

LAWS AFFECTING WOMEN AND CHILDREN

In the present thesis it is proposed to review various laws passed or amended by the Legislative Assembly of Ontario since 1914, relating to women and children and to summarize briefly the more significant clauses. The effect of these laws has been greatly to improve the status of women and children, and while a great deal of progress has been made there is still much to be accomplished in this direction.

Everyone will now admit that it is the duty of the State to protect children who are handicapped in life through no fault of their own. Our Province has already accepted the principle of protection as shown by the passing of a number of statutes, such, for example, as The Children's Protection Act, providing for the care of the neglected children. It has also accepted its responsibility in the case of defective children by providing Institutions for Epileptics at Woodstock, for the Blind at Brantford, for the Deaf and Dumb at Belleville, and for the Feeble-minded at Orillia.

Again for Delinquent children, it has established schools, and for children whose health is in danger of being neglected, it has created the Children's Bureau in the Department of Health. Further, The Mothers' Pension Act is intended to provide for fatherless children, and The Adolescent School Attendance Act to protect children who might otherwise be prematurely compelled to labour. The existence of the foregoing Acts and Institutions affords evidence of the fact that the Province has realized its responsibility towards those of its future citizens who are beginning life under serious handicap.

A great advance in social legislation has been made by the recent passing of several Acts by the Legislature, affecting women and children in Ontario. We shall review some of these various Acts, which mark a great stride forward in humane, progressive, and common-sense treatment of the matters dealt with. The ultimate value of all such laws depends, of course, upon the intelligent interest taken by the people in these laws and their appreciation of the beneficial effects thereof. To place these and other Acts upon the Statute books is no easy task. On the contrary,

it often requires long, arduous, and determined effort on the part of those interested in social welfare. From the time the germ of the legislation is merely an idea in the minds of a few idealists, until it develops into an Enactment, months, and sometimes even years, may elapse. Serious and prolonged educational campaigns may be required to convince not only the general public of the value of the proposed legislation, but even, in some cases, those who are to benefit the most thereby. The Bill may be of no great length and may appear quite simple, and yet be the result of months of study and reflection, of voluminous reports by officials, of interviews with deputations, of investigations and inquiries, and of long and careful consideration by the Minister or member having it in charge.

It may prove of interest to trace briefly the course of three very important Acts passed by the Ontario Government in 1921, namely "The Adoption Act", "The Legitimation Act" and "The Children of Unmarried Parents Act". Social workers had for years seen the necessity for enacting laws which would provide better protection and a more normal life for unfortunate child-

ren. A survey on illegitimacy was made in the Province by the Social Service Council of Ontario in 1920, which proved the startling need of reform if the illegitimate child was to have a fair chance in life to become a useful citizen. As a result the Cabinet were strongly urged to pass constructive legislation to accomplish this purpose. An exhaustive study was made of the existing law on the subject and its history, and memoranda were prepared for the consideration of the Ministry. The modern laws of England and European Countries, as well as the laws of the many States of the United States, were examined in order to find the best methods of dealing with the problems involved. The three separate Bills above referred to were then prepared.

"The Children of Unmarried Parents' Act, 1921", repealed the old "Illegitimate Children's Act", which had been law since long before Confederation. The new Act provides for proper notification of births out of wedlock and for the appointment of a Provincial Officer whose duty it is by every possible means to obtain particulars of such cases and "take such proceedings and do all such things under the Act as may seem to him advisable in the interest of the child". The object of the Bill is to procure better protection for a class of hitherto ne-

glected and unfortunate children, not only from a philanthropic point of view, but in the interest of the Province of the future. Care and protection of these children should result in a higher standard of citizenship, in that it will prevent them from developing into subnormals and criminals, as so many of them have done in the past, owing to neglected childhood. The principles underlying the Bill are as follows: (1) That the State should definitely assume responsibility for seeing that every child of unmarried parents is provided for, that is, that each case should be considered and disposed of, according to the best accepted standards of social treatment; (2) That it shall be the duty of the State to initiate proceedings looking towards the establishment of the paternity of every child of unmarried parents; (3) That financial maintenance of the child should be borne by both parents according to their respective ability to provide, the standard of maintenance to be a reasonable one, approximating to what the child would have enjoyed if the parents were legally married. The old Act did not afford adequate protection for the child. It merely rendered the father liable, in a suit for reimbursement, for the value of any food, clothing, lodging or other

necessaries, to any person who supplied such support to the child, and that, only in cases where the mother had voluntarily made an affidavit of paternity, and deposited the same in the City or County Clerk's office before the expiration of six months after the birth of the child. In Toronto, out of 232 cases investigated, only 38 mothers had made the required affidavit - and research in Ontario, showed that in 69% of the cases of illegitimacy, almost nothing was known as to any responsibility being taken by the father. To sum up, the defects in the old Act were as follows: (1) The lack of due provision for ascertaining and fixing the paternity of the child, this being left to the will of the mother; (2) The absence of an attempt to place the responsibility for the care and the maintenance of the child on the father; (3) The lack of proper guardianship for a class of children, the majority of whom are born of mothers who are unfit or unable to look after them properly; (4) The ignoring of any responsibility on the part of the State, for the results of conditions which society has created, and the failure to recognize any duty to those, who, through no fault of their own, enter on life with this grievous handicap.

The fundamental principle of the new Act is the protection of the child, rather than the punishment of the father, and thus prosecution is not by way of criminal procedure, as it is in many countries and states, but is based on civil proceedings. It is, however, in the interest of the Province to see that paternity is established and adequate provision made for the maintenance and up-bringing of the child, in order that he may grow up to be a healthy citizen and not a constant charge upon state or philanthropic funds. It is desirable and possible, at the same time, to help the unmarried mother to shoulder the heavy responsibility which lies upon her.

Thus the claim of these unfortunate children, handicapped from birth by the stigma of illegitimacy, neglected throughout childhood, yet with life and soul, even as the children of other groups for whom legislative provision had previously been made, has not been ignored. The Province accepts its responsibilities on behalf of these also, even as on behalf of those other groups, who were probably in less dire need thereof. This Act marks a great advance in social legislation. In its practical operation, officers and members of children's Aid Societies throughout the Province can cooperate with the Provincial Officer and by tactful

and kindly intervention do much to overcome the handicap in the lives of these unfortunate children.

"The Legitimation Act", as its name implies, provides for the legitimation of a child born out of wedlock, by the subsequent marriage of its parents. In countries, such as England, where the common law prevails, the marriage of the parents after the birth of an illegitimate child does not legitimize it, but the contrary is the case in countries where the civil law prevails as in Belgium, Denmark, France, Germany, Russia, Switzerland, and Scotland. In some thirty-eight of the States of the United States and in five of the Provinces of Canada, namely, Saskatchewan, Manitoba, Quebec, New Brunswick, and Prince Edward Island, legislation provides that a child born out of wedlock, shall be legitimized upon the subsequent marriage of its parents. This is a wise and merciful provision, particularly in application to a comparatively new country to which persons come from other lands to make a new start in life. In England in 1919 an Act to amend the old Act regarding illegitimate children was introduced into the House, but was not enacted. The Bill, however, contained a clause relating to the legitimation by subsequent marriage of the parents of a child born out of wedlock and this clause passed the House by a majority of 117 to 9.

"The Adoption Act" at the same session

of the Legislature of Ontario is another advanced measure. Under the law as it stood before 1921, there was no way in which one person could confer upon another the rights of a natural child. There was a sort of adoption under "The Children's Protection Act" by agreement between a Children's Aid Society and the foster parents with whom children were placed out, but this was not entirely satisfactory, the child having none of the rights and being subject to none of the obligations of a natural child, to its foster parents. Moreover, the Act applied only to children who are "neglected and dependent". The placing of children in foster homes, by Children's Aid Societies and by the Superintendent of Neglected Children, has revealed the fact that people are unwilling to adopt children unless they can be placed in the same relation to them as towards children of their own. The new Act was introduced and carried through the House, and provides for a legal method of adoption, conferring upon the adoptive parents the same rights and imposing upon them the same duties as in the case of natural parents.

The Act is simple in its operation. An application to the Judge of the County or District Court or a Police Magistrate, an order made only upon the consent of everybody who has a right to be consulted unless such consent is dispensed with, the whole pro-

ceeding under the care and oversight of a Provincial Officer who has the right to intervene at any time. A probation period proposed which will give adequate opportunity to test the fitness of the arrangements made for adoption, and the due recording of orders of adoption with the Registrar General of Ontario, are the leading features of the Bill. The procedure has purposely been made as simple as possible so that all unnecessary expense and trouble will be avoided. There are numerous safeguards. There must be the consent of the child if he has attained the age of fourteen years, the consent of the husband of the child if the child is a married woman, the consent of the parents, or surviving parent if it is a lawful child or of its guardian, and of the mother if the child was born out of wedlock. This consent can be dispensed with by one Judge under certain circumstances if the Judge is satisfied of the ability of the applicant or applicants to fulfil the obligations and perform the duties of a parent towards the child to be adopted, and of the fitness and propriety of the adoption having regard to the welfare of the child and the interests of the natural parents if living. For the protection of the child the Provincial Officer is to be a party to the proceedings and must consent to the adoption, and in case of a child under fourteen years of age, provision is made for a proba-

tion period of two years, so that before the final order of adoption is made, there will be an opportunity to see how the arrangement will work out.

The effect of an order of adoption is to divest the natural parents of all legal rights in respect to the child and relieve them from all legal obligations and duties as to its maintenance and transfer these to the adopting parents, making the child, to all intents and purposes, the child of the adopting parents and giving it the same claims as a natural child. The Judge may in his discretion give the adopted child the surname of the adoptive parent.

This Act has already been taken advantage of to a very gratifying extent. It serves many useful purposes, gives a name and a home to the adopted illegitimate child, who may, of course, be adopted by its natural father or mother; it enables childless persons to find an outlet for some of the best instincts of human nature in the care and training of children, and it assists very materially the work of placing out neglected or dependent children instead of keeping them in institutions where they cannot possibly have the individual care and attention which so many require.

The three Acts above discussed are perhaps the most radical and far-reaching of the recent social legislation. They were not passed without due consideration and were before the House practically during the whole session. They have been received with general public approval and are heartily appreciated by the Social Service Organization, who have great opportunity of judging their effect. This is the best kind of legislation, because it helps people to do what is right and encourages that attitude toward young children which is most to be desired in the interest of good citizenship, and especially in the cases of those who without any fault on their own part are sufferers on account of the sins or mistakes of others. Environment has perhaps more influence on the destiny of the young than heredity.

"Children's Protection Act". In 1922 an amendment was made to this Act by which no boy or girl under sixteen years of age may be employed on the streets between the hours of 10 p.m. and 6 a.m. Another section makes provision for the payment of maintenance to the Children's Aid Society by the municipality in which a child resides where temporary shelter is afforded the child with the consent of the parents or guardian. This

provides for the maintenance of a child who is homeless or whose parents have been committed to prison, or where for any reason it is necessary that a habitation should be found for the child at once without waiting for an order of the County Judge.

The work conducted under this Act by Children's Aid Societies and other organizations cannot be overestimated, but it is feared the work has outgrown the machinery. The plan of the Act is to facilitate as much as possible local voluntary assistance in the care and protection of children under governmental supervision. Much remains to be done to perfect this legislation and much more generous provision must be made by the Legislature if the work is to be carried on effectively. It is not only in the large centres of population and the more prosperous sections of Ontario, but in the back country districts in the more remote portion of the Province that children are found who need the help and care which the Act is intended to provide.

The policy of the Act has been as far as possible to avoid institutional care of children, and where their parents are unable to provide for them, or have shown themselves to be unfit persons to have the care and custody of children, every effort is made to place the children in foster homes.

It is hoped "The Adoption Act" will very greatly facilitate this work.

"Mothers' Allowances". Shortly before the Session of 1919, Dr. Riddell, then Deputy Minister of Labour, made a Report to the Government, on the subject of mothers' allowances or the payment of grants to widows or women whose husbands are disabled, to assist in the maintenance of minor children. Nothing was done at the Session of 1919, but after the change of Government, a Bill was introduced, and passed. This Legislation made an immense change in the lot of women who, alone in the world, or with the breadwinner prostrate, are struggling to properly bring up families of young children. A recent statement of the commission which administers the Act showed 3,507 widows who received among them for one month payments amounting to \$124,124. These figures furnish some idea of the value of the Act, already.

One half the grants are paid by the municipalities, the Government furnishing the remainder out of moneys voted by the Legislature for that purpose. The Act is administered by a commission of representative social workers. Sympathy, kindness and tact combined with a certain amount of shrewdness in administering the Act are largely responsible for its success.

In 1921 the Act was amended to include a

woman deserted by her husband who has not been heard of, for at least four years.

The original Act stipulated that there must be at least two children under fourteen years of age in the family, but in 1921 this was amended to include a mother who has only one child under sixteen years, but who has living with her a disabled husband or a disabled child over sixteen, and to include a foster mother, who is grandmother, sister, aunt or other suitable person acting as foster mother and not having adequate means to care properly for them without the assistance of an allowance. Another marked improvement was made in the Act in 1921 when provision was made for reciprocal arrangements with other provinces, so that persons moving from one province to another would not lose the benefit of the Act.

Then in order to give greater elasticity to the working of the Act, it is provided that under special circumstances an allowance may be made to a mother or foster mother, who is not strictly eligible under the Act, where the commission have recommended such action and the Lieutenant-Governor-in-Council has approved of the same.

The change from fourteen to sixteen years

was made to conform to the provisions of the "Adolescent School Attendance Act of 1919" which will make attendance at school compulsory until the child attains the age of sixteen years.

Legislation of this kind needs no special justification. It is a case of the State assisting in the maintaining and education of children which are its greatest asset. It is sometimes urged that a Statute of this kind may have a tendency to discourage private benevolence and lead to the losing of a sense of personal responsibility in the individual, but experience so far has not justified these forebodings, and the example set by the State is being more and more followed by the citizen.

"Maintenance of Deserted Wives, Children and Parents". We have had in Ontario, for many years an Act known as "The Deserted Wives Maintenance Act", under which a husband who has deserted his wife, on summary proceedings before a Magistrate, could be ordered to pay a sum, not exceeding \$10 per week towards the support of his wife. In the event of non-compliance he could be committed to gaol. This Act was very beneficial in effect. In 1920 the maximum amount of payment was increased to \$20 per week and in 1922 the Act was repealed and re-enacted in an enlarged form. It now extends to the maintenance of deserted children, under sixteen who are dependent on

their parents.

Social Service Organizations deemed this Act necessary, and those in charge of municipal and charitable institutions approved. There is no reason why the obligation of a father for the support of his children should not be regarded in the same light as that of maintaining his wife.

In 1921 a somewhat similar Act was passed for the maintenance of parents by their children, where such parents, by reason of age, disease or otherwise, are unable to maintain themselves. This Act, however, differs somewhat from The Deserted Wives Maintenance Act. Here the Magistrate before fixing the amount payable has to be satisfied that the son or daughter has sufficient means to provide for the parent and he must also have regard to the whole circumstances of the case. In the case of deserted wife or children, all that is necessary is to prove that the wife or child is deserted.

An order made under "The Parents Maintenance Act" is enforceable in the same manner as an order made under "The Deserted Wives and Children's Maintenance Act" - that is disobedience to the order, may be followed by committal to gaol. This Act came into force by proclamation on July 2nd, 1921.

It is interesting to note in regard to this that by an old Statute, passed in the reign of Queen Elizabeth, it was provided - "That the father and grandfather and the mother and grandmother and the children of every poor, old, blind, lame and impotent person, or other person not able to work, being of a sufficient ability, shall at their own charges relieve and maintain every such poor person". The old Statutes were for the protection of the poor rates and were enforced in case the "poor person" became a charge upon the parish.

Great difficulty is found by social workers in tracing defaulting husbands and fathers, who have left the Province, but by an immense amount of correspondence and praiseworthy persistence very frequently these people are induced without any legal proceedings being taken, to carry out their legal and moral obligations to their families.

"Workmen's Compensation Act". After a long inquiry by Sir William Meredith, the first modern Workmen's Compensation Act was passed in 1914. The soundness of the principle underlying this legislation is now admitted by all authorities on economics.

Under the old law, the workman was left to his remedy against his employer by action, the right of action being restricted and rendered largely value-

less by the doctrines of contributory negligence and common employment.

The Act is administered by a Board and the funds are created by assessment upon the different classes of industries to which the Act applies.

During the last three years considerable advance has been made in this legislation. In 1920 the maximum allowance for burial expenses was increased from \$75 to \$125 and the annual payments to the widow or invalid husband of a deceased employee was increased from \$30 but not exceeding fifty-five per cent. of the average earnings, to \$40 but not exceeding sixty-six and two-thirds per cent of the average monthly earnings of the workmen. The monthly payments to a widow, invalid husband and infant child-rent were increased from \$7.50 in the case of each child under sixteen years of age to \$10 for each such child, and other increases in like proportion were made in the various allowances payable under the Act. The position of the foster mother was recognized and payment of compensation was authorized to her for keeping up the household and maintaining the children. The limit of the amount of compensation to fifty-five per cent of the average monthly earnings of the workman was increased in all cases to sixty-six and two-thirds per cent of such earnings. The Compensation was extended to include the furnishing of artificial

members and apparatus free of charge where these are rendered necessary as a result of the accident, and the keeping the same in repair for a period of one year.

In 1922 an important amendment was made providing for fairer compensation to dependants of certain employees on railway trains, and another section of the Act provided that in the case of the death of the widow or invalid husband, the allowance shall be so increased as to make it equal to the allowance granted to dependent children where there are no parents. As the law stood, if the remaining parent died, the children still received only \$10 each, whereas when the only dependants were children at the time the fatality occurred, each child received \$15. When both classes of children are subsequently placed in the same position there is no reason why a distinction should be made; so the law was changed to remedy the injustice.

"Minimum Wage". An Act passed at the Session of 1920, which is of special interest to women, is the "Minimum Wage Act." For many years labour unions and social workers have agitated for some way of securing the payment of adequate wages to girls and women, particularly those employed in certain branches of trade and manufacture. It has always to be borne in mind that the Act does not profess to say

what rate of wages shall be paid - the rate fixed is the minimum wage for a particular locality and a particular trade.

The Act is administered by a board of five persons appointed by the Government, who serve without remuneration except an honorarium to cover their loss of time and expenses in attending meetings of the Board. The Board has the fullest possible powers of inquiry as to holding investigations to ascertain the conditions prevailing in any class of employment and the scale of wages payable. In 1922 the Board, in addition to fixing the minimum wage to be paid, was given power to regulate the hours of labour for which the minimum wage should be paid, and to fix a rate of wages for all time in excess of the established maximum number of hours per week. The penalty imposed upon an employer contravening an order of the Board in regard to wages or hours is not to exceed \$500, nor be less than \$50 for each employee affected.

Legislation of this kind has been found to be necessary if decent social conditions are to prevail and those who cannot in the nature of things protect themselves as others are able to do are protected by the State in its own interest. The Act applies only to female employees.

In the annual report of the Board for 1921, the Board publishes tables showing the cost of living and how it is made up together with a great deal of interesting information collected in the course of its work.

In 1921 some six orders were made by the Board, the first of which deals with female employees in laundries, dry cleaning establishments and dye works in which the minimum wage of an experienced female employee of eighteen years of age or over is fixed at \$12, and that of inexperienced at \$10 per week for the first three months, and \$11 per week for the second three months after which such employee shall be considered experienced. For girls under eighteen years of age the minimum wage is fixed at \$9 per week for the first six months, \$10 per week for the second six months and \$11 per week for the third six months, and after eighteen months employment every such girl shall be considered an experienced employee. Where lodging is furnished it is not to be charged for in excess of a rate of \$2 per week, nor single meals in excess of 25 cents nor weekly board in excess of \$5 per week.

An order made in the same year deals with female employees in establishments in the City of Toronto engaged in the manufacture of confectionery, biscuits, chocolate, jam, gum, grocery specialties, crushed fruit, syrup, pickles and all allied industries, paper boxes,

corrugated paper boxes, paper bags, manufacturing stationery, envelopes, tags and cheque books and allied industries. Another order deals with employees in retail stores in the City of Toronto. Separate orders are made for cities other than Toronto. A perusal of the reports of the Minimum Wage Board and Mothers' allowance Commission is recommended to all those who are interested in these subjects. It would be possible to make numerous quotations from them here, showing the satisfactory working of both Acts, if space permitted.

"Police Magistrates". A new departure in the appointment of police magistrates is the provision made in 1922 for the appointment of a woman as police magistrate or deputy police magistrate where the council of a city having a population of 100,000 or over by resolution declares that such appointment is necessary.

Dr. Margaret Patterson was appointed under this Act female police magistrate for the City of Toronto and has already by her very able, careful and conscientious performance of her duties vindicated the propriety and desirability of such an appointment.

"Child Labour". In 1921 by an amendment to "The Factory, Shop and Office Building Act"

the age at which children may be employed in shops has been raised from twelve to fourteen years. This is to bring the Act into conformity with "The Adolescent School Attendance Act" which provides that a child under the age of sixteen years may not be employed without a special permit in a factory, shop or office building.

In the same years, 1921, provision was made that "where in the opinion of the inspector the whole or a substantial portion of the work upon which female employees are engaged in any department of a factory or office in which women or young girls are employed can be efficiently performed while such female employees are seated, the employer shall provide such chairs or seats as may be directed in writing by the Chief Inspector." A similar provision with regard to shops has been upon the Statute books for many years.

"Marriage Act". The Marriage Act was amended in 1921 so as to ensure greater care in the issuing of marriage licenses. The clerks of cities, towns and villages and police magistrates in territory without municipal organization were made ex officio issuers of marriage licenses. A further very useful provision was made with the Provincial Secretary. A good deal of difficulty has been created and doubt cast upon the validity of marriages through want of

this provision. It imposes no hardship on clergymen and others and will have the additional advantages of insuring greater accuracy in the registration of marriages.

Under the old system the issuers of marriage licenses were appointed without any particular regard to their fitness or the propriety of their appointment upon other considerations, and the clerk, being a permanent and responsible official would seem to be the appropriate person to issue the licenses.

In the Act of 1921 provision is also made for the solemnization of marriages by women, this right having formerly been confined to men.

Power is also taken to make further regulations as to the information to be required before a marriage license is issued and the Act provides that an issuer of marriage licenses shall have full power and authority to require the production of witnesses to identify the applicants for licenses, or either of them, and also to examine, under oath or otherwise, the applicants or other witnesses as to any material inquiry pertaining to the issuing of the license as he may deem necessary or advisable. A further provision requires the issuer of marriage licenses to keep a register or record of all licenses issued by him, stating the serial number, the date of issue and

the names and addresses of the parties to the intended marriage. A penalty of \$500 is imposed upon any person not being registered who solemnizes or undertakes to solemnize any marriage and such person is also liable to imprisonment for a period not exceeding twelve months.

"Municipal Franchise". Women having been granted some years ago the right to vote at elections to the Legislative Assembly, various suggestions have been made as to the extension of the municipal franchise, and by "The Municipal Franchise Act, 1922" it was provided that the wife or husband of any person rated or entitled to be rated for land as owner or tenant should have the right to be entered on the voters' list and to vote.

"Employees' One Day of Rest in Seven". In 1921 a Bill was introduced providing for one day of rest in seven for persons employed as waiters or waitresses or in certain other capacities in hotels, restaurants and cafes, and this was re-introduced and became law in 1922. The Act provides that every employer of labour must allow any person employed in a hotel, restaurant or cafe at least twenty four consecutive hours of rest in every seven days, and whenever possible the said twenty-four consecutive hours shall be on a Sunday. There are certain necessary

exceptions but an employer who is guilty of a contravention of the Act is liable to a penalty not exceeding \$100.

"Other Matters". In addition to the Acts especially mentioned, attention may be drawn to improvements in the education laws, - the revision and improvement of "The Public Libraries Act", and "The Adolescent School Attendance Act", which provides for a longer period of compulsory education having for its object the fitting of every child who passes through the schools of the Province for some useful calling in life.

It may be remarked that in 1920 a change^{was} made in the qualification of trustees in rural school sections, the right to serve being extended to the husband, wife, son or daughter, brother or sister of persons assessed as actual owners of farm of not less than twenty acres, and in the same year provision was made for empowering the trustees where they deem it expedient, to provide for surgical treatment for children attending the school and who suffer from minor physical defects, such treatment to be undertaken only with the consent of the parent or guardian of the child.

In connection with the above review of recent laws, it is interesting to note that the

Canadian Bar Association in May 1922 appointed a committee to report on the administration of Criminal Justice and at a meeting of the Association in Victoria, British Columbia, on the 18th August, 1922, presented its first Report. This Report among various matters, advises probation for children as follows: "Probation for Children - Extension of the system of probation to the care in their homes of wayward or incorrigible children who have not yet become delinquents, but whose parents or guardians are unable to control them with a recommendation to joint supervision over both parent and child.

This is done in New Jersey, U.S.A., where there is a special school being carried on in which such children reside. The plan is proving highly successful, and preventing many children from drifting into crime."

In closing I can do no better than to quote from the above report signed by His Honour Judge Coatsworth, as chairman of the Committee:-

"Formerly the whole conception of Criminal Law was punishment for crime. We are now, without losing sight of the necessity for adequate punishment, realizing that Reformation of the Criminal is a much higher ideal.

One thing we ought to do is to begin with the child, and as soon as a boy shows unmistakable signs of being so wayward as to be unmanageable at home and is so reported from a reliable source, such as a teacher or truant officer, he and his parents should automatically come within the jurisdiction of a Probation Officer. He will then be watched over and guided past the pitfalls of boyhood life until his character has sufficiently formed to enable him to appreciate and follow the good and avoid the evil.

This will, at least, to a considerable extent, put an end to the manufacture of criminals. Each such boy and his parents need to be impressed with the thought that besides the reward of virtue the law is interested in compelling him to be good or putting him where he can do no harm until he has had a full opportunity to think it over and come to the right.

Frequently environments must be changed, companionships severed and other drastic steps taken to assist the erring one, and make him and his parents to realize that being in the grasp of the law there is no help for it but to do right. If, later on, crime is entered upon, then the law should assume possession by either the Probation Officer or the Parole Officer. The offender must be made to know that while he walks straight and true he will scarcely feel the touch, but

if he deviates a heavy hand is laid upon him to bring him back.

With all these precautions we shall still have criminals though probably much fewer in number. We have, however, come to a time when, with the increase of population and criminals, large expenditures will very soon be necessary for buildings and equipment to accommodate them. If we can reduce or even keep from growing the present number of criminals, it will save us hundreds of thousands of dollars. There must be proper places of confinement, from the beginning on arrest to the finish in the reformatory or prison. Each place of confinement or prison should be converted into a factory in which wages will be paid, to go, after a reasonable deduction for board, to support the prisoner's family. This will require some alteration, organization and management which those in closest touch with prison life consider practicable.

There should be an immense extension of the Probation and parole systems. It cannot be too strongly emphasized, or too often repeated that an offender may not be finally discharged until he has fully satisfied the Probation or Parole Officer that he will live honestly and give no more trouble. There must be proper places for mentally afflicted and diseased. We may as well recognize the painful fact that there are thousands

of people who from mental or physical disease or both are not and never will be capable of using liberty rightly, and the only safe and proper thing in their own interests and that of the public is to keep them in confinement on farms where they can be useful, happy and contented, and do no harm. It is most dangerous for humanity that such persons should be at large."