duty to his client, whether by way of civil action or criminal prosecution, it shall not be a defence that such violation or neglect was committed in his capacity of barrister and not of solicitor.

"Notwithstanding anything contained in the foregoing clauses, anyone acting for a client as at once barrister and solicitor shall be entitled to make reasonable charge for his services as barrister; and such charge shall be subject to taxation like other costs, and shall be recoverable at law like other costs.

"For the purpose of this Act, a firm of solicitors shall be treated as an individual; so that anyone being both barrister and solicitor, who acts as barrister for a client while his partner acts as solicitor for the same client in the same case or business, shall be subject to the obligations, and shall enjoy the rights, of a solicitor, as provided in the foregoing clauses.

"All laws, statutes, bye-laws, usages, and regulations, in any way inconsistent with the foregoing, are hereby repealed and declared void and of no effect."

I am not a lawyer, nor have I any special knowledge of the present subject; but its general bearings are known to all intelligent men, and in the existing dead-lock, as it may without much exaggeration be called, between the claims of public convenience and those of professional interests, I have thought it worth while to make a suggestion which has at least the merit of recognizing the difficulties of the subject, and proposing a solution which is thoroughgoing without being revolutionary, and aims at harmonizing order with progress, by providing for the satisfaction of a public want without interfering with any vested rights, or setting aside the traditions of a noble profession which has a history interwoven with that of legality, freedom, and the principles of constitutional government.

III.—*Legislation on behalf of Neglected Children in America and elsewhere.* By Miss Rosa M. Barrett.

[Read Tuesday, 16th February, 1892.]

> "Existence carries with it the right to an opportunity for an unfolding of a child's powers, and if parents fail to do their duty, the state must step in and protect the child. This is an even more sacred duty than the protection of property . . . *It is not an interference with the rights of the parent, but a protection of the rights of the child.*"

THESE words of a well-known legislator, few would hesitate to endorse, yet in English law, the fact that a child has any rights at all is only now beginning to be recognised. To lessen pauperism and crime—both of which are largely the result of heridity and association—it is necessary to go to the source of the evil, and prevent children, if possible, from being brought up in injurious surroundings.

Though it is obviously a parent's *duty* to feed, clothe, and educate his child, it is only quite recently that a neglect of this duty has

become punishable, and even now, this is only the case when the lack of food or clothing endangers life, while in Ireland, as we all know, education is not yet compulsory.

But the period of *laissez faire*, of individualism carried to an extreme has passed, and the common welfare is now of supreme importance. That some legislation on behalf of the very lives of children, no less than for the sake of their moral training, is absolutely necessary, none can deny who takes the trouble to read the statistics of infant mortality. A London daily paper quoting the Registrar-General's returns, states :—

> "That no fewer than 1,544 children, almost all infants in the first year of life, died from suffocation in bed ; and it is a curious fact that the proportion of deaths from overlying is more than twice as high on Saturday night as on any other night in the week. It is also found that the greater number of children who are said by coroners' juries to have died from 'natural causes' or from 'convulsions,' have closed their little lives on Saturday night. It is impossible in these circumstances to question the Registrar-General's conclusion that 'these findings by juries are to a large extent mere aliases for the overlying of an infant or the neglect of its requirements by a drunken mother.'"

In Germany the plea of drunkenness as an excuse in cases of death from overlying is of no avail. So, too, among the ancients the plea of drunkenness only aggravated any crime, and was never allowed to be used as an extenuating plea. No one is surprised to hear of fatherly legislation in Germany, nor that the emperor is forcing on a bill for the suppression of drunkenness, of which one clause is that for the future it will be punishable to supply liquor to lads under sixteen years of age, but it may be a surprise to learn that in America, the home of liberty and democracy, the most stringent laws are in force, such as we in this country should consider an undue interference with personal liberty, yet we never hear that these laws are found irksome. One of the latest enactments, and already in force in thirty of the states, is to make smoking illegal for lads under sixteen years of age; while to supply drink to boys or girls has for long been regarded as a crime in most of the states, and this rule extended to six more states only last year (1891). Further, it is not the drunkard alone who is punished for being drunk, but the man who sells the liquor that caused the drunkenness, is heavily fined, and may be deprived of his license.

A coroner in Whitechapel stated that out of 216 children under ten years of age who died in six months, 118 (more than half the total number—nearly 55 per cent.) brought money to those who let them die ; in 84 other cases of children who died of neglect or suspected violence, 49 (over 58 per cent.) brought in money. When infant insurance was made illegal in Leek, the infant mortality instantly dropped from 150 to 109 per 1,000 ; when the insurance system was revived, the mortality at once rose to 170, and has kept to that average for the last seven years.

It is only since 1889 that a father in England has been *obliged* to maintain his child—until then it was a voluntary act. In America even a taskmaster in the old slave days, who starved a slave might be (and actually was) flogged. Now, happily, magistrates have a

weapon in their hands that should ensure the safety of a child's life. We are beginning to see that a parent has *duties*, and that even a child has *rights*, and that it is not only for the interest of the child that these must be protected, but also for the good of the community, for does not the wealth of a country consist of its men and women?

Or, as Lord Beaconsfield said, in a speech delivered in 1849 :—

> "The wealth of England is not merely material wealth. It does not merely consist of the number of acres we have tilled and cultivated, nor in our havens filled with shipping, nor in our unrivalled factories, nor in the intrepid industry of our miners, not these merely form the principal wealth of our country; we have a more precious treasure, and that is the *character of the people*, . . . but you want to achieve the *cheapest* in place of the *best*."

Long ago certain causes were held to justify a forcible separation of parent and child. In the time of Edward VI. and Elizabeth, when poor laws were first framed, *poverty* was considered a sufficient cause for the state to undertake the parent's duty. A statute of Edward VI. enacts that when beggars and idle persons carry children about with them which, being once brought up in idleness, would hardly be brought afterwards to any good kind of labour or service, any person is authorised to take such child, if between the ages of five and fourteen, to be brought up in any honest labour and occupation.

Much more recently—in fact not till 1861—a second cause, that of *crime* on the part of either parent or child, was recognised by law as a sufficient reason for the state to interfere and remove a child from its parent's custody. A child once committed by a magistrate to an industrial school cannot be removed even by its parents before the age of sixteen years, thus clearly recognising the fact that a parent is not always or necesarily the child's best guardian.

A further step in the same direction was taken when, in 1889, the bill for the prevention of cruelty to children, was carried. By means of this law, a parent or guardian if convicted of cruelty endangering the life or health of a child, may be deprived of its custody until the child is fourteen years of age, if a boy, or sixteen years, if a girl. Previously a parent might beat, starve, ill-treat, or neglect his child with impunity, and even by neglect kill it, so long as the murder was committed slowly enough, and no one had the power to interfere. Cruelty to a child is at last as punishable as cruelty to an animal, though the act was not passed for many years later. "We have raised a child to the rank of a dog," says the Rev. B. Waugh—the child's guardian angel as he may well be called,—"now we want to raise it to the rank of a sixpence."

The principle is therefore now recognised even in English law, that certain circumstances do justify the state in depriving a parent of his "rights"; although, as Dr. Anderson remarks in an article published in the *Contemporary Magazine*, for January, 1891, "It would be an insufferable check upon philanthropic effort on behalf of the young, to require that no child shall be rescued unless its parent or guardian has been prosecuted to conviction for cruelty of neglect." There is, however, a great contrast between the timid

legislation of England on this subject, and that of other countries, and in this fact may be found one answer to the question that so many people must often have asked themselves—where are the results of all the philanthrophic enterprises of the day, are they doing any permanent good; if so, why is there still so much misery, poverty, crime; so many children still uncared for and neglected in spite of the many children's homes and orphanages?

In view of the increasing interest and importance now attached to all philanthropic efforts, it may be useful to glance at some of the laws of other countries as far as they concern the welfare and protection of children, for such laws are framed so as to insure the child's good, even at the cost, if necessary, of depriving a parent of his rights—when such parents are manifestly unfit to exercise them, and when they neglect their duties. America has probably made the greatest advance of any country as regards this particular matter, and, that they have proved beneficial, may be judged from the fact, that one state after another is gradually adopting stringent laws as regards the welfare of children.

Michigan.

The most recent and complete are those passed, some as late as December 1889, by the State of Michigan. It is worth while examining them at some length, both because they are as yet little known, and because they were carefully framed after an extensive study of the whole subject, and of the laws of other countries (especially of a projected law, recently drawn up for the consideration of the French Chamber of Deputies). They may, therefore, well serve as a model for future legislation on this subject.

These laws have a twofold object: to protect the child and to protect the public; or, as stated in a pamphlet drawn up for the guidance of those who will have to carry out the law,

> "To save the child to an honest, self-supporting life, and to save the people from supporting it in charitable or penal institutions. The execution of the law will aid in the prevention of pauperism and crime. The state is deeply interested in the virtue and welfare of all its children, for, if they are not given a fair chance they, and the state alike, must suffer."

The Board of Control of the State Public School of Coldwater, Michigan, says in words that should be engraved on the hearts of all legislators:

> "All good citizens are interested in securing the moral and physical safety of all children so as to give them a fair chance in life, however high or however lowly may be their place in society."

The following are these laws as amended in December 1889, and the laws apply not only to children born in the State, but to those brought into it from other places.

Any ill-treated child, under the age of sixteen years is placed under the protection of public authority, and may be removed from its parent or guardian. An ill-treated child is defined to be one whose health is endangered by want, exposure, by an occupation injurious to health, or to its morals, or one whose father, mother, or guardian,

is an habitual drunkard, a person of bad conduct, a beggar, or a criminal, or one who permits the child to be the companion of such characters, or who by any act, example, *or by vicious training, depraves the morals of such child*. A child under sixteen also comes under the statute if employed as an acrobat, or as a beggar, or dancer, or if permitted to be in any drinking saloon, or bar-room, or in gaming-houses, houses used for immoral purposes, dancing saloons, and the like. Not only may the guardian or parent be deprived of the custody of the child for such an offence, but the innkeeper or proprietor who permits a child to remain in such places as those described, is liable to a fine of from twenty-five to fifty dollars (£5 to £10), or to imprisonment for from ten to thirty days. It is forbidden either to sell or give to a child any books or pictures likely to corrupt the mind, or any papers devoted to police or criminal reports. If such accusations as these are proved against any parent or guardian, he is deprived of the custody of his child during its minority, and the Judge of Probate may dispose of the child, either by sending it to the state public school (we have no institution quite analogous to this), by giving it into the charge of the superintendent of the poor, or by placing the child under the care of a respectable and suitable person of sufficient means, as guardian, such person undertaking to treat the child as one of his own family: children under sixteen, who are in custody, are not allowed to be in cells or rooms with adult prisoners. Bootblacks and newsboys must attend school for at least four months of the year.

Since 1882 it has been illegal to keep any child in Michigan in a poorhouse, unless it is under two years of age, and is there with its mother: if under four years of age, the mother's consent (if she is in the poorhouse) must be obtained before the child is removed. This rule is framed to prevent young and innocent children being placed under the care of paupers. Children from the county poorhouses may be placed in the state public school, or if that is full, in some respectable family or charitable institution, at the expense of the county, or in some building specially devoted to the use of children, and where pauper labour is *not* permitted. Any person undertaking the charge of a child has to enter into certain agreements as to the child's training and education.

Surely everyone must admit that such laws as these are wise and beneficent, and are not only good for the child, but must conduce to the well-being of the community. When the parent fails in his *duty* towards his offspring, he ought surely to be deprived of his *rights*, and possibly punished otherwise as well. It is true that the laws of Michigan do not in any way punish the parent who fails in his duty, beyond removing the child; and it will probably also be found that they are deficient in one other respect—that no *one* special person or body is appointed to see that these laws are executed: for effective work this may prove to be a necessity.

Indiana.

This defect has been remedied in Indiana where the laws are much the same, but where a board of six persons—three men and three

women—working without pay, and called the Board of Children's Guardians has been created. This board may take under its control any child under fifteen years of age, who is abandoned, neglected, or cruelly treated—the children of drunken or vicious parents—children who beg or who appear to be vicious or incorrigible. The board has the power of immediately providing temporary homes for such children, and subsequently, after the case has been duly investigated by the circuit court, and the parents, if any, summoned, in self-defence, they may apprentice, have adopted, or otherwise dispose of, such children *without the consent of their parents*, if the court so direct. The county pays about a shilling a day towards the support of the children, further expenses, if any, being privately subscribed. The first board was appointed and began work in the spring of 1890, and during the first five months only of its existence, it investigated eighty-seven complaints, involving the interests of one hundred and sixty-six children. Indiana last year (1891), decided to make special grants for the *industrial* training of blind, deaf-mute, and feeble-minded children.

New York.

The institutions in New York to which, since 1886, have been given the charge of neglected children are mainly managed and carried on by efficient *voluntary* efforts, not by the state; so great is their efficiency, and so real the work accomplished, that the number of children arrested for petty larcenies decreased during one decade from 1000 to 300 a year; and this, though the population had more than doubled, and the arrests (other than those of children) had largely increased, in the same period. One society alone —that for the prevention of cruelty to childen—with an annual income and expenditure of some £15,000 (over £1,500 being collected from the parents of children), has thirty-one homes in the city, rescued 3,336 children in one year (1890), and investigated over 7,000 complaints, it has also been the means of starting ninety-four similar institutions and societies in other states. It is not necessary that there should be actual danger to life before the protection of the law can be invoked. In one instance last year on hearing complaints of a variety entertainment, much frequented by boys, the society interfered and got the man who admitted the children fined £5! This society is entirely dependent on *voluntary* effort, it has no endowment or state aid, and during the sixteen years of its existence, it has rescued nearly 30,000 children, while its records are histories of some 200,000 children. During some ten years since the reception room was opened, it gave 67,000 meals, and sheltered 7,675 children. There are now some 300 societies of the kind all over the world.

The intention of the law has been practically the same since 1777:—namely that, when parents are indifferent to their children's welfare, they can be permanently, and, by judicial decree, deprived of their custody and the children sent to suitable institutions, so that worthless parents are entirely separated from their children, and prevented from injuring them either physically or morally. Imprison-

ment for six months, and the removal of the child may be, and is, awarded to a drunken father or mother who allows a child to starve. Sending children to public-houses, encouraging them to beg, or even failing, whether carelessly or in ignorance, to prevent them from begging, are offences punishable by imprisonment with hard labour, and the loss of the child. Not only so, but inn-keepers selling liquor to minors may be heavily fined and deprived of their licence! Proprietors of questionable entertainments, of gaming or drinking, saloons, may also be heavily fined, if they permit boys or girls under sixteen, to frequent them, nor does the law allow children under sixteen to be employed or to take part in theatrical entertainments, or other exhibitions, or to be trained for such purposes, both the parent and the person employing the child may be prosecuted. If a woman keeps any child, even her own, in a house used for immoral purposes, she may be imprisoned and her child separated entirely from her, so that she can no longer have access to it. To sum up, whenever and wherever children are in danger of being corrupted by their surroundings, they may be removed, for "a deep interest is taken by the people of the State of New York in its children."

State boards of charities were formed during 1891 in three of the Western States—Wyoming, Colorada, and Oregon. Colorada and Wyoming also passed laws last year for the prevention of cruelty to children: one of which is that no child under the age of fourteen may be used for the purposes of exhibition, and that suitable societies may be appointed as children's guardians.

In Georgia no liquor is, for the future, to be sold within three miles of any school building.

All the states are every year giving increased aid to higher education, and also to the education of the physically weak children. For example, Alabama gives special grants for the education of blind and deaf and dumb negro children, and North Dakota has made the education of the deaf from seven to twenty years of age compulsory.

Massachusetts.

It is worth while to glance rapidly at the laws for the benefit of neglected children of one other American state. In Massachusetts a judge or justice may order any neglected child under the age of sixteen years, to be removed to an institution until it reaches the age of twenty-one if a boy, or eighteen if a girl. Any girl, if found in want or suffering, neglected, begging, or abandoned, leading an idle, vagrant, or vicious life, may be sent to an industrial school till she is twenty-one years old.* All institutions, however, have the power (if likely to be for the good of the children) of apprenticing or finding situations for the boys and girls under twenty-one years old under their care, so long as they remain under the supervision of such institutions until the age of twenty-one is reached. A special sum of money (200 dollars a year) is set apart in the industrial schools to be used, if needed, for the benefit of destitute girls who

* Educational laws are better enforced in Massachusetts than in any oh r state, and it has also the most valuable statistical records.

have left the school, and are out of work. Further, any child under fourteen, if abandoned or cruelly treated, is given into the care of the Society for the Prevention of Cruelty to Children, and this society henceforth has exclusive control of such child; they even go a step farther, and allow the parents of a child, if they find themselves unable to support it, voluntarily to give the child into the care of this society, whose charge it then becomes, the parents signing an agreement to that effect. Of course these agreements and judicial decisions can be revoked at any time by an order of the magistrate, if desirable, or if the parent reforms. Neglected children and paupers are to be maintained, educated, and employed, in the State Primary School till the age of sixteen. This does not conclude the beneficial laws on behalf of children of the State of Massachusetts. The following is one of the most important. While small towns *may*, every town of 5,000 or more inhabitants is *bound* to make provision for children under sixteen, who by reason of neglect, crime, drunkenness, or other vice of the parents, or from orphanage, are growing up without proper control and education, or are in such circumstances as *expose them to lead idle or bad lives*, and may make such bye-laws as may be for the good of the children and of the town. Juvenile offenders are to be tried separately and *apart* from other criminal cases at the session for juvenile offenders, and, when arrested, may be admitted to bail. No child under twelve may be committed to jail or to a workhouse, even in default of bail, except for an offence punishable by imprisonment for life, but must be given into the custody of the state board of health. Juvenile offenders may be placed in the charge of private persons, or sent to the primary school; or if very intractable, to the reform or industrial schools till twenty-one, if thought desirable.

Apparently none of these statutes compel the delinquent parents to contribute towards the support of the child taken from them; the collection of such contributions would probably be almost impossible. In the long run, however, the state will certainly reap the benefit of these measures, even from a pecuniary point of view. It is far *cheaper* to support and train a child for four or five years than it is to support criminals for an indefinite length of time. A criminal may cost the state—that is the ratepayers—some hundreds of pounds, whereas the training of a child need only cost £15 to £20 a year, and that for a limited period, after which the child will become self-supporting and a gain to the country; increasing its wealth, instead of being a drain upon its resources, and the stream that feeds our destitute and criminal population will be checked at its source.

It surely is not too much to ask that every child who is born into this christian land of ours, shall at least have a chance of living a moral, decent life, and, therefore, that if it is born into such surroundings that it must almost inevitably grow up ignorant, degraded or criminal, the state ought to have power to step in and remove that child, so as to give it such a training, both physical and moral, as shall turn the "lava stream of evil into a beneficent stream of good." Would not some such measure be at least one step towards

the salvation of our country, with its myriads of hopeless men and women, always living on the verge of starvation? Three millions of people are always more or less dependent on charity, the poorhouse, or the gains of vice and crime—that is, one in every ten of our whole population. If we despair when we think of this vast number, if it seems hopeless to attempt to reform the habitual drunkard or criminal, with all the more hope and energy ought we to set to work at the fountain-head of the stream that feeds this class, and turning from punitive measures, devote ourselves to *preventive* work amongst the children. The late Cardinal Manning has well said :—

> "We ought always to lay this well to heart—that the poor children we pass in the streets have in them the capacities and the susceptibilities of being raised and trained to become men and women with any degree of refinement, and any degree of intelligence. We neglect and pass by the wonderful gifts of nature, which are entrusted to us to develop and bring forth. We cannot forget the words of Our Divine Master :—'Take heed how ye despise one of these little ones.' By despising, I understand passing them by carelessly, disregarding their capabilities, and taking no thought of them. It would seem to me that there is a great responsibility in this. But the responsibility is very greatly increased when we add one more thought: that, if *we* do not form them, the world will deform them; that if *we* do not take them up, and elicit from them that which they are capable of being, they will be disfigured, distorted, and degraded; and that the image of God, which is in them all, will be obscured, and perhaps at last extinguished."

Whilst it is, therefore, highly desirable both for the child's sake and for the future well-being of the community, to remove him from dangerous surroundings, it is also important that an effort should be made to enforce on each parent his share of duty. A parent, whose idleness or crime devolves on the state (that is on the rate-paying classes, the honest and the industrious) the responsibility and the cost of maintaining his child, should not be free from punishment, and should not have the power of claiming his child, whom, owing to his neglect, others are training. A complete waste of the care, time, and money expended on a destitute child, is but too often caused by the fact that parents, however dissolute and degraded they may be, may remove their children from voluntary schools at any time (the recent bill for the custody of children, which does not, however, apply to Ireland, somewhat limits this power, it is true), and even the government industrial schools cannot retain the children beyond the age of sixteen years, nor prevent them from then returning to their relatives. Thus a child, removed by law from its parent while it was useless and helpless, is maintained, educated, and taught a trade, free of cost to the parent (as a rule), and then, this same parent, considered unfit, previously, to be the guardian of his child, may now reap the benefit of the child's skill, and live on the child's earnings, while, perhaps, undoing in a few weeks the good work of years. As a matter of fact, the manager of one large industrial school calculated that a *fourth* of the children who, on leaving the school, returned to their parents, speedily relapsed into crime, while the proportion of relapses was only one in twenty of those otherwise provided for. Another manager states that the proportion of relapses into crime, is *three* times as great amongst boys returning to

their homes, as it is amongst those for whom situations are found elsewhere. Other countries are wiser than England in this respect.

In Australia, a destitute child coming under the care of the state, becomes a ward of state, and undesirable parents cannot resume their authority. In France if the state has reared a child, it becomes, as it were, the property of the state, and cannot be claimed by the parents unless they first repay the entire sum the state has spent upon the child's maintainance.

France has also just passed a law by which parents who, by their habitual drunkenness, or notoriously scandalous conduct, or their ill-treatment, compromise the health, safety, or morals of their children, are declared to lose their parental power. The duty of looking after these neglected little ones is placed in the hands of the inspectors of public assistance. Practically, however, the power of the inspectors is delegated to the charitable associations who have already occupied themselves with the children, and been instrumental in bringing about this beneficial change in the law.

We may learn something even from *Africa;* King Leopold of the Belgians has ordered deserted, or neglected, or orphan children, and all children whose parents do not fulfil their duty towards them, as well as those who have been liberated from slavery, found in his African possession (the Congo Free State), to be taken charge of by the government, and gathered into agricultural colonies, where they may be properly educated and taught trades.

One other suggestion on behalf of children, in which other countries are in advance of England I should like to quote from a recent article on the subject:—

> "There ought to be a special administration for offences of children, and a special court where, without technical limitation, their circumstances and history being fully known, they might receive such treatment as a judge in chambers would be free to give to such cases as come before him—a full treatment, and one of equity. Already this proposal as to juvenile delinquincies is adopted in South Australia. The practice in that colony is thus described in an official letter from the state's children's department at Adelaide:—'For some years we have felt that the practice of arresting children on all charges, and locking them up at the city watchhouse in company with the drunken, degraded characters usually confined in such places, and then deporting them as prisoners to the police court to be tried as criminals, was pernicious in its effects on, and unjust to the children, and was, at the same time, most unwise as a question of policy. This council, therefore, urged the government to instruct that all charges against children should be heard in a court to be held at the offices of this department.
>
> "'According to this procedure (which affects all girls under eighteen, and boys under the age of sixteen years), all children arrested for, or charged with, any offence are dealt with entirely at this department, and do not come into contact with the police station and police court at all; this result cannot but be looked upon as of wide-reaching importance, saving, as it does, from the hardening and contaminating effects of association with adult criminals and of public trial, the innocent child as well as the youthful first offender, the uncontrollable boy as well as the young girl just beginning a life of shame.'
>
> "What is needed to meet the wants of child-life, is a new department of government, and a responsible minister of the crown, to work with all voluntary associations for righteousness to children. Nor can any government be a Christian government, while it neglects the tens of

thousands of young and helpless victims of selfish, base, and filthy national vices; for above all other subjects of the crown, these need the force of the secular arm. Avarice in employment, apathy in education are already controlled, but the control of these is of secondary importance compared with the control of vice at home. Men do not remember that although the nation is but slighly dependent on the children of to-day for the prosperity of to-day, it will be wholly dependent upon them for the prosperity of to-morrow."

Dr. Anderson, Director of the Criminal Investigation Department, in a recent article, writes :—

"What hope is there of securing attention to the pressing needs of legislation on behalf of the waifs and strays of our streets, and the children of our criminals and paupers? Yet here it is that we can reach the very roots of the tree, which produces such a fruitful crop of criminals. And surely the conscience of the nation cannot slumber much longer over this great question, we are now-a-days too enlightened to recognise 'the divine right of kings to govern wrong,' but the divine right of vicious and brutal parents to make their children brutal and vicious like themselves is still guarded with scrupulous care.

"The English law recognises that it is the undoubted right of a parent, no matter how brutal, to resume possession of a child, no matter how shameful may have been the neglect and ill-treatment to which it has been exposed.

"The state does nothing to help, and something to hinder, philanthropic efforts for the rescue of poor hapless waifs. A large proportion of the neglected child-life of the metropolis from which the great army of crime is now recruited might be won over to honest industry."

Part II.

The second important point in this branch of American legislation to which I wish to draw attention, are the laws relating to the *adoption* of children.

According to English law, adoption in the full sense of the word is impossible. This fact has proved a great hindrance to people who would be willing to adopt a destitute or friendless child, were they sure it could not afterwards be removed by relatives; but as the law at present stands, the actual parents may at any time, no matter what agreements may have previously been made and signed, claim their children, even when such claims may be to the manifest injury of the child. (This right is now somewhat curtailed, happily.) Our English law upholds a parent's rights, at all costs, often even to the injury of the children, or, as has been said, "the rights of a parent are always in full operative force."

In philanthropic work, instances are constantly seen of the permanent moral and physical injury inflicted on children by depraved parents—such as in one case where a child had been taken into a Home during the mother's imprisonment, but, on her release, she claimed it, because she could not gain so much by begging without the child.

In the United States and in Canada, adoption is legalised, and an adopted child is recognised in name, in inheritance, and in all points, as on precisely the same standing as the actual children of the adopting parents, who assume all the rights and responsibilities of the real parents, while these have no further claim or right whatever

over their child. In most of the states there are at least two methods of adoption possible and legal:—First, adoption may take place at the wish and with the consent of the parent or parents; second, under certain circumstances such as desertion (for a period that varies from one to three years in the different states), or hopeless insanity, lengthened imprisonment, abandonment, long-continued neglect or ill-treatment, under these circumstances, adoption may even take place, and is valid in law without the consent of any parent; but if the child is over a certain age—usually fourteen—his or her consent must be obtained. In every case the court must be satisfied that the adoption will be for the good of the child, and the adopting parents must undertake to fulfil a parent's duty as regards maintenance, education, etc. Certain forms have also to be gone through, and agreements to be made before the magistrate or judge—usually the judge of the probate court. The following details regarding the adoption of children in the various states may be of interest:—

Michigan.

In Michigan, if the parents have abandoned a child, the officers of state institutions, or of those asylums for children that are incorporated under the laws of the state, are competent to carry through the adoption of children, it being the settled American rule that it is "the duty of the courts to award the custody of the child as may be for its highest welfare, and no technicalities shall affect such disposition." This act is new in statute law, though it had very usually, but not uniformly, been acted on previously to the passing of the statute. Adoption may also, of course, take place with the parent's consent, if alive, and not legally incapacitated.

Connecticut.

The law passed in 1888 in Connecticut is to the same effect,—namely, that on satisfying the court of probate that adoption will be for the welfare of the child, and for the public good, parents, guardians, or the managers of those orphanages that are chartered by the state, or the select men of any town that has charge of deserted children, may procure such adoption for children under fourteen, and for children over fourteen, if such children consent, and of foundlings of one year old and upwards. People who have adopted children prior to 1886, can have such adoption legalised and confirmed. No child, even one vicious and incorrigible, while between the age of two and sixteen years, is allowed to be in or to be sent to a jail, almshouse, or workhouse; but children under sixteen who are idle, vagrant, vicious, destitute, disobedient, immoral, incorrigible, or who refuse to work, or who are in danger of becoming idle or vicious; and in the case of girls, if they are simply neglected or truant, all such children may be committed to the state reform school, or to industrial schools.

Pennsylvania.

In 1883 Pennsylvania passed a very similar law, with the addi-

tion that if the child has been neglected or deserted for one year or upwards, it may be adopted, without the parent's consent, at the wish of its nearest friends, or of the poor-law guardians, if the court is satisfied it will be for the good of the child, or of such charitable institution as has supported the child for at least one year. Of course a child may be adopted with the consent of the parents, but such consent is unnecessary, if the parents from drunkenness or profligacy have failed to provide for their children for one year or more. Be it noted that such adopted children inherit and are in every way regarded as in the same legal position as lawful children; *e.g.*, if the adopting parents die intestate, the adopted child inherits exactly as a natural child would.

Ohio.

In Ohio similarly children who are minors may be adopted with their parent's consent if the court approves of the suitability of the persons proposing to adopt; should the parents be insane, drunkards, or have abandoned the child, or should there be no parents, the consent of the guardians, or of some person appointed by the state to act on the child's behalf, alone is necessary. If the child is over fourteen it must be a consenting party to such adoption.

If a child has been rescued by, or given in charge to, an orphanage, the consent of the directors or trustees of the orphanage alone is necessary. In fact, when these measures became law, which was only in 1890, it was also decreed that the trustees of children's homes should *seek* for suitable private homes for the care, adoption, or apprenticeship of children under their charge. Vagrant children may also be adopted by permission of the court. The natural parents are deprived of all legal rights and obligations, these now devolving on the adopting parents.

Illinois.

In Illinois a foundling, an orphan, or a child deserted by its parents for one year or more, may be adopted by consent of the circuit or county court, if the petitioner has the means and ability to support and educate the child; the consent of relatives, or of the guardian, if any, must be obtained, or the consent of the child himself, if over fourteen years of age. If the parents have abandoned the child, or left it in a charitable institution, they forfeit all parental rights, control, and authority, and their child may be legally adopted even without their consent; they are thenceforth deprived of all legal rights over their child, who may take the name of his adopting parents. Girls in industrial schools may be placed in private homes for any time agreed on, or may be adopted at the wish of the trustees or managers. Any girl, without parental care or means of living, or a beggar, or one receiving alms under pretence of begging, a wanderer, in want, destitute, or homeless, the companion of criminals, or one found in prison, in an improper house, or in a *poorhouse*, may be committed to an industrial school. Such inmates of industrial schools may be adopted or apprenticed under the supervision of the manager.

Massachusetts.

Massachusetts goes a step further, and directs that the state board shall *seek out* suitable persons to adopt, educate, and maintain, neglected or abandoned children, or children from the state schools, or juvenile offenders. If the person to be adopted is an adult, no one else's consent need be obtained. In every case, the child's consent must be obtained, if he is over fourteen; if under fourteen, and illegitimate, the mother's consent only is necessary; but even if legitimate, if the parents or guardians are hopelessly insane, are drunkards, or of bad moral character, have neglected, deserted, or failed to provide properly for the child for two or more years, or if they are undergoing imprisonment for over three years, or if they have allowed the child to be supported as a pauper, or by a charitable institution for two continuous years or more, the parent's consent, previous to adoption, is not necessary. Should no written consent be given, or the parents not be known, certain formalities, as advertising in the newspapers, etc., must be gone through in order that the parents, if found, may object if they wish. Should no objection be made within the time specified, the adoption may take place on approval of the probate court, to which the petition for adoption must be made: the decision may, however, be reversed by the supreme judicial court if appeal is made within one year, and if the person who appeals was not at the time of adoption undergoing imprisonment, or the court may appoint a guardian *ad litem* with power to give or withhold consent. As a matter of fact, however, the decisions are rarely, if ever, reversed: certainly in New York, in 1888, not one such appeal was successful. When parents agree to adoption (and a written agreement to that effect given to any charitable institution is regarded as consent to any adoption subsequently approved of by such institution), they cannot afterwards claim their child.

In England (until 1891, and in this country still), such an agreement is but waste paper, and at any moment, after any number of years of neglect or desertion, a parent may demand his child, and those who have in the meantime acted *in loco parentis*, are bound to comply with the demand.

Canada.

In most, if not all of the provinces of Canada, very much the same laws as regards adoption are in force as those of the United States, already specified.

New Brunswick.

The child must consent to adoption, if over *twelve* years of age. Consent of the child and of the parents being once given, they cease to have any further control over the child. Failing parents, the guardian, or next-of-kin, may consent to adoption, or if there are none, the judge may appoint a barrister to act in their place as next friend of and for such child. No provision, however, is made for legal adoption, nor for the removal of children from their parent's custody, without the parent's consent, if alive.

The latest English legislation on this subject is the Lord Chancellor's bill for the Custody of Children, which passed into law in

1891: it does not, however, apply to Ireland. It is to the effect that the High Court, or Court of Session, may refuse to issue a writ or order for the production of a child on the demand of the parent or guardian, if the court considers such parent or guardian to have abandoned or deserted his child, or to be unfit for its custody; the parent may, however, demand that the child shall be brought up in the religion he desires. If the court does order the child to be given up, it may also order the parent to repay a whole or a part of the costs incurred by the person, union, or institution, that has hitherto had charge of the child. When the parent has deserted or abandoned his child, or allowed it to be brought up at another person's expense, thus showing his indifference to it, the court shall *not* order the child to be given up, unless the change would be for the child's benefit, and the court should consider the parent a fit person to have the custody of the child. In this act the word *person* is to include institutions and schools.

This is a very valuable act, and has already been put to the test with good results.

There is no doubt that it is better economy, even from a financial point of view, to give a child four or five years good training, so as to fit it to make its own way in life, rather than, by neglect, to allow it to lapse into the beggar or criminal class. It is true that the cost is not small, for in the metropolitan pauper schools, each child costs some £25 a year, so that if it is kept for only five years, the cost to the ratepayers of that one child is some £120. In industrial schools the cost of each child varies from £18 to £34 a-year.

But every one who has had any work to do in connection with the emigration of children, knows that it is perfectly easy to find suitable *homes*, not institutions, for even quite young children in certain countries; so that, instead of the country having to support, either in government or voluntary institutions, a child for, perhaps, ten years, or, any rate, until old enough to earn its living, they can be at once provided with homes for life, free of all cost, beyond the mere emigration and outfit expenses. By means, therefore, of emigration (in connection with adoption), a destitute child may be rescued, trained here for a short time, then, if healthy and otherwise suitable, a home may be found for it in, say, Canada—where the demand for children of all ages is, at present, far larger than the supply—and all at an outside cost of £15 to £20. An additional advantage is that a child emigrating young, is easily acclimatised, and soon forgets its degrading past, while, as it grows up to healthy, manual labour, it enriches, instead of impoverishing, the country of its adoption.

Just to give one case in point—a mite of a child, about four years of age, was found by a lady in one of the worst streets of a large town; the parents had disappeared, and no money being forthcoming, the woman, in whose care it was left, had utterly neglected it. The child was half-starved, filthy, its skin diseased, and it seemed unable to speak without using bad language. A few months country air, kind care, good feeding, and loving training, soon transformed her into a healthy, gentle, and obedient little child, with the dark past

all forgotten. She was then sent to Canada, and there adopted by some farming people, as a companion for their only little girl, and the last news received of her was that this child, now, of course, attending school regularly, was the pet of the whole household, and had such a gift for music, that she was learning the organ. This transformation of a child, apparently destined to swell the destitute, if not criminal class, into the loving daughter of a happy home, was effected at the cost of some £12.

There is no doubt that legislation for the protection of a child's interests and welfare, physical and moral, is imperatively required; for this work of rescuing the drift children ought not to rest wholly upon voluntary efforts. In fact, one writer goes so far as to say—

> "The only right of the parent recognised by law is that of guardianship. From the time of its birth the infant is a subject of the state, with distinct rights."

Of course, if a parent obviously fails in his duty, the Court of Chancery has the power to interfere and remove the children, but, I need hardly say, that the great cost of this process makes it utterly useless for the *poor* children who chiefly need this protection of the law. Besides it has hitherto been no one's special duty to interfere, and there is a general impression that a man's children are his own, and that he may do what he likes with them.

A leading liberal statesman has well said—

> "I regard the existing generation as lost. Nothing can be done with men and women who have grown up under the present demoralising conditions. My only hope is that the children may have a better chance."

But what is being done to give them this better chance? are not the demoralising conditions which have produced the present generation worse rather than better? The conditions must either be changed or the children removed, if future generations are to be better than this.

Factories, overcrowding, and other causes have largely destroyed homes, and the home-like virtues;

> "The dishomed multitude, nomadic, hungry, is rearing an undisciplined population, cursed from birth with hereditary weakness of body and hereditary faults of character. To men and women without homes, children must be more or less of an incumbrance."

I have not touched upon two points which are within measurable distance of being placed under legislative control—baby-farming and the insurance of children: but there is one other reform which recent shocking disclosures should hasten, and that is the inspection, including 'surprise' visits, of all charitable institutions by competent persons, who must be wholly unconnected with such institutions.

Some such measures as those I have referred to here will bring their reward in future generations, and will be the best answer to the terrible question asked by General Booth—

> "Is this submerged tenth beyond the reach of the nine-tenths in the midst of whom they live? The Israelites of old set apart one tribe in twelve to minister to the Lord in the service of the Temple; but must we doom one in ten to the service of the great twin devils—destitution and despair?"