THE NEED FOR A LAW OF ADOPTION

By E. W. McCabe, Vice-Chairman, Adoption Society (Ireland).

(Read before the Society on April 8th, 1949)

The practice of adoption is as old as history. It was known to the Babylonians and Greeks, and, coming closer to our own age, we can turn to the omniscient Shakespeare, who, in Othello, puts into the lips of the Moor's father-in-law these words: "I had rather to adopt a child than get it." It is curious that such a long-founded process should only have been recognised by law during our generation and even then only in enlightened countries such as Canada, USA, England, Belgium, France and some others excluding, I regret to say, our own country. It is surprising how many of our fellow-citizens are ignorant of the absence of this law and synonymously how loosely the term "adoption" is used here. The fact that at present agreements are drawn up by solicitors to cover the transfer of children must tend to delude one, but in fact these agreements are completely invalid in law and can have merely psychological value. I shall, therefore, try to avoid using only the customary word "adoption" during this paper but will use it with the prefix "semi" to distinguish the status quo from what I hope an enlightened public will demand for the future.

Before I begin I should like to explain, Mr Chairman, my qualifications, such as they may be, for submitting this paper to you. I am Vice-Chairman of the Adoption Society (Ireland), which was formed at the beginning of 1948 to arouse and encourage public interest in the promotion of the necessary legislation for adoption of children, and to effect a change in the form of the present birth certificate. This voluntary Society is of a non-sectarian and non-political character, directed by a committee having a large number of semi-adoptors amongst its members. It is sometimes mistakenly assumed to be interested in arranging adoptions, which is wrong, as its sole function is legal reform.

The present arrangements for so-called adoption are inequitable to the best interests of the child and its new parents, because the transfer, lacking the fidelity of law, depends entirely on the goodwill of the natural mother, who can, subsequent to the transfer, successfully seek the return of the child. Temptation to do so may become strong when the child reaches earning age, especially if the mother is in poor circumstances, or if she should subsequently marry and find herself in better circumstances. Though in actual practice it rarely does happen that the mother takes this initiative, there are cases in which it has occurred. For the parents who have given love, attention, good rearing, and education to the child whom they have come to regard as their own, such a break must be full of sorrow and distress. Their suffering is small, however, compared to the shattering damage to the morale and mental equilibrium of the child who...
must, in bewilderment and confusion, and with a crippling lack of faith in the basic security of life, seek and endeavour to plan a new future under the shadow of a broken past, and usually in a less secure status of society. Quite apart from this, there are other considerations which point to the necessity of legal reform in regard to the taking of children. Since the present methods of adoption are wholly outside the law there is no obligation to supply or obtain a medical certificate in respect of the child, nor can there be any effort to find out the suitability of the child to the adoptors. The system is run on a rule-of-thumb basis with all its attendant faults. Another disability is the fact that if the semi-adoptor dies intestate the child cannot share in the estate. A great shock is caused to the child when it learns, as it must eventually, that the two people it has come to regard and love as its parents, have not in fact any relationship to it, and that it is the child of another union, that it, therefore, cannot bear the surname by which it has been known for all its conscious life and has no formal authority to align itself in the face of the world with those whom it had loved and thought to be its own. Manifestly this feature of unofficial adoption is one which strikes with incalculable brutality the child which is born out of wedlock. This child's security of a happy future lies in adoption, but that security and happiness are short-lived when the birth certificate brands it as telling a lie, and when the fact that puts it at a humiliating disadvantage must be publicly declared by the production of that stigmatising document at every turning point of life—on admission to school, in sitting for examinations, in seeking entrance to a profession, in applying for employment in many vocations, in taking out life assurance, and also, in a manner that hardly bears thinking about, when it wishes to marry and carry on that tradition of family life in which it has been reared.

These, in the very barest outline, are the major disabilities which so heavily overshadow adoption in this country. The effects of these disabilities are many, but the most calamitous effect is the barrier these difficulties raise before the man and woman who wish to adopt a child. In the face of these barriers the problem of the unwanted child reaches its peak point of pathos as the problem of the wanted child—the child who is wanted by would-be adoptor parents but who is never taken from orphanage or institute because those who wish to adopt him withdraw, appalled, before the problems raised under our present chaotic adoption laws, or rather, their absence. This is a matter which transcends mere statistics and figures. It is of secondary importance that there are every year in this country several hundred children unwanted by their natural parents or entrusted to the care of institution and orphanage by these parents through death or force of circumstance, and that such children who could be raised to be valuable citizens become a charge on a very unwilling State.

I think it well that we should examine the State's attitude to the foundling to whom it must unwillingly act as a disembodied parent. The report of the Registrar-General for the year 1946 reveals that during the 10 years to December 31st, 1946, the number of registered illegitimates amounted to 21,240, which is equivalent to every 35th child being registered in this State as illegitimately born, and it is a reasonable assumption that not all such births are registered, but we cannot take cognisance of such assumption. The figures also show that during these 10 years the average infant mortality rate per 1,000
illegitimate children was 225 as compared with 73 for infant mortality of legitimate children. Even with this extremely high and altogether disproportionate illegitimate infant mortality rate, these 10 years produced 16,500 registered illegitimate children who survived the first twelve months of life. It is a sobering thought that this figure is several hundred greater than the 1946 population of the 8th town in this country, namely, Drogheda. All of these children carry the stigma of their birth, and suffer the social punishment of their state, though they are as innocent of any sin against morality or society as the highest born in the land. The obvious question as to what becomes of these children must occur to us all. At present there are three alternatives—they may be placed with the County Board of Assistance, or with the appropriate Local Authority which deals with the problem, by whom they may be boarded out with foster parents or held in an institution in the control of the Local Authorities. It is inherent in all regulations when dealing with such unfortunates, that where possible they should be boarded out with foster parents, because in such an atmosphere they should be enabled to grow up in conditions closely resembling their real home which, naturally, does not exist since they are born out of wedlock. The second alternative is that they may be placed with a voluntary rescue society which arranges for them to be kept in an orphanage or institution usually run by, or in co-operation with, religious orders and Church bodies. The third possibility is that they should be kept by their mothers—in this connection I cannot do better than quote the view of the British National Council for the Unmarried Mother (a most excellent voluntary organisation, whose activities should be emulated in this country).

"The separation of the mother and child should be regarded as an exceptional and deplorable necessity. All our experience has strengthened the belief that keeping together mother and child not only adds to the mental and physical welfare of both, but by giving the mother a responsibility, something to live for, helps to prevent a second birth." Of the first two methods it is difficult to say much in favour of the institution, because it has of necessity a soulless, unnatural atmosphere, however good its material equipment, and however human its staff, and its inevitable effect is to impress the child with the stamp of uniformity and with lack of individuality and love, since it is raised in surroundings totally different to that of the family, which, according to Christian teaching, is the basis of society. It may seem a rather glib argument to state that children raised in such institutions are prone to have an anti-social outlook, the development of which in after life may be extremely inimical to society, but such experience is sadly true. The second alternative of placing the child with foster parents has a great deal to recommend it because it should provide the child with the individual affection and the stable personal relationship of a real home, which is the most natural preparation for adult life. The foster child, growing up as a member of a family, can see the responsible demands which family life makes on the individual members of it and is much more likely to become a useful member of society than those raised in institutions. The unfortunate, and indeed unsavoury aspect of this solution is that the foster parents are, ipso facto, of the lower orders of society, who may be impelled by the attraction of the payment which the local authorities make towards the upkeep of a child, though when I tell you that the figure allowed per child is the munificent one of 10/- per
week, plus an average allowance of £7 10s per year for clothing, you will find it hard to conceive that any foster parent could hope to make a profit from the sum of £33 10s per annum, which I am advised is inadequate for upkeep of a horse. Though there is no doubt that there are a great many foster parents who are impelled by genuine love and charity for children, I am afraid there are also those who are short-sighted enough to hope to gain, and in order to do so, must put the child's welfare as the last consideration. Even if the foster parents are of high integrity, and self-sacrificing for the child, it cannot be forgotten that they are being raised in a low social order, and that even then they cannot be adopted, and must bear a different name to that of the two persons whom they have regarded as their parents. The third possibility is for the retention of the child by the mother, either in her own keeping or by her paying a fee to foster parents to board the child. If the latter course is adopted, there are all the heart-breaks for both the mother and the child, of continual separation and reunion, in addition to the disadvantages of foster parentage as explained just now. As to the retention of the child by the mother, this is usually fraught with many practical difficulties because the economic circumstances of unmarried mothers are such that they cannot afford to rear, educate and clothe the child in a proper manner. You may ask whether the girl has no claim on the man who has seduced her, but as the law now stands it excludes her from suing him personally. It is true that the girl's father or employer may sue for the loss of her services, but in practice the action presents many difficulties, and neither the parent nor the girl usually wish to become involved in the publicity of a court case which will so greatly add to the scandal already created by the girl's fall. In the Affiliation Order Act, 1930, the mother of an illegitimate child may present information in writing on oath to the justice of the District Court in which she resides, who may issue a summons for the father to appear. In actual fact it has been found that this act involves great trouble and expense with little or no outcome—in only two out of two hundred cases before the court was paternity successfully established and the man solvent. Further, the Act provides that nothing in it shall diminish the liability of the mother to maintain the child—here is the moral responsibility again, and in reality the Act produces nothing but further scandal, publicity and emotional disturbance, therefore, in practice, the mother must rely on her own resources to maintain her offspring. If she keeps the child personally under her own roof, she has the great annoyance and provocation of her Pharisaical and uncharitable neighbours, who can make life a most unpleasant and upsetting experience for the wretched girl, who has been forced, in most cases, to leave her home, not so much, be it noted, through the action of her parents but because of the scandal she has brought to her brothers and sisters whose social standing has been greatly lowered by her sin. Since she has no husband to maintain her she must seek work to provide for herself and her child, and this raises the difficulty as to the care of the child during her absence. These are practical difficulties all of a definite nature, but often these are over-shadowed by the emotional revulsion of the girl towards her child, whose father has been her seducer and deserter. Very many of these girls have such bitter and antagonistic feeling for their offspring that they will not have any wish to retain the child, but would prefer to be rid of a
troublesome reminder of a fall from grace and social standing. I mention this outlook because it is difficult for the average legitimate mother to project herself, with all the security and advantages she has, into an understanding of an attitude similar to that of the illegitimate mother. For this reason many legitimate mothers cannot appreciate how any girl would wish to part with her child; but the fact is that very many girls who have borne illegitimate children do not wish to keep and rear them, to which the number of infanticides bears sad testimony.

Parallel with reform would be to allow the adoptee to embrace the name of his adoptors and to have such a change effected in the form of the birth certificate, so that the child may, while it is illegitimate, produce a birth certificate which shows no embarrassing difference in its name and that of its new parents. I have mentioned the stigma of illegitimacy which clings so heavily to the wretched child by denying it its full place in society because it must produce a certificate similar to the one I hold in my hand, which shows a dash for the father's name and his address. How unenlightened and cruel is this attitude compared to this other certificate, which is also for an illegitimate child, but for one who was born in the Six Counties, and can, therefore, produce the short certificate showing merely its name, the date of birth and its sex, and is in every detail similar to the certificate of the legitimate child. Whether it is adopted or not such a certificate will not reveal that it is born out of wedlock. One can almost see the pharisees rising in our midst to object to an illegitimate's having the same form of birth certificate as his or her child. I do not think, however, that we should be so indifferent to human feelings as to heed the nagging cry of these few, who should never forget that it is merely through divine grace that they are not similarly stigmatized. It is hard to be dispassionate and objective in dealing with the suffering which is occasioned to a large number of children, who, guiltless, must bear the guilt of their parents' sin, and have it recorded by the State in such a brutal manner. Very often children of an illegitimate union are hyper-sensitive by nature, and because of this, the revelation, coming as it must do at 10, 14, or 16 years of age, that they have been born out of wedlock, is in many cases such a stunning shock as to malevolently influence their future. This influence may sometimes transform the victim (such a word is not too strong) into the juvenile delinquent, because, realizing that society is against him, and very often having lacked the proper rearing in a good home, he sets out to get even with that society. The experience of magistrates, police and social workers shows that illegitimates tend more easily to become criminals, because of the unfavourable circumstances surrounding their birth and rearing. I do not think that reflection on this matter will cause any of you to come to a different conclusion. To rear such children in proper home surroundings, and under the splendid influence of adoptive parents who really love the children, would help to remove their potential anti-social and criminal tendencies, and help to make so many positives out of so many negatives. I have come across another aspect of the effect of such conditions, and that is the tendency on the part of such unfortunates to emigrate freely. This is understandable because the illegitimate has no comparable advantages to the legitimate child, and also because having found that there is a wide division between their opportunities, such people will wish to leave.
the country of their birth where they feel that so many hands are turned against them. It is impossible to obtain figures as to how many emigrants are illegitimate, but if such figures could be found, the indication might easily be that a good many of these, when they reach the age of earning, decide to seek employment in another country, because in such a small, gossip-ridden country as this their position is often made intolerable. This is a very minor point which the Commission on Emigration might consider when investigating the problem. Before I finish the review of the completely unsatisfactory conditions which are caused by the lack of adoption, there are other important matters which should be mentioned. Due to the fact that so-called adoption is completely uncontrolled and often surreptitious, there is the opportunity to use a cliché, of trafficking in human souls, and to the writer's personal knowledge there are cases where the religious persuasion of the mother has been different to that of the parents who have taken the child, and in whose religion the child has been reared.

There is a further disquieting feature in the present chaos in that children can be taken from this country for adoption in other countries which have suitable laws. I regret that it is impossible to obtain reliable figures for this traffic, but as a matter of interest I have with me a photograph taken from one of our newspapers of last December showing four Irish children with their American adopters who had taken them from this country to America.

Since the beginning of my paper I have tried to point out the disadvantages of, and objections to, the present conditions because a law of adoption, and shortened form of birth certificate, is non-existent. I will now try to explain the great benefits which might be given to the country by the enactment of such a law. There are three main advantages which it would bestow. The first is that children, who were adopted, would be given the right to grow up in the environment which would be their real home, secondly, it would benefit adoptors by sparing them the heart-break and sorrow which parting with the child they have grown to love would mean to them, and would banish the fear now ever-present that this could happen, and, thirdly, our country, because when legal security was obtained in this matter there should be an increase in the number of adoptions, which would mean that so many innocent children, who can now only survive as helots and outcasts, who can never aspire to a post for which the birth certificate is needed and whose social rights are placed in jeopardy, Reform of the birth certificate would benefit first all children born of lawful parentage who have been adopted, because it would give them the right to use their adoptors' surname and avoid the embarrassing questions, and, even worse, the innuendos which may be levelled at such children. It could also ensure that adopted children would benefit from the estate of their adoptors when they die intestate. It would benefit all illegitimate children, whether they were adopted or brought up in an institution, as it would save them the shame of having to produce such an embarrassing birth certificate as I have shown you before entry into schools, universities and technical schools, and before obtaining State insurance cards, passports, and life assurance policies, as well as when commencing employment in some vocations.

Since the home is the basis of society, children brought up in institutions are denied the real beginning in that society which could
be procured for many of them through reform of the law. There is a potentially great number of adoptors in this country, some of whom are held back by the present insecurity, and some of whom are indifferent or prejudiced because the matter has not been brought thoroughly to their notice as it would be after some practice of the law of adoption. If a number of successful adoptions were arranged over a period of years, those who had held back would begin to take an interest in the possibilities, so that the number of would-be adoptors might easily increase in 10 years to a point where they would exceed the number of children suitable for adoption. Such has been the case in England where after 22 years of experience of the law of adoption the number of adoptions which took place in 1948 was in excess of 21,000. It is remarkable to reflect that the number could have been greater than this but for the lack of suitable children. In our country the number of childless marriages is between 8 per cent and 9 per cent, which means that at present there are approximately 20,000 childless couples in this state after a period of 15 years of marriage, which, together with one-child marriages would form, to use a crude but appropriate commercial term, a worth-while market.

It is probable that the lateness of marriage in Ireland accounts to a certain extent for the figures, but there are naturally many childless marriages due to biological causes, and as a number of these are in the higher middle and higher income groups, the establishment and subsequently the practice of adoption should readily account for a great deal of happiness being brought into the lives of those denied the great blessing which children can give. Many of these would-be adoptors are held back by the present chaos because of the absence of this law which could transform such marriage from mere unions into families.

In considering the benefits to the country as a whole, I would ask you to think in economic terms about the saving to the State apart from the obvious material gain, because of the fact that each child which has to be reared by the taxpayer from the time it is placed with foster parents until it reaches the ages of 16, costs £476 (and very shortly this figure will be increased to £764 per child). As the average number of such children boarded out is 2,300 this would amount to a total of £1,857,000 for a period of 16 years, or £116,000 per annum. Under adoptive conditions many of these children could be raised in a higher status of society and would have an opportunity for better education and could become more useful and stable members of society. The figures given are quite apart from those children which must be raised in institutions, again at the expense of the taxpayers. The average number of these is approximately 1,400. There is a further cost to the State when such children in later life may become destitute, or be confined to Borstal homes because of delinquency, and also when having achieved manhood, they may, as already mentioned, become unwilling guests of the State in its prisons. It would also benefit the country because the tendency of illegitimates to emigrate would be reduced if security could be found for them in their native country.

In considering the benefits which reform of the birth certificate would bring, it is necessary to mention that not all adopted children are illegitimate. We have read in newspapers, especially during the war, of desertion by the father who has gone to England, and who, after some time, has failed to support his family. Economie necessity has sometimes forced the mother in such cases to have the children.
taken care of by relatives or others. There are also the tragic cases of young children orphaned at an early age by the death of both parents, and such children must be left in the care of others, and there are also cases, happily infrequent, of cruelty to the children by both parents, and in such instances new homes have to be found where the children may be raised normally. In many of these instances the children have to be taken over on a semi-adoption basis, which, with reform of the law, would enable them to be properly adopted and raised with the name of the adoptor.

To legitimate children who are adopted it may not seem an embarrassment that their name should be different to that of the two people whom they have learned to love and regard as their parents, but in actual fact it is difficult for them because they are not allowed to change their name until they reach 21. For the illegitimate children the shortened form of birth certificate, which, as pointed out before, does not reveal their illegitimacy or whether they are adopted or not, would be a blessing beyond compare, since it would enable them to hold up their heads and to avoid the stigma caused by a sin not theirs. If they were fortunate enough to be adopted, and reared in a way to which normal children are entitled, it would be of even greater benefit since all that would appear on their certificates would be their name, date of birth and sex, and surname, which would be the same as that of their adoptors. No sneer of the evil-minded hypocrite, and no brutal gossip could reach out to touch them as it now does, transforming children of a sensitive nature into a world apart in which they must feel the ever-pressing scorn of the normal life which they wish to embrace fully, but which they are denied by an unwritten social law especially felt in the rural parts of the country. They could face with confidence the many occasions on which production of the birth certificate is necessary, and take their rightful place in the society of a nation which must, because its numbers are reducing each year, value all the more highly every child born in the State.

Because there is reason to believe that some form of adoption law may be under consideration by the Government at the present time, it might be of interest to consider some salient points in similar laws in the various countries which have been far-sighted and honest enough to recognize the need for such legislation. It is generally accepted that the first requirement in an act of adoption is the consent of the parent or parents if they are living and if they can be found. As I mentioned earlier, if the mother is willing and economically able, and morally suitable to retain her child, no pressure should be placed on her to part with it. When written consent is given the parent must clearly understand that an adoption order (which I will explain in a moment), will deprive her of all rights, and equally of all obligations in connection with the child, and, ipso facto, such rights and obligations shall be transferred to the adoptor, who also shall be made fully cognisant of the effect of such an order. The application for an adoption order can be made to the district or central court judge, who will hear the application in camera, and without the child or the natural parent being present. The written consent of the parent or parents, guardian, head of the institute in which the child has been kept, and of the child itself, if it is 10 years old or more, is necessary. The judge should enquire into the moral qualities of the adoptors as well as into their physical and maternal fitness to properly rear the child. If advisable, he may order a probation of from one to two
years before granting the final adoption order. On their part the would-be adoptors must consent in writing to bring up the child as if it were their own natural child, and such a child shall be entitled to inherit property according to the wishes of the adoptors' will or according to the law if there is no will. No child who has reached the age of 16 years or more should be capable of being adopted, because such children are normally too mature to overcome the transfer to new parents, though this limit might be left to the discretion of the judge in certain cases. It would be desirable that the act only allow for adoption to be arranged through registered adoption societies, which would preferably operate on a voluntary basis. Also a very vital clause in such legislation in this country, would be that the religion of the adoptor should be the same as that of the mother, so that no complications in the matter of the child's religion would arise. Such a clause would obviate the unsatisfactory state of affairs, which, as mentioned earlier, exists to-day. It is also important that no reward should be made to either parties in the matter of adoption, and it might be necessary to have a clause allowing the annulment of the adoption order on very grave grounds. A clause making it necessary for medical certificates in respect of the children would be vital, while also some provision should be made for the taking of children from this country for adoption in other States Such a practice, as I have mentioned earlier, exists to-day, and there would seem less justification for its continuance, if, and when, we have a law whereby our own citizens may adopt such children.

When one examines the personal and psychological aspects of child adoption, it will be found that a great many thoughtless people may dismiss the principle as impracticable and even dangerous. Their view is that the risk of taking and rearing another's child could not be contemplated because of the possible outcome. They take the completely egotistical view that a child of their own conception could not possibly behave or let them down in the way in which an adopted child might. In considering contrary arguments, it may be a little unkind to point out that they have no guarantee whatever as to the behaviour of their own child who may, and often does, bring disgrace aplenty on their good name. Early psychologists were loath to accept the premise that environment was a more important element in our lives than heredity, but the work of later investigators tends to show that environment and example strongly influence us, especially during adolescence. Since the hypothetical objector I have mentioned is personally against adoption he cannot readily project himself into the unselfish and noble mind of one who is prepared to take and rear a child with all its troubles, heart-breaks and expenses purely on a voluntary basis. Obviously such a person must be a natural child lover, and, therefore, the child starts with an advantage which is often greater than the child born to parents who themselves are not always true child lovers. If an adoptor is willing to make these sacrifices, it is reasonable to assume that it will love the child very deeply, and if that parent is true to its character, it will probably love the child a little more because it will feel that the child has started life with a great disadvantage, and which it consciously or unconsciously seeks to eradicate. In fact I believe there is more danger in the adopted child's being spoiled than in the case of a natural child. If you doubt what I say I would ask you, if you can, to study the homes where there are semi-adopted children, and if you will
closely observe such a family you will find that this thesis is not false. I know a good many semi-adoptors, who have, despite all the insecurity I have related, felt the urge to take care of children overpowering and worth the risk and trouble which they are caused. From observation I will tell you that I believe it would be impossible to find more self-sacrificing people whose love and care as given in such unstinted measure to the child who has brought great happiness and true goodness into the home which would have been just a home and not a family. Indeed it is difficult to avoid being sentimental about the extraordinarily good results in such cases.

In face of the many arguments in favour of adoption, the most frequently asked question is why have we not had such a law? The main objection is that the enactment of such a law would be an encouragement to moral laxity since it would become easier to dispose of unwanted children. An examination of the figures of illegitimates born since the year 1900 will indicate to us how ineffective the present methods have been in controlling this problem. For each 10-year period from 1900 to 1945 (with the last 10 years considered as 1936-45) the average annual registration of illegitimates born was as follows —

<table>
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<tr>
<th>Year</th>
<th>Registrations</th>
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<tr>
<td>1900</td>
<td>1,468</td>
</tr>
<tr>
<td>1901</td>
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<tr>
<td>1902</td>
<td>1,706</td>
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<tr>
<td>1903</td>
<td>1,393</td>
</tr>
<tr>
<td>1904</td>
<td>2,124</td>
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</table>

or an increase of just 50 per cent in 45 years. In 1900 the percentage of illegitimate births to the total number of births was 2.06, whereas in 1945 it was 3.93, or just over 90 per cent increase (see Appendix I). These figures do not show that the present methods are reducing immorality, and it hardly seems possible that had there been a law of adoption during these years the increase could have been greater. These figures are surely a grave reflection on our moral system when it is remembered that most of the illegitimate births are first-born. Would it seem a reasonable assumption that such unwed mothers, often completely ignorant, would draw back at the moment when their honour was endangered because there was no adoption law, or that the converse would be any more readily believable? I suggest that the logic of such an argument is close to that suggesting that the abolition of capital punishment would lead to an increase in capital crime, but such has not been the experience in those States which have removed the death penalty. Ignorance is the basis of a lot of this type of moral trouble, and I fear that without proper education and teaching, the illegitimate rate is not going to be greatly reduced in our country, and I hardly think that an adoption act would increase it. It does appear that there is a reluctance, one might almost call it an evasion, on the part of those in every sphere of authority to recognise this problem, and it is only through such kindness as yours that the matter can be brought a little more before the public so that it may be stirred from its apathy. I do feel it is a sad reflection that this oblique. thinking has condemned so many children, who could be happy and useful citizens, to the grey walls and grey mentality of institutions and worse. Surely we are neither so rich in manpower nor so poor in charity that we can pass by on the other side before the eyes of Him who will judge legitimate and illegitimate equally and Who, let us remember, has specially instructed us as to our obligations to take care of little children.
APPENDIX I.

<table>
<thead>
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<th>Period</th>
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<th>Total (Including Illegitimate)</th>
<th>Births</th>
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<td></td>
<td></td>
<td>Total</td>
<td>Males</td>
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<td>1936-45</td>
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APPENDIX II

SOME IMPORTANT EXTRACTS FROM ADOPTION ACTS IN OTHER COUNTRIES.

1. An adoption order shall not be made except with the consent of every person or body who is a parent or guardian of the infant, or who has the actual custody of the infant, or who is liable by virtue of any order or agreement to contribute to the maintenance of the infant.

Provided that the Court may dispense with any consent required by this subsection if it is satisfied—

(a) in the case of a parent or guardian of the infant, that he has abandoned or deserted the infant,

(b) in the case of a person liable as aforesaid to contribute to the maintenance of the infant, that he has persistently neglected or refused so to contribute,

(c) in any case, that the person whose consent is required cannot be found, or is incapable of giving his consent or that his consent is unreasonably withheld.

Any consent required by this section for the making of an adoption order may be given by any person without knowing the name of the proposed adoptor, and may be given whether or not an application for such an order is pending (Les Codes Belges—Act 154, 1940).

2. Upon an adoption order being made, all rights, duties, obligations and liabilities of the parent or parents, guardian or guardians of the adopted child, in relation to the future custody, maintenance and education of the adopted child, including all rights to appoint a
guardian or to consent or give notice of dissent to marriage shall be extinguished, and all such rights, duties, obligations and liabilities shall vest in and be exercisable by and enforceable against the adoptor as though the adopted child was a child born to the adoptor in lawful wedlock, and in respect of the same matters and in respect of the liability of a child to maintain its parents the adopted child shall stand to the adoptor exclusively in the position of a child born to the adoptor in lawful wedlock (Adoption of Children Act, 1926, England).

3 Upon any application for an adoption order, the Court may postpone the determination of the application and may make an interim order (which shall not be an adoption order for the purposes of this Act) giving the custody of the infant to the applicant for a period not exceeding two years by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the infant and otherwise as the Court may think fit.

All such consents as are required to an adoption order shall be necessary to an interim order but subject to a like power on the part of the Court to dispense with any such consent (Adoption of Children Act, 1926, England).

4 In the cases above provided, the adoptor, who shall not be the husband, wife, brother or sister of the adopted, must be at least twenty years older than the adopted, and profess the same religious faith as that to which the latter belongs by baptism. (Adoption Act of Quebec, 1941.)

5 It shall not be lawful on and after the appointed day for any body of persons to make any arrangements for the adoption of a child unless that body is a registered adoption society or a local authority. (Adoption of Children (Regulation) Act, 1939, England.)

6. The adopted person shall take out of the property which the adopting parents may freely dispose of by will, if the latter die intestate, the same share that he would have taken if born to such parents in lawful wedlock, but he shall not succeed to those related or allied to his adopting parents (Adoption Law of Norway, 1917).

7. The Court before making an adoption order shall be satisfied—

(a) that every person whose consent is necessary under this Act and whose consent is not dispensed with has consented to and understands the nature and effect of the adoption order for which application is made, and in particular in the case of any parent understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights,

(b) that the order if made will be for the welfare of the infant, due consideration being for this purpose given to the wishes of the infant, having regard to the age and understanding of the infant, and

(c) that the applicant has not received or agreed to receive, and that no person has made or given, or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the Court may sanction. (Adoption of Children Act, Northern Ireland, 1929)

8 Any person shall, on payment of a fee of sixpence and on furnishing the prescribed particulars, be entitled to obtain from the Registrar General, a superintendent registrar or a registrar a certificate in the
prescribed form of the birth of any person compiled from the records
and registers in the custody of the Registrar General, or from the
registers in the custody of that superintendent registrar or registrar,
as the case may be. The power conferred by section forty-four of the
Births and Deaths Registration Act, 1874, on the Minister of Health,
or the Registrar General with the consent of the Minister for Health,
to make regulations shall include power to make regulations pre-
scribing the forms of certificate to be issued under this section, the
particulars to be furnished by applicants for certificates thereunder,
the manner in which those certificates are to be compiled, and the par-
ticulars which are to be contained therein, so, however, that no certi-
ficate issued under this section shall include any particulars except
the name, surname, sex and date of birth and such other particulars,
if any, as may be prescribed, not being particulars relating to
parentage or adoption. (Births and Deaths Registration Act, 1947,
England.)

DISCUSSION.

On the vote of thanks, Mrs O’Hegarty said that the strength of the
movement for a Legal Adoption Act rested on the necessity for the
child of a home and the individual attention which parents alone can
give. Under present conditions institutions are doing essential work
in caring for children who have no homes, but the institutions them-
selves are anxious to get homes for the children. The Joint Committee
of Women’s Societies and Social Workers, on which sixteen women’s
societies are represented, has been endeavouring to secure a Legal
Adoption Act since 1944. The members of this Committee visited the
majority of the institutions in Dublin dealing with these children and,
with one exception, all these institutions were in favour of legal adop-
tion. The one exception put forward the objection that a mother
should not be deprived of her right to her child. Mrs O’Hegarty
pointed out that cases where a mother wished to claim her child again
were very infrequent and, when they did occur, usually only resulted
in disturbance to both mother and child. Laws are made in the in-
terests of the majority and, because of a small minority, it was not
fair to deprive large numbers of children of the chance of a home and
adopted parents. Where a child had been cared for by foster parents
during the troublesome early years of life, it was unfair to them to
allow the mother to claim it when she might be able to make use of it.

In connection with the religious difficulty, Mrs O’Hegarty thought
it could be met by arranging that the religion of the child when
adopted should be the same as that of the mother nine months before
the child was born.

In the absence of legal adoption, those here wishing to adopt a child
often went to the Six Counties or to England and our own children are
left in institutions or, as we saw recently, taken abroad to America
and other countries.

Mr R O’Brochain said that attention should be given to the part
of the State and local authorities in dealing with children coming
under their special care. He recognised that the rearing of children
In an institution was not desirable. The regulations in regard to children under their care provided that they are not to be sent to an institution unless it proved impossible to board them out.

These children consisted mostly of illegitimate children, but included also orphans and deserted or neglected children.

In regard to Mr. McCabe's suggestion of a simpler form of the birth certificate, he pointed out that it was essential that a person could be identified from the certificate—and for this reason the mother's name was of importance, particularly in rural areas, where there were many families of the same surname. He asked the lecturer how this problem was solved elsewhere and suggested that a system of national registration would help to solve this and many allied problems.

The President (Dr. Geary): If for no other reason than that we have been having so many papers on statistics and economics lately, the present paper which was so emphatically "social inquiry" would come as a welcome change. The paper had excellencies of its own. Statisticians and economists have to leave their hearts outside when they enter this noble room, but the present paper gained from its emotional content. I feel that I should, in the first place, congratulate myself for, at an early stage, I encouraged Mr. McCabe to go ahead.

We are very glad to welcome and to hear members of the Legal Adoption Society. While our own members did not take much part in the discussion I think that I can assure the President of the Society and his colleagues that they have won the suffrages of this Society.

From the propaganda point of view I think that it is perhaps a pity that in the paper there is so much emphasis on the illegitimacy aspect. Surely there is no need to refer at all to illegitimacy, on which opponents can raise all kinds of undesirable irrelevancies.

The suggestion to alter the birth certificate is surely worthy of support. An analogous issue arises in connection with death certification. In the interest of accurate vital statistics it is most desirable that the law be amended so that the cause of death be stated on a document for confidential official use, but not on the document obtainable by the relatives of the deceased.

The present proposal has one striking advantage over most others for social betterment. It would require no contribution from public funds. In fact it is difficult to find any valid reasons why this country should not have an Adoption Act.