



Report of the Departmental Committee on the Employment of Children Act, 1903

Author(s): N. B. Dearle

Source: The Economic Journal, Vol. 20, No. 79 (Sep., 1910), pp. 487-492

Published by: Wiley on behalf of the Royal Economic Society

Stable URL: http://www.jstor.org/stable/2221059

Accessed: 27-06-2016 02:26 UTC

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at http://about.jstor.org/terms

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



Royal Economic Society, Wiley are collaborating with JSTOR to digitize, preserve and extend access to The Economic Journal

above this likely to be required, though it is indicated that the Commissioners think it admits of computation. In fact, the report is singularly silent on many important points connected with the more detailed recommendations. To accept it in its entirety would be to take a leap in the dark.

We may briefly sum up the points which seem to us clearly established. Irish agriculture and industries require cheaper transport than they now have, and the railway rates question is an important factor in the Irish problem. Waste on the railways must be diminished as far as possible, and this can only be achieved by unification of the railways. The economies likely to accrue therefrom are not sufficient to provide for the reduction of rates necessary, and a subsidy from the State is essential. The monopoly thus created and subsidised by the State ought not to be left wholly in private hands, but must be effectively controlled by some public body. Moreover, the end will not be gained if the railways are managed primarily in the interests of shareholders, as short time interests take too prominent a place.

Much further than this we are not prepared to go at present. The remaining recommendations may be correct. They are, however, open to criticisms, the answers to which are by no means clear.

W. T. STEPHENSON

Report of the Departmental Committee on the Employment of Children Act, 1903. (Cd. 5,229. 1910. Pp. 23. Price  $2\frac{1}{2}$ d.)

In carrying out their inquiry the very able Committee that has just reported chose, and chose quite rightly, to narrow it down to the smaller, but very urgent, question of street trading, rather than attempt to deal with the employment of children as a whole; and even within these narrower limits their attention has been mainly devoted to the juvenile newspaper seller. Of the various forms of child employment street trading shows the greatest dangers and the least advantages, and the selling of newspapers in the street focuses all the evils of street selling. For this reason the course taken by the Committee was a wise one. First, because they were attacking the very heart of the malady; and, secondly, because street trading is, so much more than other forms of child employment, a problem in and by itself, and capable of independent treatment. Two reports are issued by a majority of seven and a minority of four respectively, and in this case the

488

divergence of opinion, however regrettable on general grounds, has the merit of providing a clear treatment of the subject from two different sides. The Majority insists on the evils of street trading and on the treatment required to get rid of them. It proposes the drastic remedy of complete abolition in the immediate future. On the other hand, Mr. Bridgeman and his colleagues point to the difficulties in the way of such a policy, to the hardships it will involve and the safeguards it will require, and suggest a more gradual treatment. For these reasons one cannot but welcome a divided report: for we require both a root and branch proposal for reform and a clear statement of the conditions with which it deals and under which it will be carried out.

By the Act of 1903 street trading was defined to include "the hawking of newspapers, matches, flowers, and other articles, playing, singing and performing for profit, shoe-blacking or any other like occupation, carried on in streets and public places." This definition, however, has been a source of confusion and difficulty. A boy selling newspapers is a street trader; indeed, this is the most important form of that trade. A boy carrying newspapers to deliver at customers' houses is not—no more than any other errand-boy. But what, when a boy sells newspapers incidentally to the latter occupation? The Committee, indeed, point out the distinction, and also that the latter is usually a harmless, and may even be a beneficial, form of employment: but to draw the dividing line is "practically impossible." The law, as at present constituted by the Act of 1903 and others, prohibits street trading by children under 11, and night work (i.e., between 9 p.m. and 6 a.m., subject to variation by local bye-laws) for boys under 14 and girls under 16. Further, Section 2 of this Act allows local bye-laws to regulate it for children over these ages in various ways-by compelling it to be carried out under certain conditions, or subject to the holding of a licence, by regulating such licence, by determining the days, hours and place of such trading, and so on. There are two limits—that the right to trade is not made the subject of conditions referring to poverty or bad character, and that special regard shall be paid to preventing street trading by girls under 16. The latter limitation is undeniably sound; the former appears, as the Majority implies, to be a mistake.

Little if any use has been made outside England and Wales of the powers thus conferred. In Scotland only three local authorities out of 89, and 27 school boards out of 979, and in Ireland only five of the 76 local bodies have exercised their rights. In England, though only one of the 62 administrative counties,

and 41 of the 191 urban districts have made bye-laws, no fewer than 50 of the county boroughs have done so. These include most of the large cities, and possess a population, exclusive of London, of  $8\frac{1}{2}$  millions. The London County Council is trying to abolish street trading by girls altogether. From these figures Sir Edward Troup deduces that the evils connected with street trading "are most pressing in crowded centres, and the problem is essentially a town problem." Some of these bye-laws are little more than a dead letter, and where no bye-laws exist the statutory provisions of the Act are often disregarded. In one town children as young as seven were found trading, and no doubt a considerable number do so trade who are below the statutory age of 11. Moreover, though regulation by bye-law was intended to allow for differences in local conditions, those that exist are substantially the same.

Usually such bye-laws prohibit street trading by girls under 16, except in company with a parent, this latter proviso being meant to provide for the case of the children of costermongers. The expediency of this exception was the subject of dispute. The representatives of the London County Council and other witnesses were against it, their views being endorsed by the Majority. On the other hand, the police witnesses favoured it, and the Minority refused to pronounce definitely on the point. The inability to make the grant of a licence subject to conditions has been harmful, preventing refusal even when the number was excessive, or the child obviously fitted for something better. The Majority do not, perhaps, do full justice to the work of the Act, where bye-laws have been rigorously enforced. Their view that "a system of licensing and badging is but a method of legalising what is indisputably an evil, and that a set of bye-laws, however rigorously enforced, can at best only modify the difficulties of the position," is, no doubt, true: but in some cases, notably Manchester, as they point out, the effect has been wonderfully Indeed, it is a question whether a national enforcement of bye-laws of the Manchester or London standard will not have to precede, and prepare the way for, the full policy of abolition.

The number of street traders is given at 22,194 licences (19,249 boys, 2,945 girls, under 16) during 1908 in England and Wales, exclusive of London, where badges for 13,873 boys and 1,000 girls were issued. These, however, do not cover the full number, since some towns do not issue, and an appreciable number of children do not take out, licences—such, for instance, as those boys who help the regular sellers at busy times, or those who take it up temporarily during periods of family distress. A very

large proportion of the licensed sellers are under 14—something like three-quarters in London and three-fifths elsewhere. Some boys in newspaper selling are employed by newsagents: but mostly "they sell not as employed agents but as principals, often employing younger lads themselves, and their receipts are in the form of profits and not of wages." Normal earnings would appear to vary from 5s. to 6s. up to 8s. or 10s. per week; but maybe as much as 20s. or as little as 1s. or 1s. 6d. Besides the sale of newspapers, other forms of street trading are the sale of matches and flowers, the former being a cloak for begging, and the delivery of goods, especially milk and newspapers, which is accompanied by an occasional sale. "Shoe-blacking appears to be a declining industry."

The Committee speaks forcibly, but justly, of the evils of the It exposes the youthful trader to many moral evils and to the habits of the gutter. "If a match-seller he is likely to become a beggar, if a newspaper seller a gambler": and on the latter point the evidence is very strong; and with girls an unquestionable danger to morals in the narrower sense must be added. Further, there is the physical danger to health from exposure to inclement weather, modified in some cases by the advantages of an open-air life. Street trading also breeds a restless disposition and dislike of restraint, and though the majority of street traders are still at school, and many take up other work on leaving, yet there is a considerable margin who do not do so. Finally, the money, often easily earned, is as easily spent on sweets and amusements, if not on gambling; in only a minority of cases is it taken home. The Minority, however, urge, and back their opinion by considerable evidence, that this is far more frequently done than the Majority suppose, and particularly in periods of temporary misfortune. The Majority, however, propose to meet hardships in individual cases by the provision of machinery for finding alternative employments. As regards the labour market, it is probable that the penny papers would be little, if at all, affected by abolition, whilst the halfpenny ones probably would. Little inconvenience, however, would be caused to the public: and "it appears to us economically unjustifiable to use children to their own detriment for work that can be done by other means."

To deal with the matter, the Majority propose prohibition of street trading for boys under 17 and girls up to 18 or even 21. In the former case 17 is a better age than 16, preventing, as is pointed out, the boys discharged from industrial schools at 16 from "falling again into casual habits." They think that by

organisation alternative employments is feasible, owing to the frequent shortage of unskilled boy labour, and even the job of the errand-boy or van-boy order would be better than this. In the writer's judgment, the Majority takes a more favourable view of the matter than the evidence quite warrants, and the evidence itself gives, perhaps, an unduly favourable view. In any case, an organisation worked by the Local Education Authorities in conjunction with the Labour Exchanges should assist the displaced children to alternative employments. Such a power the Scotch School Boards already possess. They should also be responsible for the administration of the Act, working in close touch with the police authorities. Offences should be tried in the Children's Court, and the scale of penalties under the Children's Act (1908) should be revised.

The best criticism of these proposals is, perhaps, the statement of policy put forward by the Minority, who fully endorse their strictures as to the evils of street trading, especially in certain forms. They point out, however, that the failure to enforce the existing Act on the part of local authorities should entail caution in establishing more stringent measures. In this there is much truth, and they also point to the benefits produced by the present Act. But they urge caution on several grounds; first, that street traders are recruited from the poorest and worst homes, and, therefore, at a difficulty in competition for other employment; and, secondly, that the earnings of street traders do in many cases go to the support of the home. For the latter contention they produce considerable evidence; and, thirdly, they urge that if the prohibition resulted in the substitution of home work for street trading, it would be a positive disadvantage. Finally, they do not find any special evils attaching to many forms of street trading apart from newspaper and match-selling. They propose, therefore, further powers for Local Authorities to deal with street trading by boys, chiefly in connection with newspapers, including power to prohibit it up to 18 where other suitable employment is available, and power to withdraw a licence which is not being used to any good purpose. For other classes of street trading regulation is adequate. The licensing system should be extended to all Urban Authorities, who should be compelled to appoint sufficient supervisory officers, and girls under 18 should be prohibited from trading in the streets, with a reservation for further enquiry into the case of costermongers.

Both reports appear to make valuable suggestions and to deal with the matter on sound and reasonable lines; but on the whole

492

the Minority do not undermine the main arguments of the Majority, though they show the need of caution and perhaps of delay. Indeed, their argument as to the absence of alternative employments appears to give grounds for urging the latter as regards complete and total prohibition. But it is to this that effort must finally tend: and in the immediate future two lines of policy could be adopted either consecutively or together. One is the complete and compulsory enforcement in all urban districts of bye-laws of the Manchester standard. The other is the prohibition of newspaper selling only, as being the form of street trading that displays all the worst defects of the system, whilst lacking many of its advantages. Afterwards other forms could be dealt with in detail and far more easily, when this, the largest and worst, is removed. Further, there is a strong case for prohibiting any such trading by children of school age, and the final goal will be complete prohibition.

N. B. DEARLE

Reports on the Effects of Employment or Assistance given to the Unemployed since 1886 as a means of relieving Distress outside the Poor Law—in Scotland. By the Rev. J. C. Pringle. (Cd. 5,073—1910.) And in Ireland. By Mr. Cyril Jackson. (Cd. 4,890—1909.) (Royal Commission on the Poor Laws and Relief of Distress, Appendix Volumes XIX. A. and B. Pp. 205–32. Price 3s. 6d. and 1s. 10d. respectively.)

These two volumes are a supplement to the systematic and exhaustive treatment of this side of the Unemployed Problem as it affects England, which the authors have already given us. In dealing with Scotland and Ireland they have acted separately, each being entirely responsible for a single country. The lines of investigation, however, have been similar to those followed in the report on England. It will, therefore, be sufficient to notice points of special interest in these later reports, more particularly those which illustrate the differences between the countries. On the whole, there is a marked similarity, but there are also appreciable divergencies, which are most marked in the case of Ireland.

The Act has been very little adopted in that country, having been almost from the first regarded with suspicion. This no doubt accounts for the brevity of Mr. Jackson's report. An appreciable measure of relief has been given, however, in the

<sup>1</sup> Noticed in the Economic Journal, Vol. XX.