Whereas poor persons are sometimes lodged and maintained under contracts or agreements for certain payments in houses and establishments not being the workhouses of any union or parish, nor subject to the effective control of any Guardians or Overseers or other parochial authorities, and no sufficient powers are vested in any authority to regulate the houses or establishments wherein such persons are lodged and maintained and it is expedient that such powers should be given, Be it therefore enacted . . .

Thus runs the preamble of an Act (12 and 13 Victoria, c. 13) which was given the Royal assent on 11 May, 1849 and which enabled the Poor Law Board to exercise such powers over private establishments. What were the circumstances that led up to the passing of this Act and how was it that there were paupers not under the effective control of the Poor Law authorities? The paupers affected were in the main children and it is necessary to go back some years, to 1767 in fact, when certain Acts required the Metropolitan parishes to send their young children out of London where they stood less risk of dying from diseases prevalent in the overcrowded workhouses. Many parishes set up their own infant establishments in the suburbs but others preferred to farm out their children to the care of independent contractors who, for so much per head, would feed and clothe the children and give them a rudimentary education.

By the 1830's the two best-known contractors schools near London were those of Mr Aubin at Norwood and of Mr Drouet at Tooting, although there appears to have been another Drouet establishment at Brixton. Conditions at these schools were by no means ideal and there were complaints from time to time of ill-health and ill-treatment. In 1836 Dr Neil Arnott was asked to inspect Mr Aubin's establishment by the Poor Law Commissioners because of continued reports of ill-health amongst the children. Arnott found that out of some 650 children there had been 66 deaths during the last three years. He found that bad ventilation seemed to be at the root of the trouble, both diet and clothing being adequate. By contrast the school at Brixton, at this time run by a Mrs Drouet, had an excellent health record, the children being 'strong and plump' and having adequate sleeping accommodation. This was not the case at Aubin's, where three to a bed seems to have been the general rule.

Despite these shortcomings Mr Aubin seems to have been a cut above the average contractor. He appears to have wished to do the best

1 7 George III, c. 39.
for the children under his charge and willingly co-operated with two Assistant Poor Law Commissioners, Mr Tufnell and Dr Phillips Kay (later Kay-Shuttleworth) in an experiment to provide an adequate education for pauper children.\(^3\) Between them they contrived to build up a reasonably efficient school with qualified teachers despite little official backing. The Assistant Commissioners even contrived at one stage to obtain an annual grant of £500 out of public funds for the school and attempted to make it a model establishment.

The picture was, however, not a rosy one. The Poor Law Amendment Act\(^4\) had made no provision for the special treatment or education of pauper children and some of the Commissioners were beginning to realise that only a properly constituted scheme of education for pauper children in separate schools was likely to be the answer to the present unsatisfactory state of affairs. Events were now to take place that were to destroy the independent infant pauper establishment and bring the whole question of ‘child-farming’ to the attention of a critical public.

The formation of a separate Board of Guardians for the parish of Kensington in 1845 brought many problems in its train. Not least was lack of accommodation for all the Kensington paupers in the old work-house and it was decided to farm the children out to a suitable contractor until such time as the parish could provide suitable accommodation for them.\(^5\)

Enquiries were made of Mr W. Drouet’s Establishment at Brixton and that run by Mr P. Drouet at Surrey Hall, Tooting, the former being chosen. The children were to be removed there on 11 March 1845 and two days later the master of Fulham work-house reported that 67 children had been transferred, 22 from Kensington, 17 from Fulham and 14 each from Paddington and Hammersmith.\(^6\) On 14 April the new Board met for the first time but it is not till September that we hear anything about the children when Mr Drouet reported that he had 38 boys and 24 girls from Kensington and that they were ‘all healthy’.\(^7\)

Early in December, eight months after taking up their duties, the Guardians resolved to visit the parish children and found their condition, especially that of the boys, to be very unsatisfactory.\(^8\) A special meeting was called and it was decided to remove all the children from Drouet’s and house them in temporary accommodation in the parish.\(^9\) Mr Drouet attended a meeting of the Board and vigorously defended his methods, saying that the Paddington Guardians had recently visited his establishment and found no cause for complaint.\(^10\) The Board, however, decided to stick to their earlier decision and informed the

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4 4 & 5 William iv, c. 76.
5 B.G. 30/1/1845 : 351.
8 B.G. 2/12/1845 : 262.
9 B.G. 3/12/1845 : 266.
Poor Law Commissioners accordingly. The search for temporary accommodation proved difficult and in January 1846 the Guardians, inspected Drouet's again. They found that conditions were still unsatisfactory and that the boys were never allowed outside the walls for air and exercise. Stalemate seems to have operated for several months. The Board obtained the consent of the Commissioners for the proposed removal which seemed as far off as ever owing to an unsuccessful search for temporary accommodation, while Mr Drouet continued to affirm his care of the children in his charge. Yet another visit by the Guardians in May brought matters to a head and their report is worth quoting in full.

The Guardians of the Poor of this Parish visited Mr Drouet's Establishment at Brixton yesterday – and altho' they found the condition of the parish children better than when last there, their regret was renewed upon finding that their directions that the children should be taken out beyond the bounds of the school for air and exercise, as well as recreation, have been totally disregarded; that many of the dormitories are not wind and weather tight; and those (of the boys especially) are cold, damp and ill-ventilated; that the dietary, whether sufficient or not to keep the children in proper health, is not that which Mr Drouet engaged to furnish either in its quantity or quality, particularly the soup, which is very poor, and which the Guardians observed the children did not eat – Proper conveniences are not provided for the children to wash themselves in – and there is a want of proper drainage, the privies, etc. being in a most offensive condition.

After this revelation the Board gave notice to Mr Drouet that they would remove all the children on 13 June although where to was still an open question, as it had been decided that it would be too costly to renovate the former workhouse school for the children's reception. The problem, however, was brilliantly solved and after a visit to Drouet's Establishment on 22 June, a committee reported that

they consider the establishment highly satisfactory in every respect – the children, exceeding 700 in number, were in excellent health and every regard paid to their industrial, religious and moral training. The Guardians therefore consider that it would be very advisable to place the children, who are now in Kensington workhouse, at Mr Drouet's forthwith.

This apparent volte face is, of course, explained by the fact that the Guardians were referring to the Tooting establishment of Mr Peter Drouet. The report is interesting, for in the light of subsequent events to be narrated one wonders just how grim the Brixton home was. The children were removed to Drouet's without further delay with the grudging approval of the Poor Law Commissioners who, in a letter to the Board, stated that they were not completely satisfied with it on some points. This remark was to prove a masterly understatement but for the present all seemed well. From time to time satisfactory reports on the children's health were made but a discordant note was sounded in February 1847, when one of the boys wrote to a member of the Board.

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11 B.G. 27/1/1846 : 315.
13 B.G.
14 B.G. 22/6/1846 : 461.
complaining of ill-treatment. The Guardians rejected his complaint and sent a tart rejoinder to Drouet asking how the boy was able to receive a letter from a Guardian without his (Drouet's) knowledge and why, when the boy absconded, the matter was not reported to the Board. The report of a visit in September stated that the food was 'good and wholesome' and that 'the Establishment was such as to call for the commendation of the Guardians.' Drouet, however, still seems to have been lax about reporting illness and other occurrences and the Board had to remind him of this fact on more than one occasion.

In November 1848, several girls who had formerly been inmates at Drouet's accused his son, Richard, of indecent conduct towards them and in one case of forcible rape. The shocked Guardians held a special meeting to examine the evidence and decided to place the matter before a Justice of the Peace. In the meantime they ordered that all the girls should be removed 'forthwith' from Drouet's and accommodated in the workhouse. With denials and contradictory evidence on both sides the investigators decided that there was insufficient proof to uphold the charge but the Board did not return the girls to Drouet's. With a new workhouse nearly completed they doubtless felt that the expense of keeping them at Drouet's was no longer justified. This was to prove just as well.

The next development was to be a tragic one though not, fortunately, for the Kensington children. On 4 January, the Guardians resolved to remove the boys to the new workhouse and ordered Pummell, the beadle, to go to Drouet's that day and bring them back. That very morning, The Times had reported that 'considerable alarm' had been aroused by the report of an outbreak of cholera at Drouet's establishment and that 57 cases had already occurred, of which 12 had proved fatal. The Guardians, in answer to a letter of the Poor Law Board of the 11th, were to aver that this letter was the first information they had received of the outbreak and that the removal of the boys had nothing to do with it. This seems incredible, for The Times had been full of the case from the 4th and disquieting facts had begun to emerge at the inquest on four children belonging to the Holborn Union who had been removed from Drouet's and who had subsequently died of cholera at the Royal Free Hospital. Even presuming that none of the Guardians read The Times, why did Pummell not report the outbreak after his visit on the 4th to remove the children? Whatever conclusions may be drawn the fact remains that the Kensington boys had been removed in the nick of time. Those of Chelsea were to be less fortunate.

15 B.G. 8/2/1847: 222.
17 See for example B.G. 20/1/1848: 102.
20 B.G. 16/11/1848: 476.
22 The Times 4/1/1849: 5b.
23 B.G. 11/1/1849: 40.
The cholera epidemic of 1848-9 began in Scotland during October 1848 and had reached England by the end of that year. In all it claimed 53,293 victims in England and Wales alone and was the most serious of the three major outbreaks of the century. Cholera is an acute infectious disease due to a micro-organism, the *cholera vibrio*. This grows in the alimentary canal and is usually waterborne. It thrives in conditions where sanitation is primitive and where water supplies are likely to be contaminated by sewage. Symptoms include violent purging, muscular cramps and a rapid drop in body temperature. Without treatment collapse may be rapid and death can take place in as little as three hours. The disease is not airborne, however, and providing persons in contact with victims observe strict rules of hygiene they stand a reasonable chance of not catching the disease. These points should be kept in mind when the epidemic at Drouet's is examined.\(^{24}\)

It will be remembered that *The Times* had first reported the outbreak on 4 January. This report stated that an inspection of the establishment was 'greatly to the credit of Mr Drouet'. On the following day *The Times* reported that the number of cases had risen to 118 with 25 deaths. The drainage had recently been improved and was excellent. So far, so good, but on the 8th a thunderstruck public read that there were now 229 cases with 52 deaths. The General Board of Health had sent down 50 navvies to clear ditches and drains as required. They had also sent Dr Grainger to inspect the situation and his report ruthlessly exposed the true state of affairs.\(^{25}\) Dr Grainger stated 'that the characteristics of the disease were infinitely worse than anything he had seen in Glasgow.' The establishment occupied 52 acres of which one-eighth was covered by buildings. The dormitories containing the elder boys were in a range of cottages situated over a stagnant ditch, and their schoolroom measured 9\(\frac{1}{2}\) feet by 24 feet with a daily attendance of between 500 and 600 pupils. Another 'stagnant filthy ditch' nearby received all the refuse from the Surrey Lunatic Asylum and 'emitted a most offensive odour'. The affected wards contained some 160 children, often four to five to a bed because of want of room. Supervision was quite inadequate and Dr Grainger concluded that insufficient food, clothing and lack of warmth may have been contributory factors. Significantly, Tooting had always been considered the healthiest part of Wandsworth parish by its local medical officer and during the whole course of this epidemic not a single case of cholera was reported from the nearby village of Lower Tooting. The inhabitants felt that such an establishment should be removed from the village but 'they had the highest opinion of Mr Drouet, and considered his conduct to the children under his care kind in the extreme'.\(^{26}\) That this opinion was not shared by others was soon to become only too evident.

By the 9th, cases had reached 260 with 84 deaths but some children who had been removed from Drouet's had also died since and it was the

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\(^{24}\) This paragraph is based on the account in A. H. Gale, *Epidemic Diseases* (Penguin, 1959).

\(^{25}\) *The Times* 8/1/1849 : 5c.

\(^{26}\) *Ibid*
inquest held on four children belonging to the Holborn Union which really excited public opinion. The St Pancras Guardians had removed their children to the Royal Free Hospital as soon as they had been notified of the outbreak and it was here that several children had died.

The inquest opened on 9 January and evidence favourable to Drouet's Establishment was given.27 One of the witnesses described the diet in favourable terms but the coroner remarked of this

that it was all very well upon paper, but it might look very different on the table. He had himself examined the children in the Royal Free Hospital and his impression was, that not only had there been a great want of proper nourishment, but that their clothing was by no means equal to their requirements.

The inquest was then adjourned until the 12th. At its resumption the coroner expressed surprise that no inquest had, as yet, been held in Surrey.28 After evidence of death had been given by staff of the Royal Free Hospital Dr Grainger of the General Board of Health was called. He was undoubtedly a key witness and The Times quoted in full his report to the Board which he read out at the inquest.

Dr Grainger first visited Drouet's on the 5th. He said

I found [that] on the boys' side there was a room containing 18 beds nearly touching each other, in which were 35 boys ill with cholera; 25 being in bed (two in each bed) and 10 sitting round the fire, being convalescent. One boy had just died on my entrance. In this ward, which is an example of the arrangement of all the main buildings of this establishment, there were windows only on one side – a construction totally incompatible with a due supply of light and air.

Dr Grainger found only one nurse on the girls' side who had to attend several wards as did the solitary male nurse on the boys' side. Many of the children were vomiting and purging and calling out for assistance. Because of the lack of attendants the bedclothes and the floors were soaked in vomit which was not cleared up. It is a horrible picture but worse was to come, for on Dr Grainger's second visit he found that Mr Drouet had ignored his recommendations for alleviating the sufferings of the victims. He had, for example, taken on no extra nurses but had allowed convalescent children to help in the wards. Two nurses from St Pancras had been on continuous call for nearly 48 hours and as a result not only were they exhausted but in danger of catching cholera themselves because of this. Dr Grainger continued

the consequences of all this inexcusable neglect was that on Sunday the bedclothes were still soaked with the evacuations of the suffering children, and that the few nurses who were in the wards were obliged to run from one bed to another, and that the patients were most inefficiently attended on.

Dr Grainger singled out the two St Pancras nurses by name and praised them for their devotion to duty in appalling circumstances.

He pointed out that while notice of cholera and its symptoms had been widely circulated by the Board, the medical officer at Drouet's, Dr Kite, had ignored premonitory symptoms 14 days before the outbreak. He went on,

27 The Times 10/1/1849 : 3e.
28 The Times 13/1/1849 : 8a.
The interests both of truth and humanity compel me to affirm that no effort or attempt was made on the part of the proprietor to carry into execution some of the most essential of my recommendations given on Friday the 5th of January, and which were capable of speedy execution.

Furthermore, Drouet had ignored the requirements of the Poor Law Commissioners as to the numbers permitted in his establishment and had also persisted in accommodating 150 of the boys next to a yard full of animals. On 23 December there were 1,372 children housed at Drouet’s, nearly twice the permitted number. Dr Grainger continued,

The original premises were totally insufficient to accommodate this large number, and consequently, . . . new buildings were erected. In the construction of these buildings none of the sanitary precautions so urgently demanded by the circumstances were observed; no effective ventilation was provided; and especially it must be pointed out that the space allowed, both in the dormitories and schoolrooms, was altogether inadequate to the number of inmates they subsequently received.

After this, it is not surprising that the coroner should make pointed reference to Drouet’s absence from the inquest and decide to subpoena him if he did not turn up at the next meeting. The Times summed it up in an editorial29 which sounded a curiously fatalistic note at the end for

there was no doubt about the victims of the cholera. They were all marked for destruction long beforehand. It was no pestilence flying over a place which in its eccentric selection lighted on a pauper asylum. The truth is, that these hapless little patients were predisposed to disease . . .’

Predisposed the ‘appointed victims’ may have been but inhumanity not fate appears to have been the direct cause of their deaths.

The Kensington children had escaped from this deathtrap, although two of them died later in the workhouse. The Chelsea children were less fortunate. If the Kensington Guardians are to be believed they had received no news of the outbreak until 11 January and then, not from Drouet, but from the Poor Law Board. The Chelsea Board on the other hand received no fewer than four letters, one each from the Poor Law Board and the Board of Health, together with two from Drouet. These were all considered at a special meeting held on the 8th.30

The two letters from the Boards gave notice of the outbreak and recommended prompt removal of the children. They were both dated the 6th. Drouet’s first letter was dated the 5th and simply gave notice of the death and burial of three Chelsea children, all from cholera. The second is dated the 8th and is pathetic:

Dear Sir, It is impossible for me to describe the misery there is here; fresh cases are being reported every moment, there has been up to last night 20 cases, six have died belonging to Chelsea and I fear more will Die. It is strange to see the Poor Little things go off, in fact they are gone before we know it and that accounts for little Jordan being found on the floor. We have Day and Night Doctors, two from the Board of Health; and – Grainger Esq. from the Board of Health is here daily, he was here all day yesterday. Day & Night nurses and visits from all sorts of Medical Men and others that know anything about Cholera. Nearly 700 children have left and today more will leave and it is intended that all the children are to be removed, I expect

29 The Times 15/1/1849 : 4.
30 B.G. (Chelsea) 8/1/1849 : 364-
by this time you have had notice from the Board of Health to that effect. I am sorry to state several of the children that have been taken away have died since, it therefore requires care where to put them that the disorder may not spread.

There are several points to consider about this letter. Firstly its date; we have already seen that the first public notice of the outbreak had appeared in The Times of the 4th and that Drouet's letter of the 5th simply gave the bare facts of three children having died of cholera. Letters from the Poor Law Board and the General Board of Health followed on the 6th. Furthermore, Dr Kite, medical officer at Drouet's, stated in his evidence at the inquest that the first case occurred on 30 December.³¹ Thus Drouet, in a position to be the first to inform the Guardians of the outbreak was, in fact, the last. That this was no accident in this case is proved by the evidence given by other Boards and Kennington never heard from Drouet at all. Drouet may have been a busy and anxious man at this time but such a delay in informing the legal guardians of the children is inexcusable. Next the letter contradicts the evidence of Dr Grainger given at the inquest as regards his instructions, especially those concerning additional attendants. Why is 'little Jordan' mentioned in such a way as to suggest previous criticism of his being found dead on the floor? It certainly could not have emanated from the Chelsea Guardians who knew nothing of the outbreak from Drouet previous to this letter. Such a letter at such a late date rings false and suggests a desire to cover up as much as possible.

The result of the above letters was that the Guardians decided to adjourn the meeting until 7 p.m. that evening while a deputation visited the Poor Law Board and the General Board of Health to ask their advice. Another deputation was also to go to Tooting to view the situation there. The result of all these visits was unsatisfactory.³² The Poor Law Board seems to have been reluctant to give any firm advice and agreed with the Guardians' suggestion that as so many children had already been removed from the establishment and there was no room at Chelsea anyway the children might as well stay at Tooting. The Board of Health strongly advised against this course and stated that any evils resulting from this decision would rest squarely on the shoulders of the Guardians. Despite this the Guardians resolved that evening to keep the children at Tooting. This was to result in their censure by the coroner some days later at the inquest on five Chelsea children.

At the resumed inquest at Holborn Drouet appeared with counsel to represent him.³³ After a long discussion with the coroner the barrister was allowed to remain in court to make suggestions on Drouet's behalf but not to plead formally. As The Times remarked,

'Mr Ballantine then took a seat behind the coroner, and occasionally suggested questions which were put by Mr Wakley to the witnesses.'

The first of these, the clerk of the Holborn Union, admitted that there

³¹ The Times 20/1/1849 : 3.
³² B.G. (Chelsea) 8/1/1849 : 368–9.
³³ The Times 17/1/1849 : 5.
was no clear contract between the Guardians and Mr Drouet. He read out a letter from Drouet dated 16 October 1847, which is of some interest.

‘My establishment [Drouet wrote] is for children only, and I have spared no expense to make it second to none. There are five schools conducted by competent teachers and a chaplain. Various trades, etc., are taught by well-conducted masters. I can take the numbers you propose to place out at the charge of 4/6 per head per week. This includes every charge, as also conveying them to and from the establishment. A rosy picture! Let us examine a report on the school by Seymour Tremenheere, Assistant Poor Law Commissioner, dated 28 February 1846.31

There were 406 boys and 317 girls attending the school at this date, a total of 723. Tremenheere found that the standard was below that of Mr Aubin’s pauper school at Norwood, in particular there was little comprehension of material read. The girls’ instruction was more backward than the boys’. This was partly due to the fact that they spent much time making shirts (50 doz. a week) on contract for an outside contractor. The boys were taught by one trained master with two assistants. As Guardians had objected to the teaching of geography, grammar and etymology, reading lessons were very mechanical. The girls were taught by a mistress, one assistant, and 13 monitors. No chaplain is mentioned and as to the ‘various trades’ Tremenheere is silent, mainly one suspects, because instruction in these did not exist.

To return to the inquest, a series of monthly reports of visits by the Holborn Guardians were read out.32 On 9 May 1848 the Guardians noted that the potatoes served for dinner were bad and that the boys appeared sickly. On their being questioned Drouet’s conduct became violent. He protested that the Guardians’ procedure was improper and called the boys ‘liars’. On further questions being put his behaviour became more violent and finally, as one of the Guardians said, ‘to avoid further altercation we left, not having fully completed the object of our visit’. Drouet later apologised for his behaviour.

In answer to further questions another Guardian said,

We had no means of ascertaining that the children received the amount of food mentioned in the diet table. I don’t know any means by which, in such an establishment, this could be secured. I do not conceive that, as a guardian, I had any control over the dietary or clothing of the children.

If the Guardians could shrug off responsibility in this way one wonders who the children might look to. There was general agreement that 4/6d. per child was an adequate sum for their maintenance. The cost of keeping children at Holborn Workhouse varied between 2/6d. and 3/1d. a week.

The next witness to be called was Mr Richard Hall, a former Assistant Poor Law Commissioner and now a Poor Law Inspector. The coroner’s questions were revealing.

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32 The Times 17/1/1849 : 5.
MR DROUET'S ESTABLISHMENT AT TOOTING

Will you state what is your view as to the extent of the power that can be exercised by the Poor Law Commissioners over Mr Drouet's Establishment? – I think they can exercise no power directly over Mr Drouet's Establishment; but I think they can do so indirectly, by requiring the parishes to withdraw their children. Neither Mr Drouet himself, nor any of the persons doing duty in his establishment, are officers under the Poor Law, and therefore they are not amenable to the Poor Law Commissioners ...

He then went on to describe a proposition to help Drouet pay for additional teachers out of public funds with a recommendation that not more than 400 boys or 160 senior girls should be taught at the same time.

To this the coroner commented,

Was that a recommendation, or order, or what was it? – It was very hard to say what it was [a laugh]. I was conscious at the time that I had no means of enforcing this order, or recommendation, or suggestion. – What additional power could you have over this establishment in point of law by a grant of money from the Government? – None; but our recommendations would probably be more heeded [a laugh] ...

After further questioning the coroner asked,

Have you any official authority to visit such establishments as Mr Drouet's? – Yes, that power is given me by Act of Parliament. I may visit any place where any pauper children are lodged – for instance, a hospital – but I have no power to set about regulating them there. I may observe, that the connexion which the Poor Law Board holds with establishments of this kind is as perplexing to them as it is likely to be to you.

Mr Hall was not the only person to feel perplexed. It was a feeling that was probably experienced by many of the readers of this exchange.

The inquest on the St Pancras children\(^{36}\) revealed that here too the Guardians had no clear contract with Drouet. The children themselves in evidence emphasized again and again that they never had enough food. ‘We had not enough at any meal’, said one, and John Woodhouse, a boy of ten, said, ‘... I have known boys so hungry that they have got over the palings to eat the stuff out of the pig-tubs and the wash given to the pigs.’ They were badly clothed except on visits by the Guardians and if they complained the schoolmaster beat them. In the circumstances most preferred not to complain. All the children preferred the workhouse – there they had enough to eat.

The evidence of the Holborn children confirmed the above evidence and in addition they complained of lack of water.\(^{37}\) It is not surprising that the St Pancras jury censured the laxness of the Guardians and condemned the conditions at Surrey Hall together with the whole system of farming out workhouse children.\(^{38}\)

The Holborn inquest took two further days for its completion and the final verdict, reached at midnight, was that Drouet was responsible for the deaths of the Holborn children. As he was not present, the coroner issued a warrant for his apprehension.\(^{39}\)

The trial of Drouet for manslaughter in April was fully reported in

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\(^{36}\) The Times 19/1/1849 : 8.

\(^{37}\) The Times 20/1/1849 : 3.

\(^{38}\) The Times 19/1/1849 : 8.

\(^{39}\) The Times 24/1/1849 : 5.
The Times and makes sorry reading. After two days of legal quibbling, an inept prosecution and a judge who appears to have shown partiality towards the defence, Drouet was acquitted to the sounds of applause. The Times editorial did not mince its words.

There is something indescribably sickening about the report of this trial [it said]. That portion of mankind who are not practitioners of the law fix their attention upon the evidence which broadly shows that the wretched children – the four and sixpenny boys and girls in their Tooting-Asylum shall we call it? – were badly fed, badly clothed, badly housed – that the rooms were overcrowded, ill-ventilated, or not ventilated at all; that there was but one day of the week – the Sunday – on which the poor unfortunate creatures had a sufficiency of clothing to protect their limbs from the inclemency of the weather. We find all this stated in evidence, ... [It seems] either that the case for the prosecution has been improperly conducted, or that the law of England is as defective and execrable on this point as on some hundred of others ... At the Central Criminal Court, and upon such a point, Mr Drouet has been acquitted. His position before the public has not been affected in the smallest degree by such a verdict. The testimony of the witnesses remains as it was before. The only result of last week’s trial is that the prosecution was not prepared to prove the particular child’s condition before the attack of cholera. They could only show that he was one in an establishment where a system prevailed which must necessarily be destructive to the health of all who were committed to it. There is but one favourable point in this terrible tragedy, which is, that the deaths of these 150 Tooting children will effectually break up the child-farming system – and for ever.

This proved indeed to be the one bright spot in a sorry affair. The Poor Law Board, which for years had complacently allowed parishes to place their children in establishments over which the Board had, in fact, no legal powers, now hastened to acquire them. By the Act of 12 and 13 Victoria c. 13 the Board was empowered to inspect establishments for pauper children, to issue rules for their government as if they were workhouses, to remove unsuitable staff, and to regulate contracts made between their proprietors and the parochial authorities.

In the case of the London area this was a question of closing the stable door after the horse had bolted, for only two such establishments remained. The Tooting school was broken up in the spring of 1849 on the death of Drouet though whether this was due to the cholera or remorse is not recorded. Mr Aubin’s establishment at Norwood became the school of the Central London district, one of the school districts formed by groups of unions on the recommendation of the Poor Law Board. The Tooting affair revealed only too vividly the vulnerability of pauper children and the lack of any proper regulation for their welfare under the Poor Law. Here surely was no need for the championship of a Shaftesbury or a Barnardo. Many guardians were humane men who carried out their duties in a conscientious manner, and yet it is quite obvious that in this matter they had failed in their trust to the children for whom they were legally responsible. Many imperfections remained in the system of poor relief but at least establishments such as Drouet’s vanished for ever, never to return.

A note on sources

The minutes of the Boards of Guardians of the Kensington and Chelsea Unions may be seen at the Greater London Record Office (London Records). Early files of The Times newspaper are held by many major public reference libraries either in the original or on microfilm. Reference was also made to the excellent sets of Parliamentary Papers and Statutes at the Guildhall Library.