

authority and supervision of the State. In all States, the custody and control of children is fixed by statute. This power of custody and control so delegated by the State cannot be transferred without the consent of the State through its proper courts. A parent cannot give away his child or confer upon another any legal right to its custody or control. From time immemorial, the King, in his Court of Chancery, has been the protector of the persons and estates of all the infants in the kingdom; and this power has been conferred upon the Court of Chancery which sits as the representative of the sovereign. The jurisdiction is founded in the prerogative of the crown, and in its general power and duty as "parens patriae" to protect those who have no other lawful protection. Accordingly, Courts of Chancery have exercised their jurisdiction to take the custody of children away from parents, or from one parent to give it to the other, and without regard to parental rights, but looking only to the welfare of the child, to place it where it will receive good care, education and moral training. Parents are intrusted with the custody of the persons and education of their children, under the natural presumption that the children will be properly taken care of and brought up with a due education in literature, morals and religion, and that they will be treated with kindness and affection. But whenever this presumption is removed, and it is found that a father is guilty of gross ill-treatment or cruelty towards his infant children, or that his domestic associations are such as tend to the corruption or contamination of his children, the Court of Chancery may interfere and deprive him of their custody, and appoint a suitable person to act as guardian; care for them, and superintend their education."

If this is good law—and I am assured by high legal authority that it is—the right to remove these children is fully established, but it seems to demand special legislation to make it operative.

In 1889 a bill was passed by the Legislature of Indiana creating Local Boards, one in each County, of six persons, three men and three women, appointed by the Circuit Court of each county, serving without pay, and called "The Board of Children's Guardians."

This Board has the power to take under its control, children under fifteen years of age who are abandoned, neglected, or cruelly treated by their parents; children begging on the streets; children of habitually drunken, or vicious or unfit parents; children kept in vicious or immoral associations; children known by their language or lives to be vicious or incorrigible; juvenile delinquents or truants. It provides a temporary home where such children may be maintained and educated. Under order of the Court such children may be indentured as apprentices, or may be adopted without the consent of their parents, by the consent of the Board filed in the Circuit Court, or such children may be in any manner disposed of as the Court shall direct. Substantially similar statutes have been enacted in Michigan, Connecticut, and, I believe, in some other States as well.

After the strong recommendations of the Prison Reform Commission, the Prisoners' Aid Association, The Children's Aid Society, and the late Prison Reform Con-

ference with reference to the necessity of a radical measure dealing with the Child Problem, we surely may expect that the approaching session of the Ontario Legislature will not be prorogued without the passing of a Bill dealing comprehensively with this most important question.

When we have obtained legal possession of these destitute and delinquent children, the next question is,—What means shall we adopt to give said children the best opportunity of becoming useful members of society? Our methods must be economical, but they must also be efficient. Let us first take the case of the class described as destitute children, or non-criminals, ill-treated children, orphans, and all very young children without proper guardians.

Among the means that may be adopted to give these waifs of society a fair chance in life may be mentioned the following, viz.—

1. Emigration. We might collect these children from the courts and alleys of Toronto and ship them to the Northwest Provinces, and allow each one to go with the first person asking, and we might leave them to shift for themselves without proper supervision afterwards. This would be cheap for Toronto, but it would not be a kindness to the North West, and it would not be the best method of dealing with the children. A good percentage might possibly do well even under these disadvantageous circumstances, but the chances would be against them.

2. These Children might be placed in the County Poor-house to grow up in association with paupers and with the degraded as well. This plan is now universally condemned, and in the neighbouring State of New York, the placing or the keeping of children over three years of age in poor-houses or alms-houses is prohibited by law.

3. Or they may be placed in County Orphanages, and subsequently placed out in foster homes. In the State of Ohio there are over 40 such County Orphanages which have cost over \$1,000,000 for buildings and land. The objections to this plan are, first, that it is unnecessarily expensive; and, second, that there is a tendency to keep the children in these institutions longer than necessary instead of placing them out promptly.

4. Another plan is to take a child from the street and place it in a family direct, without seeing the inside of an orphanage or any other institution. This is now done very largely in the State of Pennsylvania. This, it is obvious, is a most economical system, and in the case at least of very young children it seems to work well.

5. A fifth plan, and one that has met with almost universal approval, is a combination of the two plans last mentioned, or rather a modification of both, namely, placing the children temporarily in an orphanage or a district "Home," that is, an orphanage or a children's "Home" common to several adjacent counties. From this "Home" the children are distributed to foster homes after a preliminary course of discipline and education. The foster homes are selected with the greatest care, and the children are kept under supervision, if necessary, during minority. In many cases the children are adopted by their new guardians.

6. A sixth plan of dealing with desti-

tute children is known as "The Michigan System," and it has worked so satisfactorily that it has been adopted in Wisconsin, Minnesota and Rhode Island.

In this system instead of a number of County or District Homes, there is one Central Home or School called the "State Public Schools," established and maintained by the State and under the management of a "Board of Control." The Board, in their last report, points with pride to the fact that since the establishment of the State School at Coldwater in 1874 there has been a marked and constant decrease in the number of dependent children in Michigan. In 1874 there was one dependent child under 16 years of age to every 2233 inhabitants; whereas in 1890 there was one to every 7256, although the population had increased over fifty per cent. during that time. The work of placing out and supervising the children after being placed out is done conjointly by an officer of the Board, called the "State Agent" and the County Agents of the State Board of Charity.

If one State School for dependent children works well in a small State like Michigan, why may not two such schools work equally well in the Province of Ontario? It would be a simple matter to divide the Province into two divisions, namely, into Eastern and Western Ontario, and place one school, say, at Hamilton or London in Western Ontario and the other school, say, at Kingston or at Brockville in Eastern Ontario.

Thus far we have been discussing the best methods of dealing with destitute children. It now remains for us to consider the case of delinquents or juvenile offenders, and let me say at the outset that I consider it important that a broad distinction should be made between the two classes. Classification is as important with juveniles as with adults. Some gaolers seem to think they make a proper classification when they separate the boys from the adult prisoners, but if I had to make the choice, I would place a comparatively innocent boy with an adult prisoner rather than with a really bad boy of his own age. I might say just here, parenthetically, that I trust the day is not far distant when our gaols will be conducted strictly on the separate or cellular system, and be used only as places of detention before trial, and that a separate place of detention will be provided for all children under arrest.

With regard to the best methods of dealing with delinquents and with the question of juvenile crime generally I can not do better than to quote from the carefully considered Recommendations of the Ontario Prison Reform Commission, or rather as they relate to juvenile criminality, from a summary of these Recommendations as they appear in three of the resolutions adopted by the Prison Reform Conference held in this city in November 1891. These resolutions are as follows, viz.

1. "Resolved,—That this Convention having carefully considered the sixteen recommendations made by the Ontario Prison Reform Commission for the suppression of juvenile criminality, desires to express its approval of the same, and its conviction that only in their practical adoption can we hope for any material decrease in the criminal population. We therefore urge upon the Provincial Government and the various municipalities of the Province, the paramount importance