages compared to the children who are being brought up by their parents.<sup>260</sup>

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<sup>256</sup> Ibid. p 29-31

<sup>257</sup> Premium upon pauperism: insurance

<sup>258</sup> Richson: p. 31

<sup>259</sup> Richson p. 32

<sup>260</sup> Richson: p. 33-34



His fourth objection says that the arguments that district schools serves as premium upon pauperism are often contradicting each other. He says that in some cases about rural districts it is said that education will increase pauperism. On the contradictory side it is said that they are afraid that the children would grow up and take over the places of the industrious labourer and by that accumulate competition in the labour market. In that turn the present labourer would end up as a pauper. Richson doesn't agree with either of the arguments and says that it would be up to the advocates of these arguments to decide which one is more right than the other.

But he do say that the children educated in a school like a District school would have an advantage over the child educated by his own parents when it comes to securing themselves for the future with work.<sup>261</sup>

He starts his fifth objection by saying that it has been said that the ordinary labourer is paying the poor's rate in addition to provide for his own children, and that this is not fair. The arguments in the fifth objection is very similar to the wording in the previous four, but his main point here is that very few labourers pay the poor's tax. What the labourer pays for is his own protection. By that it is meant that he pays for police and prisons and alike.<sup>262</sup>

After these arguments he continues by saying that there is a way of testing if pauper education increases the pauperism of the parents of the pauper children that receives the education. He says that for children to receive education in the workhouses there has to be a state of destitution present. The test to prove this is given to the adult, not the child. The reason is to prevent the relief becoming a premium upon pauperism.

According to Richson, circumstances where the children are deserted by their parents do occur, but these instances seldom occur. He describes the test of destitution like a punishment that drives the parents to live better lives and secure their children's future. But there are people who are so unfortunate in life that they simply don't care anymore. He says that there is not anyone who would voluntarily become paupers. But in few cases there would be those who did become paupers of own free will because their children would then receive the workhouse education.

He refers to Mr Symons who says that he has heard that parents would be willing to become paupers just so their children would get an entry into one District

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<sup>261</sup> Richson: p. 34-35

<sup>262</sup> Richson: p. 35

school, which again will mean that the District school would function as a premium upon pauperism.<sup>263</sup>

It is clear that Richson wants the pauper education system to change as soon as possible and he lists a few points that he feels are important;

First he feels that the system has completely failed when it comes to benefitting the children.

Secondly he says that it is important that the welfare of the child is provided for.

His third point is that the blame of depriving the children of the education is no longer to be put on the legislation, but to those who oppose the establishment of District schools.

He makes his fourth point by saying that the blame of the expense of maintenance is not on the legislation neither, if there is one thing one can blame on the legislation, then it is the expense of the erection of these schools.

His fifth and final point about these objections are that there exists no reason for the delay of the erection of the District schools and the schools needs to be established as soon as possible in every locality possible.<sup>264</sup>

Richson says that the opposition against the District schools are substantial amongst the Guardians. He means that it is the Poor Law Inspectors job to persuade the Guardians about the importance of District schools.<sup>265</sup> The statement that the opposition amongst the Guardians towards the District school was high is an interesting one, but he is not the only one to say so. It is obvious that there must have been some correspondence from the Guardians to the Poor Law Board or others on this subject. The Guardians of the Workhouse Unions were according to the research of Simon Fowler always reluctant to spend money on buildings and staff. This despite provided means from the Parliament.<sup>266</sup> This can explain why they were opposing the District school, since this meant a significant expenditure on the both. But again there is a problem here with Fowler's lack of references in his writing (see chapter 1). Reading the contemporary sources, like the letter from Richson I find that his arguments in this case are affirmative.

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<sup>263</sup> Richson: p. 36

<sup>264</sup> Richson: p. 37

<sup>265</sup> Richson p ?

<sup>266</sup> Fowler p. 37

And Richson says that nevertheless it was the members of Parliament, landowners, magistrates and religious ministers that had the responsibility to promote the establishment of these schools according to the legislature.<sup>267</sup>

His next theme is about the legislation that is concerning pauper education. He writes that before the legislation said so, the education of children was present in the workhouse as a part of the workhouse discipline. The main difference is that before the legislation said something else, the education was meant to learn the children industrial skills. The legislation introduced religious and moral training of the children.

He says that there has to be a clear distinction between the juvenile and adult recipient of poor relief. A child that has passed the test of destitution has an equal claim for education and for maintenance. He then goes over to talk about the difference between the pauper children relieved in the workhouses and those relieved outside the workhouse. Education was not provided for the children outside the workhouse. He says that the children who supplied the workhouse were totally neglected by the system. He says that a new law that guaranteed education for outdoor pauper children was required as quickly as possible.<sup>268</sup>

He says that before this can happen though, three points need to be shown; the first is that it has to be a legislative sanction given to the administration of outdoor-relief.

The second point is that the numbers of children that receives outdoor relief needs to be sufficient enough so that this claim can be fulfilled. If these two are filled the third point is that the legislature can use any general measurement of useable advantage.<sup>269</sup> His comments to the legislative sanction of the outdoor relieved children are that the Poor Law as it stood in 1850 was made to suppress outdoor relief of any kind. And the Poor Law Commissioner actually came with a prohibition order that said that every able bodied man or woman should be relieved totally in the workhouse. This also regarded the children of this man or woman. But there was also an understanding that it could be difficult to abolish outdoor relief completely. So in §52 of the New Poor Law it is said that the Commissioners can allow applicants for

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<sup>267</sup> Richson p.37-38

<sup>268</sup> Richson p. 38-39

<sup>269</sup> Richson p. 39

outdoor relief this kind of relief for a certain period of time, as the Commissioner's themselves think fit.<sup>270</sup> And here Richson says that the Commissioners have made a list of eight exceptions from the prohibition order that is to apply when the applications to outdoor relief is being processed.<sup>271</sup> Overall the exceptions seem to be favoured to women and children, and then especially widows.

Further he says that also larger cities get exception from the order. Later it was passed an Act, that authorized out-door relief. He says that in those cases where out-door relief cannot be prohibited, those are the cases where the need for education is the largest. The Poor Law Inspector Mr Ruddock says that the level of ignorance by the people in the group that is receiving outdoor relief is extreme. Poor Law Inspector Mr Symons says that this class of children is especially in need for education provided by the state.<sup>272</sup>

Richson goes on by saying that the number of people in need of outdoor relief is great. In 1847 it is recorded that 1 131 795 persons received outdoor relief. But there is one big problem with this number, and that is that one person could have received outdoor relief more than one time, and this is not made clear by this number. So the number of persons receiving outdoor relief are probably a smaller number than the one presented here.<sup>273</sup> Another mistake is that in this number we can't see how many of these people relieved that is children. Richson has therefore investigated himself and he has gotten his hands on the returns from all the three Manchester unions from 1849. The total of children relieved in Manchester all together was 14 420, and the total of all people relieved was 30 478. So half the people relieved in the Manchester unions in 1849 were children. He says that from the official number of over one million, he assumes that at least five hundred thousand of these are children, not considering the faults with this number. Richson has also checked how many children require educational provision in the Manchester area. Here he has figured out that in total 5042 children out of 14420 children require educational provision. He does say however that since Manchester is a manufacturing district these numbers can't possibly be representable for the rest of England. If we consider the faults with the number above, the amount of children receiving outdoor relief would still be considerable, Richson says that at least two hundred thousand children receives

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<sup>270</sup> Richson: p 39-40 (Poor Law Amendment Act §52, p 12)

<sup>271</sup> Richson: p. 41

<sup>272</sup> Richson: p. 42-43

<sup>273</sup> Richson p. 43-44

outdoor relief. And that is a number that he felt couldn't be ignored. He also says that the number of children receiving education in workhouses or in district schools is considerably smaller than this number. He has compared the official numbers from the Poor Law Commissioner who tells how many people who were relieved in the workhouses and the people relieved out-door in 1846 and 1848 and figured out that in the workhouses in 1846 a little under two hundred thousand people were relieved, while there outside where relieved over a million people. In 1848 both these numbers had risen. He ends this section by saying that with these numbers presented, there is not any reason to why out-door pauper children should not be relieved with education.<sup>274</sup>

After his account about the numbers of children relieved outdoor he goes on to explain why he thinks it is practical to let the Legislature interfere in out-door pauper education.

Firstly he said that it was important that schoolroom was provided for. He said that it was not wise or desirable to remove the children from parental care. So it had to be a solution in the local area that would work out the best he said. His solution was to place the outdoor pauper children in ordinary national schools with children from other classes. In large cities or rural communities this would work without any objections from the parents of the children already enrolled in the schools.<sup>275</sup>

This solution is problematic because he doesn't take in consideration that the pauper children receiving outdoor relief is not capable to participate in the education with the other children because they lack skills in both reading and writing, so to place them together with much more advanced students is a not well thought out solution to the problem. Up until this point his arguments has been reasonable considering his position and the time he is representing.

All his arguments in this section are about attendance and accommodation for the children, nothing about their already existing skills.<sup>276</sup>

His second point on education for outdoor pauper children is about difference in religious creeds. It is obvious that because he was a minister, his attention to religious questions is important. He says that usually in the local National schools

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<sup>274</sup> Richson p. 46-48

<sup>275</sup> Richson p. 49

<sup>276</sup> Richson p. 50

there are children of several religious creeds already, so it wouldn't be a big issue with confusion on religious questions.<sup>277</sup>

His third point is about regulations and supervision of school attendance details and payments. He says that there are already Acts that are passed that will regulate and supervise this, among these Acts are the Poor Law Amendment Act and the Factories Regulation Act.<sup>278</sup>

It is the Poor Law Commissioner who is responsible for the regulations in the workhouse and the District schools. The regulations were supposed to be general and protective of parochial funds and the interests of the children. It weren't supposed to set a course or system of education.<sup>279</sup> Richson means that the application of these regulations should be voluntary. The most important here is that there shouldn't be any injustice or oppression in allowing the tax-payers to tax themselves.<sup>280</sup>

When it comes to supervision, it is the Guardians of the workhouse unions that are responsible for seeing that the regulations are properly carried out. He says that the Guardians could also be given a similar responsibility when it comes to the outdoor paupers. His most important argument here is that there is an advantage with giving a neglected class of children with education and facilities for this purpose, because this would make the injustice that they have suffered stop. After this he comes with suggestions to the regulations he feels is necessary to be added to the Poor Law Commissioners "General Consolidated Order".

It is important here to note that these are his suggestions, later in the chapter I will try to show whether these suggestions were followed up or not.

His first suggestion is about the selection of schools, and there he says really what is said in paragraph nineteen of the poor law, that no child should be required to attend a school where they are thought a different religious creed.

His second point is about the admission of scholars into the schools. Here he says that the Medical Officer of the District are to visit the schools on the day of admission and check the medical condition so that if there are any children with any infectious diseases, the medical officer has the authority to take measures to avoid the disease of spreading to the other children in the school.

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<sup>277</sup> Richson p. 51-52

<sup>278</sup> Richson p. 52

<sup>279</sup> Richson p. 52

<sup>280</sup> Richson p 52-53

His third point is about the attendance of the scholars; here it is the schoolmaster or the schoolmistress that is required to notice late or irregular attendance by any child.

His fourth point regards the payment for the scholars. The Guardians are the ones that are going to pay a fee every week for each child they have sent to the school. The maximum fee wasn't to be higher than four pence every week for each child. The amount of money paid depended on the age of the child.<sup>281</sup>

The fifth point is that every school that receives children from families that receives outdoor relief should be open for Government Inspection at all times.<sup>282</sup>

After this segment he continues with repeating himself with how important it is with education for outdoor pauper children.

He does say however that effort has been made from the part of the Parliament. During their last session before this letter was written attention was drawn to this matter. In the spring of 1849 petitions that were signed by over ten thousand people, about the fact that religious education for outdoor pauper children should be maintained, were presented to both Houses of the Parliament.<sup>283</sup>

A clause was proposed, but the clause was lost due to division of the House of Commons.<sup>284</sup> The reasons for the dismissal of the clause are according to Richson eightfold, and for each of these reasons Richson has objections.

The first reason for dismissal he writes is that it was said in the House that "children being out-door paupers, raised an objection in point of principle that is fatal". He feels that this argument is vague, and he asks how it can be fatal to offer education to outdoor pauper children.<sup>285</sup> He says that every politician agrees on the fact that children in workhouses need education as support, the same agreement should apply to the outdoor pauper children.<sup>286</sup>

The second reason for dismissal was that the parent should be on the poor rate before he or she could acquire education for his or her child, and education stops with relief. An argument Richson dismisses by saying that this was an objection to the proposal without substance. About the ceasing of education with relief he says that even though you can expect a little irregularity in attendance, there wouldn't be

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<sup>281</sup> Richson p. 54-55

<sup>282</sup> Richson p. 56

<sup>283</sup> Richson p. 57

<sup>284</sup> Richson p. 57-58

<sup>285</sup> Richson p. 59

<sup>286</sup> Richson p. 59

more absence of the outdoor paupers than by the children who their parents have paid for their education. In fact he says that outdoor pauper children will benefit more from the education than their other classmates, because of their situation in life.

He does say that when it comes to the workhouse, there can be some irregularity, because in winter there are more people coming to the workhouse. These people come to the workhouse because in the rest of the year they are capable of being independent from the workhouse. The children of these persons will receive education in the workhouse during the winter. Another class of people who sometimes needs relief are people who due to change in their trade, sometimes are out of work, but when they are employed they are capable to provide education for their children. The third group he mentions are people that have skills in a trade that have been taken over by machinery. They receive outdoor relief on a more permanent basis than the other two groups. He finishes by saying that a pauperized child should be able to participate in all education, just as the children of the working classes.<sup>287</sup>

The third reason for dismissal he says is that outdoor relief can be an encouragement for pauperism. His objection here is that what he said earlier in the letter, that education cannot be a premium upon pauperism.<sup>288</sup>

The fourth reason for dismissal came from the House of Lords and here it was said that many people would become paupers just so that they could ensure a good education for their children. The argument here is pretty much the same as the last reason, just with a different wording. He objects by saying that there are no evidence found that any man or woman would pauperize themselves just for the benefit of education for their children.<sup>289</sup>

The fifth reason for dismissal he presents is that in the House of Commons it was objected that the Guardians would choose to neglect their power, and this would seem to the society as they were neglecting their duty. Richson means that this is bordering absurdity.<sup>290</sup>

The sixth reason for dismissal came from the House of Lords, and they said that if this measure were to become the law no outdoor relief would be granted to anyone.

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<sup>287</sup> Richson p. 60-64

<sup>288</sup> Richson p. 64

<sup>289</sup> Richson p. 64

<sup>290</sup> Richson p. 65



Richson says that this takes on an expenditure which is not expected. He says that education of children is not the most expensive rate in any district whatsoever.

He says that in a manufacturing district like Manchester, where the “Prohibitory Order” does not apply the poor rate is much larger than what is required elsewhere.<sup>291</sup>

He says that outdoor relief should not be restricted as a consequence of the said measure.<sup>292</sup>

The seventh reason for dismissal he says is that when it comes to parent the measure would not be compulsory. To this he says that compulsory education is frowned upon in England. But he says that most people living on outdoor relief are more than ready to send their children to school. He says that the alternative to the workhouse or school for the children are much worse, and this makes the school as good as compulsory for them.<sup>293</sup>

The eighth and final reason for dismissal of the clause proposed is that it would be dangerous to entrust the rules and regulations to the discretion of the Poor Law Commissioners. Here he asks why this is objected, he says that there is no intention of turning them into an educational board. There is not intended either to give them the power to introducing the proposed measure contrary to the wishes of the Guardians.<sup>294</sup>

He continues by saying that the rules that would be issued by the Poor Law Commissioners could never annul the fundamental regulations of the schools.

He finishes the letter by proposing a new clause;

And it be further enacted, That it shall be lawful for the Guardians of any Union, or for the Select Vestry, Guardians, Directors, Managers, or Overseers of the Poor of any Parish not in Union, in England and Wales, and they are hereby authorized to pay out of the moneys in their hands for the relief of the poor in such Union or Parish respectively, the cost of or attending the education of children of parents receiving relief out of the workhouse, or of children deserted by their parents, or being orphans or foundlings, and partly or wholly maintained out of the workhouse at the expense of the poor's rates in such Union or Parish, subject, however, to the rules and regulations which the Poor Law Commissioners may from time to time issue in respect to the providing of such education; and that all payments made by

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<sup>291</sup> Richson p. 66

<sup>292</sup> Richson p. 67

<sup>293</sup> Richson p. 67

<sup>294</sup> Richson p. 68

the Guardians of any Union in or about the education of the children aforesaid shall be charged to the common fund of such Union".<sup>295</sup>

To sum up this part of the chapter we see that the emphasizes are on the District school and the outdoor pauper children.

#### 4.2 Influence on the said Secretary?

I have done research and have not found any evidence of this letter of C. Richson in any Parliamentary debate in 1850-1851. I have one example of this when the Parliament have the subject of education up for debate in the House of Commons in May 1851. In this debate there is a longer comment by the Secretary George Grey, and he does not mention or cite the letter from Richson.

The theme for the debate was set by Mr W. J. Fox<sup>296</sup> who wanted to move a Resolution for the creation of free schools that were to offer secular instruction to its pupils.<sup>297</sup>

Sir George Grey replied to this proposal by saying that he could not vote for the proposal as it was proposed, but that the proposal would not be met with unfair opposition from the Government.<sup>298</sup> In his response to this proposal there is no mention of Richson's letter, and he stated that he was not ready to deny the great flaws of the present system of education.<sup>299</sup> This is of course a reference to the whole system of education and not pauper education.

His main objection to the Resolution by Fox was that he believed with the majority of the people in the country behind him that religion should be the basis of all education.<sup>300</sup> This also coincides with the letter from Richson, however there is no obvious connection here. I conclude this part of the chapter by saying that there is good reason to believe that he had been influenced by the letter of Richson, however there is no written evidence to prove it, at least not to my knowledge. His comments in this debate were the only ones I found that was in relation to the subject of education.

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<sup>295</sup> Richson p. 69-70

<sup>296</sup> Appendix nr

<sup>297</sup> <http://hansard.millbanksystems.com/commons/1851/may/22/education> : viewed on the 04.06.2012 p. 1

<sup>298</sup> Ibid p. 7

<sup>299</sup> Ibid p. 7

<sup>300</sup> Ibid p. 7

### 4.3 Conclusion

In this chapter we have seen that also Richson was pro the foundation of the District school. But he also asked for action in the matter regarding education for outdoor pauper children. He argues that currently there was no education offered for the children living on outdoor relief. The open letter was written to influence the opinion of the Secretary of the Home Department, Sir George Grey.

He as Kay argues that there were severe problems with the education for pauper children as it was offered in the workhouses. The solution he said was the District school, which had proven to be successful at Norwood.

His solution to the problem with the outdoor pauper children and the lack of education is that the government provides the education for them. The latter solution has been made into a proposal for a new bill in the Poor Law Amendment Act. If this bill was passed I don't know, but if we take a look at the report Hawksley wrote in 1869 it is evident that no progress have been made in offering outdoor pauper children education.

In the second part of this chapter I have shortly written that there is no citing of this letter in Commons sittings that Grey participated in. But I have found that his rhetoric is somewhat similar to Richson, and that may be signs of influence. But there are no obvious connections between the sayings of Grey and this letter written by Richson.

In the next chapter I will focus on a report written by Thomas Hawksley in 1869 and I will try to draw lines from this open letter in 1850 and the report written by Kay up to that point in 1869. We will see that the report written by Hawksley is to promote State Legislation for education and training of children, and we know by this point that the Education Act was passed the following year.

## TOWARDS A NEW LAW IN 1869

### 5.1 Thomas Hawksley's report on education and training as State legislation

In 1869 Thomas Hawksley M.D. published a report on the education and training of children, which he believed should be a subject for State Legislation. I was not sure if this report would be relevant for this thesis, but I soon figured out that it was. His focus a lot of the time is on the education of pauper children. Because his report is not only about pauper children and very long, I have had to be brutal when deciding what was relevant for this analysis. This is the last source I will be analysing, so it is my aim during this analysis to find out 1) what the problem was according to him? 2) How does he argue for it? 3) Had any of the ideas of Kay-Shuttleworth and C. Richson been realised? 4) What is his solution and how does he argue for it?

What was the problem according to Hawksley?

The subtitle of chapter two is "The Evidences of Deficient Education and Training in the Country".<sup>301</sup> He follows up with this quote; "These are the tears of things, and our mortality cuts to the heart"<sup>302</sup> I believe this sets the tone for the rest of the chapter.

The first argument about pauperism he presents is that the old excuses for pauperism were wrong. He argues that the introduction of machinery that rendered human labour unnecessary is not the reason why so many people are pauperised. He believed that a sparsity of people was the reason for poverty and barbarism.<sup>303</sup>

He aimed in chapter two to find out if deficient education and training was an explanation of ignorance and want?<sup>304</sup>

To prove this he states that he has evidence that says that a considerable number of people are entirely without education, and the result of this was that they were unable to write.<sup>305</sup> He has found his evidence by reviewing the result of the "Registrar-General" test of ignorance.<sup>306</sup> The evidence shows that the counties with the most criminals had also the highest number of persons who could not read or

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<sup>301</sup> Thomas Hawksley «Education and training» p. 21

<sup>302</sup> Hawksley p. 21 «Sunt lachrymæ rerum, et mentem mortalia tangunt» Aenid Vergil

<sup>303</sup> Hawksley p.22-23

<sup>304</sup> Hawksley p. 24

<sup>305</sup> Hawksley p. 24

<sup>306</sup> Ibid p. 24

write. In England and Wales in 1866 the percentage that signed with marks instead of their names was 22, 5.

His next evidence is the directly link between ignorance and crime. He has reviewed the judicial statistics from 1863 which said that 35 per cent could not read or write, while 60 per cent could do so imperfectly.<sup>307</sup> This would mean a percentage of 95. In 1866 this percentage had risen to 96.3.<sup>308</sup> All of these statistics that he presents are to get the reader to see that he knows where to get the information and he knows how to read them. This makes his evidence trustworthy.

The census data gave the same kind of information about pauperism. The residents of the workhouse were often the least educated people. He argues that there is a link between the number of criminals and paupers and the deficiency of education and training in the country. He also argues that evidence shows that half the population in England and Wales lived from hand to mouth every day, making them vulnerable to pauperism and crime.<sup>309</sup>

Hawksley also uses newspaper articles to highlight what he meant was the problem. He refers to the "Times" on numerous occasions in his report.

According to a "Times" article that was dated January 18<sup>th</sup> 1867 there was nine thousand people who received parochial relief in the previous week in the Poplar district.<sup>310</sup> This was a contrast to the previous winter when only 3000 people a week had received relief.<sup>311</sup>

They say that if anyone outside where to come in without any knowledge of the system in London it would seem that there was no help to get for the poor of London.<sup>312</sup> The cold winter weather made the workhouses overcrowded and the queue of people who demanded relief was overwhelming for the guardians. There were districts in London were scarcely anyone from the middle class resided.<sup>313</sup>

The message that Hawksley wanted to convey with using this article was that urgent measures needed to be taken in order to deal with the extreme numbers of people who needed relief from the workhouse. He continues by arguing that a member of the Mansion House Committee had reported that he had seen persons

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<sup>307</sup> Ibid p. 25

<sup>308</sup> Ibid p. 26

<sup>309</sup> Ibid p. 26-28

<sup>310</sup> Ibid p. 28

<sup>311</sup> Ibid p. 28

<sup>312</sup> Ibid p. 29

<sup>313</sup> Ibid. p. 29

sinking in their rooms and still they hadn't gone out to seek help from the parish.<sup>314</sup> According to this member of the Mansion House Committee many of the children he saw on his visits had been naked because the family only had one garment of clothing left.<sup>315</sup>

This trend of not seeking help, Hawksley explains by arguing that the working men were hesitant because seeking help would break down their self-respect and also disqualify them the benefits connected with their own trade and friendly societies.<sup>316</sup>

After presenting the numbers of paupers living in the various areas of London he goes on to the rural districts where he says that the conditions are not much better. On the one hand they do not have the same problem with overcrowded workhouses and pollution, but on the other hand their food is often of bad quality, which again leads to weaknesses in their health.<sup>317</sup> This was according to Hawksley a much bigger problem than the density in the larger cities.

As an example he uses the Holyhead Union in Wales. In this union the percentage of paupers were 12, 4.<sup>318</sup>

He states that the condition of the poor in Holyhead was abysmal. He presents specific examples from authenticated cases in the union that gives us a clear image of what kind of conditions people lived in. One of the cases tells us about a family living in a small cottage with only one room that is about 10 feet square. The family consisted of five people of different ages. This family consisted of four females, the eldest being eighty years old, her daughter being 43 years old and her daughter again was sixteen years old. The sixteen year old herself had a little infant daughter. The last occupant was the elder brother of the girl who had just given birth. The room only had one bed, which was occupied by the elder lady and the sixteen year old who just had given birth.<sup>319</sup>

This was just one of two examples which were presented in this report.

He refers to Mr Samuel Clarke; the Sanitary Inspector of Norwich who had compared the cattle sheds with human sheds and said that he was ashamed of his

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<sup>314</sup> Ibid p. 30

<sup>315</sup> Ibid. p 30

<sup>316</sup> Ibid p. 30

<sup>317</sup> Ibid p. 32

<sup>318</sup> Ibid p. 33

<sup>319</sup> Ibid p. 33-34

office that he held because he found that cattle were more cared for than human beings.<sup>320</sup>

These descriptions and data that he has presented so far has very little to do with children, but there is a link here to the deficiency of the education that is offered in the country. These people, who are described by Hawksley, would not probably have been in those situations if they had been provided a proper education.

It is after these descriptions of pauper life in Holyhead and other rural counties that Hawksley starts to describe the conditions of pauper children. Why he has waited so long by coming to this point is difficult to interpret, but it was probably important for him to give his audience the complete picture of the situation.

After these descriptions of the conditions in both towns and rural areas he goes on to the children, and he uses an article from the newspaper "Standard" about the pauperism in London to argue that pauper children made up roughly forty per cent of the metropolis's paupers. The grand total of children in London on January 1<sup>st</sup> 1866 was 43 633. Out of these only 9 541 were relieved in a workhouse or District school.<sup>321</sup> The writer of the article in the "Standard" figured out that there were admitted a lot more children in a half year than there were relieved. Hawksley found out that if he applied this rule the whole of the district he could argue that on average there were 19000 children found in the workhouses for longer or shorter periods of time every half year.<sup>322</sup>

The children who received outdoor relief all had different circumstances that led to their destitution. In some cases the relief was only given temporarily, an example of one of these circumstances was when one or more of the child's parents had fallen temporary ill.<sup>323</sup>

The more permanent type of outdoor relief was often given to widows. The relief given to them was often for three months at a time, so in the books for every six months one woman is probably listed twice. This is the same for the children of the widow.

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<sup>320</sup> Ibid p. 34-35

<sup>321</sup> Ibid p. 38-39

<sup>322</sup> Ibid p. 39

<sup>323</sup> Ibid p. 39

Hawksley calculated that the total of children receiving outdoor relief were 110 799 and in total that would make it 120 340 children when we count those in the workhouses and District schools.<sup>324</sup>

He quotes a report published by Mr Farnall<sup>325</sup> that said that the condition of the pauper children in the rural areas and the pauper children in London were very different. The children in London had much worse conditions to live in. They often lived in cellars or garrets and they were most of the time dressed in filthy rags.<sup>326</sup>

Hawksley argues that this was no different twenty years earlier when Dr Kay and Mr Tufnel had described the children who came to the establishment at Norwood.<sup>327</sup>

The Master of the Central London School had said that the intellectual capacity of the children that came to the school was of the lowest that he could ever think of.

Most of those children who were admitted could neither read nor write.<sup>328</sup>

He again quotes the article in the newspaper the "Standard" which had said that the pauper children that came into the Central London School with diseases and their suffering was easily seen in their faces.<sup>329</sup>

Hawksley argues that the hospital records at the Central London School shows that about half of the children that were admitted were ill in some way or another and the diseases were caused by bad hygiene.<sup>330</sup>

He also argues that he has chosen the illustrations of the conditions almost at random; he says that he has rejected the most distressing descriptions to make his report readable.<sup>331</sup>

He ends chapter two by arguing that even though deficient education and training are not the only reasons for pauperism, the other reasons like bad health were receiving public attention and he was very optimistic for the future of the caring for the sick and infirm.

Almost all of the arguments he has presented to what is wrong with the education in the country are arguments which he has gotten from someone else.

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<sup>324</sup> Ibid p. 40-41

<sup>325</sup> Year unknown

<sup>326</sup> Hawksley p. 42

<sup>327</sup> Ibid p. 42

<sup>328</sup> Ibid p. 43

<sup>329</sup> Ibid p 44

<sup>330</sup> Ibid p. 45

<sup>331</sup> Ibid p. 45



There is no mention that he himself has observed any of the misery which he describes in this chapter. Knowing that he was a medical doctor, it would be easy to deduce that he was using these other reports and newspaper articles to get substance to his own opinion about the situation regarding education and training.

I want to draw some lines from what he says was wrong and what Phillips Kay and C. Richson reported was wrong with the education for pauper children earlier. For me it seems that the changes that were called upon by Phillips Kay and C. Richson had yet to be executed. We see that Hawksley refers to the reports written by Kay and there is obviously no difference in the description of the condition the pauper children in London lived in. So to answer the question whether there had been any changes for the better in the society from when Kay wrote his report, my answer would be no.

The first line in Kay's report from 1838 read like this;

"The pauper children maintained in Union workhouses are dependent, not as a consequence of their errors, but for their misfortunes"<sup>332</sup>. In chapter two of Hawksley's report almost all of his examples are about the misfortunes of the children or the adults that cared for them. The similarity is striking, and those two texts are written with a time difference of thirty years. It seems that even though the politicians discussed and debated and passed new acts, very little seemed to have been executed when it came to the reality. Take Kay's passionate cause, the District school. When he wrote his report there were only one District school, the Norwood school. This school was not just mentioned by him, but also by Richson and by Hawksley. In 1869, Hawksley states that only five more had been built since the proposition had been made for the Parliament. Three of these existed in and around London.<sup>333</sup> Hawksley argues that the failure of the plan of building these schools depended much so on its permissive character. He states that if the plan of building these schools had been imperative it would have been easier to overcome hinders in the way.

As we see from chapter two of Hawksley's report it was going to be about the deficient education in the country, but most of his examples are about poor health and other extreme circumstances, there are just few examples of deficient education. He does not critique in any way the schools that are in existence, which in my eyes

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<sup>332</sup> Phillips Kay: p 3

<sup>333</sup> Hawksley: p. 56

would be necessary if his aim is to get the public attention on deficient education. What he does say is that pauper people are often uneducated, which means that they have not had the chance or opportunity to participate in any form of instruction at all. The problem as he sees it is that the deficient education and training of children remains to receive public attention.

His next step in his report is to ask what the society and the state already had done to diminish the evils of the deficient education and training. But this is not a question that I want to ask, I ask what his solution is? The reason why I won't ask what the society already had done is because we already know what happened, the question I ask will find out if his solution was in any way better than what was already done. I have already told you about the District schools that had been established in 1869.

Before I ask what his solution is, I just want to ask if he felt that the effort that was already made was a part of the problem.

By the looks of his first two pages of chapter three it would seem that he did think so. He finds that the 40 per cent that make up the country's destitute class are being neglected and trained for evil instead of good.<sup>334</sup> He also make a point of that the government in the more recently years had been making the policy of the Poor-Law to state that the relief of destitution should be painful and hard, so that only the most desperate ones would have been attracted to apply for it.<sup>335</sup>

I will not go into detail about what he presents of evidence and arguments in the third chapter of his, but I will say that his style is the same in this chapter as it was in the previous one. He is referring a lot to what other has said about the rights and flaws about what the government has done to improve the education situation of the poor in the country.

According to Hawksley the first duty of the Poor Law Board was to make sure that the children in the workhouses were instructed in reading, writing, arithmetic and religion for at least three hours per day. However he argued that did this not happen until the State proposed to pay half of the salaries of the schoolmasters.<sup>336</sup> It is after this argument that he mentions that in 1841 it was pointed out by the Poor Law Commissioner that the children should not associate themselves with the other

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<sup>334</sup> Hawksley p. 48-49

<sup>335</sup> Hawksley p. 50

<sup>336</sup> Hawksley p 55

inmates of the workhouse and he argues what I have already mentioned earlier in this chapter.<sup>337</sup>

The second argument of Hawksley that I want to put forth in relation to what the State already had done for education is that the Government had passed the “Denison’s Act” between 1855-1856 that said that if the Guardians thought that the situation called for it, they could pay for the education for those children that did not reside in the workhouse. He argues that this Act had hardly been operable because the Guardians did not seem to approve of increased expenditure in their Union.<sup>338</sup>

He ends the chapter by saying that the State machinery for endorsing education had failed. He argues that the reason for its failure had been the lack of power to oblige the ignorant parents of poor children to send them to the schools that they have the right to attend and the benefits that come with this privilege.

The second reason for failure he argues was the difficulty of establishing new schools and to get them the financial support needed especially in the most poorest districts.

It is quite clear that he is not impressed with the effort of several governments to try to eradicate deficient education during the years from when the Poor Law was introduced. So to answer the question that I asked earlier about the Government being a part of Hawksley’s problem; I believe that he does feel that the Government could have and should have done more to secure good education for all children of the country.

So what is Hawksley’s solution? That is the theme for his last chapter in this report. And it is also the question that I want to focus my attention to in this last part of this analysis of the report. But before that I want to again draw some lines back in time and to the report of Kay and the letter from Richson, Kay’s solution was centred around the District school and Richson’s solution was also in the same direction, but he also focused on the outdoor pauper children in his solution.<sup>339</sup>

Hawksley deducted from the statements presented in chapter one and two that 1) the teaching and training of children was work that required the highest care from parents, society and the government. 2) He figured out that the amount of pauperism

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<sup>337</sup> Earlier mentioned

<sup>338</sup> Hawksley p 61

<sup>339</sup> I won’t repeat what I already have discussed earlier.

and crime was so high that it indicated insufficient performance on the latter. 3) That the public means set in place for good education was inadequate to meet the requirements needed to achieve well educated children.<sup>340</sup>

He argues that the government had to consider a few points that he felt was necessary for achieving good education. Firstly he argued that it was desirable to do as the Prussian government had done with great success, namely to compel parents and guardians to educate the children. Against this he argues that Englishmen are especially intolerant towards any kind of dictation from the state. However he does argue that if the laws was founded on the principles of justice and morality it would be no problem to have the Englishmen to accept the dictation.

He presents four arguments to support the interference of the State when it comes to making education compulsory for all children;

The first argument he presents argues that it is the duty of the state to protect all its members, especially the weak and helpless. To that end he argues that to not educate the children would inflict the most severe injury on their minds that can possible happen to a human being. He argues that this argument is directly linked to the individual, while his next three would be for the benefit for the society.<sup>341</sup>

His second argument was that the main danger to the society was the amount of paupers and criminals. He therefore argues being that ignorance and want are the most common causes of these two dangers , it would then be the State's responsibility to supply education so that these evils would reduce in numbers.<sup>342</sup>

His third argument revolves around the notion that it is in the best interest for the society to repress or destroy evil agents or influence. He argues that the rate in which pauperism and crime multiplies like a geometrical development, just like the increase of a population in a country. He argues that it is the State's duty to remedy this development urgently.<sup>343</sup>

His fourth and last argument for the compulsory education was according to Hawksley very obvious considering the before said arguments; that the possibility of lending a hand to the criminal by giving them education would stop their negative

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<sup>340</sup> Hawksley p. 77

<sup>341</sup> Hawksley p. 83

<sup>342</sup> Hawksley p. 83

<sup>343</sup> Hawksley p. 84

trend. Their training would help them get into service, which would be beneficiary for the society.<sup>344</sup>

He argues that the obligation should have applied to every parent and guardian in the country. Where help was needed the State should supply it, no matter the creed of the applicant.<sup>345</sup>

He then advanced to lay out what the outcomes of his scheme would be if it was successful. I have come to the decision that this is a part of his solution, since he discusses what he would prefer be the outcome of what he has suggested previously.

But before he does this he presents some numbers to how many scholars there were present in the British school at the current time. He calculated that in 1869 there would be approximately 4 750 000 children from the ages of 5 and 15 receiving education and training in English and Welsh schools. This calculation was based on the number in 1866; 4 700 358. This would give a proportion of 3 769 480 for the ages of 6 to 16. He figured out that if the same proportions applied to the rise of the children in English and Welsh schools from the year of 1858 to 1866, the number would be accurate. He estimated that in 1866 there were 1 500 000 children that did not receive education of any kind.<sup>346</sup>

He argues that the "Vide Times Newspaper" had on the April 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> published a letter from Mr Fraser that said that he found faults with these estimations on the basis of the amount of ignorance and deficiency of education in the country.

He believed that the London Diocesan Board of Education were wrong when they stated that the amount of children without education at present time in London were 150 000. He argued that would be at least 500 000 children that did not receive education at all. He added that another 500 000 did not receive proper education, which brought the number up to a million children without proper education.<sup>347</sup>

Hawksley feared that the official returns of the proportion of scholars to the population were very wrong.<sup>348</sup>

He presents returns from several other European countries, amongst them Prussia. He argues that Prussia was the country in Europe at that time that did the

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<sup>344</sup> Hawksley p. 84

<sup>345</sup> Hawksley p. 85

<sup>346</sup> Hawksley p. 86

<sup>347</sup> Hawksley p. 87

<sup>348</sup> Hawksley p. 88

most for educating their children, and according to the return from England and Wales, they were not far behind Prussia. "The London Student" had in 1868 published an article by Professor Jack who argued that there were three sources of fallacy that needed to be taken into account regarding this matter.

His first argument was that in the returns they had included children less than six years of age. This number amounted to twenty-four per cent of the whole of all the children educated.<sup>349</sup> Professor Jack argued that the real percentage would be 1 per cent.

Professor Jack's second argument was that out of 100 children in school, only 76 had daily attendance. He argues that at the Educational Conference in Manchester it was said that 50 per cent of the children that were supposed to be in school were not.

In comparison, in Prussia where attendance was compulsory the absent list were a lot shorter.<sup>350</sup>

His third and final argument was that in the calculation it was also included children from all sorts of schools, the Scotch Assistant Commissioner had stated that 20 per cent of the schools in Glasgow were not good enough. Professor Jack concluded that the proportion of scholars to population in British schools were more likely 1 in 15 than 1 in 7.7.<sup>351</sup>

Before I continue I would like to problematize what he wrote about the findings of Professor Jack. First of all, I was confused when he first said English and Welsh schools, and then in the third point he mentions 20 per cent of the schools in Glasgow. Last time I checked Glasgow was a city in Scotland. So to take that into account I would say that it should have been specified by Hawksley that Professor Jack's numbers also applied for the schools in Scotland, and probably also Ireland. When Hawksley first mentions the ratio 1 in 7.7 he says that these numbers applied for England and Wales, but it could easily be that if Scotland and Ireland was included in the calculations of Professor Jack, that the number would be what he suggested, 1 in 15.

Hawksley continues his report by arguing that some would object to the compulsory education for all children because the poor would have difficulty

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<sup>349</sup> Hawksley p. 88

<sup>350</sup> Hawksley p. 88-89

<sup>351</sup> Hawksley p. 89

maintaining their children in school for a longer period of time. Normally when the child turned twelve, the child was sent into service and the income of the child was very important for the family to get by.<sup>352</sup>

Hawksley did not agree with these objections and said that following their advice would rob the children from hopes and prospects for their future.

He answered these objections by saying that self-supporting schools that were maintained by the children's labour could be an alternative and that those schools could be directly connected to factories, workshops or farms.

He saw no reason to why child labour could not be made available after they turned twelve.<sup>353</sup>

His next theme to argue was the scheme for supplying means for the execution of the new law and the method to be adapted to the education and training.

His suggestion was to keep the already existing school fees and in addition he wanted to enforce parochial ratings in all cases where the incomes of the parents are not sufficient for maintaining their children in schools.

The school fees should also have been adjusted to meet the wages of the child's parents; in the cases where the parents had no income the child should not suffer and still be eligible to attend the school.<sup>354</sup>

Voluntary effort by especially religious communities would be more important than ever with the new system proposed by Hawksley. He argues that government aid would have been given to each school if they met certain requirements; amongst those were moral and religious training.

The school should also keep attendance records that should be open for the annual Inspectors from the Government. An award would be presented to the school if the children achieved good results on their exams.<sup>355</sup>

The Government expenses would be met by the school fees and he also suggested implementing a Capitation tax for the examination of the children that were of such age, this would bring in extra income for the State. This would mean that the expense of building schools and for machinery would be almost nothing.<sup>356</sup>

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<sup>352</sup> Hawksley p. 89

<sup>353</sup> Hawksley p. 90

<sup>354</sup> Hawksley p. 91-92

<sup>355</sup> Hawksley p. 93

<sup>356</sup> Hawksley p. 94

The results from the current system's 664 005 children were not satisfying as the education they received was not perfect, he argues that his new system would maintain two million children and send over two hundred thousand children after the fourteenth year's exams into daily grown up life.<sup>357</sup>

This brought him to the method which he argued the schools should follow and it was divided into three parts.<sup>358</sup>

The first part regarded registration and he meant that each child should have been registered twice, the first when they entered the school at age six and the second one when they left the school at fourteen of age.<sup>359</sup>

The second part says that the school should be inspected annually by an Inspector sent by the government.<sup>360</sup>

The third part states that the examination in the fourteenth year should maybe consist of four parts. The first part would check the student's abilities in reading, writing and arithmetic. The second part of the examination should test the student's intelligence and the functions of the student's mind. This part of the exam would also test if the student had understood the religious instruction of the Scripture if the student was a Christian.

The third part of the exam would perhaps have tested the student's ability in chemistry, mechanics and natural sciences.

The fourth part of the exam would maybe have consisted of tests in different elements in music.<sup>361</sup>

His next part did not seem relevant as it did not seem to include the pauper children, so I have chosen to skip it and go directly to his conclusion.

As his conclusion is merely a recap of what he previously said in the chapter it is not necessary for me to say it again. But he does say that his proposed plan deserved consideration from the government and the public.

He argues that the education and training of the children of the poor cannot immediately reduce the evils of pauperism and crime, but he argues that within a period of eight years results would be visible.<sup>362</sup>

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<sup>357</sup> Hawksley p. 95

<sup>358</sup> Hawksley p. 95

<sup>359</sup> Hawksley p. 95

<sup>360</sup> Hawksley p. 96

<sup>361</sup> Hawksley p. 96-97

<sup>362</sup> Hawksley p. 104



Education would remove the human misery that comes from pauperism and crime.

He ends by arguing that there is one major disturbing factor that could work against his proposed plan to eradicate pauperism. That is the selfishness and injustice of employers of labour who he believed could derange the balance between income and the expenses of living. This could lead the most virtuous of labourer into despair and poverty that could again lead him into a criminal path.<sup>363</sup>

He ends his report by saying that he hopes that the light that spreads over the dark cloud would stop the interference of these dark forces.<sup>364</sup>

It would be speculative of me to say that the result of this report was the passing of the Education Act in 1870, but it is more appropriate for me to say that it could have been one of the factors that made it possible to pass the Education Act. I won't go into detail about the Act too much, since that could have been its own Master thesis. But Pamela Horn writes in her book "The Victorian and Edwardian Schoolchild" that the Education Act of 1870 provided every child with a school in a building with good quality and a head teacher that was qualified for the job.<sup>365</sup>

The passing of the Education Act represents an end to an era with insufficient education for all children, not just the pauper children.

## **5.2 Rounding up chapter five**

In this chapter I have analysed Thomas Hawksley's report about education for State Legislation. The report is quite different from the previous reports and letters I have analysed in this thesis. The report concentrates itself on education for all children, not just the pauper children. But being that there was a large part of pauper children not being educated at all, pauper education does get attention from him in this report. Hawksley was a found believer that education should be obligatory for every child. It was this case that he concerned himself with the most and he wanted the State to pass a law that made education obligatory for all children. I have also used this chapter to draw lines from the previous two reports/letters and seen if there had been any development in the issue regarding pauper education. Hawksley states that in

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<sup>363</sup> Hawksley p. 106

<sup>364</sup> Hawksley p- 107

<sup>365</sup> Horn, p. 21

1869 only six District schools have been built, leaving the idea and dream of Kay shattered.

## **CONCLUSION**

In the beginning of this Master Thesis I asked two questions that I was going to answer during the course of this thesis. The first question I chose to divide into two parts and it sounded like this: 1a) How did Kay, Richson and Hawksley assess pauper education in their period? 1b) and what suggestions did they have to improve it?

The second question that I chose to ask was: 2) to what extent was they able to influence the political debate and what impact did their suggestions have on pauper education?

The first two questions are not difficult to answer when you look at the analysis that I have provided. All of them agreed that the pauper education as it stood was horrible, abysmal and wrong, and all of them presented their own solutions to the problems they had highlighted.

Kay wrote his report because the Poor Law Commissioner had asked him to do so. He was one of many Assistant Poor Law Commissioners. The term Poor Law Commission was first used when the Old Poor Law was being assessed to be reformed in 1832, and it was the Poor Law Commission who wrote the report that became the basis of the New Poor Law.

Kay's report regarded training of pauper children and how they could better this; he had travelled to a few European countries and inspected schools there to get an image of how it could be done in England and Wales. He believed that the teachers in the workhouse school lacked qualifications, because it was difficult to attract qualified teachers to take up a position as schoolmaster or mistress in the workhouses. His solution to this problem was either to import teachers from Scotland to take up those positions, but the expenditure to make it attractive for those would probably be too high for the rate payers, or he believed that elder students at the workhouse that showed good understanding for the different subjects could be given the responsibility of training their younger classmates. This system was later discredited and not approved of since they lacked schooling in how to care for and educate children. Kay did however believe that the education of pauper children would be bettered by establishing District schools. The model that he hoped the

Government would adopt and establish in the rest of the country was the District school at Norwood. This school had previously been used as an establishment for baby farming, but had been converted into a District school not so long before this report was written. The results of this school had in Kay's eyes been more than good enough and he believed that the only reasonable thing to do was to continue with this project and establish several schools of this kind elsewhere in the country.

In the Commons sitting in 1841 the Poor Law Bill is up for debate and among the many cases that are being debated are also the management for the insane and for the children. It was Mr B. Wood who came with the proposal to change clause number ten as it stood. His proposal led to a massive discussion in the Commons sitting. There were many arguments that supported his clause and there were many against the clause. It is made clear by the appendixes that it was the Whigs that were in opposition to this suggested change in the clause. The debate showed that there were many of the MP's that was pro the establishment of the District School instead of the workhouse school.

The report of Kay was written in 1838 and this meeting took place in 1841, which means that it was plenty of time for the Parliament to introduce the District schools into the society and to better the education for pauper children before the second source that I have chosen was written.

The open letter was written in 1850 by Reverend C. Richson to the Secretary of State for the Home Department Sir George Grey. In this letter Richson expresses his concern with the deficient education of the pauper children that was currently being educated in the workhouses throughout the country. He also expresses his support for the District school and believes that the District school is the solution for the pauper children who were at risk for being contaminated by their adult pauper likes in the workhouses. Especially the girls were at risk for the contamination brought by the other female paupers in the workhouse. The other issue that Richson concerned him with was the outdoor pauper children who at that present time were not offered any kind of education at all. He felt that these children should also be offered education. The Poor Law of 1834 had abolished outdoor relief, but this had been proven to be difficult to realize in real life. But this law could explain why the outdoor paupers were without the possibility to send their children to school.

In 1869 Doctor Thomas Hawksley wrote a report for the benefit for a law that would make education obligatory for every child in England and Wales. His report was not specifically written for pauper education, but since pauper children made up such a large proportion of children in England and Wales without substantial education, or even without education at all, make it natural that pauper education is a very central part of his report.

Hawksley argues that education should be made obligatory, despite the reservations Englishmen would have upon the intrusion of the state in their lives. Hawksley states in his report that there had only been built six District schools at present, which is something that I would interpret as a shattering of Kay and Richson's visions about this school. Hawksley further states that the conditions for the children at present time were not better than when Kay wrote his report in 1838, especially is this true for the children in London.

Both Richson and Hawksley are using other people's works or research to make their own arguments stronger. Kay had on the other hand witnessed the situations himself, so that could mean that his report are more reliable than the other two. All of them however do use statistics in their reports or letters to back up some of their statements, which gives their arguments reliability.

Up until this point I have answered the two parts of question one, those were quite easy to answer since they don't need much deduction from my part to figure out. The second question I presented you with has proven to be more difficult.

It is clear from the debate in 1841 that Kay was somewhat successful in influencing his intended audience. He was referred to and cited by many of the participants in that meeting. But when it came to the actual carrying out of his ideas, we see that he has been unsuccessful. The same with Richson, I did not find any debates or alike that have used this letter as a reference or cited it.

Hawksley's report in 1869 can be closely connected with the passing of the Education Act of 1870; however there is no proof of this on paper at my disposal. It is however not likely that his suggestions would not have been ignored, being that this law came about the very next year.

There is not much for me to say about the passing of this law since that would have meant me writing a much more different Master thesis. However it is much possible that this could be something one could look into later. There exists an abundance of sources on the Poor Law and the workhouse; this was only a small selection.

However this is where this thesis ends and it would be interesting to see what the future holds.

## SAMMENDRAG

I denne avhandlingen så har jeg tatt for meg tre perspektiver i debatten om utdanning for de mest fattigslige barna i England og Wales i perioden fra 1834 til 1870.

Grunnlaget for denne oppgaven ligger i den nye fattigloven som ble vedtatt i 1834 av Parlamentet.

De tre personene som står for de perspektivene jeg beskriver er James Phillips Kay som var assisterende kommisjonær for fattigvesenet, C. Richson som var prest og Thomas Hawksley som var lege. I tillegg til disse perspektivene så har jeg også tatt for meg to debatter som fant sted i Parlamentet i henholdsvis 1841 og i 1851. Den første debatten har jeg gått grundig igjennom, fordi den hadde mange referanser til rapporter som James Phillips Kay hadde skrevet om utdanning for fattigslige barn. Selv om det ikke kom fram at det var den samme rapporten som jeg har gått igjennom i denne oppgaven så syntes jeg at det var verdt å gå grundig gjennom argumentene som ble presentert i denne debatten. I rapporten som James Phillips Kay hadde skrevet for fattigvesenet i deres fjerde årlige rapport så sto det at han var svært kritisk til det nåværende systemet med utdanning i fattighusene og at han ville at det skulle etableres egne skoler i distriktene som skulle ta seg av denne utdanningen. Presten C. Richson skrev et åpent brev til innenriksministeren i 1850 som støttet synet til Kay om at utdanningen som foregikk i fattighusene var for dårlige, han ville også at det skulle opprettes distriktskoler for denne spesifikke utdanningen. Han var også opptatt av at de barna som ikke fikk hjelp i fattighusene, men som allikevel var trengende også skulle ha tilbud om utdanning, et tilbud som de til dags dato ikke hadde.

I 1869 så skrev legen Thomas Hawksley en rapport som krevde at det ble lovfestet obligatorisk utdanning for alle barn, fattig som rik. Han skrev det at siden fattigloven ble vedtatt i 1834 så hadde det bare blitt etablert seks av disse distriktskolene som Kay og Richson var så brennende opptatt av. Det at bare seks ble opprettet betyr i bunn og grunn at deres drømmer i realiteten hadde blitt knust. Hawksley syntes dette var for dårlig og at utdanningen generelt i landet var også under pari. Han sa at det var for mange barn i landet som sto uten et tilbud om utdanning, alle disse barna var fattigslige og levde utenfor fattighusene. I 1870 så ble Utdanningsloven vedtatt, men det er usikkert om denne rapporten til Hawksley var utslagsgivende.

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## APPENDICES

### Appendix 1

**Russell, John** [*formerly* Lord John Russell], first Earl Russell (1792–1878), prime minister and author, born at Hertford Street, Westminster, on 18 August 1792, was the third son of [Lord John Russell \(1766–1839\)](#) and his first wife, Georgiana Elizabeth (1768?–1801), second daughter of George Byng, fourth Viscount Torrington, and his wife, Lady Lucy Boyle, only daughter of the fifth earl of Cork and Orrery. Lord John was a seven months' child, and fully grown he stood under 5 feet 5 inches tall. Throughout his life he was subject to colds and felt faint in 'hot rooms, late hours and bad air' (G. W. E. Russell, 11). He was his mother's last and favourite child, and he had just been sent away to school for the first time when she died, on 11 October 1801, when he was nine. In 1802 his father succeeded Lord John's uncle as sixth duke of Bedford. In 1803 the duke married Georgiana (*d.* 1853), fifth daughter of [Alexander Gordon, fourth duke of Gordon](#). There were seven sons and three daughters of the new union.

#### **Education**

Lord John entered Westminster School in 1803 and fagged for his elder brother, Francis. The school was 'too much' for his health, and his stepmother had him brought home and entrusted to the domestic chaplain, Edmund Cartwright, inventor of the power-loom, for his lessons. From 1805 to 1808 he was a living-in pupil of the Revd John Smith, the vicar of Woodnesborough, near Sandwich. In 1806, when the whigs were in office, Lord John passed the summer in Dublin with his father, who was the lord lieutenant. There, as in London, he loved the theatres. In 1807 he accompanied his father on a tour through Scotland, and met Sir Walter Scott. In 1808 Lord and Lady Holland, who 'kept a knife and fork' for him at Holland House, took him to Lisbon, Seville, and Cadiz, where they instructed Spanish insurgents in British constitutional practices. In 1809 Lord John's father, observing that 'nothing was learned' in the English universities, proposed to send his son to Edinburgh. Lord John did not wish to go, but Lord and Lady Holland persuaded him to attend. He lodged for three years with Professor John Playfair, heard lectures by Dugald Stewart, joined the Speculative Society, and met Francis Jeffrey, the editor of the *Edinburgh Review*. Frail as he was, Lord John had acquired a taste for travel. In the

long vacation of 1810 he returned to the Peninsula to visit his elder brother William, who was a soldier, and witnessed the Cortes in session. In 1811 Professor Playfair took him on a tour through the manufacturing districts, Birmingham, Liverpool, Manchester, Sheffield, and Leeds. In 1812–13 he paid another extended visit to Spain, and examined the fields of Barossa and Talavera, where William had been in action. He joined his brother upon the last hill in Spain and gazed into France, where, but for the wars, his grand tour would have begun. In 1814 he sailed to Italy, and on Christmas eve he had a private audience with Napoleon in Elba. In 1815, when the wars finally came to an end, he set off for Paris, and continued all his life to visit France as often as he could, and Italy as well.

### **A thorough whig**

In 1813, while Lord John was abroad, he was returned to parliament for the family borough of Tavistock. On 12 May 1814 in his maiden speech he argued against compelling the Norwegians to unite with the Swedes. In the years which followed, when the whigs were in opposition and he had no prospect of official employment, he began lifelong friendships with Tom Moore, the Irish poet, Sydney Smith, the witty priest, and Samuel Rogers, the poet. For occupation, he turned to writing. He started with *The Life of William Lord Russell* (1819), one of the whig martyrs who had been executed in 1683. The next year he published *Essays and Sketches of Life and Character by a Gentleman who has Left his Lodgings* (1820); a novel, *The Nun of Arrouca* (1820); and a five-act play, *Don Carlos, or, Persecution* (1820), which was written in blank verse and dedicated to Lord Holland. These were followed by *An Essay on the History of the English Government and Constitution, from the Reign of Henry VIII to the Present Time* (1821; enlarged edn, 1823; rev. edn, 1865 and 1873), *Memoirs of the Affairs of Europe from the Peace of Utrecht* (1824), *Establishment of the Turks in Europe* (1828), a second volume of *Memoirs of the Affairs of Europe* (1829), and *The Causes of the French Revolution* (1832).

History contributed a strange mixture of depth and anachronism to Lord John's politics. He had been born into a great whig house, where he was taught that the aristocracy occupied a middle place between crown and people and held their great estates in trust for the preservation of the constitution. The defining moment in his politics, which occurred nine years before he was born, was George III's dismissal of

Charles James Fox in 1783. Throughout his life he worked with a statue of Fox on his desk, and like Fox he thought that even in an age of revolutionary societies and tumults a wilful monarch posed a greater threat to parliament than the people, who were slow. He acknowledged that the French Revolution had been accompanied by acts of violence and outrage. It taught us that 'great changes accomplished by the people were dangerous, although sometimes salutary'. But on whom to lay the blame of their excesses? As he said in the preface to his *Essay on the History of the English Government and Constitution* (1821), the monarchies of the continent of Europe had been, generally speaking, 'so ill-adapted to make their subjects virtuous and happy, that they require, or required, complete regeneration' (p. iii). But 'the government of England ought not to be included in this class; ... it is calculated to produce liberty, worth, and content ... whilst its abuses easily admit of reforms consistent with its spirit' (p. iv). Tories attributed the popular discontent of the war and post-war period to wickedness, Lord John to misgovernment. The composition of the lower house had remained unchanged since the revolution of 1688. Now there was a need for 'great changes', and these, provided they were accomplished by the aristocracy, at the desire of the people, would prove to be 'at once salutary and safe'.

### **Political apprenticeship**

In February 1817 Lord John spoke against the suspension of the Habeas Corpus Act. Shortly afterwards, being unwell, he resigned his seat. He was returned again, unopposed, for Tavistock at the general election of 1818, and for Huntingdonshire in 1820. In 1826 he lost his seat and took refuge in Bandon, an Irish borough controlled by the duke of Devonshire, with whom he had been at school at Woodnesborough. During the 1820s Lord John took up the cause of parliamentary reform. As he saw it, Liverpool's government lived in fear of the large unrepresented towns, and relied for its majority upon the members for small boroughs who voted with government in return for patronage. In 1819 he condemned the Peterloo massacre, which would never have taken place, he thought, had there been elections at Manchester. In 1820–21 he pursued the disfranchisement of Grampound for gross corruption. The ministry refused to transfer the seats to Leeds, or to any other large town (they went to Yorkshire). In the House of Commons, on 25 April 1822, Lord John advocated reform in a speech which passed into the annals of English oratory:

At the present period the ministers of the Crown possess the confidence of the House of Commons, but the House of Commons does not possess the esteem and reverence of the people. ... The ministers of the Crown, after obtaining triumphant majorities in this House, are obliged to have recourse to other means than those of persuasion, reverence for authority, and voluntary respect, to procure the adherence of the country. They are obliged to enforce, by arms, obedience to acts of this House—which, according to every just theory, are supposed to emanate from the people themselves. (*Hansard 2*, 7.73–5)

He proposed to take one member away from each of 100 small boroughs, and redistribute 60 of the seats to the counties and 40 to the large towns. His motion was lost by 269 votes to 164, and in 1826, when he tried again, he was defeated by a larger majority. On 26 February 1828 Lord John tasted success for the first time when he brought forward a motion to repeal the Test and Corporation Acts.

Characteristically, he used the exact words employed by Fox in 1790, and was thrilled when fifteen tory ultras changed sides and the motion was carried by 237 to 193. Catholic emancipation followed (from a different chain of events) in the ensuing year. In the meantime, Lord John campaigned to transfer the two seats taken from Penryn, which was disfranchised after the 1826 election, to Manchester.

Disappointed in this, he proposed to enfranchise Manchester, Leeds, and Birmingham immediately, without waiting for more seats to become vacant. That was the position when George IV died in 1830. At the general election which followed Lord John stood for Bedford. His opponent publicized a passage from *Memoirs of the Affairs of Europe* in which Lord John animadverted upon the irrational behaviour of Methodists, and he was defeated. He departed for Paris, and was still out of parliament on 16 November when Wellington announced the resignation of the ministry. Lord John was back in the family borough at Tavistock, canvassing the electors, when Earl Grey invited him to become paymaster of the forces.

### **The Great Reform Act**

A few days after Lord John had been returned unopposed, Lord Durham asked him to join a committee of four to draft a reform bill. The people complained of the sale of boroughs, nomination by individuals and closed corporations, and the expense and corruption of elections. The committee agreed that a reform bill must be substantial

enough to settle the question for a generation. Lord John suggested that this meant they should redistribute 150 seats, and it seems to have been his draft they worked to. Boroughs with fewer than 2000 inhabitants were to lose both members, those with between 2000 and 4000 were to lose one. That would stop boroughmongering. Then, the ancient rights voters were to be extinguished, condemned for their venality. Seats were to be redistributed to the large towns and to the populous counties. In the towns the test of fitness to vote was to be the occupation of a house of a certain value. In the counties the existing electorate of 40 shilling freeholders was to be enlarged by the addition of some leaseholders and copyholders. A register of electors was to be established and revised every year in order to eliminate the time spent examining claims during a poll, and the duration of a poll and the opportunities for carnival and drunkenness were to be reduced from fourteen days to two.

The constitution was to be restored and a new era of virtuous politics inaugurated. But there was to be no revolution. Lord John aimed to forestall what he termed 'reform upon a principle', and to baffle the 'fanatics' who demanded universal suffrage and annual parliaments. On one issue, the introduction of the secret ballot, he disagreed with the other members of the committee. Non-electors had a right to know how electors voted. Without it, they would raise an irresistible cry for universal suffrage. The secret ballot was among the recommendations submitted to the cabinet by the committee. But the cabinet threw it out, and Lord John's view prevailed. It was an issue upon which he never changed his mind, and his opposition was probably decisive in delaying its introduction for forty years until his political career was over.

The whig leader in the House of Commons, Lord Althorp, was a poor speaker, and Lord John was invited, even though he was not a member of the cabinet, to introduce the bill to the House of Commons on 1 March 1831. After all the intense speculation of the preceding weeks, he passed over the arguments which he had developed at length in 1822, and went straight into 'a clear and intelligible statement' of the proposed changes. The announcement that 168 constituencies were to disappear stunned the house, and changed the mental map of a whole generation. In contrast to Pitt's proposals in 1785, there was to be no compensation to the owners of rotten boroughs which were abolished.

The second reading was carried, by one vote, on 22 March 1831. In April, when his ministry was defeated, Lord Grey appealed to the country. Lord John was re-elected for Tavistock and elected for Devonshire, and he chose the county seat. By the time the new parliament met, the duke of Bedford and Lord Holland had prevailed upon Grey to take Lord John into the cabinet. On 24 June he introduced a second Reform Bill. The committee stage lasted until 7 September, and a month later the Lords rejected the bill. When Nottingham Castle was burnt, and the centre of Bristol sacked, everything underlined the whig case that small adjustments made voluntarily in the 1820s would have saved the nation from much larger changes conceded in the face of excitement now. Replying to an address from the Birmingham Political Union, Lord John wrote that it was 'impossible that the whisper of a faction [the House of Lords] should prevail against the voice of a nation' (*Hansard* 3, 8.599). The phrase upset the king. On 12 December Lord John introduced the third Reform Bill. Towards the end of his life he said that the crisis which followed, in May, when the king dismissed Grey and sent for Wellington, was the only moment of real peril to the country that he could recall. The bill received the royal assent on 7 June 1832. The Lords had reinstated the ancient rights voters, but little else. Writing in the *Edinburgh Review* in January 1846, Lord John said that the tories had been wrong in thinking the bill could be rejected, the whigs had been wrong in foreboding failure for so extensive a measure, and the radicals had been wrong in supposing that 'so large a ruin must lead to a more uniform construction. The authors of the plan were alone justified by the event'.

### **The Lichfield House compact**

The king's action was a bolt from the past, a rerun of 1783, and the whigs were determined that it should not be followed by another fifty years of almost uninterrupted tory rule. Peel dissolved parliament, and while Lord John was in south Devon, where he was returned unopposed, he met and courted Adelaide Lister, Lady Ribblesdale (1807–1838). She was the daughter of [Thomas Henry Lister](#), the author of *Granby*, a novel published in 1826 which referred, in a manner Lord John would have warmed to at the time, to a ministerial borough called Rottentown. Adelaide was now a very youthful-looking widow (her husband, Thomas Lister, second Baron Ribblesdale, died in 1832) of twenty-seven with four children. Inspired by this brightening of his fortunes, Lord John took up his new role as leader of the opposition

in the House of Commons. He decided to avenge the party on the king by opposing the re-election of the speaker, Charles Manners-Sutton, who had collaborated in the royal *coup d'état*. On 18 February, the eve of the opening of parliament, members of the three opposition groups, whigs, radicals, and Irish, met Lord John in Lichfield House. The agreement reached then implied co-operation thereafter. Manners-Sutton was ousted by 316 votes to 306, and on 25 February Lord John carried an amendment to the address expressing support for the ministry which William had dismissed in November. But the margin was small, 294 to 287, and Peel did not resign. Moderates wanted Peel to be given a fair trial, and Lord John dare not initiate a motion of no confidence. When Peel brought in an Irish tithe bill, Lord John was warned that if he did not move the appropriation question it would be raised from the back benches. There were two more meetings at Lichfield House on 12 and 23 March. Early in April Peel was defeated three times, and on 8 April he resigned. In his first trial as leader Lord John had ejected Peel, the greatest politician of the age, and he had vindicated the constitution. It was his finest hour. On 11 April 1835 Melbourne began the formation of a new ministry, and Lord John and Lady Ribblesdale were married, and went to live in 30 Wilton Crescent, London.

### **The Melbourne administration, 1835–1841**

Lord John (or the Widow's Mite, as he was dubbed) now had the opportunity to construct a whig future upon the foundation of an unexpectedly relevant whig past, and he chose the Home Office from which to do it. In May, when Lord John sought re-election in South Devon at the obligatory by-election, he was opposed and defeated by 3755 votes to 3128, and was obliged, for a third time, to take refuge in a small borough, Stroud. As home secretary he had overall responsibility for the government of Ireland. The wrongs of centuries could not be put right in a year, but Lord John was determined to speak in 'the language of conciliation' and to treat the Irish Catholics as 'the free subjects of a free country'. The ministry was committed to an appropriation bill. But the whigs' dependence upon the Irish members was not popular in England, and this allowed the House of Lords, one quarter of whose members were connected to the protestant ascendancy in Ireland, to wreck the ministry's Irish legislation. The Lords would not pass an appropriation bill, and until that was dropped they would not allow any other measure of reform for Ireland to pass either. In 1836 Lord John pressed Melbourne, unsuccessfully, to request the

king to create sufficient peers to get the bill through. The stalemate lasted until William IV died on 20 June 1837. At the general election which followed Lord John retained his seat at Stroud. When parliament met he took the view that the new parliament was not committed to the appropriation clause, and after consulting the authorities in Dublin, he abandoned it in 1838. But his opponents were remorseless. They allowed him to introduce a poor law into Ireland. But they threw out a bill to enable the state to construct the main lines of railway. In the Commons, they introduced a motion to expunge the appropriation resolution from the journals of the house. Then, on 21 March 1839, after the lord lieutenant, the earl of Mulgrave, had returned to England as the marquess of Normanby, the Lords set up a select committee to inquire into the whole course of Irish government since 1835. They continued to hold up the Municipal Corporations Bill for Ireland until 1840, when the ministry appeared to be approaching its end, and Lord John was forced to settle, in the sixth bill in six years, for an act which re-formed a handful of corporations and extinguished the rest.

The whigs could scarcely legislate for Ireland. But Lord John was saved from the fate he dreaded, of 'being responsible for the government of Ireland without having any thing just or kind to offer' (Russell to Palmerston, 24 July 1843, Palmerston papers). Ireland was governed through soldiers, police, magistrates, courts, and judges, and the executive had many powers and much patronage. Inspired by Lord John, the lord lieutenant, with Morpeth the chief secretary and Thomas Drummond the private secretary, stopped using troops to collect the tithe. Catholics were recruited into the police, protestant policemen were dismissed if they attended Orange lodges, stipendiary magistrates were appointed to counteract the bias of protestant magistrates, the crown stopped challenging Catholic jurors, Catholic solicitors were employed to conduct crown cases, and as vacancies arose the judiciary was remodelled. The result was that, as O'Connell wrote to Henry Warburton on 29 December 1836, the ministry was 'for the first time in History conquering the "Anti-Saxon" spirit of Ireland and adding eight millions to the King's subjects' (O'Connell to Warburton, 29 Dec 1836, Russell papers, TNA: PRO).

In Great Britain as in Ireland Lord John sought to eliminate causes of disaffection by modernizing the country's institutions. Hitherto they had been 'lax, careless, wasteful,



injudicious in the extreme'. Now he wanted to introduce 'system, method, science, economy, regularity, discipline' (R. A. Lewis, *Edwin Chadwick and the Public Health Movement, 1832–1854*, 1952, 321). Melbourne's government inherited a backlog of contentious issues relating to civil and religious liberty. First, in 1835, came the bill to reform the municipal corporations in England and Wales (those in Scotland had been reformed in 1833). Many of the ancient corporations exercised influence over elections to parliament, and it was time to expose them to popular (householder) feelings. Towards the end of the session Russell and Peel came to a bargain across the floor of the house. Lord John disappointed his radicals, Peel the House of Lords, and the bill passed. Simultaneously, Melbourne allayed fears that he and Lord John were hostile to the Church of England. Certainly Lord John took a utilitarian view of organized religion, as a form of social cement and a tool for the reduction of crime. But he was not a scoffer, and he was attached to the gospel. He enjoyed a good sermon, and when in London attended services either at St Paul's, Knightsbridge, or at the Belgrave Chapel. He valued the historic role of the dissenting sects in the creation of a pluralistic and tolerant society. But he also esteemed the established churches in both England and Scotland, and held a consistent opinion in favour of the compulsory collection of church rates. Peel had appointed an ecclesiastical commission, and Melbourne and Lord John agreed with the archbishop of Canterbury that the church would be allowed to set its own house in order. Provided it eliminated sinecures and equated salaries to responsibilities, the whigs would defend it from the radicals. Tithe, however, was not within the remit of the commission, and in 1836 Lord John arranged for the tithe in England and Wales to be commuted into a fixed rent charge. Next he instituted a system of national registration of births, marriages, and deaths, and followed it with an act enabling dissenters to be married in their own chapels.

In Britain as in Ireland the results of the general election of 1837 imposed new constraints upon government policy. The radicals began a fresh agitation for the secret ballot. Lord John responded with a speech at Stroud in August 1837, in which he refused to reconsider the provisions of the 1832 Reform Act. The confirmation of this stance upon the opening of parliament in November earned him the nickname Finality Jack. In 1838 the economy went into recession and the Chartist movement was born. On 1 November Lady John died after giving birth to their second daughter,

two-year-old Georgiana's sister, Victoria. The three and a half years Lord John had spent with Addy were the happiest period in his life. For several weeks he was unable to attend to business. When he resumed work he was determined not to become responsible for another Peterloo, and he refused to contemplate emergency legislation against the Chartist leaders. Instead, in an inspired move, he sent Fox's nephew, General Sir Charles Napier, to take command of the northern districts. The crisis came in May 1839, and passed, and the permanent under-secretary at the Home Office, Samuel March Phillipps, remarked how 'Lord John in his quiet way, without parade, but with a steady decided hand, and a most undisturbed temper' had steered the ship among the breakers (S. M. Phillips, 17 Oct 1839, Russell papers, TNA: PRO).

Even while speaking against the Chartist petition Lord John was trying to establish a universal system of schooling all over the country. He dismissed fears of the Tories 'seizing hold of the [proposed] Education Boards, as they do of all other machinery', because 'education in the end must have a liberal tendency [and] this evil ought to be submitted to, rather than leave such multitudes in ignorance' (Russell to Brougham, 27 Aug 1837, Brougham papers). The cabinet preferred to go on working through the voluntary societies, but Lord John did secure the creation of a committee of council on education and the appointment of school inspectors, though his plan for a normal school for training teachers fell victim to Anglican jealousy. He found it easier, in the climate of 1839, to pass an act permitting the justices in quarter sessions to establish rural police forces complementing those which the new town councils were already required to maintain.

Religion, schooling, and justice all had a part to play in Lord John's ideal society. He secured pardons for the Dorchester labourers. He appointed manufacturers to balance the landed gentlemen on the justices' bench. He attempted to coax the legal profession towards the codification of English law. He attended to the criminal law, and abolished the death penalty for forgery and other offences. He distinguished between serious offenders, who were to be transported, and the remainder, who were to be imprisoned in the United Kingdom. He established a prison inspectorate, opened a prison for young offenders at Parkhurst, and prepared the way for the construction of model prisons at Pentonville and Perth, and the phasing out of the

hulks.

By the time Normanby left Ireland in 1839, there was a crisis in Canada. The ministry had already suspended the constitution in Lower Canada in 1837, and was now engaged on a bill of indemnity for the members of Lord Durham's administration. Normanby accepted the Colonial Office on the understanding that he would be allowed to exchange departments with Lord John at some future date. Before that could happen Peel attacked the ministry's policy towards Jamaica. Lord John argued that 300,000 former slaves must be protected from the misbehaviour of 2000 white landowners, but the government majority fell to five, and Melbourne resigned. The queen sent for Peel, who asked her, if he was to form a new ministry, to dismiss some of the whig ladies of the bedchamber. When she refused, the partisan in Lord John was too strong for the constitutionalist to agonize about the manner in which the whigs returned to office. Towards the end of the session Poulett Thomson agreed to go to Canada to implement the union of Upper and Lower Canada provided he was to be responsible to Lord John, and Normanby and Lord John did at last change places (August 1839). A few weeks later Lord John's father died, and his elder brother became duke of Bedford.

Sir James Stephen, the permanent under-secretary at the Colonial Office, said that Lord John was 'one of the very few men in the World, who in the exercise of great political power, is filling the precise function for which nature designed, and education qualified him' (Knaplund, 16). Lord John began thinking about ridding New South Wales of its penal character, and annexed New Zealand in order both to forestall the French and to save the indigenous population from uncontrolled British settlement. But the great issue was Canada, and much of the session of 1840 was devoted to a new Canada act. Thomson secured agreement to the union of Upper with Lower Canada, and solved the problem of the lands reserved for the clergy of the different denominations. In this way, he wrote to Lord John, he had carried 'the Reform Bill and Irish Church [Bill] of Canada' (*Letters from Lord Sydenham*, 47). It then fell to Lord John to carry these measures through the United Kingdom parliament. Once again, just as he had done the year before over the Chartist petition, O'Connell faithfully delivered the votes of the Irish members, and the government survived.

The Irish members now stood between the Conservatives and power. Parliamentary electors in Ireland were registered for eight years at a time, there was some impersonating of the removed and the dead, and Stanley took a leaf out of Lord John's book and brought in a bill to assimilate Irish practices to British ones (equal treatment under the Union) and insist upon an annual registration. The effect would be to injure the O'Connellites, who invoked the Lichfield House compact and called upon the whigs to save them from disaster. Lord John did not find the case for electoral impurity an easy one to argue, and the session was nearly over before he was able to outwit Stanley and persuade him to give up for that year. The recess brought the first serious disagreement with Palmerston, about the crisis in the Near East. Stanley would return with another Irish Registration Bill in 1841, and Lord John began to look for ways of getting politics onto new ground. Hence his decision to invite parliament, in 1841, to substitute a fixed duty of 8s. a quarter on corn for the sliding scale of 1828. Before the ministry could unfold its plan, Peel defeated it on 18 May over the sugar duties, and then, on 4 June, won a motion of no confidence by one vote. Melbourne dissolved parliament and prepared for a general election. The whigs and the Irish parted. In his electioneering Lord John emphasized that the corn laws were an issue Peel could not handle: 'the blockheads of their party will make their insurrection' (27 Oct 1841, *Later Correspondence*, 1.49).

### **Peel's ministry, 1841–1846**

Lord John was invited to stand for the City of London with its four members. He was elected, but he came fourth. The whigs lost the election, but Melbourne waited to meet parliament, and the change of ministry took place at the end of August. In the meantime, on 20 July 1841, Lord John was married to Lady Fanny Elliot [see [Russell, Frances Anna Maria \(1815–1898\)](#)], daughter of the second earl of Minto. Fanny made a home in Lord John's new London house at 37 Chesham Place for the four Ribblesdale children and for Georgiana and Victoria, and brought them all up together with her own children, [John Russell, Viscount Amberley \(1842–1876\)](#), George Gilbert William (Willy; *b.* 1848) , [Francis Albert Rollo Russell \(1849–1914\)](#), and Mary Agatha (*b.* 1853). Fanny also suffered miscarriages, and was often laid up for months on end. She was not a very successful political hostess, but she was ambitious for her husband, and [Bertrand Russell](#), her grandson, thought that a meticulous conscientiousness was preached to his grandfather at home with

'unfortunate' results.

Lord John passed his time editing the *Correspondence of John, Fourth Duke of Bedford* (3 vols., 1842–6) and reading works of political economy. In 1842 Peel's revision of the sliding scale for corn imports and his tariff reforms were so successful that it began to look as though the difference between the parties might after all remain Ireland. Peel abandoned the whig policy of appointing Catholics to offices, and O'Connell revived the repeal movement. Lord John concluded that Peel and the good government of Ireland were a contradiction in terms, and that the great object now must be 'to prevent the establishment of a settled hatred between the two nations' (Walpole, 1.395). But Peel then appointed a commission to inquire into the problem of land tenure. Lord John responded with chagrin; 'if we had thus thrown the subject loose ... we should have been charged with endangering all property' (Russell to Palmerston, 26 Aug 1843, Palmerston papers). In 1845 Peel proposed to increase the annual grant to the Roman Catholic seminary at Maynooth. The tory party split, and Lord John lent Peel his support, the measure being carried by whig votes. By this time the scenario envisaged by Lord John in 1841 was beginning to unfold. In 1843 the Canada Corn Act alarmed tory back-benchers. In 1844 Lord John doubted whether Peel was prepared to stand the test of even one bad harvest. In the Commons on 10 June 1845 he challenged ministers to deny 'that the present Corn Law is intended to, and does in the opinion of political economists, add to the rent of the landlords. Only conceive the effect of this impression working on the minds of the people for many years' (*Hansard* 3, 81.368).

In the autumn of 1845 the potato failed. While Peel's cabinet dithered Lord John was in Edinburgh with Lady John who was unwell. Without consulting any of the other whig leaders he penned an Edinburgh letter announcing his conversion to complete free trade. This was published in the *Morning Chronicle* on 26 November 1845. On 8 December he received a summons from the queen. On 11 December he reached Osborne, where he was invited to form a new ministry, and thus became the leader of the party. While Lady John fantasized about his forming the most religious and moral government the country had ever known, her husband presided over a week of indecision. The whigs were in a minority. If they formed a ministry and proposed immediate suspension of the corn laws followed by gradual abolition would Peel

support them? Peel could not say. That being so the whigs decided, with an eye on the constituencies, to adopt total and immediate repeal. But when Lord John moved on to discuss the allocation of offices Grey raised insuperable objections to Palmerston's going back to the Foreign Office. On 19 December Lord John abandoned his first attempt to form a government. It was Peel who was to have the honour of repealing the corn laws—with whig support—and not the other way round. Peel's party split. In April 1846 Lord John overcame a mutiny by whig peers hoping to revert to a fixed duty. On 25 June the bill to repeal the corn laws passed all its stages with whig support, and in the early hours of 26 June the protectionists and the whigs together defeated Peel upon his Irish Coercion Bill.

**John Prest**

## **Appendix 2**

**Goulburn, Henry** (1784–1856), politician, was born in London on 19 March 1784, the eldest of three sons of Munbee Goulburn (1756/7–1793) and his wife, Susannah (*d.* 1818), eldest daughter of William Chetwynd, fourth Viscount Chetwynd. His childhood was punctuated by crises. While he was still an infant his nurse inadvertently sat on the young Goulburn, leaving him with an indentation of the head and permanently defective vision in his right eye. His father habitually overestimated income from his West Indian sugar plantations, and lived comfortably beyond the family's means, retaining the country residence of Prinknash Park in Gloucestershire and a town house in Great Cumberland Place, Marylebone. When he died suddenly on 29 November 1793, indebted and intestate, he left Henry fatherless and his mother facing vigorous domestic retrenchment and a decade of litigation to secure what remained of the family's assets.

### **Politics and junior office**

Some, at least, of Goulburn's student friendships became political friendships, and he numbered F. J. Robinson and Henry Temple (Viscount Palmerston) among his closest Cambridge friends. Within two years of graduation the pattern of Goulburn's adult life had been established. On his coming of age in 1805 he undertook full responsibility for managing the family estates in Jamaica, the most important of which was centred on Amity Hall. Goulburn's intention of visiting his estates in person were frustrated by ill health or political commitments, and this left him with the challenge of managing estates with which he was personally unfamiliar through agents whom he did not know personally. Like many slave owners Goulburn was reconciled to slavery as a social institution and accepted a version of the humanitarians' argument that the most appropriate indicator of slaves' conditions was their ability at least to sustain their numbers. The fluctuating numbers on the Goulburn estates suggests that, even by this narrow humanitarian measure, his management sometimes fell short, but this was not for want of his willingness to invest time in estate administration or capital in improving projects.

Although enjoying far from abundant financial means, Goulburn was strongly drawn to a political career, and in the 1807 general election offered himself for the Irwins'

burgage borough of Horsham, for which the going rate was said to be 4000 guineas. Although unsuccessful at the poll he was seated in February in 1808 on petition to the house. Predictably Goulburn attached himself to the leading evangelical tory, Spencer Perceval, and self-consciously embarked on a career of political and public service. The extent of Goulburn's loyalty was apparent from his maiden speech on 24 February 1809, in which he offered a partisan defence of the government's Spanish policy; the limits of his loyalty, influenced no doubt by his evangelicalism, were signalled when he refused to support the government over the duke of York's tangled involvement with Mrs Clarke and the sale of commissions. Goulburn was also forging a close friendship with Arthur Wellesley, and on 3 July he set out for Portugal and spent the next few months exploring the war zone at first hand. He returned to London on 18 February 1810 and was immediately offered and accepted an under-secretaryship at the Home Office, finding himself in the junior ranks of a government which included Peel, Palmerston, Croker, Robinson, and Manners Sutton.

In so far as Goulburn had a patron at this stage, it was probably Matthew Montagu, a close ally of Perceval and a critic of Catholic relief. Montagu had supported Goulburn's mother, advised on his education, and frequently welcomed Goulburn into his home. On 20 December 1811 Goulburn married Montagu's third daughter, Jane, and in 1812 succeeded to Montagu's Cornish seat of St Germans. His marriage was firm, committed, and supportive. As under-secretary Goulburn's first piece of legislation was the well-conceived Militia Interchange Act of 1811 which integrated the militias of Britain and Ireland. More dramatic was his role in the aftermath of Perceval's assassination on 11 May 1812. Goulburn, the only Home Office official available in London, hurried to Whitehall, and found himself in his office alone with John Bellingham, the prime minister's assassin.

Lord Liverpool's accession to the premiership led to a ministerial reshuffle, with Peel moving to the chief secretaryship of Ireland and Goulburn replacing him in August 1812 as under-secretary for war and colonies. Appropriately, given Goulburn's colonial interests, he was principally responsible for colonial administration. His style can appropriately be described as that of a managerially minded liberal tory. He soon embarked on an imaginative, but unavailing, attempt to Anglicize the legal system of Trinidad. More constructive was his key role as a negotiator at Ghent in July 1814



charged with negotiating the final arrangement of frontiers, fisheries, and maritime rights at the cessation of the Anglo-American War of 1812–14. This was the kind of technical but politically charged statesmanship at which Goulburn excelled.

In 1818 Goulburn's annual income from his Jamaican estates halved to somewhere under £3000. Managerial changes initiated by Goulburn had failed, although he did console himself that the condition of his slaves had probably improved. This diminution of income had political as well as personal consequences. On Peel's resignation in 1818, Liverpool offered Goulburn the post of chief secretary of Ireland. Goulburn refused what was undoubtedly an elevation partly because he felt he could not relinquish the official salary he enjoyed as an under-secretary and partly because he was reluctant to move his young family across to Dublin or face lengthy periods of separation from them. At the general election of June 1818 Goulburn was returned for West Looe and remained devoted to his ministerial office, willingly handling a massive correspondence, and labouring, with some success, to modernize the internal administration of the Colonial Office.

### **Peel's chancellor of the exchequer**

Throughout the 1830s Goulburn's political ambitions were focused on the speaker's chair. He had hoped he might succeed in 1830, but nothing came of this. In 1838 he was confident of victory until the whigs put up the popular Shaw Lefevre who narrowly defeated Goulburn by 317 to 299 (*Hansard* 3, 47, 1838, 1050). Goulburn's final hope of the speakership was dashed in 1841 when Peel decided not to try to unseat Shaw Lefevre. In the summer of 1839 a depressed and ill Goulburn travelled to Italy; *en route* in Paris he encountered Disraeli whom he found personally agreeable. On Peel's return to office in 1841, Goulburn again found himself at the exchequer, although with a limited domain of action. The great reforming budgets of 1842 and 1845 were presented by Peel himself, with much of the preparatory work done by Gladstone at the Board of Trade. Goulburn's characteristic timidity was apparent in 1842 when he responded cautiously to Peel's proposal to revive the income tax. Nevertheless, when the decision to reintroduce an income tax was taken, Goulburn was happy to commend it to the house as a fiscally progressive and financially necessary measure, and his 1844 budget carefully laid the ground for the continuation of the income tax from 1845. Similarly impressive was his reduction of

3.5 per cent stock to 3.25 per cent in the same budget, a move taken after careful preparation of the City for the event. Like Peel, Goulburn privately favoured a single bank of issue, but followed the compromise solution of dividing the functions of the Bank of England in the 1844 Bank Charter Act. Goulburn was rightly alarmed in 1845 by the boom in railway speculation and shares, which he feared would inhibit investment and growth in the manufacturing sector more generally. His attempt to moderate the railway boom was overtaken by the crisis in Ireland.

Despite their personal intimacy, there were perceptible political differences between Peel and Goulburn in 1845–6. In private Goulburn was sceptical of the value of large-scale public works schemes in Ireland, and only found the money to fund Peel's ambitious public works programme under pressure from the prime minister. In opposition after 1846 he willingly supported the whigs' notably harsher line, bolstered by his underlying commitment to a sternly evangelical political economy. Goulburn was equally sceptical of Peel's conversion to unilateral corn law repeal. He had always preferred radical tariff reform to doctrinaire free trade, insisting on the importance of government's protecting the interests of all trading communities. Moreover, he repeatedly told Peel what the prime minister privately knew but publicly conceded only reluctantly: that corn law repeal would do nothing to help, and might well worsen, the Irish crisis. Nevertheless Goulburn's loyalty to Peel was undiminished. He still maintained, as he wrote to Peel on 27 November 1845, that Peel and Peelite Conservatism were the only barriers to 'the revolutionary effects of the Reform Bill' and to 'unrestrained democracy' (Jenkins, *Goulburn*, 323). Goulburn therefore set aside private doubt and unflinchingly supported corn law repeal, willingly fleshing out the details of Peel's substantial package of agricultural relief, designed to help reconcile the landed interest to repeal. Characteristically Goulburn's parting financial statement to the Commons on 29 May 1846 laid emphasis on the debt's having been reduced by £7 million and annual charges by £1.5 million. To the last he was a man who luxuriated in the technical vocabularies of politics.

Peel's fall from office marked the end of Goulburn's prominence as a public figure. His life had already been overwhelmed by domestic sadness when his eldest son **Henry** [Harry] **Goulburn** (1813–1843) died, unmarried, at 8 Downing Street, London, on 8 June 1843 following a severe chest infection. Born in London on 5 April 1813,

Harry was always a frail child. He was educated privately at Brighton by the evangelical clergyman Henry Venn Elliott and then by the Revd William Jackman at Clapham; 'a tone of deep earnest piety' was said to have been his distinguishing characteristic (*GM*, 2nd ser., 20, 1843, 98). His career at Trinity College, Cambridge, where he graduated as senior classic and second wrangler in 1835 was 'one of continued triumph'. He was elected a fellow in 1835, was Greek grammar lecturer in 1840 and Latin lecturer in 1841, and was called to the bar by the Middle Temple in 1840. His death all but destroyed a devoted father. In 1844 Goulburn secured a vacant commissionership of customs for his third son, Frederick (1818–1878), also of Trinity College, Cambridge; he rose to chair the customs board. The second son, Edward (1816–1887), of the Grenadier Guards, succeeded to Betchworth House. His only daughter, and youngest child, Jane was born in 1820.

After his retirement from political office in June 1846, Goulburn continued to serve as a church commissioner, for which he received a salary of £1000 per annum. When Peel fell from his horse in 1850 Goulburn hurried back to London from Cambridge, and was with the family when he died. Appropriately Goulburn was a pallbearer at Peel's funeral; he was also an executor of his will. By the time the Peelites returned to office in the Aberdeen coalition in 1852, Goulburn was disqualified from serving by age and a now rigid Conservatism. His own death, from pleurisy, on 12 January 1856 at Betchworth, attracted little public attention. He had outlived most of his generation, and was buried in the family vault at Betchworth.

**G. F. R. Barker, rev. David Eastwood**

### Appendix 3

**Stanley, Edward John**, second Baron Stanley of Alderley and first Baron Eddisbury (1802–1869), politician, was born on 13 November 1802 at Alderley Park, Cheshire, the eldest son of John Thomas Stanley, first Baron Stanley of Alderley (1766–1850), and Maria Josepha (1771–1863), daughter of [John Baker Holroyd, first earl of Sheffield](#). He had a younger twin brother, William Owen Stanley (1802–1884). His father, a strong whig, was MP for Wootton Bassett from 1790 to 1796; his mother, whose intellectual talents were admired by Gibbon, was a domineering personality (GEC, *Peerage*). Stanley was educated at Eton College and Christ Church, Oxford, where he matriculated in 1822 and graduated BA with third-class honours in classics in 1825. He married Henrietta Maria Dillon-Lee (1807–1895), eldest daughter of the thirteenth Viscount Dillon, on 7 October 1826 at Florence [see [Stanley, Henrietta Maria](#)]; although the marriage was valid they underwent a second ceremony at Alderley on 26 June 1833. They had four sons and six daughters, including [Henry Edward John Stanley](#), who succeeded as third baron, [Edward Lyulph Stanley](#), [Rosalind Frances Howard, countess of Carlisle](#), [Katharine Louisa Russell, Lady Amberley](#), mother of the philosopher Bertrand Russell, and the women's welfare activist [Maude Alethea Stanley](#).

Stanley was first returned to parliament for Hindon, Wiltshire, in the last unreformed election of 1831, and when that borough was disfranchised represented North Cheshire from 1832 to 1841, and from 1847 to 1848. On 12 May 1848 he was created Baron Eddisbury, and he succeeded to the barony of Stanley of Alderley on 23 October 1850.

Stanley entered parliament as a whig. He came to prominence through Edward Ellice and Lord Durham. It was probably Ellice who persuaded Lord Melbourne to appoint him as secretary to the Treasury in 1835. Stanley had served as under-secretary for the colonies under Lord Grey in 1833–4, and as under-secretary to the Home department under Lord Melbourne from July to November 1834. Ellice was Treasury secretary, but his keen interest in electoral matters prevented him from devoting the time required to manage the government's often disorganized and disunited

supporters in the Commons. Lord Althorp, leader in the Commons, had hoped that reform would forge a united party in the house, but lack of attention to the whip generated a series of parliamentary crises. Stanley's connections to Durham, Joseph Parkes of Birmingham, and other members of the radical movement seemed to make him an ideal person to keep the coalition of whigs, radicals, and Irish members together following the so-called Lichfield House compact of 1835. Stanley was appointed paymaster-general for the government's last few months of office from June to September 1841, and was appointed a privy councillor on 11 August 1841.

As Treasury secretary, Stanley was only a moderate success. Parkes thought him a good 'whipper in', although he made no strong impression on Lord Holland, who continued to regard Ellice as the chief whip as late as January 1836. Many did not trust him. Nicknamed Benjamin Backbite at Oxford on account of his often malicious satire, he could be either genial or disagreeable. One clerk called him 'cross-grained and tyrannical' (Bourne, 412). *The Times*, in his obituary, concluded that although he had 'spice of ill-nature', he was a man of 'great kindness of heart, and ever ready to do a friendly and obliging action' (*The Times*, 17 June 1869).

During his first term as Treasury secretary, Stanley had the advantage of a comfortable majority, but following losses in the elections of 1837, the lack of formal management procedures produced unnecessary crises. Ellice warned Melbourne by the end of 1838 that Stanley had been unable to do a good job and that the party, if it was to stay together in the Commons, was in need of a new secretary. His warning was prophetic, for it was clear that Stanley had not warned the members of the importance and suspected closeness of the Jamaica division that prompted the government's resignation in May 1839. In fact, his dalliance with Durham, Parkes, and other radicals lost him support among the whiggish leaders and members. Melbourne would not move him to the Colonial Office, as Ellice recommended, because of that connection. Stanley's radical propensities may have been shaped by his wife, who had strong Jacobin and radical sympathies. As Durham's private secretary when the Reform Bill was drafted, he quickly became known as his 'radical henchman'. Although he was closely connected to the radicals Joseph Hume and Henry Warburton who founded the Reform Association in 1835, the whigs refused to join that populist organization devoted to organizing further reforms. The following

year, Stanley joined with Parkes and Hume to organize a Liberal Union club to 'humanize the Radicals and liberalize the Whigs' (Parkes to Brougham, 12 Feb 1836, Brougham MSS). But this new Reform Club was quickly and deliberately swamped with whig grandees, who did not want to alienate the radicals by disowning their alternative to Brooks's Club, but who had no intentions of cavorting so openly with Stanley's connections. If his serving as Treasury secretary was a tactical device to hold a parliamentary alliance together, such a strategy was not without difficulty.

Where Ellice had served as Stanley's early mentor, Lord Palmerston did so in the later stages of his career. Why he should do so is not at all clear. Stanley and Palmerston were poles apart politically; they had represented the opposite ends of the spectrum in Melbourne's government. Stanley was among those in 1836 who wanted Palmerston elevated to the peerage, and hence removed from the Commons. He had, moreover, intervened with the press on behalf of Lord John Russell in the latter's vituperative and public opposition to Palmerston's bellicose quarrel with France over Eastern affairs. Yet in July 1846, when the whigs returned to office, Palmerston chose him as under-secretary for foreign affairs, a post he held until February 1852. Perhaps Palmerston continued to be influenced by thoughts of Lady Stanley, to whom he had attempted, unsuccessfully, to make love in his 'impudent, brusque way' in 1826 (Bourne, 213). He had continued to hold her in some regard, terming Stanley at one point 'joint whip with Mrs Stanley' (*DNB*). Whatever the reason, Palmerston continued to look after the career of this unexceptional career politician. Vice-president of the Board of Trade in February 1852 and again from 1853, he was appointed president in March 1855 at a time when trade policy took a decided back seat to foreign wars, and remained in this office until February 1858. In August 1860 he was appointed by Palmerston as postmaster-general with a seat in the cabinet, remaining until July 1866, but he refused further office, on account of declining health, when offered a cabinet seat by Gladstone in 1868.

Stanley died at his London house, 40 Dover Street, on 16 June 1869. As he lay dying, he heard a noise in the street, and asked his daughter if the revolution had begun. He was buried at Alderley Park on 23 June 1869. His wife long outlived him.

**Ian D. C. Newbould**

## **Appendix 4**

**Peel, Sir Robert**, second baronet (1788–1850), prime minister, was born on 5 February 1788 at Chamber Hall, Bury, the third child and the eldest boy among the eleven children of [Sir Robert Peel, first baronet \(1750–1830\)](#), printed calico manufacturer, landowner, and MP, and his first wife, Ellen Yates (1766–1803), who was the daughter of one of his two partners, Haworth and Yates. Two sisters died in infancy. Three sisters and five brothers survived, and all married. Peel was only two when his father bought a property in Tamworth and entered parliament as the member for the borough in 1790.

### **Home secretary**

In 1820 and 1821 Peel refused offers of a place in the cabinet as president of the Board of Control. But on 17 January 1822 he rejoined the administration as home secretary, a post he was to hold until Lord Liverpool suffered a stroke in 1827, and again, under the duke of Wellington, from 1828 to 1830. As home secretary Peel's primary responsibility was for law and order, and here he distinguished himself from other contemporary reformers by his ability to see the process whole and to attend to all aspects, from the formulation of the criminal law and the mechanics of policing, through indictment, trial, and sentencing, to punishment on the scaffold, in prison, and in penal colonies.

Contemporaries gave Peel credit for reducing the number of offences which carried the death penalty. But there was no fall in the number of executions, and the most striking achievement of his period at the Home Office, and perhaps of his whole career, was the consolidation of the criminal law. He began in 1823 where his predecessor, Lord Sidmouth, had left off, with the law relating to prisons. The following year he attended to the laws relating to transportation, and began to coax the Scottish judges towards a reform of Scottish criminal law. In 1825 he consolidated eighty-five laws relating to juries into a single act. In 1826 he proposed to consolidate the laws relating to theft. Out of 14,437 persons in England and Wales charged with various crimes in the course of the previous year, 12,500 (at least) had been accused of theft, which was the most important category of crime.

Consolidation was needed because, year by year throughout the eighteenth century,

specific acts (he cited the stealing of hollies, thorns, and quicksets) had been made into crimes instead of species of acts. There were now ninety-two statutes relating to theft, dating from the reign of Henry III, and Peel sought to unite them in a single statute of thirty pages. Upon this occasion his attempt to reduce the law to a single act proved to be too ambitious, and the bill emerged, finally, as four separate acts in 1827.

Peel's talents were never more apparent than in this labour of consolidation. In 1824 a select committee had recommended that consolidation and amendment should be kept distinct. Peel decided that they were not separable. He interpreted consolidation to mean the collection 'of dispersed statutes under one head' followed by the rejection of what was 'superfluous', the clearing up of what was 'obscure', the weighing of 'the precise force of each expression', and 'ascertaining the doubts that have arisen in practice and the solution which may have been given to those doubts by decisions of the courts of law' (*Hansard 2*, 14.1236). Where he found any gap 'through which notorious guilt escapes' (he instanced the theft of stock certificates in the funds which was not at that time an offence), he would remedy it (*ibid.*, 14.1222–3). In Peel's hands, then, a consolidating act was a reforming act which incorporated case law and supplied omissions. As he turned from one aspect of the law to another, Peel circulated drafts of his consolidating bills among the judges, and took pains to win their support, flattering Lord Eldon with a bag of game (which perhaps he had shot himself). He succeeded because nine-tenths of criminal law was statute law, which judges loved to criticize, and one-tenth, only, common law, the anomalies of which judges might seek to preserve.

On 9 March 1826 Peel's method of presenting a case came to maturity in his great speech on theft (*Hansard 2*, 14.1214–39). There was an apology (a preference really) for a topic which could 'borrow no excitement from political feelings' and might appear 'barren and uninviting'. There was a reference to a hypothetical fresh start ('if we were legislating *de novo*, without reference to previous customs and formed habits'). There was a glance at more radical proposals for 'rapid progress, which is inconsistent with mature deliberation', and a promise that, if he was allowed to have his way, there would be 'no rash subversion of ancient institutions' and 'no relinquishment of what is practically good, for the chance of speculative and



uncertain improvement'. His own proposals were then presented as a middle way 'between the redundancy of our own legal enactments and the conciseness of the French code'. Finally he avowed his ambition to leave behind him 'some record of the trust I have held', and to connect his name with 'permanent improvements' to the institutions of the country.

### **The Catholic question, Liverpool, Canning, and Goderich**

So long as Lord Liverpool was prime minister Catholic emancipation remained an open question, and Peel, who as home secretary had overall responsibility for the administration in Ireland, continued to act as the protestant champion in the House of Commons. But the issue was beginning to pass out of control, both at Westminster and in Ireland. In 1825 the pro-Catholics won the annual vote in the House of Commons. Peel offered to resign, but was told that his resignation would bring Liverpool's government down. Understandably, he was unwilling to terminate the career of the statesman who had given him his first step up the ladder, and he allowed himself to be persuaded to continue. In 1826 there was a general election, and early in the following year Liverpool suffered a stroke. When the succession passed to George Canning, the leader, since 1822, of the Catholic party within Liverpool's administration, Peel (and others) did resign, and when Canning, too, died in August 1827 and was succeeded by Lord Goderich, Peel remained out of office. Early in 1828, when Goderich's administration collapsed and the king invited the duke of Wellington to form a government, Wellington asked Peel to return to the Home Office and to take the lead in the House of Commons.

### **Home secretary again**

At the Home Office, Peel resumed consolidating where he had left off. In 1828 he dealt with the law of offences against the person, reducing it from fifty-seven acts to one, and in 1830 he turned the twenty-seven acts relating to forgeries punishable with death into a single statute. Even more important in his eyes, he began at last to make progress with the police. In 1822 a committee had refused to recommend any reform. In 1828 Peel secured a new inquiry into the police of the metropolis, and the following year he was able to legislate. He had already given an indication of the way his mind was working when he praised the small force of full-time professional magistrates and constables established in London in 1793. But this efficient

superstructure rested upon a complex of autonomous parochial and district watches. In St Pancras alone there were eighteen different night watches, many of which had no authority to intervene in a brawl on the other side of the street. Peel resolved to create a unified body under the control of the home secretary and paid for out of a general rate. The new force started patrolling the streets on 29 September 1829. They were not there to carry out sophisticated criminal detective work, but to restrain the thousands of vagrants, thieves, prostitutes, and drunks who tried to beg, steal, earn, or expend a living upon the streets of the capital, and to keep order. Peel's 'vigorous preventive police' carried truncheons but not firearms, and their secret (or innovatory) weapon was their military discipline. This 'unconstitutional' police force, as it was called in the Chartist petition, was bitterly resented, and there were many assaults upon policemen at first. But a force of just over 3000 men won control of the streets. The thin blue line penning vice back into the rookeries and shielding gentility from coarseness was a huge step up from the parish constables and night watchmen. In sterner times of supposedly revolutionary turmoil, it was also a reassuring step down from the use of soldiers and the risk of bloodshed. Like so many of Peel's reforms this one lasted. Fears of the police developing into a secret police on the continental model proved to have been exaggerated, and hostility to the very idea of an efficient police force ebbed away. By the mid-century the policeman's image was becoming a friendly, neighbourly one, and constables were being called 'bobbies' or 'Peelers' after their founder Robert Peel.

### **Catholic emancipation**

In the meantime, as leader of the House of Commons, Peel was obliged to grapple with the Catholic question. In 1827 the protestants had won the annual vote in the House of Commons. The following year, when the protestant dissenters and the Roman Catholics, in effect, came to terms, the government was heavily defeated on a motion for the repeal of the Test and Corporation Acts, and it was defeated again on a motion for Catholic emancipation. The first defeat was easy to deal with—Wellington and Peel gave way and brought in a bill of their own. The second was compounded by the rise of the Catholic Association and the defeat of Vesey Fitzgerald, a popular protestant landlord and government minister, by O'Connell, who was not eligible to take his seat, at a by-election in co. Clare. The protestant ascendancy had collapsed, and emancipation was now imperative. The only question

was whether it should be undertaken by the king's present ministers or by a new political combination. Once again Peel offered to resign, and once again he was persuaded to stay. That decision taken, he offered to vacate his seat for Oxford University. His friends renominated him, but at the end of February he was defeated in a poll by Sir Robert Inglis by 609 votes to 755, and the government had to ask Sir Manasseh Lopes to vacate his pocket borough at Westbury in Peel's favour. Peel was aware, then, when he rose on 5 March 1829 to introduce the cabinet's bill to emancipate the Catholics, that he would be asked why he saw 'a necessity for concession now, which was not evident before'. He answered that it was the condition of Ireland. '[The protestant] Reformation in Ireland' had hitherto 'made no advance', and after twenty years he was convinced that 'the evil' was 'not casual and temporary, but permanent and inveterate'. The time had come when less danger was to be apprehended from 'attempting to adjust the Catholic Question, than in allowing it to remain any longer in its present state'. 'I yield ... unwilling to push resistance to a point which might endanger the Establishments that I wish to defend' (*Hansard 2*, 20.728–80). He ignored O'Connell, and saved face by announcing that the details of the measure had not been discussed with the Roman Catholics themselves. Catholics were to be allowed to enter both houses of parliament and to hold any office except regent, lord chancellor, and (more strangely) lord lieutenant of Ireland. In return Peel asked the Irish to accept the disfranchisement of the 40s. freeholders and a reduction of the electorate. The government did not ask for any control over the appointment of Roman Catholic bishops, because no British government, Peel said, could enter into negotiation with the court of Rome.

### **Coming to terms with parliamentary reform and whig government**

The bill passed, but it split the tory party, and politics were never to be the same again. Peel had spent his formative years in parliaments where ministers relied for their majority upon the sweetening effects of royal patronage, and where, for want of such influence, the opposition was weak. It was a situation in which a secretary of state could devote the greater part of his day to his department, and one in which, when he had framed a measure, he could come before the House of Commons with a reasonable expectation that he would prevail. Now, the ultra-tories began to mutter that a more popular parliament would never have passed an emancipation act. Their disaffection helped the whigs back into the mainstream of politics, and parliamentary

reform became a practical issue. Between 1826 and 1830 Peel himself had been willing to transfer the two seats taken away from Penryn to Manchester. But he had acquiesced in the Lords' refusal to enfranchise any large town. Now, in 1830, reform motions were already being debated by the old parliament before George IV died in June, and new elections were held in July and August. The year was a watershed in Peel's personal as in his public life, for his father died on 3 May, and Peel became the second baronet, inherited the property at Drayton Manor (which, together with his dividends from the funds, brought him an income of £40,000 p.a.), and succeeded his father as the member for Tamworth, which he continued to represent until the end of his life. Wellington and Peel met the new parliament without any increase in strength. The ministry could not make overtures to the ultra-tories, and the followers of William Huskisson did not welcome the advances made to them. Peel felt that he was in a false position, and he was scarcely on speaking terms with the duke. When the ministry was defeated in a vote on the new civil list, on 15 November 1830, he was glad to go. He had been in office for fourteen of the past eighteen years, and he was wounded by charges of 'ratting' on the Catholic question.

In the course of the next two years—while a government headed by Lord Grey introduced a reform bill, called another general election, and sought to persuade William IV to create peers in order to carry their bill through the House of Lords—Peel was obliged to learn a new role, as leader of an opposition. He did not, at first, find it easy. In March 1831 he was appalled by the magnitude of the whig scheme, and on 9 April he was actually on his feet, and had lost his temper, when black rod arrived to summon the Commons to hear the announcement of the dissolution of parliament. During the election which followed, Peel's house in London had to be protected by the new Metropolitan Police, and Peel himself had to be stopped by his friends from becoming involved in a duel with Sir John Hobhouse. When the excitement over the bill moved on from the Commons to the Lords, Peel surprised Lord Harrowby and the waverers by saying that he would prefer the bill to pass by a creation of peers (whose effects, he believed, would be temporary, because the newly created peers would not remain radical for long) rather than a threat to create peers (which might establish a precedent for permanent revolution).

In May 1832, when ministers resigned, Peel declined the king's invitation either to

form or to join a new administration. The bill, he thought, should be passed by the men who had introduced it. Once the bill became law, Peel accepted it as the settlement of a great question, and demonstrated confidence in the future by commissioning Robert Smirke to design him a new mansion, complete with every modern convenience of heating and plumbing, at Drayton. There it became a tradition for the family to lunch off silver and dine off gilt. Thither Peel transferred many of his British paintings. These included portraits, commissioned from Sir Thomas Lawrence, of his political colleagues Liverpool, Canning, Huskisson, Wellington, and Aberdeen—canvases to inspire him during the parliamentary recesses when he was considering how to block any further increase in popular power at the expense of the traditional institutions, crown, church, and aristocracy. At first the instruments to hand for this defensive warfare were weak. There were about 150 tories, only, of all kinds, returned at the general election in December 1832, and the party in the House of Lords was not his to control. Peel felt his way. Sitting for Tamworth, he had no experience of how respectable a contest in a newly enfranchised large borough might be, and he shared many of the ultra-tories' fears for the constitution. But he avoided making any premature attempt to reunite the party, and he waited for the tories to gather round him on his own terms. In the meantime he was fortunate. The whigs began to fall out with their radical allies, and among themselves. This gave Peel the opportunity to step in and save the moderate whigs from the extremists, and in this way the new Conservatism was born.

### **Prime minister, 1834–1835**

In July 1834, when Grey resigned, the king invited Peel to coalesce with Melbourne. But that was impracticable. Melbourne became prime minister, and when autumn came Peel took Julia and his elder daughter to Italy. They were in Rome when William IV dismissed Melbourne, and the duke of Wellington advised the king to send for Peel (and agreed to act as caretaker until Peel arrived). The king's messenger reached Rome on 25 November, and Peel was back in London on 9 December and kissed hands the same day. He never doubted that he must accept the commission—it had, in effect, been accepted for him, and refusal would injure the crown. The whig dissidents, Sir James Graham and Lord Stanley, were not yet ready to join Peel, whose cabinet could not then differ much from the duke of Wellington's cabinet in 1830. But Peel took the office of chancellor of the exchequer for himself,

and he found new blood for junior offices—Gladstone, Sidney Herbert, and Praed. The ministry could not survive in the existing House of Commons, and Peel asked the king to dissolve parliament.

### **The Tamworth manifesto**

Next, Peel found an imaginative way of communicating with the electorate. The Tamworth manifesto was addressed to his own constituents, but it was distributed to the national newspapers and published on 19 December 1834. Peel appealed, in inspired words, ‘to that great and intelligent class of society ... which is far less interested in the contentions of party, than in the maintenance of order and the cause of good government’. He promised ‘a careful review of institutions, both civil and ecclesiastical’ and ‘the correction of proved abuses and the redress of real grievances’. It did not take him long to show that this was no mere rhetoric. For his own part he found religiosity almost as distressing as impiety, and avoided religion as a topic of conversation. But he valued the church as an institution, and he persuaded the bishops to embrace an ecclesiastical commission, which would enable the church to reform itself and save it from its enemies. Hopefully this would atone, among the ultras, for his actions in 1829. Simultaneously, ministers let it be known that they were willing to consider the whole range of dissenters' grievances. In the elections which followed, early in 1835, Peel's supporters won 290 seats and became the largest single party in the House of Commons. It was not enough to give them a majority, and Peel was surprised by the skill with which Lord John Russell persuaded the whigs, the radicals, and the Irish to combine against him. First, they threw out the former speaker. Next they carried an amendment to the address. But the margin was small, Russell dared not take up Peel's challenge to move a motion of no confidence, and Peel gained time in which to introduce his Irish Tithe Bill. In the first week of April, Peel was defeated three times, and on 8 April he resigned. In the space of four months the king had elevated Peel into the leader of the party of resistance, and Peel had earned high praise. He had not been able to pass his own measure, but he had stayed in office long enough to get his opponents committed to the (unpopular) appropriation of the surplus revenues of the Irish church to the education of all classes of Christians. The contest thus begun, across the floor of the House of Commons, between Peel, with his tall stature, huge frame, and uneven, slightly wobbly legs (caught even better in *Political Sketches* by H. B. than in the portraits at

age thirty-seven by Sir Thomas Lawrence, at fifty by John Linnell, and at fifty-six by F. X. Winterhalter), and the diminutive Russell, was to last, with many changes of fortune, to the end of his life.

### **An opposition leader**

For six years between 1835 and 1841 Peel showed a wonderful patience waiting for the whig ministry to perish, and for the premiership to return to him unencumbered by any debt to any man. At first he was extremely apprehensive. Party feeling reached a new peak in the summer and autumn of 1835. Inside parliament, Peel was afraid lest the tory peers, by challenging the government's Municipal Corporations Bill, bring about their own destruction. The reform was an inescapable postscript to the Reform Act, and he wanted it out of the way. He tried, as he expressed it in 1838, to 'diminish the risk and deaden the shock of collisions between the two deliberative branches of the legislature'. He lent his aid to see the bill safely through the House of Commons and onto the statute book, and then passed the recess reading Guizot's history of the French Revolution. The following year he continued to proclaim selective opposition. But he was happy to see the House of Lords block every whig measure for Ireland (tithe, corporations, poor law). Outside parliament he continued to develop the theme of the new Conservatism—in a speech in the City in May 1835, and in Glasgow (where he had been elected lord rector of the university) in January 1837.

Party and its organization was something Peel felt ambiguous about. He was not in love with parties, and he regretted the high profile of party warfare after 1830, which demanded more frequent attendance in parliament and took ministers away from their offices. But he did well what he had to do. He selected the chief whips, Sir George Clerk in 1835 and Sir Thomas Fremantle in 1837. He directed Lord Granville Somerset to operate—to the extent that the constituencies would allow it—a central clearing house for parliamentary candidates. He encouraged F. R. Bonham (a frequent visitor to Drayton) to brief him about the state of the electorate, and he reminded his supporters in the constituencies that 'the battle of the constitution must be fought in the registration courts'. At the general election of 1837, following the death of the king, the party won another twenty-three seats in the English counties. This left the whigs dependent for their majority upon O'Connell's Irish members. It was an inconsistency in Peel that, having sat for an Irish seat himself, he now

thought it unconstitutional, almost, for the course of the United Kingdom to be determined by Irish votes when they were not to his liking. But it was a prejudice shared by Graham and Stanley, who joined forces with Peel in 1838. Even after the whigs abandoned the appropriation clause in 1838, Peel denounced their plan for the state to construct the main lines of railway in Ireland (1839), and confined the Irish Municipal Corporations Act (1840) to almost the narrowest possible compass.

Whatever Peel gained in popular franchises in 1837 he lost, for the time being, with the accession of Queen Victoria. Melbourne had a hold upon her affections, and a partisan whig for a queen was a novelty. Peel kept Conservative spirits up with another speech in May 1838 at the Merchant Taylors' Hall. In 1839, when the whig majority fell to five upon a proposal to suspend the constitution of Jamaica, and the ministry resigned, Peel was unable to take Melbourne's place because the queen would not grant him the expression of confidence for which he asked—the dismissal of some (the queen thought he demanded all) of the whig ladies of the bedchamber. Peel could have forced the issue, but given his respect for royalty he preferred to yield and allow Melbourne to carry on. The ministry was weak, but Peel still lacked the means to topple it, and in the following year, when the Conservatives essayed a motion of no confidence, it was emphatically defeated. Peel did not exploit the ministry's difficulties over Canada.

### **The general election of 1841**

In 1841 the whigs addressed themselves to the budget deficit. In trying to take politics onto new ground, they proposed to reduce the duties on sugar, timber, and corn. Peel made sport with them by drawing a picture of the chancellor of the exchequer 'seated on an empty chest, by the pool of bottomless deficiency, fishing for a budget', and defeated them upon sugar. He then moved a vote of no confidence which was carried by one vote on 4 June 1841. At the general election which followed, 'every Conservative candidate', J. W. Croker said, 'professed himself ... to be Sir Robert Peel's man', and all turned on the name of Sir Robert Peel. The whigs campaigned upon a small fixed duty on corn. Peel skilfully avoided pledging himself to any particular course of action about the corn laws or anything else. The Conservatives won a majority of about 76. In the English and Welsh counties they won 137 out of the 159 seats. In the English and Welsh boroughs they took almost



as many seats as the whigs, 165 to 176. In Scotland the Conservatives held 20 out of the 30 county seats, but two only of the 23 borough seats. In Ireland, where they made some gains, they held 43 out of 105 seats.

### **Prime minister, 1841–1846**

The whigs met the new parliament towards the end of August and were ejected. The queen, who was now guided by Prince Albert, made no difficulty about the bedchamber, and on 30 August Peel at last became prime minister upon his own terms. Or so it seemed at the time. But in fact, for all his attempts to modernize the party and to broaden its appeal to the industrious middle classes, he was more dependent than ever upon the country squires. Analysis of the borough seats shows that Peel's success was concentrated in the small English boroughs, with fewer than 1000 electors, and that in the large English boroughs, with more than 2000 electors, he had actually won two fewer seats—15 to his opponents' 43—than in 1837. The triumph and the tragedy of the ministry of 1841–6 were written into the results.

Peel appointed Sir James Graham to the Home Office and Aberdeen to the Foreign Office. Goulburn became chancellor of the exchequer, and the earl of Ripon president of the Board of Trade (with Gladstone as his junior). Thus far, everything was under Peel's control. Graham acted as his lieutenant, Peel himself took responsibility for explaining Aberdeen's conciliatory conduct of foreign affairs to the House of Commons, and Goulburn and Ripon, survivors of the governments of the 1820s, both turned, by long habit, to Peel himself for advice. Stanley, who took the colonies, was more independent, and he was given early promotion to the House of Lords in 1844. Ellenborough became president of the Board of Control, and then, a month later, governor-general of India. The forward policy which he adopted towards Afghanistan and China, the annexation of Sind, and the conquest of Gwalior were not much to Peel's taste. Among the less-effectives, Knatchbull (paymaster-general) represented the ultras, as he had in 1835, and Buckingham was offered a place (lord privy seal) as a spokesman for the agricultural interest.

Peel's first objective was to restore the authority of government. Throughout the 1830s, the whigs (as he saw it) had allowed their policies to be suggested to them, and their measures to be amended, by their radical and Irish supporters. This was

dangerous. Ministers should be seen to be in charge. It was imperative to put the political pyramid back the right way up again. Legislation should be prepared by ministers, with deliberation. Considered measures should then be respected as the work of professionals, and they should be seen to pass without amendment. Peel would exercise power upon his own 'conception of public duty', and he took pride in never having proposed anything which he had not carried.

**John Prest**

## Appendix 5

**Somerset, Lord Granville Charles Henry** (1792–1848), politician, was born on 27 December 1792, the second of ten children of Henry Charles Somerset, sixth duke of Beaufort (1766–1835), and his wife, Charlotte Sophia (1771–1854), daughter of Granville Leveson-Gower, first marquess of Stafford (1721–1803), and his third wife, Susannah. His mother was an evangelical Methodist known for her piety. The estates and influence of the dukes of Beaufort, whose seat was at Badminton, ranged from the counties and boroughs of Brecon and Glamorgan to Monmouth, Gloucester, Wiltshire, and Oxfordshire. Assured of a parliamentary seat, Somerset was encouraged to become his father's man of business and to pursue a political career. Disfigurement by a riding accident early in life did not impair his prowess as a sportsman and rider after hounds, but to save him embarrassment he was not sent away to school with his elder brother, [Henry, marquess of Worcester \[see below\]](#). He matriculated at Christ Church, Oxford, on 19 January 1811, and graduated BA on 4 November 1813 with the second prize in classics, MA on 29 March 1817, and DCL on 10 June 1834. Nothing is known of Somerset's attachments prior to his marriage on 27 July 1822 to Emily Smith (*d.* 1869), the youngest daughter of [Robert Smith, first Baron Carrington \(1752–1838\)](#), of the Smith family of bankers; £30,000 was settled on her to accompany Somerset's portion of £10,000.

On 20 May 1816 Somerset succeeded his uncle Lord Arthur Somerset (1780–1816) as MP for Monmouthshire, and he retained the seat for life. A committed tory and opposed to parliamentary reform, he was appointed a junior Treasury lord by Lord Liverpool in March 1819; he resigned when the pro-Catholic Canning became prime minister in April 1827. He dated his lifelong commitment to the cause of the insane, whom he served from August 1828 as a metropolitan lunacy commissioner, to his service on the select committee of 1827 on pauper lunatics. He returned to the Treasury under the duke of Wellington in January 1828, declared with him for Roman Catholic emancipation in January 1829, and chaired Peel's London committee at the ensuing Oxford University by-election. Ousted with Wellington in November 1830, he proposed Peel as their party leader in the House of Commons.

From 1830 to 1834 Somerset played a leading part in organizing parliamentary and

constituency opposition to Lord Grey's reform administration, being involved from the outset in establishing and managing the Charles Street committee and the Carlton Club. His own unopposed election in 1831, after voting against parliamentary reform on 22 March and 19 April, was attributed to his popularity as a hardworking MP attentive to his constituents' interests. He failed on 7 September 1831 to extend Monmouthshire's borough representation under the Reform Act, and was incensed at the forfeiture of the county's intended third seat to provide separate representation for Merthyr Tudful from 1832. However, he secured boundary changes favourable to the Beaufort interest in East and West Gloucestershire and Stroud. Perceiving voter registration, active local committees, and suitable, well-funded candidates as the keys to electoral success, from June 1831 onwards he oversaw the establishment and maintenance of networks of agents, attorneys, barristers, and Conservative landowners in constituencies influenced by his aristocratic relations. Undeterred by defeats in Gloucestershire and in the Monmouth district of Boroughs in 1832, he persevered and gained a reputation as an outstanding party manager at the general elections of 1835, 1837, and 1841, when his system was adopted throughout England and Wales.

From December 1834 to April 1835 Somerset was commissioner of woods and forests in Peel's ministry, with a seat on the privy council. As one of Peel's inner circle he gave advice on election matters, acted with Thomas Francis Fremantle, afterwards Baron Cottesloe (1798–1890), Charles Ross (1800–1860), and Francis Robert Bonham (1785–1863) as a semi-official party whip, and was instrumental in ensuring that the tory veteran William Holmes (1779–1851) resumed that role in 1838. From September 1841 to July 1846 he was chancellor of the duchy of Lancaster in Peel's administration—passed over for the Irish secretaryship he coveted and for the governor-generalship of India lest caricaturists capitalize on his deformity and burlesque manner. On his appointment to the cabinet on 16 May 1844 Gladstone commended him as an excellent administrator, good tempered and good humoured but scarcely a statesman. Loyalty to Peel over corn-law reform in December 1845 cost Somerset the electoral support of his brother Henry, who spent £20,000 promoting the candidature of their protectionist cousin Captain Arthur Somerset against him at the general election of 1847. Winning by 2235 to 2188 votes, Somerset was none the less broken by the ordeal, and died on 23 February

1848 at his home in Clarges Street, London, attended by his brother. He was buried a few days later at Kensal Green cemetery. His will, which provided for his widow and five children, was proved under £2000 on 26 May 1848 and was executed by his widow and by Lord Sandon.

Somerset's brother **Henry Somerset**, seventh duke of Beaufort (1792–1853), sportsman and courtier, was born on 5 February 1792. He was tutored by the Revd Walter Fletcher of Dalston, Cumberland, and Edward Vernon, archbishop of York, entered Westminster School in 1805, and matriculated at Christ Church, Oxford, on 21 October 1809. Styled marquess of Worcester (1803–35), he was renowned for his amorous escapades and as the founder in 1819 of the 'four-in-hand club' and leader of the Badminton and Windsor hunts. He joined the 10th hussars in 1810 and almost immediately began an affair with the courtesan Harriette Wilson, which, as his parents intended and her *Memoirs* (published in 1825) confirm, languished while he was aide-de-camp to the duke of Wellington in the Iberian peninsula from 1812 to 1814. On 25 July 1814 he married Wellington's niece Georgiana Frederica Fitzroy (1792–1821) at the house of her stepfather, Charles Culling Smith (1775–1853). He was devastated by her death on 11 May 1821 from an inflammation of the lungs, but was soon portrayed in caricature as suitor to the widow of the wealthy banker Thomas Coutts, to the pregnant Miss Calcraft, and to Lady Jane Paget, daughter of the marquess of Anglesey, to whom he was briefly engaged. On 29 June 1822 he married his late wife's half-sister Emily Frances (1800–1889), daughter of Anne and Charles Culling Smith, and went to France. The marriage, although not illegal, was voidable under the consanguinity laws, placing the legitimacy of any issue at risk. Attempts to have their union validated under the act of 1823 failed, and a second ceremony at Constance on 21 October 1823 was not recognized as a foreign marriage because it was conducted under Lutheran rites. In 1825 the couple, on whom over £50,000 had been settled, returned to England with Somerset's two daughters and their only son, Henry Charles Fitzroy Somerset (1824–1899), for whom the sixth duke of Beaufort was godfather. Six daughters were subsequently born to the marriage, which was safeguarded retrospectively under the act of 1835.

Excluding a three-month period, April to July 1831, Worcester was tory MP for Monmouth Boroughs from December 1813 until his defeat by Benjamin Hall,

afterwards Baron Llanover (1802–1867), in December 1832. He sat for Gloucestershire West from January to 23 November 1835, when he succeeded his father as seventh duke. Undistinguished as an Admiralty lord from May 1815 to March 1819, his main political contribution, for which on Peel's recommendation he was made KG on 11 April 1842, lay in his sponsorship of his brother's electioneering activities. He died of gout on 17 November 1853 at Badminton and was buried in the chapel there on 24 November.

### **Margaret Escott**

## Appendix 6

**Langdale** [*formerly* Stourton], **Charles** (1787–1868), politician and biographer, was born on 19 September 1787, the fourth son of the six sons and six daughters of Charles Philip, seventeenth Baron Stourton (1752–1816), and his wife, Mary (*d.* 1841), second surviving daughter and coheir of Marmaduke Langdale, fifth and last Baron Langdale. In January 1799 he was sent to Oscott College, which he left in August 1804. In October of the same year he entered Stonyhurst College, where he finished his studies. On 24 December 1814 he assumed his mother's maiden name by royal licence, in order to comply with the conditions of the will of Philip Langdale of Houghton, Yorkshire. On 27 January 1817 he married Charlotte Mary, fifth daughter of the sixth Baron Clifford. She died on 31 March 1819, leaving him two daughters. On 1 May 1821 he married again; his second wife was May (*d.* 1857), eldest daughter of Marmaduke Constable of Everingham Park. They had a large family of at least five sons and six daughters.

Langdale soon became active and prominent in politics and public life. He appeared on platforms in London with other leading Catholic laymen to campaign for the emancipation of Roman Catholics in England from the legal restraints which had been imposed upon them since the Reformation. After the Catholic Emancipation Act was passed in 1829 he became one of the first Roman Catholics in the Commons, sitting for Beverley in 1832–5 and for Knaresborough in 1837–41. On the return of the Poor Law Amendment Act to the Commons in 1834 he moved and carried a resolution that the clause securing religious freedom in the workhouses, which had been struck out by the Lords, should be reinstated. He voted for the ballot, the repeal of the Septennial Act, and for an inquiry into the pensions list; he was also involved in negotiations for the repeal of the remaining enactments against Catholics in the 1840s.

Langdale's most significant efforts, however, were in the field of Roman Catholic education, where he became 'the most important Catholic educationalist of the century' (Norman, 167). In 1838 he chaired the first meeting of the Catholic Institute, a society intended to circulate pro-Catholic tracts and to improve Roman Catholic education by promoting lectures and libraries. In 1847 he suggested and supported

the foundation of the Catholic Poor Schools Committee, of which he was chairman (and the only recusant member) until his death. The activities of this effective and influential body included supporting the growth of the teaching orders and organizing training for lay teachers. Langdale's most important contribution to its work was made in the mid-1840s, when he was the leading figure in negotiations with the government to secure a share in public grants and other educational amenities for Roman Catholic schools.

During the 1850 'papal aggression' crisis Langdale publicly testified to his belief in the patronage and protection of the Virgin and the saints at a large public meeting in York. In the mid-1850s he became involved in another controversy. Lord Holland's *Memoirs of the Whig Party*, which were published posthumously in 1852, contained an assertion that Maria Fitzherbert, the reputed wife of George IV, had never believed her marriage vows to be in any way binding. Langdale, who had been a close friend of Mrs Fitzherbert in his youth, determined to write a defence. He applied for permission to see Mrs Fitzherbert's remaining papers, including her marriage certificate, which were held in Coutts's Bank and of which his brother, Lord Stourton (*d.* 1846), had been a trustee. The representative of the longest surviving trustee, however, refused him access, and Langdale was obliged to base his vindication solely on Mrs Fitzherbert's personal recollections, dictated to Lord Stourton. The *Memoirs of Mrs Fitzherbert* were published in 1856; only fifty copies were produced, but Langdale's narrative served to establish the religious validity of the marriage in the eyes of the Roman Catholic church, and to show that Mrs Fitzherbert firmly believed herself to be the wife of the prince regent.

Langdale died on 1 December 1868 at 5 Queen Street, Mayfair, London, having been admitted shortly before as a lay brother of the Society of Jesus. He was buried at Houghton, the family seat, and was succeeded by his eldest son, Charles Joseph Langdale (1822–1895). Father Peter Gallwey, who preached at the funeral, dwelt on his personal spiritual life, which was one of regular devotion and relative poverty, describing him as 'a father to us all' (Gallwey, 21). Langdale was a significant figure in liberal Catholic politics until his death. Bernard Ward, describing him as 'a leader in all catholic good works' (*Eve of Catholic Emancipation*, 3.282), identified Langdale and John Talbot, sixteenth earl of Shrewsbury, as the outstanding Roman Catholic



figures in post-1829 politics. Langdale has been unduly neglected in modern scholarship on Roman Catholic politics and religion in the first half of the nineteenth century.

**Rosemary Mitchell**

## **Appendix 7**

Unfortunately, there was no information to be found on the rest of the MP's that came with their opinions in the Commons debate about pauper education on the 29. March 1841.