



Who Cares? Welfare and Consent to Child Emigration from England to Canada, 1870-1918

DOI:

[10.1007/s10991-019-09234-y](https://doi.org/10.1007/s10991-019-09234-y)

Document Version

Accepted author manuscript

[Link to publication record in Manchester Research Explorer](#)

Citation for published version (APA):

Lamont, R., Moss, E., & Wildman - Tarozzi, C. (2019). Who Cares? Welfare and Consent to Child Emigration from England to Canada, 1870-1918. *Liverpool Law Review*. <https://doi.org/10.1007/s10991-019-09234-y>

Published in:

Liverpool Law Review

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Liverpool Law Review

Who Cares? Welfare and Consent to Child Emigration from England to Canada, 1870-1918 --Manuscript Draft--

Manuscript Number:	LLLL-D-19-00077
Full Title:	Who Cares? Welfare and Consent to Child Emigration from England to Canada, 1870-1918
Article Type:	Original Research
Funding Information:	
Abstract:	<p>From the 1870's, children in the care of charities or state provided institutions, including workhouses and industrial schools, were subject to the practice of emigration to Canada, separating them from their parents and wider family. This was achieved ostensibly to secure the child's welfare, and provide opportunities in Canada beyond the poverty of the industrialising cities of the north of England. Using original archive material, this article examines the legal rights of parents of children identified for emigration, and how charities and state institutions obtained the authority to emigrate children. The lack of a clear basis for assessing child welfare led organisations to consider a broad range of moralistic considerations regarding the characterisation of parents and the child's circumstances in deciding whether a child should be emigrated. Despite these negative perceptions, it will be demonstrated that some parents exercised considerable agency in seeking to resist emigration of a child, and in attempting to maintain the familial relationship.</p>
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Who Cares? Welfare and Consent to Child Emigration from England to Canada, 1870-1918

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On behalf of all authors, the corresponding author states that there is no conflict of interest.

Acknowledgements

We are grateful to Philp Handler and Carolyn Abbot for their comments on earlier drafts. The archival research forming the basis of this article was supported by funding from the H-SIF fund, University of Manchester.

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Abstract

From the 1870's, children in the care of charities or state provided institutions, including workhouses and industrial schools, were subject to the practice of emigration to Canada, separating them from their parents and wider family. This was achieved ostensibly to secure the child's welfare, and provide opportunities in Canada beyond the poverty of the industrialising cities of the north of England. Using original archive material, this article examines the legal rights of parents of children identified for emigration, and how charities and state institutions obtained the authority to emigrate children. The lack of a clear basis for assessing child welfare led organisations to consider a broad range of moralistic considerations regarding the characterisation of parents and the child's circumstances in deciding whether a child should be emigrated. Despite these negative perceptions, it will be demonstrated that some parents exercised considerable agency in seeking to resist emigration of a child, and in attempting to maintain the familial relationship.

Keywords

Child emigration; child protection; welfare; legal history; child law

Introduction

Between 1870 and 1918 an estimated 80,000 children were emigrated from the UK to Canada to begin lives as adoptees of, or working within, Canadian families.¹ Emigration was carried out by voluntary religious and charitable organisations aiming to secure the welfare of vulnerable children given their personal circumstances. These charities provided a range of support to children who were deemed without family, or had passed into an institution because their family could not maintain them, or was regarded as harmful to them. Emigration was regarded as a desirable outcome for these children, detaching them from perceived risks at home and providing a job and training, supporting the employment needs of a growing Canadian economy and, by extension, the British empire.² Early promotional literature seeking financial support for these charitable ventures argued: '*...we do not want these beggar girls of London, of our big cities, ...who will be so good or so bad according to the circumstances surrounding their young and building-up years, and...our beautiful, thrifty, kindly Canada, ...she wants them, will take them, mother them, save them.*'³

The process of emigrating children was begun in England in the 1870s by individuals and localised charities. The state sought to use the structures created by these organisations to emigrate children from workhouses under the poor law, and after

¹ Parr (1994).

² Boucher (2014).

³ Miss Rye's Emigration Home for Destitute Little Girls, Annual Report 1878, Liverpool University, d630-1-1-17.

1 1891, from industrial schools⁴ that had been established to provide work and housing
2 for children who had been abused, orphaned or found vagrant. This process of
3 intervention and assertion of control over vulnerable children intended to secure their
4 welfare marks the beginning of the modern system of child protection through the
5 permanent removal of children from parental care.⁵ This article will examine the
6 judgments made of parental care and the highly significant perceptions of child
7 welfare that determined the future for the individual child.
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10 In the late nineteenth century both state and charitable institutions were increasingly
11 empowered by law to act on behalf of children. Children placed with a charity or in
12 workhouses were identified as ‘friendless’, ‘belonging to nobody’, deserted or
13 orphaned, even if they still had relationships with close family. The assertion of
14 authority over parental care judged to be inadequate by these institutions eventually
15 entailed legal denial of the parents’ right to consent to the child’s emigration. This
16 paper examines this process and the legal regulation and protection of parental rights
17 within which lie the origins of modern child protection measures. Emigration was
18 designed to permanently sever familial relationships and parental control over the
19 treatment of their children. Whilst the consent of the child to emigration was still
20 sought in some circumstances, parental or guardian consent was formally dispensed
21 with. This denial of consent was central to the disempowerment of parents in the
22 interests of securing what was perceived as the child’s welfare, even if the family
23 demonstrated a desire to maintain a relationship with the child, or merely had not the
24 means and resources to maintain them.⁶
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31 Through examination of the archival records of emigration from institutions in
32 Manchester and Liverpool, this paper will argue that the lack of a clear basis for
33 assessing child welfare led to a broad range of moralistic considerations adopted by
34 charitable organisations in identifying whether a child should be emigrated. The
35 analysis of a range of archive material associated with charitable activities, including
36 promotional publications, records of children emigrated and correspondence, is highly
37 significant in demonstrating the anxieties surrounding parenting and the well-being of
38 poor children. Using this original evidence, it will be suggested that state and
39 charitable institutions sought to avoid parental engagement and presented decision-
40 making regarding emigration of children to the wider public and state institutions as a
41 decision securing the child’s welfare and future. Yet, in the face of perceived negative
42 environment and parenting, some families sought to prevent the emigration of their
43 children and deployed several strategies to challenge these damaging perceptions.
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50 Part I will explore the regulation of child emigration and the routes into emigration
51 from charitable institutions, through the poor law workhouses, and from industrial
52 schools. The circumstances in which the child may be identified for emigration was
53 different in each institutional context, but erosion of parental consent to emigration
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58 ⁴ s.1, Reformatory and Industrial Schools Act 1891.

59 ⁵ Eekelaar *et al* (1982).

60 ⁶ Eekelaar (1994).
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1 once the child was placed within an institution is a clear legal strategy. Part II will
2 examine in more detail the archival records to identify the moralistic nature of
3 decision-making in relation to children and the anxieties surrounding parental
4 influence on children. The strategies exceptionally adopted by families to resist or
5 challenge emigration will be considered to demonstrate the interest of families in their
6 children, and the challenge they posed to the perception of poor parenting and lack of
7 care.
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10 Child Welfare and Emigration: Removing Parental Consent 11

12 By the late nineteenth century, emigration was part of the psychological mindset of
13 the British population.⁷ Most emigration was achieved without state assistance and
14 the process was unplanned by state authority until the mid-twentieth century.⁸
15 Emigration could provide economic benefit and opportunity for social advancement
16 and was an important aspect of Empire building, securing the links between the
17 colony and the so-called 'Mother Country'. Eric Richards argues that emigration was
18 identified '*...as an all-purpose solution to British social problems – diminishing its*
19 *excessive convict populations, its poor, its surplus women, its unemployed, its crime,*
20 *its difficult sons and other relatives.*'⁹ Securing the welfare of neglected, criminal or
21 orphaned children in industrial cities was one purpose to which emigration was put
22 from the mid-nineteenth century. This section explores the legal and practice
23 frameworks surrounding emigration from charitable homes, the workhouse and
24 industrial schools. The parental role of caring for, and holding authority over, their
25 child as previously understood was increasingly regulated and marginalised as the
26 process of emigration and settlement in Canada was promoted as particularly
27 desirable for deprived children.
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35 The emigration of children was built on the perception that the opportunities provided
36 for secure work, particularly agricultural labour, would be of great benefit both to the
37 child, but also to the development of the colony. Emigrating agencies' marketing and
38 fundraising materials emphasised the desirability of the colonial life in contrast to the
39 marginal, insecure and neglectful lives experienced by many children. The annual
40 report of Father Berry's Homes for Destitute Boys in 1895 stated:
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44 *'Criminals are made upon our streets, and every man who takes away one*
45 *street trading boy from his surroundings of temptation does a good work in*
46 *reclaiming the boy and in saving the expenses which are likely to be incurred by his*
47 *more than probable transmission to workhouse or to gaol.'*¹⁰
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50 No clear distinction was drawn between neglected and delinquent children since
51 juvenile offending was attributed to neglectful parenting.¹¹ As the report stressed, the
52 removal of children, particularly from urban settings, was central to interrupting the
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56 ⁷ Richards (2004).

57 ⁸ Empire Settlement Act 1922.

58 ⁹ Richards (2004).

59 ¹⁰ Father Berry's Homes 1892-1904, Liverpool Hope University.

60 ¹¹ Dingwell, R, *et al* (1984).
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1 journey of miscreant children towards criminality, as well as offering a frugal
2 alternative to other forms of welfare.

3 **Charitable Organisation of Child Emigration**

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5 From its inception, the stated purpose of emigration by philanthropic organisations
6 was to prevent the apparent risks of criminality and destitution posed to children in
7 the industrialised cities. Father James Nugent, one of the founders of the child
8 emigration system, sought to create Catholic homes and to emigrate children from
9 Liverpool in an attempt to address what he regarded as a significant social problem:
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11 *'Already evil in its twofold form of vice and sorrow blocks their pathway in life, to*
12 *corrupt and afflict them. What an existence, what an education, what a future! The*
13 *streets are the schools of crime. Twenty five thousand in Liverpool and a*
14 *proportionate number in Manchester, Birmingham, Leeds and the other large towns*
15 *of England.'*¹²
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20 Emigration of children was pursued as being beneficial to the individual child,
21 removing them from poverty and under-employment within the industrial cities of
22 London and in the north of England. Emigration provided opportunities for
23 employment on the land, security for the child's religious faith, and undermined the
24 risks of exposure to immorality and criminality in the 'land of plenty'.¹³ Children
25 from throughout Britain, but particularly the industrial cities of London, Manchester,
26 Liverpool, Glasgow and Birmingham, were emigrated to base homes in Canada. From
27 there, they were placed with families, either explicitly employed as a cheap form of
28 agricultural or domestic labour, or informally adopted by the family.¹⁴ Canada was
29 not a significant destination for colonial migration until the 1870s since most
30 emigrants sought to make their way to the United States. However, increasing
31 demand for agricultural and servant labour to support the developing Canadian
32 economy encouraged the activities of the early child emigration philanthropists to
33 secure emigrants from the UK to various provinces. This was eventually followed by
34 a large range of charities across the country, including Dr Barnardo's in London from
35 1889, forging a complex range of localised and religious institutions. Liverpool and
36 Manchester formed hubs of emigration activity because of acute deprivation and large
37 numbers of destitute children evident within the city environment, particularly
38 following the influx of Irish immigrants following the Famine. Local patterns of
39 deprivation influenced enthusiasm for emigration, and the desire to protect the
40 Catholic faith of children was a particular focus of Father Nugent's activities.
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50 These organisations were highly active in trying to secure financial subscriptions
51 supporting the establishment of institutional homes and training for children in
52 England, and fundraising for the costs of emigration, including clothing and initial
53 housing for the children on arrival in Canada. The opportunities provided in Canada
54 were a central aspect of reports on the charities' activities and the calls for more
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58 ¹² Fr James Nugent Personal Notes vol.1 Liverpool Hope University.

59 ¹³ Moss (2017).

60 ¹⁴ Parker (2008).

1 subscriptions. In 1882, the Report of Miss Rye's Emigration Home told subscribers
2 that the Committee: '*...feel the very urgent need for more effort on the part of all, ...to*
3 *enable them if possible to remove from their present dangerous surroundings to a*
4 *land where they may "eat bread without scarceness"*'.¹⁵
5

6 In many cases, parent(s) placed their child in a charity home because they could not
7 effectively provide for them. For example, in November 1900, AH, aged 10, was
8 placed with the Manchester and Salford Boys' and Girls' Refuges and Children's Aid
9 Society by his mother who '*...appears to be ill suffering from bronchitis &*
10 *rheumatism. She says she has no friends and has battled on as long as she could.*' The
11 mother's statement as to her circumstances was supported by additional testimony by
12 her former employer who described the mother and boy as '*half starved*'.¹⁶
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16 Whilst the child's parent was still living they retained parental rights over their child,
17 enabling them to refuse or consent to the child's emigration, even when the child was
18 placed in the care of a charitable children's home. However, Barnardo's charity
19 wantonly ignored this obligation in seeking to secure the emigration of a child where
20 their parents were regarded as a malign influence and was reported to have appeared
21 in court over 80 times in cases where appropriate consent had not been secured.¹⁷
22 Barnardo was blatant in breaching the law, stating in the charity's magazine, *Night*
23 *and Day*, that '*...in no fewer than forty-seven well marked cases I have myself done*
24 *that which the law of the land would neither do for me, nor knowingly permit me to do*
25 *– i.e. ABDUCTED CHILDREN IN ORDER TO SAVE THEM*'.¹⁸ He argues that the
26 parent of the child should be deprived of that status upon representation to the
27 magistrate that they were: '*...habitual drunkards, who are known to pursue*
28 *immorality as a livelihood, who are vicious or criminal, or who subject their children*
29 *to influences which must certainly result in these children becoming criminal or*
30 *immoral...'*¹⁹
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38 Despite Barnardo's confidence in his moral right to deny the parents access to and
39 control over their children, the courts were not convinced of his legal right to do so. In
40 *Gossage's Case* a writ of *habeas corpus* was issued for the return of Henry Gossage,
41 aged 12, despite Barnardo's argument that it was now impossible to locate the child in
42 Canada.²⁰ Subsequently, in *R v Barnardo*²¹ Martha Ann Tighe, aged 13, had passed
43 into the care of a Barnardo's Home for Destitute Children in Bristol and subsequently
44 transferred to London. Martha's mother had married again and demanded the return
45 of her daughter from London but, despite receiving the mother's letter, Dr Barnardo
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52 ¹⁵ Report of 1882 of Miss Rye's Emigration Home for Destitute Little Girls, University of Liverpool
53 d630-1-1-17.

54 ¹⁶ Manchester and Salford Boys' and Girls' Refuges and Children's Aid Society, Admissions Files.
55 Together Trust.

56 ¹⁷ Eekelaar (1994).

57 ¹⁸ Barnardo (1885).

58 ¹⁹ Ibid.

59 ²⁰ (1890) 24 QBD 283.

60 ²¹ (1889) 23 QBD 305.
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1 had given Martha into the care of a woman to emigrate her to Canada.²² A writ of
2 *habeas corpus* was sought by Martha's mother, but the child was not returned to
3 England. The Court found that Dr Barnardo's attempts to return the child by writing
4 letters were insufficient; he should have made every possible effort to get the child
5 back, including going abroad if necessary.²³
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7 In *Barnardo v McHugh*,²⁴ Jon Roddy Jones, the illegitimate son of Margaret McHugh,
8 had been baptised a Catholic in 1880, and then as a Protestant in 1884. He had been
9 left to the care of a Barnardo's Home for Destitute Children by the mother who on
10 admission had signed an agreement to leave him in the home for 12 years. This
11 agreement also stated that she could not remove her son from the home without
12 consent of the managers before this date. She requested his return to her care in 1890,
13 which was refused. The court found that anxiety surrounding the perceived risk to the
14 child's Protestant faith by returning to his mother was the reason for the refusal. It
15 was argued that, as the child was illegitimate, the mother had no right of custody over
16 her child which she could enforce for his return. The House of Lords held that she did
17 hold rights of custody over the child until he was 16, since she was obliged to
18 maintain him. She had a natural right to her son's guardianship, having done nothing
19 effective to deprive herself of them, and there being no evidence that returning the
20 child to her would cause him any injury. The Lord Chancellor, Lord Halsbury, held
21 that the question was one of rightful guardianship, not unlawful detention, and that the
22 agreement the mother had signed did not determine this issue.²⁵ The *Morning Post*
23 commented that: '*...any agreement by the parent to abandon control will be treated*
24 *as contrary to the policy of the law, and therefore voidable.*'²⁶ This judgment
25 enforced the rights of the parent to the custody of their child and the assertion of their
26 authority even where the child had been placed in the care of a charity.
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28 As a consequence, the Custody of Children Act 1891 was passed²⁷ with the intention
29 of addressing this lacuna in the power of charities taking on the care of children from
30 their parents. Section 3 provided that the court could refuse delivery of the child
31 where a parent had abandoned or deserted their child, or allowed their child to be
32 brought up by the poor law guardians, for a period of time that satisfied the court that
33 the parent was unmindful of their duties. Unless the parent convinced the court that,
34 having regard to their child's welfare, they were a fit person to have custody of the
35 child, they could not retrieve their child without the permission of the organisation
36 they were placed with.²⁸
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51 ²² 'Dr. Barnardo and a Worcester Child. Decision of the Court', *Barrow's Worcester Journal* 20 July
52 1889.

53 ²³ (1889) 23 QBD 305, per Lord Esher MR, at 313.

54 ²⁴ [1891] AC 388.

55 ²⁵ *Barnardo v McHugh* [1891] AC 388, at 394

56 ²⁶ 'The Court of Appeal delivered judgment yesterday morning in the interesting case of *The Queen v*
57 *Dr. Barnardo*', *The Morning Post*, 26 November 1890.

58 ²⁷ 'The Legislation of the Year', *The Morning Post*, 27 August 1891.

59 ²⁸ s.3, Custody of Children Act 1891. Under s.2, the court could also order repayment of the costs of
60 bringing up the child by the parent.
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1 This provision effectively shielded both the poor law guardians and the charitable
2 organisations with the care of children from further writs requiring the return of
3 children either still in England or once emigrated. The central aspect of s.3 was
4 whether the child could be deemed 'abandoned' for a period of time that meant the
5 parent could be deemed 'unmindful' of parental duties. These were subjective
6 matters, and it meant that the return of the child was at the discretion of the court if
7 the parent chose to dispute with the charity they had been placed with. Effectively,
8 once a child was committed to an institution or home for their care, the institution
9 held the authority to control the parents' access and retrieval of their child. The
10 standard for deeming a parent 'unmindful' subsequently became much higher,²⁹ but
11 the emphasis was on the parent to prove their interest in the child. The court also
12 retained equitable jurisdiction to determine the relationship between a child and a
13 stranger, suspending the natural guardianship of the parent if '*...either the conduct of
14 the parent, or the description of the person he is, or the position in which he is placed,
15 is such as to render it ...clearly right for the welfare of the child in some very serious
16 and important respect that the parent's rights should be suspended or superseded...*'³⁰

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18 In addition, s.6(5), Prevention of Cruelty to Children Act 1894 enabled the Secretary
19 of State to authorise the emigration of a child where their parent or guardian had been
20 convicted of cruelty towards them. This power was subsequently embodied in s.21(6),
21 Children Act 1908 which also provided for the placement of a child where the person
22 having care of them had been charged with cruelty. Children in these circumstances
23 were often placed in charitable children's homes, rather than with extended family.
24 Their parent had been convicted of cruelty towards their child and the child put in the
25 care of another, denying the parent rights over the further care of the child. These
26 provisions enabled the Secretary of State to empower the person or, more frequently
27 the institution, having subsequent care of the child to procure their emigration.

28 Within this legal framework, charities began to be overt regarding the limitations on
29 parental obligations, including giving notice that the child might be emigrated in the
30 documentation associated with the child's admission. On his admission to the
31 Manchester and Salford Boys' and Girls' Refuges and Children's Aid Society, AH's
32 mother signed a pre-format terms and conditions stating: '*That the Committee may
33 place my son in a home or in a situation or employment, either in England or abroad
34 as the Committee may think proper, without obtaining any further approval or
35 consent from me*'.³¹ AH emigrated to Canada in 1909.³²

36 **Child Emigration and the Poor Law**

37 Section 62 of the 1834 Poor Law Amendment Act³³ authorised the use of the rates
38 imposed on parishioners for maintenance of the poor in the parish to instead defray
39 the expense of emigrating poor persons abroad. Emigration was advocated as a means

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²⁹ See *In Re Thain (An Infant)* [1926] Ch. 676.

³⁰ *The Queen v Gyngall* [1893] 2 QB 232, 242.

³¹ Manchester and Salford Boys' and Girls' Refuges and Children's Aid Society, Admissions Files.

³² *Ibid.*

³³ 4 & 5 Will 4 c.76.

1 of reducing the reliance on the poor rates through a process of encouraging relocation
2 to the colonies, simultaneously contributing to the settlement of new land within the
3 Empire: ‘...men will be astonished to find what small modicum of relief, in the way of
4 emigration, will answer every good purpose, and restore our rural population to a
5 healthy state.’³⁴ Practices differed between Unions, but Howells’ study of the Norfolk
6 Union has demonstrated that assisted emigration was made available to families of
7 labourers with the emphasis on emigration of entire families, rather than of individual
8 children, during periods of rural distress.³⁵ It was closely controlled and regulated to
9 limit assisted emigration to ‘deserving families’.³⁶ The representation of healthy
10 positive outcome for the poor in taking advantage of emigration established a
11 narrative arguing for reduced pressure on local poor rates whilst extolling the virtues
12 of emigration to the Empire and value of labour in the colonies.
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17 From the 1870’s, children, rather than entire families, were recruited for emigration
18 from the poor law authorities by charitable emigration organisations. The Poor Law
19 Amendment Act 1850³⁷ authorised the parish guardians to expend money on the
20 emigration of any poor orphan or deserted child under 16 having no settlement (a link
21 with a particular parish), with the consent of the child before the Justices, and the
22 agreement of the Poor Law Board. Whilst this provision enabled the emigration of
23 children outside the family structure, it was a circumscribed power. Although it was
24 possible to characterise a child as orphaned or deserted and children were often
25 labelled as ‘orphaned’ if they were separated from their parents,³⁸ eligibility relied on
26 the child having no settlement. In these circumstances, no element of parental consent
27 was required because the parent was absent, dead or had abandoned the child.
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33 In 1889, an additional amendment provided that if the parents deserted their child, the
34 parish guardians could pass a resolution assuming all the rights and powers of a
35 parent over the child.³⁹ This provision was identified as the forerunner of modern
36 child protection legislation by the House of Lords in *Re M and H (Minors) (Local
37 Authority: Parental Rights)*⁴⁰ because it enabled the guardians by resolution to assume
38 all parental rights and powers, subject to challenge by the parent or guardian. Frost
39 argues that from this period onwards guardians increasingly perceived their role as
40 ‘rescuing’ children from physical or moral danger and that securing children’s welfare
41 was, for some poor law unions, more important than saving funds.⁴¹ One way of
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47 ³⁴ William Fergusson ‘Thoughts and observations upon pauperism, poor laws, emigration, medical
48 relief and the prevention of crime’ 1839. Hume Tracts. The value of emigration for the poor was not
49 completely accepted, with anxiety expressed that emigration would tend to increase reliance on the
50 rates, leaving only the disabled and indigent see for example, George Strickland ‘Discourse on the Poor
51 Laws on England and Scotland, on the state of the poor in Ireland, and on emigration’ 2nd edition 1830.

52 ³⁵ Howells (2000).

53 ³⁶ Haines (1997).

54 ³⁷ s.3, Poor Law Amendment Act 1850.

55 ³⁸ Parker (2008).

56 ³⁹ s.1, Poor Law Act 1889.

57 ⁴⁰ [1990] 1 AC 686, 705.

58 ⁴¹ Frost (2013)., G. ‘Under the Guardian’s Supervision: Illegitimacy, Family and the English Poor Law
59 1870-1930’ (2013) 38 *Journal of Family History* 122, 134. This was not universally the case since
60 some unions, such as Liverpool, did not have the resources to engage directly in rescuing activities.
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1 securing the child's welfare was to pay a charitable organisation to emigrate the child
2 to Canada and provide a new home and work for them. However, relatively few
3 children were supported to emigrate by the poor rates.⁴²

4 Where a child was identified for emigration by the parish guardians, the services of
5 the philanthropic organisations were sought to carry out the logistics and place the
6 child in Canada. Concerns about cruelty faced by pauper children emigrated at the
7 instigation of poor law guardians by Maria Rye's charity in particular led to
8 commission of the Doyle Inquiry⁴³ in 1875. This enquiry identified serious concerns
9 regarding the welfare of the children in Canada: their isolation, loneliness and risk of
10 abuse, the fracturing of familial ties, and the failure of either the charities or the
11 Canadian authorities to effectively retain oversight of their well-being and even their
12 location. This led to a moratorium in the emigration of poor law children from 1874
13 until 1883, when the Canadian government provided for a system of annual inspection
14 of the circumstances of child in Canada emigrated with the agreement of the Poor
15 Law Board.⁴⁴ The practice was resumed, although concerns were still expressed by
16 some poor law guardians because of the perceived risk of exploitation, especially of
17 young children.⁴⁵

24 **Emigration of Children from Industrial Schools**

25 The other state institutions from which children were emigrated were industrial and
26 reformatory schools. These schools were run mainly by charities funded by a central
27 grant from the Treasury and were aimed at providing children with a trade, basic
28 education, and a home to improve their life chances.⁴⁶ Older children convicted of a
29 criminal offence were committed to a reformatory school; few children were selected
30 for emigration from reformatories. From 1857,⁴⁷ children taken up on a charge of
31 vagrancy could be committed to an industrial school if their parent or guardian failed
32 to provide assurances to the Justices of the child's good behaviour for the next twelve
33 months.⁴⁸ The scope for committal to industrial school was significantly expanded by
34 the Industrial Schools Act 1861. Under s.9, a child under 14 could be committed to an
35 industrial school if they were found begging, wandering without visible means of
36 subsistence, or in the company of reputed thieves. If their parent stated that they were
37 unable to control the child and undertook to pay their maintenance, the Justices could
38 commit the child to a term in an industrial school.⁴⁹ A child under 12 convicted of a
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49 ⁴² Eekelaar (1994).

50 ⁴³ Doyle Report (1875).

51 ⁴⁴ A small number of children were still emigrated to Canada despite the moratorium, see Parker (2008).

52 ⁴⁵ 'Question of Child Emigration: Chorlton Guardians Differ', *Manchester Courier and Lancashire*
53 *General Advertiser*, 7th March 1908.

54 ⁴⁶ See Godfrey (2017).

55 ⁴⁷ This Act had its origins in An Act to make Better Provision for the Care and Education of Vagrant,
56 Destitute, and Disorderly Children and for the Extension of Industrial Schools, 20 & 21 Vict. c 48.

57 ⁴⁸ ss.VI-VII, Industrial Schools Act 1857. Under s.XII, the parent could remove the child from the
58 school if evidence was provided of employment for life, or other sufficient reason.

59 ⁴⁹ This was expanded to include refractory children under the care of the guardians, and children whose
60 parent(s) had been convicted of a felony and imprisoned, s.17, Industrial Schools Act 1866.
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1 criminal offence could be sent to an industrial school rather than being imprisoned or
2 committed to a reformatory.⁵⁰

3 From 1891, the managers of industrial schools were empowered, with the child's
4 consent and the agreement of the Secretary of State, to provide for the emigration of a
5 well-conducted child.⁵¹ There was no provision in the legislation for the consent, or
6 even consultation, of parents by school managers prior to emigration. The
7 circumstances in which a child could be committed to an industrial school were again
8 clarified by the Children Act 1908⁵² which also maintained the power to emigrate
9 children under s.70:

13 *'If any...child detained in...a certified school...conducts himself well, the
14 managers of the school may, with his own consent...dispose of him...by
15 emigration,...and such disposition shall be as valid as if the managers were his
16 parents. Provided that where he is to be disposed of by emigration...the consent of the
17 Secretary of State shall also be required.'*

20 The Aberdare Royal Commission in 1882 found that emigration was regarded by
21 industrial schools as the surest way of separating the child from pernicious parental
22 influence, but was expensive, and no additional funds were forthcoming from the
23 Treasury to facilitate it.⁵³ Parker notes that the requirement to secure the permission
24 of the Secretary of State restricted the extent to which children emigrated from either
25 industrial or reformatory schools.⁵⁴

29 Children deemed suitable for emigration were usually transferred through the services
30 of the emigration charities, which often had a close link with industrial and
31 reformatory schools, frequently running them alongside children's homes. The Form
32 of Application for Emigration of a Child for the Liverpool Catholic Children's Aid
33 Committee, used from 1900, required extensive details from the charity or institution
34 applying for emigration. Whilst it recorded details about the parents: whether living or
35 dead, their nearest relative and address, the signature of current guardian was the only
36 requirement. If a child was to be emigrated from an industrial school, the reason for
37 committal to the industrial school had to be declared and *'greatest care must be taken
38 in selecting industrial school cases for emigration'*.⁵⁵

43 By 1917, the Royal Commission on the Dominions argued that there should be more
44 activity in emigrating children to Canada since demand exceeded supply and the
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49 ⁵⁰ Reformatory schools were designed for children convicted of criminal offences, but the division
50 between the two institutions was sometimes blurred.

51 ⁵¹ s.1, Reformatory and Industrial Schools Act 1891. The same power was provided for children
52 detained in reformatory schools, but since these children had been convicted of a criminal offence, they
53 not acceptable immigrants to the Canadian authorities, see Parker (2008).

54 ⁵² s.58, Children Act 1908. s.21(6), Children Act 1908 also provided for the placement of a child where
55 the person having care of them had been charged with abuse, and enabled the Secretary of State to
56 empower the person having subsequent care of the child to procure their emigration.

57 ⁵³ Home Office (1884).

58 ⁵⁴ Parker (2008).

59 ⁵⁵ Liverpool Catholic Children's Aid Committee Form of Application for Emigration of a Child. 364
60 NUG-14-6 Emigration Correspondence, Liverpool Record Office.

1 children ‘do not suffer any want of care’.⁵⁶ The numbers of children emigrated were
2 regarded as ‘low’, for example in 1910, from the poor law: 534 children; from
3 industrial schools: Boys: 109 Girls 55; and from reformatories: 29 Boys 1 Girl. The
4 Royal Commission echoed the perception of emigration as an environment conducive
5 to a child’s welfare, stating that: *‘Our belief is that, while all young emigrants have*
6 *great chances of success, those whose surroundings in early life have not been*
7 *normal, and whose environment has not been healthy, are likely to benefit to an*
8 *especial degree by the freer life in the dominions.’⁵⁷*

11 Family Agency in Child Emigration

12 The shift in the understanding of the nature of the child and the importance of the
13 experience of childhood influenced the development of a range of measures aimed at
14 addressing child welfare in the later nineteenth century, including the restriction of
15 child employment, mandatory education, prevention of child cruelty and infant life
16 protection. Whilst the state was increasingly intervening in the experience of
17 childhood, charitable provision was central to the policing of the parental role and the
18 expectations attached to it. By focusing on children regarded as neglected and
19 deprived, not just orphans, charitable institutions sought to rescue their moral welfare.
20 Dingwall, Eekelaar and Murray suggest that it is difficult to distinguish between the
21 aim of rescuing the moral and spiritual welfare of the child from the concerns over the
22 threat of criminality posed by disaffiliated young people.⁵⁸ The judgment of these
23 Victorian philanthropists were strongly shaped by middle class prejudices against the
24 working poor, resulting in subjective assessments about character and morality, and
25 risks of child criminality.⁵⁹ In this section, the anxieties surrounding parenting in poor
26 communities and the removal of parents from decision-making processes regarding
27 child emigration will be further explored. Despite the marginal role of parents in the
28 lives of children selected for emigration, some families demonstrated resilience and
29 agency in attempting to regain influence and prevent the emigration of their child.

39 Undermining Poor Parental Influence

40 Emigration of a child would have a severe and permanent impact on the relationship
41 between the child and their family. The means of communication from Canada were
42 limited to letters; many children did not know of the whereabouts of their parents. In
43 selecting emigration as a means of providing for the child’s welfare, charities were
44 making a deliberate choice regarding the effective severance of the relationship
45 between the child and their family. Such arguments featured in the published reports
46 of Liverpool’s Catholic Father Berry Homes, the 1894 edition of which argued:

47 *‘Our criminals are bred in our streets ...an over-scrupulous regard for*
48 *parental rights makes English lawgivers hesitate to act. ...In some cases boys who*
49 *have come to us have been claimed by their parents, and have been forced by them, to*

56 Royal Commission (1917).

57 Ibid.

58 Dingwell (1984).

59 Boucher (2014).

1 *our great regret, and, in spite of themselves, to return to the miserable life of a street*
2 *arab.*⁶⁰

3 The belief that removing children from the bad influences of slums and family was
4 good for them was central to decisions to emigrate children. Joy Parr argues that
5 homes did their best to prevent parental visits and that '[e]migration was thus merely
6 part of a system of kinship management.'⁶¹

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9 Murdoch has demonstrated that few children in charitable institutions or workhouses
10 were in fact orphans: the majority had one parent, normally the mother still living.⁶²
11 Poor families used institutional care as a form of support when economic or personal
12 circumstances such as inability to find appropriate housing affected their ability to
13 care for children. Institutional care was regarded, and used as, a temporary necessity
14 by the poor.⁶³ Few children were actually admitted to institutions as a result of
15 parental abuse or neglect, despite the promotional literature and popular portrayal of
16 the nature of admissions to charitable children's homes in particular. Murdoch found
17 that parents were aware of their rights over their children and sought to maintain a
18 relationship with them, particularly in relation to their medical care, religious teaching
19 and any suggestions of abuse.⁶⁴

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25 As discussed above, when children were placed in both private philanthropic and state
26 managed institutions, individual parents had far less scope for effectively objecting to
27 the emigration of their child. For some parents, placement of a child in an institution
28 with the prospect of emigration was of potential value in providing for a child that
29 could not otherwise be maintained.⁶⁵ However, the usually permanent breach in
30 familial relationships made emigration an important form of disposal for charities
31 where the parental influence was regarded as detrimental to the child. Moral authority
32 was eventually reinforced by the legal authority to retain children from their parents'
33 control, and was asserted over the child's welfare when the child was deemed an
34 orphan, neglected or deserted by their parents. Judgment over the parenting of the
35 child was therefore central to establishing control over the child and the decision-
36 making power to emigrate the child without the parent's consent. Such agenda were
37 based on negative views of poor parents, reinforced through policies and propaganda
38 produced by childhood welfare organisations.

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45 Assessments of the parenting of children emigrated by charities covered a range of
46 behaviours. The 1888 Report on Miss Rye's Emigration Homes for Destitute Little
47 Girls lists the circumstances in which the child found themselves prior to emigration,
48 mediated by the charity.⁶⁶ It includes orphans, but also those whose parents have been
49 affected by financial, medical and social circumstances, and children who are no
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54 ⁶⁰ Father Berry's Homes, Pamphlet (1894-5), Liverpool Hope University Archives, IMG 8124/5.

55 ⁶¹ Parr (1994).

56 ⁶² Murdoch (2006).

57 ⁶³ Ibid.

58 ⁶⁴ Ibid.

59 ⁶⁵ Boucher (2014)..

60 ⁶⁶ Liverpool University Archives, d630-1-1-17.

1 longer wanted in the family home. There is evidence of outright abuse, such as: 'A.P.
2 aged 17, father's address not known; mother a very bad woman who has threatened
3 to kill the girl several times.' There are also cases where the child is not wanted by
4 her parents, or where one parent had re-married: 'SC aged 15, father dead, mother
5 married again and girl is not wanted at home.' The number of children could also
6 affect the parents' ability to care for their children: 'CA aged 16, parents living but
7 very poor with 9 other children to keep.' Then there are broad judgments regarding
8 the behaviour of the individuals surrounding the child: 'AH aged 7, parents living but
9 not fit to have care of child.' These judgments are also be more specific: 'EH aged 14,
10 mother dead, father not in his right mind brought on by his bad life.' One theme that
11 recurs is the child's wish to avoid an immoral life through emigration away from the
12 influence of other relatives: 'EC aged 15, mother dead, girl has one sister doing very
13 badly, and she does not want to follow her example.' This is particularly important in
14 demonstrating the child's wish to be separated from bad influences. These
15 descriptions were used in promotional material to highlight the work in protecting
16 children, but also demonstrating the perceived justification for removing the child
17 abroad from the influence of their circumstances, and resist criticisms of the practice
18 arising immediately after the publication of the Doyle Report in 1875. Later private
19 correspondence regarding the organisation of the emigration of children, demonstrate
20 an assessment of risks posed to the child. Such judgments could be simple and direct,
21 as demonstrated in 1903 by the Convent of the Golden Shepherd, a Catholic industrial
22 school in Glasgow: 'Mary E Fleming was sent out from our school in December 1901
23 & is finally discharged. If the girl is with her parents in Liverpool we are afraid she is
24 in danger. As to her willingness to go to Canada we are quite sure about that.'⁶⁷

25 Faith was an important marker of good parenting for evangelists, particularly Dr.
26 Barnardo, the Church of England, but most notably for the Catholic Church.⁶⁸
27 Spiritual welfare was the focus of assessments of suitability of emigration, rather than
28 the capacity of parents or family to secure the child's welfare in a broader sense. In a
29 letter regarding the payment of the costs for the emigration of two Catholic children
30 from Liverpool in 1906, it was stated that: '...it was most advisable to emigrate from
31 very bad surroundings which were a danger both to their faith and morals.'⁶⁹ The risk
32 of loss of Catholic faith caused significant anxiety, as demonstrated by a lengthy letter
33 regarding the emigration of ten boys in 1913 from Liverpool. The circumstances of
34 each child were described, focusing on the circumstances for the current practice of
35 their religion: 'I beg to inform you that we have a number of children in our Homes
36 whose emigration to Canada is the only solution to their future welfare. We have gone
37 through our lists and have selected ten boys whose emigration is absolutely necessary
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56 ⁶⁷ Letter from Convent of the Golden Shepherd to Liverpool Catholic Children's Aid Committee, 24th
57 April 1903, 364 NUG-14-6 Emigration Correspondence, Liverpool Record Office.,

58 ⁶⁸ Boucher (2014).

59 ⁶⁹ 26th October 1906, 364 NUG-14-6, Liverpool Catholic Children's Aid Committee Emigration
60 Correspondence Liverpool Record Office.
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*in order to save them from the loss of their Faith.*⁷⁰ In the case of Percy Waterman, aged 9, the mother was said to be leading a ‘bad life’. He was illegitimate and had been taken to Dr. Barnardo’s Homes and transferred due to his religion. The report states that no enquiry had been made after him. The reference to the mother’s failure to enquire after her child implies the child has been deserted and undermines any implied claim of the mother over her child.

Other cases demonstrated more specifically religious anxiety focusing on the child’s spiritual health, rather than their physical well-being. Three brothers, Peter, Francis and Philip Griffin, were said to be in ‘grave danger of being lost to the faith’, given that their parents were both dead and their mother’s relations were ‘...all Protestants of a hostile kind.’ The children’s grandfather was the next of kin, but given his age, the Catholic charity sought to emigrate the children before he died to prevent the situation where ‘...the Protestant Aunts will claim and even demand these children being handed over to them.’ This form of assessment did not engage with the caring capacity of the aunts, or their relationship with the children, or the motivations of their Catholic grandfather. The focus on their religious identification undermined any familial claim to the children and justified their emigration to a Catholic placement in Canada.

Where parents had left their children in an institution, or the child had been removed there, undermining and labelling the relationship between the child and their family legitimised the removal of parental right and powers over their child and to consent to emigration. It created a narrative of necessity to intervene in the family to permanently ameliorate risks to the child.⁷¹ There is no doubt that some of the parents were behaving in a manner inimical to the welfare of their children. However, the assertion of moral authority over the child justified severing their relationship with their family through emigration to prevent the parental influence over the child. This was clearly regarded as being for the welfare of the child, but there was no consistent basis upon which to make an assessment. The subjective perception of the child’s circumstances were coloured by the anxieties of the charitable institution, and loaded with preconceptions about childhood, and the child’s spiritual welfare. The value of children’s status in the family structure was coloured by economic considerations and value in their relationship with their parent or wider family disregarded.

Whilst the parental role in deciding to emigrate their child was progressively limited, the formal recording of consent by the child to emigration was maintained. Children selected for emigration by the poor law parish guardians were required to consent to emigration before the Justices at petty sessions, and the central government Poor Law Board also had to grant permission for the use of funds in this manner.⁷² For children emigrated from industrial schools, the child had to consent to emigration and the

⁷⁰ 10th April 1913, 364 NUG-14-6, Liverpool Catholic Children’s Aid Committee Emigration Correspondence Liverpool Record Office.

⁷¹ Flegel (2007).

⁷² s.4, Poor Law Amendment Act 1850.

1 Secretary of State also had to grant permission.⁷³ Children who were emigrated from
2 placements in charitable homes did not have to formally consent to emigration as this
3 was privately managed activity. The maintenance of the voice of the child in the state
4 sanctioned process maintains respect for the child's capacity to make choices,
5 particularly for older children. There is limited evidence of the child's understanding
6 of the full implications of emigration, or of the extent to which the reality of their
7 consent was tested by the Justices. On examining emigration lists, Parker found that
8 children did refuse consent in some cases and were removed from the lists as a
9 consequence, but questions whether the child truly had capacity to consent in this
10 context.⁷⁴ Emigration charities created extensive rhetoric around children who asked
11 not to be returned to their parents because they recognised the risk to their own moral
12 welfare. But the acceptance of the voice of the child in the process demonstrates that
13 the child was regarded as having agency in the choices made over their welfare, even
14 when the aim was to 'rescue' them from their circumstances.
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20 **Family Agency in Emigration**

21 Despite the undermining of parental authority in emigration decisions, there is
22 evidence that some parents and wider families sought to resist the emigration of their
23 child, despite having been characterised as a poor influence in their children's lives.
24 In doing so they demonstrated considerable resource in trying to prevent the
25 emigration of the child concerned, and their objections had a wider influence on
26 policy towards child emigration.
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31 In 1910, the Home Office received an enquiry asking why a child, Grace Potts, had
32 been emigrated to Canada without her father's consent. Letters were received from
33 Mr J Hartley JP of Cockermonth, and Mr GA Arthur Esq.,⁷⁵ the father's employer.
34 The child appeared to have been placed with in a Dr Barnardo's home under s.21(6),
35 Children Act 1908 following a charge of cruelty. Under this section, the Secretary of
36 State could empower the person or body having subsequent care of the child to
37 procure their emigration. This had apparently occurred in the case of Grace Potts,
38 although there was some uncertainty regarding whether the father had actually been
39 convicted of cruelty, or whether Grace had been sent to the charitable home instead of
40 being committed to an industrial school. The Home Office advised that Mr Hartley JP
41 should be directed to s.21(6), Children Act 1908 and that the '*...consent of the*
42 *Secretary of State to emigration was given after consultation with the Justices and*
43 *consideration of the circumstances under which the girl was committed to Dr*
44 *Barnardo's care in the year 1908.*⁷⁶ In reply to this advice,⁷⁷ Mr Hartley JP accepted
45 the legality of the decision, but argued that the father should have been acquainted
46 with the decision to emigrate his daughter by the Justices, and that the father was
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54 ⁷³ s.16, Industrial Schools Act 1861; subsequently s.70, Children Act 1908.

55 ⁷⁴ Parker (2008).

56 ⁷⁵ Letter from GA Arthur Esq. Cockermonth to Secretary of State for the Home Department, 6 May
57 1910, NA HO45 10598 18863.

58 ⁷⁶ NA HO45 10598 18863.

59 ⁷⁷ Letter from Mr Hartley JP, Amathwaite Hall, Cockermonth to Secretary of State for the Home Dept
60 25 May 1910, NA HO45 10598 18863.
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1 most upset. Whilst the father may have been regarded as cruel or incapable of caring
2 for his daughter, he still displays both an interest in her welfare and in the
3 maintenance of his relationship with her. He managed to mobilise significant social
4 relationships on his behalf to discover the reasons why he has not been told of the
5 decision to emigrate Grace.
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7 The case of Grace Potts encouraged the Home Office to change approach, suggesting
8 that parents of children emigrated under s.21(6), Children Act 1908 should be heard
9 before the decision was taken. It was stated that: *'The Justices who we consult ought
10 really to make the inquiry but we cannot rely on their doing so. In this case, the child
11 has gone (& no doubt it is to her advantage to go) and all we can do is to answer Mr.
12 Hartley's question...'*⁷⁸ If the parent(s) consented to emigration, the Home Office
13 anticipated that the Secretary of State would not then be consulted for his permission.
14 If consent was refused, inquiries would be made by the police before the case was
15 referred to the Secretary of State. In the context of s.21(6), Children Act 1908, this is
16 an interesting decision, since the parent consulted may have been convicted of cruelty
17 towards the child concerned and shows the uncertain status of the parent in relation to
18 the child following conviction. The Home Office communicated with five emigration
19 societies who sought to procure emigration in cases of child cruelty for their opinion
20 on the approach proposed by the Home Office: NSPCC, Dr. Barnardo's Homes,
21 Birmingham Children's Emigration Homes, Waifs and Strays Society, and the
22 Catholic Emigration Association.
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24 The NSPCC responded expressing concerns about the emigration of children if there
25 was the potential for success at home. The Society was happy to comply with the
26 suggested approach to notifying and seeking consent from parents before their child
27 was emigrated, and sought to take great care in considering each suggestion for
28 emigration. Robert Parr, the Director of the NSPCC, pointed out that *'...the great
29 reason for emigration is to remove a child from the bad influences of undesirable
30 parents, and...we constantly find the desire on the part of the parent to secure the
31 child for what can only be assumed to be improper motives.'*⁷⁹ This theme was more
32 strongly emphasised in the responses from Dr Barnardo's Homes and the Children's
33 Emigration Homes in Birmingham. Mr W Baker, Honorary Director of Dr Barnardo's
34 Homes replied arguing:
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36 *'The procedure now suggested will, I venture to submit, tend to make the
37 emigration of such children more embarrassing and less successful than it has
38 hitherto been, and may, in many cases, deprive children of the opportunity of being
39 lifted entirely out of their former environment and given a chance of a fresh life, quite
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58 ⁷⁸ NA HO45 10598 18863.

59 ⁷⁹ Letter from Mr Robert Parr, Director of NSPCC to Under-Secretary of State for the Home Office, 22
60 June 2010, NA HO45 10598 18863.
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1 removed from the possibility of coming again within the contaminating influences
2 from which they have been rescued.⁸⁰

3 The Under-Secretary of State made a note in the margin against this comment
4 clarifying that, unless the parents present a proper reason for objecting to the
5 emigration of the child, permission will still be granted by the Secretary of State. The
6 concerns raised by Dr Barnardo's were echoed by the Birmingham Children's
7 Emigration Homes, who also stated that they had not previously sought the Secretary
8 of State's authorisation for children's emigration under s.21(6), Children Act 1908 if
9 the parents had consented.⁸¹ The Home Office then sought advice from the NSPCC
10 on the objections arising from Dr Barnardo's Homes. Robert Parr responded to
11 suggest that there was always the potential for parental reform and that in these
12 circumstances the child should be returned to their parents, and that recognition of
13 parental rights would encourage their engagement.⁸²

14 The objections of Grace Pott's father to her emigration to Canada did not change the
15 *status quo* as regards the child, whose emigration had been achieved legally and was
16 regarded positively. Mobilising the local JP and his employer did however result in a
17 change of approach in policy regarding children emigrated under s.21(6), Children
18 Act 1908. This change reflected existing practice regarding children emigrated from
19 industrial schools and indicates that, whilst parents' opinion could be disregarded, it
20 should not be completely dismissed. The anxieties expressed by Dr Barnardo's
21 Homes and Birmingham Children's Emigration Homes concerning the control of
22 parents over their children and the risks posed to the child by their parent resonated
23 with the narrative surrounding emigration as a means of severing that influence. The
24 attitude of the Director of the NSPCC was more nuanced, indicating a belief that
25 parenting and the circumstances of the family that led to abuse, could change.

26 Grace Potts was followed by the case of Amelia Mason in 1914. Liverpool Girl's
27 Industrial School sought to emigrate the 13-year-old girl to Canada having sought
28 Amelia's consent and support from the Home Secretary under s.70, Children Act
29 1908. Complaints by the girl's father, extended family and his MP, Stephen Walsh,
30 eventually persuaded the Home Secretary to stop the emigration. Amelia's father
31 received notification of her proposed emigration from both the Liverpool Industrial
32 School and the Director of Education for Liverpool.

33 *[The] Committee have decided to apply to the Home Secretary for*
34 *permission to emigrate the girl to Canada. Notice will be sent to you when the*
35 *application is about to be sent off and it is open to you to send to the Home*
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⁸⁰ Letter from Mr W Baker, Honorary Director and Chairman of Council, Dr Barnardo's Homes to Home Office, 23 June 1910, NA HO45 10598 18863.

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⁸¹ Letter from Mr George Jackson, Secretary to Children's Emigration Homes, St. Luke's Road, Birmingham to Home Office, 22 July 1910, NA HO45 10598 18863.

⁸² Letter from Mr Robert Parr, Director NSPCC to Under-Secretary of State for the Home Office, 7 July 1910, NA HO45 10598 18863.

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*Secretary any representations you desire to make against the emigration of this girl.*⁸³

The forms sent by the school to the Home Office asked for the consent of the child, yet simultaneously privileged the institution's assessment of the parents. Amelia has formally consented to emigrating, but we cannot be sure how informed the child's consent was; given Amelia's age, education, and the fact she lived in the school, and taking into account the fact that she subsequently expressed a willingness to stay with family.

On receiving formal notification of the decision to emigrate Amelia, Mason sent a letter to the Secretary of State stating that 'I object very much', and emphasising that his married son Nathaniel could look after her instead.⁸⁴ Yet the reformers had already made a judgement against Amelia's father. A report justifying Amelia's case for emigration by the Liverpool Girls' Industrial School to the Secretary of State deemed him 'Drunken, Worthless.' The report claimed both parents' fecklessness negated the need for their consent, stating that both parents were '*of drunken habits*' and had been convicted of the criminal offence of '*child neglect*.'⁸⁵ On 21st May 1914, a Home Office memo argued that her industrial school was right to disregard the views of her father, noting:

*'This is a case in which I am of opinion the parents' consent may be dispensed with. The father is a low black-guard, living apart from his family in common lodging-houses, is a drunkard and has been convicted 6 times for child neglect and drunkenness; the mother is also of drunken habits and has been convicted for neglecting her children, etc ... [the school is] acting wisely in the discretion conferred upon them by Section 70 of the Children Act.'*⁸⁶

While this suggests that their opinion is based on law (such as the mention of convictions for 'child neglect'), elements of the judgment are purely personal; references to 'low blackguard', and 'common lodging houses' had no bearing on Mason's formal parental rights. Rather, the language drew on well-established narratives that emphasised the danger and lack of domesticity in a child's life, in order to justify their need to be rescued. There is also confusion of the grounds upon which a child has been committed to an institution, and the requirements before emigration can be secured. The policy of consulting with parents, even where the legislative provision authorising emigration did not require it, was undermined by the priority given to subjective assessments of parental circumstances. The evidential burden was placed on parents to prove the suitability of their parenting, otherwise their consent or refusal to emigration could be ignored. For all the bureaucratic engagement with the child's situation, the system of legislation and practice presumed heavily in favour of the emigrating institutions.

⁸³ 26th March 1914, NA HO45-24661.

⁸⁴ 8 May 1914, NA HO45-24661.

⁸⁵ 9th May 1914 NA HO45-24661, IMG 9825-9828.

⁸⁶ 21 May 1914, Minutes, NA HO45-24661, IMG_9822.

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Eekelaar highlights that little evidence remains of parental discontent with the emigration of their children being turned into concrete complaints.⁸⁷ Yet the Mason case demonstrates the importance of local networks of officials and police, whose support Edward Mason recruited, in offering avenues of resistance to emigration, as well as facilitating it in other cases. Edward and Nathaniel Mason's objections were promoted by the Labour MP Stephen Walsh, who had attended Kirkdale Industrial School as a child.⁸⁸ Nathaniel Mason was Amelia's brother, who, having met the legal criteria to look after Amelia (with no previous convictions for neglect), expressed willingness to take Amelia on 22nd May. However, the Home Secretary initially refused to stop the emigration, and only did so on 19th June for 'further enquiry', apparently after the intervention of Walsh. Had the anti-emigration case not been persistently asserted by the Masons and Walsh, Amelia could easily have been emigrated. The Home Office only halted the emigration when evidence had been provided from the Chief Constable of Wigan, who sent a letter noting that Nathaniel was married, of 'good moral character' and abstinent from alcohol, and had a 'clean home' in a 'respectable neighbourhood.'⁸⁹ In confirming this, the Chief Constable asserted that Nathaniel possessed the important qualities of masculine citizenship, including morality, self-control, and being able to provide a good home; thus aligning Nathaniel's character with middle-class ideals of respectability and challenging the image of fecklessness that the reformers relied upon in order to facilitate the emigration of children.

Conclusions

The history of child emigration demonstrates that the narrative around parenting and care for children can affect the legal protections of associated with the child and the meaning attached to the parent-child relationship. Parents still retained a stake in the decision to emigrate a child from state institutions, but their opinions were minimised or ignored based on perception of their circumstances. Charitable institutions were far more cavalier in seeking to avoid engagement with parents in pursuit of severing ties between the child and their family. Economic deprivation and the potential for exploitation of children in the industrialised cities, and the desire to promote religious identity fundamentally coloured the assessment of parental care. Whilst some parents were abusive of their children, the moral assertion of authority over the welfare of children was affected by the characterisation of the parent as having abandoned or deserted their child. Underlying expectations and perceptions can severely affect the decisions taken in relation to a particular child, which is an issue for vigilance in the operation of the modern child protection system.

⁸⁷ Eekelaar (1994).

⁸⁸ 17th June 1914 letter from N. Mason to Stephen Walsh, protesting the Home Sec's decision ('nothing short of tyranny') and lack of notice (2 days), and asking Walsh to bring the matter before Home Sec. IMG 9836; On 19th June 1914 the Home Sec wrote to Walsh, saying passage to Canada delayed for 'further inquiry' and produced a memo to the same effect. NA HO45-24661.

⁸⁹ NA HO45-24661.

1 Charities seeking the emigration of children were seeking to pursue what they
2 regarded as the child's welfare, but there is evidence that parents also cared about
3 their children. Placement in a children's home was not always intended to sever their
4 relationship with their child in the way that child emigration achieved. Without a clear
5 framework for analysing whether a decision secured a child's interests and
6 relationship with their family, the decision-making process embodied subjectivity and
7 open-textured assessments. Yet, despite the legal and moral authority carried by state
8 institutions and charity, there is evidence of parents and families resisting the
9 narrative and attempting to retrieve the child or prevent their emigration in the first
10 place. The pursuit of legal complaints against charitable institutions, or informal
11 complaints through other channels to the Home Office provided parents with a route
12 for some redress, or at least explanation of the decision to emigrate their child.
13 Considering this agency exhibits the importance of considering the voice of the
14 parents and the wider family in the care of their child, even when the relationship with
15 their child has been affected or undermined by circumstances or even neglect.
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