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6. ‘Found in a “dying” condition’: nurse-children in Ireland, 1872–1952

Sarah-Anne Buckley

In 1898, a forty-year-old woman was tried by the recorder of Dublin on two counts of neglect of an illegitimate child she was nursing. The child had been discovered by a National Society for the Prevention of Cruelty to Children (NSPCC) inspector in September 1897 and had subsequently died.¹ In court, the inspector testified that ‘the prisoner and her husband were unquestionably in very poor circumstances. The latter appeared to have gone down in the world and there was reason to believe he drank’. The doctor’s report stated that: ‘the child was extremely emaciated and in a “dying” condition – the ribs sticking out and the shin of the legs hanging in folds. The weight, which should have been 14 to 18lbs was 4 ½ lbs ... the child suffered from chronic starvation’.² The case is typical of many of those involving children placed at nurse in the nineteenth and twentieth centuries that came to the Irish courts. The child in question was illegitimate, the case came to the attention of an NSPCC inspector (or in other cases after 1897 an infant protection visitor from the local authority), it involved both drink

¹ This chapter draws on research and findings from my PhD thesis (see S. Buckley, ‘Protecting “the family cell”? Child welfare, the NSPCC and the state in Ireland, 1880–1944’ (unpublished University College Cork PhD thesis, 2010)). See also S. Buckley, ‘Child neglect, poverty and class: the NSPCC in Ireland, 1889–1938 – a case study’, *Saothar: Journal of Irish Labour History*, xxxiii, (2008), 57–72; M. Luddy, ‘The early years of the NSPCC in Ireland’, *Eire-Ireland*, xlv (2009), 62–90; M. Luddy, *Women and Philanthropy in 19th-Century Ireland* (Cambridge, 1995), pp. 68–96. For a discussion of the NSPCC in Britain, see G. Behlmer, *Child Abuse and Moral Reform in England, 1870–1908* (Stanford, Calif., 1982); T. Cockburn, ‘Child abuse and protection: the Manchester boys’ and girls’ refuges and the NSPCC, 1884–94’ (Manchester Sociology Occasional Papers, 1995), pp. 1–44; S. Creighton, *Trends in Child Abuse* (1984); G. Clapton, “‘Yesterday’s men”: the inspectors of the Royal Scottish Society for the Prevention of Cruelty to Children (RSSPCC), 1888–1968’, *British Journal of Social Work*, xxxix (2009), 1043–62; H. Hendrick, *Child Welfare: Historical Dimensions, Contemporary Debate* (Bristol, 2003); S. Wise, *Child Abuse: the NSPCC Version* (Manchester, 1991); NSPCC, *N.S.P.C.C.: the First 100 Years* (1984).

² In this case, the woman who had taken the child to nurse received nine calendar months per offence with hard labour, to run concurrently. Her husband was acquitted (National Archives of Ireland, Convict Reference Files, O/13/1883).

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and poverty, and the abuse appears to have occurred after payment by the mother of the child was stopped, as testified by the defendants. The severity of the case is also apparent, as the doctor’s report demonstrates.

Despite the number of cases that came before the courts, the situation of nurse children in Ireland has received limited attention from historians.³ One exception is the Revd. Cecil Barrett’s 1952 work *Adoption: the Parent, the Child, the Home*, in which Barrett argues that baby-farming scandals in Ireland were the work of a small number of nurses, and did not point to any wider issue involving foster care or adoption.⁴ Internationally, the studies are more expansive, and a number of examinations centre on the history of nurse children and baby-farming in England, Scotland, France and the United States to name a few.⁵ This chapter will address the gap in the literature relating to Ireland, while also placing the care of nurse children in the context of wider issues surrounding the treatment of illegitimate Irish children. It will question why children were placed at nurse and what other options were available to parents (and single mothers in particular). It will look at the preference for institutional provision in Ireland under the Poor Law, which left women especially with few options other than to place their children at nurse. The remainder of the chapter will discuss the visibility and occurrence of ‘baby-farming’ in Ireland. Finally, cases involving nurse children in the courts will be addressed, as will those investigated by the NSPCC.

While it is impossible to record how many children were placed at nurse in total, even after the 1908 Children Act which legislated for the registration of all children within forty-eight hours of their arrival in a nurse’s home, it

³ See M. J. Maguire, *Precarious Childhood in Post-Independence Ireland* (Manchester, 2009), pp. 75–9.

⁴ C. J. Barrett, *Adoption: the Parent, the Child, the Home* (Dublin, 1952).

⁵ M. Arnot, ‘Infant death, child care and the state: the baby-farming scandal and the first Infant Life Protection Legislation of 1872’, *Continuity and Change*, ix (1991), 271–311; S. Broder, ‘Child care or child neglect? Baby farming in late 19th-century Philadelphia’, *Gender and Society*, ii (1988), 128–48; C. Dyhouse, ‘Working-class mothers and infant mortality in England, 1895–1914’, *Journal of Social History*, xii (1978), 248–67; D. Grey, ‘Discourses of infanticide in England, 1880–1922’ (unpublished Roehampton University PhD thesis, 2008); D. Grey, ‘“More ignorant and stupid than wilfully cruel”: homicide trials and “baby-farming” in England and Wales in the wake of the Children Act, 1908’, *Crimes and Misdemeanours*, ii (2009), 60–77; U. Henriques, ‘Bastardy and the New Poor Law’, *Past & Present*, xxxvii (1967), 103–29; R. E. Homrighaus, ‘Baby-farming: the care of illegitimate children in England, 1860–1943’ (unpublished University of North Carolina at Chapel Hill PhD thesis, 2003) (rev. edn., 2010, at Historytools <<http://www.historytools.org/babyfarming/baby-farming.html>> [accessed June 2010]); A. Klaus, *Every Child a Lion: the Origins of Maternal and Infant Health Policy in the United States and France, 1890–1920* (Ithaca, NY, 1993).

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is possible to examine the cases that came to the attention of the NSPCC and the courts. It is also possible to look at attitudes to illegitimacy from the mid nineteenth century in Ireland, and in particular the bind in which many unmarried mothers found themselves. Integral to this are instances of infant murder, which will be referred to throughout.⁶ This work will draw upon the surviving annual reports of the NSPCC branches in Ireland from 1889 to 1950 and the surviving case-files from 1919 to 1940.⁷ In reference to the annual reports, specific sample cases included will also be addressed, as will cases taken from the court records and press reports. Before examining particular cases, however, it is necessary to discuss issues surrounding baby-farming and nurse children generally.

Nurse or 'baby-farmer'?

In this examination, infants placed at nurse were predominantly illegitimate children, who due to economic necessity and the shame of illegitimacy needed to be kept for a number of months or years by someone other than a relative. The women who looked after these infants were known as nurses, and usually took responsibility for care in return for financial reward. This does not mean that women did not become emotionally attached to the children they nursed, but that the primary reason for the undertaking would have been financial. While many cases examined in this article will involve the neglect of a nurse child, this is a result of the records utilized, as well as the press interest in nurse children from the 1860s in Britain, and later Ireland.

From 1867, the term 'baby-farmer' began to be used in Britain and other countries to describe nurses who had taken more than one child to nurse, usually six or more, and had been neglectful in their care. The *British Medical Journal (BMJ)* had been the first to use the term when describing a situation in which a woman's four children died sequentially in the care of the same nurse.⁸ An article entitled 'Baby-farming' insinuated that the

⁶ For a discussion of infanticide in Ireland, see E. Farrell, 'The crime of infanticide and women suspects in Ireland, 1850–1900' (unpublished Queen's University Belfast PhD thesis, 2010); D. Ferriter, *Occasions of Sin: Sex and Society in Modern Ireland* (2009); C. Rattigan, "I thought from her appearance that she was in the family way": detecting infanticide cases in Ireland, 1900–21', *Family and Community History*, xi (2008), 134–51; C. Rattigan, "Done to death by father or relatives": Irish families and infanticide cases 1922–50', *History of the Family*, xiii (2008), 370–83.

⁷ Sources for this article are taken from the National Society for the Prevention of Cruelty to Children archive, the court records and the press. In the NSPCC archive, materials examined include the annual reports of the society from 1889 to 1950, 247 surviving case-files from 1919 to 1940 and inspector's books. As a confidentiality agreement was signed, all names and case numbers are pseudonyms.

⁸ See Homrighaus, 'Baby-farming', p. 14.

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mother had turned her children over to the ‘baby-farmer’ with the implicit understanding that they would be neglected until they died. In a series of sensationalist pieces published the following year, *BMJ* editor Ernest Hart argued that many baby-farmers committed serial infanticide. His articles attracted a great deal of attention and brought the term ‘baby-farming’ into widespread use. At this point, the term described the practice of adopting children or ‘taking them to nurse’ in exchange for payment. It could refer to sincere foster mothers as well as to women who neglected or abused the infants that they were paid to rear. ‘Baby-farming’ was an accusation, and would not have been the term nurses would have applied to themselves. As Daniel Grey has stated, ‘In normal usage, the term conflated the criminal acts of wilful murderers with the daily labour of honest nurses’.⁹ Opponents of baby-farming found its double meaning useful in their quest to transform the public’s hatred and fear of nurses into support for legislation that would place all paid childcare providers under state supervision. The NSPCC, as will be illustrated, was central to this campaign.

In Ireland, the press and the courts were very reluctant to use the term ‘baby-farming’, and very few did so during the period under examination. This appears to have been related to attitudes surrounding childhood, Irish women and the image of Ireland as a place where cruelty to children did not occur. In 1872, for example, writing in reference to the Infant Life Protection (ILP) Act, an editorial in the *Irish Times* stated that:

The Act applies to Ireland, although baby farming, in the English meaning of the term, is unknown in this country ... whoever included Ireland within the field of operation under the Act, either know nothing of this country or designed to save the reputation of the baby farmers of England by including Irish nurses in the same category as them.¹⁰

In the courts, while a handful of cases were prosecuted under the ILP Act for baby-farming, the term was not utilized to the same extent as in other countries.¹¹ In fact, the first case was not prosecuted under the ILP Act until 1894. The question is, did this reflect the actual situation and demonstrate that baby-farming was not a problem in Ireland? This article argues that due to a lack of urbanization in Ireland, arrangements involving one or two children being looked after by one nurse appear to have been more common than large-scale baby-farms. This does not mean that illegitimate children needing care was not an issue – on the contrary, it would remain

⁹ Grey, “‘More ignorant and stupid’”, p. 64.

¹⁰ *Irish Times*, 7 Nov. 1872.

¹¹ The *Irish Times* regularly ran features on baby-farming in countries such as Britain, Poland, Russia and France, while continuing to expound its rareness in Ireland.

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a problem in Ireland far longer than in Britain – but many arrangements were smaller in scale. Similarly, Ireland’s high level of institutionalization of illegitimate children may have contributed to less need for large-scale baby-farming. Finally, as will be demonstrated by cases from the courts, baby-farmers and nurses could be charged with a whole range of offences against the person, including murder, manslaughter, infringements of the various Infant Life Protection Acts or the 1908 Children Act, cruelty and neglect. ‘Baby-farming’ was never a specific offence in its own right, but a deprecatory label. It also related directly to the topic of adoption. Grey argues that in Britain, before the First World War, the subject of child adoption was customarily viewed with suspicion, and associated with ‘baby-farming’.¹² In 1926, child adoption was legalized in England and Wales. This did not occur in Ireland until 1952, after being continually blocked by the Catholic hierarchy, yet before this, thousands of babies had been adopted illegally.¹³ In this respect, adoption was a suspicious business in Ireland. However, press reports of children at nurse were what made the papers, not the illegal adoptions that were being carried out by religious organizations and other bodies.

Illegitimacy and nurse children

The question of who cared for illegitimate children is at the heart of any examination of nurse children. When they could find work, usually in domestic service, single mothers either paid nurses to care for their children or gave a lump sum payment (known as a ‘premium’) to women who thereby ‘adopted’ their babies. This afforded unmarried mothers a way to cope financially with illegitimacy, and also offered other poor women an opportunity to profit from it. However, illegitimate infants at nurse were usually deprived of breast milk because their mothers had to work and they were therefore more susceptible than breast-fed babies to illness and the digestive complications that accompanied artificial feeding. This contributed to the high mortality rate for illegitimate infants.

hout nurses, however, single mothers who lacked the support of family and friends would have found it difficult to keep themselves and their infants out of the workhouse. Few private charities extended their help to unmarried mothers before 1920, and the Poor Law Amendment

¹² Grey, “More ignorant and stupid”, p. 63.

¹³ On the topic of the illegal adoptions that occurred in Ireland before 1952, see M. J. Maguire, ‘Foreign adoptions and the evolution of Irish adoption policy, 1945–52’, *Journal of Social History*, xxxvi (2002), 387–404; M. Milotte, *Banished Babies: the Secret History of Ireland’s Baby Export Business* (Dublin, 1997). On England, see J. Keating, *A Child for Keeps: the History of Adoption in England, 1918–45* (New York, 2009).

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Act (1834) prohibited guardians from giving outdoor relief to unmarried mothers. In the workhouse, women would be separated from infants up to the age of two years, and industrial schools only took children over the age of six years. From 1862, boarding-out became an option, but as will be illustrated, this policy was not followed uniformly in Ireland. In her recent article on children under the Poor Law, Virginia Crossman traces the history of the boarding-out system, through the prism of efforts by campaigners in Ireland in the mid nineteenth century to remove children from workhouses.¹⁴ This work highlights the enormous diversity of boarding-out experiences, particularly with regard to class and regionalism.

Generally, in contrast to Scotland, the majority of Poor Law children in Ireland and England remained in some form of institutional care throughout the nineteenth century.¹⁵ Integral to Crossman’s examination are conflicting views from Poor Law guardians, the Poor Law commissioners and the Catholic Church regarding nurse children placed in the workhouse, or those needing to be boarded-out. While Catholic critics of the system denounced the workhouse as an unsuitable environment for pauper, orphaned, deserted or illegitimate children, they were not against their own institutional provision. Similarly, variations in the application of boarding-out practices in different poor law unions were the result of decisions by individual boards of guardians rather than the Poor Law commissioners.¹⁶ In the 1850s, Poor Law commissioners had accepted the need for boarding-out deserted children, before the campaign for boarding-out had been introduced. In 1862, the Poor Law Amendment Act gave boards of guardians the power to place orphan and deserted children out to nurse up to the age of five years, with the proviso that guardians could extend this to children aged up to eight years with the consent of the poor law commissioners if they believed it necessary for the child’s health. Crossman shows how the disagreement over the upper age limit for boarded-out children ‘reflected a fundamental disagreement, not over the ultimate objective being sought – the creation of healthy and productive members of society – but the relative merits of an institutional over a domestic upbringing in an Irish context’.¹⁷ She also states that eleven years after its introduction, the system had been adopted in only

¹⁴ V. Crossman, “‘Cribbed, contained and confined?’ The care of children under the Irish Poor Law, 1850–1920”, *Éire-Ireland*, xlv (2009), 37–61.

¹⁵ For a discussion of boarding-out in Scotland, see I. MacDonald, ‘Boarding-out and the Scottish Poor Law, 1845–1914’, *Scottish Historical Review*, lxxv (1996), 197–220.

¹⁶ Crossman states that ‘the slow take-up of boarding out was a consequence of the misgivings of local guardians, not the poor law commissioners’ (see Crossman, “‘Cribbed, contained and confined?’”, p. 50).

¹⁷ Crossman, “‘Cribbed, contained and confined?’”, p. 46.

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a minority of unions with a total of 1,526 children boarded-out in 1873.¹⁸ With regard to the unions that did not implement the system, she cites the case of Tralee Union where the guardians had refused to implement the policy. From 1862 to 1872, forty-six of the forty-seven orphan and deserted children admitted to the workhouse had died. In providing an example of those that did implement the system, Crossman uses Cork, as the guardians were very active. In the annual report for 1888, it was recorded that of the 786 children boarded-out since 1862, 17 per cent had been claimed by their parents; 27 per cent had returned to the workhouse and since left; 50 per cent had been adopted by their foster parents; and 5 per cent had died.¹⁹

Crossman's study of the inspectors' reports clearly demonstrates that a number of boards of guardians regarded the allowance given for boarded-out children to foster parents as more beneficial to the latter than to the former. This attitude could never promote an appreciation for parents willing to accept foster children. Similarly, she shows how the system afforded middle-class philanthropists the opportunity to disseminate middle-class values. Yet she is also at pains to highlight that, while the majority of foster parents viewed fostering as a source of income and a means of getting help around the house, 'it is clear that many did become attached to the children in their care'.²⁰ The following section will examine the legislation enacted to protect nurse children.

The Infant Life Protection Act (1872) and the 1908 Children Act

In this country, happily, we have no need for a law to protect infant lives. The foster-mother loves the nurse-child fully as tenderly as she loves her own, and the woman who treated a nurse-child unfairly would suffer at the hands of her own sex penalties more severe than the law could convict.²¹

As the above quotation demonstrates, the 1872 ILP Act was not seen by many in Ireland as a necessity. Yet the act had been the result of years of campaigning by middle-class philanthropists in Britain in particular. It represented an early attempt to make some provision for the protection of neglected or 'deprived' children outside the ambit of the Poor Law or the judiciary. It required those receiving more than one infant for maintenance in return for money payments to register their houses with the local authority. The Infant Life Protection Amendment Act (1897) made it the duty of the local authority to enforce the act. Relatives and guardians of

¹⁸ Crossman, "Cribbed, contained and confined?", p. 47.

¹⁹ Crossman, "Cribbed, contained and confined?", p. 50.

²⁰ Crossman, "Cribbed, contained and confined?", p. 54.

²¹ *Irish Times*, 21 Dec. 1874.

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children, hospitals, convalescent homes or institutions ‘established for the protection and care of infants and conducted in good faith’ were exempted from the provisions of both acts, as well as persons maintaining children under any act for the relief of the poor

In 1908, the Children Act again changed the law with regard to nurse children. Now all foster homes, even those with only one child, were included under the act. It also specifically set out that if a carer or parent could not afford doctors’ fees themselves, they could access a physician through the Poor Law. Indeed, this proviso within the act had in large part been the result of an ongoing controversy between 1868 and 1908 over the extent to which parents were obliged to provide medical care for their children. The act stated that those accepting children into their care would have to register them with the local authorities within forty-eight hours. Failure to do so could result in prosecution. The act also compelled local authorities to inspect the situations of children at nurse once a month, up to the age of seven years.²² The forty-eight-hour period extended to other provisions. For example, the carer had to notify the local authority in writing of a change of address or residence and if an infant died or was removed. If a person violated any of the above provisions, not only would he or she be guilty of an offence under Part 1 of the 1908 act, they would be liable to forfeit the whole or part sum of money received for the child.

Part two of the 1908 Children Act dealt specifically with inspection of nurse children, responsibility for which lay with local authorities. It stated that the authorities in an area had to appoint one or two persons ‘of either sex’ to be infant protection visitors. It is interesting and notable that the inspections included women, as at this stage women were excluded from the inspection duties of many other societies such as the NSPCC. The infant protection visitors were to visit the homes in which children had been placed at nurse ‘from time to time’, in order to check the premises and the care of the children. They were also encouraged to provide advice or direction as to the nursing and maintenance of children where necessary. Interestingly, with regard to the NSPCC and other philanthropic societies, the act stated that infant protection visitors could pass responsibility to philanthropic societies and ‘so authorise the society to exercise those powers as respects those infants, subject, however, to the obligation to furnish periodical reports to the local authority’.²³ Also of interest was the provision that a local authority could exempt a premises from inspection if they deemed it to be well conducted. Finally, the local authority could also fix the

²² 1908 Children Act, also known as the Children and Young Person’s Act.

²³ 1908 Children Act.

number of children under the age of seven years that any one premises or person could nurse. If a premises was found to be overcrowded, dangerous or insanitary, or if the person in charge was regarded to be unfit due to 'negligence, ignorance, inebriety, immorality, criminal conduct, or other similar cause', he or she could be charged. Anyone previously convicted of an offence under the 1897 act or the 1904 Prevention of Cruelty to Children Act could not keep an infant or child at nurse. In the case of the death of an infant, aside from notifying the local authority, the person who had the care of the child was obliged to notify the coroner within twenty-four hours in order that an inquest could be held and the cause of death ascertained. Finally, if any person was found to have caused the death or allowed the death of a child to occur for the purpose of claiming life insurance, he or she would be prosecuted under the act. Again, the issue of life insurance was one that could be found in the discourse of the NSPCC, particularly in Britain, and the court records show a number of cases in which parents were prosecuted for suspected insurance fraud.

In 1894, the *Irish Times* reported on the first case in Ireland prosecuted under the ILP Act of 1872, stating that: 'since the passing of the act in that year it had remained a dead letter'. The case was quite shocking, as it involved the deaths of fifteen children who had been in the charge of one woman, a Mrs. Coffey. The article claimed that the woman was responsible for four previous deaths of infants, but that no steps were taken in those cases. It went on to state that 'the whole question of infant life protection deserves more attention from the public than it has hitherto received'. The woman in this case received a £5 fine for non-registration of her home under clause 2 of the 1872 ILP Act.²⁴ The NSPCC was also publicly praised for its work in bringing the case before the courts. While a charge of manslaughter would have been a more severe deterrent than a fine of £5, the woman was not charged with the more severe crime because cases could not be prosecuted any more than six months after the alleged offences occurred.²⁵

The involvement of voluntary institutions in providing nurses with children is an interesting aspect to the history. In 1905, a case was reported in the newspapers which not only involved the deaths of three nurse children, but also the participation of the Cottage Home in Dun Laoghaire. The nurse, Sarah Tennant, was accused of the manslaughter of three babies, two of whom had been transferred into her care by the home. These were baby Henry Tomlinson and baby O'Brien. In the third case, involving baby

²⁴ *Irish Times*, 21 Sept. 1894.

²⁵ It was not the first to use the term baby-farming, as a case in 1879 had referred to the term and another in 1893, but it was the first to utilize the ILP legislation.

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Kathleen Redding, the mother had approached Sarah Tennant herself after attaining her name from the matron of the home. The coroner stated, in the case involving Henry Tomlinson and Kathleen Redding, that the matron of the Cottage Home could not be exempted from blame, because the parents and relatives involved had trusted that the institution would not send the children to an unreliable nurse. She was found guilty of negligence in allowing a child to be nursed by an unregistered person.

In the case involving Kathleen Redding, it emerged that the mother of the child had agreed to pay 5s per week to Tennant to look after the child. The mother, however, had been unable to pay for the first four weeks. In a written communication to the mother, Sarah Jane Redding, Tennant had stated that the child was doing well. When the mother visited the child, however, she found her in an emaciated condition and upon summoning the doctor, was told that the baby was ‘in a dying condition’. At this point, although two months old, the child weighed only 6lbs 7ozs. When the baby was born, the hospital recorded a weight of 7lbs 4ozs and noted that she was in good health. The third child, baby O’Brien, was found in a similar condition

It was not only institutions like the Cottage Home that provided nurse children. In 1890, a serious case involving a verdict of neglect of a nurse child by a Mrs. O’Dea in Dublin was detected. It emerged during the trial that the case was more complicated than others relating to nurse children, because a nurse in the lying-in ward of the Coombe Maternity Hospital was also involved. It was suggested that one particular nurse had received money for boarding-out children. In this instance, the child was severely neglected, and although Mrs. O’Dea was charged with neglect, both the jury and the judge acknowledged that there were other actors involved and expressed a hope that the press would include this in the record, which they duly did.²⁶

The NSPCC and nurse children

In assessing the history of child protection in Ireland from the nineteenth century, the NSPCC undoubtedly holds a prominent place.²⁷ In contrast

²⁶ *Irish Times*, 18 June 1890. In 1905, another case involving a child sent to nurse from the Coombe Hospital was reported (see *Irish Times*, 5 Oct 1905). See also *Irish Times*, 23 Apr. 1897; *Irish Times*, 16 July 1926; *Irish Times*, 7 Aug. 1926; *Irish Times*, 16 Oct. 1935.

²⁷ For a discussion of child welfare in Ireland, see L. Earner-Byrne, *Mother and Child: Maternity and Child Welfare in Dublin, 1922–60* (Manchester, 2007); Luddy, *Women and Philanthropy*; Maguire, *Precarious Childhood*; Joseph Robins, *The Lost Children: a Study of Charity Children in Ireland, 1700–1900* (Dublin, 1980). For a discussion of England, see G. K. Behlmer, *Friends of the Family: the English Home and its Guardians, 1850–1940* (Stanford, Calif., 1998); A. Davin, ‘Imperialism and motherhood’, *History Workshop Journal*, v (1978), 9–65; A. Davin, *Growing up Poor: Home, School and Street in London, 1870–1914* (1996);

to religiously motivated philanthropic and charitable organizations, as the first established, secular 'child-protection agency', it would suffer less from the effects of sectarianism and fears of proselytizing forces than other organizations. In this sense, it would thrive in a period of instability for other philanthropic societies. With regard to nurse children, the NSPCC was very influential in the passing of the 1908 Children Act, which consolidated a number of legislative reforms surrounding child welfare.²⁸ While the Infant Life Protection Act of 1872²⁹ had legislated for nurse children for the first time, the 1908 act contained a provision that allowed an NSPCC inspector to monitor homes in place of a child protection officer. After independence, the society was also increasingly vocal in its annual reports and in the press on the neglect and ill-treatment of nurse children, as well as the situation of the 'illegitimate' child generally. This chapter will therefore refer to a small number of representative cases investigated by the society, as well as statistics taken from the annual reports for the number of cases investigated for 'failure to notify of the reception of a nurse child' and 'baby-farming'.³⁰

The number of cases of 'failure to notify of a nurse child' was a relatively small but consistent feature of the NSPCC's case-load. In 1905, the Dublin District Branch of the NSPCC investigated thirty-four cases involving nurse children.³¹ In 1914, the NSPCC investigated twenty such cases, and this steadily increased in the 1920s and 1930s. In the period 1933–50, for example, the Cork District Branch dealt with seventy-six instances involving nurse children.³² This activity appears to be similar to the other thirteen branches in the country. In one particular case in Wexford in 1934, a seventy-year-

D. Dwork, *War is Good for Babies and other Young Children: a History of the Infant and Child Welfare Movement in England 1898–1914* (Tavistock, 1987); H. Hendrick, *Child Welfare in England 1872–1989* (1994); C. Steedman, *Strange Dislocations: Childhood and the Idea of Human Interiority, 1780–1930* (Cambridge, 1995); J. Stewart, 'Children, parents and the state: the Children Act, 1908', *Children and Society*, ix (1995), 90–9. On the history of child protection in Scotland, see L. Abrams, *The Orphan Country: Children of Scotland's Broken Homes from 1845 to the Present Day* (Edinburgh, 1998).

²⁸ Two published works by past presidents of the British Society are also worth note: R. J. Parr, *The Baby Farmer: an Exposition and an Appeal* (1909); and B. Waugh, 'Baby farming', *Contemporary Review*, lvii (Jan.–June 1890), 700–14.

²⁹ For official reports on the Infant Life Protection Act (1872), see Report from the Select Committee on Infant Life Protection (Parl. Papers 1908 [Cd. 99], ix); Report from the Select Committee on the Infant Life Protection Bill (Parl. Papers 1890 [C. 346], xiii); Report from the Select Committee on Protection of Infant Life (Parl. Papers 1871 [C. 372], vii); Report from the Select Committee of the House of Lords on the Infant Life Protection Bill and the Safety of Nurse Children Bill (Parl. Papers (H.L.) 1896 [C. 343], x).

³⁰ This term was employed after 1908 in the NSPCC's annual reports.

³¹ *Irish Times*, 30 Nov. 1905.

³² The period 1933–50 was chosen in this instance as the reports were complete.

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old woman, almost completely blind, was investigated on suspicion of ill-treating a nine-month-old baby. The child was allegedly starving, and the woman was almost incapable of looking after her own needs, let alone those of the infant.³³ In this instance, the child had not been registered but the inspector decided not to prosecute the woman.

Generally, cases involving nurse children demonstrate the desperation of unmarried mothers who were unable to place babies in institutions because of their age or lack of resources. The state’s responsibility in the treatment of unmarried mothers and its inability to alleviate poverty in families, resulted in the greater suffering of those children most in need of state care. This can be seen particularly in the 1930s, when cases involving nurse children became more common in the courts. Yet unlike Britain, where adoption was seen as a suitable solution, opposition from the Catholic Church and inaction from the state meant that placing children at nurse was one of the few available options aside from institutionalization.

In 1932, at the annual NSPCC meeting, General Eoin O’Duffy spoke to the society about the ‘terrible figures’ relating to deaths of illegitimate children, and the need to implement controls to deal with nurse children. He argued that the inspection of premises of nurses alone would not sufficiently address the problem and that the recommendations of the investigation into the Criminal Law Amendment Acts by the Carrigan Committee also deserved attention. In 1928, amendments to the 1908 Children Act had been the primary concern at the NSPCC annual meeting, particularly as changes had occurred in Britain in 1923. It was agreed that a number of changes be made, principally that a licence had to be obtained twenty-four hours *before* a child was received, that premises would be inspected by the infant protection visitor, that a register of all persons holding licences would be compiled and that institutions would have to notify local authorities *before* a child was transferred to a nurse. The society stated that in the area covered by the Dublin Union commissioners, 1,100 children were visited by three Children Act inspectors, assisted in the city by the child welfare officer in each district. However, it was acknowledged that rural districts were nowhere near as ‘well policed’. Yet, the fact that 1,100 children were the responsibility of only three inspectors suggests that Dublin was not in fact particularly ‘well policed’.

In order to understand the motivations for placing children at nurse, it is important to recognize the difficulties faced by parents of illegitimate

³³ Irish Society for the Prevention of Cruelty to Children, Limerick, case file no. 34, 1934. This does not represent the actual case file number as a confidentiality agreement was signed to ensure that no names or case numbers would be used in the publication of research.

children during this period, and the treatment of illegitimacy by societies such as the NSPCC and by the state. Most families visited by an NSPCC inspector were not the 'ideal' two-parent families, and most cases were not related to child cruelty but to various forms of child neglect. This neglect often stemmed from severe poverty. In a sample of ninety-two cases from the Wexford District Branch of the NSPCC in 1939, 70 per cent of the cases were investigated for child neglect, 22 per cent were 'advice sought' investigations, and the remaining 8 per cent related to abandonment, ill-treatment, exposure and assault. Of the ninety-two cases, only thirty-two involved two-parent families. Thirty-eight cases (41 per cent of the sample) involved illegitimate children – a huge proportion when one considers that the registered illegitimacy rate in the 1930s and 1940s was between 2 and 5 per cent. The illegitimate child also featured regularly in the earlier files contained in the NSPCC archive. The remainder of the cases involved widows and widowers, as well as eight involving nurse children.

There was no stereotypical case, although a number of situations involved girls working as domestic servants in England and Ireland. In one such example, a labourer and his wife were investigated for neglect and starvation. They were looking after their nine-month-old grandson whose mother was working as a 'domestic' in London. The child was illegitimate and they received 7s weekly from a maintenance order. Both were in their forties and their income was 37s per week. On the first and only visit, the inspector described the child's condition: 'Found the child ill and wasted. Weighed child in clothes, weighed 12 lbs. Child appears to have been neglected for a long time'.³⁴ The boy was removed to the local hospital but died five days later. The inspector described the couple's characters as 'fair' and no prosecution was brought.³⁵ In another case involving an illegitimate child, a twenty-two-year-old woman approached the NSPCC to request advice. The father of the child had been paying 5s weekly, up to a month previously. She wanted to give the child to the father's mother, who 'offered to take the child – although she denies that her son is the father'. The inspector 'advised the mother to retain custody and that she could not get rid of her responsibilities by adopting such a course'.³⁶ This reaction by the inspector was a more unusual one and probably demonstrates his own bias towards the young mother.

The following two examples are representative of the cases investigated by the NSPCC that concerned the ill-treatment of nurse children.

³⁴ ISPCC, Limerick, case file no. 123, 1939.

³⁵ ISPCC, Limerick, case file no. 123, 1939.

³⁶ ISPCC, Limerick, case file no. 12, 1939.

‘She said she was in the family way’

The two cases, both of which involved illegitimate children, were taken from the sample cases contained in the annual NSPCC reports. These cases, handpicked by the NSPCC, were often used to warn parents or to demonstrate the NSPCC’s focus to the state or potential benefactors. The fact that they were included in the sample cases in reports sent to benefactors and potential benefactors, demonstrates that the issue of nurse children was one that received support. In the first case, taken from the 1933–4 Dublin District Branch report, the situation of a fourteen-month-old baby residing with a foster mother was investigated. The infant was found in a severely neglected state in the care of a woman who had two adopted children, two foster children and two other nurse children – for all of whom she had received payment. The report records that ‘through the intervention of the Society the three nurse children had been removed – the baby to the County Home and the other two to more suitable homes’. The two adopted children remained in the woman’s care and she was kept under supervision for a number of months.³⁷

A sample case entitled ‘A child we had to protect from her own mother’ was included in the 1934–5 report:

A young woman was found recently by a Guard lying in a gutter. She was under the influence of drink and beside her lay her thirteen months’ old baby girl, who was ‘sopping’ wet and crying with hunger. The inspector learned on inquiry that this young woman would not stay in any of the mother and baby homes provided for unmarried mothers and babies. She gave trouble, neglected her baby, and set a bad example for the other inmates. She was also suffering from disease. The child had to be protected from her unnatural mother, who was prosecuted and sent to prison for three months. The child was removed from her custody and placed in a convent home.³⁸

Why did the society choose these two cases to illustrate ill-treatment? In keeping with the state’s focus on unmarried mothers and illegitimacy, both involved illegitimate children and illustrated two different paths taken by unmarried mothers. In both cases, the mother was regarded as negligent or ‘unnatural’, and the removal of the second child to a convent home was presented as the most appropriate option. As with the NSPCC sample cases of intemperate mothers in the late nineteenth century, the unmarried mother was now a principle focus of the society. Yet even with this focus, the situation for nurse children was not improved. If placed at nurse, children were often ill-treated when payment ceased, and inspections were rarely carried out by the local boards. If boarded-out, a similar fate could

³⁷ ISPCC, Limerick, sample case, annual report of NSPCC Dublin Branch, 1933–4, p. 9.

³⁸ ISPCC, Limerick, sample case, annual report of NSPCC Dublin Branch, 1934–5, p. 10.

occur. Yet never did the state or the NSPCC decide to support unmarried mothers in keeping their children, or legislate for legal adoption. In this way, unmarried mothers and nurse children were an intertwined 'problem', yet unlike infanticide cases, the abuse suffered by nurse children was reported regularly in the press. By framing the issue as one of parental neglect, cruelty and ignorance, the press demonized nurses and victimized the children involved without ever questioning why the situation occurred. The majority of cases in the courts also demonstrated the poverty in other families too, as most nurses took children purely for financial reasons. The results were often very detrimental. The most severe cases that came before the courts will now be addressed.

Nurse children in the courts

In 1879, the Dublin City coroner commented on his dissatisfaction with the registration clause which was an integral part of the 1872 ILP Act. He referred to a case involving the death of one infant while in the care of an unregistered nurse working in the locality. Newspaper reports suggest that the case resulted in a mixture of shock and amazement from both the neighbours and the judge, the latter stating that in over twelve years he had seen no more than twelve cases of infanticide, and never a case of baby-farming. Although the report of the case was entitled 'baby-farming in Dublin' in the *Irish Times*, the court was very reluctant to utilize the term throughout the proceedings.³⁹ At this stage, it was too emotive for those in court, if not in the press.

In 'an alleged case of baby-farming' in 1893, in which a number of children had died under the care of a Mrs. Lynch, a trained nurse, it was revealed that the Society for the Prevention of Cruelty to Children had been negligent in their investigations. In the coroner's court in Dublin, the jury stated that:

We think that the Society for the Prevention of Cruelty to Children should have taken earlier action, and not have allowed thirteen people to live in an unsanitary house, the living room of which was only twelve feet square; and we are of the opinion that baby-farming places should be registered and regularly inspected.

In fact, the society had sent a number of the children to Mrs. Lynch, whom they felt was a suitable nurse.⁴⁰

After the introduction of the 1908 Children Act, many of the cases that directly related to nurse children involved non-registration. In a case in 1928

³⁹ *Irish Times*, 13 Sept. 1879.

⁴⁰ *Irish Times*, 3, 5, 9 Aug. 1893.

‘She said she was in the family way’

for example, a woman was prosecuted for failing to notify the reception of a nurse child, as well as for not informing the coroner of the child’s death. The judge in the case stated: ‘the life of one child was more important than the supervision of all other material things put together’.⁴¹ The case is interesting, as a secretary from the Board of Health was present at the hearing. The judge asked him whether the board had visited the foster home to check if the child was sufficiently cared for, to which he replied in the negative. In response, the judge stated:

it was an appalling state of affairs that the required supervision of infants did not exist. He was sure the fault did not lie with the capable secretary of the Board of Health; but it seemed extraordinary that so much attention was given to the supervision of dairy stock and other such matters and that the provision of infants in such cases had been overlooked.⁴²

The issue of inspection, or lack thereof, is one that reverberates throughout investigations of nurse children, those in foster care and those in institutions.

As previously mentioned, it is clear that in some cases, women became very attached to the children whom they were nursing, as revealed by another example that came to the attention of the authorities in 1928. In this instance, a seven-year-old boy who had been at nurse was sent to the Union infirmary in Dublin for treatment. Upon discharge, an NSPCC inspector found that the child was receiving alms, and the Dublin Union commissioners sent him to an industrial school. The woman who had been acting as the boy’s nurse applied to overturn the decision and was surprisingly successful. Judge G. P. Cussen, who would later chair the investigation into industrial schools and reformatories in 1934, stated that:

[it does not mean] because a little boy or girl begs a penny or a few pence from a charitable person to buy sweets or cakes that therefore a case has been made for sending the youngster to an industrial school. The real test is – is the child in need of the necessities of life . . . there is no evidence that this boy is in want of food or clothing that is the end of this matter.

In this instance, the nurse wished to retain the child, be it for financial or emotional reasons, and the judge’s verdict acknowledged her rights as a guardian. Yet the case also demonstrates the use of institutionalization by the NSPCC and guardians, who appear to have ignored other alternatives in many instances.

⁴¹ *Irish Times*, 21 June 1928.

⁴² *Irish Times*, 21 June 1928.

‘Found in a “dying” condition’: nurse-children in Ireland, 1872–1952

It could be argued that this situation was not unique to Ireland. Yet when one examines the alternative measures that could have alleviated the situation for nurse children, principally the legalization of adoption (which did not occur until 1952) and the introduction of mother’s payments, the reluctance of the state to interfere could be viewed as negligent. Although nurse children were an issue in other countries in the nineteenth century, particularly, in Britain, the United States and other Western societies, by the 1930s, child welfare reform was being tackled to a greater extent than in Ireland. In that country, the continued stigmatization of unmarried mothers, both socially and economically, created an environment where women took desperate measures to care for and maintain their children. The women who took the children into their care, too, were often in dire economic situations. Unfortunately, in many instances it was the child that suffered most.

Conclusion

As this chapter demonstrates, the situation for many children placed at nurse in Ireland from the mid nineteenth to the early twentieth century was one of poverty and neglect. The reasons for this were principally economic; in a society where poverty was a reality for much of the population, resources were not passed to those minding nurse children if payment for a child ceased. The illegitimate child was most often the victim, as poor, unmarried mothers took the only option available to them in a country where unwed mothers were rarely supported. This was a contrast to the projected image of Ireland as homely and a place where child cruelty did not occur. As with many other child protection legislative reforms in this period, the ideal set out in the 1872 ILP Act and the 1908 Children Act in relation to nurse children was not fitting to the reality. As the NSPCC reports show, many children were not registered by nurses long after the introduction of the 1908 act. There were obvious reasons for this. If, as it appears, inspections were not consistent, why would women voluntarily declare that they were taking money to look after a baby if they could get by without? That the NSPCC files and annual reports demonstrate this reveals the importance of this archive as a previously under-utilized source.

For the state, and voluntary agencies such as the NSPCC, dealing with the root causes of women’s need to place their children at nurse would have involved tackling issues that they were not willing or able to address. As the press reports and commentaries show, the attitude appears to have been to blame the ‘negligent’ mother and the ‘demonic’ nurse while ignoring the source of the problem. As with many other situations involving marginalized groups of children, they were the ones who suffered most. ‘Found in a dying condition’? Unfortunately, for many, this was the case.