[No. 228.

SOUTH AUSTRALIA.

SECOND AND FINAL REPORT

OF

COMMISSION

APPOINTED TO REPORT ON

THE DESTITUTE ACT, 1881;

TOGETHER WITH

MINUTES OF PROCEEDINGS, EVIDENCE, AND APPENDICES.

Ordered by the House of Assembly to be printed, October 20th, 1885.

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SOUTH AUSTRALIA.

WILLIAM C. F. ROBINSON.

(L.S.)

His Excellency SIR WILLIAM CLEAVER FRANCIS ROBINSON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Province of South Australia and the Dependencies thereof, &c., &c., &c.

To the Honorable SAMUEL JAMES WAY, Chief Justice of the Province of South Australia; the Honorable MAURICE SALOM, M.L.C.; WILLIAM HAINES, Esquire, M.P.; HENRY ROBERT FULLER, Esquire, J.P., Mayor of the City of Adelaide; HENRY WILLIAM THOMPSON, Esquire, J.P.; CHARLES HENRY GOODE, Esquire, J.P.; and JAMES O'CONNELL, Esquire.

KNOW YE that I, relying on your prudence and fidelity, have appointed you, and by these presents do give unto you, or any four of you, full power and authority diligently to inquire and report upon the administration of the Destitute Act and the regulations, and of the business generally of the Destitute Board; also to inquire into and report upon the cases of the destitute children, Ann Deers and the boy Ashwood: And I further authorise and empower you to consider and report as to the site which, in your opinion, would be most suitable and convenient for the erection of a new Destitute Asylum: And for the purposes aforesaid to examine and re-examine, *vivâ voce* or in writing, or both *vivâ voce* and in writing, all witnesses who shall attend before you for the purpose of giving evidence on the matters referred to you, and to call for all writings, books, plans, and documents necessary for carrying on the said inquiry: And I also appoint the said Samuel James Way to be your chairman, to preside at such meetings, as you may consider necessary for the purposes aforesaid: And I give to you, or to any four of you, full power and authority to do all such other acts and things as may be necessary and lawfully done for the due execution hereof: And I require you, without delay, to report to me the result of your inquiries in the matters aforesaid.

Given under my hand and the public seal of the province aforesaid, this third day of May, in the year of our Lord one thousand eight hundred and eighty-three, and in the forty-sixth year of Her Majesty's reign.

By command,

J. C. BRAY, Chief Secretary.

Recorded in Register of Commissions, Letters Patent, &c., Vol. V.

H. J. ANDREWS, Under Secretary.

SOUTH AUSTRALIA.

WILLIAM C. F. ROBINSON.

(L.S.)

His Excellency SIR WILLIAM CLEAVER FRANCIS ROBINSON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Province of South Australia and the Dependencies thereof, &c., &c., &c.

To WILLIAM BUNDEY, Esquire, J.P., Mayor of the City of Adelaide.

WHEREAS by a Commission under my hand and the public seal of the province aforesaid, dated the 3rd day of May, 1883, I did appoint the Honorable Samuel James Way, Chief Justice, the Honorable Maurice Salom, William Haines, Henry Robert Fuller, Henry William Thompson, Charles Henry Goode, and James O'Connell, Esquires, to be Commissioners for the purpose of inquiring into and reporting upon the administration of the Destitute Act and the regulations, and of the business generally of the Destitute Board; also for the purpose of inquiring into and reporting upon the cases of the destitute children, Ann Deers and the boy Ashwood; and also for considering and reporting as to the site which, in their opinion, would be most suitable and convenient for the erection of a new Destitute Asylum: Now therefore I, Sir William Cleaver Francis Robinson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Province of South Australia, do hereby appoint you, the said William Bundey, to be a Commissioner, to act together with the other persons named in the above-mentioned Commission, for the purpose of taking all such measures as may be necessary for inquiring into and reporting upon the several matters referred to the said Commissioners under the authority of the said firstly above-mentioned Commission.

Given under my hand and the puplic seal of the province aforesaid, this 29th day of May, in the year of our Lord one thousand eight hundred and eighty-four, and in the forty-seventh year of Her Majesty's reign.

By command,

J. G. RAMSAY, Chief Secretary.

Recorded in Register of Commissions, Letters Patent, &c., Vol. V.

H. J. ANDREWS, Under Secretary.

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SECOND AND FINAL REPORT.

To His Excellency Sir William Cleaver Francis Robinson, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Province of South Australia and the Dependencies thereof, &c., &c., &c.

May it Please your Excellency—

On the 14th December, 1883, we reported to your Excellency as to the "site "most suitable and convenient for the erection of the new Destitute Asylum." We have now the honor to submit to your Excellency our second and final report, dealing with the other questions confided to us by your Excellency's Commission, dated May 3rd, 1883.

Wide scope of inquiries directed by Commission.

§ 1. Independently of the cases of the children "Ann Deers and Joseph Ash-"wood," an inquiry into "the administration of the Destitute Act and the regulations, "and of the business generally of the Destitute Board," embraces the entire control of both outdoor and indoor poor relief, as well as the more important questions of the reclamation and training of criminal and neglected children, the management of the Reformatory and Industrial Schools, and the systems of boarding and licensing out, adoption, and apprenticeship. This investigation has been of a much more difficult and complex character than we anticipated when we accepted your Excellency's commission, and deals with subjects upon which there is still much difference of opinion amongst the highest authorities.

Proceedings of the Commission.

§ 2. Besides making ourselves acquainted with the experience of other countries in dealing with the questions into which we have inquired, we have held sixty-seven meetings, examined seventy-three witnesses, and paid frequent visits to the Boys' Reformatory Hulk, *Fitzjames*, the Girls' Reformatory and the Industrial School at Magill, the Receiving Depôt at Hardwicke House, Kent Town, and the Destitute Asylum and Lying-in Department, in Adelaide. We have also inspected the Adelaide Gaol, the Yatala Labor Prison, the Hospitals for the Insane, at Adelaide and Parkside; St. Vincent de Paul Roman Catholic Orphanage, at Burnside; the Roman Catholic Female Refuge, at Queen-street, Norwood; the South Australian Female Refuge, at Norwood; and the Orphan Asylum in Adelaide. In addition, we have paid visits to sixty-two of the homes, in different parts of the colony, in which destitute children have been boarded or licensed out.

The Chief Justice, as Chairman of this Commission, visited Sydney at the beginning of the present year for the purpose of inspecting the nautical school ship *Vernon*, and of inquiring into the boarding-out system in New South Wales. When in

in Victoria he made inquiries into the operations of the Industrial and Reformatory Schools Department and of many of the charitable institutions in that colony, and took the evidence of Commander Evans, R.N., Inspector of Industrial and Reformatory Schools and Public Charities; of G. Guillaume, Esquire, Secretary of the Industrial and Reformatory Schools Department; and of James S. Greig, Esquire, Resident Secretary and Superintendent of the Immigrants Aid Society's Home for Homeless and Destitute Persons. The Chief Justice also inspected the following institutions in Victoria:—the Receiving Depôts of the Industrial and Reformatory Schools Department for Boys and for Girls at Royal Park, the Government Reformatory for Girls at Coburg, the Government Reformatory for Boys at Ballarat, the Roman Catholic Reformatory and Industrial Schools, under the charge of the Sisters of the Good Shepherd, at Abbotsford, the Roman Catholic Boys' Orphanage at Emerald Hill, the Melbourne Orphan Asylum at Brighton, the establishments at St. Kilda-road and Royal Park, Melbourne, of the Immigrants' Aid Society, the Melbourne Maternity Hospital, the Servants' Training Institute at Yarra Park, the Victorian Infant Asylum at Yarra Park, and the Refuge, Madeline-street, Carlton.

We desire to express our sincere thanks to the Honorable James Service, Premier and Treasurer of Victoria, and to the Honorable W. B. Dalley, the late Attorney-General and Acting-Premier of New SouthWales, for the facilities they courteously afforded to the Chief Justice in the prosecution of his inquiries in Victoria and New South Wales respectively. We also gratefully acknowledge the valuable assistance afforded to the Chairman and the Commission—in Sydney, by Critchett Walker, Esquire, Under Secretary; the Honorable Dr. MacKellar, M.L.C., late President of the Board of Health; and Mrs. Andrew Garran, a prominent member of the State Childrens' Relief Board; in Melbourne, by T. R. Wilson, Esquire, Under Secretary; Dr. Balls-Headley, Honorary Surgeon of the Melbourne Maternity Hospital; Commander Evans, Mr. Guillaume, Mr. Greig, Alfred Woolley, Esquire, Honorary Secretary of the Immigrants' Aid Society; and F. Lincolne, Esquire, of the Government Shorthand-Writers' Staff; and in Adelaide by the heads of the various Government Departments whom we have had occasion to consult. The Honorable James Service placed a shorthand-writer at the disposal of the Chairman of the Commission for the purpose of taking the Victorian evidence; and Commander Evans, Mr. Guillaume, and Mr. Greig, besides giving valuable evidence, have favored us with suggestions and information which have been of great service to us in the preparation of this report. We have also received the most willing assistance from the Chairman and members of the Destitute Board; and the officers of the Department have been untiring in their endeavours to complete the many returns for which we have had occasion to call. M. H. Davis, Esquire, the Roman Catholic member of the Board, was good enough to lay before us in a clear and temperate manner the evidence with respect to the Roman Catholic petition. It is also due to Mr. Cornelius Proud, our Secretary and Shorthand-Writer, that we should place on record our high appreciation of the zeal and ability with which he has performed his arduous duties, and of the intelligent and untiring assistance we have received from him throughout this inquiry, from our first sitting to the completion of this report.

The extent of this inquiry has prevented the completion of our labors as early as we wished. The Chief Justice desires it to be stated that he undertook the presidency of this Commission after a distinct notification on his part to the Government that his other public duties would prevent his immediately entering upon or giving continuous attention to the business of this Commission, and that the responsibility of any delay in the preparation of this report rests entirely with himself.

PART

PART I.

POOR RELIEF.

Poor Relief in Australia and other Countries.

§ 3. In England and most of the countries of Northern Europe there are poor laws based upon the principle formulated in the celebrated statute of Elizabeth, providing for "setting to work" the able-bodied poor, and for "the necessary relief of the "lame, impotent, old, blind, and such other among them being poor and not able to "work." [1]

The enforcement of these duties in England rested with the parish, and on the Continent with the commune. The obligation of parish or commune to look after its own poor necessarily originated, both in England and abroad, what is called the "Law of "Settlement." The great reform of the English Poor Laws in 1834 introduced no new principle. It simply corrected the abuses which had grown up, and vested in a central board the control of the local authorities charged with the relief of the poor. [2]

In some of the United States of America a similar system of poor law relief has been adopted. In Massachusetts and New York, the poor laws of which are probably typical of those of most of the other States, each township has the care of its own poor, the State relieving the poor who belong to no township. This involves a law of settlement, and the authority of the law courts can be invoked to compel a township to carry out its duty. [3]

In Australia there is, strictly speaking, no poor law. No statute makes the relief of their own poor obligatory upon the respective colonies, upon municipalities or districts. There are neither poor rates nor law of settlement. Every year, however, each of the Australian Parliaments votes large sums of money for the relief of the destitute. In some instances these grants are expended by public officials or for the support of institutions under Government control. In others they go to augment the revenues of private charities. Both methods are adopted in New South Wales and Tasmania. In Victoria, the relief of the poor, except of children under the care of the Reformatory and Industrial Schools Department, is managed wholly through the agency of institutions and societies largely subsidised from the Revenue, but not under Government management—the Parliamentary grant being aided by private subscriptions, and to a limited extent by grants from municipalities and corporations. [4] In South Australia alone, the whole of the outdoor and indoor relief provided by Parliament is given to the poor directly through a Government Department—the Destitute Board.

Cost of Poor Relief in South Australia as compared with other Places.

§ 4. The following table, with which we have been furnished by the Chairman of the Destitute Board, compares the cost of poor relief in South Australia with other parts of the world. It is satisfactory to find that, in spite of the prevailing commercial depression, and notwithstanding the absence of the checks upon the expenditure of funds which come out of the general revenue and are not raised by local rating, the administration

[1] Statute 43 Elizabeth, cap. 2. [2] Statute 4 & 5 William 4, cap. 76.
[3] Mr. Henley's Report on Poor Laws of the United States appended to Report of Local Government Board, 1877. [4] Evans, 8322, 8346.

administration of poor relief is less costly in this colony than in other countries and colonies:—

Approximate Comparative Statement of Pauper Relief in South Australia, Victoria, Tasmania, England, and the State of Massachusetts, in America, for the Year 1883.

Country.	Population.	Total Number of Paupers Relieved—Adults and Children.	Total Annual Expenditure in round numbers.	Ratio per head of Population.	Proportion of Number Relieved to the Population.	Percentage of Population.
			£	*s. d.*		
South Australia	*a* 300,000	*b* 4,987	*c* 27,000	1 9½	1 in 60	1⅔
Victoria	900,000	*d*[1] 20,073	*d*[2] 121,000	2 8¼	1 in 45	2¼
Tasmania	116,000	—	23,000	3 11½	—	—
England	*e* 26,000,000	*f* 788,000	*g* 8,000,000	6 4	1 in 32	3⅛
Massachusetts	1,800,000	*h* 60,000	*i* 300,000	3 4	1 in 30	3

To appreciate these results we have, of course, to remember that in England there is a pauper class from which we are comparatively free, and that the demand for labor is less than in the Australian colonies. Massachusetts also, being on the eastern seaboard of America, naturally retains a large part of the pauper element, carried there by the vast stream of emigration from Europe. In Victoria and Tasmania, however, there are social conditions very similar to our own, and the cost of poor relief in those colonies as compared with South Australia certainly points, on the ground of expense, to the advantage of the official and centralised administration of the funds provided by Parliament which prevails in this colony.

Increase of Poor Relief in South Australia.

§ 5. It is much less satisfactory to note the rapid and disproportionate increase of the cost and extent of poor relief in South Australia, when compared with the growth of the population, as exhibited in the following table:—

Year ending June 30.	Population.	Total Number of Paupers Relieved—Adults and Children.	Total Annual Expenditure in round numbers.	Cost per head of Population.	Proportion of Number Relieved to the Population.
			£	*s. d.*	
1865	154,000	1,276	5,984	0 9½	1 in 125
1870	180,000	3,243	16,899	1 10½	1 in 55
1871	185,000	3,547	21,169	2 3½	—
1875	205,000	3,198	17,539	1 8½	1 in 66
1880	259,000	4,511	24,784	1 11	1 in 59
1881	259,000	4,478	24,787	1 10	1 in 62
1882	286,000	5,220	25,550	1 9½	1 in 55
1884	314,000	6,256	30,100	1 11	1 in 50
1885	320,000	7,045	32,026	2 0	1 in 45

a On December 31st, 1883.
b 4,871 relieved, and 116 children boarded out.
c Exclusive of £773 for 732 extraneous cases.
d Report of Inspector of Public Charities, 1882, pages 19 and 23—[1] includes 3,000 children boarded out; [2] cost of, £44,000.
e Twelfth Annual Report, Local Government Board, page xii.
f Page xvii.
g Page xii.
h Third Annual Report of State Board, Massachusetts, page 29 (Appendix).
i Page clxxxi.

The

The foregoing table shows that whilst the population of the colony increased less than 24 per cent. in the five years ending June 30th, 1885, the cost of poor relief during the same period increased nearly 30 per cent. As might be expected, from the commercial depression during the last two years, the disproportionate increase of expenditure as compared with population is even more striking. The two years ending June 30th last show an increase in the population of only $6\frac{2}{3}$ per cent., as compared with an increase in the public expenditure for the relief of destitution of nearly £20 per cent. Although the total expenditure on poor relief has nearly doubled in the fifteen years from 1870 to 1885, there is some satisfaction in the fact that the cost per head of the population was only $1\frac{1}{2}$d. more in 1885 than it was in 1870, and that the 2s. per head of the population, which the cost of poor relief reached under the exceptional circumstances of the year ending June 30th, 1885, was exceeded in the unfortunate year ending June 30th, 1871, when it amounted to 2s. $3\frac{1}{2}$d. per head.

The Constitution and Business of the Destitute Board.

§ 6. The yearly vote for the relief of destitution is expended, and "The Destitute Persons Act" [1] is carried into execution by "the Destitute Board," which was first constituted in 1867. [2] The Board is composed of the Chairman, who is a salaried Civil servant, and five other members, whose appointments are honorary, and held during the pleasure of the Governor. The Chairman is charged with the administration of the Department, subject to the advice and control of the Board. [3] The Destitute Board has under its control the Adelaide Destitute Asylum, the Lying-in Department, the distribution of outdoor relief to the poor, and the Industrial and Reformatory Schools, including the boarding-out system.

We now proceed to report to your Excellency upon the administration by the Destitute Board of these various branches of its work.

THE ADELAIDE DESTITUTE ASYLUM.

§ 7. The only place in the colony for the indoor relief of the destitute is the Adelaide Destitute Asylum, on North-terrace. The number of inmates on June 30th, 1885, was 385—259 men, 115 women, and 11 children with their mothers. For some years past there has been no great fluctuation in the number of inmates. [4] The average age of the inmates is, males 70, females 64, both sexes 66 years. None of them, except a few imbecile women, are able-bodied. About seventy men and fifty women are confined to their rooms, and about the same number are just able to walk about. [5] Fifteen of the men and five of the women are blind.

The Buildings.

§ 8. As your Excellency's Commission directed us to report as "to the site of a "new Destitute Asylum," and as a sum of money was voted by Parliament towards its erection, we understood that it had been determined that a new asylum was to be built. No action, however, having been taken upon our progress report, and the sum of £2,300 having been expended in additional buildings, we presume that it has been decided to defer the erection of a new asylum. This is a question of public policy, upon which we desire to express no opinion in this report, and we content ourselves

[1] No. 210 of 1881. [2] Act 12 of 1866-7, section 16. [3] Act 210 of 1881, sections 17, 18.
[4] Appendix JJ. [5] Reed, 1803.

ourselves with placing upon record our opinion that the present Destitute Asylum is neither in the right place nor suitable for its purpose. Most of the buildings are old, and they have been added to from time to time for immediate exigencies, and not according to any well-considered general plan. Their inconvenient arrangement, and the want of yard-room, have thrown difficulties in the way of the proper classification of the inmates (which we think should now be proceeded with), and their employment in industrial occupations.[1] The new buildings which have been erected provide offices for the clerical work and administration of the Department, and suitable accommodation for male "casuals," the want of which previously was a striking defect and a source of continual annoyance.[2]

Occupations of the Inmates.

§ 9. We have already said none of the permanent inmates are able-bodied. According to Mr. Reed, about fifteen of the men are fit for stone breaking, and seventy could pick oakum.[3] Mr. Lindsay, the Superintendent, says there are twenty men altogether unemployed who are fit for light work.[4] Practically the only occupation for the inmates capable of any kind of work is such employment as may be found for them in the ordinary routine of the Asylum. The women who are strong enough work in the laundry—the washing for the entire establishment being done by them and the women in the Lying-in Department.[5] Five of the men do a little shoemaking or tailoring; others wait upon the sick or are employed in various light services about the Institution. Out of 385 inmates only fifty-nine have any duties, however light.[6] Mr. Davis, one of the members of the Board, has suggested that some of the men might be employed to assist in the clerical work of the Department. This is an experiment, we think, worth trying; but it must be with caution, as there are undoubted difficulties with respect to it.[7]

The following table shows the total receipts from the earnings of the male inmates during each of the last five years ending June 30th:—

Amounts Received.

	1881.	1882.	1883.	1884.	1885.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Shelling Almonds	8 14 2	0 5 8	6 0 0	3 2 3	3 16 10
Picking Hair	4 10 8	1 16 8	0 19 0	nil	2 15 0
Stone Breaking	nil	66 9 5	129 3 4	84 5 11	nil
Oakum Picking	nil	nil	19 15 4	12 3 3	5 15 11
	£13 4 19	£68 11 9	£155 17 8	£99 11 5	£12 7 9

The contract for stone breaking ran out in January, 1884, and since then scarcely any work has been done, owing, it is said, to the difficulty of procuring junk for oakum picking, the deficiency of yard accommodation, and the jealousy amongst workmen of the employment of the inmates.[8] We look upon this want of industrial occupation as a serious defect in the management. Work would be conducive to the health and happiness of the inmates capable of it; it would help to pay the cost of their maintenance; and it would deter the idle from entering the walls within which they were made to earn their bread.

If our recommendation as to the site of the new asylum were carried out, keeping the

[1] Reed, 1803. [2] Idem. [3] Reed, 1803. [4] Lindsay, 7156-61. [5] Lindsay, 7163.
[6] Reed, 1803. [7] Davis, 2634. [8] Reed, 1803-4 Lindsay, 7266-79.

the grounds and gardening would furnish suitable employment for a number of men who are now kept in idleness. Last year the old men in the asylum at Royal Park, Melbourne, earned £475 6s. 6d., by hair teasing for upholsterers.[1] They numbered 150 or 160, or about double the number who were fit for the same work in the Adelaide Asylum, and who earned £12 during the same period. The Industrial School for the Blind at North Adelaide has recently furnished employment in brush and mat making for eight of the male inmates of the Destitute Asylum who previously had nothing whatever to do. These examples satisfy us that a more energetic endeavor ought immediately to be made to procure work for the inmates. It must be admitted that there are difficulties in selecting an employment which will be at once suitable and remunerative, which will not be regarded as unfairly competing with outside labor, and which can be carried on in the limited yard space at the present asylum.[2] Nevertheless, we do not look upon these difficulties as insuperable, or such as cannot, with the exercise of proper pains and judgment, be overcome here as they have been in other places.

Treatment of Inmates.—Dietary and Cost of Maintenance.

§ 10. Subject to the observations we have made as to the want of classification and of suitable employment, we consider the treatment of the inmates satisfactory. The dietary is ample and not extravagant.

The cost of maintenance for the year ending June 30th, 1885, was 6s. 11d. per head per week, or £17 19s. 8d. per year.[3] This is a little less than the cost per head for the year ending June 30th, 1884, but it is still somewhat in excess of the cost of maintenance in some of the institutions of the same kind in the other colonies. The average yearly cost of four similar institutions in Sydney, according to the latest returns we have seen, was £16 1s. 6d. per head.[4]

The Chairman of the Destitute Board claims that the average cost per inmate is higher in Victoria, and amounts to 7s. 6d. per head per week.[5] But in order to support this view he strikes an average of the cost in four Victorian institutions, one in Melbourne and three in other parts of the colony, which latter, being much smaller than the Adelaide Destitute Asylum, do not afford a fair standard of comparison. The fact seems to be that the cost of maintenance in most of the Victorian institutions out of Melbourne is higher, in some cases much higher, than at the Adelaide Destitute Asylum.[6] But in some of the institutions in Melbourne the cost of maintenance is lower. At the Melbourne Benevolent Asylum it is £15 10s. per head per annum, or just under 6s. per week.[7] At the Melbourne Immigrants' Aid Society's Home the cost per head is only £11 19s. 5½d. per annum, or 4s. 7¼d. per week, which is still further reduced by the proceeds of the labor of the inmates to £10 4s. 10¾d. a year, or 3s. 11¼d. a week.[8] No doubt these satisfactory results are largely due to the excellent management of Mr. Greig, the superintendent, but the conditions are certainly more favorable to a low cost of maintenance than in the Adelaide Destitute Asylum. This may be seen by the following comparison of the numbers and the ages of the inmates of the two institutions:—

	Children.	Adult Inmates.	Inmates over 60 years of Age.
Adelaide Destitute Asylum	11	374	246
Melbourne Immigrants' Home	77	496	247

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[1] Greig, 8832. [2] Lindsay, 7267-73. Reed, 1993. [3] Appendix ZZZ.
[4] Report of Inspector of Public Charities, New South Wales, 1883-4, p. 9. [5] Appendix N. Reed, 1804.
[6] Report of Inspector of Public Charities, Melbourne, year ending June 30th, 1882, pp. 22-3.
[7] Idem. [8] Report, 1884, page 10. Greig, 8851.

We are inclined to agree with the Chairman of the Destitute Board, that although the cost per head of the maintenance of the inmates has been increased, the actual cost has been diminished, and pauperising influences have been prevented, by the manner in which he has excluded able-bodied men and women from the Destitute Asylum, and has made it rather a hospital for "the aged, decrepit, or diseased," than a workhouse. [1] This feature of the Asylum will no doubt—however the present unsatisfactory arrangements for the employment of the inmates may be improved—tend to keep their earnings at a lower average than is obtained at the Melbourne Immigrants' Home.

The Detention Regulation and Discipline.

§ 11. In order to meet the case of inmates capriciously demanding to leave the Asylum although unable to earn their living or unfit to be at large, the Destitute Board made the following regulation:—

22. All persons who may be, at the time of the passing of these regulations, or who may hereafter become inmates of the Destitute Asylum, and who shall be certified by the medical officer to be unfit, from mental incapacity or other cause, to be at large, shall be detained therein for such period as the Board may determine.

This regulation is unauthorised by the Destitute Act, and should, in some better shape, be validated by legislation. The necessity for it was shewn in several cases. One man was in and out of the Asylum fifteen or sixteen times. Another insisted on leaving again and again, and wandered away to Mount Gambier or the Burra, to be brought back again destitute at the public expense. In one case the inmate thus leaving had to be supported by the Destitute Department at an hotel, for three or four weeks before being brought back. [2]

Disorderly conduct and breaches of discipline amongst the inmates ought, in our opinion, to be dealt with (except in very serious cases) not at the Police Court, but at the Asylum, by a Justice of the Peace, unconnected with the Destitute Board, and should be punished (instead of by fine, or imprisonment at the Gaol) [3] by detention in a separate cell at the Asylum, and by short diet or deprivation of the right of leaving the Asylum on the days the inmates are allowed to go out, or of some other privilege.

OUT-DOOR RELIEF.

§ 12. Besides medical attendance, the only outdoor relief granted by the Destitute Department consists of bread, meat, and groceries. There are no other outdoor allowances of any kind, such as fuel, bedding, clothing, or money. [4] What is called a "ration" is the weekly allowance for an adult, and half a ration is the allowance for a child. A "ration" consists of 16oz. of bread, ½lb. of meat, ½oz. of tea, 2ozs. of sugar, 2ozs. of rice, 1oz. of soap, and ½oz. of salt. The cost of one ration in town is 2s. 5d., in the country a little more. [5]

To whom Outdoor Relief is granted.

§ 13. Outdoor relief, when the applicants are in necessitous circumstances, is granted to widows, deserted wives and other women left with children, to the infirm and the sick, and occasionally to the families of men out of work. [6] Rations are not granted to able-bodied men or women, or to an able-bodied woman with only one child; but where there are two or more children half a ration is granted for each child. [7]

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[1] Reed, 1803. [2] Reed, 1804, 1995-2001. [3] Act 210 of 1881, section 41. [4] Reed, 1219-21. [5] Reed, 1223. [6] Reed, 1207-8, 1226. [7] Reed, 1209-17-18.

How Outdoor Relief is Distributed.

§ 14. The "rations" for outdoor relief for Adelaide and the suburbs within a radius of five [1] miles of the General Post Office (excepting Port Adelaide and the neighbourhood) are distributed at the store at the Adelaide Destitute Asylum. [2] In other places the recipients of relief receive tickets or orders on local shopkeepers, who supply the articles required for rations at a contract price. These orders for relief are distributed by the Mayors and Town Clerks of the Corporate Towns and by the Chairmen and Clerks of District Councils, [3] except at Port Augusta, Wallaroo, Kooringa, and Mount Gambier, where the Special Magistrates act as "Representing Officers" of the Destitute Department. [4] The Special Magistrates at the three first-named places are assisted by the Local Court clerks, and the Special Magistrate at Mount Gambier by the Secretary of the Hospital and of the Local Road Board. The distributing officers receive the local applications for relief, and forward them with a recommendation to the Destitute Board, who decide whether or not the relief shall be granted. [5] The four Special Magistrates alone have power to grant temporary relief, [6] which is either continued or stopped by the Destitute Board when they receive the quarterly returns with which they are furnished. [7] Mayors or Chairmen of District Councils, as well as the Special Magistrates, may give immediate relief in cases of emergency. [8]

Gratuitous Assistance in Distribution of Outdoor Relief.

§ 15. The assistance thus afforded to the Department is wholly gratuitous, [9] except that the clerks we have mentioned receive a small addition to their salaries for the services they give. [10] We believe that this honorary assistance is on the whole efficiently and always conscientiously given, [11] although there are cases in which the recommendation is obtained by imposition, and the relief is continued after it ought to have been withdrawn. There is no doubt that resident local officials possess knowledge as to the circumstances and requirements of applicants for relief which an Inspector, paying only occasional visits to the neighbourhood, would not always be able to obtain.

Objections to complicated Returns.

§ 16. Complaints were made to us of the needless length and detailed character of the forms which the Department required to be filled up by Mayors and Chairmen of District Councils, not only when recommending relief in any case for the first time, but also when sending the quarterly applications for its renewal to the same person. [12] As little trouble as possible should be imposed on those who thus give their assistance gratuitously to a Government Department. At our suggestion a much simpler form of return has been prepared for future use in cases of continuous relief to aged persons.

Official Inspection.

§ 17. The Department has three Inspectors for the purpose of inquiring into the circumstances of persons obtaining outdoor relief. Until recently there was one Inspector only for Adelaide and the suburbs. [13] A second was appointed last year. One

[1] Reed, 1537. [2] Reed, 1205-11. [3] Reed, 1503-8, 1519-20. [4] Reed, 1471 to 1502.
[5] Reed, 1513-9. [6] Reed, 1516. [7] Reed, 1488-94. [8] Reed, 1516. [9] Reed, 1485, 1546.
[10] Reed, 1483-4. [11] Reed, 1520; Holmes, 7678; Allen, 7736; Ind, 7502-9; Gray, 6762.
[12] Reed, 1551-2, 1577-9. Ind, 7565-6. Holmes, 7666-9, 7692-3. Appendix W.
[13] Lindsay, 7218-20.

One travelling Inspector visits the cases in the country.[1] His district extends "from Hawker in the North to the River Murray, and from the shores of Spencer's "Gulf to the bounds of settlement in the East,"[2] and he is also visiting inspector of the boarded out children.[3] Travelling 1,300 miles a month, he makes his round twice a year.

In our opinion such infrequent inspection is altogether insufficient to prevent imposition, and we recommend the immediate appointment of a second travelling Inspector. The amount of his salary would be amply earned by the additional check upon expenditure and the spread of pauperism, which would be thereby secured.

The Chairman of the District Council of Willunga informed us that, although he had been connected with the Council for ten years, he had never seen an Inspector.[4] We agree with his suggestion that it should be the business of the Inspector, when visiting any district, as far as practicable to place himself in communication with the local officials in correspondence with the Destitute Board. Until the beginning of 1884, however, it seems that the Board could not be said to have had an efficient travelling Inspector.[5]

Auxiliary Boards.

§ 18. The Special Magistrates at Port Augusta, Wallaroo, Kooringa, and Mount Gambier bear the somewhat ambiguous title of "Auxiliary Boards."[6] In fact, when the Destitute Board was first constituted in 1866, an Auxiliary Board, consisting of four local gentlemen with the Special Magistrate as President, was appointed in each of those four places. In the absence of local rating a difference with regard to the methods of expenditure between the central and local boards was no more than might have been anticipated, and in about a year the non-official members of the Auxiliary Boards resigned. Their duties have since been discharged by the Special Magistrates alone.[7]

All Special Magistrates should be Representing Officers.

§ 19. We think that the Special Magistrates in other places, as well as those we have named, should be associated with the Mayors of Corporate Towns and Chairmen of District Councils in the distribution of outdoor relief, and that all Special Magistrates should have a discretion to give immediate relief in urgent cases. Mr. Turner, S.M., of Port Adelaide, mentioned several instances in his own experience, illustrating the desirableness of this power being vested in Special Magistrates.[8] As public officers responsible to the Government, Special Magistrates are not liable to the same pressure in favor of local expenditure as elective officials, and they have means not possessed by other people of obtaining information, through the Local Court clerks and the police, as to the circumstances of applicants for relief.[9]

We presume that the reason Special Magistrates and Local Court Clerks in other places have not been associated with the Destitute Board as representing officers has been to prevent increased expenditure. We see no reason, however, why, where their duties are light, Clerks of Local Courts should not be invited to afford the same kind of assistance as is given gratuitously by Clerks of Corporations and District Councils, and we are satisfied that both Special Magistrates and Clerks of Local Courts would willingly give the Destitute Board all the information and help in their power.

Poor

[1] Reed, 1521-9. [2] Gray, 7235. [3] Gray, 7223. [4] Allen, 7736. [5] Reed, 1542-4.
[6] Reed, 1471. [7] Reed, 1472-7. [8] Turner, 4767-8. [9] Burton, 2843-53.

Poor Boxes at Police Courts.

§ 20. In England a "Poor Box" is kept at the Police Courts, in which contributions are placed from persons not wishful to receive witness fees or other moneys awarded to them, or from others paying a sum on the withdrawal of a charge. We agree with Mr. Turner's suggestion that if the same plan were adopted here in Magistrates' Courts in the larger towns, the Special Magistrate would have a small fund at his disposal, for the immediate relief of urgent cases, without recourse to the public revenue. [1]

Increase of Outdoor Relief.

§ 21. The following table shows the growth of outdoor relief during the last five years:—

Number of Persons Relieved during the Years ending June 30th, 1881, 1882, 1883, 1884, 1885.

Districts.	1881.	1882.	1883.	1884.	1885.
	*				
Town and suburbs	1,026	1,434	1,638	2,062	2,459
Country districts	1,090	1,355	1,398	1,482	1,547
Auxiliary boards—					
Mount Gambier	109	129	109	87	137
Kooringa	117	155	130	169	179
Wallaroo	311	322	262	250	279
Port Augusta	40	42	31	38	88
Total	2,693	3,437	3,568	4,088	4,689
Cost of outdoor relief	£12,998	£12,951	£13,486	£14,820	£14,935
Population of colony	268,000	286,000	294,000	314,000	320,000

It appears therefore that, in the five years ending 30th June last, whilst the population of the colony increased 20 per cent., the cases of outdoor relief increased nearly 75 per cent. During the last two years they have increased nearly 32 per cent.

The tendency of pauperism to develop faster in town than in the country is also strikingly illustrated by the foregoing figures. During the last five years the cases of outdoor relief have more than doubled in Adelaide and the suburbs, and they have increased nearly 50 per cent in the last two years.

Relief to Families of Able-bodied Men Out of Work.

§ 22. It will be seen from the subjoined table that the number of families of able-bodied men out of work receiving outdoor relief has, during the last two years, increased fifteenfold. Fortunately, although the number of such cases has run up from 10 in 1883 to 155 in 1885, and the yearly expenditure from £27 to £311 in the same period, the increased cost is still but a trifling part of the expenditure upon poor relief, and very low in comparison with other colonies, as well as with most other parts of the world.

It will be noticed also that, although a large majority of the able-bodied men whose families have been relieved are laborers, during the last two years a considerable number of them have been artisans connected with the building trades.

Number of families of able-bodied unemployed receiving out-door relief: duration, and cost of relief.

Year ending June 30th.	Families.	Adults.	Children.	Total.	Average term of relief.	Total Cost.
					Weeks.	£
1881	21	16	61	77	4½	34
1882	25	14	77	91	4½	27
1883	10	8	30	38	7	27
1884	53	22	186	208	7	90
1885	155	100	494	594	6½	311

[1] Turner, 4770-3.

* Average of two half years.

Occupations of able-bodied unemployed whose families were relieved as above.

	Building Trades.	Laborers.	Other Callings.	Total.
1881	2	16	9	27
1882	1	7	11	19
1883	1	3	6	10
1884	10	26	14	50
1885	30	117	40	187

Causes of Growth of, and Means of Checking, Outdoor Relief.

§ 23. A great deal of the increase of outdoor relief is undoubtedly attributable to the want of employment, caused by the commercial depression during the last two years. Much of it may be traced to intemperance, improvidence, idleness, and vice—fruitful sources, here and everywhere, of pauperism. Some of the increase, we fear, is due to the pauperising influence of this kind of relief, and its tendency to reproduce and multiply itself. When once the habit of self-reliance is broken through, there is a tendency to fall back upon assistance which can be obtained without the expenditure of the labor required for earning wages. A bad example of this sort quickly affects others, teaches them the pauper's arts, and encourages them in habits of idleness. The relief which comes out of the public purse is received with less shame the more generally it is distributed, and it gradually comes to be regarded as a legitimate source of regular income, instead of as a special means of coping with a temporary difficulty.

Young children are taught pauperising lessons when sent for the "rations" for the family. It is often a balance of evils between the mother fetching the rations and losing a day's, or part of a day's, wages, and the child being sent for them, and making it a pretext for not going to school. [1] Probably no hard-and-fast rule can be laid down, but we think that rations should only be delivered to children when the Inspector is satisfied that the parent is unfit, from illness or infirmity, to fetch them, or is earning wages. [2]

The panacea which the authorities on English poor law advance for the evils traceable to outdoor relief is the application of the "indoor test." The alternative of indoor relief or the withdrawal of any relief would, in a large number of cases in which rations are now granted, lead to the relief being declined. There are, however, many of these cases in which we should not be prepared to advise so drastic a course. Outdoor is cheaper than indoor relief, when relief is actually required. The cost of a weekly ration for an adult is 2s. 5d., as against 6s. 11d., the expense of a week's maintenance in the Destitute Asylum. [3] Even this disparity does not represent the difference of cost, as a whole family may often be kept out of the Asylum by the allowance of one or two rations. Outdoor relief, when judiciously administered, enables widows and deserted wives, and women whose husbands are disabled from work, to bring up their families respectably, instead of seeking refuge in the Asylum, and it often helps the deserving poor to tide over a temporary emergency without breaking up their homes. [4]

In our opinion the most practical way of meeting the evils of outdoor relief is increased vigilance of inquiry into the circumstances of both the applicants for, and recipients of, relief. For Adelaide and the suburbs the Department has now, as we have mentioned, a much-needed second Inspector, and the Inspector's work will, we are glad to

[1] Elliott, 8278-80. [2] Atkinson, 8122-4. [3] Reed, 1223. [3] Appendix ZZZ. [4] Spence, 5555.

to learn, be materially aided by the useful labors of the Charity Organization Society. More than temporary relief should never be granted without a preliminary inspection of the home of the applicant, nor should it in any case be granted to the families of able-bodied men without the application of a labour test, which ought at once to be provided; and the cases of constant recipients of relief should be frequently and regularly brought under review.

It is the opinion of some of the officers of the Department that the agencies for special charitable relief, which the exceptional distress during the last two winters called into existence in Adelaide and the suburbs, have had a pauperising effect, and have increased the applications for outdoor relief from the Destitute Department.[1] We believe that the evils of indiscriminate charity have not been overlooked by the benevolent originators of these special means for relieving the destitute, and it is therefore with no intention of disparaging their philanthropic endeavours, but simply to confirm the necessity of the precautions which we assume they have taken to limit the administration of help to the really necessitous, that we append an account of the methods in which pauperism was increased in New York by injudicious remedies for the relief of exceptional destitution:—

New York, as is well known is a large manufacturing centre, and employs great numbers of artisans and mechanics. It has also a vast number of ordinary day laborers, as well as an unusual number of those who, in the best of times, just keep their heads above water. When the industrial and business panic came upon the city last autumn it was seen at once by the benevolent and fortunate classes that widespread distress would ensue.

Despite the warnings of the experienced, soup kitchens and free lodgings were opened by public and private means, with the utmost liberality, in various portions of New York last winter, and enormous sums were contributed by private citizens for these popular benefactions. Before the winter was over, however, most of those engaged in them regretted without doubt that they had ever taken part in these kindly but mistaken charities. The reports of competent observers show what were their effects. The announcement of the intended opening of these and kindred charities immediately called into the city the floating vagrants, beggars, and paupers, who wander from village to village throughout the State. The streets of New York became thronged with this ragged, needy crowd; they filled all the station-houses and lodging-places provided by private charity, and overflowed into the island almshouses. Street-begging, to the point of importunity, became a custom. Ladies were robbed, even on their own doorsteps, by these mendicants. Petty offences, such as thieving and drunkenness, increased. One of the free lodgings in the upper part of the city, established by the Commissioners of Charities, became a public nuisance from its rowdyism and criminality.

Nor would these paupers work. On one occasion the almshouse authorities were discharging a band of able-bodied paupers, and, having need of some light outdoor labor on the island, they offered these men what is thought good country wages—that is, fifteen dollars per month and board. They unanimously refused, preferring the free lodgings and free lunches of the city.

But with these "tramps" came another and more respectable throng hurrying towards this "feast of charity"—honest and hard-working laboring men from every part of the neighboring country. Farms in the interior of New York were left stripped of laborers, though the farmers offered good wages. Working men came from as far away as Pittsburg and Boston, partly, no doubt, to see the sights of New York, but hoping also for aid from public and private charities. In some cases young men were arrested in criminal houses, who made their head-quarters in these soup kitchens or relief houses, and then sallied out to enjoy the criminal indulgences of the city.

The pauperising influences, however, of this indiscriminate charity reached beyond these classes. Poor families abandoned steady industry, got their meals at the soup-kitchens, and spent the day in going from one charitable organisation to another. Those experienced with this class report that such people acquire a "Micawber" habit of depending on chances, and seldom return to constant work again. Instances were known of families taking their meals from the Relief Association, and spending the money set aside for this daily in liquor, so that in the poorest quarters the liquor trade was never so prosperous.

A singular effect also was produced on the class of homeless girls. Many avoided the houses where charity was connected with work, and obtained their meals at the free-lunch places, and then lodged in the low cheap lodging-houses, where their habits were uncontrolled, and they could wander the streets at night. Many were thus enticed into ruin.[2]

MEDICAL

[1] Lindsay, 7118-25. Elliott, 8280-1.

[2] Quoted by F. B. Sanborn, in "National Social Science Association Transactions," 1874, page 887.

MEDICAL RELIEF.

§ 24. Medical attendance is given to the destitute poor all over the colony. For Adelaide and the suburbs, within a radius of five miles from the General Post Office (except the western suburbs)—a district containing fifty square miles and a population of from 60,000 to 80,000—Doctor Clindening is the only medical officer, and he is also medical attendant and surgeon for the Adelaide Destitute Asylum, the Magill Industrial School, and the Girls' Reformatory.[1] The medicines are dispensed at the Adelaide Hospital and at Norwood. We believe the present arrangement is an economical one, and secures all that is required in ordinary times; but that in the event of a more than usual prevalence of sickness, or of an epidemic, it would be impossible for one medical man to undertake the whole of the work, and that he would require assistance to meet the emergency.[2]

At Port Adelaide, Kooringa, Mount Gambier, Port Augusta, Robe, Moonta and Kadina, Port Lincoln, and Wallaroo, the destitute poor are attended by medical officers appointed by your Excellency, without expense to the Destitute Board.

For the remainder of the suburbs and the country districts, eighty-two medical officers are engaged by the Destitute Board, at salaries varying from £4 to £75 a year, according to the area and population of the districts they respectively attend; and they also dispense what medicines are required.

The authority to receive medical relief is given in Adelaide by the Superintendent and the Visiting Inspectors, and elsewhere by the Mayors and Town Clerks of Municipalities, and by the Chairmen and Clerks of District Councils.

The total expenditure upon medical relief for the year ending June 30th, 1885, including casual cases in districts in which no medical officer is appointed, was £2,303. This sum did not include the cost of the medicines dispensed to the destitute poor at the Adelaide and other Hospitals, or by the eight medical officers appointed by your Excellency. We believe that the arrangements for medical relief, both with regard to economy and the character of the attendance, are satisfactory.

DESERTED WIVES AND CHILDREN.

§ 25. Nearly one-seventh of the cases of outdoor relief are those in which rations are granted to the wives and children of men who have deserted their families. The following is a table of the statistics of such cases during the last five years:—

	Families.	Adults.	Children.	Total.
June 30th, 1881*	90	26	257	283
" 1882	134	45	373	418
" 1883	148	65	421	486
" 1884	165	69	443	512
" 1885	221	100	540	640

In addition to the outdoor cases, there were, on the 30th June last, 12 deserted wives in the Adelaide Destitute Asylum, 30 deserted children in the Industrial School, and 187 deserted children placed out. The cost to the revenue of the maintenance of deserted wives and children for the year ending June 30th last, may be estimated at £4,300, or nearly one-seventh of the whole expenditure of the Destitute Department. The

[1] Clindening, 5933-46; Reed, 234-41, 273-6; Mann, 46-8, 64-75. [2] Smith, 6096 to 6112.

* Average of two half years.

The figures alone give an inadequate idea of the unnatural heartlessness which they represent. The Chairman of the Destitute Board has called our attention to a case which happened in the South-Eastern District in May last. The man's wife was sent to the Lunatic Asylum, and he levanted just across the Border to live with his parents, leaving four young children totally unprovided for.[1] With cases as bad as this continually coming under his notice, it is not to be wondered at that Mr. Reed considers that wife desertion "is the greatest abuse in our present system of destitution," and that, in vexation of soul, he proposes heroic treatment for dealing with it. "I "think," he says, "the principal remedy lies in the nature of the punishment. To "numbers of men it is little or no punishment to be sent to gaol. I believe a great "preventive would lie in the punishment of flogging."[2] If this were the penalty, probably it would be more difficult than ever to catch the deserter.

Legislative Provisions in South Australia and other Colonies.

§ 26. The law, as it stands at present, provides two remedies for this evil—a criminal one under the Police Act, and a civil one under the Destitute Persons Act. The Police Act provides that "Every person leaving his wife or child chargeable, or whereby "any of them shall become chargeable ** to the public, or without the means of support other than public charity," is "to be deemed a rogue and vagabond," and liable to be imprisoned with hard labor for not exceeding three calendar months.[3] This penalty should, we think, be increased to six months for a first, and twelve months for a second offence. By virtue of the useful provisions of the recent English Fugitive Offenders Act,[4] the man we have just mentioned could, at small expense, be brought back from Victoria and dealt with under the Police Act for the desertion of his children.

The Destitute Persons Act authorises two Justices, in a summary way, to order a man deserting his wife or children to contribute to their maintenance by monthly or weekly payments. If it appears that the defendant intends to evade compliance with the order, he may be compelled, under a penalty of six months' imprisonment, to give security for compliance with the order, or not to desert his wife or children, or leave them without means of support.[5]

In Victoria and in New Zealand the corresponding statutory provisions are much more complete. The order may be made when any intention to desert is shown, and also in the absence of the man, if he has left the colony. In Victoria the man's goods and chattels may be sold and his rents collected (in New Zealand his land may also be sold) to provide for the maintenance order.[7] These just provisions should certainly be incorporated in our statute book.

Intercolonial Legislation required for Enforcement of Maintenance Orders.

§ 27. These amendments, however, will not touch the chief defect in the law as it now stands, and which has been frequently pointed out in the reports of Commissions and other public documents.[8] At present the maintenance order is only enforceable in the colony in which it is made. We propose that orders for maintenance made in the colony in which the deserted wife or children are left should be enforceable in the same way as it

[1] Reed. Letter of May 25th, 1885. [2] Reed, 1801. [3] 15 of 1869-70, sec. 63.
[4] 44 & 45 Vic., c. 69. [5] Sections 9 to 13.
[7] Victorian Act 268 of 1864, secs. 30 to 42. New Zealand Act, 4 of 1877, secs. 16 to 40.
[8] New South Wales Commission, page 63, and Victorian Commissions there cited.

if made in the colony in which the man or his property may be. To give the man an opportunity of disputing an order made in his absence, proceedings under it should be suspended on his giving proper security; or the proceeds of any sale of his property, by virtue of the order, should be held, for a sufficient time to enable him to apply to the Justices making the order for a re-hearing, should he be desirous of so doing. Intercolonial legislation will, of course, be required to carry this proposal into effect.

Colorable Arrest of Husbands as Deserters.

§ 28. We are informed by Mr. Turner, S.M., that men are sometimes arrested for wife desertion when they are actually looking for work, and in other cases under a colorable complaint by the wife for the purpose of getting a cheap return trip for her husband from a great distance.[1] Cases like these can only be prevented by the discretion of the Magistrate who is applied to for a warrant, and do not call for special legislation.

Wife should be made liable to contribute to support of Destitute Husband.

§ 29. The Chairman of the Destitute Board states that there are cases in which wives, who are in good circumstances, refuse to contribute to the maintenance of their husbands who are, from illness or infirmity, unable to support themselves.[2] This is a *casus omissus* from the ninth section of the Destitute Persons Act, and it would be complementary to the provisions of the Married Women's Property Act, 1881, to supply this omission.

PROCEEDINGS AGAINST FATHERS OF ILLEGITIMATE CHILDREN.

§ 30. In this colony, as in England and in most parts of the world, the burden of supporting a large number of illegitimate children, whose fathers are unknown, or who refuse to contribute to their support, falls upon the public. Although this burden may be partly due to defects in the law or its administration, it is principally attributable to the inherent difficulty of the inquiry necessary in many cases to fix the paternity—a difficulty which no legislation can remove.

Corroboration of the Mother's Evidence as to Paternity.

§ 31. Section 14 of the Destitute Persons Act, 1881, makes either of the parents liable to support an illegitimate child, subject to two provisoes requiring the mother's evidence as to the paternity to be corroborated.[3] The first, providing "that no man shall be taken to "be the father of any illegitimate child on the oath of the mother only," has been law in this colony ever since there has been legislation on the subject.[4] The second proviso, "that no man shall be adjudged to be the father of an illegitimate child upon the "evidence of the mother, unless such evidence be corroborated in some material "particular by other and independent testimony," is copied from the English statutes, and was first introduced into the Destitute Persons Act of 1881. It has been held by the Supreme Court that the effect of the two provisoes standing together is more stringent than the law of England, and that evidence of admissions of paternity made to the maternal grandmother, upon whom the mother of the child was dependent for support, was not "independent testimony," as required by the local statute.[5] We recommend

[1] Turner, 4789-90-91-93. [2] Reed, 1801. [3] Section 14. [4] Ordinance 11 of 1843.
[5] Mitchelmore *v.* Jackson, June 11th, 1883.

recommend the repeal of the first proviso, so as to assimilate the law here to the English law.

Proceedings before Birth of Child.

§ 32. Formerly in England, in order to prevent the putative father avoiding payment of the cost of maintenance of his illegitimate child by absconding, the procedure was very arbitrary. On a woman declaring herself to be pregnant, and charging a man with the paternity, he was obliged to give security to provide for the maintenance of the child when born should he be adjudicated to be the father, and in default was committed to gaol. This was one of the great abuses exposed by the celebrated English Commission on the Poor Laws, which reported in 1834, and it was abolished on their recommendation. [1]

The proceedings to make the putative father liable for maintenance cannot in this colony be instituted until after the birth of the child. In England the summons may still be issued before the birth, but the paternity is not adjudicated upon until afterwards.

Several of the witnesses [2] were under the impression that in England the paternity might be adjudicated upon, as well as the summons issued, before the birth of the child. This however is a mistake. The object of the summons being issued before the birth of the child is to enable the case to proceed in the putative father's absence in the event of his absconding.

Power should certainly be given to serve the summons before the birth of the child. There are objections on the woman's account, and in the interests of truth, to the hearing taking place before the child is born. We are inclined to agree, however, that when, in consequence of her pregnancy, she becomes chargeable to the public, the putative father should at once be made answerable for her maintenance, and for the expense of her confinement. In such, and indeed in all affiliation cases, there should be power to clear the Court, except of members of the press.

Proceedings in the event of the Putative Father absconding.

§ 33. The putative father often absconds when he hears of the girl's pregnancy, or that proceedings will be taken to compel him to support the child. To meet such cases, on its being proved that the man has absconded, and that his address is unknown, or that he has left the colony, the Justices should be empowered to adjudicate in his absence, but reserving a right to the man to obtain a rehearing. The local and intercolonial legislation which we have recommended for enforcing maintenance orders in favor of wives and legitimate children should be made to apply to bastardy orders, which should include the cost of the mother's maintenance during, and the expenses of, confinement.

Limitation of Proceedings against the Putative Father at the suit of the Mother.

§ 34. By the English statutes the father of an illegitimate child is liable to contribute to its maintenance whenever it becomes chargeable to the parish; but he is only liable to contribute at the suit of the mother if proceedings are taken against him within twelve months from the birth of the child, or on proof that within twelve months next after its birth

[1] Report, pages 166-7, 351.

[2] Reed, 1805; Lindsay, 7182; Turner, 4757.

birth he has paid money for its maintenance, or that he has ceased to reside in England within twelve months after the birth. We think that these safeguards for the protection of men charged with the paternity of illegitimate children should be adopted here.

Assistance to Mother of Child on Hearing of Complaint.

§ 35. As on failure of the proceedings against the putative father the maintenance of the mother and the child frequently becomes chargeable to the public, we recommend that in all affiliation cases, whether instituted by the mother or by the Destitute Board, some officer of the Department should be authorised to conduct the case on her behalf if she has no legal assistance. [1]

THE LYING-IN DEPARTMENT.

§ 36. The Lying-in Department is attached to the Destitute Asylum, and provides accommodation for the confinement of women who are destitute. The inmates on the 30th June, 1885, numbered twenty-one women and seventeen infants. The staff consists of a matron (who acts as midwife) and a cook and general attendant. [2]

The total cost of the institution from 1st January, 1882, to 30th June, 1885, was £2,038, of which sum only £193 12s., or less than £10 per cent. has been recovered from the putative fathers. [3]

The cost of the institution for the year ending 30th June, 1885, was, £629, or for each mother (including her child), 8s. 11½d. per week. [4] This is without any charge in respect of buildings; but against this sum should be set off the value of the labor of the inmates, who are employed in laundry work for the Destitute Asylum, which the Chairman of the Destitute Board estimates at £240.

The women are divided into three classes—1st. Those who have only once fallen, with whom any married women who may take advantage of the institution are placed; 2nd. Those who have had children previously; and 3rd. Prostitutes. Each class has a separate ward and yard. [5]

The Detention Clause.

§ 37. Any unmarried woman seeking admission to the Lying-in Home is required, under section 93 of "The Destitute Persons Act, 1881," to enter into an agreement to "remain in the service of the Board after the birth of her child for any period not "exceeding six months if her child shall so long live." During this period, although the language of the Act is not large enough to authorise it, the mother is detained within the walls of the institution, but she may be discharged on procuring the undertaking of friends or relatives that she will nurse her child until it is at least six months old. [6] The child may be kept after the discharge of the mother should no proper provision be made for its maintenance, and she is liable to pay not exceeding half-a-crown a week for its support.

These provisions are unique, and were first introduced into the "Destitute "Persons Act of 1881," on the suggestion of Mr. James Smith, one of the most experienced members of the Destitute Board, with a view of securing that the child should be nursed by its own mother until her maternal affections are developed, and thus prevent infanticide and baby-farming. [8] There

[1] See on the subject of bastardy the English statutes 7th and 8th Victoria, cap. 101; 8th and 9th Victoria, cap. 10; 35 and 36 Victoria, cap. 65; 36 Victoria, cap. 9.
[2] Reed, 1805. [3] Appendices CC, GGG. [4] Appendix ZZZ. [5] Reed, 1805.
[6] Mr. Reed's Report, 1885. [7] Section 94. [8] Reed, 1805, p. 33.

There is a difference of opinion as to these provisions, some of the witnesses objecting to the compulsory detention of the mother,[1] and others that the period of detention is not long enough.[2] The opponents of the system contend that it leads to the very evils it is designed to prevent, as dislike to the compulsory six months' detention deters the young women it is intended to benefit from entering the institution, drives them to unsuitable places for their confinement, and thus often leads to the sacrifice of the life of the child, and in some cases at least to the mother going on the streets.[3] On the other hand, witnesses who have had practical acquaintance with the working of the system say that the six months' detention does not prevent women from becoming inmates, and that the good effects of it are indisputable.[4] Since the plan of detention has been adopted, the number of admissions has not fluctuated more than it did previously.[5] Out of fifty-nine cases discharged from the Home between the 1st of January, 1883, and September, 1884, fifty of the children were doing well.[6]

The weight of testimony is, in our opinion, in favor of the system, and we can see no objection in principle to requiring that a woman who takes the benefit of a public institution for her confinement shall remain long enough to secure the proper nursing of her child.[7] The term of six months is a compromise.[8] It is undoubtedly better for the child, in the great majority of cases, to be nursed by its mother for nine months, and we therefore recommend that the mother have the option of remaining in the institution for that term. We hesitate to recommend that nine months' detention should be compulsory, lest the extended term should prevent destitute single women from going to the Home for their confinement.

Objects of Lying-in Home appropriate for Private Charity.

§ 38. Although we believe the Lying-in Home is doing a useful work in saving infant life, we cannot look upon the present arrangement as permanent. Its objects are threefold —to assist destitute women in their confinement, to secure the nursing of the child by its mother, and to preserve the mother from a further lapse into immorality. The first of these objects, when the population of Adelaide is large enough to call for such an institution, will probably be better accomplished by a maternity hospital, as is the case in Melbourne and other large cities, and which will make a Government Lying-in Home unnecessary. The other objects—the nursing of the child, and the restoration of the mother to a respectable life, are, in our opinion, more appropriate for a philanthropic society than for a department of the public service.

The six months detention without a break, within the dreary wards and yards of the Lying-in Home, with no outlook beyond the high walls which surround them, and with the occupations of washing day repeated daily from Monday to Saturday every week, must be quite as irksome and more tedious and monotonous than the same term of imprisonment in a gaol. The open situation, and pleasant home-like look of the Victorian Infant Asylum, and the Refuge, at Madeline-street, Carlton, which aim at the same preventative and reformative work, and the cheerful appearance of their inmates, present a striking contrast to the Adelaide Lying-in Home. With every respect, also, to the good intentions of the official staff, we cannot doubt that reformative influences would be better supplied by the kindly sympathies and gentle tact of a lady matron and lady visitors. Whilst

[1] Kirby, 5867-72; Robertson, 6728. [2] Clindening, 6921-5; Lindsay, 7178-9; Colton, 6775.
[3] Robertson, 6728; Clindening, 6954. [4] Colton, 6777-9. [5] Reed, 2227.
[6] Appendix XX., *see* also Reed, 1805.
[7] Colton, 6773; Campbell, 6681; Smith, 6115; Davis, 6642; [8] Campbell, 6681.

Whilst approving, therefore, of the principle of the compulsory nursing of the children by their mothers, we think that the care of both, when the mother recovers from her confinement, should, as soon as practicable, be transferred to some voluntary organisation with a Home for its inmates away from the walls of the Destitute Asylum. The committee of such an institution should be invested with the same powers with respect to the inmates as are now possessed by the Destitute Department. Under such altered conditions, also, the term of compulsory residence should, we think, be extended to nine months.

We believe that such a society would receive voluntary support from the public to an extent which would relieve the revenue of a large part of the present expenditure on the Lying-in Home.

Appointment of a Ladies' Committee.

§ 39. The Chairman of the Destitute Board, who has taken much interest in the Lying-in Home, and to whom much of its success is due, thinks it desirable that it should be under the direction of a lady superintendent.[1] In this view, if we did not look upon the present arrangements as merely tentative, we should concur. But on that ground, as well as on account of the expense, we hesitate to recommend such an appointment, unless it is decided to make the Lying-in Home a permanent Government institution. We think, however, that a small and carefully selected Ladies' Committee should be at once associated with the management.

Declaration by Inmate as to Paternity of Child.

§ 40. The Destitute Persons Act authorises the Board to require the mother of any illegitimate child born in the Lying-in Home "to make a declaration respecting the "paternity of such child before a Justice of the Peace." A copy of the declaration is to be sent to the person "named as the father," who is "allowed, on making application "in writing, to attend before the Board for the purpose of disproving the allegations "contained in such declaration."[2] This is a privilege of which, as the Board have no power of adjudicating, probably few men will avail themselves. Moreover the amendments we have suggested in the procedure for enforcing maintenance of illegitimate children by their fathers will probably make the declaration unnecessary, especially if the mother is required to join in the information against the putative father, which would be a simpler course. If, however, the power of requiring the declaration is retained there seems to be no reason why it should not be made compulsory before as well as after the child's birth.[3]

The City Morgue.

§ 41. The City Morgue is within twenty feet of the wards of the Lying-in Home.[4] Bodies in an advanced state of decomposition are sometimes kept in the Morgue for more than twenty-four hours, to the great annoyance of the inmates of the Lying-in Home, and possible danger to their health. We recommend the immediate removal of the Morgue to a less objectionable situation.

LICENSED

[1] Reed, 1805, page 33. [2] Sections 96, 97. [3] Reed, 1805. [4] Reed, 1806.

LICENSED FOSTER-MOTHERS AND BABY-FARMING.

§ 42. Sections 100 and 101 of the Destitute Persons Act, 1881, were also introduced, on the suggestion of Mr. James Smith, to prevent baby-farming.[1] The first of these sections provides for granting licences to "fit and proper persons to be foster-mothers "or wet nurses." The other section imposes a penalty of £20 on any person "who "not being in an establishment under the control of the Board, or not being licensed "by the Board, shall, with or without fee or reward, act as foster-mother or wet nurse, "*or take the sole care* of any child, whether legitimate or illegitimate," without a certificate from a duly-qualified medical man. The definition of "child," given in section 2, is "any boy under the age of sixteen years, or any girl under the age of eighteen years."[2] Nothing, therefore, but the discretion of the Board and its officers prevents section 101 from having a much wider scope than its framers intended.

In practice the Board do not require women having charge of a child two or three years old to take out a licence.[3] The mistake in the Act was the omission to fix some such limit of age. These two sections in other respects are more excellent in intention than as specimens of the draughtsman's skill, and should be carefully re-drawn for any fresh legislation on the subject.

Beneficial effect of these Provisions, and means of enforcing them.

§ 43. Defective as they are in form, these provisions of the Destitute Persons Act have undoubtedly been beneficial. The fear of the penalties has largely diminished, if it has not wholly done away with, "baby farming."[4] The children under the care of the licensed women, in the neighborhood of Adelaide, are visited once or twice a month by a lady inspector, and are well treated. The worst fault seems to be in some cases a want of proper care.[5]

At the same time, beyond advertising these sections of the Act in the newspapers, there has been no well-considered scheme for enforcing them. In the neighbourhood of the city inquiries have been made by Mrs. Kelly, the lady inspector (only half of whose time is at the service of the Board), and who has to visit about 116 homes in Adelaide and the suburbs, as far as the Port and Glenelg.[6] In the country there has been no system of inquiry whatever.

The births of about 250 illegitimate children are registered in the colony every year.[7] Probably many more are not registered. There are 130 "licensed foster-mothers" —but some of them have the care of two or (but very rarely indeed) of three infants. Fourteen of the "licensed foster-mothers" live in the country—last year there were only four—all the rest reside in Adelaide or its neighbourhood.[8] Unless, therefore, there are only fourteen women who have the care of illegitimate infants not their own in the whole of South Australia outside the city and suburbs, it is clear that these provisions of the Destitute Persons Act are a dead letter in most parts of the colony. It can hardly be doubted, also, that even in the city and its neighbourhood many infants are under the care of women who do not hold licences.[9]

The Chairman of the Destitute Board proposes that, in order to enforce the law in this matter, a band of female detectives, of the same social grade as the mothers of illegitimate children, should be employed—two for the city and suburbs, and "one "in

[1] Reed, 1805. [2] See section 88. [3] Reed, 2092; Whiting, 6975.
[4] Reed, 1805; Clindening, 6929-33; Campbell, 6683. [5] Mrs. Kelly, 7471-7482; Reed, 2086.
[6] Reed, 2081-3, 2100-7-9; Kelly, 7463-7. [7] Appendix DD.
[8] Whiting, 6959-60. Kelly, 7463-7. Reed, 2094. [9] Kelly, 7480-5.

"in each centre of population" in other parts of the Colony.[1] We cannot advise effect being given to this ambitious project. It would be more practical to ask the police (of whose assistance Mr. Reed seems unwilling to avail himself) to report to the Destitute Board any breaches of the law on this subject which come to their knowledge. It is unlikely that "baby farming" could be carried on outside Adelaide and the suburbs without being discovered by the police if they were instructed to watch for cases of the kind, and even about the city their help would increase the chances of detection.

The Destitute Board charge only a nominal fee of one shilling for the licences. We think the licences should be for a year instead of for an indefinite term, but renewable.

CHECKS ON COST OF POOR RELIEF.

Local Rating and Local Management of the Relief of Destitution.

§ 44. We have seen that the funds for the relief of destitution are provided entirely out of the public revenue, and are distributed under the management of one central executive. With the vast territory possessed by South Australia, such a system would break down of its own weight if the colony were thickly populated. An enormous inspecting staff would be required to prevent imposition in the absence of the checks upon expenditure which come into play when the burden of giving poor relief is thrown upon the locality in which it is administered. We look therefore upon the present system of poor relief not as permanent, but as only provisional and temporary.

But it does not follow that methods which would be unsuitable under different circumstances should be at once discarded. The colony, notwithstanding its remarkable growth, is after all only in the course of being settled, and the local distribution of its inhabitants cannot be regarded as finally determined. The sparseness of the population in the country districts, the absence of large towns, the continuous migration of the youthful and energetic to new fields of enterprise, and the consequent excess in the older settled districts of aged, infirm, and destitute persons, as well as the tendency of the destitute and unemployed to gravitate to the only large centre of population, all add to the difficulty of the problem to be solved in devising a fair scheme of local rating.

The returns which were submitted to us show how unequally the burden of poor relief would press in different districts if it were localised, and that, too, whether regard were had to the population or to the ratable value of property.[2] In the District of Bremer, where the population is only 198, and the assessed value of landed property is £9,299, the cost of outdoor poor relief is 3s. 11½d. per head of the population. In the District of Neales, where the population is 958, and the assessment stands at £8,416, the cost of outdoor relief is only 2¼d. per head. These are extreme cases, but the same differences are found, only a little less in degree, in other places. Mr. Reed says:—

> If you will glance at this return, and look at Nos. 1 and 2—Willunga and Belvidere, places with the same population—you will see that in Willunga there are ten families rationed, and in Belvidere only three. The reason is that, though the population of each of the places is about the same, at Belvidere the people are younger and more self-supporting. In one case the relief costs 2s. 1d. per head of the population, and in the other 5¼d., as you will see by the return. It is the same with regard to Nos. 3 and 4—Hamilton and Para Wirra. There the difference is between 1s. 8d. and 6d. Then take the case of Macclesfield as against South Rhine and Mannum. The last two places contain a younger and more self-supporting people, consequently there is the difference between

[1] Reed, 2110-24.

[2] Appendices M. and ZZ.

between 2s. 9d. and 2⅝d. and 9½d. * * * * The point is that the old families have remained in Macclesfield. In our colony it does not follow that because a place is an old settlement the population should continue to remain in it. This feature of old people remaining is incidental to many places. Macclesfield is one of them, and Willunga is another. * * * * I think it happens in those places that a number of the old people remain, while their sons go to other areas in the north. [1]

It may be conceded that, notwithstanding these disparities, a rough approximation to equality might be obtained by grouping different places together, for the purpose both of rating for the cost of, and of distributing, the relief. In Adelaide and Hindmarsh, for example, the yearly cost of outdoor relief is respectively 1s. 3d. and 1s. 4d. per head of the population. At Kensington and Norwood, Stepney, Prospect, and West Torrens, it is respectively 6d., 4d., 5½d. and 9d. [2] On the other hand the checks upon expenditure arising from local interest and local knowledge would be sacrificed if large districts or places far apart were grouped together, and there would be nothing to compensate for the increased expense and trouble of divided administration.

Having regard to the present condition of things, the increased cost is, probably, the strongest objection to a system of local relief. Local management would indefinitely multiply the expense of administration, and there is also to be taken into account the expense of the central control and inspection which, the experience of England and other countries shows, must necessarily accompany local administration to insure its efficiency and to prevent extravagance.

The majority of the witnesses whom we examined on this point were opposed to local poor rates, and those who were in favour of local rating could suggest no way of overcoming the objections to the system. [3] Our own opinion is that its introduction at present would be premature. [4]

Restrictions on the Immigration of Infirm or Destitute Persons.

§ 45. Our statute book has prohibited the landing of convicts on our shores; [5] it requires ships and passengers from ports infected with dangerous diseases to be quarantined; [6] and it imposes a tax of £10 upon every Chinese arriving in the colony; [7] but it contains no provisions for securing that imbecile or infirm persons, who may be shipped from other places to South Australia, shall not, immediately on their arrival, become chargeable to the public.

More than once, Arabs or Egyptians, knowing not a word of our language, and unfamiliar with the wage-earning industries of the Colony, have been landed penniless at Port Adelaide, and have immediately become chargeable to the Destitute Department. [8]

In Victoria, on the arrival of any passenger, "lunatic, idiotic, deaf, dumb, "blind, or infirm, and likely to become a charge upon the public, or any public or "charitable institution," the owner, charterer, or master of the ship by which he came has to give a bond, with two sufficient sureties, in the sum of £100, to secure the maintenance of such passenger for five years. [9] We recommend the enactment of a similar law in South Australia.

Indoor Relief and Boarding-out of Adult Paupers at Mount Gambier.

§ 46. Seventeen of the present inmates of the Destitute Asylum came from the South-Eastern district. Mr. Varley, the Secretary of the Auxiliary Destitute Board at Mount

[1] Reed, 1148-51. [2] Appendix M. [3] Reed, 1143–1154; Gray, 6762, 7244; Ind, 7538-46.
[4] Holmes, 7673–6; Allen, 7715–22; Varley, 7621. [5] Act 146 of 1879.
[6] Act 64 of 1877. [7] Act 213 of 1881. [8] Adamson, 6223-4. [9] Act 255 of 1865, sections 36-9.

Mount Gambier, suggested that such cases, instead of being sent to the Adelaide Asylum, should be dealt with either by being boarded-out in the neighbourhood they come from, or by being kept at the Mount Gambier Hospital.[1] This, he says, would be less costly, as it would save the expense of transit to Adelaide, and would be more pleasant to the paupers themselves, as they would remain amongst their friends, and, if boarded-out, would not change the mode of life to which they have been accustomed.[2] He is of opinion that the men might readily be boarded-out for two rations, which would cost 5s 8d. a week. The cost of maintenance in the Adelaide Destitute Asylum is about 7s. a week, but as 2s. 6d. of that sum represents the expense of clothing, bedding, and medical attendance, which are not included in the 5s. 8d. for the two rations, boarding-out would be more expensive. Mr. Varley believes that clothing and other necessaries would be supplied by private charity. That might be so in some cases, and for some time, but the permanent continuance of voluntary relief of that kind could not be depended on. The great objection, however, to this proposal is, that it would lead to the evils the "house test" is designed to prevent. If the infirm and the aged were boarded with their friends at the public expense, the number of cases of out-door relief would rapidly increase.

As the Mount Gambier Hospital has room for sixty inmates, and there are rarely more than half that number, it would afford ample accommodation for the inmates of the Destitute Asylum who are sent from the South-Eastern District.[3] The introduction of another class of inmates would certainly increase the cost of conducting the Hospital, and their number would be too small to justify the expense of the additional staff which would be required, or for economical management.

The plan of using the same buildings as asylums for the destitute as well as hospitals for the sick has been tried for some years in the Colony of Victoria, and, whatever its merits may be, it is undeniably expensive. The cost of maintenance of each of the inmates of two of these institutions is more than double the cost in the Adelaide Destitute Asylum. The average yearly cost in the nine hospitals and asylums in Victoria is £32 14s. 2d. per inmate against £17 19s. 8d. in the Adelaide Asylum.[4]

We are unable, therefore, to agree with either of these proposals.

The effect of Compulsory Attendance at Schools upon Poor Relief at Mount Gambier.

§ 47. Mr. Varley also objects to the compulsory clauses of the Education Acts and Regulations which require children to make up the 120 days they have to attend school in every year by attending thirty days in each quarter, as he contends that this increases the cost of poor relief and encourages pauperism. He says:—

I must record my strongest protest against the regulations which obtain under the present Education Act, which force all children to attend school at least thirty days in the quarter, irrespective of class, age, and condition. In the South-Eastern district, where, during a portion of the year, children's labor is of great utility and importance in potato and hop picking, potato planting, &c., and when the payment is highly remunerative, it is a shame that advantage cannot be taken of it, because of the procedure now in force under the Education Act. Anyone who has watched the informations laid at the local court, Mount Gambier, and known, as I do, the condition of the families on whom fines have been inflicted, would wonder how such a state of things could obtain. If the children are bound to attend 120 days in the year (not excessive), why cannot this time be made up from those quarters of the year when the labor of children is not required? I know one family, who, according to the mother's confession, were earning £2 5s. per week during the busy season, and also receiving valuable instruction in potato farming—in fact, technical education—but whose much needed revenue was thus cut off. The evil does not stop at this. In the first place a paying enterprise is injured, and in the second, extra rations are applied for and, in

[1] Varley, 7603, *et seq.* [2] Varley, 7603, and *seq.* [3] Varley, 7604.
[4] Report of Inspector of Public Charities, Melbourne, 1882, page 23.

in some instances, have to be issued, thus increasing the expense of destitution and destroying the spirit of self-dependence in a family. If I were asked for a remedy for this evil I would suggest that extra power be given to the boards of advice, who are generally quite competent to deal with this matter, by regulating the times of attendance. [1]

As this question affects the administration of the Education Acts we do not express any opinion with respect to it, but we respectfully submit it for the consideration of the Honorable the Minister of Education.

Encouragement of Provident Habits.

§ 48. It is to the increase of provident habits that we must look for the diminution, if not the ultimate extinction, of pauperism. In this colony, besides the indirect encouragement to thrift furnished by temperance and other philanthropic organizations, we have the direct inducements given by Life Assurance Companies, Building Societies, Friendly Societies, Trades Unions, and the Savings Bank. There can be no doubt that all these institutions have been important factors in causing the expenditure upon poor relief in South Australia to be so much less than in other colonies and in other parts of the world. [2] This is especially evident with respect to Friendly Societies and the Savings Bank, when the remarkable extent of their operations in this colony is examined, and it is borne in mind that they principally invite the savings of those who, being dependent upon daily labour, are most in danger in times of misfortune of becoming destitute.

Friendly and other Benefit Societies.

§ 49. The registered Friendly Societies in this colony number 30,126 members, or one in twelve of the population—a larger proportion than in any other country, and have a total income of £113,485, or £3 15s. 4d. per member. [3] These figures only represent the statistics of registered Friendly Societies. Registration, however, is not compulsory, [4] and there are many of these societies with large bodies of subscribers, including the Trades Unions, which are also benefit societies, not registered at all.

Friendly Societies, besides giving an income in time of sickness, aim at helping widows and orphans to a fresh start in life at the bread-winner's death. It is, therefore, to be regretted that in some cases so much of the moneys which are intended for such a worthy object should be wasted in extravagant expenditure at funerals. Mr. Lindsay, the Superintendent of the Destitute Asylum, informs us that often as much as £20 is spent upon a member's funeral, which ought to cost only £7 or £8; and a few days afterwards the family seeks outdoor relief. [5] This is an abuse which we are satisfied the managers of these societies will be ready to do their best to prevent.

The Savings Bank.

§ 50. The Savings Bank of South Australia, besides its head office in Adelaide, has ninety-six agencies at telegraph stations all over the country. The deposits, on June 30th, 1885, amounted to £1,571,283, or to £4 18s. 2½d. per head of the population, which is a higher rate than is attained in any other part of the world. [6] The depositors number 53,164, or one in every six of the population, and the average amount of their deposits

[1] Varley, 7588. [2] § 4.
Mulhall's Dictionary of Statistics, 1884, p. 212; Hayter's Victorian Year Book, 1883-4, 591: App. AAAA.
[4] See Act 22 of 1852. [5] Lindsay, 7100-8.
Savings Bank Report, 1885; Victorian Year Book, 1883-84, pages 489-90; Mulhall's Dictionary of Statistics, 1884, pages 399-400.

deposits is £29 11s. 1d., seventy per cent. of them being under £20. This bears out the accountant's statement that—"the great bulk of the depositors belong to the "working and middle classes." [1]

Penny Banks.

§ 51. In England there are other encouragements to thrift, supplied by the Penny Banks and the Post Office Savings Banks, which have not yet been adopted in this colony. The ordinary Savings Banks accept no deposit of less than a shilling, and allow interest on no sums under £1. [2] The Penny Banks, as their name implies, accept even penny deposits, and they allow interest on very small sums. In one of these institutions in England—"in twelve months, 791,873 deposits were made, their aggregate reaching "a total of £650,714. It can scarcely be doubted that, but for this bank, these small "amounts would have found their way to the public-house till." [3]

Looking at the importance of encouraging the smallest savings and the formation of habits of thrift, we hope that the Penny Bank system may be introduced into South Australia, either by a separate institution or, as would be better, if feasible, by an extension of the operations of the Savings Bank of South Australia.

Post Office Savings Banks.

§ 52. The Post Office Savings Banks, unlike the ordinary Savings Banks, are Government institutions; the deposits bear a fixed rate of interest, and their safety is guaranteed by the Government. The rate of interest is £2½ per cent. in England; in Victoria and New South Wales (where Post Office Savings Banks have also been established) it is £4 per cent. The rate at the Savings Bank here during the last thirty-eight years has averaged £5 per cent. Looking at the merited public confidence in the management and stability of that institution, the mere fact that the Government of the colony would become responsible for the deposits would probably not of itself be regarded as a sufficient reason for establishing Post Office Savings Banks.

The great advantage, however, of these institutions in England is the facilities they offer for the investment of small savings in the public funds, in life insurance, and in annuities. Sums of between £10 and £100 can be invested by any depositor in Government stock. Insurances on lives may be effected for not less than £5 nor more than £100. Immediate or deferred annuities of not less than £1 nor more than £100 may be purchased, and on joint or several lives. A penny a week paid on and after the age of twenty-one, or 4s 4d. a year, will secure the payment of £10 on death, or an annuity of £1 at the age of fifty-four for men and sixty-two for women. Insurances for sums not exceeding £25 are granted without a medical examination. Should the insurant die before the second premium becomes due, the amount of the first premium and no more is paid. Should the death occur after the second and before the third premium is paid, half the sum insured is recoverable. If, however, the death happens after payment of the third premium, or is caused by accident at any time after the insurance, payment is made of the whole sum insured.

The advantages of the Penny Bank, in encouraging the saving of pence, are also sought to be secured by the issue of printed slips upon which every time a penny is saved a penny stamp can be affixed, and which can be paid in as a shilling deposit when a dozen stamps are accumulated. [4] There

[1] *South Australian Register*, August 8th, 1885. [2] Act 22 of 1875, sections 22 and 30.
[3] Escott's "England," 1885, page 212.
Since this report has been in type, the Honorable the Treasurer has intimated the intention of the Government to adopt this plan of collecting penny deposits.

There is surely no good reason why similar encouragements to thrift should not be provided in South Australia as well as in England. We do not presume even to discuss whether it would be necessary that the Government should undertake the Savings Bank business proper as well as the other branches of the business of the English Post Office Savings Banks. If the Savings Bank continued to transact the Savings Bank business proper, probably the same facilities could be given here as are now given in England for the payment out of deposits of the premiums for insurances or annuities, as the country agencies of the Savings Bank are already conducted at the telegraph offices.

A great extension of the facilities in the English Post Office Savings Banks for the investment of small sums in Government securities, life insurance, and annuities took place in 1881, and is therefore too recent to enable us to ascertain to what extent it will affect the national habits. Numerous illustrations could be given of the manner in which similar facilities in this colony might be utilised for the encouragement of thrift. We content ourselves with one example suggested by the work of the Destitute Board. The children under the control of the department who are boarded out until thirteen years of age are then "licensed for service." They are then clothed as well as fed by their employers, and have a quarter of their wages to spend, the remaining three-fourths being compulsorily saved for them and paid into the Savings Bank to their credit. When they reach sixteen years of age the accumulations of the three years amount on an average to something over £12. Miss Clark and Miss Spence have pointed out that the investment of this sum at £4 per cent. per annum, the rate paid on Government bonds, would produce an annuity of £12 10s. per annum payable from sixty years of age. Miss Spence says—

> As a small proportion of these children are likely to leave the colony and be lost sight of in forty-four years, and a small proportion will be in such good circumstances by that time that they will be disposed to ignore their antecedents, I feel sure that the South Australian Government could guarantee an annuity of five shillings a week after sixty for the small sum at present compulsorily saved, and in nine cases out of ten squandered by the children or seized on by unworthy parents and relatives. [1]

This would make the annuitant practically independent of poor relief in old age. At our request Mr. Ebenezer Cooke, Commissioner of Audit, and Mr. R. S. Kelly, of Modbury, well known in this colony as a skilful arithmetician, have checked and verified these calculations. [2]

Canon Blackley's Scheme of Compulsory Providence.

§ 53. The failure of voluntary methods of thrift to prevent pauperism has led to the inquiry if compulsory methods would accomplish its extinction. The Rev. Canon Blackley, an eminent authority as to the working of the English poor law, has formulated a scheme which has attracted much attention in England, has been advocated by the press in this colony, [3] and has received the support of eminent political economists like Mr. Sidgwick and Mr. Foxwell. [4] Starting with the axiom that it is every one's duty to make a proper provision against want in sickness and old age, Mr. Blackley argues that this duty is, with but few exceptions, practicable to all, that it is very generally neglected amongst all classes, and that it can only be universally enforced by compulsion. The nation, then, ought to make every one insure against sickness and infirmity, and is correspondingly bound to guarantee the security

[1] Spence, 5558. [2] E. Cooke's letter of 23/6/85; Clark, 5664-71; and Kelly, 8167, *et. seq.*
[3] *South Australian Register*, April 25, 1879, cited in Blackley's "Prevention of Pauperism," p. 116.
[4] Hyndman's "Historical Basis of Socialism in England," p. 394.

security of the fund in which every one is compelled to invest. Accordingly he proposes a national friendly society, or club, to be managed, like Savings Banks, through the agency of the Post Office, and that every person should be bound to contribute to its funds the sum of £10 before attaining the age of twenty-one. This sum, according to high actuarial authority, would secure to each contributor 8s. a week in sickness until seventy years of age, and a pension of 4s. a week from that age until death. These allowances, Canon Blackley contends, would make the participators independent of parochial relief.

In Australia probably the contribution would have to be somewhat more than £10, as, although interest is higher, the cost of living is greater than in England. The weekly pensions should, for that reason, not be less than 5s. We have seen that 6s. 11d. per head per week is the cost of maintenance, clothing, and medical attendance, at the Adelaide Destitute Asylum, and 2s. a week less would probably not be more than enongh to secure the necessaries of life outside.

It will be observed that the scheme only affects to deal with destitution arising from sickness or age. The blind, lunatic, or imbecile might, according to Canon Blackley's calculations, be included in the common insurance by a trifling addition of about one shilling to each contributor's payment. He proposes to leave want of work and orphanhood to be met by voluntary thrift. The first has little practical bearing on the cost of pauperism in South Australia, for we have seen that, even in the exceptionally bad year ending 30th June, 1885, the cost of relief to the families of able-bodied men out of work only amounted to £311, or less than 2½d. in the £ on the cost of poor relief in the whole colony. [1] As to orphanhood, Canon Blackley says:—

> If a young couple knew that by each paying into a national voluntary insurance eighteenpence a week for one single year before marrying, a sum of three shillings weekly up to the age of fourteen might be assured for every child left fatherless, tens of thousands of women would make such a provision a first condition of their marrying, as tens of thousands of men would regard it as a first duty. [2]

The case of immigrants is not so important in England as in a colony which is still in course of becoming settled from abroad, as well as by the natural increase of the population. Even if immigrants up to a certain age were required to contribute their quota to the insurance, there would still remain those whose age would require a contribution which would be too large in amount to be enforceable.

Allowing, however, for exceptional cases of every kind, the compulsory scheme when it came into operation would so largely diminish the expenditure out of the revenue upon poor relief that the balance might, in all likelihood, be safely left to be met by voluntary charity.

Canon Blackley proposes that the contributions should be paid in the three years between eighteen and twenty-one, when the wage-earning class generally have only themselves to maintain, when they are apt to squander the earnings of which they have not learnt the value, and when it is of the utmost importance that they should acquire provident habits. The ten pounds might be paid in one sum, or in two or three yearly sums, or by weekly instalments of 4s., 2s., or 1s., according as the payments extended over one year, two years, or three years—the time for apprentices, and in other special cases being, if necessary, extended from twenty-one to, say, twenty-five years of age. [3]

It is a part of the plan that employers should be bound to deduct the required contributions towards the National Insurance from their servants' wages. This is already the

[1] § 22. [2] Blackley, p. 121. [3] Clark, 5671.

the law in Germany with respect to the compulsory payments by operatives, male and female, to the benefit clubs to which they are required to subscribe, and it is also the practice in South Australia with respect to the deposits in the Savings Bank on account of children licensed out by the Destitute Board. Perhaps the most striking argument which Canon Blackley advances to prove the feasibility of enforcing their contributions, is drawn from this colony, where, as we have seen, pauper children save more than enough, before they are sixteen years old, to pay the whole contribution towards National Insurance, which, under his calculations, is not required to be paid until the age of twenty-one. [1]

The objection which is most frequently advanced to Canon Blackley's scheme is that it is an interference with the liberty of the subject; or, as it was put by the Bishop of Manchester—"The arguments advanced in support of the scheme are ingenious and "perhaps logical; but there is an inexorable logic of facts which, I am afraid, is against "it, and the English people's notions of the functions of government must be consider- "ably extended before there can be much chance of its being realised." [2] This objection is best answered in Canon Blackley's own words:—

> Given A, the provident, thrifty, frugal Englishman; B, the improvident, wasteful, pauper Englishman. Which is the greater interference with the liberty of the subject—to make B provide for himself by compulsion if need be; or, to make A, besides providing for himself, provide for B as well, and by compulsion, as he has to do at present? Can any reasonable man deny that the proposed treatment of B is a far less interference with the liberty of the subject than the present treatment of A? And must not the opponents of all such interference, to be consistent, admit that the less we have the better, and be bound in reason to approve the suggested change? For, in a word, a tremendous compulsion exists now in this matter, but it is exercised on the wrong persons, to the injury of the provident, and to the moral ruin of the wasteful. [3]

We do not, of course, commit ourselves to the precise details of Canon Blackley's scheme, nor have we tested the accuracy of his calculations—both of which would require exact investigation before being adopted. His plan is the only practical one for the extinction of pauperism which has come under our notice, and if there be a flaw in his arguments (which we have very imperfectly summarised) we have not detected it, nor has it been pointed out in all we have heard and read on the subject. His proposals must, of course, secure the support of public opinion, before they will be adopted by Parliament. We believe that in their original, or in some modified shape, they will, sooner or later, be accepted as the most feasible way of relieving the revenue of the ever-growing expenditure upon poor relief.

Mr. James Smith's Plan for Payment of the Cost of Poor Relief.

§ 54. The Chairman of the Destitute Board laid before us a project for meeting the cost of poor relief in this colony, which he had worked out in detail according to a scheme devised by Mr. James Smith. The proposal is that every young man in the colony should, in the eight years between the age of seventeen and twenty-five, contribute £13 to the revenue by payments of a shilling a week for five years out of the eight. Taking the number of young men who would be contributing at 13,000, their contributions would amount to £33,800 a year—a sum sufficient to pay the whole cost of poor relief, and to which, according to the proposal, it would be applied. [4]

"This," says Mr. Reed, "is in fact Mr. Blackley's principle"; but it is nothing of the kind. Canon Blackley seeks to extinguish pauperism by compulsory providence. Mr. Reed and Mr. Smith intend the expenditure upon poor relief to be

[1] § 52. [2] National Association for the Promotion of Social Science, 1879, p. 25.
[3] Blackley, page 9. [4] Reed, 1917-8. Smith, 6083-91.

be continued, and to tax a limited class to pay for it. They want the young men of one generation to pay the whole of the cost of the pauperism occasioned by the follies and misfortunes of a previous generation. Canon Blackley, on the other hand, seeks that young men and young women should be compelled to make a small provision for themselves as a security against their ever becoming paupers. No good reason has been given why young men should be singled out from the rest of the community to bear the whole burden of pauperism, or why, should a special tax be levied upon them, it should go towards the expense of poor relief in preference to any other object of the public expenditure. The proposal, in short, violates the accepted canons of taxation, and can never be seriously entertained.

PART II.

CHILDREN UNDER THE CARE OF THE GOVERNMENT.

§ 55. The most important, and to us the most interesting, branch of our inquiry has been with respect to "destitute, neglected, and convicted children," who, by Part III. of the Destitute Persons Act, 1881, are placed under the care of the Destitute Board. Our legislation on this subject is founded on the English statutes relating to Reformatory and Industrial Schools. We have had the good fortune to be assisted in our investigations by the exhaustive labors of the recent Royal Commission, which was appointed to inquire into the working of the Reformatory and Industrial Schools in the United Kingdom. The Commission was presided over by Lord Aberdare, and reported to Her Majesty in 1883.

Effect of Industrial and Reformatory Schools in Diminishing Crime in England.

§ 56. At the commencement of their report the Commissioners give the following striking account of the effect of these schools upon crime in England:—

> The effect of the system of certified schools, established by these enactments, upon juvenile and adult crime has, on the whole, been very satisfactory. They are credited, we believe justly, with having broken up the gangs of young criminals in the larger towns, with putting an end to the training of boys as professional thieves, and with rescuing children fallen into crime from becoming habitual or hardened offenders, while they have undoubtedly had the effect of preventing large numbers of children from entering a career of crime. These conclusions are confirmed by the statistics of the juvenile commitments to prison in England and Wales since 1856 (two years after the passing of the first English Reformatory Act, and one year before the first Industrial Schools Act). In 1856 the number of these commitments was 13,981; in 1866, 9,356; in 1876, 7,138. Since that time the number has regularly decreased, and had fallen, in 1881, to 5,483.
>
> Before these schools came into operation it is beyond doubt that a large portion of adult criminals of the worst classes consisted of those who in their childhood had been neglected or abandoned or trained to a career of crime. From the cessation of this source of supply, a gradual diminution in the numbers of criminals convicted of the graver or indictable offences might naturally be expected. And this result, due doubtless in part to other co-operating causes, but largely to the agency of these schools, has been obtained with signal speed and to a remarkable extent. * * The figures show that whereas in the quinquennial period of 1855-9 one sentence of penal servitude was inflicted to every 7,438 of the population, the proportion steadily decreased, until, in the year 1881, there was only one sentence to every 17,028.[1]

National benefits like these make us ask if the corresponding enactments which have been passed in South Australia, have led or are likely to lead to similar results. Happily

[1] English Commission's Report, § 3.

Happily in this colony we are comparatively free from a criminal or pauper class. The test of criminal statistics therefore will not help us to a conclusion on this question. The answer to it must be sought in a careful examination of the remedial measures which have been adopted.

Methods of Dealing with Destitute and Criminal Children in South Australia.

§ 57. We have in operation in this colony for the training of destitute and criminal children an Industrial School for both girls and boys, a Reformatory School for boys, a Reformatory School for girls, and the "Boarding-out System." Speaking generally, the Industrial School is intended for neglected and destitute children, and the Reformatories for criminal children; but convicted children of tender years may be placed in the Industrial School, and children committed as "uncontrollable" may be sent either to the Industrial School or a Reformatory. Under the boarding-out system children committed to the Industrial School are placed with private families during the school-going age, that is, until they are thirteen years old, or have passed the compulsory standard of education. Common to both the Industrial and Reformatory Schools, and complementary to the boarding-out system, is the practice of "licensing for service" children of more than thirteen years of age, or who have passed the compulsory standard of education, until sixteen in the case of boys, and eighteen in the case of girls. Children at both the Industrial School and the Reformatories may also be apprenticed for not exceeding five years after the term for which they are committed.

THE INDUSTRIAL SCHOOL AT MAGILL.

§ 58. The Industrial School at Magill was erected in 1860, on the "barrack" system. Although it stands on sixty acres of land, and might conveniently have been built only on the ground floor, it has four floors—three storys and a basement. The southern end of the building was partitioned off in 1865, and has served first as the Boys' and since as the Girls' Reformatory. In July, 1883, in spite of a strong protest from Mr. Reed, who pointed out that the Industrial School would be too small to enable the management to cope with an epidemic, should one break out, some more rooms were transferred from the Industrial School to the Girls' Reformatory. [1] Mr. Reed says—

> The Magill building is altogether inadequate as regards accommodation, and unsuited to the general purposes of an Industrial School. Nearly one-fourth of the rooms in the main building are occupied by the Girls' Reformatory, leaving only two day or school rooms for the whole number. The very young children have to be placed, in the day, in a lobby partitioned off in the centre of the building. In the winter they are kept in one dormitory day and night * * * There are no rooms whatever in which the children can read or play in the evening, excepting these two schoolrooms and a small wooden room in the yard, 20ft. x 20ft., with a gallery in it, now so dilapidated as to be quite unfit for occupation. The bedsteads on the boys' side have been at times crowded closely together, obliging me to place out a large number on subsidy. Then there is no possibility of classification in a sanitary point of view. There is only one sickroom at each end for boys and girls respectively, to hold eight or nine beds each, so that in case of extended epidemic the room is insufficient, or in case of special or offensive disease there is no means of isolation. This inconvenience has been specially felt with the children of tender age, many of them affected with eczema, sore heads, or skin diseases, living side by side with the healthy children both day and night. [2]

We may add to this description that, owing to the want of proper care in past years, the walls, which have not been plastered, are infested with vermin; and although it is claimed that their condition is improved, the bedsteads are not free from the same evidence of want of cleanliness and care. [3]

Number

[1] Reed, 5587. [2] Reed, 1807, page 37. [3] Mercer, 7941-7; Gray, 7061.

Number of Inmates and Staff.

§ 59. In April, 1884, there were 123 children in the institution—eighty-eight boys and thirty-five girls, of all ages between infancy and eighteen years, seventeen of the children being under five years of age.[1] In June, 1885, these numbers were reduced to eighty-two—fifty-seven boys and twenty-five girls (including fifteen children at Hardwicke House[2]).

In November, 1884, when we examined the matron, Miss Mercer—after about thirty of the children had been removed to Hardwicke House—we found that to manage seventy children there were, besides the matron, two teachers, five nurses, a cook, a laundress, and a needlewoman, in addition to two gardeners, and, for the more menial work, four old men from the Destitute Asylum.[3] There is no doubt that the inconvenience of the building has made it necessary to have a larger number of employés than would otherwise have been required. We understand that the recent diminution in the number of children is to be followed by a reduction of the staff.

Invalid and Imbecile Children.

§ 60. Thirteen of the inmates on the 30th June, 1885, were children suffering from chronic bodily ailments, or from mental weakness, or of ineradicably dirty habits. These children were of ages varying from eight to nearly nineteen years of age, and had been in the institution for times varying from a few weeks to fifteen years.[4]

Children of this class would not be received into an Industrial School in England, and are as much unfitted to be in a school with other children as they are for ordinary family life. Their presence in the Industrial School, giving it the character of an infirmary for juvenile incurables, is owing to its being the only institution in the colony for the reception of destitute children.

A blind child of between nine and ten years of age, who has been four years in the school, has received no instruction whatever; and two children, with incurably bad eyes, must be a constant source of danger in the event of an epidemic of ophthalmia.

Infants and Institutional Training.

§ 61. Another painful feature of the institution, when we first inspected it, was the number of infants and very young children amongst the inmates. We found between a dozen and twenty of them in the upstairs dormitory mentioned by Mr. Reed, from which they had to be carried down stairs for fresh air and exercise, and in which therefore, in winter they spent their days as well as their nights. Speaking of these young children Miss Mercer the Matron of the School, said in her evidence, "they never grow properly if "you have a lot of them together. I would never have children of two or three years of age "there, for, if they get into an institution such as that, they never develop into any-"thing; they only grow up into half idiotic men and women. However good a nurse "you have she cannot draw out the intelligence of every child, and nurse it as it would "be nursed in a home. I think it is quite a mistake to have a lot of young children "in an institution; and I do not think it is well for the school. I think it is a miser-"able life for these young children to be in a large institution. We have only five, "and they are as bright again as when we had twenty. I think one is too many. I "would not have one there if I could board them out."[5] The criticisms, from which we were

[1] Reed, 1807. [2] Appendices FFF and CCCC. [3] Mercer, 7861.
[4] Appendix CCCC. [5] Mercer, 7929-36.

were unable to refrain, directed attention to this evil; and as we have seen, the number was brought down to five, between our first visit and the time when Miss Mercer gave her evidence. We are glad to be assured that, with the exception of one invalid, all these infants have now been boarded out, [1] and we can only express our astonishment that young children should have been thus unwisely dealt with for so many years.

Epidemic of Ophthalmia.

§62. At our first visit quite a third of the children were suffering from ophthalmia. It is not surprising, therefore, that, in April, 1884, when an epidemic of measles and purulent ophthalmia occurred, it could not be checked, and ran through the school. Seven of the children became more or less blind, and two of them totally so. [2] During the whole of our inquiry we have seen no spectacle more distressing than the sight of three or four of those children totally, or almost totally, blind for life—the penalty of having, through no fault of their own, been detained in a Government institution.

Moral Conditions.

§63. The moral conditions of the place are on better than the physical. Children from brothels, convicted and uncontrollable children, destitute children and orphans, children recalled from homes, either for misconduct or through the unfitness of the homes in which they were placed, are all mixed together without classification. The only staircase for the Girls' Reformatory is used in common with the boys' side of the Industrial School. "In spite," says Mr. Reed "of all precautions, communica-"tions have taken place, the children of both institutions have often met on the one "flight of stairs common to both, and language unfit for any ears has often been heard "and spoken about by the Industrial School children." [3] "I think," says Mrs. Colton-who has taken much interest in visiting and in the welfare of the children, "every one "must be against the system of a large institution for children. It seems to repress "every kindly, childish feeling. They seem to lose all interest in life up there at "Magill. I suppose their love and sympathy are not drawn out." [4] Although it is recognised that, to depauperise the young, they should be kept free from pauperising associations, some old men from the Destitute Asylum are, as we have seen, employed on the premises.

Want of Male Superintendent.

§64. The Destitute Persons Act requires that in industrial schools "the males shall "be kept separate and apart from the females." [5] Except that the boys and the girls have separate dormitories, and that the girls do not work in the garden, this requirement of the Act is a dead letter. Although there are boys of sixteen years of age in the institution there is no master. [6] The matron's assistants in the house, including two school-teachers, are all women. In the garden the boys are under the care of a working gardener and two laborers. [7] We believe that Miss Mercer has done her best to contend with the difficulties in which she has been placed, and that she has treated the children with sympathy and kindness; but we agree with her that a school of this character, in which at times there have been as many as 100 boys, ought to have had a properly qualified master. [8] It is not to be wondered at that, with so many big boys entirely under the

[1] Mercer, 8959. [2] Mercer, 7881-99. [3] Reed, 5587, page 241. [4] Colton, 6832-3.
[5] Sec. 44. [6] Mercer, 7796. [7] Mercer, 7770. [8] Mercer, 7772, 7790, *et seq.*

the superintendence of women in the house and of ordinary workmen outside, escapes have been frequent. [1]

School Teaching.

§ 65. Complaints were made for years by some of the best friends of the institution of the inefficient character of the school teaching [2] In consequence the Education Department undertook to nominate the teachers, and for the last few years the teaching has been conducted by two provisional school mistresses. [3] They have, according to the Inspector-General of Schools, been "doing fair work under somewhat discouraging "circumstances." [4] At an inspection of the school in 1874, it was found that only ten of the children had been present at a similar inspection a year before. [5] Even children under ten years of age only attend school half the day, being employed in the garden or at scrubbing in the house the other half, whilst the religious services break into two of the half-days for schooling every week. [6] With the shortness of the stay of most of the children at the school and the few hours of teaching they get, satisfactory results from the schoolmaster's standpoint are impracticable. In the course of other branches of our inquiry, evidence of the defective arrangements for teaching has repeatedly come under our notice in the backwardness and, in some instances, the almost total want of education of children who have been inmates of the Industrial School. [7]

Defective Industrial Training.

§ 66. The industrial training is no better than the school teaching. The bigger boys work in the garden—some of them learn to milk; and the girls strong enough are employed in scrubbing and cleaning in the scullery and the kitchen; but otherwise there is no pretence of industrial occupation. [8] The other customary employments of an industrial school were abandoned years ago. [9] No attempt is made to prepare the girls for service, or to teach them to make butter (although there is a dairy), or cooking as it would be practised in an ordinary house or outside the kitchen of a large institution. [10] The school, in fact, is an industrial school only in name.

Errors in Management.

§ 67. Underlying all these defects in the management is the radical mistake, which, as we shall hereafter show, [11] has pervaded the management of the Reformatories also, of failing to recognise with sufficient clearness that these institutions are not mere places of detention in which young paupers or criminals are to be kept as cheaply as possible, but that they are schools in which the State has undertaken the task of reclaiming and properly training the young.

As to the Industrial School, there was the further, but not unnatural, error of not perceiving from the first that the Industrial School system and the boarding-out system are really incompatible with each other. The object of the Industrial School (properly so-called) is to train young children within its walls into fitness for ordinary service and employments outside. The boarding-out system, on the other hand, seeks to restore the child at once to family life. It was discovered in Victoria, very soon after the introduction there of the boarding-out system, that it was inconsistent with the maintenance of Industrial Schools, and accordingly, as we shall presently see,

[1] Appendix R. [2] Spence, 5555. [3] Hartley, 4815-6. [4] Hartley, 4811.
Hartley, 4820. [6] Hartley, 4823. [7] *Vide* Reed, 4092; Finniss, 8938.
[8] Mercer, 7842-59. [9] Reed, 1807, page 37. [10] Mercer, 7842-59.

see, the Industrial Schools were abolished in its favour.[1] In South Australia, on the other hand, we have endeavored to maintain both systems side by side to the injury of the boarding-out system, and with complete failure in attaining the objects of an Industrial School. A *via media*, which does not meet with our approval, and has never been carried into effect, is advocated by Miss Mercer and by Mr. Gray, the visiting inspector. They wish to utilise the Industrial School as a place of preliminary training in order to prepare children to be placed out[2]; but as will hereafter be seen, the few children who are unfit to be placed out at once can be far better dealt with in cottage homes than in a large institution.[3] The result of the course which has been adopted in this colony is that the expansion of the boarding-out system has been checked, and the Industrial School has become a mere receptacle for children until they can be boarded or licensed out, for children who have been sent back from the homes in which they have been placed, and for children unfit from mental or bodily ailments to be taken into ordinary homes. The school has in consequence always retained a residuum of children less attractive than others, or less suitable from moral or physical conditions for service or for family life, which residuum has been larger or smaller, very much in the ratio of the increased or diminished energy which has been displayed in placing the children out. The Industrial School is, in short, a glutted depôt for the boarding-out system.

Hardwicke House.

§ 68. During the epidemic of ophthalmia at the Industrial School, Hardwicke House, Kent Town, was taken by the Destitute Board for a term of two years from July, 1884, at a rent of £130 a year. Twenty of the children who had escaped the epidemic were removed there as a precautionary measure.[4] They have since been sent back to the school, and Hardwicke House, which has accommodation for thirty children, is now used as an infirmary for children suffering from chronic diseases, and as a receiving house for newly sentenced children, who are kept there until it is ascertained if they are free from infectious ailments, when they are sent on to the Industrial School.[5]

THE BOARDING-OUT SYSTEM.

§ 69. The philanthropists in England, Germany, France, and America, who founded reformatories for the reclamation of criminal children, recognised that it was in the family circle that a child could be best trained.[6] Therefore, instead of building huge barracks, they arranged their reformatories in groups of cottages, in which the life of the family was imitated. It was only a step further to discover that, for a destitute child, it was better to place it in an actual home. Although destitute children had long been boarded out in Germany and France, it was in Ireland, in 1827, that the modern improved system of boarding out was first introduced. It was adopted in Scotland in 1844, and in England some years later.[7]

Under the boarding-out system the children are placed with respectable families in their own rank of life, and a reasonable sum is allowed for their maintenance. It is more economical than rearing them in large institutions, as it saves the cost of buildings, of repairs, and of a large staff of attendants.

It

[1] § 70. [2] Mercer, 7767. Gray, 6761, par. 6; 7017 and 7059. [3] §92.
[4] *See* Spence, 5555. Hartley, 4813-7. [5] Appendix WWW. [6] "Children of the State," 65.
[7] Miss Florence Hill, in Mr. Guillaume's Report, 1883, p. 94.

It is free from the dangers inseparable from the barrack system, and is the only method by which that invidual knowledge of the children can be obtained by their protectors, without which the real education of the child, morally and socially, is impossible. Above all, it is the nearest approach to the home life which can be devised for the homeless, and best affords the protecting care and guiding influence which, in the divine economy of the world, are provided for the young through the agency of the family system. As the Commissioners, appointed by the Government of Victoria to inquire into the penal and prison discipline of that colony, remark, when recommending the introduction of the boarding-out system:—

"Children placed with respectable families in their own rank of life, where they are cared for "as if they were members of the household, lose that feeling of homelessness, isolation, and pau- "perism, which is inseparable from the routine and constraint of a pauper school. Their intel- "ligence is stimulated by fresh objects and interests of their new life; the natural affections "are called into healthy play; the sentiment of individual responsibility is quickened, and thus the "foundations are laid of sound mental education and moral character."

Between the children and the persons with whom they are placed, commonly known in the mother country as the "foster-parents," it appears, from the evidence before us, that feelings of the warmest attachment frequently arise, supplying that bond of sympathy utterly wanting in the barrack system; but which, once evoked between the foster-parent and the child, goes far to supply the place of the parental care of which the orphaned and the destitute have been unhappily deprived. [1]

Commencement and Progress of the Boarding-out System in Australia.

§ 70. In the Destitute Persons Act of 1872 appears a clause authorising any child in any reformatory or industrial school to be placed out at not exceeding five shillings a week, "for the care, clothing, and education of such child" until twelve years of age. [2] This section marks a new epoch in the treatment of children under Government control, as it was the first legislative recognition in Australia of the boarding-out system.

In 1867 Miss Clark, of Hazlewood, a member of the same well-known family as Miss Florence Hill, one of the writers who first directed attention to the subject in England, became the pioneer of the boarding-out system in Australia by boarding out two destitute children near Adelaide. [3]

To the Chairman and the other members of the Destitute Board belongs the credit of first applying the system in Australia on an extended scale. [4] Fifty children were placed out on subsidy in April, 1872, and by 1875 the number of the children at the Industrial School was reduced to thirty-nine. Up to June 30th, 1885, 1,219 [5] children had been placed out, the number then placed out being 519. [6]

The rapid extension of boarding out in South Australia naturally attracted attention in the other colonies. [7] In Victoria a commencement was made with the system in 1873 [8] It was largely extended in 1876, and in January, 1885, the number of children boarded out in Victoria was 1,808 [9] Between 1875 and 1879 boarding-out superseded the Industrial Schools. There were six of them containing about 2,000 children, and the last was closed in 1879.[10] In New South Wales, in 1874, a Commission on Public Charities, presided over by Mr. Justice Windeyer, eloquently advocated the boarding-out system in a report which is still one of the most exhaustive authorities on the subject.[11] The State Children's Relief Board in Sydney, which was established under a special Act of Parliament,[12] began to place children out in 1881, and on April 5th, 1885, 1,026 children were placed out under their control.[13] The operations of the Board are extending so rapidly that three of the existing institutions

[1] Public Charities Commission, N.S.W., 1874, Second Report, pages 43-4.
[2] 26 of 1872, section 59. [3] N.S. Wales Public Charities Commission, 8817-8.
[4] Reed, 1807, page 38. [5] Appendix III.
[6] Appendix MMM and Mr. Reed's Report, 1885, Schedule AA. These numbers are limited to the boarding-out system proper, and do not include the children licensed or apprenticed from the Reformatories.
[7] Reed, 1807, page 38. [8] Guillaume, 8535. [9] Guillaume, 8638.
[10] Guillaume, 8530-5. [11] N.S.W. Public Charities Commission, Second Report, 1874, page 43, *et seq.*
[12] N.S.W. Act 24 of 1881. [13] Dr. Renwick's Report for 1885, p. 10.

institutions for destitute children will not be required after the present year, and Dr. Renwick, the President of the Board, is of opinion that all the institutions for destitute children in New South Wales may be abolished within the next three or four years. [1] The boarding-out system has also been adopted in Tasmania and New Zealand.

Advantages of the Boarding-out System.

§ 71. There can be little difficulty in deciding between the merits of an establishment like the Industrial School and the boarding-out system. Mr. Reed, with pardonable pride, claims, and we think justly, that comparing the cost of the Industrial School with the cost of boarding-out, the latter system has saved the colony £36,000. [2] It requires no elaborate calculation to show that a child boarded out at an average cost of 2s. 1½d., or even at the usual subsidy of 5s. or 6s. per week, is less costly to the State than as an immate of the Industrial School, where the weekly expense for the last three years has been 12s. 5¾d. per head. [3]

Even more important than the saving of expense to the community is the advantage to the child itself of being boarded out and thus removed from artificial to natural conditions. "There is no doubt" says Dr. Renwick "that the removal from the "institutions to country homes of a number of sickly infants has been their physical "salvation." "Ophthalmia," he says, "disappears under such circumstances." [4] Nor can it be doubted that their removal from evil moral influences is at least as important.

The child (says Miss Florence Hill) placed in a family is under parental care; it becomes familiar with the duties and pleasures of family life, and it receives insensibly that training of the temper and affections which comes from living with persons of different ages and standing in different relations to it, as father and mother, elder and younger brothers and sisters, &c. Then in the cottage home it sees frugality and economy exercised, which it never sees in large institutions, where food is given to it as if it fell from heaven, without effort on its part. No effort of its own, for the sake of others, is ever called forth in its daily life, nor does it see anyone foregoing anything for it. No one exercises that generosity and forbearance in its behalf which is habitual in a good parent, especially among the poor, and which have a most wholesome effect upon the child, who thus learns by example to be generous and forbearing in its turn. All that is absent from large schools, where each teacher may have as many as fifty children in her charge. Again, children require constant change; they are not able to fix their attention long on one thing. But in the schools they pass their lives in their schoolrooms and a very monotonous playground, rarely going out into the roads and lanes to see fresh faces, fresh objects, and a variety of animals, all of which have a good effect upon them. The extreme monotony of these large schools has a most deadening effect, physically and mentally. A highly important advantage of the boarding-out system, and one wholly wanting in schools, is that it weaves fresh home ties about the child, and creates an interest in his welfare among his foster relatives, and a desire on his part not to lose their good opinion which, in his after life, are probably the most efficient safeguards from going astray with which he could be surrounded. [5]

The exhaustive yearly reports of Mr. Guillaume, the Secretary of the Industrial and Reformatory Schools' Department in Melbourne, of Dr. Renwick, the President of the State Children's Relief Department in Sydney, of the Chairman of the Destitute Board, and of the Boarding-out Society in Adelaide, abound with proofs of the benefits of the boarding-out system. In England, the boarding-out system has not been generally adopted, owing no doubt to the existence of the large number of Industrial Schools, to unfavorable social conditions, and to the financial considerations explained in the English Commission's Report. [6] The experience of other countries, however, to which we can only briefly refer, shows the same satisfactory results as in Australia.

We

[1] Dr. Renwick's Report, 1885, page 19. [2] Reed, 1807, p. 38, 2421, 7412. [3] Appendix BBB.
[4] Dr. Renwick's report, 1883, page 22.
[5] Public Charities Commission, N.S.W., Second Report, 9440 (F. Hill).
[6] English Commission's Report, § 33.

We quote but one instance from the Irish evidence before the English Commission. The Mayor of Belfast says:—"I may say that I do not suppose there are "2 per cent. of the entire number that are sent out that ever return to the workhouse "again. You are aware that we cannot keep them longer than up to 13 years of age; "but the nurses generally get so attached to the children that they will not part with "them. We usually just say to them, "Well, if you adopt him into your own family, "we will give you a suit of clothes for him.' And that is generally the result of this "boarding-out system, so far as my own experience goes."[1]

Selecting also one example only from the Scotch evidence, Mr. Greig, the Inspector of Poor for Edinburgh, and founder of the boarding-out system in Scotland, says:—"The result of twenty years boarding-out of 1,400 children in all, was that we "could give a satisfactory account of all but ten out of that large number."[2]

We take lastly American testimony. Mr. C. L. Brace, of the Children's Aid Society, of New York, says:—

> We have placed out since we began about 22,000 children. So far as we can learn, not more than 5 per cent. commit offences or become chargeable to the public. Great numbers have received property from their employers, or have earned it, and are now men of means. Others are in professions, others are mechanics or honest farmers, or are in various productive branches. Many have contributed to the support of the charity that befriended them, or have bequeathed their property to it on their death. The experiment of placing out in the United States has been an unmingled blessing, and the most economical charity ever devised. The children and youth who would have been petty thieves, vagrants, prostitutes, sharpers, burglars, and criminals, have been made by it honest and industrious producers. Hereditary pauperism and criminality have been broken up, and all this at an average expense to society of fifteen dollars for each child.[3]

Professor Fawcett's Objections to the Boarding-out System.

§ 72. It was objected by the late Professor Fawcett that the boarding-out system, by its very excellence, would encourage pauperism, for, if the State provided for destitute children so well, parents would have no motive for industry to provide for their families; and on the ground of expense he suggested that destitute children should be kept in workhouse schools.[4] The objection as to expense has no application in Australia, as boarding out is cheaper than keeping children in institutions. The argument as to the pauperising effect of boarding out appears to have been only theoretical and not based upon experience.[5] It has been found in England, Ireland, and Scotland that parents who were desirous of their children being kept in workhouses or industrial schools, maintained them themselves rather than allow them to be boarded out.[6] The same thing has been experienced in America:—

> It is not (says Mr. Brace) unjust to the children of the industrious poor, because the last thing the poor ever desire is to be separated from their children. And so far from encouraging the idle poor to beget children whom others shall care for, our experience in America is, that what the idle poor most of all dread is lest their children in almshouses should be placed out beyond their reach.[7]

Hindrances to the Boarding-out System.

§ 73. It was conceded by the Chairman and members of the Destitute Board, by the officers of the Boarding-Out Society, and, in fact, by all the witnesses whom we examined on the question, that it would be better that all the children in the Industrial School should be boarded out than that they should be retained in that institution.[8]

Why

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[1] English Commission, 11517. [2] English Commission, 9886. (Greig).
[3] "Prisons and Reformatories at Home and Abroad," by Edward Pears, LL.B. London, 1872, p. 677.
[4] Fawcett on Pauperism, 1871, 79 *et seq.*
[5] New South Wales Commission, 9438-9-9462 (Florence Hill).
[6] English Commission, 8604 (Duffus). [7] Pears's "Prisons and Reformatories," pages 672-3.
[8] Reed, 7441; Smith, 7430; Adamson, 6211; Spence, 5555; Clark, 5620; Colton, 6832-3.

Why then, it may be asked, is such an expensive and unsatisfactory establishment still carried on when it would be so much cheaper to the public, and so much better for the inmates that they should be boarded out?

In Victoria, as we have seen, the industrial schools are closed. In New South Wales, at the date of the last report of the State Children's Relief Department, there were applications for 610 children which the board had been unable to attend to. [1] In South Australia, on the other hand, there were on the 30th June, 1885, 82 children still in the Industrial School and Hardwicke House for whom homes had not been found. [2]

Mr. Reed seems to be of opinion that the obstacle in this colony is the insufficiency of the rate of subsidy. "I believe," he said, "we could empty the school in a "month if we paid 7s. a week for the children generally, and 8s. for frail and delicate "children." [3] He refers, of course, to ordinary cases and not to the few exceptional instances we have mentioned of children suffering from painful chronic complaints, or from mental weakness.

We do not ourselves attribute the want of complete success in placing all the children out to the rate of subsidy, which, in ordinary cases, is the same here as in New South Wales and Victoria; nor do we think it is to be accounted for by any difference between the social conditions of those colonies and of South Australia. Probably some of the enthusiasm displayed in boarding out in Victoria and New South Wales may be accounted for by the departments in charge of it having been recently organised, and by their energies being directed, in Sydney exclusively, and in Melbourne almost exclusively, to boarding out. In South Australia, on the other hand, the Destitute Board, which has been many years in existence, has had its attention directed to other objects as well as boarding out, and it is therefore not surprising that it should show a tendency to rest satisfied with old methods, which were formerly found sufficient, and to adhere to routine rather than to strike out new lines of action in this branch of its work.

In our opinion, the failure to board out all the children remaining at the Industrial School other than in the exceptional cases just mentioned, is due to three causes—First, and chiefly, to the systematic endeavour which has been made, under the guise of what is called "adoption," [4] to place the children out free of cost to the revenue; secondly, to the absence of distributing agencies; [5] and lastly, to the want of proper care in selecting the child for the home and the home for the child. [6] There are other defects in management, of which the most noteworthy is insufficiency of inspection, to which we shall also have to refer; [7] but the glut at the Industrial School may, we are satisfied, be traced to these three causes.

Placing Children out without Subsidy.

§ 74. The characteristic feature of boarding out in South Australia, as compared with other places, is the number of children of the school-going age who are placed out in homes without any payment. In the returns they are described as "licensed for adoption."

In all other places in which the boarding-out system is in operation the foster-parents receive a small weekly payment for the board, lodging, and clothing of the children

[1] Dr. Renwick's Report, 1885, page 19. [2] Appendix, FFF. [3] Reed, 7441.
[4] § 74. [5] § 76. [6] § 77. [7] § 78.

children. When the system was introduced into this colony, in 1872, there was such a general readiness to accept the children without payment, that six months afterwards the Destitute Board were able to practically dispense with subsidies, and place the children out with foster-parents free. At one time the number of children at the Industrial School was reduced to thirty-nine.[1] In the year ending 30th June, 1874, only seven children were placed out under subsidy, in the following year there were only two, and in the year after, none. When Mr. Reed went to England, in March, 1876, prior to his resignation of office, the system of "adoption" languished; but it received a fresh impetus on his re-appointment in October, 1880. In the year following only thirty children were placed out under subsidy, whilst 134 children were placed out free, being about twice as many as during the previous year.[2]

In the year ending 30th June, 1885, for the first time since 1872, the number of children placed out under subsidy was in excess of those placed out free—being 136 of the former as against 98 of the latter. There is also now a majority of the children placed out under the school-going age who are paid for—the numbers on the 30th June, 1885, being 165 "licensed for adoption;" and 194 under subsidy.[3]

The policy, therefore, of the Destitute Board has been as far as possible to place children under the school-going age in homes free of cost to the revenue. Its financial results, if we are to look only at the present, are satisfactory enough, for it has brought down the average cost of children placed out to 2s. 1½d. per child per week—a lower rate, we believe, than in any other colony.[4]

It is impossible to say how many of the children who are now placed out free of subsidy would have been placed out free if the legitimate methods of boarding out had not been departed from. Assuming, what is probably a fair estimate, that but for this departure two-thirds of the 165 children who were placed out free of subsidy for the year ending June 30th, 1885, would have been paid for at the usual rate of 5s. a week, the cost of boarding out to the revenue would have been increased by £1,430. If the same rate of addition is calculated for each year the boarding-out system has been in operation, the total sum will represent a large proportion of the £36,000 claimed to have been saved by its introduction.[5] A great deal of this saving, however, is only apparent, as against it must be set off a large part of the cost of maintaining the Industrial School, which has clearly been kept open as a means of forcing the practice of taking the children free of subsidy.[6]

But besides the question of cost, there is another aspect of this practice which seems to have been too little taken into account, and that is the welfare of the children who are the subjects of it. There are undoubtedly a good many cases of genuine adoption. Miss Spence is of opinion that there is a larger proportion here than in the other colonies or in England.[7] "I think," says Miss Clark," if children are adopted "before they are seven years old, they must be adopted for love rather than gain. It "would be six years before they were good for much."[8] Out of the 165 children who were boarded out free of subsidy on the 30th June, 1885, forty-eight were adopted under seven years of age, twenty-four were placed out at between seven and nine, and ninety-three at between nine and thirteen years of age.[9] In the majority of cases the so-called adoption is what is styled "adoption for service," under which the child is boarded and lodged free of payment in exchange for such work as it is able to do out of school hours, even when it attends school. Under proper safeguards there may be

[1] Reed, 7412. [2] Appendix HHH. [3] Appendix MMM. [4] Appendices N. and BBB.
[5] § 71. [6] § 73. [7] Spence, 5556. [8] Clark, 5651. [9] Appendix MMM.

be no objection to this so long as the child merely gives such service as a child of the house would be expected to give, and is not made a drudge. But such a relationship is perilously liable to abuse, and might readily degenerate into a system of juvenile servitude not to be tolerated in a civilised community. Even genuine adoption has to be exercised with caution. Miss Spence says—"From my experience as a visitor for "twelve years, as well as holding the office of secretary at intervals for several years "in all, I feel that, for the bulk of the children, the boarded-out home is the better. "Adoption is done by childless people, and the little one is often spoiled and over-"dressed, and expected to be happy without childish companionship."[1]

"The chairman," says Mr. Smith, "was very anxious to economise the expenditure, "and so he specially pressed the placing out of children where no subsidy was required. "I have often expressed the opinion that I thought it was a mistake."[2] The consequence was that, in order not to lose any chance of saving the subsidy, children were placed out in homes without sufficient inquiry, in homes which would not have been accepted if the children had been paid for, and in homes out of the reach of inspection or of schools.[3] It is also, as we have already mentioned, chiefly because of this reluctance to place children out except free of subsidy, that the Industrial School has been kept open. "The late chairman, Mr. Solomon, was reported to have said that, "if he chose to place out all the children on subsidy, he could empty the school in a "fortnight."[4]

Finally, a practice arose which, we think, the Secretary of the Boarding-out Society correctly describes as an attempt to "foist the burdens of the public upon private "individuals." "In some instances," she says, "where we had obtained homes for "subsidised children, as soon as they reached the age of eight or nine, the foster-"parents were told that they must either keep them at their own expense or return "them, as people could be found who would take them without payment. We protested "against this as unjust, and the plan was afterwards adopted of placing out children on "subsidy for a distinct term of years, generally ending at the age of nine or ten. But, "in our opinion, this custom is utterly subversive of the true boarding-out system, by "destroying its most important characteristic—*permanence in the home.* If a child "remains with the same people from the time it is little till thirteen, the usual age for "going out to service, the tie between it and its foster-parents has become too strong "to be broken, correspondence is kept up, and the place is looked back to as a home. "This was the case in most of the few instances in which it has been tried here."[5]

In New South Wales and Victoria there has been no endeavor to place children out without subsidy in exchange for their services. In order to avoid such abuses as have happened here, children are not placed out for adoption in Melbourne after six years of age, or in Sydney after eight years of age.[6] In our opinion, the sooner the practice which has grown up in this colony of placing children of the school-going age out at service to save the cost of their maintenance is abandoned the better. Without saying that in no case should a sturdy boy or girl of the school-going age, who has to be placed out in a new home, be required to give service in the family in which it lives in exchange for its board, we protest as strongly as we can against the plan of removing children from the foster-parents, who have cared for them in infancy, for the purpose of earning their living in other homes. It deprives the child of the family ties which the boarding-out system is intended to develop, and has been one of the most prolific causes in diminishing the choice of suitable homes. *Adoption.*

[1] Spence, 5556. [2] Smith, 4028. [3] Spence, Appendix BBBB.
Boarding-out Society's Eleventh Annual Report, p. 4. [5] Spence, Appendix, BBBB. Clark, 5656-61.
[6] Guillaume, 8648. Dr. Renwick's Report, 1884, p. 15.

Adoption.

§ 75. We have no doubt that, when the mistaken methods of boarding out which have been followed in this colony are discontinued in favour of those proper to the system, cases of genuine adoption will become more numerous. The case of Ann Deers, hereafter reported on at length, shows the necessity of having regard to the child's family connections, and, where it has parents living, of obtaining their consent, before placing it with foster-parents who wish to adopt it as their own. [1]

Some misunderstanding arose in the same case—and has probably arisen in others—from the use of the word "adoption" in the Destitute Persons Act and in the forms of licences. It first appeared in the form of licence for boarding out given in the Schedule to the Destitute Persons Act of 1872, [2] which is repeated in the Schedule to the Act of 1881. [3] In Section 65 of the latter Act, the placing-out of children, which is thereby authorised, is stated to be either for "*adoption* or service." The word "adoption" there is plainly used as opposed to "service," and does not mean the creation of the relationship under which a child of one person becomes the child of another. Although, under the licence, the child is placed out for a fixed term, section 65 expressly empowers the Board to require the child to be returned at any time during the term.

The relationship of "adoption," which had such an important place in Roman jurisprudence, and which is still frequent in Eastern countries, is unknown in English law. It is recognised in France, in Germany, and in some of the North American States. In New Zealand, with characteristic boldness of innovation, the legislature has passed "An Act to legalize the Adoption of Children." [4] Under this Statute, any child under twelve years of age may be adopted by a married person of the same sex as the child, and at least eighteen years older, with the consent of the husband or wife of the adopting person, or by "any person of good repute who is forty years older than "the child." The order for adoption is a judicial act, and can only be made by a District Judge, and with the consent of the child's parents or legal guardians, but such consent is not required in case of a deserted child. After the order for adoption the child "is deemed in law to be the child born in lawful wedlock of its adopting parent."

Considering the ample powers of disposition of property by will which are enjoyed under English law, it cannot be said that the provisions of the New Zealand statute are urgently required. We are, however, in favor of its enactment in this colony, as there are probably many cases in which its provisions would be availed of to the advantage of children whose foster-parents are desirous of ratifying a voluntary connection by legal obligation, and it would also encourage the adoption of friendless children who would otherwise be a burden upon the public.

Local Boarding-out and Visiting Committees.

§ 76. The task of getting homes for the children has been centralised in the Adelaide office, without any assistance from outside. For many years the method adopted was to send out circulars to farmers and others inviting applications for children. [5] The labors of the visitors of the Boarding-out Society have been limited to inspecting the children in the homes in which they are placed, and they have had little or nothing to do with finding homes for them. [6] Until the appointment of Mr.

§ 184. [2] No. 26, page 134. [3] No. 210, page 28. [4] No. 9 of 1881. [5] Reed, 4252-3. [6] Reed, 4252-3; Clark, 5635.

Mr. Gray, even the travelling Inspector does not seem to have troubled to inquire for homes.[1] This no doubt is a survival of the practice which grew up when the boarding-out system was novel, and the demand for the children was so great that they could be placed out free. Since the outbreak of ophthalmia at the Industrial School, and also in consequence of the attention which has been directed by the evidence given before this Commission to the anomaly of keeping children in the Industrial School at a cost so much greater than if they were boarded out, the Destitute Board have tried in two or three ways, but with only partial success, to get the children placed out. Advertising has been tried, with about the same effect as would be secured by a house of business which contented itself with advertising when overstocked. The rates of payment for young and delicate children have been raised with very little better results.[2]

In our opinion what is wanted in South Australia (and the same necessity exists wherever the boarding-out system has been introduced) is local committees, who, in addition to the work now done by the Boarding-out Society, will search out suitable homes.

This system has been adopted both in New South Wales, where there are 63 local ladies' committees,[3] and in Victoria, where there are 110.[4] In New South Wales these committees are generally smaller (sometimes they consist of one lady only), and they seem to exercise a less independent discretion, than in Victoria, and we believe that in most instances their functions are limited to visiting the children and inspecting the homes.[5]

The members of the local committees in Victoria find suitable homes and select the children for them; visit each home eight times a year; pay the subsidies; and take charge of the children in the intervals, when they are changing from one home to another; thus saving the expense of their being returned to the central depôt.[6]

The duty undertaken by the local committees in Victoria, of taking care of the children when they are changing homes, and of finding new homes for them, must help to repress the desire for change, and to give permanence to the child's settlement in its home.[7] Similar arrangements in this colony would do away with the inconvenient practice which prevails of recalling children to the Industrial School whenever their homes are changed, and would diminish the danger of improprieties which have happened here when children have been making long railway journeys unprotected and alone.[8]

Neither in New South Wales, nor in Victoria, is there any Act of Parliament providing for the appointment of these committees; and they could of course have been appointed here also without waiting for legislative authority.

We recommend the organisation of similar committees in the towns and principal townships of the colony. They should consist chiefly if not wholly of ladies, and be representative of the various religious denominations. It would undoubtedly give prestige to their office if they were appointed by the Governor. Owing to the dispersion of many of the children in remote and thinly populated districts, it will probably be found impracticable to form committees within reach of all the children who are already placed out, but we hope that, with the additional homes procured by means

[1] Adamson, 6217. Reed, 7045; Smith, 7448.
[2] Reed, 7412 Appendix LLL.
[3] Dr. Renwick's Report, 1885, page 21.
[4] Guillaume, 8578.
[5] Boarding-out Society's Report, 1885, pega 3.
[6] Guillaume, 8578.
[7] Boarding-out Society's Report, 1885, page 5.
[8] § 89.

means of these committees, it will be found practicable in future to avoid placing any children out beyond the reach of visitation by some member of a local committee. [1]

To us it is a striking proof of the favourable conditions in this colony for the boarding-out system that so many children have been placed in homes without any local agencies, and by means only of the imperfect methods hitherto adopted, and we have no doubt that with the assistance of these committees there will be no more difficulty here than elsewhere in finding suitable homes for the children.

Precautions in Selecting the Home for the Child and the Child for the Home.

§ 77. The careful selection of home and child suitable for one another is plainly one of the great essentials to the success of the boarding-out system. Every home ought to be inspected, and its suitableness ascertained, before a child is placed in it. This is the practice in America, [2] New South Wales, [3] and Victoria. [4] It has been impracticable here, in the absence of local committees, with only one inspector for the whole colony outside Adelaide and its suburbs, and his duties including the visitation of adult paupers as well as boarded-out children. Accordingly the department has acted on a certificate of character of the applicant, signed by a clergyman or magistrate. [6] It is to be feared that these certificates are often too readily and, in some cases, recklessly given. [7] In New South Wales it was found that 13 per cent. of the persons applying for children, and recommended by the same kind of certificate as is required in this colony, were unfit to have the charge of them; and that in one year, out of 400 applications inquired into fifty-two had to be rejected for unfitness. The Destitute Board have recently adopted a further check in the form of a private inquiry as to the suitableness of the applicant, framed somewhat after the pattern of "friends' reports" in life insurance business. [9] We are satisfied that neither this nor any other expedient which can be devised can dispense with the necessity of an actual inspection of the proposed home, and that, with a population so scattered as ours, such an inspection in all cases will be impracticable without the appointment of another inspector and the assistance of local committees.

For many years the applications for children were not brought before the Destitute Board at all, but were dealt with by the Chairman on his own authority. It was said that employers who wanted a child under licence or an apprentice, objected to wait until the Board was consulted; and, accordingly, the apprenticing, licensing, and boarding out of children were regarded as business so pressing that it was the custom for the Chairman to place the children out himself, and then report the fact to the Board for approval. This practice was as illegal as it was objectionable, as the Act vests the power of boarding out, licensing, and apprenticing in the Board. [10] On the 30th November, 1882, a resolution was passed requiring all applications for children to be submitted to the Board for approval, although it seems there still continued to be an understanding that he could act himself upon applications which he deemed urgent, without delaying to bring them before the Board. [11]

The selection of children for homes has too often been altogether at haphazard, owing, no doubt, partly to the distance of the Industrial School from the Adelaide office, and partly to the department being shorthanded, but chiefly to over anxiety not to

[1] § 79. [2] Michigan Report, 1882, page 12. [3] Dr. Renwick's Reports, 1883, page 67; 1885, page 27.
[4] Guillaume, 8583-4, 8630. [5] Gray, 7237. [6] Smith, 7445. [7] Gray, 7028. Reed, 7404. Smith, 7420.
[8] Dr. Renwick's report, 1883, page 67. [9] Reed, 8296.
[10] Act 210 of 1881, sec. 65–7. [11] Reed, 4239-41; Davis, 4233; § 182–3.

to lose any chance of placing a child out free of subsidy, and to the mechanical methods which have come into use in consequence of the department having to dispose of large numbers of children in a wholesale way without the assistance of local committees.

The mode of action (says Mr. Gray) has simply been to take a book containing a list of the children's names, and look over the list and say, 'Here is an application for a boy of nine years of age, and here is a boy of that age. Send him.' Mr. Atkinson has no time to go up to the school to examine the children at all, and we are so far away from the school that it is impossible to keep posted up on the subject, and the matron makes no recommendation whatever. The nature of the home or of the employment is not communicated to the matron. Simply a message is sent to her to send down such and such a boy. [1]

This extraordinary want of care in selecting both homes and children has contributed to the children being withdrawn from the homes or returned to the department in large numbers, and to the Industrial School being kept open; and this appears to be a growing evil. More than one-third of the children boarded-out in the years 1880, 1881, and 1882, and more than half of those boarded-out in 1883 and 1884, were returned or recalled. In 1884, out of 245 children placed out, 104 were returned, 32 for some fault of the home, 72 for some fault of the child. [2] In New South Wales, for the same year, 306 children were placed out in homes previously inspected, and only six were withdrawn for unsuitableness of the homes, and the total transfers were 68. [3]

A striking example of what may be accomplished by care in the selection of homes was given by Mr. Greig before the English Commission. Speaking of the results of boarding-out more than 1,400 children from the city parish of Edinburgh, he said, "In an experience of nearly thirty years I have only had to remove somewhere "about half-a-dozen children from the nurses where they were first placed." [4]

The frequent returns of children not only keep the Industrial School full, and neutralize all the benefits of boarding-out to the child; but, by bringing the boarding-out system into disfavour, deter many eligible people from becoming foster parents.

Boarding Out in Homes out of reach of Schools.

§ 78. We learned with surprise and regret that, for the sake of saving payment of the subsidy, many of the children are placed out in homes from which they cannot attend school. [5] On the 30th June, 1885, thirty-one of the children of ages varying from seven and a half to over twelve years, were thus placed. [6]

As in these cases the child is taken as a servant, we fear that the home education which the Chairman of the Destitute Board informed us is insisted on, is merely nominal, and a poor substitute for teaching at a public school. "The specimens of "handwriting and summing," which are said to be "required every month in order to "note the child's progress," is a most unsatisfactory evidence of it. [7] Mr. Gray, the travelling Inspector, reports, and we have no doubt accurately, that "the arrangement "for teaching the children at home is usually a mere pretence, capability to teach being "nearly always wanting, and where that exists, time during the day not being avail-"able. [8]

We cannot understand how this practice can be justified. Whilst the Legislature requires parents who live within reach of schools to have their children educated

[1] Gray, 7048-52, 6761. Reed, 7403. Atkinson, 8065-89. Spence, Appendix BBBB.
[2] Atkinson, 8121. [3] Dr. Renwick's report, 1884, page 16.
[4] English Commission, 9975, 9886, (Greig). [5] Spence, 5555; Hartley, 4822; Clark, 5641-3.
[6] Appendix, MMM. [7] Reed, 2419. [8] Gray, 6761.

cated up to a compulsory standard, a Government department, having charge of children of the school-going age, places them, to save the expense of their keep, in homes in which schooling cannot be had! The 65th section of the Destitute Persons Act, under which children are placed out, authorises the Destitute Board to pay the person having charge of them for their "care, clothing, and *education*," and the form of licence given in the schedule to the Act, requires such persons not only to see that the child is "educated," but also "to furnish a report from the schoolmaster or "schoolmistress of the school attendance and educational progress every six months." It is therefore plainly a violation of the intention of the statute, as well as a cruel injustice to the children, that, in order to save the cost of their maintenance, they should be put to service out of the reach of school.

In Victoria no child of the school-going age, who has not passed the compulsory standard, is boarded out beyond reach of a school,[1] and this should, in our opinion, be an inflexible rule in South Australia also, and expressly enforced by statute or by regulation, with the additional requirement that no child under fourteen should be licensed to service until it has passed the compulsory educational standard.[2]

To repair the injustice which has been done to children under thirteen who have been put to service out of reach of school, we suggest that arrangements should be made to enable such of them as are unusually backward in their education to attend school, and, if necessary, for some time beyond the school-going age.

Inspection of Children.

§ 79. The 78th section of the Destitute Persons Act requires each child to be "visited by the Board, or some member thereof, or some person appointed by the Board, "once at least in four months." In many cases this requirement has been a dead letter.

Until October, 1881, there was no visiting inspector, the only official visits to the homes being made by the Chairman or some other officer of the Destitute Board. In October, 1881, a visiting inspector was appointed, who held office for two years, and appears to have done his work in a perfunctory manner.[3] He was succeeded by Mr. Gray, the present visiting inspector, as to whose efficiency and zeal there is a striking concurrence of testimony.[4]

Mr. Gray is, as we have seen, also inspector of cases of out-door relief, and his district, of which he overtakes the circuit only twice a year, includes the whole colony, except some remote places, and Adelaide and its suburbs.[5]

Of the 549 children who were placed out on the 30th June, 1885 (including eighty-nine licensed for service or apprenticed—some of them from the Reformatories as well as from the Industrial School), 387 were in places visited by Mr. Gray, and eighty of them in places in which the children are visited by him only.[6]

On the same date 144 children were placed out in Adelaide and the suburbs, and twenty-seven in remote places beyond Mr. Gray's district. No officer of the Destitute Department visits any of these children, except thirty-two infants placed with foster mothers, and inspected from time to time by Mrs. Kelly, the lady inspector.[7]

The children in Adelaide and the suburbs (except the infants seen by Mrs. Kelly) are inspected by the visitors of the Boarding-out Society. Of the children placed out in the country districts on the 30th June, 1885, 307 of them in places visited by Mr.

[1] Guillaume, at page 384, Minutes of Evidence. [2] § 146. [3] Reed, 7404-5.
[4] Reed, 7403-12; Smith, 7416-40; Spence, Appendix BBBB; Boarding-out Society Reports, 1884, p. 4; 1885, p. 8.
[5] Gray, 7235–7. [6] Appendix EEEE. [7] § 43.

Mr. Gray, and thirteen of them beyond the districts in which he inspects, were within reach of visitors of the Boarding-out Society. [1] On the same date, five children (three under the school-going age, but all at service) were in places in which there was no inpsection whatever, either by an officer of the department, or by the Boarding-out Society. [2]

During the year, 1,924 visits were made to the children—849 of them by Mr. Gray, 701 by the Boarding-out Society, and 374 by Mrs. Kelly. [3] Rejecting from the computation Mrs. Kelly's visits, and the infants she sees, and taking the mean number of the children for the year, the 1,550 remaining visits gives an average of a little more than the statutory requirement of three a year for each child.

It is, however, exceedingly difficult to ascertain the actual distribution of these visits. Counting the children discharged during the year, but rejecting the infants visited by Mrs. Kelly, there were in all 657 placed out during the year; of these 279 were visited thrice, or oftener; 176, twice; 202, once only; and 126, not at all. Many of these children, however, were out in homes only a small part of the year. [4] But, after making every allowance for such cases, it seems to follow from these figures, as well as the other evidence, that a large proportion of the children are not visited every four months, as the law requires, and that a considerable number are not visited at all.

The Boarding-out Society's report leads to the same conclusions. It shows for the year, 973 reports on 516 children, or less than two a year for each child, and states that "the number of reports on the rank and file in permanent homes was never so "small as during the last two years." [5]

All authorities with respect to boarding out insist on the necessity of frequent visits to the foster-homes. In Scotland, the official visitor is bound to inspect each home eight times a year, and does so oftener. [6] In New South Wales, the inspector's visits are twice a year, and the ladies visit once in three months. [7] In Victoria there is an official inspection once a year, and a visit once every six weeks by the ladies' committees. [8]

We look upon the want of more frequent official visits to the homes which, as we have pointed out, are not inspected before the children are sent to them, as one of the gravest defects in the administration of the boarding-out system in South Australia, and one to which the Chairman of the Destitute Board is right in attributing the inferior character of many of the homes. [9] The visits of the Boarding-out Society, or of the ladies' committees, when they are constituted, will not, in our opinion, dispense with the necessity of official inspection. We recommend that in future, all children, whether boarded out, licensed, or apprenticed, and whether in the city or suburbs, or in the country, be visited by an inspector at least twice a year, and that hereafter no child be placed in a home out of the reach of the visits both of an inspector and of some member of a ladies' committee. [10]

With respect to children who are really adopted, there is no doubt that the requirements as to inspection may sometimes be advantageously relaxed. At present, though exemption is occasionally granted, it is not authorised by the Act. [11] The power to exempt from visitation in special cases should be given in any future legislation on the subject, though its exercise should be hedged with careful precautions, and should require an express resolution of the Board. [21]

The

[1] Appendix EEEE. [2] Idem. [3] Idem. [4] Appendix EEEE. [5] Report, 1885, page 5.
[6] English Commission, 9936, (Greig). [7] Regulations 2 and 4. [8] Guillaume, 8589-93.
[9] Reed, 7404. [10] § 76. [11] Appendix EEEE. [12] Gray, 6761.

The Boarding-out Society.

§ 80. The Boarding-out Society was formed about the time of the introduction of the boarding-out system by the Destitute Board for the supervision of the children when placed out. As we have seen, for many years the official inspection of the children in their homes was only occasional, and most of the inspection, therefore, was done by the Boarding-out Society. The large majority of the children are still visited by the Society, and 125 by the Society only.[1] The visitors send detailed reports of the inspections they make to the Destitute Board, and these reports again are examined and classified by the executive of the Society.[2] No less than 701 of these reports were received by the Destitute Board for the year ending June 30th, 1885.[3]

The honorary work, therefore, which has been done by the Society, has been of great direct value, and has saved the expenditure of a large amount in official inspection which, but for assistance of the Society, could not have been dispensed with. In many instances the visits have been more frequent than could have been made by an officer of the department having to travel the long distances over which the children have been distributed. But the existence of the Society has been of additional value in furnishing the check and the stimulus of independent observation and criticism of the work of the Destitute Department.[4]

It is certainly remarkable that a society, with a subscription-list of less than £10 a year, should have continued in vigorous existence for more than thirteen years, and have organized a staff of over 100 honorary visitors in different parts of the colony. "The wonder is not so much that some of the visitors should be unsuited to their work, "as that the Society should have be enable to secure so many valuable assistants in places "of which they scarcely knew the names previously."[5]

We take this opportunity of expressing our sense of the value of the information on the subject of boarding out which we have received from Miss Clark and Miss Spence, the late and the present honorary secretary of the Boarding-out Society, and our hope that the experience they have gained during many years of philanthropic labour, may not be lost to the public in the departmental changes suggested in a subsequent part of this report. We also trust that the services of most of the visitors of the Society may be continued upon the local committees which we have recommended to be formed.

Rate of Subsidy.

§ 81. The maximum subsidy to be paid with a child boarded out in this colony is fixed by the Destitute Persons Act at 7s. per week.[6] The ordinary rate has, from the introduction of the boarding-out system into this colony, been 5s. per week.[7] The child, when it is first placed out, is supplied with an outfit of clothing, which the foster-parent is expected to keep repaired and renewed, and it has schooling and medical attendance free.

In both New South Wales and Victoria the subsidy, in ordinary cases, is the same as in this colony. In New South Wales 6s. a week is paid for children of delicate constitutions, not suffering from complaints of an unpleasant character; and 7s. a week for children "actively" suffering from disease, or from chronic illness.[8] In Victoria, infants under twelve months old are paid for at 12s. a week. The department

[1] Appendix EEEE, Kelly, 7455. [2] Spence, Appendix BBBB. [3] Appendix EEEE.
[4] Reed, 1807, at page 39, 7405. [5] Spence, Appendix BBBB, 5556.
[6] Act 210 of 1881, section 165. [7] Reed, 1807, at page 38. [8] Dr. Renwick's Report, 1885, page 10.

ment has a discretion to pay up to 8s. a week in special cases, and in a few cases it pays as much as 12s. a week after obtaining ministerial sanction. At the beginning of 1885, out of 1,808 children boarded out, only thirty-six were being paid for at a higher rate than 5s. a week. [1]

For many years a subsidy of more than 5s. a week was only paid in this colony in very exceptional cases, but, in consequence of an increasing difficulty in placing children out, the rate was increased in 1884 for many other cases. [2] On the 30th June, 1885, the 194 children placed out on subsidy, were paid for at the following rates:—108 at 5s. per week, 75 at 6s., and 11 at 7s. Generally, 5s. per week is paid for healthy children from 6 to 10 years of age, 6s. for healthy children under 5 or 6 years old, and 7s. for ailing children and infants. [3]

Miss Spence says that the foster-parents all complain that the subsidy is too little, and that "5s. a week does not pay in Adelaide, where rents are high; "but at Mount Barker, Echunga, Clarendon, Nairne, Macclesfield, and such places, "people seem pleased with it." [4] Mr. Reed also is of opinion that the present rates are ample. [5]

We can understand the difficulty of placing out at the ordinary subsidy of 5s. a week boys of over eight years of age, who have been kept in the Industrial School in the hope of getting them "adopted for service;" but we have no doubt that when the present glut is got rid of by a return to the legitimate methods of boarding out, there will be no more difficulty in placing children out at 5s. a week in South Australia than in the neighboring colonies. It is undoubtedly better for them to be placed out in the country, where suitable homes can be more readily obtained than in Adelaide. The Legislative restriction against paying more than 7s. a week should be removed, as that amount is clearly insufficient in some exceptional cases, although we saw a frail little girl, suffering from painful sores all over her head and body, who was boarded and carefully tended for a subsidy of 7s. a week.

Character of the Homes.

§ 82. The Secretary of the Boarding-out Society says, "the subsidised homes are "generally excellent," and that "many of the adopted homes are excellent." [6] This cautious language implies that at least *some* of the subsidised homes and *many* of the adopted homes do not answer that description. Since Miss Spence's evidence was given there seems to have been an improvement in the character of the homes, as in their Annual Report, dated August, 1885, the Committee say they "can confidently "state that the homes are a good deal better than they were at the date of last "report." [7]

Mr. Gray, the visiting inspector, gives the following account of the homes:—

> The average character of the homes I have visited is, in my opinion, poor. * * I do not say that the homes are all poor. The Irish homes are the worst. There are many that are good, and some as good as could possibly be wished. There are, however, some where the children have been obtained and are now retained simply with a view to the work that can be got out of them. * * It is difficult to know what standard to adopt in visiting the homes. So far, I have tried to compare them with the Industrial School, and I am sorry to say many homes suffer by the comparison. [8]

At

[1] Guillaume, 8598, 8609, 8638. [2] Reed, 7412. [3] Appendix LLL. [4] Spence, 5556. [5] Reed, 7412.
[6] Spence, 5555. [7] Boarding-out Society's Report, 1885, p. 5. [8] Gray, 6761.

At our request, Mr. Gray classified the homes he had visited with the following result:—

Very good	11
Good	74
Medium	164
Poor	86
Bad	25
	360[1]

This classification did not include 170 of the homes which he had not seen, many of them presumably of a satisfactory character, as most of them are in the neighbourhood of Adelaide, and regularly inspected by the visitors of the Boarding-out Society. It must also be borne in mind that the districts visited by Mr. Gray include the majority of the more remote and less desirable homes in which the children have been "adopted "for service."

It was objected, and, we think, with justice, that Mr. Gray selected in the Industrial School a false standard of excellence, and that he did not sufficiently appreciate how much better it is that a child should be brought up under the healthy influences of family life, even in a rough and humble home, than in a large institution, however methodically conducted.[2]

To those (says Mr. Justice Windeyer) accustomed to town life, and to the surroundings of children reared in an institution, provided with steam machinery, hot and cold baths, dinner lifts, and hot water tables, the furnishing and accommodation of a bush home amongst the farming class may indeed seem scant; but when sufficient for the honest, industrious, and independent poor, there is no reason why destitute children, thrown upon the public bounty, should be maintained in a style far superior to that of others in their own rank brought up in parental homes. Children boarded out in our country districts might not, when visited in the houses of their foster-parents, present so trim an appearance as the well-drilled inmates of an institution; but the home life which they would enjoy, and the daily experience gained by them, would certainly far better fit them for their encounter with the world, than an artificial system of training under conditions utterly dissimilar to the circumstances in which their after life will be pursued.[3]

It will be observed that Mr. Gray condemned as "bad" about 7 per cent. of the homes which he had visited. This is a less proportion than might have been expected, after taking into account the want of inspection and the other shortcomings of the methods of boarding out which have been followed. His criticisms were sustained in at least some instances, as fourteen children were recalled from homes which he said were "bad."[4] At the same time, we are inclined to believe that some of the homes which he regarded as "medium" might fairly be called "good." Indeed, he admitted that of those he did not consider "bad" the large proportion of them were "fairly satisfactory."[5]

His evidence however, furnishes cumulative proof of the mischievousness of systematically placing young children of the school-going age out at service in order to save the expense of their maintenance, and to us it indicates the necessity, immediately the departmental changes hereafter recommended are effected,[6] of a careful inquiry being made into the character of all the homes in which children are placed, with a view to the withdrawal of the child in every case in which the home is unsatisfactory.

Treatment of the Children.

§ 83. During the fourteen years between the introduction of the boarding-out system into this colony and the 30th June, 1885, 2,186 children were placed out in homes; and there were only four convictions against foster-parents, and one more against the son of a foster-parent, for the illtreatment of children.[7] The strength of this indirect evidence

[1] Gray, 7253. [2] Smith, 7420-7; Reed, 7412.
[3] Public Charities Commission, N.S.W., Second Report, p. 52. [4] Reed, 7408. [5] Gray, 7081.
[6] § 91 [7] Appendices III, OOO.

evidence as to the treatment of the children is undoubtedly somewhat weakened by the defective arrangements for visiting them, and by the remoteness of the homes in which many of the children "adopted for service"—the most likely to be illtreated—are placed.

During the year ending 30th June, 1884, out of the 549 children placed out, six were recalled on account of illtreatment; but in only one case was there sufficient evidence to justify legal proceedings, and in that the defendant was fined five pounds. [1]

Speaking of children adopted for service, Mr. Gray says—

In many cases the education is much neglected, and in still more the kindly love, without which the life of any child is a burthen, is wanting. There is very little of direct cruelty or savagery, and I do not think there are many cases of overwork; but no doubt there are some that are not discovered. This brings me to another difficulty. It is impossible for any one man to get round the colony more than three times a year; and when there are many cases of destitution needing examination, twice is as much as can be done. This is not enough to enable the hearts of the children to be won. The consequence of this is that, in many cases, I cannot get candid replies to my questions; and I am afraid, sometimes, fear of the employer prevents candour or truthfulness in reply to the questions as to their happiness and comfort, although I invariably put these questions when alone with the child, to the great annoyance of some employers. [2]

One of the best guarantees of good treatment is the incorporation of the children into the families in which they are placed. In Miss Spence's opinion about 100 of the children boarded out or licensed for service, or more than a fifth of the whole, are substantially adopted and absorbed into the families in which they live. [3]

Mr. Reed's Description of Boarded-out Homes in New South Wales.

§ 84. The visit of the Chairman of the Destitute Board to Sydney, in December, 1884, enabled him to compare the boarded-out homes in New South Wales with those in this colony. Mr. Reed "voluntarily left" the following record of his observations, which is naturally valued in New South Wales as the independent testimony "of the "chief administrator of the system in another colony, who is admitted to be an expe- "rienced and acute observer, and who could certainly not be suspected of a desire to "draw comparisons unfavorable to South Australia." [4]

I cannot sufficiently express the pleasure I felt in visiting your homes, which are essentially different and very far superior to any of those in South Australia. Your large and thickly-populated cities create a different class of foster-parents altogether—a class not in existence with us as regards their position, and very frequently as regards their occupation or means of living. This is seen in the character and condition of your homes, a number of which were the property of the foster-parents, a thing unknown with us, save in very exceptional instances here and there. The social position of your guardians of children in New South Wales is also decidedly higher than ours, comprising not only mechanics and artisans, and those earning higher wages than with us, but also painters, builders, shopkeepers, engineers, and contractors, and all living in well-furnished houses, and under such home surroundings that appeared to me must tend to produce, and indeed seemed to produce, the happiest results to the children, who are evidently better and more intelligently trained than with us. I was also much gratified at the apparent affection existing between guardian and child, as evidenced in so many ways—in the children voluntarily taking the name of their foster-parent, in the very few returns through misconduct or mutual incompatibility, and in the large number who remain with their guardians after expiry of the boarding-out licence. [5]

In the foregoing very generous tribute to fellow-workers in the same kind of labour, although in a different field, Mr. Reed has, we think, scarcely done justice to his own administration of the boarding-out system in this colony.

According to Dr. Renwick, the homes seen by Mr. Reed were "not specially "selected, nor, indeed, were they a fair example of the high average quality of the "homes generally." If therefore, they are accurately described, as "very far superior "to

[1] Mr. Reed's Report, 1885. [2] Gray, 6761. [3] Letter in *S.A. Register*, September 5th, 1885.
[4] Dr. Renwick's Report, 1885, p. 17. [5] Idem.

"to *any* of those in South Australia," the homes in New South Wales must indeed have eached a very high pitch of excellence.

Probably the ownership of their own homes is not quite so rare amongst foster-parents in South Australia, and their social rank is not always so inferior to that of foster-parents in New South Wales, as Mr. Reed's testimony would lead the reader to imagine. Nor do we share the preference which Mr. Reed expresses for homes "in "large and thickly populated cities." We believe it is rather in the country than in the town that, to use Miss Ellice Hopkins's language, "the young life is like a stream which "soon runs itself clear," and we should ourselves prefer for boarding out most children a plain home upon some South Australian farm to one amongst the elegancies of city life, which excited Mr. Reed's admiration in Sydney.

But, after making every allowance for Mr. Reed's modest estimate of his own work, it must, we think, be admitted that he is a competent judge of the superiority of the homes obtained by the State Children's Relief Board in New South Wales to those procured by the Destitute Board in South Australia. We, however, attribute the difference in the homes not so much to the different social conditions in the two colonies as to the different methods pursued by the two Boards. Until more care is taken here in the selection of homes, we must expect a continuance of "returns "through misconduct or mutual incompatibility"; and whilst "home surroundings" are sacrificed, and children of tender years are sent out of the reach of schools to earn their bread, it is no wonder that they are not "better and more intelligently trained," or that there is less "apparent affection existing between guardian and child" than where the connection between them is of a less mercenary character. It is to be regretted that, with such a clear perception of the inferiority of the homes, for the selection of which he is responsible, the Chairman of the Destitute Board should have failed to discern the faultiness of the methods by which that inferiority was occasioned.

Inspection of Homes by the Commission.

§ 85. We have not ourselves had the opportunity of comparing the homes in South Australia with those in Victoria and New South Wales. An actual inspection, however, of the homes in which sixty-eight of the children were placed—about a a third of them in the city and suburbs and two thirds in the country—impressed us, even more strongly than any of the evidence we had heard, with the value of the boarding-out system.

Our visits were made without any previous notice to the foster parents, and we took special pains to ensure that the homes we saw were fairly representative of the general character of the homes in the districts over which we travelled. Many of the homes were rough, and some of them were not such as we should ourselves have selected, or, as we believe, the Destitute Board would have selected, had it been practicable to inspect them before the children were boarded-out. In one case we felt it our duty to advise the immediate removal of the child on account of the unfavorable surroundings, but in no instance did we see any indication of ill-treatment or of harshness. In most cases the child seemed incorporated into the family; and in many the home influences were of the best kind. Often we witnessed demonstrations of affection between the foster-parents and their charges, which could not have been more natural if they had been between mother and child. There were some cases of undoubted adoption. In one instance an accomplished girl, far advanced in her teens, in a home where there was every evidence of comfort, not to say luxury, was so completely "adopted" that

that she was not even aware that the persons with whom she was living were not her natural parents. One of the brightest of a crowd of children we saw trooping out of one of the public schools was a girl "adopted for service." In one of the humblest of the homes we were shown the prizes which the boarded-out boy had taken at the public school and at the Sunday school, and we shall not soon forget the terror on the face of the lad himself when we proposed that he should return with us to the Industrial School, or his evident relief when told that he need not leave his adopted home.

It would have dispelled the doubts of the most sceptical as to the benefits of boarding-out, to witness, as we witnessed, first the dull looks, the sore eyes, and what Mr. Reed has aptly described as the "crushed machine-like expression" of the children at the Industrial School;[1] and in contrast, afterwards, the ruddy, intelligent, and happy appearance of many of the children in the country homes.

We concluded our inspection with the conviction that, great as had been the saving to the public purse which the boarding-out system had accomplished, its benefits to the community in rescuing hundreds of children from lives of pauperism and vice, and teaching them habits of industry and virtue, were incomparably greater.[2]

Objections to Placing too many Children in one Home.

§ 86. In our inspection of the homes we were sorry to find one in which seven children of seven different families, and another in which six children of five families were boarded out. In the last mentioned of these homes one of the children was a little girl who, although very young, had learned bad habits, which made it undesirable that she should be placed with a number of other children. There are also two homes in which five children, and ten homes in which four children are placed.[3] We have no doubt that the children in the homes we refer to are kindly treated; but it is contrary to the principles upon which children are boarded-out to place so many in one home. What should be aimed at is, to secure for the child the individual care and the love of its foster-parents, and that it should be regarded as a member of the family and not as a boarder. "My beau ideal of a home" says Miss Spence, "is where a destitute "child, or two, or even three, are absorbed amongst other children, and go to ordinary "schools, and take a share in ordinary work."[4]

In New South Wales, the State Children's Relief Department have notified that they are averse to placing out more than one or two children in one home, except when the children are of one family. Dr. Renwick, the President of the Board, says:— "Several lady visitors and applicants have urged that the placing of six children with "one person would simply be an adaptation of the principle of the cottage home system. "The Board have, however, properly held that, there is a wide difference between simply "boarding-out children in this way, at a fixed weekly sum, with a person whose interest "it might be to stint her charges in respect of food or clothing, and placing them with a "nurse employed at a salary, who would have no concern in the household expenses, and "who could be dismissed at a moment's notice for misconduct or neglect."[5]

The placing of more than two, or at most three, children of different families in one home will encourage making a business of boarding young children, or in other words, of "farming" them out, and tend to reproduce the evils of large institutions without supplying any of their advantages. The practice should be discontinued at once, and expressly

[1] Mr. Reed's report on Public Institutions of New South Wales, Victoria, and Tasmania, March 17th, 1875.
[2] Minutes of Proceedings, April 27th and May 2nd, 1885, page 15. [3] Appendix NNN.
[4] Spence, 5556. [5] Dr. Renwick's Report, 1884, page 26.

expressly forbidden by regulation. We look upon this practice as one of the many pernicious results of the mistaken endeavor to place the children out free of subsidy. Only in families in which the boarding-out of a number of children is made a means of livelihood, will the custom, which has grown up of taking them away as soon as they are old enough to be useful to place them out free in other homes, be submitted to without a sense of injustice.

Too Many Children in the same Neighborhood.

§ 87. During our inspection of the homes our attention was also directed to the danger which exists of boarding-out too many children in the same neighbourhood. If many are sent to one locality they form a class of themselves, and are apt to be regarded and to learn to regard themselves as paupers.[1] In at least one of the homes we visited they were called "the destitute children" in our presence. Probably there is no part of the colony better suited for homes for the children than the neighbourhood of Mount Barker, but there are forty-six children boarded out in and near that town—nineteen of them were in one little village and twelve in another—numbers quite large enough to distinguish them as a separate class from the other children playing about the same lanes and going to the same schools. We strongly advise the discontinuance of this practice of crowding so many children into one locality.

Separating Brothers and Sisters.

§ 88. In some of the homes we visited, and also incidentally during this inquiry, we met with examples of the separation of children of the same family. In one of the cases discussed at length in a subsequent part of this report—a brother and sister were placed in homes 200 miles apart, and they are being brought up without any communication with each other.[2] We fear that in the over-anxiety which has been displayed to place children out free of cost the claims of relationship have too often been overlooked. Where young children have been subjected to exceptionally vicious influences in their own families it may be desirable to separate them in order to break them of depraved habits. But such cases are after all exceptional, and so the treatment they require should be regarded. We consider that with these exceptions brothers and sisters should, as far as possible, be placed in the same home, and that where this is found impracticable they should be placed in homes in the same neighbourhood with frequent opportunities of seeing one another.

Protection of Children on long Journeys.

§ 89. Many of the children are sent to and are often returned from homes in places at a great distance from the Industrial School. For many years no sufficient precautions were taken for their protection on these long journeys. "Sometimes," says Mr. Gray, "people come here for them; sometimes they are sent under care of the guard, when "they have to go by rail, and a telegram is sent, asking the people to meet them at "the nearest station; sometimes a friend calls for them. The best arrangement that "can be made at the time is adopted in each case."[3] Bearing in mind that girls of sixteen and eighteen years of age were continually sent for long distances without escort, the wonder is that nothing happened for many years to direct attention to the necessity of some definite rule being laid down for their protection. At length in September,

[1] Public Charities Commission, N.S.W. (F. Hill), 9488. [2] The case of Ann Deers, § 184. [3] Gray, 7066.

September, 1884, two girls, between fifteen and sixteen years old were sent back from Quorn to the Industrial School, a distance of nearly 250 miles, by themselves. What happened on the journey was made the subject of a criminal prosecution in the Supreme Court; and although the case broke down in consequence of the long delay before any complaint was made, there seems to be no doubt of the occurrence of very gross improprieties in the railway carriage.

Since then the Board have made it a practice to send a female officer of the department in charge of girls when going on journeys. This is done in Victoria also,[1] and we recommend that children should, when they are sent out to, or recalled from homes, invariably be placed under the care of a responsible person, and, in the case of girls, of a woman of suitable age and character.

Records of Subsequent Conduct.

§ 90. It is to be regretted that no means have been taken to procure information respecting the conduct of the children who have been placed out after they cease to be under the control of the Destitute Board. The boarding-out system has been in operation in this colony more than thirteen years, and up to the 30th June, 1885, 1,219 children had been placed out, of whom 700 were no longer under the control of the Board, and of these last the majority had grown up to man's and woman's estate.[2] It is well known that many of these former wards of the Government are occupying respectable positions in life, and it would have been of much value if the success of such an important social experiment could have been tested by results carefully collected and tabulated.

The boarding-out system having been more recently introduced into Victoria and New South Wales, there are not the same means in those colonies of judging of the conduct in after life of the children who have been boarded out, as might have been supplied in South Australia. The absence of any such returns in this colony is therefore all the more unfortunate. As to the boys' subsequent career there is practically no information. With respect to the girls, the Chairman of the Destitute Board informed us that, out of 815 who had been placed out up to the end of 1882, only nine had been sent to the Reformatory, or had been known to have morally disgraced themselves.[3] On looking more precisely into the figures, we found that the total number of girls placed out from the Industrial School, from the beginning of the boarding-out system in 1872 to June 30th, 1885, was 506,[4] and that out of these, up to the latter date, seventeen had been admitted to the Girl's Reformatory, and fifteen to the Lying-in Home, two of them to both institutions.[5] The recent increase in the number of such cases is very marked, as eleven of the admissions to the Reformatory and thirteen of those to the Lying-in Home were during the last five years.[6]

In England 80 per cent. of the children discharged from the Industrial Schools are reported as "doing well" for a term of three years after their discharge.[7] Up to the 30th June last, 283 girls, who had been boarded out in this colony, were finally discharged from the control of the Destitute Board[8], and the thirty out of their number admitted into the Girls' Reformatory and the Lying-in Home, are a per

[1] Guillaume, 8588. [2] Appendices III., MMM. Mr. Reed's Report, 1885, Schedule AA.
[3] Reed, 1807, p. 37. [4] Appendix III. [5] Appendix DDDD. [6] Idem.
[7] English Commission, § 5. [8] Appendix III, and Mr. Reed's Report, 1885, page 24.

little more than ten per cent. of the girls thus discharged. If these thirty girls represented the whole of the lapses into immoral or criminal habits by the girls who had been boarded out and discharged, it might be claimed on behalf of the boarding-out system in this colony that it showed good results as to the girls, nearly ten per cent. higher than are accomplished by the Industrial School system in England, and that also after applying as to many of the girls, a very much longer term of trial than the three years upon which the English results are computed. It is, however, to be feared that all the girls who have not found their way into the Lying-in Home or the Reformatory cannot be said to be "doing well." An exact comparison of the results of the two systems is therefore impossible as to girls as well as boys, and it is by no means certain that, if it could be made, the balance of good results would be in favor of boarding out as it has been conducted in this colony.

It must be admitted that it will be always impracticable to make statistics of this kind absolutely complete, but that is no reason why they should not be kept at all. Many of the children, when they grow up, drift away to the other colonies, or to places where they are lost sight of. In the absence of local committees taking an interest in the children individually, the Destitute Board have had to deal with them collectively at the central office, and the children, when they become free from control, have no motive for keeping up a voluntary communication with the department, which to most of them symbolises nothing but authority and restraint. But there are other means of obtaining information respecting the children who have passed out of the care of the Board. The police records would show some, at least, of the lapses into vice or into crime. Many of the children after they grow up, continue to live with or near their former foster-parents, or to correspond with them. Information respecting a large proportion of the children has therefore been quite accessible, if it had been sought for. We have no doubt also that the local committees, which we hope will be constituted, will endeavor to keep up a friendly correspondence with their young charges after they cease to be under their care.

In future, therefore, we recommend that records be kept of the conduct of the children for say three years after they pass out of departmental control. [1]

Closing the Industrial School.

§ 91. We have postponed until the conclusion of our review of the boarding-out system in this colony, the question of the desirableness and the feasibility of closing the Industrial School. As we have pointed out, it is not, properly speaking, an industrial school, nor even a training school in which children are prepared for family life. It is both a congested receptacle for the boarding-out system and an asylum for children whose mental or bodily infirmities prevent their being boarded out at the maximum subsidy of 7s. a week. We have shown that its very existence is inconsistent with the proper development of the boarding-out system. [2]

We advise, then, that the Industrial School be closed, and that the inmates be boarded out. An example in this direction has been set us in Victoria, where, as we have already mentioned, all the Industrial Schools have been closed, and in New South Wales, where the boarding-out system is fast emptying the institutions for destitute children. [3]

Hardwicke

[1] § 105. [2] § 67. [3] § 70.

Hardwicke House, with accommodation for thirty boys and girls, will, in our opinion, be quite large enough for a receiving house for children waiting to be boarded out; [1] and, if not, additional accommodation could readily be procured at a small rental. In Victoria, now that the Industrial Schools have been closed, there is simply a small receiving house for girls and boys under six years of age waiting for homes; and boys over six, until they are placed out, are taken charge of by the Immigrant's Aid Society at a uniform rate of 5s. per head per week. [2] In New South Wales, Ormond House, Sydney, serves both as a receiving house and for the administration of the department.

On the 30th June, 1885, there were, as we have seen, eighty-two boys and girls in the Industrial School and at Hardwicke House, thirteen of them being unfit to be placed out in ordinary homes. [3] With the improved methods of distribution and of management, which we have recommended, we have no doubt that the sixty-nine remaining could be boarded out. "It is comparatively easy," says Mr. Reed, "to "find homes for payment, but a matter of time to find suitable homes for adoption" (that is without payment). [4] As the sixty-nine children included the residuum we have before referred to of children less fitted than others for ordinary home life, probably more than 5s. a week would have to be paid for some of them, but nothing like the average of 12s. 7¾d. per head per week, which they cost in the Industrial School and Hardwicke House. [5]

What then should be done with the thirteen unfortunate children whose mental or bodily infirmities unfit them either for a school or for ordinary home life? Even if they were suited for living in a large institution, their number is not enough to justify the keeping open of the Industrial School for their benefit. Possibly one or two of them who are nearly grown up to be women will have to be kept at the Destitute Asylum, but most, if not all of them, should be boarded out in carefully selected homes, at a higher rate of subsidy than is paid in ordinary cases.

It is unnecessary that we should repeat what we have already said as to the advantages to the children and the community, of the children being boarded out instead of kept in the Industrial School. We desire only to add a few remarks on the question of expense.

During the year ended 30th June, 1885, an average number of 101 children were kept at the Industrial School, and at Hardwicke House, at a cost of 12s. 7¾d. per head per week, or a total cost of £3,323 18s. 5d. [6] The average number of inmates at Hardwicke House, which is used both as an infirmary and a receiving house, was 19, and the rent and wages of the staff amounted to £248.

Supposing then that at the beginning of the last financial year, the Industrial School had been closed, it may be fairly assumed that the thirteen invalid children could have been boarded out at an average rate of less than 15s. a week each; that the average number of inmates awaiting homes would not have exceeded twenty; that they could have been kept at Hardwicke House at the same rate as is paid for similar children at the Immigrants' Home in Melbourne, namely, at 5s. a week each; that the present staff at Hardwicke House would have been sufficient, if it had been used as a receiving house only; and that the remaining sixty-eight children could have been boarded out at 6s. a week each, including the ordinary allowance for departmental supervision.

[1] Adamson, 8015. [2] Guillaume, 8546. [3] § 59-60. [4] Reed, 1807, page 38.
Appendix WWW. [6] Appendix WWW.

supervision. Let us then tabulate this estimate, in order to ascertain the probable saving of yearly expenditure which would be effected by closing the Industrial School:—

		£ s. d.	£ s. d.	£ s. d.
Actual cost of 101 children at Industrial School and Hardwicke House for the year ending 30th June, 1885				3,323 18 5
Estimated cost for same year if Industrial School closed—				
13	invalid children boarded out at 15s. per week each		507 0 0	
68	children boarded out at 6s. per week each		1,066 16 0	
	Cost of Hardwicke House—			
20	children, estimated average number at receiving house, at 5s. a week each	260 0 0		
	Rent and salaries	248 0 0		
	Contingencies	52 0 0		
			560 0 0	
101				2,133 16 0
	Estimated yearly saving			£1,190 2 5

Cottage Homes.

§ 92. In New South Wales it has been found necessary by the State Children's Relief Department to establish Cottage Homes for the reception of destitute children whose health or habits unfit them to be boarded out. Ministerial authority has been given for the establishment of eight of such homes; and four, with ten inmates in each, have already been founded. [1] In Victoria, and in this colony also to a certain extent, it has been found practicable to place such children out in carefully selected homes, at an increased rate of subsidy. [2]

Some of the thirteen children we have before referred to could be advantageously placed in cottage homes of the same character as those established in New South Wales. There are a number of children also who have been brought up amongst depraved and vicious associates, or who have not learned ordinary habits of decency, to whom it would undoubtedly be an advantage to have a preliminary training in a well-conducted cottage home before being boarded out. [3] In South Australia, in our opinion, homes of this kind, although deserving to be subsidised by the Government, are amongst the objects which may be left to private charity, and we are glad they have attracted the attention of a gentleman of large means and practical philanthropy, who has been in communication with us on the subject.

We take the opportunity of adding in this connection that a home in which girls who have been boarded out could be trained for domestic service—after the type of the well-conducted Orphan Home in Adelaide, and of the excellent Servants' Training Institute in Melbourne—would also be a public benefit.

REFORMATORY HULK, *FITZJAMES*.

§ 93. The Boys' Reformatory (which was first at Ilfracombe and afterwards at Magill) has since the 5th of March, 1880, been conducted on board the Hulk *Fitzjames*, which is moored at Largs Bay. On June 26th, 1883, when we first inspected the school, there were on board sixty-two boys, of ages varying from eight and a half to nearly sixteen years. Two-thirds of them had committed criminal offences, mostly petty

[1] Dr. Renwick's Report, 1885, pp. 8 and 9. [2] Guillaume, 8601-7. [3] Gray, 6761, 7059-74.

petty thefts; but there were two who had been convicted of rape and indecent assault. The remaining third of the boys had been committed as "neglected" or "uncontrol-"lable." The staff consisted of superintendent; the boatman and carpenter, who were also warders; a tailor and shoemaker, as industrial masters; a cook; and two old men from the Destitute Asylum as lightkeepers. On June 30th, 1880, the number of boys was reduced to fifty. [1]

The *Fitzjames* is an old dismasted ship, formerly used for quarantine purposes. The outer timber is so rotten that the copper sheathing will hardly hold to it; and the Hulk itself is so old, and leaks so badly, especially in heavy weather, that we consider her unsafe in deep water. A survey showed that it would cost £3,500 to put her in repair. As she was lying in 5 fathoms, and making 26in. of water in twenty-four hours, we gave notice to the Government that she was unsafe, and suggested her removal into shallow water—at the False Arm in the Port Creek. [2] Since then the Hulk has been moored nearer the shore, in a depth of water which would not cover her upper deck should she sink. We regret that £210 has been spent in permanent moorings, and in moving her to where she now lies.

Physical Condition of Inmates.

§ 94. On our first visit to the Hulk we were struck with the pallid and dull appearance of the boys. This we attribute to the depressing conditions and wearisome monotony of the life on board, and largely to defects in the dietary and want of open-air exercise. There are no masts and rigging to serve for means of physical training. As the Hulk is roofed in forward, the poop is the only place where the boys can get the light and sun necessary for health. From January, 1882, to the end of 1883, the boys' going on shore seems to have been stopped altogether, except at intervals of six or seven months. [3] Since we have called attention to this matter, they have been sent on shore for cricket or football once a week. [4]

On a comparison of the dietary with that of other reformatories we found that, though ample in quantity it lacked variety and was not sufficiently nutritive. The food also was badly cooked and served. When at our request Dr. Toll and Dr. Clindening visited the ship thirty of the boys did not touch the meat, and most of them took only part of the cold and indigestible pudding served out to them. [5] The improved dietary, and the division of the boys into messes at meal times, as advised by the doctors, have removed the objections to the way in which they were fed.

The boys' dirty appearance also struck us during our first visit. They went straight from the workshops to the school without even washing their hands. A galvanized iron tub, some old kerosine tins, and a ten-gallon keg cut in halves served for lavatories. Several of the boys sluiced themselves out of the same vessel and water, and used the same towel several times. The consumption of fresh water for all on board for all purposes did not exceed 2½ gallons a day per head. The boys had frequently to use salt water for washing, and without marine soap. The bathroom, urinals, and water-closets did not answer the demands of decency. An inconvenient arrangement of sleeping bunks and bulk heads prevented the supervision necessary as a precaution against improper conduct in the dormitory at night. [6]

These

[1] Appendix FFF. [2] Appendix AAA. [3] Reed, 2410 [4] Redman, 5065.
[5] Toll and Clindening in Appendix WW. [6] Thompson, 1832, p. 49.

These objectionable features of the institution have been removed, and at small expense, by carrying out the improvements suggested by Mr. Thompson, one of our number, who has taken great interest in the management of the hulk. On the 4th of May last, when we paid our final visit to the Hulk, we were glad to see that the reforms our investigation had brought about, had effected a striking change in the appearance of the boys.[1] They were clean, looked well-nourished, and had a smarter and more cheerful look. We wish the other defects to which we have to call attention could be as easily remedied.

Mistake of regarding Reformatory as a Penal Establishment.

§ 95. In judging of the Hulk as a reformatory school, it is well to consider the reformative methods adopted. These may be said to be—separation from vicious associates on shore, physical training, direct religious teaching, the moral influence of the place, education, and industrial training.

Before discussing these, we desire to point out an error which appears to us to underlie the whole administration of the place. According to the law of this colony, as well as the law of England, a reformatory school is not a place of punishment. The punishment, after conviction of the offence, precedes the committal to the reformatory; and the detention there is not penal, but is intended to reclaim the offender.[2] A third of the inmates of the Hulk—boys committed as "destitute or neglected children"—have not been convicted at all. The English Commissioners, desirous of keeping up this distinction, express the opinion that children "committed to reformatories should "be subjected to some short but sufficiently sharp punishment before the reformatory "treatment begins."[3]

Unfortunately on the Hulk this elementary principle seems to be overlooked. The management of the Hulk has apparently been founded on the mistaken notion that the detention there is *penal*. The boys are called "criminal children" in the annual reports of the Destitute Board,[4] and in 1882, when it was requested that the Catholic boys should be allowed to attend the services of their church on Sundays (as we believe is not unusual in similar institutions), "the Board affirmed it as undesirable "to allow boys *who were virtually convicts under detention* to attend service on shore."[5]

This confusion of ideas as to the real nature of the reformatory is necessarily destructive of all *esprit de corps* among the boys, and of the gratitude, not to speak of the pride and affection, with which the scholars of Mettray and other reformatories regard the institutions which have reclaimed them.

Want of Classification and Defective Supervision.

§ 96. Turning then to the reformative methods on board the Hulk, the isolation of the boys from vicious companionships on shore is, of course, complete; but we are not sure that the companionship on board is always better than that for which it is substituted. There is no separation of the more depraved boys from the others by day or night. They play and work together, and occupy one dormitory; and until the alterations we recommended, were made, there could be no effective supervision; and gross improprieties sometimes happened.[6] The little runaway from the Industrial School, the hero of some criminal assault, the petty thief, and the uncontrollable lad, are

[1] Minutes of Proceedings. [2] Act 210 of 1881, section 55. English Commission's Report, § 37.
[4] Mr. Reed's Report, 1885; schedules B and E. [5] Reed, 5149, page 224. [6] Reed, 2251.

are turned, on their arrival on board, amongst all the other boys, without any previous isolation or study of their character, and children of eight or nine years old have their curiosity excited or gratified by the unrestrained talk of youths of fifteen or sixteen.

We found no supervision of any kind in the dormitory at night. [1] The only night watch on board was kept by the old men from the Destitute Asylum, whose duty it was to be on deck in turn to attend to the ship's light. We have already pointed out with respect to the Industrial School the objection to employing paupers in any capacity in an institution for training children. This objection has even greater force at the Reformatory Hulk, where the lads are older and more likely to be contaminated by pauperising influences. One of the old men from the Asylum who left the Hulk in 1883, had been notorious at Port Adelaide for his immorality. In one case, at least, there has been the same want of care in the selection of a petty officer, as the carpenter who was dismissed in 1881 had been prosecuted for rape, and was living an openly immoral life. [2]

Physical Exercise.

§ 97. The physical training includes half an hour's drill once a day, [3] and for nearly half of the boys an occasional turn at pulling in the crew of the boats which communicate with the shore. Now that more sunlight and play on shore are added, the physical training may be regarded as fairly satisfactory.

Religious Teaching.

§ 98. The religious training cannot be considered as sufficient. This is owing partly to the difficulty of dealing with Protestant and Roman Catholic boys in one institution, and partly to the comparative inaccessibility of the Hulk from the shore. On Wednesday afternoons a Roman Catholic or Protestant clergyman gives instruction to the boys of his own faith. Sunday must be a dreary day on board. There is no Sunday-school, and, with the exception of one Protestant service, there is no teaching or employment to occupy the time. An additional service on Sunday morning for the Protestant boys, formerly held by the superintendent, "was discon- "tinued on the Protestant boys forming a class of themselves, which was continued and "conducted by some of the oldest boys; and the superintendent thought it would be "more beneficial than having a formal service at which they would be compelled to "attend. This was continued till two of the boys who took the most active part left, "and the morning service was not resumed; but, for no special reason." [4]

At the Ballarat Reformatory religious services are conducted by the different denominations, and we have no doubt that kind-hearted persons connected with the various churches at the Semaphore would have gladly fallen into a similar arrangement with respect to the Reformatory Hulk, and for conducting a Sunday-school, which most certainly ought to have been established on board. A plan should also have been adopted of allowing the better-behaved boys, as a recognition of their good conduct, to attend service on shore, in fine weather. In reference to this latter suggestion, it was objected that an additional warder would have been required; but we are satisfied that this difficulty could readily have been overcome by enlisting the voluntary assistance of gentlemen connected with the Roman Catholic and Protestant Churches. [5]

Superintendence.

[1] Thompson, 1832. [2] Webb, 4901-4. Reed, 4905-17. [3] Redman, 5041.
[4] Atkinson for Reed, 5149, page 224. [5] Reed, 6555. Evans, 8463-4.

Superintendence.

§ 99. In the moral training of a reformatory, the superintendent's influence must always occupy a prominent place. "The success of reformatory schools," say the English Commission, "mainly depends on the fitness of their superintendents."[1] In the opinion of Mr. Joseph Sturge, one of the highest English authorities on reformatories—

> It is not recognised that the beginning and end of the difficulty almost always is, to get the right kind of men for your superintendent and agents. It is exceedingly difficult to get men who will go into the work with heart and spirit; and my conviction is, that those who go into it simply with a view to getting their livelihood are, in the long run, of little use; and it is only men who go into it as a matter of Christian duty, and in a Christian spirit, who make successful reformatory agents in the long run.[2]

The office of superintendent then, requires a combination of tact and zeal, enthusiasm for a work admittedly difficult and accompanied by many discouragements; knowledge of the character of men and boys—for he has to control both; kindness, to win their esteem; discretion, to gain their confidence; and firmness, to maintain discipline. "In England, the superintendent [of ship reformatories] is always an "officer retired from Her Majesty's navy."[3] To secure qualifications like these, and those of a schoolmaster in the bargain, the salary of the superintendent of the Hulk *Fitzjames* is fixed at "£140 a year, apartments, rations, fuel, and light" It is fair to the members of the Destitute Board to state that, they deem the salary of the superintendent insufficient, and that in 1880 they asked that it should be raised to £150, but without success.[4] The emoluments of the office have attracted men of the class which might have been expected—no better and no worse. They have failed to secure (what is very important in the management of such an institution) a permanent occupancy of the office; for since March,[5] 1880, there have been three superintendents, besides the present acting-superintendent, not one of whom possessed the necessary qualifications. One test of a superintendent's efficiency is his capacity to maintain discipline amongst his subordinates. Mr. Reed says:—

> From August to November, 1881, there were nine instances of insubordination or of differences with the wardsmen and industrial masters, leading to the resignation of three of them. Within about six months from June, 1882, there were differences with three more officers who were in each case superseded; one of these differences embracing an assault upon the superintendent. These matters culminated in a protest from the board, who minuted on January 25th, 1883, "A regret that the "relations of the superintendent with the wardsmen and industrial masters do not appear to have "been so satisfactory as might have been desired." There have also been constant differences during the last eight months with reference both to wardsmen and industrial teachers, leading to four resignations and to one action for libel; besides repeated shortcomings with reference to carelessness, omissions in reporting various matters, defective supervision, unnecessary absence from the ship—many of these matters calling for minutes from the board.[6]

When to this narrative is added that, on one occasion the late superintendent was absent from his duties for a week to serve out a term of imprisonment in the Adelaide Gaol on an unsatisfied Local Court judgment summons, it is unnecessary to go further to prove that, however well meaning he may have been, he could not exercise the influence required as superintendent of the Reformatory.[7]

Rewards, Punishments, and Amusements.

§ 100. The tone of the school was what might be expected from the superintendency. There was a listlessness, and a want of activity and life, observable on board.[8] An elaborate

[1] English Commission's Report, § 10. [2] English Commission, 4322 (Sturge).
[3] English Commission's Report, § 47. [4] Reed, 5140. [5] Appendix FF. [6] Reed, 5140.
[7] Redman, 5155-72. [8] Hartley, 4854.

elaborate system of five classes, with respect to conduct, led up to nothing, except to some badges on the coat (which were accompanied by no benefits), and to some of the boys out of the highest class being exempted from the more menial work of the ship. [1]

There was no attempt to organise the boys' amusements, or to make their leisure hours enjoyable. The late superintendent, when the formation of a band was suggested by two of the members of the Destitute Board, thought "there were enough of "discordant noises without introducing a drum and fife band." [2]

We differ from Mr. Redman, and regret very much that there has been no attempt to organise a band. On board the *Vernon*, in Sydney, the teaching of music is one of the most prominent and successful features of the school training, and the services of the band are continually in request on the most important public occasions. The value of the teaching of music is universally acknowledged in reformative treatment. We agree with the English Commission that "few subjects of instruction can produce a "happier effect upon the brightness and the discipline of these schools, and do more to "humanise the class of children who enter them than the thorough and skilful teaching "of singing by note. A little singing, where it is cleverly and pleasantly taught, is a "most useful break in the monotony of the hours of instruction." [3]

Cases of corporal punishment seem to have been infrequent; but, we cannot approve of the practice of its being publicly inflicted in other than exemplary cases before all the boys. No cases of cruelty were brought under our notice.

School Teaching.

§ 101. The education of the boys, until our investigation directed public attention to the matter, was entrusted to the superintendents, none of whom had any adequate qualifications for teaching. Mr. Redman, the last of them, was a ship's carpenter, and, astounding to relate, under his predecessor the school teaching was left in the hands of one of the boys about fourteen years of age, who had been convicted of forgery. [4]

Boys of over thirteen years of age, however backward in their learning, were sent to the workshops, and did not attend school at all. [5] There was no pretence of educating the other boys up to the standard prescribed by the Education Acts. We agree with the English Commission that education up to this standard should be enforced in public institutions, in which the State by taking charge of the children puts itself in the parent's place. [6]

At our request, the Inspector-General of schools, Mr. Hartley, made an enquiry as to the mode of teaching adopted on the Hulk. He reported that—

> There is no properly qualified teacher on board ** No proper roll of attendance is kept, so that it is not possible to ascertain exactly how often the school is held ** There is no time-table ** Nothing is taught but reading, writing, and arithmetic. ** There is no proper classification of the boys, but they appear to be put, when they enter the Hulk, to read in a particular book, according to the judgment of the superintendent; and, so far as I can ascertain, *they continue to read from the same book so long as they remain on board.* At the time of my visit I found eighteen boys reading in the primer [in the public schools children of six years of age are required to pass an examination in this book after being six months under instruction], two in the first reader, seven in the second reader, nine in the third reader, and three in the fourth reader. The school was, at my request, conducted in the usual way for about an hour. The superintendent probably does his best; but he would, I believe, be the first to admit that a duty is cast upon him which he is not competent to perform. All I can say in favour of it is that, the boys are kept quiet, have some books or slates before them, to which they give more or less attention, and that for a few moments they

[1] Redman, 5008-19 [2] Reed, 5149, page 224. [3] English Commission's Report, § 25.
[4] Redman, 4950-5; Kaiser, 7657-8. [5] Schrader, 8996, 9018. [6] English Commission's Report, § 15.

they enjoy the advantage of direct personal instruction; *of school in the ordinary sense—i.e., systematic class teaching—there is none.*[1]

The late Superintendent denies that the boys were always kept reading in the same book as they read from when they first went on board;[2] but we think Mr. Hartley's figures prove his conclusion. We ourselves found that four of the boys, whose ages ranged from thirteen years and three months to thirteen years and eleven months, were unable to spell the simple words, "tea," "sugar," "once," and "window," although all of them had been detained two years on this so-called "school," and one of them had been there three and a-half years. The boy who failed to spell "window," had been over three years under Government control on the Hulk, and was committed there merely for absconding from the Industrial School. A fifth boy, over thirteen years of age, was unable to spell words of one syllable, although he had been twice on the Hulk, and in the first instance for a term of two years. His own excuse for being unable to read was, that there was no school held on the Hulk when he was there before. Mr. Reed, however, says that in this instance it is the boy's natural dulness rather than the educational training of the *Fitzjames*, that is at fault. In the four cases previously mentioned, no such excuse can be offered.[3]

Industrial Training.

§ 102. The industrial training has been chiefly in the trades of tailors and shoemakers. In August, 1884, out of sixty boys, twenty-four were being taught tailoring, twenty-two shoemaking, two were in the carpenter's shop, and the other boys were engaged about the ship. There were no means of giving the boys nautical instruction, except that some were employed in the boat used to communicate with the shore.

On reference to the returns it will be seen that out of all the boys who have been apprenticed from the Hulk, none have been apprenticed to tailors, and only two to shoemakers. Thirty-six out of the number have been apprenticed to farmers.[4] It is therefore to be regretted that the boys should be employed in trades so little likely to be useful to them in after life. There is an undoubted difficulty in finding suitable occupations for boys on board the Hulk; but we think it would have been wiser if the boys, instead of being kept at one trade, which at the best could be learnt very imperfectly, had been employed at the different occupations on board in rotation; and we regret especially that so few of them had any instruction given them in the carpenter's shop.

Term of Detention before Licensing Out.

§ 103. We are afraid that the boys have, as a rule, been detained in the Hulk too long. Seven have recently been enrolled on board the *Protector*. Of the fifty left on board on June 30th, 1885, nineteen have been on board for various terms between eighteen months and five years. Of the seven on the *Protector* two had been on the Hulk about three years. As the boys have been employed in shoemaking and tailoring for the other institutions under the Destitute Board, there has been an inducement to retain the older and more proficient boys on account of their wage-earning power. The English Commission called attention to this question in their report:—

> It is of great importance that no considerations as to the comparatively profitable labour of inmates during the last years of their term, nor the mistaken desire of keeping them in leading strings as long as possible, should prevent their restoration at the earliest possible moment to ordinary life. The clauses of the Reformatory Act, 1866, which enable the managers at any

[1] Hartley, 4074. [2] Redman, 5020. [3] Minutes of Proceedings, May 4th, 1885. [4] Appendix JJJ.

any time after the expiration of eighteen months of the period of detention to license the child "to live with any trustworthy and respectable person, willing to receive and take charge "of him," have of late been widely used with excellent results. It is desirable that there should be a still more general application of the practice of licensing children before the expiration of their term of detention, and especially at an earlier stage of that term, and with a shorter actual detention than has hitherto been usual.[1]

As a rule, we believe that the reformatory boys here can be safely licensed out at an earlier period than in England, and before the expiration of the eighteen months' detention, which in England, and of the third of the term of detention which in this colony,[2] must elapse before they are licensed out. Fewer of the boys here than in England belong to the criminal or pauper classes; and there are more employers ready to take them. From the *Vernon* in Sydney the boys are licensed out after an average detention of less than twelve months.[3]

Cost.

§ 104. What, then, have been the cost and the results of the *Fitzjames* in comparison with other reformatories? The average weekly cost of reformatories in England is 7s. 6d. to 8s. per head.[4] At the Ballarat Reformatory (157 boys) the weekly cost is 12s. 6½d. per head.[5] The weekly cost of the *Vernon* (210 boys) is 9s per head.[6] The average weekly cost per head of the *Fitzjames* has been for the years ending June 30th[7]—

1883 (54 boys)	13s. 4⅔d.
1884 (62 boys)	12s. 1⅕d.
1885 (59 boys)	16s. 10¼d.*

In spite of an unjustifiable parsimony in the items of superintendence, education, and food, the cost of the *Fitzjames* is far the highest of these institutions. No doubt, this is chiefly attributable to the small number of boys amongst whom the cost of administration has to be divided. A floating reformatory, also, is always more expensive than one on land; although as to this rule, as well as many others, the *Vernon* appears to be an exception.

Results.

§ 105. Although a small reformatory like the *Fitzjames* may be more costly than a large one, we might naturally expect from it more beneficial results. With a small number of scholars, the superintendent is more likely to have a direct personal knowledge of and influence over the inmates. In order to show that this expectation had not been disappointed with regard to the *Fitzjames*, the Chairman of the Destitute Board laid before us a return as to the conduct of the 122 boys "finally discharged from "the Hulk between its establishment on March 5th, 1880, and May 22nd, 1884."[8] The return purported to show that 75 per cent. were doing well, and that the percentage of reconvictions was 3¼. But we find that this is by no means borne out by the facts. The returns of English reformatories show an average of 75 per cent. of the discharges doing well;[9] the returns from Ballarat, a percentage of 85·48;[10] and on behalf of the *Vernon*, a percentage of 90·3 is claimed.[11] Both the Ballarat Reformatory and the *Vernon* returns must, however, be rejected for the purpose of comparison. The Ballarat returns include the boys out under licence as well as those discharged; and the

[1] English Commission's report, § 43. [2] § 146. [3] *Vernon* Report, 1883-4, page 5.
[4] English Commission's report, § 58. [5] Mr. Guillaume's Report, 1883, page 64.
[6] *Vernon* Report, 1883-4, page 4. [7] Appendices JJ., ZZZ. [8] Reed, 5148-9.
[9] English Commission's Report, § 5. [10] Mr. Guillaume's Report, 1883, page 49.
[11] *Vernon* Report, 1883-4, p. 24.

the *Vernon* returns do not indicate whether they apply only to boys finally discharged, or what period they cover; and it is an industrial school as well as a reformatory.

Mr. Reed's return is also useless for comparison with English results. The English returns only count cases three years after discharge, while Mr. Reed's returns (besides dealing with small numbers, from which it is unsafe to draw general conclusions) give results *immediately after the discharge* of the boys, and therefore include boys who have only been out of the Reformatory a few months, as well as those who have been discharged three or four years. No comparison, therefore, can fairly be made as to results which have been so differently calculated.

But we have subjected Mr. Reed's returns to a further test. On submitting to the Commissioner of Police the names of the boys "finally discharged" it was found that eleven of them had been convicted of different offences, instead of four only as stated in Mr. Reed's return; and that twenty of them were reported as of bad character, as compared with nine in Mr. Reed's statement. [1]

Mr. Reed also gives a return of eighteen as the "number of individual boys reconvicted to the Reformatory Hulk." [2] As six of these were "from the parents' homes, after having served out their former sentences," they ought to have been added to the number of "final discharges," and would thus have still further increased the number of convictions after discharge, from four, as stated by Mr. Reed, to seventeen. The figures submitted to us by Mr. Reed are, therefore, not only of no practical value for purposes of comparison, but they fail to make out anything like the percentage of good results claimed by him.

Moreover, a large proportion of the boys on board the Hulk have been committed as "neglected" and "uncontrollable," and have not been convicted at all. It has, therefore, had more favorable material to deal with than the English reformatories, which receive only convicted children. A number of letters from parents or friends have been submitted to us, which no doubt indicate that many of the boys discharged are doing well, [3] but we consider that the cases doing well are more attributable to the good fortune of some of the boys in having parents and friends to look after them when discharged, and of others in being licensed out or apprenticed in respectable families, than to any reformative influences on board the Hulk.

The uselessness for purposes of comparison of statistics which are framed according to no common plan, indicates the desirableness of some understanding being come to between the departments having the control of reformatory and similar institutions in this and the other Australian colonies, for the preparation of returns on a uniform system. [4]

We also agree with the suggestion of the Commissioner of Police, that it should be the duty of his department to furnish the Destitute Board with the records of any convictions against young persons who are or have been under their control. [5] This, of course, will necessitate his being furnished with the names of all children discharged.

The Superintendence since Mr. Redman's Resignation.

§ 106. On the resignation of Mr. Redman, the late superintendent, in September, 1884, the Destitute Board decided—and wisely we think—not to appoint a permanent superintendent until we had reported to your Excellency, and a sufficient salary had been provided for the office. As in the meantime, the establishment was left under the superintendence

[1] Appendix Q Q. [2] Reed, 5149. [3] Appendix KK. [4] § 90. [5] Peterswald, 5794-5.

superintendence of Mr. Button, the boatman and first warder, we felt very strongly the necessity of some immediate steps being taken to place the Hulk under proper supervision. We were therefore, glad to be able to communicate to the Honorable the Chief Secretary, that Mr. F. R. Burton, the clerk of the Local Court, at Port Adelaide, was willing to undertake the temporary superintendence of the Hulk, on leave of absence being granted to him from his own office, without expense to the Government.[1] Mr. Burton is a gentleman of education, who had given us valuable information and suggestions as to reformatory management, and takes much interest in the welfare of neglected children. Considering the difficulty there must be in obtaining a properly qualified superintendent, we thought that the experiment of placing the Hulk under Mr. Burton's charge was worth a trial. It would at least be equal to Mr. Button's superintendence; and, as we said to the Honorable the Chief Secretary, it would "give "the Government the opportunity of judging of Mr. Burton's fitness for the position, "should he be a candidate for the permanent appointment; and, at the same time, would "not embarrass the Government by giving him any vested claim to the appointment "should his management not be successful, or should he not be deemed a suitable person "for the appointment."[2]

The Honorable the Chief Secretary and the Destitute Board approved of our suggestion; but, unfortunately, Mr. Reed seems to have been unwilling that his own control of the Hulk should be diminished, even temporarily; and he very ingeniously succeeded in defeating our proposals. He raised frivolous objections as to Mr. Burton not having sent in an application to the board for the appointment.[3] He retailed to the Destitute Board some idle gossip which he had heard from the boatman (who was probably reluctant to be superseded in his temporary promotion), to the effect that Mr. Burton, if appointed, would not hold himself bound by the regulations as to the management of the Hulk.[4] It is a pity that Mr. Reed, who was in communication with Mr. Burton, did not trouble to ask him as to the truthfulness of this statement before making use of it, as he would have found that it was not in accordance with fact.

When the documents as to Mr. Burton's appointment had gone the round of the departments and had received the approval of the Honorable the Attorney-General, as well as the Honorable the Chief Secretary, Mr. Reed raised a fresh difficulty as to whether the Local Court or the Destitute Board should be charged with Mr. Burton's salary, whilst he was superintending the Hulk; and sent the papers back for a fresh journey round the Departments.[5] He did this without making the obvious suggestion that Mr. Burton's salary, whilst on board the Hulk, should be charged to his own department, and that any extra expense his absence occasioned should be charged to the Destitute Board, which had the money voted for the Superintendent's salary left unappropriated, and which would have more than made up the difference. When the documents again returned from their travels, the whole matter was shelved with the following minute to the Honorable the Chief Secretary:—

"As the Board have received no communication on this matter from Mr. Burton himself, they "conclude that the suggestions of the Destitute Commission must have been made under a mis-"conception. The Board therefore can take no further action under present circumstances."[6]

Our proposal to put the Hulk under efficient superintendence having thus been got got rid of, the Hulk has ever since remained in charge of the boatman, a worthy but illiterate man, who, however well qualified for an assistant, is not fit for the difficult position of superintendent of a reformatory.[7] We wish, however, to do him the justice

[1] Reed, 6377. [2] Idem. [3] Reed, 6381. [4] Reed, 8033–44. [5] Reed, 6379. [6] Reed, 6381. [7] Reed, 6382-6.

justice to remark that, so far as our observation goes, the discipline of the Hulk does not seem to have suffered, and in some respects has improved, in his hands. Our contention is, that a superintendent—even an acting one—should command the respect of the boys, and be able to correspond with them when they leave the Hulk.

Appointment of Schoolmaster.

§ 107. The disclosures in the evidence before us as to the state of the boys' education, naturally directed the attention of the Destitute Board to the necessity of having a schoolmaster. The simple way out of the difficulty would have been to act on the permission of the Honorable the Chief Secretary to obtain a teacher through the Education Department[1]; but Mr. Reed (who, as we shall show hereafter, had no difficulty in setting aside the provisions of an Act of Parliament when it met his views to do so[2]) discovered that the Destitute Persons Act provided that "the appointment of their "own officers should be made by the Board."[3] The Act says the Board "may," not "shall," appoint teachers; and there would, in our opinion, have been no legal difficulty in giving effect to the Honorable the Chief Secretary's permission. We have a shrewd suspicion that the real difficulty in Mr. Reed's mind was a reluctance to waive section 27, enacting that the officers "shall in all things be subject to the direction and control "of the Chairman of the Board."

The assistance of the Education Department being rejected, the boys were, Mr. Reed informed us, "schooled by a monitor" (that is, one of the boys), and "the "man Button, whenever he could spare time."[4] The Board advertised for a schoolmaster; and there were two applications which were not deemed suitable by the Education Department. Finally, the Board appointed a teacher at the moderate stipend of £72 a year, thereby effecting a saving of the balance of the £130 which had been authorised by the Government. This gentleman had been an applicant for admission to the Destitute Asylum; he held no certificate; but his testimonials showed that he had been employed "for a short time for odd work;" as a canvasser "for a short time," and in "making up accounts up the line" for the owner of a wood yard for a period of a month; whilst a reverend gentleman who recommended him, certified that he "had "some little experience as a teacher." Moreover he was subjected to no examination, except as to "hand writing;" and Mr. Reed says "he had the appearance of an "educated man."[5] Notwithstanding Mr. Reed's subsequent assurance that "under the "charge and surveillance" of this gentleman the Hulk was under "better superin-"tendence than it had been at any previous time, in the light of moral supervision," we were sorry, but not surprised, to hear that the new schoolmaster, who had been engaged on such slender recommendations, had left the ship and been dismissed the service.[6]

Mr. Schrader who, since April last, has been engaged as schoolmaster, appears to be doing very good work. We are pleased to find that he has made arrangements, which have been approved by the Board, for teaching the boys over thirteen years of age, whose education previously was so deplorably neglected.[7]

Review of Inquiry as to Reformatory Hulk.

§ 108. Reviewing, then, this part of our investigation, it is, we think, established that, neither in its methods nor results has the management of the *Fitzjames* been satisfactory.

[1] Reed, 6451. [2] § 131-2. [3] Reed, 6453. [4] Reed, 6399–6400. [5] Reed, 6434-53.
[6] Reed, 8297. Minutes of Proceedings, May 4th, 1885. [7] Schrader, 8983–9036.

tory. It has been costly, notwithstanding, as we have pointed out, that a mistaken economy has been practised in the items of food, teaching, and superintendence. Although many of the boys have turned out better than might have been expected, a considerable number of them have reverted to criminal practices. The direct moral training, although not actually bad, has been poor and low in tone, and it has been neutralised by the indiscriminate mixing of vicious and other boys together.[1] The inaccessibility of the Hulk has thrown obstacles in the way of religious teaching.[2] The education of the boys has been shamefully neglected, and has been unworthy of a public institution.[3] They have not been trained to suitable industrial pursuits, nor restored sufficiently early to ordinary life.[4] In the one object only of providing a place of safe detention for the boys has the *Fitzjames* been a complete success; and this has been at the cost of immuring them in what one of the witnesses has not inappropriately designated "a mischievous floating prison of one cell.[5]"

Should Reformatories be under Government or Private Management?

§ 109. In England, the reformatories are not Government institutions. They are, generally speaking, the property of philanthropic associations, and are managed by boards or committees, or by religious sisterhoods or brotherhoods—for there are both Protestant and Roman Catholic reformatories. They are, of course, subject to official inspection; and, speaking approximately, about three-fourths of their cost is paid by the State; the remaining 25 per cent. being defrayed by voluntary subscriptions, the contributions of parents, and the labour of the inmates.[6]

The inquiry then suggests itself—is it desirable that the Boys' Reformatory here should be transferred from Government to private management? The British Commission had to discuss the converse question of transferring the reformatories from private to Government management, and they pronounce upon it as follows:

> We are convinced that the children who are committed to these institutions need a degree of personal care and interest, which no mere official system could provide, and that scattered as these schools are throughout England, Scotland, and Ireland, and small as they often are in size and numbers of inmates, they are peculiarly unsuitable for centralized management. And while we desire to retain the great advantages arising from the personal care, supervision, and interest, of their present managers, we also attach some importance to the pecuniary aid which they derive from the voluntary contributions of philanthropic persons in every part of the three kingdoms. Moreover, the religious zeal which often prompts the efforts of the present managers, and their missionary work in the schools, are of the highest value. Only under unofficial management can such efforts have free scope. For these various reasons we should disapprove the transfer of these institutions to the management of the Government.[7]

If it were feasible, we should have no doubt that it would be better to transfer the Reformatory to private control. The cost to the State would be diminished; more enthusiasm would be attracted to the management; more freedom would be given to the religious training, which is so essential; and probably, better results would be secured. But we do not believe that Catholics and Protestants would unite in the maintenance of a joint institution, and we have to deal with small numbers. For the last three years the average number in the Boys' Reformatory has been under sixty; and we hope that, with the aid of the suggestions we have to make, it will be still further diminished. Divide the Catholic and Protestant boys, and the number of each class will be insufficient to encourage the establishment of separate institutions.

Comparison of Advantages between Training Ship and Reformatory on Shore.

§ 110. Looking upon it then as inevitable that, the Boys' Reformatory must for the present continue under Government control, we consider that the *Fitzjames* should be abandoned

[1] § 96. [2] § 98. [3] § 101. [4] §102-3. [5] Kirby, 5900. [6] English Commission's Report, § 58. [7] English Commission's Report, § 7.

abandoned as a reformatory. The Hulk is unsafe to life, and is not worth repairing. Besides, it lacks the masts and rigging, which, on board a training ship for boys, are the means of providing the bodily exercise necessary for health. We also reject, on the ground of inconvenience and expense, the suggestion that the Hulk should be retained in combination with a farm or garden on shore. A scheme of this kind would necessitate a larger staff, and an additional expense to the country.

Probably—as one was previously offered—an old man-of-war might still be obtained for a training ship from the Imperial Government. Is it then better that the Reformatory should be in a training ship or on land? The Commander of the *Vernon* seems to be of opinion that a ship is a reformative instrument which cannot be equalled on shore. We do not share this opinion, and believe the striking results he has effected have been due more to the skill of the Commander, than to his having had the use of a ship.

A training ship, however, has undoubted advantages. It is a place of safer detention and of closer supervision than can be had on land outside a gaol. But it prevents separation of the different classes; it restricts the scope of the industrial training; and (the *Vernon* only excepted) is more costly.

Training ships (say the Imperial Commissioners) have always been a popular branch of the reformatory and industrial school system, and have advantages which make them a valuable alternative to schools on land. The discipline in the ship is stricter and should be smarter than on land, and the boys being always together, are under more constant supervision, while the staff is necessarily larger and more regularly trained. * * The popularity of life on shipboard makes the boys more amenable to discipline and more easily dealt with, than the generality of inmates of industrial schools. A further advantage is found in the more thorough separation of the boys from the outer world, and the complete change of scene and companions when they go to sea. * * The additional cost referred to, amounts in reformatory and industrial school ships to about one-sixth in excess of the expenses of the corresponding class of schools on shore. *This excess is accounted for by the necessity of a more liberal diet; the greater cost of superintendence and instruction; and the difficulty of carrying on any industrial occupations yielding pecuniary profit.* * * Boys who are incapable from their youth or want of strength of performing any part of a sailor's duties, and *boys who have no intention of going to sea, would be better dealt with on land.*[1]

The question then to some extent resolves itself into one of whether the boys when they leave the Reformatory are more likely to go to sea, or to be employed on land; and it has been answered by the experience of the *Fitzjames*. Not one of the forty-seven boys who have been apprenticed has gone to sea; and the few cases in which the experiment was formerly tried, proved failures.[2] The seven boys recently sent on board the *Protector*, supply a demand which can be only occasional. We cannot doubt that, it is better that the boys should be distributed through the country, where they will be gradually absorbed into the industrial classes, than that they should be apprenticed to the sea and subjected to the temptations of a seaport when on shore.

Transfer of Boys' Reformatory to present Industrial School Premises.

§ 111. We recommend then, the abandonment of the *Fitzjames* as a reformatory, and the establishment of a reformatory on land, in which the lads will learn the ordinary occupations which will make them useful on farms, and enough tailoring and shoemaking to mend their own clothes and patch their own boots. The advantages of a shore reformatory, in our opinion, more than counterbalance the facilities of escape. If our recommendation to close the Industrial School is adopted, we think the Reformatory should be placed at Magill. There are sixty acres of land; and though, unfortunately, the buildings are on a plan which will increase the expense of supervision, they will afford plenty of room, and give the opportunity of classification. The chief

[1] English Commission's Report, § 47. [2] Adamson, 6192.

chief objection to Magill is its nearness to Adelaide, and the difficulty there will be in preventing boys from town from communicating with the inmates. But these inconveniences must be set off against the cost of building elsewhere.

School Teaching should be under Education Department.

§ 112. We advise that the school teaching at the Reformatory be transferred to the Education Department. It is only in this way that efficient teaching can be secured, for, as the Inspector-General of Schools, says:—

> No fully-qualified and certificated teacher employed in the Education Department would consent to leave our Department and work under the Destitute Board. They would place themselves out of the high road to promotion; and I have no hesitation in saying you would not find a single teacher ready to do it. * * It is not to be expected that the Destitute Board should have the same facilities for carrying on education as our Department, which is concerned with that, and that alone. [1]

No doubt there may be departmental difficulties in carrying out this suggestion; but these must yield to public convenience. Mr. Hartley informed us that if the teaching were placed under the Education Department, the cost, reckoning the number of boys at sixty, would not exceed £4 per head—the average expense of education at the public schools. [2]

Appointment of a Properly-qualified Superintendent.

§ 113. We place on record our opinion that the great necessity of the institution, is an efficient superintendent. At the Boys' Reformatory at Ballarat, where, no doubt, the school is twice as large, the superintendent's salary is £400 per annum, with the usual yearly increment, and quarters, fuel, light, and water. [3] His predecessor, who organised the institution, had £500 a year, with the same increment and allowances. [4] Considering the smaller number of boys in the Reformatory here, a superintendent with the necessary zeal and skill ought to be secured for a lower salary; but we are sure that it is idle to hope to obtain one at the salary at present attached to the office. We desire also to point out that the superintendent will have to be in a less subordinate position than he has hitherto occupied; and that he should be the official to arrange for the licensing-out and apprenticeship of the boys, and with whom they should be encouraged to communicate after they go out into the world.

Importance of Suggested Changes.

§ 114. Probably these alterations will increase the cost per head of the boys, though we hope that the effect of our other recommendations will be to diminish the total cost. But it must be remembered that a wasted life is a public loss. The difference in value to the community of an industrious man as against a "wastrel" was estimated by Mr. Chadwick, the eminent social reformer, at £1,600. [5] Applying the same calculation to this colony, the amount would be at least £3,000; and this would be indefinitely increased if the "wastrel" became a criminal. But we prefer to rest the argument not so much upon interest as upon duty. The State deprives these boys of their liberty, on the understanding that it will give them a reformative training; and so far as it fails in doing this efficiently, an obligation, which it has compelled the other party to the contract to accept, remains unfulfilled.

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[1] Hartley, 4806-8. [2] Hartley, 4851, [3] Evans, 8456. [4] *Idem.* [5] "Children of the State," 225.

THE GIRLS' REFORMATORY AT MAGILL.

§ 115. For several years there were not more than six or seven inmates in the Girls' Reformatory, which was conducted in the lying-in ward at the Destitute Asylum; the same person being both midwife and matron. In March, 1881, the reformatory girls were removed to Magill to occupy the rooms at the southern end of the Industrial School, in which the reformatory boys had been kept before they were transferred to the *Fitzjames*.[1] Almost contemporaneously with its removal, the committals to the Girls' Reformatory increased, and in June, 1882, there were more than twenty inmates. As there were only sixteen beds, room had to be made for some of the girls at the Destitute Asylum; and in July, 1883, some more rooms were taken from the Industrial School to enlarge the Girls' Reformatory, and cells were built for refractory cases. Notwithstanding these additions, the accommodation has always been inadequate, and the premises are totally unfitted for a reformatory. There is but one yard; the rooms are on four floors, one above the other; and the only staircase is used in common with the boys' side of the Industrial School. "In spite," says Mr. Reed, "of "all precautions, communications have taken place; the children of both institutions "have often met on the one flight of stairs common to both, and language unfit for "any ears has often been heard and spoken about by the Industrial School children."[2]

Want of Separation of Classes.

§ 116. The girls are nominally divided into three classes according to their conduct; but complete separation of these classes is impracticable, with the best management, with only two dormitories and two day rooms, the latter to serve as dining, school, and play rooms. One dormitory and day room are appropriated to the second and third-class girls, the other dormitory and day room to the first class; but, as the dormitory for the first class will only accommodate ten girls, and as there have been as many as eighteen, and there are always more than ten in the first class, the extra number of first-class girls have been placed in the same rooms with the second and third class. In other words, first, second, and third-class girls,—girls of ten years of age and girls of seventeen and eighteen, girls picked up off the streets, girls from brothels, girls who have been on the town, and girls committed for some petty theft,—have been kept in the same day and bed rooms without the possibility of keeping them separate.

Another cause has added to the discomfort of the crowded dormitories, as well as to the moral contamination of the institution. Unhappily, many of the young girls, some of them mere children, have, when admitted, been suffering from every stage of venereal disease; and they have been necessarily put into the same dormitories and day rooms as the other girls. In consequence also of the want of means for treating the worst of these cases on the premises, no less than ten of these girls within two years were sent, some of them twice or thrice, to the Magdalen ward of the Adelaide Hospital.[3] They have stayed there sometimes weeks and sometimes months; and thus restored to the company of abandoned women suffering from similar complaints, their old associations have been revived, and they have carried back to the Reformatory the latest gossip from the worst stews and brothels of the city.

New

[1] Reed, 5587. [2] Reed, 5587. [3] Appendix MM.

New Ward for Diseased Girls.

§ 117. In order to get rid of this objectionable feature of the Institution—to provide for the treatment of these cases at the Reformatory, and to separate the patients from the other girls—a new building was erected last year. Unfortunately, there was some misunderstanding between the Destitute Board and the Architect-in-Chief's department as to what was really required, and consequently £670 or £680 was spent in putting up what Miss Spence accurately describes as "just as absurd and unsuitable a building as "could be devised—a range of rooms entering on the schoolroom, two dormitories, "and two little dens (not rooms) for wardswomen; with only one small fireplace in the "first, and with one wardswoman's room absolutely without light except by opening a "door."[1] There are no cubicles, which were suggested from motives of decency. The sanitation is defective; and iron-barred windows, opening on the enclosed yard, keep up the prison-like look of the establishment.

Number of Inmates and Cost.

§ 118. The inconvenient arrangement of the premises has necessitated the employment of a large staff. There have been as many as twenty-six inmates, but there are generally less than twenty. On June 30th, 1885, the number was reduced to seventeen; and to take care of them, there are besides the matron, five wardswomen, one of whom also acts as cook. The cost is a little over 17s. a week for each inmate,[2] as against 12s. 6d. a week at the Government Reformatory for girls, at Coburg, in Victoria, and 4s. 6d. a week at the Roman Catholic Reformatory, near Melbourne.[3] At the last-mentioned institution, the Sisterhood who have charge of it, devote their lives to this pious work without payment. Accordingly there are no salaries for superintendence; and the cost of the maintenance of the inmates is further diminished by their employment in remunerative labor, to the benefit also of their health of body and mind.

Outbreaks and Abscondings.

§ 119. To the disadvantages inseparable from the unsuitableness of the building at Magill, were added, until recently, the same mistake as to the penal character of the institution, and the same defects in the superintendence, as we have mentioned with respect to the *Fitzjames*. In December, 1882, a request that the Catholic girls might go to church under the charge of a wardswoman was refused, because it was considered "undesirable for any of the reformatory girls, *who are virtually convicts under detention*, "to attend any religious services outside the institution."[4] Both Protestant and Catholic girls in the first and second classes now attend their respective churches on alternate Sundays.[5]

In the two years and a quarter from the opening of the institution, in April, 1881, there were five matrons and acting-matrons. Neither of the two matrons who preceded the present matron, was able to command the continued obedience or attract the sympathies of the bulk of the inmates. It is fair to mention that they had no ladies' committee to assist them with their advice and support; that they had to contend with the religious difficulties arising from some of the girls being Catholics and some Protestants; and, that there were harsh regulations as to the girls of the lowest class having a distinctive dress, standing at meals, seeing no visitors, and being allowed no

[1] Spence, 5555. [2] Appendix BBB. [3] Mr. Guillaume's Report, 1883, page 64.
[4] Davis, 2663. [5] Marsden, 5533.

no recreation, which they were unable to enforce, and which the present matron has had wholly to discard. [1] During the twelve months from May 4th, 1882, to May 17th, 1883, sixteen girls absconded; and, no less than nine times, some of them broke out into open rebellion against all control. They smashed windows and furniture, and tore up their bedding and clothing. On two occasions the police had to be called in to quell the riot and secure the offenders, who evidently looked upon a prosecution in the Police Court, or a committal to gaol, as a welcome change in the dreary monotony of their lives. [2] How much outbreaks of this kind are attributable to the character of the superintendence may be gathered from the fact that none has happened since the present matron took charge in July, 1883.

Results in South Australia and elsewhere.

§ 120. In order to vindicate the success of the institution, Mr. Reed informed us that, "of forty-one girls who have left the Reformatory since its removal to Magill in April, "1881, twenty-two [that is just over 50 per cent.] have turned out well; six are "unknown (three of these, however, are in Melbourne with their parents, and are "believed to be doing well); four are doubtful; and only nine have gone upon the "streets. Of these, five were in brothels before sentence." [3] We regret to find that, even these very moderate results—like those with respect to the boys from the Hulk *Fitzjames*—became still more unsatisfactory on investigation. On submitting to the police the names of the girls, we found that out of thirty-eight who had left the control of the Destitute Board, *only* six were known to have turned out well; fourteen were of bad character, twelve being prostitutes; seven were of doubtful character; and eleven were unascertainable. In other words, instead of over 50 per cent. of the girls, only 17 per cent. had turned out well; while 32 per cent. had become professional prostitutes. [4]

If our reformative treatment of girls has failed in so many cases, the question naturally suggests itself whether it is worth continuing; or, if its subjects should be left to chance and to the deterrent effects of the gaol. We think the inquiry can be answered when we remember the importance to the community that these girls should be reclaimed, the success which has attended reformative treatment elsewhere, and the remediable causes to which the failure here can be traced.

I have before me now (says Dr. Renwick) the twenty-third annual report of the Children's Aid Society of New York—one of the most famous and extensive organizations of our day for the reformation and protection of children—which contains an account of a criminal family whose antecedents the society's officials took the trouble to trace from prison statistics for 100 years. The tale of discovery is instructive. The genealogy went back to five girls, some of them illegitimate, belonging to a family of roving people, who lived by hunting and fishing, and partly by stealing. They attended neither church nor school; in their miserable hovel, male and female members slept without regard to privacy or decency. In severe seasons they depended to some extent, on charity. Their life and its conditions were such as might be expected to bear evil fruit. They did bear such fruit. All through the century, the descendants of these five girls were found among the criminals and the idiots, the licentious and the insane, the paupers and the prostitutes of the time. As surely as they were born, the instincts of crime were born with them. These instincts were fostered by the surroundings of the infant, of the boy, or the girl; and so the criminal tendency was perpetuated, and reappeared in every generation. Seeds of iniquity were sown in suitable soil, and they sprang up and bore their natural harvest. 709 descendants of these wretched beings are carefully tabulated, whose names are obtained mainly from the prison records; 368 of them were legitimate, 91 were known to be illegitimate, and 250 were unknown as to birth. Of these, 128 were professional prostitutes, 67 were diseased, 18 kept houses of ill-fame, 142 received out-door relief, 64 were in the workhouse, 76 were publicly recorded as criminals. The investigators concluded that, among other results, of the existence of this one stream of criminal life, the State had been subjected to losses equivalent to a tax of £200,000. [5]

It

[1] Marsden, 5543-4. Reed, 5587-8. [2] Reed, 5591, p. 242. [3] Reed, 5593. [4] Appendix TT.
[5] Dr. Renwick's Report, 1883-4, page 8, *see* "The Jukes," by Dugdale, 4th edition, 1884.

It must be admitted that the reformation of girls is more difficult than of boys; but the English statistics obtained by the English Commission showed that of reformatory cases 75 per cent. were doing well, including girls as well as boys. The Commissioners say—

> We received a great mass of evidence which satisfied us beyond all reasonable doubt that, the training given in these schools, especially in the best of them, was such as to reclaim the great majority, even of those who had already commenced a career of crime. It was not unusual to find that such was the confidence inspired by the treatment and training of girls, in all respects proper inmates of reformatories, that there was no difficulty in finding for them the moment they became fit for licence or discharge, employment as domestic servants in respectable families; where they conducted themselves in most cases to the satisfaction of their employers. The more advanced age of the Reformatory girls, enabling them to derive greater profit from their instructions in every branch of household work, gave them some advantage in this respect over the girls trained at Industrial schools, and appeared fully to compensate for the adverse considerations arising from their previous careers. [1]

The English Commission with respect to Ireland, discriminated between the results of boys and girls' reformatories somewhat to the advantage of the latter. And it appears from the information they collected, in the correctness of which Sir John Lentaigne, the Government Inspector of Reformatories, expresses his belief, that out of 142 girls discharged from the Irish Reformatory Schools during 1878, 1879, and 1880, 123 or 86·5 per cent. were doing well; only three were lost sight of by the managers of the Reformatories; only nine were re-convicted; and only eight were of doubtful character. Of the 141 girls discharged, 126 were from Roman Catholic reformatories, of whom 110 were doing well; and fifteen from Protestant reformatories, of whom twelve were doing well. [2]

When comparing these results with those obtained at the Girls' Reformatory, Magill, it may be objected that some Reformatories in England and Scotland refuse to receive girls of the prostitute class; that children are placed in Reformatories at an earlier age in Ireland than in South Australia or in England; that there is reason to believe that there are girls upon the street in Australia at a younger age than commonly happens in Great Britain; and that, consequently, the Reformatory at Magill has had a more difficult class of girls to deal with than the generality of British and Irish Reformatories. Admitting, for argument's sake, the force of this objection, we think it is met by the case of the Spark's-lane Reformatory for Roman Catholic females, at Monaghan, in Ireland. At this reformatory, the managers accepted all offenders sentenced to a Reformatory, no matter how depraved, or who had been refused admission into other institutions, and those considered incorrigible. "The inmates," say the English Commission, "consisted of exceptionally vicious and "violent girls." And yet, the return showed that out of thirty-eight discharged from this Reformatory during 1879, 1880, and 1881, thirty-two (or 86·5 per cent.) were doing well, one was bad, three doubtful, and one convicted of crime. [3] "None "of the girls," says Sir John Lentaigne in his report for 1881, "gave much trouble. "They were, as a rule, docile, obedient, and most industrious;" and "an excellent "spirit prevails among them." The Commissioners add—"Firmness, patience, "gentleness, and a persistent effort in bringing out the better feelings, while steadily "repressing the worst, have had the effects which we believe would be secured, with "rare exceptions, wherever similar influences were employed. The number of the "really incorrigible will be found to be very small." [4]

Thus supported by the conclusions of the English Commission, we entertain no doubt that, in spite of the discouragements and difficulties with which reformative treatment

[1] English Commission's Report, § 5. [2] English Commission's Report, § 81.
[3] English Commission, Appendix B 6, page 738. [4] English Commission's Report, § 40, page xxx.

treatment has to contend in this colony, results as satisfactory as those which have been secured elsewhere may be obtained here with suitable agencies and proper methods. We are encouraged in this belief by the success which has attended the labours of the nuns of the "Good Shepherd" at the Catholic reformatories at Abbotsford and Oakleigh, in Melbourne, who have had to deal with girls of the same class as the inmates of the Girls' Reformatory at Magill. Further, the defects in the superintendence to which we have had to call attention, have been removed since the appointment of Mrs. Marsden, the present matron. The control of the institution has been left in her hands more completely than it was in the hands of her predecessors; and her kind and sympathetic, and at the same time, firm and judicious treatment of the girls under her charge, which have won for her their confidence and affection, would lead us to expect improved results at the Reformatory under her management, independently of the recommendations which we have to make.

Roman Catholic Girls should be Placed in Roman Catholic Reformatory.

§ 121. We have already expressed our opinion that reformative treatment, to be effectual, should be based on religion; and this rule must be emphasized with respect to girls. "I do not hope," says Mrs. Marsden, "for the reformation of any girl except "under religious influence. It is the only hope for the reformation of a girl."[1] But then in a mixed institution arises the religious difficulty. Mrs. Marsden, as to her ability to influence the Roman Catholic girls—that is by religious teaching—says, "I "dare not try."[2]

On this ground, and also because, as we have already pointed out,[3] reformative work is more the province of religious organisations than of Government institutions, we were glad to be informed by the Right Reverend the Roman Catholic Bishop of Adelaide, that he was ready to place the Roman Catholic inmates of the Reformatory under the care of a Sisterhood trained in reformatory work, on the same terms as the girls at the Roman Catholic Reformatory, at Oakleigh, are paid for under the Victorian statute; that is, at a weekly subsidy of 5s. for each girl.[4] The Roman Catholic Reformatory here, as is the case in Victoria, and Great Britain and Ireland, would be subject to Government inspection. We strongly recommend the acceptance of this proposal. The saving to the revenue is, in our opinion, the least of the advantages which would flow from it; and we hope that a similar arrangement will before long be adopted by the Protestant denominations.

Proposed New Building Unnecessary.

§ 122. There are generally about twenty girls at the Reformatory. On June 30th 1885, the numbers were reduced to seventeen, of whom seven were Roman Catholics. What then should be done with the remaining ten? We would certainly advise their removal from the premises they now occupy, the inconvenience and expensiveness of which, we have already pointed out. The entire building would be altogether too large for the Girls' Reformatory. If at all too large for the boys, by whom we have recommended that it should be occupied, it is not large enough for the girls and boys, even if it were allowable to have them both under the same roof.

Owing to the unsuitableness of the present building, the Destitute Board have for years been pressing the Government to erect a new Girls' Reformatory. They have adopted

[1] Marsden, 5519–21. [2] Marsden, 5519. [3] § 109. [4] Dr. Reynolds, 4331-4.

adopted an elaborate plan for new buildings; providing, as we think rightly, a separate bedroom or cubicle for each inmate. The buildings are arranged in four blocks, each with a yard attached, so as to give separate accommodation for the three classes and for cases of disease. The design is open to the objection that it provides a common dining-hall, kitchen, and administrative offices, and is therefore on the lines of a great institution rather than on the cottage system, which is now universally admitted to be preferable. To carry out the design would cost at least £7,000 or £8,000, and moreover, as the building is intended to provide accommodation for 110 inmates, it is altogether beyond present requirements.[1]

Protestant Girls should be placed in Cottage Homes.

§ 123. Even if it were decided to build, it would still be necessary to procure temporary accommodation whilst the buildings were in course of erection; and that accommodation might turn out to be all that was required. "Segregation not "congregation, is an axiom in reformatory work."[2] The isolation of the patient is as necessary in moral as it often is in bodily disease. We are therefore opposed to the erection of large institutions, and favour the system of cottage homes. On these grounds we unhesitatingly advise the abandonment of the costly project for the erection of a new Girls' Reformatory.[3] The girls in the Reformatory on June 30th, 1885, were just equally divided—as we believe is usually the case—between girls who had been sentenced for living in brothels and girls who had been committed for theft, or as uncontrollable. Of the Protestant girls, four were of the one class and five of the other. Although nine girls could readily be accommodated in one cottage home, we are strongly of opinion that the two classes of girls should be kept apart in separate homes; and therefore we recommend the renting of two cottages in which the two classes may be kept distinct, for the reformative treatment of Protestant girls, until this work is undertaken by some religious society. In the event of any of the girls suffering from infectious disease, a third cottage would have to be rented.

CONDITIONS OF ADMISSION.

§ 124. Having now dealt with the Industrial and Reformatory Schools and the boarding-out system, we proceed to discuss the conditions under which children should be committed to the Reformatories and Industrial Schools respectively, the transfer of children from an industrial school to a reformatory and from a reformatory to an industrial school, the procedure against juvenile offenders, the limits of age on committal and the term of direct control, licensing-out and apprenticeship, guardianship, and contributions towards maintenance, and in doing so we retain the expression "industrial schools" to express the commitment of children otherwise than to a reformatory school.

Obliteration of distinction between conditions of admission to Reformatory and Industrial Schools.

§ 125. The English statutes as to reformatory and industrial schools have, from their first enactment, kept up a sharp distinction between the two, which has been gradually obliterated in South Australia. The English reformatories receive only juvenile offenders under the age of sixteen years "convicted of an offence, "** and sentenced to be imprisoned for the term of ten days or a longer term." But no child

[1] Reed, 1807, page 40; and 6555. [2] "Children of the State," page 185.
[3] Spence, Appendix BBBB.

child under ten years of age can be sent to a reformatory "unless he has been previously "charged with some crime, ** or is sentenced by a Judge of Assize, or Court of "General or Quarter Sessions."[1] The English industrial schools receive neglected, destitute, or refractory children under the age of twelve years; also children of the same age charged with an offence, but who have not been convicted of felony; and also the children of parents either of whom has been convicted of crime.[2]

In the first Act, providing for the establishment of Industrial and Reformatory Schools in South Australia, No. 17 of 1866-7, the English distinction was partially maintained. No child, except a convicted child, was to be sent to a Reformatory; no child, except a "neglected child," was to be sent to an Industrial School.[3] But the definition of "neglected child" included "any child who, having committed "an offence, ought, in the opinion of the Justices, ** to be sent to an Industrial "School."[4] Under section 40 also a "convicted child" might, as a reward for good conduct, be transferred from a reformatory to an industrial school; but no power was given, or has ever been given, to transfer an inmate of an industrial school to a reformatory. The second Act on the subject (No. 26 of 1872,) extended the definition of a "neglected child" so as to include "any child whose parent represents that "he is unable to control such child, and that he wishes him to be sent to an indus-"trial or reformatory school."[5] And, although it in terms re-enacted the condition that convicted children only should be sent to a reformatory, and provided that any first-convicted child "of" (probably intended for "under") "the apparent age of "twelve years," might be sent to an industrial school, it practically did away with the restriction that the reformatory was for convicted children only, by providing that any destitute or neglected child might be sent to a reformatory, if, "in the opinion "of the justice, it ought to be sent."[6] Finally, the Destitute Persons Act of 1881 completed the practical obliteration of the distinction between the inmates of an industrial school and the inmates of a reformatory school, by omitting all restrictions as to age, except "under sixteen years" for boys, and "under eighteen "years" for girls, and providing that any convicted child not previously convicted might be sent to an industrial school, and that any "destitute or neglected child" might be sent to a reformatory.[7]

By the law of this colony, then, a neglected, a destitute, or a convicted boy under sixteen, or girl under eighteen years of age, however young, may be sent either to an industrial school or to a reformatory, except that on a second conviction the child can be sent to a reformatory only, and not to an industrial school.

Modes of Admission.

§ 126. Children may be admitted to an industrial school, and they can only be admitted to a reformatory school on a mandate by a Judge of the Supreme Court, or by justices.[8] The order of a judge or by justices may be for a period of detention following punishment after conviction of an offence. The order by justices may also be for a term of detention on their finding upon the hearing of a charge to that effect that the child is "destitute" or "neglected."[9]

There is a third method of admission into the Industrial School—the Destitute Board can, of its own authority and without any order of committal, receive "destitute "and

[1] 29 & 30 Vict., c. 117, section 14. [2] 29 & 30 Vict., c. 118, sections 14-17.
[3] No. 12 of 1867, sections 37, 38. [4] Section 35. [5] Section 3. [6] Section 44.
[7] Sections 3, 50 to 55. [8] Act 210 of 1881, sections 55, 60. [9] § 54.

"and neglected children" into the Industrial School until, being boys, they are sixteen, and girls, they are eighteen years of age. The father, or if the father be dead, the mother, if able to satisfy the Board of his or her ability to maintain the child, is entitled at any time to an order for its discharge; but such order cannot be obtained if the parent is a known or reputed prostitute, thief, or drunkard. There is an appeal to a judge, should the order of discharge be refused.[1] If, on the admission of the child, its parent signs a "surrender of the care and custody of (the) child to the Board," the parental right of requiring the discharge of the child without the consent of the Board is gone.[2]

The large majority of the children received into the Industrial School are committed under "mandates" from justices. Altogether 222 children had been surrendered to the control of the Board during the fourteen years ending June 30th, 1885, and 93 of such children were still under the control of the Department.[3]

It is not the practice of the Destitute Board to admit destitute or neglected children into the Industrial School (except temporarily) unless they are either committed by justices or "surrendered to the control of the Board." Up to the 30th June, 1885, only twenty-three children, who had not been either committed or surrendered, had been boarded-out from the Industrial School[4]

This large power of taking children under their control without a magistrate's order was first given to the Destitute Board by the Act of 1872,[5] and, no doubt, was granted in consequence of the Board having the general management of poor relief, as well as of the Industrial and Reformatory Schools. The power is one that might readily be abused under other than the most vigilant management, but we have seen no reason to doubt the discretion with which it has been exercised, and on that ground do not advise its being withdrawn, notwithstanding its exceptional character.[6]

Convicted Children and Depraved Girls only should be sent to Reformatories.

§ 127. We consider it was a mistake to abolish in this colony the distinction between the conditions of admission to industrial and reformatory schools, and to send convicted and neglected and destitute children to the reformatories so indiscriminately. Although there has been an apparent saving of the salary of a master at the Industrial School, the indirect expenditure has really been greater. The colony has been laid open to the reproach of mixing criminal and non-criminal children in the same institution, whilst the consequences to the children themselves have, in many cases, been most disastrous. Twenty-five per cent. of the boys discharged from the Hulk, and who are reported by the police as of bad character, were sent to the Hulk not after committing an offence, but merely on an information by their parents that they were unable to control them.[7] Of the twelve girls, out of thirty-eight discharged from the Reformatory, who have become prostitutes; six were committed as neglected children, three of the six as uncontrollable. Unconvicted children, therefore, have been taken into our reformatories, and the result of the training they have received there is that, they have been discharged to join the criminal and prostitute classes.

We recommend, therefore, that, as in Great Britain and Ireland, and in the other Australian colonies, conviction of an offence punishable with imprisonment be the condition of a child being committed to a reformatory. With

[1] § 46. [2] § 47. [3] Appendix EEE. [4] Appendix III. [5] Act 26 of 1872, sec. 40.
[6] Guillaume, Minutes of Evidence, page 384, and Reed, 1807. [7] Appendices RR and SSS.

With much hesitation we advise one exception to this rule. In Victoria, "any neglected child" who "appears to have been leading an immoral or depraved "life, may be sent forthwith to a reformatory school instead of to an industrial "school." [1] It is just possible that a young girl, for example, living an abandoned life, might escape the provisions of the Police Act against prostitution; and, nevertheless be more fitted for a reformatory than for an industrial school. We, therefore, suggest the adoption of this provision of the Victorian law; although we think it should be guarded against being made use of to destroy the distinctive character of the Reformatory, by requiring a special report by the committing justices to the Governor in every case of a committal under this provision.

Destitute and Neglected Children only should be sent to the Industrial School or Boarded-out.

§ 128. Convicted children being the proper objects of reformatory treatment, "destitute and neglected children" are left for the operation of the Industrial Schools or boarding-out system. The following are in substance the definitions in the Destitute Persons Act, 1881, of "destitute and neglected children":—

A "destitute child" is a child without sufficient means of subsistence apparent, or whose parents or friends liable to maintain are unable to support it.

A "neglected child" is—

a. A child found begging or in a public place for the purpose of begging.

b. A child wandering about without a home.

c. A child living in a brothel or with a prostitute, whether the mother of the child or not.

d. A child associating or dwelling with a thief, drunkard, or vagrant, not being the parent.

e. *A convicted child.*

f. Any child "whose parent represents that he is unable to control such child," and that he wishes him to be sent to an industrial or to a reformatory school.

g. An illegitimate child whose mother or friends are not able to support it. [2]

We do not propose the alteration of these definitions, except in the following particulars:—A "convicted child" should be omitted from the definition of "neglected "child," so as to complete the restoration of the distinction between the subjects for the Reformatory and the Industrial Schools. We propose to substitute for "a "convicted child" the provision of the English Industrial Schools Act (as proposed to be altered by the English Commission), that a child under the apparent age of fourteen *charged* with an offence—if, in the opinion of the justices, he ought to be so dealt with—may be sent to an industrial school. [3] A child under fourteen years old, whose depravity is so great that justice requires that the stigma of crime should be affixed to it, is not a fitting subject for the industrial school or boarding-out system. [4]

In England also the children under fourteen years of age of a woman twice convicted of crime, if at the time of her second conviction they have no visible means of subsistence, or are without proper guardianship, may be committed to an industrial school. [5] This very proper provision should be re-enacted here.

Uncontrollable

[1] Act 495 of 1878, section 6. [2] Act 210 of 1881, secs. 2 and 3.
[3] 29 & 30 Vic., c 118, sec. 15, English Commission. § 27. [4] § 142. [5] 34 and 35 Vict., c. 112, sec. 14.

Uncontrollable Children.

§ 129. We have had much difficulty in satisfying ourselves that, a child "whose "parent represents that he is unable to control it" should not be excluded from the list. "The uncontrollable child," which has since become so familiar in the records of the Reformatory and Industrial Schools, first made its appearance in our statute book, under the class of "neglected children," in the Destitute Act, No. 12 of 1866-7; but (as is still the law in Victoria and New Zealand) the definition was accompanied with the significant stipulation that the parent was to give "security to the satisfaction of the "justices * * for the paymento f the maintenance of such child." This part of the definition was omitted from the Act of 1872, as well as from the present Act.[1] Probably no provision of the Destitute Persons Act has been more abused than this for the benefit of the uncontrollable child. It has been taken advantage of by step-parents, not reluctant to be relieved of children not their own; by widows and widowers finding it difficult to manage a young family without the assistance of the other parent; and too often by both parents desirous of throwing the burden of the maintenance and care of their young children upon the State. The too-prevalent notion that it is the duty of the Government to do everything, has led many parents to look even upon the management of their families as quite within the proper functions of the State. The Industrial School, and even the Reformatory Hulk, have evidently been regarded as free boarding-schools, in which the children were to be kept and educated at the expense of the public, until old enough to earn wages, or until their earnings accumulate to enough money to excite the cupidity of their parents, and thus revive their dormant affection for their offspring. This view has been encouraged in another way. The proceedings for the committal of neglected children have been treated as an investigation in which the parent and child only were interested, and in which it has not been necessary to make any preliminary inquiry into the means of the parent in order to protect the revenue.[2] This abuse has grown to such an extent that, out of 301 boys sent to the Industrial School and Reformatory in the three years ending June 30th, 1884, eighty-one, or 26 per cent. were committed at the parents' request as uncontrollable.[3] Out of sixty-five girls committed to the Girls' Reformatory during the same four years, twenty-seven, or nearly one-half, were committed as uncontrollable.[4] The same abuse has arisen in England, but not nearly to the same extent relatively as in this colony.

As to the corresponding section of the English Act, the English Commission somewhat cautiously say:—"We do not recommend its retention."[5] We ourselves are not sanguine enough to suppose that, because one-fourth of the boys at the Industrial and Reformatory Schools, and one-half the girls at the Reformatory have been committed as uncontrollable, a repeal of the power to commit them would relieve the schools of the same proportion of their inmates. It is to be feared that, if this power were abolished, many of the children now dealt with as uncontrollable would be committed in some other way. Still, the repeal of this provision would certainly diminish the number of committals. Our own view with respect to it is, that the fault, as in many other cases, is not so much with the law as with its administration. There are many cases in which the committal of an uncontrollable child may rescue the child from crime. The adoption also of the boarding-out system for neglected children will probably here (as has been found by experience in Ireland and Scotland), make parents more unwilling to part with their children as uncontrollable, than if they were going into an institution, at which they

[1] Acts 26 of 1872, section 3; and 210 of 1881, section 4. [2] Appendix FFF and § 159.
[3] Appendices OO and PP. [4] Appendix FFF. [5] English Commission's Report, § 36.

they could be regularly visited. Truant schools, also, if established, would provide a suitable method of dealing with uncontrollable children, and would not be open to the same objections as schools of longer detention. [1] We are, therefore, not prepared to advise the exclusion of the "uncontrollable child" from the statute book altogether. A prohibition of any order for committal of an uncontrollable child without the consent of the Department would give the opportunity of making security for the child's maintenance a condition of admission if the parents are able to maintain the child, and would thus prevent the abuses which at present exist.

TRANSFERS FROM INDUSTRIAL SCHOOL TO REFORMATORY AND FROM REFORMATORY TO INDUSTRIAL SCHOOL.

§ 130. When a child is committed either to a reformatory or to an industrial school it will sometimes happen that, either in consequence of some misapprehension at the time of commitment, or of good or bad conduct on the child's part subsequently, a change from one kind of school to the other may be desirable. Accordingly, legislation on this subject generally provides for this transfer being made. In England, offences by a child at an industrial school make the child liable to imprisonment and transfer to a reformatory; [2] and the Secretary of State may order a juvenile offender to be removed from an industrial school to a reformatory. [3] In Victoria the Governor may order a child to be removed from an industrial school to a reformatory, or from a reformatory to an industrial school. [4] In this colony the Governor seems to have had the same power vested in him, by the Act No. 26 of 1872, section 58, although the language of the section is somewhat obscure. The power, if it existed, was taken away by the Act of 1881, which authorises a child to be sent by an order of justices from a reformatory to an industrial school for good conduct, and to be transferred by the Destitute Board from one industrial school to another and from one reformatory to another. [5] The latter provision has necessarily been a dead letter, as since its enactment there have been only one industrial school and one boys' and one girls' reformatory. Unfortunately also, the provisions for punishing the inmates of the schools for misconduct or absconding, although apparently sufficiently drastic (and which give the power of whipping girls under fourteen, which should certainly be abolished), [6] have never included the power of transferring the offender from an industrial school to a reformatory, which is given in England.

Illegal transfers to Reformatory.

§ 131 In this defective state of the law, the Destitute Board thought it necessary to assume to themselves legislative as well as executive functions. The Chairman of the Board informs us that:—

A number of children have been transferred from the Industrial to the Reformatory school, and every transfer has been made on my own personal responsibility. Whenever I have been made acquainted with the evil proclivities of a boy or girl, rendering them unfit companions for the rest, I have at once transferred the child, and afterwards reported it to the Board. This general principle of transfer was sanctioned by the Board in January, 1879. [7] Some of the girls transferred to the Reformatory were as bad as the worst in that institution; four who had absconded were transferred in one month, a step fully justified when the very object of their escape was a night in town, and which they had told to some of the children. Seeing, therefore, the evil effects of bad

[1] § 160. [2] 29 & 30 Vic., chap. 118, sections 32-33. [3] 29 & 30 Vic., chap. 117, sec. 17.
[4] Act 626 of 1878, section 2. Act No. 21 of 1881, sections 83-6-7. [5] Act No. 210 of 1881, section 58.
[7] Reed 1807, page 38.

bad and impure associates upon children who previously may have known comparatively little of evil, I could not hesitate. There is, however, no provision in the Destitute Act for this transfer * * * . Since my present appointment in October, 1880, I have transferred thirteen children from the Industrial school to the Reformatory schools. [1]

Probably several of the cases of transfer, especially of the girls, answer the description of "evil proclivities rendering them unfit companions for the rest;" but it is a noticeable fact that out of twenty-three boys transferred from the Industrial School to the Reformatory for the three years ending June 30th, 1884, nineteen of them were so transferred for absconding. [2] The conclusion to us is irresistible, that the reason for their transfer is to be traced not so much to "evil proclivities" as to the want of other than merely female superintendence for sturdy boys at the Industrial School. Seven of the boys thus transferred were under or only just ten years of age; and of the boys transferred by the present Chairman of the Board, on his own authority alone, two were ten years old, two nine and some months over, and one little fellow only eight and a half years of age. We find ourselves quite unable to justify the transfer of children of such tender years to the Reformatory Hulk, to be regarded as "virtually convicts under "detention," [3] merely for running away from an institution in which proper provision was not made for their safe keeping.

Authority upon which Transfers should be made.

§ 132. The summary and inconsiderate manner in which boys have been transferred from the Industrial School to the Hulk satisfies us that it will be unsafe to vest this power of transfer in any department until after a judicial investigation. [4] Repeated abscondings and other misconduct may, at times, require that the offender should be sent to the Reformatory; but this should never be done until some judicial authority is satisfied, not merely that trouble will thus be saved to the Department, but that the transfer will also be best for the child. Even in cases where a child has been committed to the Industrial School who ought to have been sent to the Reformatory in the first instance, we agree with the English Commission that a transfer should only be made "when any child, after at least a month in an Industrial School, is proved to "the satisfaction of two Magistrates sitting in open Court * * to be better fitted to "be an inmate of a Reformatory." [5] The English Commission propose to give the Secretary of State the same power as the Justices; [6] but we think it better, even in a case of a mistaken committal, as well as of misconduct, to have the safeguard of an independent judicial enquiry.

The power of transferring a child from the reformatory to the industrial school system should, as in England, also be extended to cases of mistaken committals as well as of good conduct; and should, in our opinion, be vested in the Governor as well as the Board.

Statutory Indemnity for illegal Transfers.

§ 133. In any legislation on this subject, the Chairman and members of the Destitute Board, and the officers of the Reformatory, should be protected against actions at the suit of children who have been illegally detained in the Reformatories under the assumption of authority to transfer them from the Industrial School. The provisions as

[1] *See* Appendix R, for list of children transferred from Industrial schools to Reformatory schools since January 1st, 1880.
[2] Appendix SSS. [3] Reed, 5149, page 224.
[4] Spence, 5572. [5] English Commission's Report, § 38. [6] *Idem.*

as to limitation and notice of action in the present Act would probably be held not to extend to illegal duress altogether outside the powers given by the Statute.[1]

PROCEDURE AGAINST JUVENILE OFFENDERS.

§ 134. We are satisfied that the number of committals to both the Reformatory and Industrial Schools may be materially diminished by improvements in the procedure against juvenile offenders. By the law of England and the law of this colony, a child under seven years of age cannot commit a crime; nor is any act done by a child between seven and fourteen years of age a crime unless the child knows it is doing wrong. The age of criminal responsibility is fixed much later in many continental countries. In Germany no child under twelve years of age can be prosecuted criminally.

We already have in this colony special methods of procedure with respect to the offences of children, founded mostly on the English statutes. By the "Minor Offences Procedure Act of 1869," charges of larceny and similar offences against children under fourteen, can be dismissed after chastisement by the parent.[2] The Act No. 35 of 1872, "An Act for the more effectual punishment of juvenile offenders," provides for the summary punishment by whipping and imprisonment for not more than fourteen days, of boys under sixteen, guilty of mischievous, riotous, or disorderly conduct. "The Justices Procedure Amendment Act, No. 293 of 1883," provides for the summary trial before justices, unless objected to by the parents, of children under fourteen, charged with any indictable offence except homicide.[3]

The Massachusetts or "Probation" System.

§ 135. Our attention has been directed to the system of dealing with juvenile offenders, which has been adopted in Massachusetts, in the United States; a description of which, we think of sufficient importance to quote:—

From 1846 to 1866, Massachusetts established several State reformatories and industrial schools for criminal and neglected children. These and similar institutions proved advantageous. But it became manifest that, even such good things as reformatory and industrial institutions involved some danger of collateral disadvantage (as in this country); such as, for example, a risk of relieving vicious parents of their natural obligations, and of pauperising both them and their children at the expense of the honest taxpayer; and, further, of training young persons in large masses, in ignorance of many of the lessons to be imparted only by virtuous family life.

Hence, in 1869 and 1870, the Massachusetts Legislature, with a special view to more preventive effort, committed the general care of juvenile offenders to a special "State agency," acting as follows:—Every complaint against any boy or girl under the age of seventeen must, before being brought into any Court, be first laid in writing before the State agent, or one of his assistants, for investigation. When the case comes into Court (and special portions of the time in Courts are exclusively devoted to juvenile cases) the agent, or sub-agent, attends personally to act for the State as watcher, counsel, advocate, or prosecutor, according as the circumstances require. If the complaint is a first charge against the offender, and for a light offence, nothing follows but a simple admonition or the passing of a suspended sentence, a small fine for costs being, however, enforced, if needful, on the parents of the child, if not an orphan.

If there appears to be a prospect that the child will need some further restraint or influence than its existing caretakers seem likely to exercise, the agent requests (and obtains from the Court) a sentence of "probation" for a given time; he undertaking (for the State) to bring up the young offender again, if needful; and meanwhile, to watch over him and devise measures for his benefit. Such sentence of probation formally places the child under the oversight of the State agent, but the child still continues at home. The term is renewed when needful.

But in cases where there is reason to apprehend an utter absence, in future, of suitable home care or restraint for the child complained of, the agent is authorised by the court to take it away for the State, and to put it entirely at the disposal of the Massachusetts "Board of Health, Lunacy, and

[1] Section 111 of Act 210 of 1881. [2] Act No. 9 of 1869-70. [3] Section 13.

and Charity." This body usually places its young wards in private families on the boarding-out system, under due official conditions, and with regular supervision. This course is almost always tried before having resort to a reformatory or industrial school. But the latter is used where boarding-out appears insufficient in disciplinary influence.

Finally, where the subject of this care proves too intractable for a reformatory, then, and only as a last means of control, a prison is resorted to. But so efficient are the successive stages of admonition, probation, boarding-out, and reformatory found to be, that it is reported that rarely are any children now sent to gaol in Massachusetts.

This system has been carried into operation without any laxity or impunity to juvenile offenders. For, in the first place, more than 75 per cent. of all the children brought before courts in Massachusetts, are convicted. Yet, only about one-fifth of these convicted ones are sent into other homes or institutions of any kind, and only one-ninth to the State schools or reformatories. Nearly one-third of all the convicted ones are put on "probation." About one in twenty is committed by formal witnesses to the custody of the "State Board of Health, Lunacy, and Charity." This board, as already mentioned, chiefly disposes of its young wards by placing them out in carefully selected homes, under the regular supervision of unpaid but officially appointed visitors. These visitors include, for the oversight of girls in particular, fifty ladies; each of whom acts under the authority of a warrant from the chairman of the board. Their services are most valuable. The volunteer visitors, in subordination to the paid State agency, find suitable homes for the children (and there are many such to be found), and then, by their oversight, increase the efficiency of the influence of those homes.

Both the moral and economical results of this system are remarkably satisfactory. Only one-tenth of the children sentenced to "probation," reappear before a court within a twelvemonth, and very few at all in after years. There were in 1880, 300 fewer juvenile offenders under State care in Massachusetts than in 1870, notwithstanding the increase of population in the decade. The two school-ships have been given up, as reformatories, and sold. The number of children in the reformatories and industrial schools has also diminished by fifty per cent.; and meanwhile there have been very few juvenile commitals to prisons. The criminal and neglected children of the State cost upwards of £10,000 (52,000 dols.) more in 1869 than ten years later, in 1879. (These facts and figures are quoted chiefly from one of the State school superintendents, Mr. G. Tufts.) It is added that, the chief part of this economy—prevention and reformation—results from keeping the children out of the "institutions" of all kinds, and securing their better oversight, either in their own homes or in adopted ones. The report remarks—"Almost all juvenile offenders are found to be "without homes, or healthy home influences. Rarely does one come from a good family."

The results of "probation" and of State agents have been so remarkably successful with juvenile offenders that, Massachusetts has recently enacted a law to apply the same principle to the treatment of adult misdemeanants.[1]

Trial of Cases against Juvenile Offenders.

§ 136. We think that the practice as to "probation," and many other features of the Massachusetts system, may be adopted in this colony with great advantage. With respect to complaints against juvenile offenders, we recommend:—

1. That all inquiries before justices into charges against boys or girls under seventeen years of age (unless when they are charged as accomplices with adults), be conducted at a different time from other cases; and, in Adelaide, in some other building than the Courthouse in which police cases are heard:
2. That the father or mother should be required to attend: and
3. That some officer of the department, having charge of children under the control of the Government, should have notice to attend also; his duty being to inquire into the home surroundings of the child, and as to the circumstances of the parent:

We include in this recommendation inquiries as to children being "destitute" or "neglected."

Committal to Reformatory on First Conviction.

§ 137. There has been much controversy in England as to whether a child should be sent to a reformatory on a first conviction. We agree with the English Commission that,

[1] Reports to Secretary of State as to law relating to Juvenile Offenders, 1881, page 269-70. See also Mr Joseph Sturge's memorandum, Appendix I.

that, however undesirable this may be generally, there are cases in which, from the hardened character of the child or its vicious companionships, no other course can be safely taken. [1] But we recommend in every such case the check of requiring a special report to the Governor of the reasons for the committal.

Alternatives to Committal.

§ 138. As alternatives to conviction, we recommend that, in addition to the power of dismissing the information after parental chastisement, as provided by the "Minor Offences Procedure Act of 1869," the justices should have the following powers:—

a. To order the offender, if a boy under 16, to be whipped:

b. To commit the offender, if under 14, to the Industrial School:

c. To take recognizances from the parent that the child shall come up for judgment when required, and security for the child's future good behaviour:

d. To place the child, although remaining at home, under the observation for a limited period, not of the police, but of an officer of the department having the charge of children under the care of the Government:

e. To impose a fine on, or direct compensation by, the parent; with imprisonment in default. [2]

Most of these recommendations have the support of the English Commission, and of many of the school boards and of magistrates of great experience in England. In particular, the responsibility of the parent for the child's delinquencies, when, as so often happens, they are traceable to parental neglect, is not a novelty of American legislation, but is the law in Germany and other European countries. [3]

Preliminary Punishment to be at Reformatory and not at Gaol.

§ 139. The English Commission were of opinion that "children committed to "reformatories should be subjected to some short but sufficiently sharp punishment "before the reformative treatment begins;" and they state at some length the conflicting opinions as to what the nature of this punishment should be. Their recommendation is that, the system of a short preliminary imprisonment be continued; with an alternative, for boys under 14, of a whipping at the court or police station; the imprisonment to include solitary confinement not exceeding seven days for children under 12, or fourteen days for older children. [4] With these recommendations we agree, but we slightly differ from the English Commissioners in recommending that the imprisonment of boys as well as of girls should be at the reformatory, and not at the gaol; as we think it as undesirable for boys as it is for girls to be brought into contact with old offenders at the gaol, and to be subjected to the disgrace (which will cling to them all their lives) of having been in prison. We are also opposed to solitary confinement for young children, and propose that the limit of age up to which boys can be whipped should be sixteen.

Statement of Age.

§ 140. We adopt the English Commission's recommendation that on the hearing of cases against children the justices

Should call for the production of the birth certificate, and if it is not produced, should decide what, in the judgment of the Court, is the child's age, and that the age so decided shall be held to be the true age for all purposes connected with the Reformatory and Industrial School Acts, any subsequent evidence to the contrary notwithstanding. [5]

It

[1] English Commission's Report, § 26. [2] Clark, 5696.
Reports on juvenile offenders, 1881. English Commission, § 32. [4] English Commission's Report, § 37.
[5] English Commission, § 29.

It not unfrequently happens here, as it often does in England, that the release of children is claimed before the expiration of their term of committal, on the ground that they have already attained the age for which they could be committed. It is not clearly stated in the Destitute Persons Act, 1881, that the finding of the committing magistrate, with respect to the child's "apparent age," is to be final.[1] The father of a boy named T. G. Wright, who was committed to the Reformatory Hulk in 1880, made an impudent attempt to procure his son's discharge before the expiration of his sentence, by a false statement as to the lad's age.[2] In the magistrate's mandate the boy's age was accurately stated to be eleven years in December, 1879. The father wrote to the newspaper that his son was two years older, and he furnished us with a certificate of baptism, dated 1869, in which the year of birth was stated to be 1866. The baptismal certificate, showing suspicious signs of having been tampered with, we sent to England for the certificate of birth. As we expected, it supplied conclusive evidence of Wright's falsehood, for it gave the date of birth as December, 1868.

The forms of mandates on committal given in the schedules to the Act, require to be altered, so as to provide for a statement of the child's age.

LIMITS OF AGE ON COMMITTAL AND TERM OF DIRECT CONTROL.

§ 141. On the difficult questions of the maximum and minimum length of a child's committal to a reformatory or industrial school, the minimum age at which the child may be received, and the maximum age at which the child must be discharged, the law of this colony gives a very simple but incomplete answer. A boy under sixteen and a girl under eighteen may be sent either to the Industrial School or to the Reformatory; he, until attaining the age of sixteen, and she until attaining the age of eighteen; or, for any shorter period not being less than a year.[3]

Minimum Age at which Children should be Committed to Reformatory.

§ 142. It will be observed that there is no legislative prohibition against the commitment to a reformatory of a child however young.

As any "neglected" or "destitute" child can be sent to a reformatory, there is nothing but the discretion of the justices to prevent an infant in arms from being thus disposed of.[4] We have mentioned that little boys of eight or nine, who have committed no offence punishable by imprisonment, have again and again been sent to the Reformatory Hulk merely for running away from the Industrial School.[5] The Inspector-General of Schools called our attention to the fact that a little girl ten years of age was an inmate of the Girls' Reformatory after a conviction for stealing clothes from a clothes-line.[6] On referring to the mandate and the correspondence, we found that the justices had, in the first instance, committed her to the Industrial School, but the Chairman of the Destitute Board informing them that the committal ought to have been to the Reformatory, they acknowledged their error, and altered the mandate accordingly![7] In this instance the justices did right until they were put wrong by the Department; but looking at the confused state of

[1] Section 3, "child." See also Act 12 of 1866-7, section 34. [2] Reed, 1889-1906.
[3] Act 210 of 1881, Secs. 54 and 55. [4] § 125. [5] § 131. [6] Hartley, 4834-5.
[7] Reg. *v* Frahm, letters Reed to Schache, June 27th, 1884, Schache to Reed, June 30th, 1884. [The effect of the documents is inaccurately stated in 4835.]

of our legislation on this subject, it is not surprising that justices fall into the same error as the Chairman did, in supposing that under the present Destitute Persons Act the Reformatory is the proper destination of convicted children, however young. So lately as the end of September, 1885, a little girl of eight years and seven months old, convicted of some trifling offence, was committed to the Girl's Reformatory for three years.[1] The Destitute Board very properly transferred the child at once to the Industrial School, to which also they transferred the other little girl on their attention being directed to her case.

In England, no child under ten can be sent to a reformatory unless previously charged with crime, or unless sentenced at Assizes or Quarter Sessions; which of course means that it has committed some very serious crime.[2] To meet the rare cases of extreme precocity in crime, we propose the same legislative minimum in this colony, substituting the Supreme Court for "Assizes or Quarter Sessions."

In England, juvenile offenders under twelve years of age not previously convicted of felony, may be sent, and generally are sent to industrial schools, instead of being convicted and sent to a reformatory. The normal age at which juvenile offenders are sent to reformatories in Great Britain, seems therefore, except in cases of second convictions, to be not less than twelve, and over twelve. The English Commission recommend the raising of the normal age—not by legislation, but in practice—to fourteen.[3] But this is part of a scheme for grading industrial and reformatory schools to suit different ages, which is not applicable in a community like this, where we deal with a smaller number both of children and institutions.

We believe there are many cases in which juvenile offenders as old as fourteen, whom it may be necessary to remove from their homes, may be safely boarded out, instead of being convicted and sent to a reformatory; and that the commitment to a reformatory of a child of less than twelve will rarely be necessary. In these cases we advise the check of a special report to the Governor.

Term of Committals to Reformatories.

§ 143. The difficulty of determining the duration and end of the term of direct control after committal is even greater than with respect to its commencement. In England, a child sent to a reformatory must be under sixteen, and may be committed for not less than two nor more than five years. In other words, in England a juvenile offender may be detained at a reformatory until twenty-one; and this maximum the English Commissioners do not propose to alter.[4] In New South Wales, as in England, a child must be under sixteen when committed, and may be kept for not less than one nor more than five years.[5] In Victoria the term of commitment cannot extend beyond seventeen, but the Governor has power to lengthen the term until the child is eighteen.[6]

The object of these long terms of direct control after committal is to secure—first, sufficient time for reformative treatment; which the best authorities in England consider should not be less than three or three and a half years;[7] and, secondly, control over the child for a sufficient time after being first restored to the world, or in other words

[1] Reg. *v* Dare. [2] English Commission's Report, page xxi (footnote).
[3] English Commission's Report, § 27. [4] English Commission's Report, § 27.
[5] N.S.W. Act, No. 4 of 1866, sec. 4.
[6] Evans, 8414. Victorian Acts—495 of 1874, sec. 9; 626 of 1878, sec. 6.
[7] English Commission's Report, § 27, page xxii., and authorities there cited.

words "licensed out." In England, the licence is to "live with [some] trustworthy and "respectable person named in the licence who is willing to receive and take charge of "him." The licence can only be granted after eighteen months' actual detention, for three months at a time, and may be renewed or revoked. [1] The best years for actual reformative work seem to be between fourteen and seventeen; whilst between sixteen and eighteen is, admittedly, a time when protection and supervision are especially required. On the other hand the presence of an inmate of twenty or twenty-one years of age in a reformatory would be a disturbing and perhaps contaminating influence, especially when recalled for unsatisfactory behaviour outside. Moreover, as we shall presently explain, control at that age can be better secured in another way than in a reformatory. [2]

We think then that to fix the ultimate limit of direct control at eighteen is a satisfactory compromise, and that it is useless to commit at a later age than seventeen. At seventeen there may be small hope of reclamation, but the experiment is at least worth trying. We propose to do away with the distinction as to age between boys and girls; and that as to both, the term of committal should not begin later than seventeen, nor end later than eighteen. The English Commission propose that no committal shall be for less than three years, or end earlier than at sixteen. We prefer all sentences ending at eighteen, partly because of the dissatisfaction which different terms of detention seem to occasion amongst the inmates; [3] but, chiefly, because the continuance of the term is not with a view of prolonging the confinement of the child within the walls of a reformatory, but is intended to secure for the child, at the most critical time of its life, adequate protection and control. It must also be borne in mind that if effect is given to our other recommendation, children committing petty offences will not be committed to the reformatories in the indiscriminate manner which now prevails. They will only be committed when there is no hope of reclamation, except from prolonged reformative treatment. In cases in which there are friends to whom the child can be safely restored, the child can be discharged or licenced to them. There is besides the further check of the prerogative of mercy, which can at any time be exercised by Her Majesty's representative in the child's favour.

Term of Direct Control of Destitute and Neglected Children.

§ 144. We have seen that "destitute and neglected children," if admitted into the Industrial School by the Destitute Board, remain under its control, unless previously discharged to their parents, until the age of sixteen if boys, and eighteen if girls, [4] and they may be committed by justices until they attain these respective ages, or for any term not being less than a year, and not extending beyond these respective ages. [5]

In England the extreme limit of the term of commitment to industrial schools is the age of sixteen, and the English Commission propose a uniform committal until that age, and subsequent control until eighteen. [6]

In Victoria the extreme limit is to the age of sixteen, which may be extended, by order of the Governor, until eighteen. [7]

We agree with the principle recognised in the present Destitute Persons Act, that the period of direct control should be the same for neglected and destitute children as for children committed to the Reformatories, and we therefore recommend (and for the same

[1] English Act, 29 and 30, Vict. cap., 117, sec. 18. [2] §. 144. [3] English Commission, 6169 (Willoughby).
[4] § 126. [5] Act No. 210 of 1881, sec. 54. [6] English Commissioners' Report, §§ 27 and 48.
[7] Victorian Acts 495 of 1874, secs. 9 and 12; 626 of 1878, sec. 6.

same reasons) that the period of control of destitute and neglected, as well as of criminal children, end at eighteen years.

LICENSING-OUT AND APPRENTICESHIP.

§ 145. The practice of licensing-out children to service, and of apprenticing them to some useful calling before their term of detention has expired, is adopted wherever industrial and reformatory schools have been established; and is an essential part of the training for restoring them to ordinary life. In England, a child cannot be licensed out until after eighteen months' detention; nor apprenticed until having been licensed out. The English Commission, without proposing any alterations in the law, say—"It "is desirable that there should be a still more general application of the practice of "licensing children before the expiration of their term of detention, and especially at "an earlier stage of that term, and after a shorter actual detention than has hitherto "been usual." [1]

Children should not be Licensed-out under Fourteen without passing Compulsory Educational Standard.

§ 146. The only limit in the Destitute Persons Act, as to the time of licensing or apprenticing is that, "No inmate of any reformatory can be placed (that is, licensed) out, "before the expiration of one-third of the term of detention originally allotted."[2] This hard and fast rule does not extend to industrial school cases, and is not adapted even for all reformatory cases; and we are in favour of its repeal. The English limit will not fit in with the boarding-out system; and as to reformatory cases a detention, of not more than twelve months has been found long enough on board the *Vernon*, even for criminal children. We propose therefore to substitute in all cases, both reformatory and industrial, the child's having passed the educational standard or attained the age of fourteen years, as a preliminary condition to licensing for service or apprenticeship. We name a year beyond the compulsory school-going age to give children, whose education has been neglected, a chance of attaining the compulsory standard. [3]

Existing Defects and their Remedies.

§ 147. The large number of cases in which children who have been licensed out or apprenticed, have absconded or been returned to the schools, indicates the existence of serious defects in the working of the system. Of forty-six children apprenticed from July 1st, 1882, to June 30th, 1885, thirty-one were returned or absconded; only two served out their term, and thirteen remained in their situations. Of 449 boys and girls licensed out during the same period, 172 were returned to the schools. [4]

The nature of these defects is apparent enough. The want of proper training in the schools, the want of care in the selection of the child for the place and the place for the child, the want of previous inspection of the homes to which the children are sent, and the insufficient visitation afterwards, are all causes of failure which we have discussed, and the remedies for which we have pointed out in other parts of this report. [5] To these must be added, in the apprenticeship cases, the absence of all power of control after the term of commitment has expired—a subject with which we deal under the heading of "Guardianship," [6] and the practice which has prevailed of apprenticing

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[1] English Commission's Report, § 43. [2] Act 210 of 1881, sec. 65. [3] § 78. [4] Appendix PPP. [5] §§ 77-79. [6] §§ 154-6.

a child without any preliminary trial. We think that (as is the case in England) no child should be apprenticed until after having been licensed out and having shown fitness for apprenticeship by conducting itself well.[1] The child should also be placed on trial with the proposed employer for two months at least before the indentures of apprenticeship are executed.

Apprenticeship to Farming and Domestic Service.

§ 148. The girls were formerly apprenticed to domestic service, but the practice has been (and, in our opinion, properly) discontinued, and should not be resumed. There are now no girls under apprenticeship.[2]

The majority of the indentured boys have been apprenticed to farmers.[3] The policy of this practice was strongly objected to by Mr. Davis, one of the members of the Destitute Board. Farming, he said, as practised in South Australia, could not be called a trade, and the farmers were merely "earth-scratchers" or wheat growers.[4] It is no part of our business to inquire into the methods of husbandry in this colony, but we think it better that lads under the care of the Board should be trained to country pursuits than to trades which would expose them to the temptations and dangers of town life, or which would make them swell the artisan class in crowded centres. If the boys are taught farming in the same way as it is learnt by farmers' sons, and in a manner which fits them to join the ranks of honest labour, the State has surely done its duty by its wards.

It was further objected, and with greater force, that a lad would have the same advantages if licensed without being apprenticed, to farming. To this it was replied that short terms of apprenticeship, say for three years, are likely to furnish an element of stability to the boy's life, and to discourage the formation of wandering habits, besides securing a better employer with more interest in his welfare than when only licensed out for a short term.

On the other hand, apprenticeship to the business of farming is not customary, and to apprentice lads to an occupation to which others of their own age are not usually bound, is to treat them in an exceptional manner, and besides, is open to the objection of their services being obtained at less that the usual rate of wages without any corresponding advantage to themselves. Without going so far as to recommend that boys should in future in no case be apprenticed to farming, we advise that they should only be indentured to that calling in cases in which there are advantages in the character of the home, and of the instruction to be imparted, to justify an exceptional contract. In Victoria the lads placed with farmers are invariably licensed, and not apprenticed.[5]

Mr. King's motion to Abolish Apprenticeship.

§ 149. On November 7th, 1883, a motion was brought before the House of Assembly by Mr. Thomas King, member for the Sturt, to repeal section 66 of the Destitute Persons Act, which authorises the Destitute Board to apprentice children under its charge. We desire to point out that similar powers are given in England, in America, in New Zealand, in the other Australian Colonies, and, in fact, wherever industrial and reformatory schools exist. In New South Wales, where apparently there

[1] English Commission's Report, § 42. [2] Appendices U and KKK; Clark, 5706.
[3] *Idem*, and Appendix JJ. [4] Davis, 2507. Gray, 6761. [5] Guillaume, Minutes of Evidence, page 504.

there is no exclusively reformatory school for boys, this power, though it is included in the Act as to Industrial Schools, has been omitted from the Reformatory Schools Act; but the Commission on Public Charities recommended that this omission should be supplied. [1] In our opinion, the effect of doing away with the power of apprenticing altogether, would be to shut the child off from one of the principal avenues to a respectable livelihood.

It was said in the course of the debate on Mr. King's motion, that the Board had made use of the apprenticeship clause as an indirect means of lengthening the term for which the child was committed. This is an objection which will be removed if our suggestions as to the period of control after committal, and guardianship, are adopted. [2] No doubt there have been cases [3] in which it would have been better to return the child to its friends than to apprentice it out; but we do not think that the practice of apprenticing children for terms expiring after the term for which they were committed has been otherwise open to objection either as illegal or wrong in principle. The Act authorises it, and if the power had been properly exercised, it would have been the best thing for the children's welfare. The return on the subject laid before the House of Assembly shows that usually the term of apprenticeship has been for three years, and that there are only a few instances in which the indentures do not expire before the apprentice is twenty years old, and they mostly run out when he is seventeen or eighteen. [4]

Apprenticeship should be with Child's Consent.

§ 150. It was also objected in the course of the debate that the child ought not to be apprenticed except with his own consent. In this objection we entirely concur. Under the Destitute Persons Act in this colony (the law, it is true, is the same in Victoria and New South Wales), the apprentice is not even a party to the contract. [5] The Chairman of the Board executes the indentures on behalf of the child, who does not seem to be consulted at all. This is exercising a greater than even parental authority; for a father cannot apprentice his own son unless the son executes the indentures and is thus a consenting party to them. It is surely too much to expect a youth submissively to fall in with an arrangement of this kind, made without any regard to his wishes. Accordingly, the English statutes, following the law as to parent and child, do not allow an inmate of an industrial or reformatory school to be apprenticed except "with his own consent." [6] The law is the same in New Zealand, [7] and so, in our opinion, it ought to be in this colony.

Parents' Consent to Apprenticeship.

§ 151. We are, however, unable to agree with another suggestion which was made during the debate—that the consent of the parent, as well as of the child, should be required in every case of apprenticeship. In England, the consent of the parent is not required; and the English Commission propose that it should not be necessary even for enlistment into the army or navy. [8] It is often of the utmost importance to rescue a child from the parents' influence, and in many cases it is therefore undesirable to inform the parents of the proposed apprenticeship. On the other hand,

[1] Public Charities Commission, N. S. W. page 84. [2] § 141-4, and 154-6. [3] § 152.
[4] Act 210 of 1881, sec. 67. N.S.W. Act, 2 of 1866, sec. 11. Victorian Act, 495 of 1874, sec. 17.
[5] English Commission's Report, § 42. [6] Appendix U.
[7] N.Z. Act, 25 of 1882, sec. 62. [8] English Commission's Report, § 42.

hand, there are cases in which the child has lapsed into wrong through no fault of the parents; or in which they have been obliged by widowhood or other misfortune, temporarily to relinquish the child's support; and yet, from their good character, or altered circumstances, it is desirable that the child should be restored to them as early as possible. In such cases there is no reason why they should not, and every reason why they should, be consulted before apprenticing the child. We were, therefore, much surprised to be informed that, until we called attention to the matter, it was not the practice of the Destitute Board, before apprenticing children, to make any inquiries as to the character of the parents, or to ascertain the parents' wishes as to the apprenticeship, however good their character might be. [1] Probably the Board had the laudable intention of deterring parents from allowing their children to become inmates of the schools, and thus chargeable to the State; but we think they were mistaken in acting as if the rule were universal, without any exception, that parents whose children were committed to the schools were always unfit to have charge of their children, or even to be consulted as to the way in which they were to be put out in life.

This mistake was one which fortunately was remediable without legislation. Accordingly we refused to join with the Board in a request to the Honorable the Chief Secretary to remove the prohibition against apprenticeship, which followed the debate in the House of Assembly, until we received an assurance from the Chairman of the Board that an inquiry should be made into the character of the parents or guardians, and their ability to take charge of the child, in every case before the power of apprenticing was exercised. [2]

The case of Edward Austral Humby.

§ 152. The case of the lad Edward Austral Humby, which was the occasion of the debate in the House of Assembly, is a signal illustration of the harm which may be done by the injudicious administration of a beneficial law. Mr. Humby, the father, is a dairy farmer, occupying 160 acres of land at Blackwood. [3] An attempt to palliate the departmental blunders in his son's case, by disparaging the father's character, wholly failed; and we look upon Mr. Humby as a respectable man, endeavoring to bring up a large family in a proper manner. [4] His son Edward appears to be a lad of dull intellect, the result, probably, of a sunstroke and of some ailment in his infancy. [5]

In March, 1882, when just over thirteen years of age, the lad wandered away from home, and, notwithstanding inquiries through the police, the parents could learn nothing about him until the end of May, when they were told that he had been convicted before the Justices at Two Wells of stealing a meerschaum pipe and a watch, and sentenced to a month's imprisonment and two year's detention at the Reformatory Hulk. [6] This was a case in which, if the procedure we have recommended had been in force, the lad would not have been imprisoned at all. He might have received a whipping; but the parents being of good character, he would have been sent home and probably put under supervision for a short time; and in all likelihood would have kept out of trouble afterwards.

During the lad's incarceration in the Hulk, much difficulty seems to have been put in the way of his being seen by his family. At the Hulk they were told that he could not be seen without an order; at the office of the Department that no order was

[1] Reed, 2697—2719. [2] Reed, 2715-6. Humby, 7346. [3] Humby, 7329-31. [4] Humby, 7351. [6] Humby, 7339.

was necessary; when they again made a journey to the Hulk they were not allowed to see him for want of an order; and when afterwards an order was given, it was limited to two of the family.[1] In consequence of a not unnatural altercation between the father and the superintendent; or, because the father expressed an opinion that, considering his son's weakness of mind, he ought not to have been convicted, Mr. Reed came to the conclusion "that the man was utterly unfit to have charge of his son."[2] But Mr. Reed says that it was not on that account, but because of the practice of the Board to apprentice boys out without any inquiry as to their parents' character or wishes, that, when the boy had served a little more than half of his term, it was determined that he should be apprenticed.[3]

Mr. Humby, hearing what was intended, and as the effect would be to keep his son from his home for some years longer, determined to appeal to Mr. Reed. "I met Mr. Reed," he says, "on the North-terrace yonder, and I said "'I want an interview with you.' He said 'What is it?' I said 'I understand you "are going to remove my boy from the hulk. Will you kindly tell me where you "are going to put him?' 'No,' he said. That was it. I said 'Well, I am his "father, and I want to know'; and he said 'I cannot help it.' I then said 'This "is next to kidnapping the boy,' and with that the door was shut."[4]

In August, 1883, young Humby and two other lads from the Hulk were apprenticed for three years to a salt manufacturer on Yorke's Peninsula.[5] This was a step which, it seems to us, it is impossible to justify. The apprenticeship authorised by the Act is to "some useful calling or occupation."[6] This plainly means "useful" to the boys; and if salt making had been an established industry and one of the recognised outlets for the employment of labour, it would have answered that description. But in point of fact, the manufactory was an experiment, which we fear has not been successful. No one seems to have asked if the experience to be gained at these salt works would be of such service in teaching these lads how to earn their living as would be at all commensurate with the three years' service for which they were bound; nor does it seem to have occurred to anyone that this triple apprenticeship was very like fostering a struggling industry with cheap labour at the expense of boys who were virtually wards of the State. It is even more astonishing that the objections to sending from the Hulk three boys of the same age at the same time to the same place, should have been overlooked. It must also be borne in mind that a slight inquiry would have disclosed that, in young Humby's case, at all events, there was, as an alternative to this objectionable apprenticeship, a respectable home in which he would be under parental care, separated from bad associates, and trained to a useful occupation.

As might have been expected, three or four months after the lad was sent to Yorke's Peninsula, more than 100 miles from his home, he absconded;[7] though not, as was insinuated, at the suggestion of his parents.[8] Again the Department objected to his being restored to his family,[9] and he was sent back to the Hulk for two years;[10] and there he remained until released by your Excellency's order.

Probably another case cannot be found combining so many of the defects which have accompanied the system of apprenticeship. We believe that the measures we have suggested, will prevent a repetition of similar mistakes in future; or we should be slow to advise that the power of apprenticing children committed to the Reformatory or Industrial Schools should be continued.

Wages.

[1] Humby, 7357-8, 7367. [2] Reed, 1855. [3] Reed, 1847-8. [4] Humby, 7359.
[5] Reed, 1833. [6] Act 210 of 1881, sec. 66.
[7] Reed, 1833. [8] Reed, 1834. [9] Humby, 7362. [10] Reed, 1833.

Wages and Savings.

§ 153. The wages paid to the children, the employer finding board, lodging, and clothing, are at least one and sixpence a week, between thirteen and fourteen years of age; two shillings a week, between fourteen and fifteen; and half-a-crown a week, between fifteen and sixteen. The boys' wages vary from half-a-crown to fifteen shillings a week. [1]

The children, as we have previously said, receive a quarter of their wages as pocket-money, the remaining three-quarters being paid into the Savings Bank to their account. [2] This is pursuant to section 68 of the "Destitute Persons Act," which provides that "every such deposit shall be deemed and allowed as a payment to such "child, but shall not be withdrawn by the child without the consent in writing of the "Chairman of the Board until the expiration of the indentures of apprenticeship or "licence respectively." Giving a liberal interpretation to this language, the Chairman is in the habit of retaining the savings, and accumulating them in the Savings Bank until the child is discharged from the control of the Board, and not merely until the end of the licence or apprenticeship during which the wages are earned, which is what the words of the Act mean—although probably not what the legislature intended.

We have already mentioned that when the child reaches sixteen, these accumulations generally amount to more than £12. [2] They are sometimes as much as £18 or £19, and on the 30th June, 1885, one of these accounts amounted to £31 16s. 9d. The total amount in the Savings Bank to the credit of the children was £1,201 7s. 10d., the average sum to the credit of each child being £5 0s. 4d.

Unfortunately, these compulsory savings are not accompanied with lessons in thrift, in the use of money, and in self-control. Mr. Reed says:—

A large lump sum in the bank accruing to the child at the end of the term may be, and is in itself, an evil, presenting strong temptations, at the child's maturity of service, to lavish and frivolous expenditure. Every effort is made to counteract this evil by inducing the child to allow the book to remain in my charge, and the money in the bank, and to draw out small sums when needed; and, unless under the influence of bad parentage, the majority of the children see it is for their good, and willingly consent. Still, I think that some modification is needed, providing for the retention of the deposit until a later period, either in anticipation of some useful investment or of the time of marriage. I had an illustration of this lump sum difficulty only this week, when a girl at service wrote, wishing to draw out all her money, as "there would be such a lot at the end "of her time that she would not know what to do with it." [3]

The following is the well-considered opinion of the Boarding-out Society on this point:—

It is rarely beneficial to the children to have sums of money compulsorily saved up for them by their foster-parents and employers, when these are at their absolute disposal at the age when their term expires. In several cases of real adoption by poor struggling people the foster-parents felt very sore at seeing the money thus painfully saved foolishly squandered by boys of sixteen. The possession of money is often of positive disservice, especially to girls; for the affection of worthless parents and relatives, who stood aside and allowed the State or kind-hearted honest people to bear the whole charge of the children when they were young, is stimulated by their having not only wage-earning capacities, but solid money in the bank. If the State could hold the money over till the children were of age, and had some experience of the world, the results would be likely to be better.

For an instance of the manner in which compulsory savings sometimes work in a different direction from that intended by the Destitute Board, it is necessary to go beyond the time during which supervision is exercised. A. P. was placed in an excellent situation, where she was trained to domestic service, and was quite pleased to stay in it at current wages after her time was up at sixteen years old. Some time after an uncle and an aunt represented to her that she could have a home with them where she would not be a servant. She would not listen to the remonstrances of her employers, but left her place and stayed with her affectionate relatives for six months, and then returned and begged to be taken back again by her old mistress. She had worked harder for her

[1] Appendix PPP. Reed, 1807. [2] § 52. [3] Reed, 1807, p. 39.

her uncle's family than in her place of service, had got no wages, and the nine or ten pounds she had in the Savings Bank were all gone. She will probably remain in her old home till she is married, as the lesson, though severe, was sufficient. [1]

The same difficulty has been experienced in Victoria where the method of compulsory saving of children's wages has also been adopted. [2]

Mr. Gray, the Visiting Inspector, proposes—

That instead of allowing the children to have all the money coming to them as wages, under all circumstances it be arranged that sums due to them from thirteen to seventeen years of age be paid to this Department as partial reimbursement for cost incurred, and after that time until twenty-one years of age (an equal period at higher wages) the child's money be placed, as now, in the Savings Bank for him, unless he absconds or misbehaves himself, in which case all costs to be deducted from his savings. This would tend to keep boys steady. [3]

We are unable to concur with this proposal. There is no more reason for charging the subsequent earnings of a destitute child with the cost of its maintenance than there is for making a similar charge upon the wages of an adult who has received poor relief; it would take away the stimulus of self-advantage from the child's exertions, and almost every motive for good conduct.

We do, however, agree with the proposal of Miss Clark and Miss Spence, that these savings up to a sum of £10 should be spent in the purchase of an annuity for the child's benefit. [4] The balance of the savings should remain under the control of the Department, either to be paid over to the child or retained until it attains twenty-one years of age. This would enable the Department to protect the money from the rapacity of relatives, or from being squandered, and also to give the management of their own savings to children who have acquired provident habits.

In Victoria it seems to be the practice to pay for the renewal of the child's outfit, should it be required, from its savings, [5] and we agree with Mr. Gray that, in the event of the child incurring a fine for misconduct, the penalty should be paid out of the money to its credit.

Miss Clark and Miss Spence are both of opinion that after sixteen years of age the child should receive the whole of its wages, and make its own bargain for service. Miss Clark says—

The reason why I wish them to have all their money is that they often get very much discontented. They fancy they shall be free at sixteen, and when they are put at work for the same people and receive, say, one-fourth of their wages, they are very much discontented. If they had their whole wages it would be very much better. [6]

Miss Spence gave similar testimony.

If apprenticeship is extended over the age of sixteen, the girl or lad should draw all the wages and expend them at discretion. This would make them more contented and make them cheaper servants to conscientious employers, for if a girl of seventeen is to be clothed properly, and have 5s. besides, she is either a very dear servant, which makes her employer dissatisfied, or she is badly clothed, which makes her dissatisfied. [7]

Mr. Reed at first advocated the compulsory saving of a quarter of the child's wages after sixteen years of age, allowing it to receive the remaining three-quarters for the purpose of clothing and pocket-money, but he subsequently expressed his agreement with the views of Miss Spence and Miss Clark. [8]

Our own opinion is that, on questions of this kind, no hard-and-fast rule can be laid down for all cases, and that discretion should be left to the Department to adopt such regulations from time to time as experience may suggest, with power of modifying them to meet individual cases. If,

[1] Boarding Out Society's Report, 1885, p. 9. [2] Guillaume, 8660.
Gray, 6761. [4] § 52. Spence, 5558. Clark, 5664-71. [5] Guillaume, Minutes of Evidence, page 384.
[6] Clark, 5703. [7] Spence, 5558. [8] Reed, 1807, 739.

If the proposal for purchasing annuities for the children out of their savings is carried into effect, we think that until the necessary sum for purchasing the annuity is paid, and the child attains the age of sixteen, the present practice as to compulsory savings should be continued, and that afterwards the child—whenever it can be trusted to do so—should be left to make its own arrangement as to wages, and to receive and spend them itself. No doubt there will be waste and extravagance; but it is from mistakes of that kind that practical lessons in thrift are often learned. The Department should have power to withdraw these privileges in the case of misconduct or of hopeless thriftlessness.

A further discussion has arisen with respect to the payment of wages to adopted children. On this point Mr. Reed says:—

I have been at issue here and there with respect to the matter of wages in an exceptional case or two where the child has been absorbed into the family as an adopted child. In some instances I have cancelled the provisions for wages at the date of adoption; in others I have been applied to for the exemption from wages when becoming due, and where the adoption has evidently been real. These exemptions I have willingly granted, while maintaining the position that, although exempted from the payment of wages, the foster-parents should, in lieu thereof, make at least some voluntary deposits in the savings bank, on the principle that an adopted child should be at least as well off as she would be if placed out as a servant. But the adopting parents wish to claim entire exemption from any payments whatever. [1]

The Boarding-out Society are of opinion that the payment of wages has been too strictly enforced, and has checked the development of the boarding-out system.

"Believing," they said, in 1883, "that one cause in the diminution in the number of children "placed out is the increased difficulty in finding homes, the committee are of opinion that a little "more liberality might be exercised with advantage towards those people adopting children. "At present those who have adopted a child at six or seven years old are placed in exactly the "same position when it has reached the age of thirteen as if they had taken it at eleven or "twelve. They have to pay wages unless specially exempted from the control of the Board. This "exemption is very properly seldom granted, and country people not being overburdened with cash, "the consequence is that many children are returned when approaching thirteen, who might "otherwise remain permanently with their protectors—to their great loss, for a good home is of "far more value to them than money." [2]

One little girl was given up on the foster-parents seeing that they would have to pay wages from thirteen to eighteen, but after a separation of three months they met the little one at a picnic, to which she had gone from a boarded-out home, and took her back—wages or no wages. The Committee, however, are of opinion that the wages clauses deter people from adopting little girls as freely as they used to do, because, while wages are only to be paid and saved for boys to the age of sixteen, the supervision and compulsory savings for girls extend to eighteen. [3]

Miss Clark's evidence is to much the same effect:—

The adopted children are paid wages from thirteen, and that we object to very strongly. The wages make a difference. Many people could afford to adopt a child, and keep it, but not to pay it wages. Another thing is, that it makes a difference between their own children and the adopted child. They do not choose to do for an adopted child what they cannot do for their own children. We find children have been returned at thirteen years of age, when the wages have to begin, merely to avoid paying wages. I should like to see the stipulation as to wages very elastic when there is adoption in the case, and to be allowed to be done away with altogether, if necessary. [4]

There are two classes of cases which are not difficult to deal with. When a child has been "adopted for service"—when it has been a servant all along, there is no reason why the employer should not pay ordinary wages when the child is over thirteen. If the child has been permanently adopted and incorporated into a respectable family from infancy, we do not think it is incumbent for the State to insist upon payment of wages not received by other children of the family.

There are, however, a number of intermediate cases which can only be dealt with on their merits, and for which no hard-and-fast rule can be formulated. We have no doubt

[1] Reed, 1807, page 39. [2] Boarding-out Society's Report, 1883, pages 3 and 4.
[3] Boarding-out Society's Report, 1884, page 7. [4] Clark, 5649.

doubt whatever that there are many of these in which a relaxation of the strict rule with regard to wages can be made with advantage to the child; but on the other hand, claims for exemption will have to be carefully watched in order to prevent the child's services being obtained without, or at a lower rate of, payment on the pretext of an adoption which is not genuine.

GUARDIANSHIP.

§ 154. The object of the control by the State of convicted, destitute, and neglected children is to prepare them for restoration to ordinary life. The sooner a gradually lessening authority can be wholly withdrawn, the better both for the child and the public. If, at the expiration of the term for which a boy or girl who is still undischarged, has been committed, it has parents or friends to whose care it can be safely entrusted, the oversight of the child is better relinquished to them than retained by a Government department. Too often there is no such choice. Many of the children who are committed are orphans, abandoned by their parents, or illegitimate. The parents of others are of bad or criminal character, or of intemperate or vicious habits. Other parents, from their failure to control or care for their children when young, cannot with any confidence be entrusted with the possession of them at the more critical age when they are passing from childhood to maturity. It is only a few of the children who have homes to which they can be unconditionally returned without misgivings as to their welfare. What, then, is to be done with the large majority who have no friends to whom they may be safely surrendered? Are they, while still in their teens, to be left to take their chance, and nothing to be done to protect them from bad influences and vicious companionships?

With strange inconsistency, (says Mr. Justice Windeyer) the state declares the friendless pauper orphan, the abandoned and neglected, competent for the task of self-government, at an age when, without experience of the world, it has yet to undergo the fiery ordeal of passions just beginning to awake; though it refuses to entrust it till the age of twenty-one, to those who usually are still surrounded by relatives able to counsel and willing to protect. What parent would willingly lose control over his children at the most critical period of their lives?[1]

At present all control over a child committed to the Industrial or Reformatory Schools ends, according to whether the child is a boy or girl, at the age of sixteen or eighteen; or earlier, if committed for a term ending before that age. Even in cases of apprenticeship after the term of commitment has expired, the Destitute Board seem to have no power to interpose between the master and the apprentice, or to insist on the apprenticeship being completed.[2] If the apprentice deserts the service, and, as generally happens, the master does not care to trouble himself further about the matter, it is nobody's business, and no one has the power to interfere.[3]

Many representations have been made to us (say the English Commission) of the critical nature of the age at which the inmates of Reformatories and Industrial Schools are released from control. There is abundance of evidence that the age of sixteen is full of danger to boys, and still more, perhaps, to girls, emancipated from the care of these institutions. At that age they are too apt to be dragged back into vice or crime by evil influences (frequently those of their own parents) to the destruction of the good work effected at great pains and expense. A parent who has allowed his child to fall into evil ways, and who has shown little or no parental interest in its welfare during the earlier years of its detention, and has perhaps evaded the duty of contributing to its support, will often awaken to a keen interest in it as the moment approaches when it will be free from restraint, and has attained an age at which its earnings will be an acceptable addition to the family resources. Such a parent has, in our opinion, forfeited any right to exert over the child an authority, more properly belonging to the managers of the school which has been undoing the evil effects of parental neglect, and fulfilling the duties which the parent had failed to perform in the education and training of his child.[4]

Guardianship

[1] Public Charities Commission, N.S.W., Second Report, page 57. [2] Act 210 of 1881, secs. 66-7.
[3] Davis, 2582–90. [4] English Commission's Report, § 44.

Guardianship should continue until Age of Twenty-one.

§ 155. There has been considerable difference of opinion as to the age when the official oversight of children who have been brought up at the public expense should finally cease. In our view, the balance of authority and of argument is in favor of extending the period of control—when the child cannot safely be restored to the guardianship of its parents—until the age of twenty-one. This rule is advocated by persons of much experience in England, and it has been adopted in Massachusetts and other parts of the United States[1] The English Commission recommend—

> That the control of the managers over Industrial School children * * should supersede that of the parents, and continue till the age of eighteen years; and, in the case of the inmates of Reformatories, either for two years after the expiration of their sentence of detention, or if at such expiration they are over nineteen, then until the age of twenty-one.[2]

This, if the other suggestions of the English Commission are adopted, will practically extend the period of control in Reformatory cases until twenty-one. In New Zealand where the law on this subject is more clearly stated in the statute book than in any of the Australian colonies, the guardianship of every inmate of the Schools (which though called "Industrial" include Reformatory cases), is taken from the parents and vested in the manager whilst the child is in the School, licensed out, or apprenticed; and, until it attains the age of twenty-one, the manager has all the powers of a guardian of the person of an infant appointed by the Supreme Court. At any time the Governor can transfer the guardianship to any person, and therefore to the parents or relatives—a power which is an excellent safeguard against departmental routine.[3] This provision we recommend to be adopted here, substituting the permanent head of the department for the school manager. The guardianship, of course, should terminate on a girl's marriage.

Licences after the Age of Eighteen.

§156. The establishment of the relation of guardian and ward in the case of children whose term of detention has expired, will of itself be a marked improvement on the present law. It will impose the duty of supervision upon the guardian, and give him the right to interfere when the child wants protection or guidance; whilst it will encourage the child when in difficulty to apply to the guardian for advice and assistance. But the powers of a guardian are not always clearly defined; and they need to be supplemented by some simple machinery for enforcing them. This requirement can be supplied by a slight modification of the advice on this point of the English Commission. Their proposal is

> That, subject to the existing system of granting licences for three months, and renewing them for similar periods, with a power of revocation, the licences should be renewable to the expiration of the period of control. This power should not be used for the purpose of again detaining those, whose licence has been revoked, longer than may be necessary in order to give them a fresh start, under new and, if possible, more favorable conditions. Indeed, the existence of the power of revocation will probably be enough, without its exercise in the vast majority of cases, to prevent evil.[4]

We recommend that, after the age of eighteen, in lieu of a quarterly licence, a general licence should be given to a child, extending until the age of twenty-one; and without restrictions as to residence or service, but subject to revocation. In most cases, at eighteen years of age, a boy or girl, who has been licensed out to service or apprenticed, may be trusted to make a bargain for service on its own account, and should receive

[1] § 135. [2] English Commission's Report, § 44. [3] N.Z. Act, No. 25 of 1882, sections 26-29.
[4] English Commission's Report, § 44.

receive the whole of his or her wages. A youth should, in fact, be encouraged rather than hindered, in thus forming habits of self-reliance. When the power of self-goverment is not sufficiently developed to enable the youth to make his own contract or to take care of his earnings, the assistance of the guardian may be called into exercise. It should be obligatory upon the holder of a licence to furnish his or her address from time to time to the guardian, with particulars of the employment in which he or she is engaged. In cases of misconduct or companionship with bad characters, the licence should be revoked, the holder being required to return, not as in England to the school or to an institution, but to some licensed home, and to an employment approved by the guardian. The failure to comply with this consequence of revocation should be an offence, punishable with imprisonment. We believe, with the English Commission, that the power of revocation of the licence will almost always be a sufficient deterrent to prevent its becoming necessary to exercise it. It is in fact to the good influence, rather than to the authority, of the guardian that we look to help to bridge over the dangerous period between eighteen and twenty-one.

CONTRIBUTIONS TOWARDS MAINTENANCE.

§157. Experience everywhere shows that only a small part of the expense of the maintenance of children in Reformatory or Industrial Schools, or under the boarding-out system, can be recovered from their parents. This is inevitable under the best system of administration which can be devised; for only a small minority of the children thus thrown upon the State have parents from whom any part of their maintenance can be recovered. The majority are orphans or illegitimate, or have only one parent, or their parents, or surviving parents, are indigent, or have abandoned them, and have absconded. In very few instances indeed are the parents both able and willing to pay for their maintenance.

The contributions of parents, however (say the English Commission), are the best check on an abuse of the Reformatory and Industrial School system by parents who wish to get rid of the burden of their children's maintenance and education. They are a recognition of the parents' responsibility; and they are the most natural and satisfactory mode of meeting the expenses of these Schools and limiting the charge thrown on rates and taxes.*

The following tables show the cost of the Reformatory and Industrial Schools and of the boarding-out system in this colony, for the last three years, contrasted with the total contributions which have been collected from parents; and they also show the cost per head of the children in the institutions, and the amount per head of the contributions collected from their parents.

School, &c.	Total Contributions from Parents.			Total Expenditure.		
	1882-3.	1883-4.	1884-5.	1882-3.	1883-4.	1884-5.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Industrial School	141 17 2	178 13 4	182 2 1	2,427 1 10	2,831 10 10	3,323 18 5
Reformatory Hulk *Fitziames*	56 5 0	52 5 0	52 0 0	1,876 6 5	1,955 13 4	2,584 12 11
Girls' Reformatory	9 10 0	36 2 0	18 6 0	650 17 1	840 13 10	899 6 6
Expenses of all boarded-out children, including subsidy	—*	—*	—*	2,171 5 7	2,441 14 0	3,052 13 0
Totals	207 12 2	267 0 4	252 8 1	7,125 10 11	8,069 12 0	9,860 10 10
	Grand total for 3 years, £727 0s. 7d.			Grand total for 3 years, £25,055 13s. 9d.		

* Included in the Schools of which children were inmates.

[1] English Commission's Report, § 60.

School

School, &c.	Average Number of Inmates.			Contributions per head per week.			Cost per head per week.		
	1882-3.	1883-4.	1884-5.	1882-3.	1883-4.	1884-5.	1882-3.	1883-4.	1884-5.
				d.	*d.*	*d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*
Industrial School	120	120	101	$5\frac{1}{2}$	$6\frac{3}{4}$	$8\frac{1}{4}$	7 $9\frac{1}{4}$	9 $0\frac{3}{4}$	12 $7\frac{3}{4}$
Reformatory Hulk *Fitzjames*	54	62	59	5	3	4	13 $4\frac{3}{8}$	12 $1\frac{1}{2}$	16 $10\frac{1}{4}$
Girls' Reformatory	15	19	20	$2\frac{7}{8}$	$8\frac{3}{4}$	$4\frac{1}{4}$	16 $8\frac{1}{4}$	17 $0\frac{7}{8}$	17 $3\frac{3}{4}$

From the above tables it appears that the total cost of the Reformatory and Industrial Schools and of the boarding-out system for the last three years has been £25,055 13s. 9d., and that only £727 0s. 7d. has been collected from parents towards that expenditure. In other words, the parents and friends paid 7d. only in the £ on the cost of the maintenance of the children, the charge of whom has been thrown upon the State, and the revenue is burdened with the remaining 19s. 5d. The hardship of this upon the taxpayer will be more clearly recognised when it is remembered that more than *one-fourth* of all the children thus supported have been committed as *uncontrollable* on the application of their parents, who have thus escaped from the parental duty of supporting their own offspring.

Considering the social conditions in this colony, the demand for labor, and our comparative freedom from the crime and poverty which swell the numbers of Industrial and Reformatory Schools in England, we should naturally expect that the amount collected from parents would be ratably larger in this colony than in England. The contrary, however, is the fact. In England the parents of the inmates of Reformatory and Industrial Schools contribute 1s. in the £ towards their cost, as against 7d. in the £ thus contributed in this colony. The comparison is still more unfavorable to this colony, when it is remembered that the boarding-out system reduces the expenditure on the children committed to the Industrial Schools, and subsequently boarded out, to 2s. $1\frac{1}{2}$d. per head per week, as against 7s. to 7s. 6d. per head per week in England.[1] The rate of expenditure per head being less in this colony than in England, if the parents here contributed as much ratably as the parents do in England, their contributions would amount to a larger rate per head on the actual cost of the children than in England.

As in the above tables the contributions of parents to the boarding-out system and to the Industrial School are mixed together, we can make no separate comparison on this point, of the contribution of parents in this colony with those of parents in England towards the maintenance of children in Industrial Schools. We can, however, compare the results with respect to Reformatory Schools, and we find that whereas in England in 1881 the contributions of parents towards the maintenance of the inmates of the Reformatory Schools amounted to £1 3s. $11\frac{1}{4}$d. per head per annum, in this colony they only amounted, on an average of the three years above mentioned, to 19s. 7d. per head per annum, and for the year 1884-5 to 17s. $9\frac{1}{2}$d. per head per annum.[2]

The smallness of these parental contributions in this colony becomes more striking the more the figures are examined in detail. In the Reformatory Hulk the average number of inmates for the last three years has been $58\frac{1}{3}$. The entire contributions have, for the three years covered by the tables, amounted altogether to a total average of £1 0s. $6\frac{3}{4}$d. per week, or little more than the average weekly cost of one inmate—14s. $1\frac{1}{2}$d. per week. Again, comparing the amount of the parental contributions towards the cost of the *Fitzjames* with those of the *Vernon* at Sydney, we find that,

[1] English Commission's Report, § 59.

[2] English Commission's Report, § 60.

that, for 1884, the contributions of parents amounted to the rate of £1 4s. 10d. per head per annum for *Vernon* boys, [1] as against 12s. 1½d. per head for the same year for boys on board the *Fitzjames*. Contenting ourselves with only one more comparison, we find that in Victoria the sum of 11s. 3d. per head was contributed by parents for the year ending June 30th, 1883, towards the cost of Reformatory, Industrial School, and boarded-out children, [2] as against 9s. 3½d. per head for the same year for the same class of children in this colony.

Law as to Parental Contributions.

§158. If the comparatively small amount of parental contributions in this colony is not due to unfavorable local conditions, neither is it attributable to a more defective state of the law in this colony as compared with the law of England. In this colony grandparents as well as parents and step-parents, are made liable for children's maintenance; [3] in England, parents and step-parents only are liable. In this colony the amount of the contributions of the parents can, and in our opinion ought to be fixed at the time of the committal of the child; in England it has to be determined at a subsequent proceeding. In this colony, on non-payment of the weekly contributions ordered by the magistrates, the parent may be imprisoned, with or without hard labor; in England the parental contributions are only recoverable as a civil debt under the Summary Jurisdiction Act of 1879, and the powers of imprisonment, in default of payment, are so limited as to be practically useless. [4] The English Commission recommend the adoption of a simple and summary process, with the alternative of prompt imprisonment. Such a remedy is provided here already in the Destitute Persons Act, in conjunction with the provisions of Act No. 6, of 1850. We agree, however, with the English Commission that, having regard to the ruinous effects on the home of a sale under a distress, an order for summary imprisonment with hard labor (and we think it should be for a longer period than is at present imposed) would be preferable to the issuing of a distress warrant in cases of obstinate refusal of the parent to comply with the order to contribute to the child's maintenance. [5]

Causes of Small Amount of Contributions, and Remedies therefor.

§159. The small amount of parental contributions in this colony, as compared with other places, is attributable to remediable defects of administration:—

Firstly—To failure to put the law in force against parents in default. For the last three years there has been only one committal of a parent making default in the payment of the maintenance ordered for his children. We believe that, with greater vigilance, more cases would have been discovered in which this remedy should have been enforced.

Secondly—To want of sufficient inquiries before, and to the representation of the Department in Court at the time, of the child's committal. As we have pointed out, section 56 of the Destitute Persons Act requires a Justice, on the hearing of a charge against a child of being destitute, neglected, or having committed an offence, to inquire into the means and ability of the parent to maintain the child, and, on proof thereof, to make an order for the child's maintenance. We understand that the practice in Adelaide is to give the Department notice of cases in which a child is charged with being

[1] Vernon Report, 1884, page 24. [2] Mr. Guillaume's Report, 1883, p. 9. [3] Act 210 of 1881, secs. 5 and 6. [4] 42 and 43 Vict., chap. 49, sec. 35. [5] English Commission's Report, § 76.

being destitute or neglected. The Department, however, is not communicated with, or represented at the Adelaide Police Court, when the child is charged with an offence, or in the country, either when charged with an offence or with being a destitute or neglected child. In such cases the maintenance order, if one is applied for at all, is not applied for until after committal. [1] In our opinion, the inquiry as to the parents' means ought to precede the commitment (a remand being obtained if necessary), and the maintenance order and the order for committal should both be made at the same time. As we have already indicated, the parents ought to be required to be present at the hearing; and an officer of the Department ought to be there also with the right of being heard, and of examining witnesses as to the ability of the parents to contribute, as well as with respect to the order of committal. [2] In some few cases in the districts remote from town the presence of an officer of the Department might not always be obtainable; and in such cases his place should be taken either by a member of the police force or someone nominated by the Department, to whom also should be delegated the duty of inquiring as to the parents' means. We are satisfied that this course would materially diminish the number of committals, and increase the number of orders for maintenance.

Thirdly—The collection of the maintenance contributions is centralized, like the management of the Schools, in the town office of the Department, and with a like measure of success. The maintenance instalments are required to be paid at, or posted to, the Adelaide office every four weeks; and whenever they fall into arrear circulars demanding payment are sent to the defaulters. [3] We are satisfied that small weekly payments cannot be got in satisfactorily in this manner. In Victoria the clerks of the police courts all over the colony attend to the collection of the maintenance orders, and the amount collected seems to have been considerably increased in 1883 by a circular urging them to more prompt and methodical measures. It is also recommended in Victoria that a plain clothes policeman be told off for the duty of collecting these contributions. [4] In England, in the country districts, the rural police act as collectors, receiving a commission of 10 per cent. on what they collect. In large towns in Scotland professional collectors seem to be employed. [5]

We recommend that parental contributions be still payable at the Adelaide office, and that a rebate amounting to 10 per cent., or whatever the commission paid to the collector may be, be allowed whenever the contributions are paid in advance. For the contributions which are not thus paid, we recommend the employment of collectors at a proper commission. In remote places a member of the police force should perform this duty. Looking upon the enforcement of parental contributions as the most efficient check upon committals, it is better that they should be enforced than allowed to lapse, even if the greater part of the amount is absorbed in the cost of collection. The deterrent effect of contributions regularly insisted on would be most marked on the class of persons who are always ready to shirk their parental liabilities. For the same reason we recommend still more careful inquiries into the means of the parents, and that a list of defaulters and of non-contributors should be periodically brought under review. The Destitute Persons Act, section 49, limits the parental contributions to 10s. per week. Where the parent is able to pay there seems to be no reason why it should be less than the actual cost of the child's maintenance. In the majority of cases the parents have not sufficient means to

[1] § Appendix FFF. [2] § 136. [3] Appendix FFF. [4] Mr. Guillaume's Report, 1883, page 25.
[5] English Commission, 1944-5 (Rogers); 8698 (Meston).

to pay so high a rate; but it should at all events be a rule, in order to put a check upon committals, to enforce a rate of payment at least equal to, and, generally speaking, somewhat in excess, of the cost of the child's maintenance at home. [1]

TRUANT SCHOOLS.

§ 160. It is laid down by the English Commission to be "desirable that children "whose only offence has been truancy, either by their own fault or that of their parents, "or who are unable from poverty to attend school, should be dealt with by terms of "short detention in schools other than the Reformatory and Industrial Schools. [2]" To supply this want two classes of schools have been established in the United Kingdom —Day Industrial Schools and Truant Schools. Theoretically the Day Industrial Schools are intended for boys and girls who do not attend school through the fault of their parents, and the truant schools for boys "whose truancy is due to their own wilfulness." In practice, however, the line of demarcation between them is not strictly drawn. day industrial schools, beneficial as they are in England and Scotland, are only suitable to the wants of great towns, as the children, though kept and fed in the schools by day, return to their homes at night. In no town in South Australia, not even in Adelaide, does there appear to be a sufficient number of truant children to warrant the establishment of day industrial schools.

There are six truant schools in the United Kingdom. They are established as industrial schools under the Elementary Education Act of 1876, and adopt the system of short detention authorised by that Act, which allows a boy, after detention for a month, to be licensed to live out of school, on condition of his regular attendance during the school age, at some school named in the licence. The essential features of this system seem to be a temporary deprivation of liberty, subjection to the regular hours and discipline of the establishment, daily schooling, plenty of drill, some industrial occupation, and very little play. [3] Solitary confinement in a light cell is added in three of the schools; but this is disapproved of by the English Commission.

> The results (says the English Commission), at the truant school of the London School Board, Upton House, to which, since the 6th of November, 1878, all the worst cases of truancy among Protestant boys in the voluntary and board schools of the metropolis have been sent, are remarkable. Of 658 boys, 627 were licensed after an average absence from home of ten weeks and two days. In 252 cases the licences were revoked; 204 boys were licensed a second time; and of these second licences only ninety-two had to be revoked. Forty boys were licensed a third time, half of whom had their licences revoked and were transferred, with some of the other unsuccessful cases, making ninety-two in all, to ordinary industrial schools. * * The subsequent attendances of the boys who have been truants have been considerably better than the average attendance of the other boys of the London Board Schools. [4]

The percentage of actual out of possible attendances, was 88·52, after the boys had been licensed out; and the percentage was gradually increasing, and in 1883 (to May) had reached 92·69 per cent.

The number of inmates in these schools seems to vary from twenty-five, in the Plymouth, to over 100, in the Liverpool school. At the London school the inmates are limited to forty-six. [5]

From a memorandum with which we have been favored by Mr. Hartley, the Inspector-General of Schools, we learn that in the whole colony there are about twelve bad truant cases per quarter which would be proper for a truant school. These are practically

[1] Clark, 5697, Spence, 5559. [2] English Commission's Report, § 48.
[3] English Commission's Report, § 49. [4] English Commission's Report, § 49.
[5] English Commission, Appendix B, 14 to 19; pages 746-9.

practically all boys. The term of detention at truant schools in England averages about two months. [1] Assuming the detention to be the same here as in England (although Mr. Hartley hopes a less term would be sufficient), the average attendance at the truant school in South Australia, supposing the truant cases continued at their present number, would be only eight. Probably this is not a sufficient number to call for the establishment of a truant school. No expression of our opinion on this point is necessary, as the working of the Education Acts is not within the scope of our Commission.

We are, however, satisfied, that such a school might be beneficially utilised for other cases than mere truants. Subject to the safeguards we have already suggested, uncontrollable boys might be dealt with in a truant school, without danger of the abuses to which we have seen schools of longer detention have given rise. [2] The truant school would also be peculiarly suited to young boys who have committed an offence not involving serious moral guilt—boys not old enough nor bad enough for a reformatory school, but who would be all the better for sharper discipline for a few weeks than they would get at home; the boys, in short, for whom industrial schools in England were originally intended. [3] Such boys should be committed without any conviction being recorded against them, in order to keep the School free from a criminal taint.

The primary object of the school being to prevent truancy, it should be under the control of the Education Department. Whether the inmates should be fed and clothed by supplies from the Department having charge of the Reformatories, is a matter of detail which would probably depend on the situation of the school. Having regard to the shortness of the term of detention, and to the desirableness of making the school a place which the boys will desire to leave, the hulk *Fitzjames*, if moored in safety, might be used for the present to save the expense of building a school.

PART III.

DEPARTMENTAL CONTROL.

Transfer of control of Children to new Department.

§ 161. We have already had occasion to point out that the executive management of the outdoor and indoor relief of the destitute all over the colony, of the Lying-in Home, and licences for foster-mothers, of the Industrial and Reformatory Schools and the boarding-out system, as well as the licensing and apprenticing of children committed to the schools, is all centralised in the Destitute Board. [4] This combination in one department of duties so diverse is, so far as we have been able to ascertain, unique. It would be impracticable in England or in any populous country; and it is, in our opinion, only a question of time when it must break down in this colony. Only two of the witnesses whom we have examined—Mr. Davis [5] and Mr. Adamson, [6] both of them members

[1] English Commission's Report, § 49. [2] § 129.
[3] Social Science Transactions 1875. Mr. Hasting's address, page 139; cited in Transactions for 1884, page 254.
[4] § 6. [5] Davis, 2610-11. [6] Adamson, 6195-7.

members of the Destitute Board of long standing— are in favor of continuing the present arrangement; whilst Mr. Reed,[1] the Chairman, Mr. James Smith,[2] and Mr. Gilbert,[3] M.P., also experienced members of the board; and Miss Spence[4] and Miss Clark,[5] the present and former secretaries of the Boarding-out Society, recommend the division of the business of the Destitute Board between two departments.

The attempt to administer so many institutions by means of one central management has, in our judgment, been unsuccessful. In consequence of it the Reformatories and the Industrial Schools, as well as the system of apprenticing, must be regarded as failures; whilst the efficiency of the boarding-out and licensing systems has been much hindered by the same cause. The duties of the combined departments are altogether too multifarious for one honorary board to discharge satisfactorily, even with the assistance of an official chairman.

We cannot therefore hesitate to advise that the Destitute Board should be entirely relieved of the care of destitute, neglected, and convicted children.

In England, as we have seen, the industrial and reformatory schools are private institutions, subsidised by the Treasury, and are managed by boards, some of gentlemen only, and some of ladies and gentlemen; or by religious brotherhoods and sisterhoods. They are all subject to Government inspection, and in certain respects to Government control. In New South Wales, the boarding-out system is under the management of the boarding-out officer, controlled by a mixed board of ladies and gentlemen, presided over by an honorary chairman, Dr. Renwick. In Victoria, there is an Industrial and Reformatory Schools' Department, of which the permanent official head, under the Responsible Minister controlling it, is Mr. Guillaume, the Secretary. He has the immediate supervision of the boarding-out system, but is assisted, as we have seen, by local committees. The Government Reformatories are under the management of their respective superintendents, and are supervised by a ladies' committee for the girls, and a gentlemen's committee for the boys. The Roman Catholic Reformatory is conducted by a religious sisterhood. In New Zealand, the industrial schools, which are reformatories as well, are each under separate management.

After considering the various advantages and disadvantages of these different systems, we recommend that in this colony all the establishments for the benefit of convicted, destitute, and neglected children, be entrusted to the management of an honorary board, to be called "The State Children's Relief Board," appointed by the Governor, and subject to the control of a responsible Minister. The board, we suggest, should consist of ten or a dozen ladies and gentlemen, who have already shown an interest in kindred branches of philanthropic work, and who should be fairly representative of the different religious denominations. As the board will have to deal with girls as well as boys, the presence of ladies upon it is indispensable. This, as we have seen, is no innovation; indeed the Reformatory system was founded by a lady (Miss Carpenter).

Whether there should be a permanent secretary and an honorary chairman, elected from the other members of the board, like the chairman of the Road and some other Boards; or whether, as in the case of the Destitute and other Boards, the permanent official at the head of the department should be the chairman, is a question to be decided on a balance of advantages. Greater independence, and a more complete control over and acquaintance with its own business, would perhaps be best secured by an

[1] Reed, 1807, page 40. [2] Smith, 6029. [3] Gilbert, 6327-9.
[4] Spence, 5565-6. [5] Clark, 5708-19.

an elective chairman. On the other hand, with a permanent official chairman, we may expect greater uniformity of practice, and a more perfect subordination to the Minister responsible to Parliament; and also to attract a more efficient permanent head to the department. On the whole, we think the balance turns in favor of an official chairman.

We desire as strongly as we can to emphasise our belief that the successful working of the new board will largely depend on the qualifications of the incumbent of that office. A mere expert in official routine will not suffice. To administrative capacity and tact for an exceedingly difficult and delicate position, it is essential there should be added genuine enthusiasm for the work he will have to undertake.

Except that the salary of the chairman of the new board will have to be provided for, the division of the Department will not necessitate increased expense. Office accommodation for the new Department for some time at all events could be supplied in the new and commodious buildings at the Destitute Asylum. Any additional expenditure will, we believe, be more than counterbalanced by the greater efficiency with which the work of both departments will be done, and by the saving of public money which carrying out our other recommendations will effect. We have not overlooked the possible inconvenience of continuing the official inspection for both departments by the same inspectors; as in the country, at all events, for the sake of economy it should be continued. This difficulty can be overcome by making each inspector responsible to one department only, although required to inspect for both departments; and by dividing the payment of the inspectors' salaries between the two departments.

Probably the official inspection in the town and suburbs can be overtaken by the Chairman of the new Department; but, as we have previously indicated, the appointment of an additional inspector for the country districts is absolutely essential.

Legislation for giving effect to Recommendations in this Report.

§ 162. In order to carry out the recommendations we have made, two Bills will have to be submitted to Parliament—one relating to the duties of the Destitute Board, and the other to the functions of the new Department. The Destitute Persons Act of 1881 [1] is very imperfect in many of its provisions, and requires careful revision. We beg to call attention to the desirableness, in framing the new Bills, of referring to recent English legislation on the same subjects, as being much more clearly and accurately framed. The New Zealand Industrial Schools Act, 1882, [2] is a model of clear arrrangement and lucid expression, and would be of much assistance to the draughtsman in the preparation of the new Bills.

It would be impossible to prepare Bills for giving effect to our recommendations in time to be submitted to Parliament before the end of this session; but we venture to express the hope that your Excellency's advisers may not find it impracticable to submit for the approval of Parliament, during the present session, a short measure containing the following provisions:—

a. For the appointment of the "The State Children's Relief Board":

b. For the transfer to such Board of all the duties imposed upon the Destitute Board by Part III. of the Destitute Persons Act, 1881, with such of the powers contained in Part II. as may be necessary for giving effect to such transfer:

c. For the certifying of Reformatory Schools in a manner similar to the provisions contained in the English Reformatory Schools Act, 1866 [3]

This

[1] No. 210. [2] No. 25. [3] 29 & 30 Vic. cap. 117, sec. 4-13.
No. 228.

This will be required in order to transfer children in the reformatories to reformatories under private management. Should a short Act of this kind be passed, the most urgent of the reforms which we have suggested could be carried into effect at once, and two complete Bills, assigning the duties of both Departments, could be prepared in ample time for next session.

d. For indemnifying the Chairman, the members, and the officers of the Destitute Board against actions for the illegal transfer of children from the Industrial School to the Reformatories. [1]

The Destitute Board.

163. We do not recommend any alteration in the constitution of the Destitute Board. Although in the course of this report we have had occasion to criticise the action of the Department in some points, and to differ from its policy in others, we should be sorry to convey the impression that we are insensible of the value to the public of the services of the Chairman and other members of the Board. Under their administration, relief to the poor in South Australia is less expensive in proportion to the population than in any other country with which we have been able to make a comparison.[2] The boarding-out system has been introduced under their auspices. [3] Where their operations have failed, the failure in many cases has been the natural consequence of the salaries voted by Parliament having been insufficient to secure suitable agents.

The non-official members of the Board have, without fee or reward (some of them for many years), given their services to the Department. This has been at the sacrifice of a great deal of time, as the board meetings are held twice a week ; and the members of the Board give attention to its business at other times as well. Much of the work of the Board cannot be said to be intrinsically interesting, and it commonly receives little public attention. When it does attract notice it is generally in consequence of hostile criticism; and the best exertions of the members will rarely earn for them more than exemption from blame. It can, therefore, be only from a sense of public duty that the non-official members have expended their time and their energies in the service of the Department. They are certainly entitled to the thanks of their fellow-colonists, and it is to be hoped that their useful services for the public benefit will still be continued.

The Chairman of the Destitute Board.

164. Mr. Reed, the chairman of the Board, was appointed to his office so long ago as February, 1867. He went on leave of absence in March, 1876; resigned twelve months afterwards, and was reappointed in October, 1880. Allowing for this interval of four years and a half, he has administered the department for fourteen years. In our opinion he is entitled to the credit of having secured a large measure of the original success of the boarding-out system, and of having had the chief part in keeping down the expenditure upon poor relief; but, we are not prepared to go with him in his disclaimer of "any personal responsibility in the matter of "the Girls' Reformatory," the Reformatory Hulk, and the other failures of the Department, on the ground of his action "having been identical with that of the Board." [4] No doubt Mr. Reed has been overburdened with detail, and in the matter of inspection the Department has been undermanned. It is also true that his representations to the Government have frequently been disregarded. For example, the taking away of the rooms for the Girls' Reformatory from the Industrial School, which led to such calamitous results,

[1] § 131. [2] Appendix N N. [3] Reed 1807, page 38. Reed 5594, page 245.

results, was made by the Government in spite of his protests.[1] The salaries of the superintendent of the Hulk and the matron of the Reformatory were insufficient, as we have already said, to secure properly qualified officers; and, therefore, the superintendence of both institutions has, in some measure, been forced upon Mr. Reed. On the other hand, he showed a reluctance to have even the temporary assistance of an acting-superintendent on the Hulk, who would not be likely to submit to the same interference with his duties as the previous occupants of the office were accustomed to; and he seems to us to have failed to perceive that it was impossible to manage the schools properly from the head office of the Department; and that what was wanted was not so much "proper means of retention, of restraint, and of classification," as "judicious superintendence."[2] We cannot understand how he could have rested satisfied with the wretched management of the Hulk, nor do we consider him to be free from blame for the shameful neglect of the boys' education. On the 26th of September, 1881, Mr. Hartley examined the boys at the Hulk in Mr. Reed's presence, and he says, "Mr. Reed saw that the education was absolutely worthless at that time;"[3] a fact, however, which was not communicated to the Board, although Mr. Reed formulated a minute to them as to Mr. Hartley's visit.[4] It is astonishing that, when the sum of £130 a year was provided for the salary of a schoolmaster, he thought it satisfactory to engage one, practically without references, at a salary of £72.[5]

It must also be admitted that, although more than his share of supervision has been forced upon Mr. Reed by the circumstances to which we have referred, he has been too ready to burden himself with the details which should be entrusted to his subordinates. So long ago as 1867 a Select Committee of the Legislative Council reported that "there was too minute an interference on the part of the Chairman of "the Destitute Board with the details of the school [at Brighton]."[6] And now when another public inquiry takes place, so many years afterwards, we find members of the Board thus expressing themselves—"Mr. Reed goes too much into detail. If "he had more confidence in his officers, he would not need to work so much."[7] "This "seems to have been one of the great defects in the Department. In some depart-"ments we have had inferior heads in the past, and Mr. Reed has taken the super-"vision upon himself, and gone into all the details; which first-class men under him "would not have submitted to. I think that is a great defect that ought to be "remedied, and I have suggested that to Mr. Reed."[8] Although the internal management of the various institutions under the regulations[9] devolves upon the Superintendent—an efficient officer like Mr. Lindsay—Mr. Reed tells us that since 1882 he has himself "tacitly accepted the responsibility of all the institutions outside the Desti-"tute Asylum."[10] "Prior to September, 1881," says Mr. Reed, "when I had the "power and the privilege of conducting almost the entire business of this depart-"ment, the minutes in the minute-book were limited to two pages; but since that "time they have extended to three, four, five, six, seven, and I think on one occasion "to eight pages."[11] This complaint seems to us to indicate that the Board from that time saw more clearly than before that boarding-out, apprenticing, and other departmental business, were matters confided to the Board as a body; with respect to which it was their duty to maintain an active supervision, and not merely record their approval of the acts of the Chairman.[12]

If

[1] Reed 5587, page 240. [2] Reed, 5594, page 245. [3] Hartley, 4800. [4] Reed, 4074.
[5] Reed, 6429 & 6453. [6] P.P., No. 91 of 1868, page 111. [7] Adamson, 6240. [8] Gilbert, 6298.
[9] Destitute Board regulation 91. [10] Reed, 5594. [11] Reed, 4528. [12] § 76.

If Mr. Reed had not attempted to overtake such a multiplicity of details, properly devolving upon his subordinates, he would have been able to give a more exact attention to his own duties, as well as to observe the graver defects in the working of the Department; his requests to the Government to provide the means of remedying them would have been correspondingly more strenuous; and he would probably have seen what, in our opinion, has been the one great error underlying his administration of the Department—that the Industrial and Reformatory Schools and the placing out of the children were being managed with an unwise parsimony at the expense of efficiency.

But these errors of judgment do not, in our opinion, support the imputation of incompetence, which was vigorously pressed against Mr. Reed,[1] and which we regard as altogether disproved; whilst the zeal which he has brought to the discharge of his duties is admitted on all sides. "Mr. Reed," says Mr. Adamson, "lives entirely for this work, and spends all his energy in it * * I believe he is just living for the "department. The whole of his time, day and night, is spent for it."[2] "I have," says Miss Spence, "the most thorough confidence in Mr. Reed's conscientiousness and "zeal. The only points on which he and I have ever differed, have been when I thought "him a little too economical of public money; and that is a good fault for a Government "officer."[3] In these expressions of confidence in Mr. Reed's honour, and of appreciation of his zeal, and of his constant care to keep down expenditure, we thoroughly concur.

Officers of the Department.

§ 165. The Chairman of the Destitute Board has been assisted by an efficient staff of officers. Mr. Lindsay, the Superintendent and Secretary, is an experienced official, who has ably and successfully seconded Mr. Reed's endeavours to check the ever-increasing cost of poor relief. Mr. Whiting, the Accountant, is also an intelligent and painstaking public servant. Having been trained in the Department, he has a most minute acquaintance with its details; and he has given us very efficient assistance in the preparation of the large number of returns and statistics which we have required. We have also observed, with approval, Mr. Atkinson's commendable attention to his duties. Mr. Gray, the travelling Inspector, has not only brought much zeal, but also a praiseworthy independence and thoroughness of observation, to the performance of his difficult task; and has already been the means of effecting a considerable improvement in the character of the homes in which the children are placed out.[4]

In naming these officers, who have come under our immediate notice, we have no intention of disparaging the services of other officers of the Department, whose work, we have no doubt, is equally conscientiously performed.

Repairs to Buildings.

§ 166. The Chairman and some of the other members of the Destitute Board complain that the Board is not allowed sufficient discretion as to repairs to buildings and as to contracts for supplies; and they are evidently of opinion that the work of the Board would be better done if it were freed from any connection with other Government departments.

I should like (says Mr. James Smith) to make a remark or two as to the embarrassed position the Board have found themselves in. The Board are appointed to certain duties under the Act, but they are

[1] Davis, 2881. [2] Adamson, 6196, 6241. [3] Spence, 5562.
[4] Reed, 7403-12. Smith, 7416-40.

are also in subjection to the direction of the Chief Secretary, and we have frequently found that we are exceedingly embarrassed in carrying out certain things we know to be for the benefit of the institution because of what we generally called red tapeism; you understand what that means. We have authority to disburse a large amount that is voted by Parliament for destitution, and we can do that—we have full power to do it; but if we want to whitewash a room or empty a closet, or to do anything that must be done on the moment, we have to go through a lot of rigmarole in connection with the Government offices before we can get it done; and there are many matters that might appear to those casually visiting the institution—not like yourselves a Commission who have inquired fully into it—as evidence of neglect on the part of the Board. In very many instances we have had great cause of complaint that there has been such unnecessary delay in matters that we have anxiously desired to see done. We cannot spend any money on such matters as these without going through requisitions and permission to spend it; and there is a great deal of needless delay.[1]

Mr. Davis says—

I am informed we have no authority to spend any money whatever in improvements or repairs without going through the form of a requisition, which takes a certain number of days, in fact weeks, to do it. I will instance one particular thing to show the absurdity of the arrangement. I believe it is on record that for over a week one of the cooking stoves—a very large cooking stove—at the Destitute Asylum was thrown entirely out of work for want of three bricks! This matter has been urged by the board on the present Chief Secretary (the Hon. J. C. Bray), and I will say that he admitted at the time that we should always spend money up to £50 on any repairs that we needed. This, however, has not been done; and all I can ascertain of the reason of its not being done is that, if the Destitute Board officers do that, the money would be charged as against the Board, under the head of charitable institutions, and would swell the amount of money which is expended in our department. I consider that under the circumstances such a thing, if done, should be distinctly laid down in the yearly report—that so much was spent on repairs and ought to go to another department and so fix the matter. At present we are entirely at a deadlock in regard to such matters. There is the water supply at the Hulk, for example. Rain has been falling that might have filled the tanks there; and the water ran to waste, simply because the Public Works Department will not fit up about £5 or £10 worth of piping. Every little thing thus costs more than it ought to do.[2]

Mr. Smith's complaint, therefore, is to some extent answered by Mr. Davis. The Chief Secretary having authorised the Board themselves to expend money on needed repairs, the failure to effect them must be attributed not so much to the shortcomings of the Public Works Department, as to an unwillingness on the part of the Board to charge their vote for sundries with any expenditure for repairs.

It seems to us undesirable that the Destitute Board should undertake duties which properly belong to the Public Works Department. A signal example of the mischief of one department interfering with the work of another is afforded by the new building at the Girls' Reformatory. The regular course would have been for the Board to have given instructions as to what was wanted to the Architect-in-Chief, and for him to have submitted his designs for the approval of the Board. Instead of this, one of the members of the Board furnished a sketch plan, and when it was carried out it was found to be wholly unsuitable for its object.[3] A part of the blame, however, must be apportioned to the Architect-in-Chief's department, as the plans which were only suitable for a level site, were applied without alteration to sloping ground; and the difficulty of access to the building was overcome in a bungling way by means of dangerous and inconvenient wooden steps.[4]

As it is the business of the Public Works Department to keep the Government buildings in repair, we are surprised to learn that it is not the practice of that department periodically to inspect the buildings occupied by the Destitute Department, to ascertain their condition; and we recommend that this shall be done in future.[5]

Irregularities in communicating with other Departments.

§ 167. From misunderstandings between the Destitute and other departments which have come under our notice, we are inclined to suspect that much of the supposed difficulty

[1] Smith, 5972. [2] Davis, 2597. [3] Reed, 5761. [4] Wilkinson, 6349-52. [5] Smith, 5978-9.

difficulty of getting repairs attended to in the regular manner, is due to a want of attention to official routine, and of exactness and accuracy in communicating with the Public Works Department. We cannot help remembering that our own suggestions as to the temporary superintendentship of the Hulk, which were apparently distasteful to Mr. Reed, were got rid of by means of a difficulty he succeeded in raising, partly by reporting irregular conversations, and partly upon the official minutes.[1]

Another example of the inexactness to which we have referred, occurred with the Education Department. In June, 1881, the then Chief Secretary intimated that "there ought to be some inspection of the Magill Industrial School."

The Magill school (Mr. Reed informs us) has only been inspected, as far as I am aware, on one occasion since that date, viz., in June, 1883. Supposing that the Reformatory Schools would be also included in the arrangement, I applied soon after this period on several occasions to the Inspector-General of Schools, in order that the *Fitzjames* might be visited and reported upon; and on September 26th, 1881, Mr. Hartley inspected the boys on board the Reformatory Hulk at my own request. His report was unfavorable, and his visit was thus minuted at the board meeting of October 6th, 1881—"The Chairman reported that the Inspector-General of Education had visited "the Reformatory Hulk on Monday morning, September 26th, and that he proposed to send a "*training master* to the Hulk for a few hours in order to suggest some few matters, and proposed to "place the school under *inspection every two or three months for the future.*" This proposal, however, both with respect to the training master and to an inspection every two or three months, has not been carried into effect, as no inspection has since taken place till the 17th inst. (July, 1884).[2]

When asked if the Destitute Department had accepted that offer, and how, Mr. Reed replied:—

Unquestionably they did, by signifying to him our willingness that he should do so. I did so myself at that time * * Apart altogether from this, I was asked verbally by the Honorable the Minister of Education, Mr. Parsons, about twelve months ago, whether these schools were not officially inspected; and he thought if not, they should be. I then informed him of the previous understanding, of which he was not aware, but that it had not been carried into effect. So that I consider I have done all that I could possibly do.[3]

Mr. Reed's evidence therefore left with us an impression of neglect on the part of the Education Department; and accordingly we examined the Inspector-General of Schools with respect to it. Mr. Hartley says—

Mr. Reed and I had some conversation and he asked if I could make any suggestions, and if I could give him any assistance in making things better than they were. I suggested that I could find some one who would go and help the master who was in charge, and show him how to conduct the work more satisfactorily; and that, if required, I dare say I could arrange for inspection too. But I never understood that as in any sense requiring me to inspect that school; nor that I had the slightest authority to set foot on the Reformatory Hulk in any way, either personally or by one of my officers.[4]

It will be seen that Mr. Reed ought from his long official experience to be aware that an arrangement for inspection of the Hulk by the officers of the Education Department could only come into force after an exchange of minutes between the departments, and with the approval of the two responsible Ministers at their head. Besides, if Mr. Reed understood such an arrangement to be in force, he should not have allowed nearly three years to elapse without officially calling attention to the failure of the Education Department to carry it out. If there has been the same laxity in communicating with the Public Works Department, the delays and difficulties of which the non-official members of the Destitute Board complain, are not difficult to be understood.

Tenders and Contracts for Supplies.

§ 168. With respect to tenders for supplies, Mr. Reed says—

It has long been considered by the Board that from the specific character of our articles of consumption, and of the clothing we use, all our tenders should be considered and determined by our own department. * * I would go much further than this. I would strongly urge that our supplies

[1] § 106. [2] Reed, 4074. [3] Reed, 4075-8 and 4091. [4] Hartley, 4800.

supplies ought to be purchased entirely by private contract; that is, if the superintendent of each department is trustworthy, full authority should be given him to purchase his own supplies.[1]

The rations distributed in the country districts are supplied under contracts with local tradesmen, managed exclusively by the Destitute Board.[2] Ninety per cent. of the remaining supplies are not peculiar to the Department,[3] and it would manifestly be sacrificing the advantage in price to the Government of buying goods in large quantities, if the Destitute and other Departments were to obtain their supplies separately; whilst, as pointed out by the Commissioners of Audit, "it would lead "to the anomaly of different prices being paid for the same kind of article by different "departments, and to purchases by one department of goods of which there was an "over-supply in the other."[4]

We are, therefore, in favor of the present plan of including the supplies for the Destitute Board (except of country rations) with the tenders for general supplies for other departments. It appears to us, also, that the Chairman of the Destitute Board will be better employed in the proper duties of his office than in picking up bargains in drapers' shops. His acquaintance with the subject of tenders is not of such exceptional accuracy as to encourage us to recommend a departure in his favor from a sound general rule. He was, for example, under the impression that for the last twenty years under the meat contracts prime joints had been supplied at the Lunatic Asylum, and not at the Destitute Asylum, without any justification and without any interference by the Board.[5] On referring to the contracts we found there was a special clause making an express stipulation for the delivery of the meat in the manner complained of.

An investigation into the best system of tenders and contracts for Government supplies would involve us in an inquiry altogether beyond the scope of our Commission. We therefore content ourselves with pointing out that Mr. Reed's evidence satisfies us that some revision of the present practice is required.[6] The Tender Board can scarcely be said to have attained ideal excellence in its arrangements when it cannot induce the Destitute and other Departments, to furnish standards of the goods they require for the information of tenderers; when tenders are accepted with the knowledge that at least some of the articles are unsuitable; and when serge, which tears like brown paper, is supplied under a contract, and the Board have had to import what they require from England, or to purchase at a higher price a better article than the contractor supplied. It seems also to be a one-sided arrangement that the provision for determining contracts for supplies at three months' notice should be regarded as a provision for the benefit of the contractor only, in the event of a rise in price of the goods to be delivered; but not to be taken advantage of by the Government in the event of a fall.[7] The difficulty, Mr. Reed points out, of the goods contracted for, not being suited to the wants of the Destitute Department, would be easily met if it were to comply with the resolution of the Tender Board to furnish standards for intending contractors to tender by, and we cannot understand why it has not been the practice to keep duplicates of all, instead of some only, of the standards for supplies used by the Department for the purpose of comparison with the goods delivered.[8]

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[1] Reed, 1281-91. [2] Reed, 1339-40. [3] Reed, 1469.
[4] Report of Commissioners of Audit, 1883, pages xv.—xvi. [5] Reed, 1283.
[6] Reed, 1291. [7] Reed, 1302-9-10, 1288, 1313, and 1437-42.
[8] Reed, 1396, 1409-11.

The Bread Contract.

§ 169. The bread contract for 1883-4 was unsatisfactorily carried out.[1] For several months, the bad quality of the bread supplied at the Destitute Asylum, and at the Schools at Magill, was complained of again and again. Samples of the bread which were submitted to us, or to some of our number, on several occasions, were sour and otherwise unfit for food.[2] The power of determining the contract rested with the Honorable the Chief Secretary, and not with the Destitute Board, and in the absence of complaints from other departments supplied with bread by the same contractor, the then Chief Secretary, the Honorable J. C. Bray, refused to interfere, and referred the matter to us for investigation.[3] The only remedy the Board had was to reject the bread, which was of inferior quality, and to buy other bread at the contractor's cost. Mr. Reed says, this was impracticable, as other bread could not be got at once in the place of what was rejected.[4] We think this difficulty could have been met by an arrangement with other bakers to be ready for an emergency; and that if a batch or two of the bread had been rejected, the contractor would have seen that it was to his advantage to deliver bread of good quality in accordance with his contract, as the price of flour had fallen after the contract was made.

On looking at the hardship upon the inmates of the Asylum and Schools (including, as they do, aged and infirm men and women and young children) of being fed with bread of bad quality, we think the contract should have been summarily determined. The contractor was apparently stimulated to more care by the reference of the question to us, as only one complaint as to the quality of the bread was made to us afterwards.[5] That was on May 22nd, 1884, and as the contract ended in June we did not deem it necessary to enter upon an inquiry into facts as to which we had the evidence of our own observation.

PART IV.

THE ROMAN CATHOLIC PETITION.

§ 170. The petition presented to the House of Assembly, signed by 8,289 Roman Catholics, and which was one of the causes which led to our receiving your Excellency's commission, alleges that they have "long been of opinion that the powers conferred "on the Destitute Board by Act of Parliament and by regulations have been used and "employed in such a way as to infringe the right of religious liberty guaranteed to the "inmates of the Industrial and Reformatory Schools under charge of the Board, and to "destroy the confidence of your petitioners in the impartial administration of the above "Act."[6]

This feeling of dissatisfaction which appears to be so widespread amongst our Roman Catholic fellow-colonists is not necessarily incident to the industrial and reformatory school system. Although the English Commission, which we have so often quoted,

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[1] Reed, 1238-48.
[2] Minutes of Proceedings—Nov. 23rd, 1883; Feb. 22nd, 1884; March 7th, 1884; May 22nd, 1884.
[3] Minutes of Proceedings, March 14th, 1884. [4] Reed, 1247.
Minutes of Proceedings, May 23rd, 1884. [6] Appendix A. Also, "Hansard," 1882, page 1164.

quoted, held sittings in England, Wales, Scotland, and Ireland, there was no word of complaint in the whole of the evidence as to the management of the industrial and reformatory schools on religious grounds. Fully one-fifth of the evidence we have taken has been respecting the grievances alleged in the Roman Catholic petition. This unfortunate state of things in this colony has, in our opinion, been brought about partly by defective legislation, and partly by injudicious management, but chiefly by the mixing of Roman Catholics and Protestants in the same institution.

Defects in Legislation as to Religious Persuasions of Children.

§ 171. The defects in our legislation become apparent when we compare our laws on this subject with the laws of other places. In England, when a child is committed to any industrial or reformatory school, it is the duty of the magistrate to "endeavour "to ascertain the religious persuasion to which the child belongs," and, "if possible," to "select a school conducted in accordance with such religious persuasion;" and the order is to "specify such religious persuasion." If the child is sent to a school of another persuasion, the mistake can be rectified within thirty days, on an application to the justice by the parents or friends.[1]

The New South Wales Acts require the children in industrial schools and reformatories "so far as religious teaching is concerned" to be placed under the guidance and control of two clergymen of the persuasion to which the parents of such child shall belong, or in which such child shall have been brought up; or if the child's religious persuasion is unknown "then of such persuasion as the Colonial Secretary may direct."[2] In the industrial schools, in the latter event, the child may on arriving at the age of twelve years, select the persuasion in which he may desire to be educated.[3]

In New Zealand the religious persuasion of the child has to be stated in the order of committal, which also directs that "the child shall be brought up and educated in that persuasion." A resident magistrate has the power to correct the statement of the religious persuasion on the application of the child's parents or friends. In selecting the school and in licensing a child out, except as a servant, regard has to be had to the child's religious persuasion.[4]

The South Australian Statute book contains no reference whatever to the religious persuasion of the inmates of the reformatory and industrial schools, or of children licensed or boarded out; except the provision (usual everywhere in Acts on the subject) for the admission of ministers of religion for the purpose of "the "religious education of the inmates of their own particular denomination."[5] A request by the parent as to the faith in which the child is to be educated is provided for in the form for the surrender of children to the control of the Board given in the schedule to the Act.[6]

The Victorian statutes, except that they recognise industrial or reformatory schools maintained by religious denominations, are almost as bare as our own of any provisions with respect to the religious teaching in industrial and reformatory schools; but the regulations under the Acts to a certain extent supply the blanks left in the statute book. The Regulations provide that the religious instruction imparted to children is to be in accordance with the entry of religion in the mandates on their committal.

[1] 29 and 30, Vic. cap., 117, sections 14-16; cap. 118, sections 18-20.
[2] N.S.W. Act 2 of 1860, sections 18 and 26. [3] N.S.W. Act 4 of 1866.
N.Z. Act 25 of 1882, sections 53 and 54. [5] Destitute Persons Act, 210 of 1881, section 80.
[6] Page 28.

committal. They are to be sent, when practicable, to places of worship of their own persuasion, and Protestant children are to be placed out with Protestants, and Catholic children with Catholics. [1]

Unfortunately the regulations made under the South Australian Acts do not, as in Victoria, supply the omissions of the statute book. Neither the Act nor the regulations provide, in distinct terms, as do the English, the New South Wales, and the New Zealand statutes, and the Victorian regulations, for ascertaining the religious denomination to which a child belongs and for its being educated according to that persuasion.

The absence of complete statutory rules for the guidance of the Destitute Board with respect to the religious faith of the children under their control, ought then to be borne in mind when forming an opinion as to the relations of the Department to any religious denomination. It must also be admitted that the direction of schools in which religion is a necessary part of the teaching, and in which the children are of mixed faiths, is always a difficult task, and that some friction is inevitable under the most judicious management. At the same time, in a colony in which all religious denominations have equal privileges, it might be expected that in Government institutions for the care of the young under Protestant management, the utmost care would be taken not to excite the distrust of any religious section of the community. We might naturally expect scrupulous care in recording the religious persuasions of the inmates; the disallowance on any pretext, in order to avoid the imputation of proselytism, of changes from one religious denomination to another; and that, when the inmates were placed out in the world to complete their training for ordinary life, it would be as far as possible under the care of their fellow-religionists.. It cannot, however, be asserted that these reasonable expectations have been satisfied.

The Complaints set out in the Petition.

§ 172 The cases of Joseph Ashwood and of Ann Deers, mentioned in your Excellency's Commission to us, are examples of the two principal complaints in the Roman Catholic petition—changes of faith amongst the inmates of the Schools at their own will, and their being placed out in homes with persons of different religious persuasion from their own. The defective records of the religious persuasions of the inmates, and the alleged excess of his jurisdiction by the Chairman of the Board, are subordinate to the principal grievances alleged in the petition.

CHANGES OF FAITH AMONGST THE INMATES OF THE SCHOOLS.

§ 173. In order to trace to its origin the first complaint we have mentioned, it is necessary to go back to the year 1869. In February of that year, the Very Reverend Dr. Smyth, the Roman Catholic Vicar-General, had occasion to complain to the Destitute Board that two Catholic children, named James and Mary Ann White, one of them nearly thirteen and the other a little over ten years of age, had been entered in the books of the Destitute Department as Protestants. [2] Dr. Smyth attended two meetings of the Board, and having satisfied the members present of the justice of his complaint, a resolution, in the terms of which he acquiesced, was, on February 4th, 1869,

[1] Victorian Industrial and Reformatory School Regulations, 1873, sections 50-51, Industrial School Regulations, 1880, sections 42-44. Regulations as to Apprenticing, &c., 1880, par. 19.
[2] Reed, 3503.

1869, adopted on the motion of a Protestant, seconded by the Roman Catholic member of the Board. The following is the record in the minute-book of this resolution:—

In order to save any confusion in future as to the religion entered against the names of inmates on their reception, it is desirable that the ground upon which the particular religion is filled in in the indoor cases book shall be always stated in the column set apart for that purpose; and when the declaration cannot be obtained of parents, that children of twelve and upwards shall be allowed themselves to declare to what religion they belong.[1]

The resolution was, in fact, a compact between the Destitute Board and the representatives of the Roman Catholic Church, that certain precautions for ascertaining the religious persuasion of the children on entering the Schools should be taken to prevent mistakes, such as had already happened. These precautions on entrance would be without meaning and useless, unless whilst continuing under the control of the Board, Catholic children were to be dealt with as Catholics and Protestant children as Protestants.

It would be incredible, if the fact were not authenticated beyond dispute, that the Destitute Board, from the meeting of the 4th of February, 1869, until July, 1881,[2] acted as if all the words of the above resolution were struck out except the following:—

That children of twelve and upwards shall be allowed *themselves* to declare to what religion they belong.

That is to say, for fifteen years it became a standing rule of the Destitute Board, to which the Board claimed to have the assent of Dr. Smyth on behalf of the Roman Catholic Church, and to which the Board adhered in spite of every subsequent protest, that children in the Reformatory and Industrial Schools of twelve years and upwards, could at any time decide for themselves whether they would be Roman Catholics or Protestants. Comparing the resolution of the 4th of February, 1869, in its authentic with the same resolution in its mutilated shape, it is not easy to understand how the one could be accepted as interpreting the other in any but a non-natural sense.

In fact, the resolution in the mutilated shape in which it has been acted upon leaves out the whole of the actual resolution except the last sixteen words. It is, therefore, not surprising to find that the clause requiring "the ground upon which the "particular religion (was) filled in in the indoor-cases book (to be) always stated in the "column set apart for that purpose," though complied with pretty regularly for four months, and occasionally for six months longer, was then totally disregarded, and has never since been acted upon.[3]

But for the firm conviction entertained by the members of the Destitute Board, we should have thought it impossible for any one to believe that an ecclesiastic of the Roman Catholic Church had consented to Catholic children of such tender years being allowed to exercise what, we presume, was called the "right of private judgment" in matters of religion, whilst still inmates of schools under Protestant management.

Before eight months had passed away, this startling innovation of allowing young children to choose their religion for themselves, came to Dr. Smyth's knowledge, and it encountered his vehement opposition. He had complained to the Chief Secretary, the Honorable J. T. Bagot, of the taking of Roman Catholic children to Protestant places of worship, and was assured that "necessary instructions had been given to pre-"vent Roman Catholic children from attending places of worship other than those of "their own church."[4]

On

[1] Smith, 3551.
[2] Reed, 8960-3.
[3] Lindsay, 3627, 3663, 3668.
[4] Reed, 3556.

On November, 8th, 1869, Dr. Smyth wrote to the Honorable the Chief Secretary:—

On the 28th ult., I, together with three clergymen, visited the Industrial School at Brighton, and found there four Catholic boys, three of whom had been attending Protestant places of worship. Respecting one of these, the Superintendent produced a letter, of which the following is a copy:—

"Adelaide, October 25th, 1869.

"Sir—In reply to your inquiry respecting Green, I beg to state that, he being over thirteen "years of age, you are at liberty to accede to his request to be allowed to attend a Protestant place "of worship.

"Signed,

"To Mr. S. Marrett, Reformatory School, Brighton. "T. S. REED."

Now, sir, I respectfully submit that the above letter should never have been written, and I know that its publication would cause a shout of execration from one end of the colony to the other against the writer and the system which could render such a state of things possible. Imagine the commotion that would ensue in this community were the superintendent of the Brighton School a Catholic, and were to bring Protestant children to Roman Catholic places of worship simply and solely because such children expressed a wish to be taken there with the other boys! I humbly submit that the community would justly look upon such a case as the effect of proselytising influences.[1]

This vigorous and not unnatural protest against the new practice was referred to the Destitute Board, and two of the members (Messrs. David Murray and Jas. Smith) furnished an elaborate report upon it, in which they said—

The master in charge of the criminal boys at Brighton reports positively that since the middle of August only *three* Roman Catholic boys have been sent to Protestant places of worship. *One*, whose mother expressed a wish that he should be sent (this permission she withdrew some ten days ago, because she did not wish any disturbance with Father Smyth, but has subsequently, within the last few days, expressed her willingness for the boy still to attend a Protestant church as before). The other *two* boys were allowed to attend the Protestant church at their own request, and being over thirteen years of age, permission was granted. This is in accordance with a resolution adopted by the Board, being seconded by Mr. Egan, and approved even by the Rev. J. Smyth himself—"That children of twelve and upwards shall be allowed *themselves* to declare to what religious body they belong."[2]

Messrs. Murray & Smith were, we are sure, incapable of knowingly furnishing a garbled version of the resolution of February 4th, 1869, to the Chief Secretary. Mr. Smith does not remember that they referred to the minute-book,[3] and the presumption is that in their report they copied from an imperfect abstract of the resolution which the report purported to quote in full.

The Chairman of the Board sent on the report without correction to the Chief Secretary, who declined to interfere, and the resolution in its imperfect shape thus obtained Ministerial sanction. "That the Board regarded and accepted it (the dismembered resolution) as a general principle is," says Mr. Reed, "placed beyond all question by the (above) report."[4] The blame of its being thus accepted must be borne by Mr. Reed. The resolution was recorded by him; and, as the principal executive officer of the Department, it was his duty to acquaint himself with both the language and the meaning of a compact of such a delicate and important character, and to see that it was acted upon. When Dr. Smyth's letter showed that his interpretation of the compact was so much at variance with that placed upon it by the Board, Mr. Reed ought certainly to have referred to the resolution itself for the purpose of ascertaining whether he and the Board or Father Smyth took an accurate view of its meaning; and he cannot be exempted from the responsibility of allowing an imperfect copy of the resolution to be furnished to the Chief Secretary.

The Case of Joseph Ashwood.

§ 174. Joseph Ashwood's case is an example of the application of the foregoing rule. The son of a Protestant father and a Catholic mother, he was baptised and brought up as

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[1] Reed, 3556. [2] Idem. [3] Smith, 3618. [4] Reed, 3467.

a Roman Catholic.[1] He was twice committed to the Reformatory Hulk, and recorded on both occasions as a Roman Catholic, and he was under the religious instructions of the clergyman of that persuasion who visited the Hulk. There was some dispute as to whether he was over or under twelve years of age. According to his baptismal certificate he was under twelve, but according to the statement of his age when committed he was over thirteen.[2] There is, however, no doubt that the officers of the Department believed he was over thirteen, although he was still unable to read.[3]

In November, 1882, he became ill, and during his sickness Mr. Alton, the Superintendent of the Hulk, instead of communicating with the Roman Catholic clergyman, very injudiciously took it upon himself to give the lad religious teaching.

I visited (says Mr. Alton in a letter to Mr. Reed), read to, and conversed with him on the occasion referred to, as I would have done with any other of the poor lads here similarly situated, irrespective of the religious denomination of their parents. To represent that I was actuated by a desire to 'proselytise' the boy, if that is Mr. Ryan's purpose, is an instance of real 'perversion,' and an unwarrantable imputation to me of a motive that never for one instant was present to my mind. I am not ashamed to appropriate to myself all the responsibility connected with any religious instruction I may have afforded Ashwood under the circumstances of his case, nor am I at all concerned at my being pointed out as a superintendent of a reformatory who has been pronounced guilty of reading out of the Bible to a criminal boy, and, with a view to his reformation, directing his attention to the Saviour of sinners. Surely a veritable "angel of consolation" would be honored by such an accusation.[4]

In another letter he says:—

Ashwood, about a month ago, unexpectedly told me that he wished to attend the Protestant services on board the Hulk. Although at the time of his last admission to the Reformatory he was over thirteen years of age, I hesitated to yield to his request until I should have an opportunity of consulting you, as the case was the first of its kind that occurred since my being appointed to the office of superintendent. On your again, however, directing my attention to the rule—approved by the Vicar-General—that on arriving at the age of thirteen years a boy might be allowed to decide as to which religious service, Protestant or Catholic, he should attend, I gave Ashwood the permission he required.[5]

We have the evidence of a more experienced and judicious observer than Mr. Alton as to the real meaning of what was happening. Archdeacon Farr says:—

The case of the boy Ashwood occurred when I was visiting the Hulk.[6] My opinion of the matter really is that Ashwood was a clever scamp, and that Mr. Alton was a very good, but soft, man; and that he (Ashwood) saw by "doing" a little religion, he could get over Mr. Alton. Mr. Alton had a very strong opinion that, as a Christian, he was bound to do what he could for the religious welfare of all the children there; and I told him he was bound not to do it for Roman Catholics, because he had taken office on the distinct understanding that he was to leave them alone. But he thought there was a higher obligation; and I think my little friend Ashwood and others very plainly saw that by putting on a little religion they would get easier times of it.

Dean Ryan, one of the Roman Catholic clergymen who visited the Hulk, brought the circumstances under the notice of the Destitute Board, which after a lengthy correspondence on the subject, resolved:—

That Mr. Alton, the Superintendent, has, in ignorance and without the sanction or knowledge of the Chairman, exceeded his duty in affording religious ministration to the boy Joseph Ashwood during his illness.[7]

Shortly afterwards the lad was released and sent back to his parents, and he resumed his attendance at the Catholic church. When we last heard of him he was again in gaol.[8]

His case therefore does not tell in favor of the bold experiment of allowing children in a public institution to choose their religion for themselves.

Strange to say, in the correspondence as to this case, the discrepancy between the resolution of the 4th of February 1869, and the practice established under color of it,

[1] Davis, 3417-9. Reed, 3467. [2] Davis, 3417, 3446. Atkinson, 3419.
[3] Davis, 3446. [4] Reed, 3468. Davis, 3443.
[6] Farr, 4604. [7] Davis, 3454, page 143. [8] Davis, 3461—2.

it, was clearly pointed out to the Chief Secretary and the Destitute Board, apparently without being appreciated by either. In answer to Dean Ryan's complaint, the Board and the Under Secretary wrote that

It was distinctly understood between the Board and the late Vicar-General in February 1869, that children of twelve and upwards should be allowed themselves to declare to what religion they belong.[1]

To this Dean Ryan replied:—

I beg to say that I am unable to find any trace of the alleged agreement between the late Vicar-General and the Board. I cannot for a moment admit that the late Vicar-General would be party to an agreement which would allow children of twelve and upwards to declare their religion in the sense that a boy may declare himself a Catholic to-day, a Protestant to-morrow, and something else the day after. This agreement, as far as I can ascertain, rests only on the evidence of the Chairman of the Destitute Board, and this letter shows what faith I can attach to such evidence. But even admitting, for the sake of argument, that the agreement may be genuine, I fail to see why we should be irrevocably bound to abide by it. The supposed agreement has been so dexterously used by the Board officials for the perversion of Ashwood, that the sooner the error regarding it is exploded, the better.[2]

To show that they were right and Dean Ryan wrong, the Board in a minute, and the Chief Secretary in a letter to Dean Ryan, quoted the resolution of the 4th of February, 1869, at length. The Dean rejoined:—

In reference to the resolution resulting from an interview with the late Vicar-General, I have to state that it does not appear from said resolution that the Vicar-General agreed that children of twelve and upwards should be allowed to declare themselves Catholic to-day, Protestant to-morrow, and something else on the day after. On the contrary, it is evident from the resolution "that, in "order to prevent confusion in future, children of twelve and upward on their reception will be "allowed to declare their religion when the declaration of parents cannot be obtained." Does it not naturally follow that children cannot make a declaration when the declaration can be obtained of parents? In the case of Ashwood, the parents made a declaration; and notwithstanding this declaration, and notwithstanding the resolution, and though the boy is under twelve years, still, because the Superintendent and Chairman have such zeal for tampering with Catholics, the baby-boy Ashwood is allowed to declare himself. I venture to ask, of what use is a resolution if those who profess to abide by it, violate it so flagrantly, and yet flaunt it in our face in the name of the late Vicar-General to force us into silent acquiescence, whilst our Catholic boys are being robbed of their faith? The resolution, as it stands, appears sufficiently reasonable; but in the hands of the Chairman, and as interpreted and used by him, it is an instrument of proselytism.[3]

Upon this (the Board still missing the point to which the Dean directed attention), the following resolution was recorded and forwarded to him—

The Board would again express their intention to uphold the resolution previously referred to and acceded to by the late Vicar-General, that children of twelve and upwards shall be allowed themselves to declare to what religion they belong.[4]

Once more Dean Ryan protested—

This resolution does not apply to Ashwood's case. If you will kindly have the minute-book of 4/2/69 forwarded for your inspection, you will find that the resolution referred to applies to children *entering* the establishment, and was never intended by Mr. Egan, a Catholic member of the Board, or by the late Vicar-General, to be constantly used by Mr. Reed as a shield to shelter him in his proselytising efforts. I protest against resolution as used by the Chairman. I have no difficulty in accepting it in its true sense as intended by the late Vicar-General.[5]

Thereupon the Board withdrew from further controversy on the subject by resolving—

That as the communications of the Rev. M. J. Ryan have been fully inquired into, the Board decline any further examination of the matter referred to.[6]

Other Cases of Change of Faith.

§ 175. The instances of changes of faith under the authority of this rule which have been brought to our notice during this inquiry have been very few.

At

[1] Davis, 3454. [2] Davis, 3454, page 142. [3] Davis, 3454.
[4] Davis, 3454, page 143.
[5] Davis, 3454, page 144. [6] Davis, 3454, page 144.

At the Industrial School at Magill the only case we heard of was that of a lame boy named Davis, mentioned by the Roman Catholic Bishop, and which happened ten or a dozen years ago. [1] Miss Mercer, the Matron, informed us that she did not remember any child changing its faith during the twelve years she had been at the school, although she had heard of one such case before she went there—presumably that of the boy named by the Bishop. [2]

At the Boys' Reformatory at Brighton there were the three cases to which Dr. Smyth called attention in his letter of November 8th, 1869. [3] We have heard of no other case than Joseph Ashwood's at the Reformatory Hulk. About the same time, a boy named McBeth wished to console himself for a flogging by leaving the Protestant to attend the Catholic services. Mr. Reed and Mr. Alton were indiscreet enough to allow it; but Dean Ryan very sensibly refused to receive him without the consent of his parents. [4]

At the Girls' Reformatory a good many changes of their religious persuasion might have been expected amongst the inmates, as, notwithstanding the assurance given by the Chief Secretary in 1869 "that the necessary instructions have been given "to prevent Roman Catholic children from attending places of worship other than those "of their own Church," [5] the Roman Catholic girls attended the Protestant service in the institution on Sundays until the 19th of March, 1882. [6] Changes of religion on the ground of frivolous quarrels amongst the girls themselves were, however, disallowed. [7] Except the case of Catherine Guering, a Catholic girl, who in 1883 became a Protestant for a few months, and then a Catholic again; [8] and of Hannah Mazey, a child of Protestant parents who became a Catholic (though the evidence did not show whether it was before or after she entered the Reformatory); [9] the only cases of changes of religious persuasion brought under our notice were those of three children of mixed marriages between Protestants and Catholics.

Children of mixed Marriages between Roman Catholics and Protestants.

§ 176. It must always be difficult to deal with such cases. The Roman Catholic Bishop informed us that the Catholic Church strives to dissuade its members from contracting mixed marriages, and the clergy do not celebrate such marriages except upon a dispensation from the Bishop, which is never granted until after a written agreement between the parties that their children shall be brought up as Catholics. [10] Whatever its moral obligation may be, an agreement of this kind is in point of law absolutely void. The father is charged with the duty of directing the education of his child, and the right of performing that duty cannot be bargained away by an ante-nuptial contract. [11] The children of these mixed marriages, therefore, are not necessarily Roman Catholics; nor, on the other hand, is the child of a Protestant father necessarily a Protestant. A Protestant may elect to bring up his child as a Catholic, or he may abdicate his right to direct it to be brought up as a Protestant by permitting it to be brought up as a Catholic until it would be cruel to the child to allow the father arbitrarily to change its faith. On the other hand, surreptitious instruction by the mother in another faith than the father's, does not interfere with the parental authority. [12] Bearing

[1] Dr. Reynolds, 4374-5. Appendix LL. [2] Mercer, 8952–55. [3] Reed, 3556.
[4] Davis, 3443. Ryan, 3444-5. [5] Reed, 3556.
[6] McColl, 3778-81, 3848. Mary Mechtilde, 3853-5. [7] Reed, 3527-8. Marsden, 4497.
[8] Murphy, 4312-13, 4323-4. Mary Mechtilde, 3912.
[9] Reed, 3509. McColl, 3771-87, 3809. Mary Mechtilde, 3853. [10] Dr. Reynolds, 4340-59.
[11] *In re* Agar-Ellis, 10 Ch. D. 49; 24 Ch. D. 317. *In re* Besant, 11 Ch. D. 508.
[12] Idem.

Bearing these principles in mind, they dispose of Mr. Reed's argument that, looking at the numbers, the Catholics had gained more than they had lost by the changes of religious persuasion amongst the girls. He asserted that, besides Hannah Mazey, two other girls, Mary Dinane and Minnie Shadrach, should be counted as Protestants who became Catholics. Mary Dinane was the daughter of a Catholic mother, and had a Protestant stepfather. Although called a Protestant in the books until her second committal to the Reformatory, she was a Catholic both by birth and by education. Her own statement is—"I told them I was a Catholic by rights, and "they said I could turn, and I turned." [1]

Minnie Shadrach was the daughter of a Protestant father and Catholic mother, and was baptised and brought up as a Catholic. She had been entered in the books both as a member of the Church of England and as a Roman Catholic, but was treated as a Catholic until, on the intervention of her father in July, 1882, she reluctantly changed to be a Protestant. [2] As she was more than 14 years of age, it is to be regretted that her religious persuasion should have been interfered with at the school.

Jane Taylor, the only other case of the kind which was mentioned, was also the daughter of a Protestant father and Catholic mother, and was apparently brought up as a Protestant until twelve years of age, when her father died. [3] She was entered as a Catholic on her committal in January, 1875, but some months afterwards, being then fifteen years of age, she was allowed to become a Protestant. In 1883, she told Mr. Reed she was again a Catholic. [4]

Changes of Faith at the Schools few in number.

§ 177. One striking indication of the few cases of change of faith at the Girls' Reformatory is that the practice the Board had adopted in February, 1869, was not communicated to Mrs. Hunt, the matron, until July, 1875, when Mr. Reed wrote in reply to an enquiry as to what she was to do in Jane Taylor's and similar cases, that "Any child above twelve years of age is at perfect liberty to declare to what religious "persuasion she will adhere, or what religious services she will attend." [5]

Another corroboration of the small number of cases of change of religion at the Girls' Reformatory was furnished by two of the Catholic wardswomen who were called in support of the petition. They spoke of the obstructions which, until Mr. Reed became aware of them, one of the matrons put in the way of the Catholic children being assembled for the religious teaching of the Catholic clergymen and the Sisters of St. Joseph, and of improper comments on the Catholic religion by the same matron; but neither of them testified to an instance of a change of faith amongst the inmates. [6]

To recapitulate the results of our inquiry on this point the evidence shows eight changes from the Roman Catholic to the Protestant faith amongst the inmates of all the schools from 1869 to the present time—that is to say, the three boys at Brighton, mentioned by Dr. Smyth [7]; the lad Davis, referred to by the Bishop [8]; Joseph Ashwood, [9] Jane Taylor, Minnie Shadrach, and Catherine Guering.[10] Of these, Joseph Ashwood, Jane Taylor, and Catherine Guering have gone back to the Roman Catholic church. Possibly there may have been some other cases, especially during a few years after

[1] Mary Dinane, 4044; Reed, 3742-6. [2] Greenwood, 4013-4; Shadrach, 3986.
[3] Davis, 4192-4. Reed, 4197. [4] Reed, 4199. [5] Reed, 4196, 4501.
[6] Murphy, 4285, &c. Martin, 4410, &c. [7] Reed, 3556. [8] § 175. [9] § 174. [10] § 175-6.

after 1871, when the present Roman Catholic Bishop ceased to visit the Schools—a time as to which we have not had much evidence. It should, however, be borne in mind that from the first constitution of the Destitute Board there has always been on it some Roman Catholic member, vigilant to detect and ready to denounce any injustice to the church he represents. The Roman Catholic clergy also have regularly visited the schools all along, and the Sisters of the Order of St. Joseph have attended every week at the Girls' Reformatory since the 19th of March, 1882.[1] The rule of allowing children to choose their religious persuasion for themselves had admittedly created distrust and a fear of proselytism in the minds of both the sisters and the clergy. The absence, therefore, of any of the Catholic boys or girls from the classes for religious instruction, could not fail to attract notice; and inquiries would certainly be made of their Catholic schoolfellows, as well as of the officers of the institution, who, in the Girls' Reformatory, included a Roman Catholic wardswoman. It seems to us under these circumstances impossible that many changes from the Roman Catholic church to Protestantism could have taken place amongst the inmates without being detected. We do not, therefore, believe that our estimate of the number of these changes can be very considerably increased.

Reason why Children should be brought up in their own Faith.

§ 178. Before concluding the discussion of this branch of the Roman Catholic petition, it is perhaps desirable, in order to prevent any misunderstanding as to our views on this question, to point out that although a father in the performance of his duty as to the education of his child can decide in what religious faith it is to be brought up, he can only enforce this right when he performs the corresponding duty of providing for the child's maintenance. If he leaves it to some other person to maintain the child, he cannot insist that that person shall expend his own moneys in bringing up the child in any particular religious persuasion, nor would any tribunal interfere to give the custody of the child to a parent unable or unwilling to provide for it.

When a convicted or destitute child is committed to an industrial school or a reformatory, it is taken out of the custody of its parents, and the parental control ceases during the term for which it is committed. It is not as representing the father nor upon any obligation to regard his wishes as to the child's education that it becomes incumbent upon the State to see that the child is to be brought up in a particular religious faith. That duty depends in no way upon any claim of the father to exercise the control which he has lost—it may be through his own, it may be through the child's fault or misfortune. It is to the principles of religious equality forbidding one religious faith being favored at the expense of another, that we must look as creating the obligation, that in institutions under the direction of the Government, Roman Catholic children shall be brought up as Roman Catholics and Protestant children as Protestants. Only in order to determine whether the child is fairly to be regarded as a Roman Catholic or a Protestant does it concern the State to ascertain the religious persuasion of the father or in which the child has been brought up.

PLACING OUT ROMAN CATHOLIC CHILDREN WITH PROTESTANTS.

§ 179. Six paragraphs of the Roman Catholic petition are directed to the complaint that Catholic children have been placed out in Protestant families. The principle involved

[1] Mary Mechtilde, 3853.

volved in this complaint is practically unquestioned; and, as we shall presently show, the practice complained of has already been abandoned by the Destitute Board for more than five years.

Few will dispute that the training which is begun in the School, should, when it leaves, be continued in the family in which the child is placed; or that religious influences are as necessary in the one as in the other. It is most injurious that a child should oscillate from one faith to another, or that the mind of the child should be perplexed with the controversies between different churches. If, in the School, the Catholic child ought to receive Catholic instruction, and the Protestant child, Protestant instruction; so it is equally desirable that when boarded or licensed out, Protestant children should be placed with Protestants, and Catholic children with Catholics. It is only justifiable to place children with families of different religious persuasions to their own when suitable homes cannot be obtained for them with families of their own persuasion, and then precautions should be taken for securing their receiving instruction from the religious teachers of their own church. [1] As we have already seen, this is provided for in other places by statute or by regulation; [2] but in this colony there is no Act or regulation on the subject. Mr. Reed tells us that until September, 1881, there was not even a resolution of the Board, although there seems to have been an understanding that Catholic children should be placed in Catholic homes whenever Catholic homes were obtainable. [3] Writing to the Rev. T. Bongaerts on the 15th of December, 1874, in reply to his complaint that Catherine Jeffries, a Catholic child, had been placed in a Protestant home, Mr. Reed said:—

> It has always been the rule of the Department to place children of an age suitable for service with the first eligible applicant, and always, if possible, with persons of their own religious persuasion. [4]

Mr. Reed also stated that as to younger children—

> As a general rule, and upon principle, I have never placed out Catholic children under the age of service, with Protestant families. [5]

Mr. Solomon, who was Chairman of the Board for about three and a half years between Mr. Reed's resignation and his re-appointment (overlooking Father Bongaerts's letter of the 10th of December, 1874), reported to the Chief Secretary, in November, 1876:—

> As regards the statement that Catholic children are placed with families of other faiths than their own, and that such action is an injustice to the children, the Board desire to state that, until the month of September, 1875, no question of the propriety of placing out Roman Catholic children with families of different creeds had arisen before the Board. [6]

Catholic children not placed with Protestants owing to want of Information as to their Religion.

§ 180. In order to secure the placing-out of Protestant and Catholic children in homes of the same persuasion, it was of course necessary that the religion of both the child and the person with whom the child was placed should be accurately ascertained and recorded. There was no difficulty is ascertaining the religion of the person with whom the child was placed, as the forms of application for children, whether to be boarded or licensed, have always required the applicant to state his religious denomination. [7]

It is unfortunate that the law has not provided that the religion of the child should be ascertained by the justice at the time of committal; and that it has been left to

[1] Dr. Reynolds, 4365-9. [2] § 171. [3] Reed, 4210; Smith, 3023. [4] Reed, 4092.
[5] Reed, 4217. [6] Reed, 4506, page 193. [7] *Vide* form, Davis, 2894.

to be ascertained by the Destitute Department. This has probably led to occasional mistakes, and there has undoubtedly been some laxity in ascertaining and recording the religious persuasion of the child. At the Girls' Reformatory, according to Mrs. McColl, who was matron there from the 1st of December, 1881, to the 31st of October, 1882, the practice was to ask each girl her religious persuasion on her arrival at the School. This was entered on the mandate, which was sent to the town office of the department, and was the authority for the record kept there; but no record of the religious persuasion was kept at the School. [1] Discrepancies might naturally be expected under such a system, and we found that the three girls, Hannah Mazey, Mary Dinane, and Minnie Shadrach, were recorded as Protestants at the Adelaide office, although at the Reformatory they were regarded as Catholics, and attended the Catholic services. [2] Notwithstanding a few mistakes of this kind, we have no reason to suppose that the religious persuasions of the children were not generally recorded with accuracy.

Causes of Placing Catholic Children in Protestant Homes.

§ 181. The placing out of Catholic children with Protestants was therefore not often attributable to want of information as to the religious persuasion of either. The real causes are, in our opinion, traceable to defective methods of procuring Catholic homes, to the Board's want of acquaintance with what was being done, and to this part of the duties of the Board having been performed by the Chairman.

From the commencement of the Boarding-out system in May, 1872, the placing out of children, which the law imposed as a duty on the whole Board, was, as we have seen, practically left in the hands of the Chairman alone. This was not by virtue of any regulation, or even of a resolution of the Board, but it was a practice acquiesced in apparently on the supposition that when people applied for children, they wanted them at once, and would not wait until the meeting of the Board. [3] At the Board meetings the Chairman reported what children he had placed out, and ordinarily what he had done seems to have been approved of as a matter of course.

If the religious persuasion of both the child and the person with whom the child was placed had been recorded and reported regularly to the Board, there would —especially as there was a Catholic member—have been a check on any oversight by the Chairman in placing a Catholic child in a Protestant home. Unfortunately there was no regulation, resolution, or even settled practice of the Board on this point. Sometimes the religious persuasion of the child only was recorded and reported to the Board; sometimes the religious persuasion of both the child and of the person with whom the child was placed was thus recorded and reported; and sometimes both were omitted from the report to the Board. [4]

Mr. Reed was unable to explain this discrepancy in the practice. "I can "only suppose," he says, "it must have been regarded as desirable for some reason or "other to record the religious faith, otherwise the entries would not have been made. "It was quite incidental" [5]

The fact seems to be that if a question arose as to the propriety of placing a Catholic child out in a Catholic home, the faith of both child and foster-parent would be recorded and reported to the Board pretty regularly for some time afterwards, until the incident which led to the practice being forgotten, the practice gradually fell into disuse.

[1] McColl, 3814-7-22. [2] Reed, 3513, 3742-7. [3] Reed, 4237–8. Davis, 4233. § 77.
[4] Davis, 4277; Reed, 4284, *vide* Reed, 3742, 4092. [5] Reed, 4284.

disuse. For example, the practice was taken up after attention was called to the placing of Catherine Jeffries in a Protestant home in 1874, and finally abandoned in 1876 or 1877, whilst Mr. Solomon was acting-chairman.[1]

Mr. Reed maintained that after making allowance for the mistakes "which "might naturally be expected in the large number of cases dealt with during nine or ten "years," Catholic children had only been placed in Protestant homes when Catholic homes were unobtainable. The difficulties said to have been formerly experienced in New South Wales in obtaining Catholic homes for children—but which certainly do not exist there now—have, he says, also been encountered in South Australia. Even for children above the service age until 1875 or 1876, Catholic homes were not readily obtainable. For children of tender years he never had an application from a Catholic, and there had always been a difficulty in placing children under the age for service in Catholic homes. Mr. Reed asserts that this difficulty applied even when the subsidy was offered, and the child was not to be boarded free. But we cannot help suspecting that the over anxiety to place children out free of cost also contributed to the placing out of Roman Catholic children in Protestant homes.[2]

On enquiry into Mr. Reed's methods of obtaining homes, we were informed that he confined himself to sending out circulars, inviting applications for children, to farmers, whose names he found in a directory from the first letter of the alphabetto the last.[3] It did not occur to him to enquire of the Roman Catholic clergy whether Catholic homes could be procured with their assistance.[4] He did not even bring the general difficulty of obtaining Catholic homes under the notice of the Catholic member of the Board, although he obtained his assistance in individual cases.[5] Considering that, as we shall presently show, about three-fourths of the Catholic children placed out were placed in Catholic homes, we cannot regard it as proved that the remaining fourth might not have been placed in Catholic homes also, if proper methods had been taken to find them.

The difficulty of obtaining suitable Catholic homes is not experienced in New South Wales, for according to the last report of the State Children's Relief Department, after placing out all the Catholic children in Catholic homes, there were still applications from 129 eligible Roman Catholic homes for which no children were available.[6]

Duration and Number of Cases of Placing Catholic Children in Protestant Homes.

§ 182. The practice of placing Catholic children out in Protestant homes ceased in April, 1880, during Mr. Solomon's chairmanship; and it was not resumed when Mr. Reed was re-appointed. In September, 1881, the complications arising out of the case of Ann Deers,[7] a Catholic child, who had been placed out with Protestants during the chairmanship of Mr. Solomon, became known; and Mr. Davis, the Catholic member of the Board, had no difficulty in inducing the other members on the 8th of that month to pass the following resolutions:—

(1) That no child be boarded-out with, licensed to, or adopted by, any person professing a religion different to the religion of such child. (2) That the record in the minute-book of the boarding-out, licensing or adoption of any child, specify also the religion of such child, and of his or her foster-parents.[8]

Another

[1] Davis, 4279. [2] Reed, 4217, 4251-8, 4260. § 74. [3] Reed, 4252-3. § 76.
[4] Reed, 4254; Dr. Reynolds, 4364. [5] Reed, 4261-2. Davis, 4222-7-9.
[6] Dr. Renwick's Report, 1885, p. 19. [7] § 184. [8] Davis, 2933.

Another difficulty a few months afterwards led the Board to see that the duty of placing children out was too responsible to be deputed to the Chairman alone any longer, and on the 16th November, 1882, they resolved—

That in future all applications for the placing out and apprenticing of children shall be submitted to the Board for approval. [1]

The grievances stated in the Catholic petition of placing out Catholic children in Protestant homes at the will of the Chairman, and without bringing the religious persuasion of both the child and the person with whom the child is to be placed under the notice of the Board, were therefore removed by resolutions of the Board itself, nearly four years ago.

It is suggested in the fourth paragraph of the Catholic petition that these resolutions have been disregarded by the Chairman of the Board, but this suggestion is a mistaken one. [2] Except that two Catholic infants were sent to a Protestant home by mistake, in October, 1881, and immediately recalled, these resolutions have been substantially complied with. [3] Catholic children who have been placed out with Protestants since have been so placed for special reasons—family relationships, one of the foster-parents being a Catholic, or other circumstances of the kind—in no way inconsistent with the intention of the resolutions. [4]

We have, therefore, been able to ascertain the extent to which Catholic children have been placed out in Protestant homes. Two Catholic boys of fourteen years of age were sent to distant sheep stations in July, 1871. The practice, however, began with the Boarding-out system in April, 1872; it fell into disuse in April, 1880; and it was finally forbidden by the resolution of September 8, 1881. It thus lasted about eight years. During that time, out of 215 Catholic children placed out, fifty-four of them—or less than seven a year—were placed in Protestant homes. [5] Of these, about half were placed out by Mr. Reed during his first chairmanship, and the other half by Mr. Solomon. Mr. Reed placed out none during his second chairmanship, which began in October, 1880.

Few Changes of Faith in consequence of placing Catholic Children in Protestant Homes.

§ 183. It would be impossible to say with certainty how many Catholic children who were placed out in Protestant homes became Protestants, without following the individual history of each of the fifty-four children. An infant child adopted into a Protestant family would almost certainly become a Protestant. This was illustrated in the case of Ann Deers, to which we shall presently refer at length. A Catholic child old enough to be placed out at service in a Protestant family would not be so likely to become a Protestant; but there would certainly be a tendency to change to the religious persuasion of the other inmates of the home.

An instance of this kind occurred in the case of Catherine Jeffries, who, when between twelve and thirteen years old, was licensed to service with a Protestant family, at Gawler. During the eight months she was there, she attended the Wesleyan chapel and Sunday school, and when recalled to the Industrial School (because a visitor of the Boarding-out Society reported that she was unable to read or write) she announced herself and was recorded as a member

[1] Reed, 4241. § 77. [2] Reed, 4218. § 77. [3] Appendix XXX.
[4] Idem. [5] Reed, 4218; Appendix XXX.

member of the Church of England.[1] Although three months later, after an interview with her sister, she elected to become a Roman Catholic again, there can be little doubt that if she had remained in the place in which she was licensed she would have permanently become a Protestant.[2] What might have happened in her case, and did happen in that of Ann Deers, may have happened with other Roman Catholic children who were placed out with Protestants. The probability of such a change of religious persuasion occurring would probably be greater, *(a)* the younger the child, *(b)* the longer the stay in a Protestant home, and *(c)* the more distant the home from the influences of the Roman Catholic Church.

(a) Let us examine, then, if these conditions throw any light upon the number of changes of religious persuasion which actually occurred. Mr. Reed says:—

> The age of service before the education standard was raised was twelve, and even eleven years; and formerly, children have been sent out to service, if strong, stalwart children, even under eleven years of age, when the educational standard was at twelve. Out of about 215 Catholic children placed out from 1872 to September, 1881, excluding fifty-seven children of service age, only eight children under the age of service have been placed with Protestant families; three of these being the appointment of the late Chairman. Two of these eight stated, were 10 years of age [marked A in the return], four aged 9 years [B], one of 2 [C], the other [D] (being Ann Deers), of $3\frac{3}{4}$ years. Of these two were returned at the end of one month and three months respectively, two were transferred to a Catholic family eight months after, two others were returned to the parent or left the home within two years of the date of placing out; leaving, therefore, only two Catholic children under service age remaining in Protestant families, one of these being Ann Deers, and another, P. Davis,[3] placed out by myself.[4]

Eight of the children under the age of service being thus accounted for, the large majority of the fifty-four were above that age, and were placed out, not to be adopted into the family, but for service.

(b) Turning to the second condition we have mentioned—the length of stay in the Protestant home—we find that out of the fifty-four Catholic children placed out with Protestants, nineteen remained in the Protestant home less than three months, twenty-four less than twelve months, and only sixteen stayed in a Protestant home more than a year.[5]

(c) Taking, lastly, the third condition—remoteness from Catholic influences, Mr. Reed says—

> With reference to any of these children being out of the reach of religious ministrations, such cases are certainly exceptional. They occur without intention or desire to deprive children of such privileges, and Protestant children are subject to the same contingencies. So that if a good home were to offer at any time, at some distance from a church, I should not withhold the child on that account, as the instances are so few in number; and I should expect even then that religious teaching would be given at the home.[6]

We are unable to agree that the fewness of the instances is any justification for placing a child out of the reach of the services of the child's own religious persuasion. Mr. Reed also misses the point of the objection, which is, that the child placed in a Protestant home, out of reach of Catholic teaching, would be subject entirely to Protestant influences.

We do not believe that it has ever been necessary to place a Roman Catholic child out of reach of a Roman Catholic place of worship. We find, however, that out of the fifty-four children, only ten were placed in homes not within a reasonable distance of a Roman Catholic church; and that of these, only two or three remained in the home more than twelve months.[7]

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[1] Reed, 4092-3-29-43. [2] Reed, 4093; Lindsay, 4106-22; Davis, 4176.
[3] Seemingly the lad mentioned by Bishop Reynolds at question 4374.
[4] Reed, 4218. Appendix XXX. [5] Appendix YYY. [6] Reed, 4218.
[7] Appendices XXX and YYY.

It may be objected at this step in the argument, that other Catholic children as well as Catherine Jeffries may have attended Protestant places of worship, although there was a Catholic church in the same locality. This is true; but the vigilance with which Catholic children are looked after by their clergy is also indicated by the same case. The very month that Catherine Jeffries was placed in a Protestant home the Rev. T. Bongaerts wrote protesting against it to the Chairman of the Board, and informing him that she was not attending to her religious duties. [1] The Catholic member of the Board also directed attention to the case shortly after the girl was re-called. It is well known, too, that comparatively young children, who have been brought up in the Catholic faith, manifest a strong attachment to their own church. The change of a child from the Catholic to a Protestant church would not be likely to happen in a neighbourhood where there were other Catholic children, without its becoming known. Unfortunately also a considerable number of the fifty-four children had to be re-called to the Schools after having been placed out, and if like Catherine Jeffries they had changed to be Protestants, the fact would have become known, as in her case, on their return to the Schools. It may also be fairly assumed that of the Protestant employers with whom the children were placed, some would not be sufficiently interested, more would think it wrong, and very few would think it right, to persuade the young Catholic children entrusted to them to become Protestants.

Although therefore we are unable to affirm that, of the fifty-four Roman Catholic children placed in Protestant homes, none have become Protestants, besides Ann Deers and P. Davis (mentioned by Mr. Reed), we believe the cases are but few; and that many could not have occurred without in some way being brought under the notice of the Destitute Board, or under our notice during this enquiry.

The case of Ann Deers.

§ 184. On the 12th October, 1877, Ann Deers, aged three years, and her brother, Louis, aged six and three-quarters, were surrendered by their mother, Mary Ann Deers, to the care of the Destitute Board, under section 41 of the Destitute Persons Act of 1872.* Mary Ann Deers represented herself as a widow, and the children's father as Louis Deers (probably Diaz), a native of Portugal, who had been dead about two years. [2] The surrender concluded in the form given in the schedule to the statute:—"The said "children being Roman Catholics, I desire that they should be educated in that faith."

On the 1st of June, 1878, the little girl was "licensed out for adoption," by Mr. Solomon, who was then the Chairman of the Board, to Mr. J. H. Potter, schoolmaster, Aldinga. Mr. and Mrs. Potter were Protestants, and they were well known to Mr. Solomon. Having no children of their own, they intended to adopt the little girl as their daughter. They changed her Christian and surname from Ann Deers to "Adelaide Potter" [3] and, with the apparent sanction of the Department, for "to be "called Ada Potter," was inserted against her name in the "Children's boarded-out "book." [4] The letters "R.C." were affixed to the child's name in the licence; but Mrs. Potter says that neither she nor her husband was aware that the child was surrendered to be brought up as a Roman Catholic, and she has, in fact, been educated as a Protestant. [5]

Mr. Potter died April 7th, 1880, [6] and although the licence was determined by his death, the child remained with Mrs. Potter, who removed to Adelaide. On the 1st February,

[1] Reed, 4092. § 126. [2] Davis, 2894. [3] Potter, 3169, 3150, 3278.
[4] Davis, 2894. [5] Potter, 3148. [6] Potter, 3083.

February, 1881, Mr. Reed, who had then been re-appointed to the chairmanship of the Board, visited the home, and he says "After the last visit I had such a strong "impression in Mrs. Potter's favor—and that it was a case of genuine adoption—that "I exempted her from any further visitation." He did not remember at the time that the child was a Catholic. [1]

This exemption was noted in the record book without the date, and it was not reported to the Board. In fact Mr. Reed says that he "exempted children from "visitation in special instances for more than nine years unquestioned by the Board, and "unreported to them." [2]

The Destitute Persons Act of 1881, section 78, requires that the children placed out or apprenticed shall be visited once in four months. The Act of 1872, section 71, which had not been repealed, and was then law, only required the apprentices, and not children placed out, to be visited; but the regulations in force at the time required the Chairman to visit every child licensed out once at least in every six months. [3]

It is certainly to be regretted that Mr. Reed, before taking the responsibility of dispensing with the regulation requiring the child to be visited, did not review all the conditions of the case—that the child, though surrendered by her mother to be educated as a Catholic, was being brought up as a Protestant; that the child's mother and brother were both living; that, as the change of name showed, Mrs. Potter intended to obliterate any trace of the child's family connections; and lastly, that by the death of Mr. Potter the licence was determined, and his widow's custody of the child was altogether unauthorised. [4] If these circumstances had been brought under the notice of the Board, it is most unlikely that they would have permitted the continuance of a relationship which was illegal, inconsistent with the terms upon which the child was surrendered, and which might lead to such embarrassing complications. The child was then only a little over six years of age, and although her recall at that time would no doubt have been painful to Mrs. Potter, it would have enabled the Board to keep their contract with the mother, and would also have averted the wide-spread dissatisfaction amongst the Roman Catholics, which her being retained by Mrs. Potter occasioned.

Shortly after the child was thus exempted from being visited, Mrs. Potter removed from Adelaide to the neighbourhood of Kapunda, and her whereabouts and that of the child became unknown to the Department. [5] Before leaving town Mrs. Potter visited the offices of the Destitute Board, and ascertained for the first time that the child was of Catholic parentage. [6] She mentioned the fact to a Roman Catholic neighbour, through whom the circumstances became known to Mr. Davis, the Roman Catholic member of the Board, who brought them under the notice of his colleagues. Mrs. Potter was applied to by letter and personally, and on November 3rd, 1881, the Chairman reported that "she had declined to surrender the child "Ann Deers, or to educate her in the Catholic faith," and the majority of the Board, Mr. Davis dissenting, "considered that although a mistake had been committed by the late Chairman in placing a child of the Roman Catholic faith with Protestant foster parents, the child ought to remain with Mrs. Potter"; and also decided "that Mrs. "Potter should be requested to sign a form of agreement for the adoption of Ann Deers in her own name." [7]

In

[1] Reed, 3079, 3403. [2] Reed, 3079.
[3] Regulations of 1873, section XIII., paragraph 2. Parliamentary paper 41 of 1873, page, 14.
[4] Act 26 of 1872, sec. 64. [5] Reed, 3079.
[6] Potter, 3107. [7] Davis, 2983. Reed, 3416.

In July, 1884, we examined Mrs. Potter and the little girl. We found the latter a bright intelligent child, nine years old, of excitable temperament, and well educated for her age. The separation of the child and adopted mother, who were evidently much attached to one another, would, we could see, be most distressing to both; and it would besides place the child in an inferior social position. We were therefore much relieved when the representatives of the Roman Catholic petitioners decided not to ask that the relationship between Mrs. Potter and the child should be disturbed, and intimated that the Roman Catholics would be satisfied if the principles contended for in their petitition were admitted, and if the abuses of which they complained were prevented in future. [1]

It cannot, we think, be disputed that the placing-out of Ann Deers with Mr. Potter in the first instance was a grave mistake. It involved a breach of the compact with the mother, that both her children should be brought up as Roman Catholics, and it needlessly severed the child's family ties. Mr. and Mrs. Potter were both Protestants, with strong religious convictions, and it was practically impossible that a child placed with them, to be treated as their own, could be brought up as a Catholic. Even the attempt to do so would be injurious to the child. On this point we agree with the views expressed by the Rev. J. M. Donaldson:—

> Serious as it would be and distressing, yet if the question now were whether the child should be forcibly taken from Mrs. Potter or the discordant element of religion should be allowed to enter in between them, I should advise the former course, though I should hope there would be no necessity for adopting that course. I think it would be attended with so much inconvenience and heartburning and falsehood, that it would be most injurious to the character of a most promising child * * I hope it is no imputation on Mrs. Potter when I say that I feel quite sure she would undo by her influence, and by the carrying out of her own religious principles, what was being done elsewhere; and that could not fail to lead to a false state of mind on the part of the child * * I think she would neutralise the other teaching, thus leaving a child with an opening mind in a most unhappy and puzzled condition. [2]

The separation of the brother and sister was open to other objections not les serious. Mr. and Mrs. Potter wanted a child to adopt as their own. Theirs was a home appropriate for a foundling or deserted child with no relationships to create future embarrassments, with no name but such as might be acquired from the foster-parents. There was no reason why the brother and sister should be separated. As it was, they were sent to places more than 200 miles apart, [3] to homes of entirely different social conditions, and they have never met since. Mrs. Potter plainly told us she would object to their meeting, "unless he were in the same position of life as she. I know "his social position will be entirely different from Ada's." [4] To complete the obliteration of any trace of their family connection, the sister was called by a different Christian and surname (an altogether illegal act), which nevertheless not only passed without objection, but was recorded in the books as if to mark the approval of the Department. Brother and sister, therefore, are brought up with no knowledge of each other, with not even a similarity of name to suggest their relationship, and under conditions which make it possible that hereafter they may meet as strangers and contract marriage together!

The Destitute Board, when the case was before them in 1881, had to deal with complications which were undoubtedly perplexing, and the wonder is that they did not seek the advice of the law officers of the Crown. They doubtless felt—as we felt when we saw the child three years after—that it would be painful to both foster-mother and child to part them; that it would be cruel to the child to take her from a home

[1] Davis, 3395; O'Connell, 3415.
[2] Donaldson, 3227-30. [3] Reed, 3315. [4] Potter, 3270-1.

home in which she was being tenderly cared for, well educated, and brought up in comfort and respectability, to place her in an institution like the Industrial School. Moreover, if the child's mother had not consented, she had never objected to the home in which the child was placed.

On the other hand, when the Board granted a new licence to Mrs. Potter, she had no legal claim to keep the child, and the child was then only seven years old. It would have been a different and easier thing to recall the child then than to do so three years afterwards, when our investigation took place.

Probably no one will question the motives by which the Board were actuated in their decision, though there may be some difference of opinion as to whether under all the circumstances they were justified in licensing out a Catholic child with a Protestant, who candidly avowed that she would not bring the child up as a Catholic. Some will affirm and others will deny that the Board ought to have refused to make themselves party to a breach of the compact as to the child's religion, and not to have disturbed the confidence of the Catholic section of the community in the administration of the Destitute Act. As to this we feel it is unnecessary for us to express any opinion.

CHARGES OF PROSELYTISING.

§ 185. The Roman Catholic petition does not directly state, although it implies, that there have been "attempts at proselytising" by the officers of the Destitute Department; and in the course of the correspondence which has been put in evidence, the Chairman of the Destitute Board has been charged with being a "partisan" and with "proselytising"[1] We therefore think it desirable to place our opinion as to these matters on record.

We have already reported at length as to Joseph Ashwood's case.[2] We have shown that the Roman Catholic children attended the Protestant service at the Boys' Reformatory at Brighton in 1869, and at the Girls' Reformatory at Magill, so lately as March, 1882.[3] We have also mentioned that a former matron at the Girls' Reformatory is said to have been imprudent enough to make disparaging remarks as to their faith to the Roman Catholic girls in 1883.[4] Such remarks, and Mr. Alton's conduct in Ashwood's case, cannot be justified. We think that the taking the Roman Catholic children to a Protestant service was from ignorance of the impropriety of thus acting, rather than with any desire of imbuing them with Protestant tenets. Subject to these observations, our impression from the evidence is that the superintendents and other officers at the Reformatories have endeavored to act fairly with respect to the religious persuasions of the children, and without attempting to proselytise them from one church to another.

With respect to the imputations of partisanship against the Chairman of the Destitute Board, it is perhaps necessary to be more explicit. We can understand that, looking at the administration of the Schools, and of the placing out of children, from a Roman Catholic point of view, without the information and the explanations which have been furnished to us, an impression might be created in some minds that Mr. Reed was desirous of favoring the Protestant at the expense of the Roman Catholic faith. As the principal executive officer of the Board he represented the Department to the public, and by

[1] Reed, 3556. Dr. Smyth's letter, November 8th, 1869. Ryan, 3442. Davis, 2890-4, 4527.
[2] § 174. [3] § 173-5. [4] Martin, 4428-9; Murphy, 4304-5.

by most people he would be held responsible for its policy, and also for any mistakes arising from the clerical errors of his subordinates. "Why," a Roman Catholic might ask, "did Mr. Reed place out Catholic children in Protestant homes, unless to make "Protestants of them?[1] If that was not his motive, why did he not seek the assistance "of the Roman Catholic representative on the Board, who had never failed, if his help "was invited, to procure a Catholic home for a Catholic child?[2] How account, except on "the hypothesis of unfair partisanship, for the way in which the resolution of February "4th, 1869, was manipulated so as to turn what was intended to secure the accurate "record of the religious persuasion of the children on entering the schools into a pretext "for enabling children over twelve to change their religion at will? Granting that a "mistake was made at first as to the true meaning of the resolution, why was this "mistake persisted in after it was pointed out? And why was the dismembered reso-"lution treated as a compact binding upon the Roman Catholics in spite of their "protests?"[3] Religious difficulties are too apt to impart bitterness and suspicion to any controversy. We find Mr. Reed himself speaking of girls at the Reformatory, whom he supposed to have changed from being Protestants to being Roman Catholics, as having been "induced" to change their faith.[4] It is therefore not to be wondered at that Roman Catholics also entertained a suspicion of proselytising on the part of the Protestant management when Catholic children in the Schools professed to become Protestants, or that their alarm multiplied these changes indefinitely.

The fact, however, is that Mr. Solomon, who, as a Jew, can hardly be suspected of a bias in favor of the Protestant and against the Roman Catholic religion, worked on the same lines as Mr. Reed. It was he who made the mistake in placing out Ann Deers. He placed nearly, if not quite, as many Catholic children in Protestant homes during his chairmanship as Mr. Reed did whilst he was Chairman. And if the practice of placing Catholic children in Protestant homes was abandoned during the last few months of Mr. Solomon's administration of the Department, it was not resumed when Mr. Reed was re-appointed.[5] Mr. Reed's early success in the boarding-out system perhaps inspired him with undue confidence in the excellence of his own methods, and when he had extracted addresses from the directory and issued his circulars he probably thought he had done all that was required to find suitable homes.[6] It must be remembered, too, that Mr. Reed had no regulation or law on this point to guide him, and that it did not occur to any member of the Board to introduce a motion on the subject until Mr. Davis's resolution of September 8th, 1881.[7] Catholic parents also, it is well-known, place their own children at an early age in service with Protestants; and it is admitted by the Roman Catholic Bishop that, subject to proper precautions, Roman Catholic children of a suitable age may be placed at service with Protestants if Roman Catholic homes are not obtainable.[8] Mr. Reed's mistake was in assuming on insufficient grounds that such homes were not to be had.[9] The placing out of Catholic children in Protestant homes was therefore, in our opinion, only an illustration of the insufficient means to ascertain that the child was suitable for the home, and the home for the child, which, as we have pointed out in another part of this report, has underlain the whole system of placing-out and apprenticeship.[10] Considering that three-fourths of the Catholic children have been placed in Catholic homes, and that nearly all of the remaining fourth who were placed out with Protestants were so placed under conditions which made it unlikely that they would be induced to become Protestants, we are unable to believe that they were placed out with any view of influencing them to change their faith.[11] The

[1] § 179. [2] Davis, 4222-7. [3] § 173-4. [4] Reed, 3507, 3765, 3708-9.
[5] Appendix XXX. [6] Reed, 4252-3. [7] § 182.
[8] Dr. Reynolds, 4368-9. [9] § 181. [10] § 77 and 147. [11] § 182.

The astonishing mental process by which the resolution of February 4th, 1869, was held to authorize children of twelve years and upwards to choose their religion for themselves can only be explained on the assumption that the Chairman and the Protestant members of the Board were so possessed of the idea that this was what the Vicar-General meant, that language failed to remove the impression. We have seen that Mr. Reed quoted the resolution at length, in reply to Dean Ryan, as clearly bearing out the Board's interpretation of it;[1] we had some difficulty ourselves in convincing Mr. Reed that the wording of the resolution did not support the rule the Board had founded upon it.[2] The other Protestant members of the Board fell into the same mistake as the Chairman; and one of them, whose sincerity of belief is beyond all question, insisted before us (as the Chairman still insists) that the rule the Board adopted and not the resolution, was the accurate expression of the compact with the Vicar-General.[3] Without imputing to the other members of the Board unfairness, of which we are sure they are incapable, we cannot refuse to believe that Mr. Reed was as honestly mistaken as they were.

He certainly construed the rule with equal impartiality to both Protestants and Catholics. If Ashwood was allowed, under color of it, to become a Protestant, McBeth, whose sore back was the only reason for the change, had the same permission to become a Catholic.[4] Some years later, by a curious process of evolution, the rule had developed two further conditions—that the child's desire to change from one faith to another must be based "upon religious conviction," and that it must be allowed by the Chairman. This delicate amendment was administered with the same fairness, for Mary Dinane was not allowed to become a Protestant merely because, after a quarrel with another girl, she wanted to remove into a different room.[5]

For some years past the relations between Mr. Reed and the Roman Catholics have admittedly been somewhat strained, and his motives and conduct have been regarded with suspicion. There have always been Roman Catholic children in each of the Schools, and the Schools have been regularly visited by the Roman Catholic clergy. If Mr. Reed had attempted to proselytise, the facts must inevitably have become known. His emphatic disclaimer therefore carries much force:—"I beg emphatically to deny "the charge of proselytism, direct or indirect. If there is a single case let it be "named and substantiated."[6]

We have no hesitation in saying that the evidence has failed to show an instance in which Mr. Reed has acted in a proselytising spirit, or in which by word or act he has endeavored to change the faith of a Roman Catholic child. We have already shown how few are the instances in which there have been changes of religious profession amongst the inmates of the Schools, and how few also are to be anticipated amongst the children who have been placed out. The absence, then, of proselytising in fact, when there were so many opportunities of accomplishing it, to our minds, conclusively refutes a proselytising intention.[7]

RECOMMENDATIONS WITH RESPECT TO THE RELIGIOUS DIFFICULTY.

§ 186. We recommend the adoption of the English system of requiring the magistrates to ascertain the religious persuasion to which the child belongs at the time of committal, and that no change be made in the religious persuasion in which the child

[1] Davis, 3454. Minute, 7/3/82. § 174. [2] Reed, 3493. [3] Smith, 3579. Reed, 8964.
[4] Davis, 3443. [5] Reed, 3527-8. [6] Reed, 4218. [7] § 177-182.

child is to be brought up, except by direction of the Governor or by an order of justices. There should be a legislative requirement, as in New Zealand, that in placing out a child regard should be had both to the religious persuasion of the child and of the person with whom the child is to be placed;[1] and it should also be made compulsory by statute to keep accurate records of the religious persuasions of both.[2]

Much of the dissatisfaction amongst the Roman Catholics has arisen from the want of care in the selection of homes—a circumstance which tells very strongly in favor of the rule adopted by the Board in October, 1881, to investigate and decide upon all cases of placing-out themselves, instead of leaving them, as was previously the practice, to the Chairman's discretion.[3]

Whatever Acts may be passed or regulations may be framed, some causes of irritation may always be expected in mixed schools of Protestants and Roman Catholics. This emphasises our recommendation for the separation of the Protestant and Catholic girls at the Magill Reformatory, if the Roman Catholic girls can be placed, as the Bishop informed us could be arranged, under the care of some Roman Catholic Sisterhood.[4] For the same reason we should be glad if separate Protestant and Roman Catholic Reformatories were established for the boys. We believe, however, that the religious difficulty is not so great in mixed Reformatories for boys as it is with Girls' Reformatories. Whatever difficulty of that kind there may be, has, we believe, been overcome at the Boys' Reformatory, at Ballarat, and on board the *Vernon*. The absence of dissension on religious grounds with respect to the management of Reformatories and Industrial Schools in England is attributable to there being separate Roman Catholic and Protestant Reformatories and Industrial Schools, and to the licensing-out and apprenticing of the children being conducted by the School managers. With Reformatories under separate Roman Catholic and Protestant management all causes of heartburning on religious grounds would be removed, both in the Schools and in placing-out the children. The objectionable features of large institutions would be avoided. The cost to the Government would be less, as a fixed subsidy per child would be paid instead of the greater and ever-shifting cost of a fixed establishment. The licensing-out, after a proper interval of detention, could be enforced by lessening or withdrawing the subsidy and by independent Government inspection.

THE CASE OF BRIDGET QUIGLEY.

§ 187. Since Part IV. of this Report has been printed, we have, at the request of the Right Reverend the Roman Catholic Bishop, re-opened the inquiry for the purpose of investigating the case of Bridget Quigley, a Roman Catholic girl, who was committed to the Industrial School, and who has been placed at service in the family of Mr. McCann, a respectable farmer and a member of the Roman Catholic Church, living near Caltowie.[5]

In 1883, when Bridget was about twelve years of age, both her parents, who are drunken, worthless people, put her to service in the house of the Honorable B. T. Finniss. She was much attached to both Mr. and Mrs. Finniss, and they to her; but Mrs. Quigley's interferences became so intolerable that after a few months, on Mr. Finniss's advice, the little girl, in order to be protected against her mother, applied to be and was committed to the Industrial School. Whilst she was there she was occasionally

[1] § 171. [2] § 180. [3] § 182 [4] Dr. Reynolds, 4332. § 121. § 109.
[5] See letter in Evidence, August 28th, 1885.

occasionally visited by Mr. and Mrs. Finniss, and when she was old enough they applied that she should be licensed for service in their family. The application was refused by the Chairman of the Destitute Board, in accordance with the resolution of the Board that Roman Catholic children should not be placed in Protestant homes. [1]

Although in a comfortable place, the little girl wished to return to her former employers, and in July last Miss Siekmann, one of the lady visitors of the Boarding-out Society, wrote to Mrs. Finniss, acquainting her with the child's wishes. Mr. Finniss communicated to his wife an impression he had formed from reading the reports in the newspapers of the evidence taken before this Commission that, although the present Roman Catholic Bishop was opposed to it, there was still a regulation that children of thirteen years of age, under the control of the Destitute Board, could change their faith. Knowing that whilst the child was a Roman Catholic she could not be placed with Protestants, Mrs. Finniss, on the receipt of Miss Siekmann's letter, wrote to the little girl, suggesting that she should avail herself of this regulation and declare her intention of leaving the Roman Catholic persuasion. When, however, Miss Siekmann saw the little girl again, she stated she had no wish to change. Mrs. Finniss's letter fell into the hands of Mrs. McCann and was sent to the Bishop, [2] who was naturally apprehensive that the officers of the Department were continuing to act on the mistaken construction of the resolution of February 4th, 1869. [3]

We are glad to report that this was not the case, and that the information upon which Mrs. Finniss acted and the address of the child were obtained altogether independently of the Chairman or officers of the Destitute Board. [4]

So far as Miss Siekmann is concerned we are satisfied that, although it was imprudent for her to write to Mrs. Finniss without first seeking the advice of the Secretary of the Boarding-out Society, her interference was not with a view of proselytising the little girl, but was an act of mistaken kindness. If the Secretary of the Boarding-out Society had been communicated with, we are sure she would have advised against doing anything to unsettle the child's mind or to make her dissatisfied with a good home.

We think also that Mrs. Finniss's action, mistaken as it undoubtedly was, did not arise from any wish to make the child a Protestant, for she had not interfered with her religion in any way whilst she was in her service. What Mrs. Finniss desired was to gratify the child's wish to return to her former place, and she suggested the change of religious persuasion as the only means she knew of accomplishing it. It is certainly a pity that it did not occur to Mr. Finniss to ascertain, by inquiry of Mr. Reed, with whom he had previously been in communication respecting the little girl, if the impression he had formed from a casual perusal of the newspapers was really accurate.

Although we are glad to have had the opportunity of clearing up any doubts respecting the conduct of the Department in Bridget Quigley's case, the facts elicted regarding it do not alter in any way the conclusions which we had previously formed on the subject of the Roman Catholic petition.

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[1] Mrs. Finniss, 8870, *et seq.*; Finniss, 8911, *et seq.*
[2] Mrs. Finniss, 8865-8903; Finniss, 8904-71. [3] Davis, 3454.
[4] Reed, 8967-71. Mercer, 8956-8.

PART V.

SUMMARY OF RECOMMENDATIONS.

PART I.—POOR RELIEF.

The Adelaide Destitute Asylum.

§ 8 Complete classification of inmates should be proceeded with.

§ 9 Some of the inmates might assist in clerical work.

Immediate endeavour should be made to procure employment for inmates.

§ 11 Regulation for detention of inmates unfit to be at large should be validated by statute.

Disorderly conduct and breaches of discipline should be dealt with at the Asylum and not at the Police Court, by a justice of the peace, unconnected with the Destitute Board, and punished by detention in a separate cell at the Asylum, and by short diet or deprivation of privileges.

Out-door Relief.

§ 16 Simpler forms of recommendation should be used in chronic cases.

§ 17 Second travelling Inspector should be immediately appointed.

Travelling Inspector should on his visits communicate with local officials.

§ 19 Special Magistrates should be associated with Mayors of Corporate Towns and Chairmen of District Councils in distribution of outdoor relief, and should have discretion to grant immediate relief in urgent cases.

Clerks of Local Courts should give same assistance as clerks of corporations and district councils.

§ 20 Poor-box should be kept at Magistrates' Courts in large towns.

§ 23 More vigilant inquiry should be made into circumstances of applicants for relief.

Only temporary relief to be granted without inspection of home.

Labour test should be provided before relief is granted to families of able-bodied men out of work.

Frequent review should be made of cases of constant recipients of relief.

Rations should only be delivered to children when parent is unfit to fetch them or is earning wages.

Deserted Wives and Children.

§ 26 Penalty for desertion of wife or child should be increased to six months' imprisonment for first, and twelve months' for second offence.

Power should be given to make maintenance order when intention to desert is shown; and in defendant's absence if he has left the colony; and for sale of goods and chattels, collection of rents and sale of land to provide for maintenance order.

§ 27 Intercolonial legislation should provide that maintenance orders made in the colony where wife or children are left should be enforceable in the colony in which the man or his property may be.

Defendant

Defendant should be enabled, on giving security, to obtain suspension of order made in his absence, pending a re-hearing.

§ 29 Wife should be made liable for maintenance of destitute husband.

Proceedings against Fathers of Illegitimate Children.

§ 31 Proviso to section 14 of the Destitute Persons Act:—"That no man shall be "taken to be the father of any illegitimate child on the oath of the mother "only," should be repealed, the necessary protection being given by the following proviso in the same clause.

§ 32 Power should be given to serve summons on putative father before birth of child.

When, in consequence of her pregnancy, the woman becomes chargeable to the public, the putative father should be at once made answerable for her maintenance and for the expense of her confinement.

Power should be given to clear the court in affiliation cases.

§ 33 Power to adjudicate in absence of putative father should he abscond, reserving right to defendant to obtain a re-hearing.

Local and intercolonial legislation recommended for enforcing maintenance orders in favor of wives and legitimate children should be made to apply to bastardy orders. [§ 26 and 27.]

Bastardy orders should include cost of mother's maintenance during, and expenses of, confinement.

§ 34 Father of illegitimate child should only be liable to contribute at the suit of the mother if proceedings are taken within twelve months from birth of child, or if within that time he has paid money for its maintenance, or has ceased to reside in the colony within twelve months after the birth.

§ 35 All affiliation cases should be conducted on the woman's behalf by officer of Destitute Department if she has no legal assistance.

The Lying-in Department.

§ 37 The detention clause—Section 95 of the Destitute Persons Act, 1881, should be reframed.

The mother should have option of remaining in the home for nine months after birth of child.

§ 38 After confinement, care of mother and child should be transferred to some private society's Home away from the Destitute Asylum.

Term of compulsory residence at this Home should be nine months.

§ 39 A Ladies' Committee should be at once associated with the management of the Lying-in-Home.

If Lying-in-Home continued permanently, lady superintendent should be appointed.

§ 40 Declaration as to paternity under section 96 of the "Destitute Persons Act, 1881," should be compulsory before as well as after birth of child.

§ 41 Immediate removal of City Morgue to less objectionable site.

Licensed Foster Mothers and Baby Farming.

§ 42 Sections 100 and 101 of the "Destitute Persons Act, 1881," dealing with baby farming, should be re-drawn to limit their operation to children under two or three years old.

Police

Police should be instructed to report breaches of law against baby farming.

Licences for foster-mothers should be for a year instead of an indefinite term, but renewable.

Checks on Cost of Poor Relief.

§ 45 Owner, charterer, or master of ship, by which a passenger likely to become a charge upon the public is brought to the colony, should give bond with two sufficient sureties for £100 to secure maintenance of such passenger for five years.

§ 51 The Penny Bank system should be introduced.

§ 52 Facilities should be given through Savings Banks or Telegraph Offices for investment of small savings in public funds, life insurance, and annuities.

§ 53 Canon Blackley's scheme of compulsory providence, requiring every person before attaining the age of twenty-one to contribute £10 to secure 8s. a week in sickness until seventy years of age, and a pension of 4s. a week from that age until death, or some modification thereof, should be introduced as soon as public opinion will permit.

PART II.—CHILDREN UNDER THE CARE OF THE GOVERNMENT.

The Industrial School at Magill.

§ 58 The Industrial School should be closed. [§ 91.]

The Boarding-Out System.

§ 74 Practice of placing children of school-going age out at service to save the cost of their maintenance should be abandoned.

A child of school-going age, who has not passed the compulsory standard, should not be removed from foster parents to be "licensed for adoption."

§ 75 No child should be adopted without regard to its family connections or the consent of its parents, if they are living.

Enactment in this colony of the New Zealand statute [No. 9 of 1881] legalizing the adoption of children under twelve years old.

§ 76 Local committees, consisting chiefly of ladies, should be appointed by the Governor for the purpose of finding and inspecting homes, visiting children, paying the subsidies, and taking the charge of the children when changing from one home to another.

In future no child should be placed out beyond reach of visitation by a member of the local committee. [§ 79.]

§ 77 Every home should be inspected before a child is placed in it.

§ 78 It should be an inflexible rule, enforced by statute or regulation, that no child under fourteen who has not passed the compulsory standard, should be boarded-out beyond reach of school.

Children unusually backward who have been placed out beyond reach of school, should have an opportunity of attending school, and if necessary, beyond school-going age. [§ 146.]

§ 79 All children should be visited by an inspector twice a year, as well as by visiting committee; and no child should be placed in a home out of reach of visitation by inspection. [§ 76.]

Power to exempt adopted children partially or wholly from visitation should be given by statute, but never exercised without express resolution of Board.

§ 80

§ 80 Services of Miss Clark and Miss Spence, the former and present Secretaries of the Boarding-out Society, should be secured in the departmental changes mentioned in paragraph 161; and services of the visitors of the Society should be continued on the local committees.

§ 81 Restriction against paying more than 7s. a week for boarding-out should be repealed.

§ 82 Careful inquiries should be made into character of present homes immediately upon reconstruction of department.

§ 86 Practice of boarding more than two or at most three children of different families in one home, should be discontinued and forbidden by regulation.

§ 87 Too many children should not be boarded-out in one locality.

§ 88 Brothers and sisters should, as far as possible, be boarded-out in the same home, and where this is impracticable in the same neighbourhood with opportunities of seeing one another.

Young children of the same family should only be separated when necessary to break them of depraved habits.

§ 89 Children when sent out to or recalled from homes, should be under care of responsible persons; and in cases of girls, of a woman of suitable age and character.

§ 90 Records should be kept of conduct of children over three years after having passed out of departmental control.

Arrangement should be made with departments having control of children in other Australian colonies for returns and statistics on uniform system. [§ 105.]

§ 91 Inmates of Industrial School should be boarded-out.

Hardwicke House should be retained as a receiving house for children waiting to be boarded out.

Invalid and imbecile children should be placed in carefully selected homes at a higher rate of subsidy.

§ 92 Cottage homes for invalid and imbecile children and children of bad habits should be established by private charity, and subsidised if necessary by the Government.

Home for training domestic service girls, who have been boarded-out, should be established by private charity.

The Boys' Reformatory.

§ 95 Reformatory should not be regarded as a penal establishment.

§ 96 The boys should be classified; a night watch should be kept; and old men from the Destitute Asylum should be removed from the institution.

§ 98 Voluntary assistance should be obtained for conducting Sunday school and religious services at the School, and for taking the better conducted boys to church.

§ 100 A band of music should be organised, and singing taught by note.

Corporal punishment should not be publicly inflicted except in exemplary cases.

§ 102 Boys should be employed at different occupations in rotation.

§ 103 Boys should be licensed out earlier.

§ 109 Boys' Reformatory, if possible, should be transferred to private management. [§ 186.]

§ 110 The *Fitzjames* should be abandoned as a Reformatory.

§ 111 Boys' Reformatory should be transferred to the premises now occupied for the Industrial School at Magill.

§ 112 School teaching should be under the Education Department.

§ 113 Properly qualified superintendent should be appointed.

Superintendent should be in less subordinate position than at present, and should arrange for licensing and apprenticing the boys.

The Girls' Reformatory.

§ 121 Offer of the Roman Catholic Bishop to place the Roman Catholic girls under care of sisterhood, trained in reformatory work, should be accepted. [§ 186.]

§ 122 Project of building large reformatory should be abandoned.

§ 123 Protestant girls should be placed in cottage homes; one cottage for girls from brothels; another for girls who have been committed for dishonesty. In the event of infectious disease a third cottage should be rented.

§ 130 Power of whipping girls under fourteen should be repealed.

Conditions of Admission.

§ 126 Department should still have power to admit destitute children without a magistrate's order.

§ 127 Convicted children and depraved girls only should be sent to Reformatories.

A special report to the Government should be made in every case of committal without conviction of a depraved girl.

§ 128 Destitute and neglected children only should be boarded out.

§ 129 Children under fourteen years of age of a woman twice convicted of crime, if at her second conviction they have no visible means of subsistence or are without proper guardianship, should be dealt with as neglected children.

Uncontrollable children should only be dealt with as neglected children with the consent of the Department.

Transfers from Industrial School to Reformatory and from Reformatory to Industrial School.

§ 132 Transfers from industrial school to reformatory should be authorised in cases of repeated absconding or misconduct, or if original committal should have been to Reformatory, but only after an inquiry before justices.

The Governor or Board should have power to transfer children from reformatory to industrial school in cases of mistaken committal or of good conduct.

§ 133 Statutory indemnity should be given to the chairman and members of the Destitute Board for illegal transfers to reformatory.

Trial of cases against Juvenile Offenders.

§ 136 All inquiries before justices into charges against boys or girls under seventeen years of age, including inquiries as to children being "destitute," or "neglected," should be conducted at a different time from other cases, and in Adelaide in some other building than the Police Court. The father or mother should be required to attend; and also some officer of the Department, his duty being to inquire as to the home of the child, and the circumstances of the parents.

§ 137

§ 137 That the power of committing to a reformatory on first conviction be retained, a special report to the Governor being required in each case.

§ 138 As alternatives to conviction, the justices, in addition to the power of dismissing information after parental chastisement, should have the following powers:—

a. To order the offender if a boy under sixteen to be whipped:

b. To commit the offender, if under fourteen, to the Industrial School. [§ 128]:

c. To take recognizances from the parent that the child shall come up for judgment when required, and security for the child's future good behaviour:

d. To place the child, although remaining at home, under the observation, for a limited period, of an officer of the Department:

e. To impose a fine on, or direct compensation by, the parent, with imprisonment in default.

§ 139 There should be preliminary punishment of children committed to reformatories: either a whipping for boys under sixteen, or imprisonment not exceeding seven days for children under twelve, or fourteen days (with or without solitary confinement) for older children; the imprisonment to be at reformatory, and not at gaol.

§ 140 On hearing of cases against children, justices should call for birth certificate, and if not produced their decision as to age should be final.

Limits of Age on Committal and Term of Direct Control.

§ 141 No child under ten should be sent to a reformatory unless previously charged with crime or sentenced by the Supreme Court.

§ 142 In every case of committal to a reformatory of a child under twelve there should be special report to the Governor.

§ 143 Detention of both girls and boys in a reformatory should not begin later than seventeen and should end at eighteen.

Children should not be licensed out until they have passed the compulsory educational standard, or attained the age of fourteen.

§ 144 Term of direct control of destitute and neglected children should end at eighteen.

Licensing-out and Apprenticeship.

§ 146 Proviso to section 65 of Destitute Persons Act of 1881, forbidding any inmate of a reformatory to be licensed-out before the expiration of one-third of the term of detention should be repealed.

§ 147 No child should be apprenticed until after having been licensed out, and behaved well, nor until after two months' trial with the proposed employer.

§ 148 Girls should not be apprenticed to domestic service.

Boys should only be apprenticed to farmers in exceptional cases.

§ 149 Power of apprenticing should be continued.

§ 150 A child should not be apprenticed without his own consent.

§ 151 Consent of parents should not be required to apprenticeship, but they should be first consulted if they are of good character.

§ 153 Apprenticeship should only be to occupations likely to be useful to the boys who are apprenticed.

Wages

Wages and Savings.

§ 154 Three-fourths of children's wages should continue to be paid into the Savings Bank.

On the savings amounting to £12 they should be expended in the purchase of an annuity in favor of the child of £12 10s. per annum, payable from sixty years of age.

Balance of savings should be under control of Department, to be paid to the child or retained until it is twenty-one, according to its character.

In the event of the child incurring any fine for misconduct, the fine should be paid out of savings.

After sixteen years of age, and purchase of annuity, the child should make its own bargain for service and receive the whole of its wages, the Department having power to withdraw these privileges in case of misconduct or thriftlessness.

Power should be given to relax regulations as to payment of wages in favor of foster-parents of adopted child, partially or wholly; but the exemption should not be granted where a child has simply been "adopted for service."

Guardianship.

§ 155 Guardianship of children brought up at public expense, should continue until 21; or until marriage in case of girls.

Permanent head of Department should be guardian, with same powers as guardian appointed by Supreme Court.

§ 156 Licences should be granted for the period between 18 and 21, without restrictions as to residence or service, but subject to revocation in case of misconduct or bad companionship, the holder in such case being required to go to licensed home and employment approved by guardian.

Failure to comply with these requirements, to be an offence punishable with imprisonment.

Contributions towards maintenance.

§ 158 In cases of obstinate default by parents in payment of child's maintenance, in lieu of distress the penalty should be imprisonment with hard labor for a longer period than at present allowed.

§ 159 Greater vigilance should be used to put law in force against defaulters.

Inquiry as to parents' means should precede committal.

Maintenance order and order for committal should be made at the same time.

Parents should be required to be present at the hearing, and an officer of the department should have right to be heard and examine witnesses as to ability of parents to contribute, as well as with respect to order of committal. [§ 138.]

If officer of the Department is unable to attend, a member of the police force, or some one nominated by the Department, should inquire as to the parents' means.

Parental contributions should be payable at Adelaide office, and rebate of £10 per cent. allowed when contributions are paid in advance.

For contributions not paid in advance, collectors should be employed at a proper commission.

In remote places a member of the police force should act as collector.

More

More careful inquiries as to means of parents should be made, and list of defaulters and non-contributors should be periodically brought under review.

Rate of payment should be enforced at least equal to and generally somewhat in excess of cost of the child's maintenance at home.

Maximum limit of ten shillings a week for parental contributions should be repealed.

Truant School.

§ 160 If Truant School established, uncontrollable boys and young boys who have committed an offence not involving serious moral guilt, should in some cases be committed thereto.

Truant School should be under control of Education Department.

PART III.—DEPARTMENTAL CONTROL.

§ 161 Control of destitute, neglected, and convicted children, should be transferred from Destitute Board to new Board to be called "The State Children's Relief "Board," consisting of ten or a dozen ladies and gentlemen who have shown an interest in kindred branches of philanthrophic work, and are representative of the different religious denominations. There should be a permanent official Chairman.

Office accommodation for new department should be provided at the new building at the Destitute Asylum.

In the country the Inspectors should do the work of both Departments, between which the cost should be divided.

One additional visiting Inspector should be appointed for the country districts [§ 17 and 79].

Official inspection of children in town and suburbs should be made by Chairman of new department.

§ 162 Two Bills should be prepared, one relating to duties of Destitute Board, and the other to the functions of "The State Children's Relief Board." In framing Bills, reference should be made to recent English legislation, and to New Zealand Industrial Schools Act, 1882.

Short Bill should be submitted to Parliament during the present Session providing—

a. For appointment of "The State Children's Relief Board."

b. For transfer to such Board of duties imposed upon Destitute Board by Part III. of the Destitute Persons Act, 1881, with such powers contained in Part II. as may be necessary, and with the protection given by Part V.

c. For the certifying of reformatory schools in the same manner as under English Reformatory Schools' Act, 1866.

d. For indemnifying Chairman, members, and officers of Destitute Board for illegal transfers from Industrial School to Reformatories.

§ 166 Buildings occupied by Destitute Department should be periodically inspected by Public Works Department, with a view to necessary repairs.

§ 168 Supplies for Destitute Department should still be included in the tenders for general Government supplies.

Present practice as to tenders should be revised.

Department should furnish standards for tenders, and should keep duplicates for comparison.

PART IV.—THE ROMAN CATHOLIC PETITION.

§ 186 Justices should be required to ascertain religious persuasion of child at time of committal.

No change should be made in religious persuasion, except by direction of the Governor, or by an order of justices.

It should be required by Act that in placing out regard should be had both to the religious persuasion of the child and of the person with whom it is to be placed.

It should be compulsory to keep accurate records of the religious persuasions of the children and of the persons with whom they are placed.

The Board should continue to investigate and decide all cases of placing out.

Separate Roman Catholic and Protestant reformatories should be established for both boys and girls. [§ 109, 121, and 123.]

A fixed subsidy should be paid for each child.

Licensing out, after proper detention, should be enforced by lessening or withdrawing subsidy, and by independent Government inspection.

S. J. WAY, Chairman.
MAURICE SALOM.
H. R. FULLER.
WILLIAM HAINES.
HENRY W. THOMPSON.
C. H. GOODE.
JAMES O'CONNELL.
WM. BUNDEY.

Adelaide, October 15th, 1885.

WITNESSES EXAMINED.