

THE AGRICULTURAL CHILDREN'S ACT OF 1873 AND THE EMPLOYMENT OF CHILDREN: RESPONSE AND REACTION IN BUCKINGHAMSHIRE

KATHLEEN B. BAILEY

The author demonstrates that improved school attendance in the last quarter of the nineteenth century was less the result of the Agricultural Children's Act than of a change in farming patterns brought about by foreign competition.

The Agricultural Children's Act of 1873 was the main outcome of the Royal Commission set up in 1867 to inquire into the employment of children, young persons and women in agriculture,

'and generally into the condition of the agricultural labouring classes for the purpose of ascertaining to what extent and with what modifications the principles of the Factory Acts can be adopted for the regulation of such employment especially with a view to the better education of such children.'¹

The evidence given to the Royal Commission revealed the extent to which the employment of young children was accepted as a matter of fact in Buckinghamshire.² Few girls, as the Census figures show [see Appendix I] were employed in agriculture in the county, for they could earn money plaiting straw or making lace, but many boys were employed. The evidence reported by the assistant-commissioner, Mr. Culley, who conducted the inquiry in Buckinghamshire, showed that young boys were employed in a variety of jobs. In spring, boys as young as six might be found in the fields endeavouring to scare the birds and to keep them away from the newly-sown crops. There was weeding and stone-gathering to be done. In the district of Halton, Aston Clinton and Mentmore, boys from eight to ten years old worked with the plough-teams but, as Mr. J. James, agent to the Rothschilds, the local landowners, observed, 'There is nothing exceptional in the labour question in any of these parishes.' In several parts of Buckinghamshire, boys were employed

regularly from the age of eight but even where this was not the case, the help of young children was needed at hay-time and harvest. Sometimes a youngster would be employed about the farm, chopping wood, cleaning milk buckets or looking after the pigs, but it was not unusual to find a boy ploughing or harrowing, or out on the highway in charge of a cart.

Most children living in the country left school at nine or ten years. As Mr. J. Epsley, the teacher at the Wesleyan school at Whitchurch, reported, 'The attendance of children of the labouring classes becomes very irregular at ten.' Some children, however, had never attended a day school at all — the two shepherd boys, aged twelve and nine, who worked with their father at Long Crendon, for instance, and Robert Turnly, aged ten, who was encountered driving a cart, loaded with sand, on the road from Winslow to Grandborough. A number of working boys in Buckinghamshire could neither read nor write. Such attainments, however, may well have seemed irrelevant to the agricultural labourers and their wives in the 1860's. A boy's wages of two or three shillings a week made a significant contribution to the household's income at a time when the usual weekly wage of an adult agricultural labourer was twelve or thirteen shillings. Mrs. Betts of Cuddington explained the situation quite clearly, 'When the boys can't get work we can't buy pork or as much tea and sugar.'

The inquiry into agricultural employment

persuaded many people to voice their opinions regarding the education and employment of children. Some people excused the employment of children on the grounds that a 'child must learn its work', but most farmers had little to say about the education of the agricultural children. The stance the majority took was pragmatic but inclined to 'laissez-faire', summed up in the words of Mr. Conway, occupier of a farm at Mursley: 'Children are of no use to us in this neighbourhood under ten; but still I would not approve of any legislative interference to fix an age under which boys should not be employed.'

Clergymen, on the other hand, were mostly in favour of legislation to improve school attendance. It was realised that most parents preferred to have their children's earnings rather than to have to spend a penny or two a week on school fees, but the Rev. W.R. Fremantle of Claydon declared that many farmers encouraged their labourers to send their children to work 'because they too often obtain work at two shillings and sixpence per week out of a big strong boy, which would cost them ten shillings from an adult.'

There were a few people who believed that better education for agricultural children would benefit the farmers as well as the labourers themselves. Mr. William Brown, a land agent from Tring, expounded this view in a speech given at a meeting of the Royal and Central Bucks. Agricultural Association, held at Aylesbury in April, 1867:

'What I am contending for is a suitable education, that a youth, when he approaches manhood, may know how to read and write, that his spare time may be devoted to the improvement of his mind, and that he may comprehend why he does certain things, and not move about very often with less sagacity than the shepherd's dog. You cannot fail to see that better stock, better implements, and expensive machinery are being kept, and to whom are these to be entrusted? To an ignorant labourer who may ruin an animal or spoil an implement in a very short space?'

In the same month — April 1867 — that Mr.

Brown made this speech, Mr. Fawcett, M.P. for Brighton, spoke in similar vein in the House of Commons. Mr. Fawcett, who was well-known for his support of education for the poor, was enthusiastic about the benefits that would follow an extension of education in rural areas: the wealth of the country would be increased, the greatness of the nation stimulated by the formation of an educated and skilled class of agricultural labourers.³

The Royal Commission served its purpose. The agricultural labourer and his way of life came under close scrutiny and more people were persuaded that further legislation directly concerned with the education and employment of rural children was inevitable. Eventually 'An Act to regulate the Employment of Children in Agriculture' was passed in August, 1873.⁴ The chief provisions of the Act were that no child under eight was to be employed in agriculture, except by his parent on his own land; children between eight and ten could be employed if they could produce a certificate showing 250 attendances at school in the preceding twelve months; children between ten and twelve could be employed if they could produce a similar certificate showing 150 attendances. The provisions of the Act did not apply to a child who had passed Standard IV. Schools were usually open for approximately 42 weeks in the year but, under the 1873 Act, children between eight and ten could be absent for 17 weeks and those between ten and twelve for 27 weeks.

The restrictions imposed by the Act, although limited, could be suspended by magistrates at hay-making, harvest and other special times. However, the over-riding weakness of the Act was that no proper provision was made for its enforcement. Her Majesty's Inspectors for Buckinghamshire were prepared for the new law to be a failure. Mr. Collins commented in 1874,

'On the 1st. of January the Agricultural Children's Act comes into force, and it will be seen whether, without a staff of officers specially appointed for the purpose, it will be possible to carry out its provisions, and to cope with that dead weight of passive resist-

ance which the Act is sure to encounter from parents, farmers and employers of labour, who will all be interested in evading its clauses.'⁵

The Rev. Mr. Pickard, H.M.I., added 'We shall see if the Agricultural Children's Act succeeds. I do not anticipate much good from it.'⁶

It soon became clear that these gentlemen's fears were justified, and not only in Buckinghamshire. Mr. Moncrieff, H.M.I. for Gloucester and Somerset was quickly disillusioned. In his report for 1875, Mr. Moncrieff set out his belief that farmers and labourers early in 1875 had made up their minds to accept the restrictions on the employment of children.

'It seemed likely that, for once, a great change in social habits might be carried without serious check or hindrance. A very few weeks sufficed to betray the fact that the law was powerless for want of an official machinery to work it. The lesson was soon learned; hardly anyone would undertake the invidious duty of prosecutor. I know of one or two instances in which clergymen were prepared to do so, but these were naturally isolated cases; and as the matter now stands I imagine the law is generally regarded as a dead letter.'⁷

This assessment of the Act's impact was substantiated by the Report of the Royal Commission on the Factory and Workshops' Acts published in the spring of 1876.

'All the evidence which has been laid before us agrees in stating that the Act is a dead letter; and that so far from exercising a beneficial influence on education, it is doing harm by giving the sanction of state approval to the minimum of school attendance.'⁸

The Agricultural Children's Act was, in fact, a manoeuvre on the part of rural employers to undermine the 1870 Education Act. The Central Chamber of Agriculture⁹ acknowledged that the real purpose of the Act

'was less to promote education than to forestall the universal introduction in the rural areas of the detested school boards, whose powers of direct compulsion would interfere more seriously with the farmers' labour supply than the indirect compulsion of Read's Act.'¹⁰

The School Board Chronicle called the Act 'a stumbling block and a snare in the way of national education.'¹¹ The Act did little or nothing to improve attendance in districts not covered by school boards and it increased the difficulties of school boards where these existed. Olney School Board in north Buckinghamshire, for instance, wrote to the Education Department in August, 1877, enclosing an amended form of bye-laws. The board had deleted a paragraph which said, 'Provided always that nothing in these bye-laws shall have any force or effect in so far as it may be contrary to anything contained in any Act for regulating the education of children employed in labour.'

The board's reasons for the deletion were that, 'Much apprehension prevails in some minds in the district and any mention of the Labour Acts would increase and complicate any difficulties with which we have to deal, as some people seem to think that the Acts are in conflict and by one they have the power to defy the other. No doubt this may be erroneous but the Board do not wish to complicate their work . . . The Board think indeed that their work in the immediate future would probably be easier without any Bye-laws at all than with this phrase introduced.'¹²

School boards had been permitted to make bye-laws regarding school attendance under the 1870 Education Act, but however conscientious school boards and, after 1876, school attendance committees were in their endeavours to see that children attended school regularly, the real power to uphold local bye-laws for attendance, or to allow them to fall into disrepute, lay with the magistracy. As Patrick Cumin, secretary to the Education Department, said in his evidence to the Cross Commission:

'Although the school attendance committees and the boards may do all they can, of course it depends a good deal upon the magistrates, whether they will support the school attendance committees and the school boards; and I am bound to say that there are cases where although the school attendance committees are very anxious to do their duty, and the school boards too, they undoubtedly are rather hindered in their action by the magistrates. There is ample power in the Depart-

ment to compel the school boards and the school attendance committees to do their duty but there is no power in the Act of Parliament to compel magistrates to do theirs.¹³ The truth of this statement is confirmed by evidence from Buckinghamshire which shows how magistrates used the Agricultural Children's Act, in particular, as a means of over-riding local bye-laws.

In November 1875, Linslade school board wrote to the Education Department complaining of the way magistrates dismissed cases brought before them; for instance, magistrates failed to demand proof of age. The board enclosed a newspaper cutting from *The Leighton Buzzard Observer*, dated Tuesday 9th November, 1875:

'The Elementary Education and Agricultural Children's Acts.

The School Board of Linslade appears to experience much difficulty in enforcing the provisions of the Elementary Education Act, owing to what is considered an undue partiality shown by magistrates to people in poor circumstances who are summoned before them and whom they allow to be shielded by overriding clauses in the Agricultural Children's Act of 1873. A month or five weeks ago, two men were summoned before the Linslade Bench for neglecting to send their children to school. Both of these persons had, we believe, been previously called to account and fined nominal sums, after various excuses had been made on each occasion by the mothers of the boys. One of the latter 'would' play truant at one time; at another time he was ill; the second lad had been blackberrying or employed either on a farm or in driving cattle to market, as opportunity offered. In both instances it was stated by the summoning officer that the parents had been requested to attend before the Board and give explanations but they had treated the request with contempt. One boy had attended school but 9 times in 3 months; the other had been absent 12 weeks in succession. They were both over 12 years of age and one, since the date of summons, was stated by his mother to have attained his thirteenth year [*sic*], whereby he became free

of the Elementary Education Act. She could not, however, produce a certificate of birth and the summoning officer said the Board doubted the truth of the statement. The cases had been ordered to stand adjourned from the previous court that the Magistrates might have an opportunity of ascertaining whether the Agricultural Children's Act afforded shelter to the boys of the defendants. On Monday last, when the cases were called again, they decided to dismiss the summonses, on the ground that, by the provisions of the Agricultural Children's Act, the boys, after attaining the age of 12 years, may be allowed to work in agriculture without being called upon to produce a certificate of school attendance, provided they are kept constantly in such employment. While not so engaged they must, at any intervals, be sent to school until they are 13. The parents said they would experience no difficulty in finding constant employment for the boys and they have consequently succeeded in beating the Board, but, it is said, on unfair grounds, in as much as although the boys are entitled to the shelter alluded to under the Agricultural Children's Act, it is only on a distinctly specified condition — namely that they shall be *constantly* employed between the ages of 12 and 13, whereas in the two cases before the Bench on Monday, it was not shown that they were doing other than irregular work, gathering blackberries, playing truant, etc. The School Board therefore is dissatisfied with the action of the justices, to whom they attribute a feeling of hostility to compulsion, fearing that a rise in wages must inevitably accompany a strict enforcement of the law.¹⁴

From this newspaper extract it is apparent that, in Linslade, Buckinghamshire, the Agricultural Children's Act was not regarded as an instrument for extending compulsory attendance but as a means of undermining the 1870 Act. Cynicism about the motives behind the Agricultural Children's Act and its administration seems amply justified. The Education Department was powerless to help Linslade school board. Although Mr. Hodgson, an examiner in the Education Department, noted that the board 'is a very zealous one', he could

only suggest that the board should prepare proof of age in future.¹⁵ Linslade school board was indeed a zealous one, undeterred by wealth or social position: for example, in July, 1881, Mr. Leopold de Rothschild was summoned by the board for employing a boy who was under eleven years of age and who had not passed Standard IV.¹⁶

The usual procedure for school boards wishing to object to magistrates' decisions was to address the complaint to the Home Office which, in turn, requested an explanation from the local Justices and invited comments from the Education Department. Long Crendon school board complained in this manner to the Home Office about the leniency of magistrates dealing with cases brought by the board for non-attendance at school. One particular case in 1880 involved Robert Messer, who was summoned for not sending his child, Fred, to school. The defendant did not appear in court but his wife did. She said her son was twelve and had been employed at farm work since 1876, in fact before the passing of the Education Act of 1876. The clerk of the Justices at Aylesbury explained to the Home Office:

'I am directed to state that the great majority of persons summoned under the Education Act before the Justices of this Division (which comprises a very poor agricultural district) have been farm labourers of the poorest type. In these cases the parents' wages are often quite inadequate to sustain the family, sometimes a large one; and the help of the children who are old enough to earn a small sum per week would seem absolutely necessary to eke out the bare means of subsistence and to enforce a fine in these cases either by distress or commitment would be most harsh and ruinous.'

The Education Department made enquiries of the school board at Long Crendon. The reply from the clerk to the school board stated that Fred Messer had been born on 18th March, 1869. The clerk continued:

'I am directed to add that the Board are extremely sensitive of the uphill work they have in dealing with offenders under the Act and

only the very worst cases are taken before the magistrates with the view of ensuring a conviction. The Board do not believe the plea of poverty is easily sustainable notably not in the case of Messer who is in constant work and earning more than the average agricultural labourer. But what the Board mostly complain of is the great difficulty of getting a conviction, after considerable trouble and expense, and the bad moral effect it has on parents.'

Using the normal channels, the Education Department replied to the Home Office's request for comments.

'My Lords would observe that the boy was not 8 years old at the passing of the Elementary Education Act, 1876, and could not have been lawfully employed at that time, as the Agricultural Children's Act, which was in force till the passing of the Act of 1876, prohibited altogether the employment of children under 8. . . . My Lords are of the opinion that there has been a miscarriage of justice in the case of Messer and this appears to be partly due to the opinion of the Magistrates as to the hardship of requiring school attendance from children, of poor parents, who are old enough to earn money.'

Mr. Hodgson, who drafted this letter, had no doubt that the magistrates were allowing their dislike of compulsory education to affect their judgement. On an office memorandum he noted:

'The general defence of the Magistrates against the charge of undue leniency is of course an argument against compulsory education. I do not know whether the Home Office are likely to warn the Magistrates against letting their opinions on the expediency of a law to influence them in administering it.'¹⁷

The obstructive attitude of magistrates in Buckinghamshire towards compulsion may have been encouraged by the action, or rather inaction, of Disraeli himself. One Victorian essayist, commenting upon 'Disraeli on National Education', insisted that 'during the whole of his public life he had done everything in his power to promote the cause of popular

education.¹⁸ However, in 1876, Disraeli's activities as a Buckinghamshire magistrate were apparently questioned in some political circles. It appears that in some counties police had been used to enforce the provisions of the Agricultural Children's Act, but in Buckinghamshire the majority of magistrates, including Disraeli, then Prime Minister, voted against the use of the police for this purpose. Remarks made in both houses of Parliament suggest that Disraeli had been criticised for supporting 'a state of things which rendered the Act of Parliament a dead letter.'¹⁹ In the Commons, Mr. Pell²⁰ spoke of being 'taunted' for being at variance with his leader on the question of enforcement and expressed regret at not getting from 'those who sat on the front bench' the assistance he ought to have.²¹ In fact, law officers in some parts of the country were doubtful if the police could legally be employed to enforce school attendance and they received little guidance from the Home Office. R.A. Cross, Home Secretary in 1875, said that 'if they chose to employ the police, they could do it at their own risk.'²²

Mr. Cross admitted that it had been known that there was a flaw in the Agricultural Children's Bill but explained, 'inasmuch as it was a great thing to get the Bill passed, the idea was that the first thing was to get the Bill and afterwards put it into some shape or other.'²³ There was, of course, more than one flaw in the Act: not only was no provision made for its enforcement but its terms, as shown above, soon led to abuse as employers and parents quickly learned that they could take advantage of the conflict between the requirements of bye-laws made under the 1870 Education Act, and the provisions of the Agricultural Children's Act since the latter, in common with other labour acts, sometimes allowed the part-time employment of children at an earlier age than local bye-laws. This inherent weakness of the 1870 Act was eventually resolved in the provisions of Mundella's Elementary Education Act of 1880. This declared that in cases of conflict bye-laws should take precedence over the labour acts.

It was Mundella's Act which finally

introduced universal compulsory education. The Act determined that all children should attend school full-time up to the age of ten. All school boards and school attendance committees (first introduced by Sandon's Act of 1876) were obliged to pass bye-laws accordingly. Legislation, however, could only be effective if the people responsible for its administration intended it to be. The attitude of many of the rural community — particularly J.P.s — remained firmly against compulsion. This was obviously the case in Buckinghamshire and gave H.M.I., Mr. Kenney-Herbert, reason for complaint as late as 1899 when 16 per cent of registered scholars were usually absent from school.²⁴ Mr. Kenney-Herbert, who had been H.M.I. for Buckinghamshire since 1876, reported despairingly in 1899:

'The position as regards attendance at school may be summed up as follows:- First we see that the responsibility is in the hands of men who do not recognise its importance in the least degree or whose private interests are against the whole system. Next, we see that their delegates, the attendance officers, do their duty in a slovenly, inefficient manner, but in a manner that satisfies their employers. Lastly, we see that the magistracy cannot be looked to, as a body, for support. This is the situation as it is and as it has been ever since the Act of 1870 became law.'²⁵

Despite this gloomy summary, school attendance in Buckinghamshire was neither significantly better nor worse than in other parts of the country and the situation in the county had certainly improved since the 1870s when so many children had been employed on the farms or in workshops.²⁶ Furthermore, there were comparatively few 'half-timers' in Buckinghamshire.²⁷ The flaws in the 1870 and 1873 Acts had been overcome by subsequent legislation, including the 1891 Act which established 'free-schooling'. This legislation had reinforced the idea that the community must ensure that poor children received what was 'good' for them, namely elementary education. It is doubtful, however, if the improvement in attendance was due to legislation alone. The attitude of working people in rural areas like Buckinghamshire may have been influenced by

Joseph Arch, founder of the Agricultural Labourers' Union, who was greatly in favour of education for agricultural children.²⁸ Perhaps agricultural labourers came to realise the double advantage of sending their children to school: the children received a modicum of education while farmers were deprived of cheap labour. The workers may have appreciated, at last, the truth of Mr. Fawcett's statement, made before the introduction of the 1870 Act, that there was a good deal to be said in favour of

'a general system of compulsion which would limit the supply of juvenile labour throughout the country and thereby directly increase its price. At the same time it would indirectly produce some important effects on the wages of adult labour, for nothing more depressed the wages of adult labour than the competition of juvenile labour.'²⁹

Buckinghamshire was the scene of some of the earliest strikes of the Agricultural Labourers' Union and this social unrest of the early 1870s was followed by a prolonged agricultural depression. Although the effects of the

depression were quite severe in Buckinghamshire, agricultural labourers in the county did not suffer unduly. The migration of some workers to towns or abroad helped to offset falling demand for labour and the wages of adult labourers changed little.³⁰ Eventually farmers adjusted to the challenge of foreign competition by changing their farming pattern. In Buckinghamshire, arable farming, which was labour intensive, was reduced whilst dairy farming was extended.³¹ The changeover to pasture, which demanded less labour, resulted in boys not being required for the traditional jobs of bird-scaring, picking up stones, weeding crops or ploughing. At the same time, there was a decline in demand for straw-plait and hand-made lace, the production of which had occupied so many Buckinghamshire girls to the detriment of their schooling. Thus the opportunity for both boys and girls in Buckinghamshire to earn money decreased during the 1880s. In an economic climate such as this, compulsory attendance at school was easier both to impose and to accept.

APPENDIX

*Some census figures for 1861 and 1871 for Buckinghamshire**

1861 People of all ages: 147,207 (72,529 males, 74,678 females).

1871 People of all ages: 155,007 (75,748 males, 79,259 females).

Number of children and young people in age groups

		Under 5	5-10	10-15	15-20
1861	Males	9,985	9,023	8,654	7,106
	Females	10,133	8,909	8,115	6,743
1871	Males	10,628	9,647	8,791	7,213
	Females	10,699	9,809	8,738	6,846

Some selected 'occupations of the people' in age groups

	All ages	Under 5	5-10	10-15	15-20	
Scholars						
1861	M.	11,767	2,098	6,137	3,248	264
	F.	11,823	2,040	5,752	3,722	303
1871	M.	13,461	2,005	7,310	4,146	
	F.	13,930	2,002	7,197	4,731	

Children of no stated occupation						
1861	M.	12,004	7,887	2,449	1,346	295
	F.	15,160	8,093	2,520	1,795	1,332
1871	M.**	11,949	8,623	2,133	1,193	
	F.	12,553	8,697	2,289	1,567	
Domestic servant (general)						
1861	M.	660		1	66	163
	F.	3,184		1	295	1,166
1871	M.	771		4	70	214
	F.	4,445		6	465	1,682
Agricultural labourer						
1861	M.	17,064		258	2,346	2,086
	F.	131			4	16
1871	M.	15,819		140	1,927	2,154
	F.	160			8	14

* Figures abstracted from P.P., 1863, LIII and P.P., 1873, LXXII.

** It is probable that a considerable number of these children were under tuition, although not described as 'Scholars' in the Household's Schedules.

Farm servant (indoor)				
1861 M.	1,075	3	197	559
F.	711		40	330
1871 M.	744	2	163	382
F.	99		8	56
Lace Manufacturers				
1861 M.	42	9	7	5
F.	8,459	351	1,070	868
1871 M.	29	3	7	3
F.	8,077	178	957	889

Straw-plaiters				
1861 M.	157	65	47	7
F.	2,976	220	538	573
1871 M.	112	19	37	11
F.	3,412	133	580	628
Shepherd				
1861 M.	564	7	75	107
F.				
1871 M.	453	1	24	27
F.				

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- The information in this and the following four paragraphs comes from the *First Report of the Royal Commission on the Employment of Children, Young Persons and Women in Agriculture*, evidence from Bucks., P.P., 1867-8, XVII, mpp. 760-86.
- Hansard, Third Series, clxxxvi, 1041.
- P.P., 1873, I, pp. 11-13. The Elementary Education Act of 1870 was, of course, already in operation but had not introduced universal, compulsory school attendance. However, a school board set up by the Act could pass bye-laws to make school attendance compulsory in its local district.
- Report of the Committee of Council on Education for 1874*, P.P., 1875, XXIV, mp. 338.
- Ibid.*, mp. 331.
- Report of the Committee of Council on Education for 1875*, P.P., 1876, XXIII, mp. 385.
- Report of the Royal Commission on the Factory and Workshops Act, 1876*, P.P., 1876, XXIX, p. xxiv.
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- Report of the Committee of Council for 1899*, P.P., 1900, XIX, mp. 713.
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