PROVINCE OF QUEBEC

Quebec Social Insurance Commission

FIRST AND SECOND REPORTS

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First Report

QUEBEC SOCIAL INSURANCE COMMISSION

FIRST REPORT

To the Honourable J. N. Francoeur,

Minister of Public Works and Labour,

Quebec.

Honourable Sir,

The Quebec Social Insurance Commission, appointed according to Law 20, George V, Chap. 14, has the honour to present to you its first report on its work.

The Commission has studied the order-in-council of October 20, 1930, with a view to distinguishing carefully the questions concerning which the Government has requested it to make an inquiry.

The order-in-council comprises the three following groups:

1. *Charity*:—Aid to needy mothers; family placement; manner of adoption and placement of adopted children; aid to large families.

2. *Social insurance*:—Old age insurance; unemployment insurance; sickness insurance; disability insurance; and all other problems of social insurance.

3. *Industrial Hygiene*:—Sanitary conditions of factories and of workers in those factories; occupational illnesses; medical inspection of workmen employed in dangerous tasks; medical attention in the workshop; sanitary education of the worker.

Before undertaking comparative studies, that is to say, before finding out what has been done in the other provinces of Canada, and in foreign countries, the Commission decided to determine what exists in the Province of Quebec. That is the only logical method for one cannot offer suggestions, unless he knows intimately the conditions which he sets out to change or improve.

These principles set forth, the Commission has begun a study of the problems which are grouped under the heading *"charity"*. It is engaged at the present time in this part of its inquiry, analysing each problem.

However, because of present circumstances, the Commission desires to express its opinion concerning one of the subjects which have been submitted for study — that is occupational illnesses.

The Commission placed this question under the heading "industrial hygiene", and will study the question of occupational illnesses from the point of view of their character and prevention: The Commission is not charged with inquiring into the subject of insurance against accidents suffered while working, and it has no need therefore to devote its attention to occupational illnesses with reference to the indemnity which they might demand.

However, knowing that the Government of the Province of Quebec proposes to have passed by both Houses, during this session, a new law concerning accidents suffered while working, the Commission respectfully requests that the Government should include in the proposed legislation the risk against occupational illnesses. It believes that such is a necessary progress, realized already in many countries, and a form of justice to be offered to the industrial workers menaced in the same way by accident and occupational illness.

Montreal, Dec. 29, 1930.

The Members of the "Quebec Social Insurance Commission".

Edouard Montpetit, President.

Mgr. Georges Courchesne.

Ven. Archdeacon F. G. Scott.

J. T. Foster.

Gérard Tremblay.

Alphonse Lessard, M.D.

Georges Savoy.

Members.

Second Report

QUEBEC SOCIAL INSURANCE COMMISSION

SECOND REPORT

To the Honourable C. J. Arcand
Minister of Labour
of the Province of Quebec.

Honourable Sir,

In 1930, the Government of the Province of Quebec, by a special law, authorized the Lieutenant-Governor in Council to appoint a Commission called the "Social Insurance Commission" composed of seven members at the most, and charged with studying the question of the establishment in the Province, of a system of Social Insurance and Family Placement, and of indicating the legislation which might be adopted in this respect.

This Commission, invested with the powers conferred by Articles 11, 12 and 13 of the Public Inquiry Commission Act (Revised Statutes 1925, Chap. 8) was to proceed with all possible despatch and upon conclusion of its work, to make a report to the Lieutenant-Governor in Council.

The Minister of Public Works and Labour was charged with putting the law into force.

The second of October 1930, the Social Insurance Commission was drawn up and composed of the following persons:

Mr. Edouard Montpetit, K.C., Professor of the University of Montreal, President.

The Rt. Reverend George Courchesne, Bishop of Rimouski.

The Reverend Archdeacon F. G. Scott, of Quebec.

Mr. J. T. Foster, President of the Council of Trades and Labour, of Montreal.

Mr. Gerard Tremblay, General Secretary of the National Catholic Syndicates, of Montreal.

Dr. Alphonse Lessard, Director of the Quebec Bureau of Public Charities, and of the Hygiene Service of the Province, of Quebec.

Mr. George A. Savoy, President of the Quebec division of the Canadian Manufacturers Association, of St. John.

On October 29, 1930, the powers of the Social Insurance Commission were defined by an Order-in-Council, in the following terms, on the recommendation of the Minister of Public Works and Labour, the Honourable J. N. Francoeur.

"The Honourable Minister of Public Works and Labour, in a memorandum dated October 29, 1930, sets forth the following:

WHEREAS, according to the terms of law 20, Geo. V, chap. 14, the Lieutenant-Governor in Council has instituted a Commission called "The Quebec Social Insurance Commission", charged with studying the situation relative to the establishment, in this Province, of a system of social insurance and family placement, and to the means of legislation which might be adopted in this respect;—

WHEREAS, in accordance with article 6 of the said law, the Lieutenant-Governor in Council may determine under what circumstances the said Commission may exercise its duties:—

WHEREAS it is necessary to define the duties and powers of this Commission for the future:—

THEREFORE, the Honourable Minister recommends that the Sociale Insurance Commission receive instructions:

1. To make as complete a survey as possible of the following questions and of the manner in which the problems which they entail may be regulated in the Province of Quebec: old age insurance; unemployment insurance; sickness insurance; disability insurance; aid to needy mothers; family placement; manner of adoption and placement of adopted children; assistance to large families; sanitary conditions of factories and of the workers in these factories; occupational illnesses; medical inspection of workmen employed in dangerous tasks; medical attention in the workshop; sanitary education of the working men; and all other problems of social insurance.

2. To study the legislation of foreign countries concerning these various questions, and the application which has been made thereof.

3. To examine, on the spot if necessary, the working out of this legislation, with a view to adopting such legislation for our people, while taking into consideration the conditions peculiar to the Province of Quebec.

4. To summon every person interested in these questions, for the

purpose of hearing his testimony, and to solicit reports from every other person judged by the Commission to be suitable.

5. To submit, from time to time, to the Lieutenant-Governor in Council, a report on the progress of the work of the Commission, and its recommendations."

In a first report, which it submitted to the Lieutenant-Governor in Council, the 29th December 1930, the Commission attempted a classification of questions submitted to its attention. It separated therein three groups:

1. Questions respecting the family and child welfare; the manner of adoption and the placement of adopted children; family placement; assistance to large families and to needy mothers.

2. Questions coming strictly under the term "social insurance": old age insurance; unemployment insurance; sickness insurance, and what follows naturally, disability insurance.

3. Questions of industrial hygiene: the sanitary condition of industrial establishments, and of the workers in those establishments, occupational illnesses; medical inspection of workmen employed in dangerous labour; medical aid in the factory; sanitary education of the workman.

In this same report, the Commission unanimously declared itself in favour of including occupational illnesses in the text, then under study, of the proposed law concerning accidents suffered while working. It considered indeed that Industry ought to be held responsible for occupational illnesses as well as for accidents because such illnesses form a natural risk arising from the exercise of the profession.

The Commission indicated also the methods which it intended to follow in the course of its inquiry.

(a) Establish, first of all, the balance-sheet of the Charitable Institutions, Confessional Works, social initiative taken by the state since the putting into force of the Public Charities Act; that is to say, draw up a statement, as detailed as possible, of what exists in the Province of Quebec in the matter of Charity and Social Insurance. Without this preliminary work, it would have been feared that the inquiry would be aimless.

(b) Question working men and social workers, the professional men and insurance directors, concerning our system of charity and prevention, and concerning the shortcomings which the system carries with it.

It will be agreed, without hesitation, that the field open to the Commission of Inquiry is vast. In fine, the Order-in-Council requests it to inquire into the whole social problem and to seek solutions for problems which are many and complex.

Its duty was to question the people. It has done its best, but has not always received the testimony which it desired. If, respecting the question of charity, child-welfare and family placement, it has gathered very exact data, on the other hand, the information has been almost negligible in the matter of social insurance, a subject which has not been dealt with by the public, with the exception of some few specialists. Moreover, obligatory social insurance, with the exception of accident insurance, does not exist in North America, and the Committee was forced to study this social movement elsewhere. Mention will be made later of the principles which directed the inquiry conducted by the Commission in foreign countries.

The Commission held meetings at Montreal, Ottawa, Hull, Toronto, Quebec, Three-Rivers, Sherbrooke, Rimouski, St. John, St. Hyacinthe and Chicoutimi, where it has had an opportunity of hearing a large number of witnesses interested in the questions under study.

This second report is now devoted by the Commission to the first group of questions submitted to it by the Order-in-Council, namely, Charity.

It hopes to submit to the Government, at an early date, its conclusions in the matter of industrial hygiene. As for Social Insurance, being now familiar with what is being done in Europe, it is continuing its inquiry among the parties interested and among the Insurance Companies, in order to find out whether it is possible to adopt here the regime existing in foreign countries, "taking into consideration" — to use the very words of the Order-in-Council — "the conditions peculiar to the Province of Quebec".

FIRST PART

CHARITY

I. — PROTECTION OF THE CHILD

The terms "family placement" and "placement of adopted children" brought before the Commission the problem of Child Welfare and the problem of Foundlings, on both of which, Miss Charlotte Whitton, secretary of the Canadian Council on Child and Family Welfare, has furnished details contained in a lengthy report. This report is important because it has served as a foundation for this part of the inquiry and as a basis for the results reached in the various centres where the Commission worked. Let us indicate the most important points of the report.

The population of Quebec has led, for centuries, a simple life, founded on the family and the community. Except in the centres of larger population, Montreal, for example, or Quebec or Hull, this population has not been touched by the evils which are born from industrialism. The family was self-sufficient and could always count on the aid of neighbours or of the social group existing about it. Furthermore, religious institutions and communities came to its assistance for the care of children or the aged. This admirable regime has worked with success for centuries, but to-day it is powerless before the complications and dangers of modern life; the social framework of the Province of Quebec is insufficient in the matter of protecting the home. The increase of machinery and the over-population of the cities are the chief causes: the family is isolated when it is not broken up and if some social maladjustment influences it, it can no longer count on its own resources and has to turn to societies whose object is to come to its aid.

It would be necessary then to found these societies on a solid basis since their action is beneficent and necessary.

The Province of Quebec has not escaped from the ordinary law concerning shifting of population. The proportion of its rural population is now only 43.99% and it is probable that the census, which has just been completed, will reveal a state of affairs even more alarming.

As we have just seen, the family is exposed, in the cities, to great difficulties of a social nature, and in the country, it is so dependent upon the complicated system of distribution, that the least crisis affects it. Doubtless the social problem is less serious is rural life, but it exists nevertheless. Moreover, the agreement among all sociologists is unanimous: the family is the social cell, the basis of all society and in our

modern age, in the midst of mass production, it is the family which must be saved if society is to last. It is here that, in spite of the elasticity of the family and the boundless spirit of unselfishness in our institutions, the organisation of charity, which functions in the Province of Quebec, appears insufficient because it is rendered inefficient, in a manner, by economic changes.

The Province of Quebec has set a unique example in the matter of health service, in forming a net-work of health units. In a short period of time, it has created an ensemble which it could offer for imitation to the other provinces. As much should be done in the social field by strengthening the activity of independent societies devoted to the relief and protection of the family.

Concerning the child, Miss Whitton sets in relief two principles:

(a) The Child has the right to protection.

(b) This protection ought to be given by the child's family and in the family.

It follows that the needs of the child must be clearly recognized and assured, if the parents are prepared to satisfy those needs. But, granted the complexity of modern life, the family is not able to furnish the child with everything required for his development, and the State intervenes to regulate certain social conditions, and especially to promote health, education, community and welfare services. However, in spite of this action on the part of the State, some children will always be found who will be deprived of the care given by the family and will find themselves in a disadvantageous situation: those abandoned by their parents; those whose parents, because of immorality or misconduct are not worthy of exercising their natural responsibilities; and lastly, those whose parents are in such a state of poverty that they are unable to meet the needs of their family; the last case is that of the needy mother burdened with the care of young children.

In all these cases the State ought to intervene in order to strengthen the authority of the parents or to establish guardianship for children who have been abandoned.

In interfering thus, the State will take into consideration the family, charity institutions and social services. The family and institutions already exist, and it will be sufficient to facilitate their action; but where the social services are to be increased, it will be necessary to constitute them legally and furnish them with the financial means of exercising their mission of giving aid to the home.

Having clearly set forth the cases where the child has need of protection, assistance will be given by legislation to the feeble, the infirm, the abandoned, the poor, through the intermediary of societies charged with the protection of the home.

Leaving aside the cases where social action will be taken in the home itself, let us see what opportunity there would be in the Province of Quebec of making arrangements to remedy the lot of those children who are in such conditions that it is better to remove them from their surroundings.

At the present time these children are gathered in families, in foundling hospitals, orphanages, and sometimes in shelters. However, Miss Whitton pauses to consider especially the legislation of the Province of Quebec in the matter of Industrial Schools where, usually, as a result of legal procedure, abandoned children are placed.

In order to define exactly the assertions of the witness, your Commission has had recourse to the text itself of the laws concerning the protection of the child. The law concerning the Industrial Schools of the Province of Quebec (Chapter 160 of the Revised Statutes of the Province of Quebec, 1925 and later amendments) sets forth the following:

1. Any ratepayer may cause to be brought before two justices of the peace or a magistrate, or a coroner, or the sheriff, any child, orphan, or fatherless, or motherless, who has been ill-treated or abandoned by those on whom he is dependent. These authorities, if they judge that the child has need of protection, make a report to the Provincial Secretary who decides concerning his admission to an Industrial School. The expenses are met partly by the province and partly by the municipality, providing that the latter recognizes its responsibility as to the expenses of custody.

2. A mayor may cause to be brought before two justices of the peace any child under twelve years of age, ill-treated or abandoned, and may request that such a child be sent to an Industrial School. When the evidence has been submitted, the judges decide whether there is occasion to send the child to such a school. The expenses are met, not by the province, but by the municipality.

3. Municipal institutions may contribute the amount judged suitable by them toward the maintenance of children taken into custody, on their request, by an Industrial School.

4. The Provincial Secretary may order that a child be admitted into an Industrial School, if it is proved to his satisfaction that the

child fulfils the conditions required by the law. He may also prolong the term of custody of a child. In these two instances the expenses are shared by the province and the municipality.

5. The judges, on their own authority, or on the request of the Attorney-General, his representative, or on the request of a person who believes it his duty to draw to the attention of the court the proof offered, may send to an Industrial School any child under fourteen years of age dependent on persons sentenced by them for criminal acts, when it is proved that those persons have assaulted the child or maltreated him in some way. The expenses are to be met by the municipality.

6. The parents or persons responsible for a child whose conduct is bad, may bring the matter before two justices of the peace or a magistrate, who, if they so judge, may send the child to an Industrial School, at the expense of his parents. In any territory subject to the jurisdiction of a Juvenile Delinquents' Court, these children are deemed delinquents, and proceedings may be taken against them in accordance with the provisions of the Act of the Parliament of Canada 19-20, Geo. V, Chap. 46, which also authorizes the sending of a child to an Industrial School, but at the expense of the municipality or of his parents, to the extent determined by the court.

7. In any territory subject to the jurisdiction of a Juvenile Delinquents' Court, any peace officer may arrest and bring before the judge of the said court, children ill-treated or abandoned. These children may be sent to an Industrial School on the condition set forth above.

Let us note in the matter of expense:

(a) That the Treasurer of the Province may contribute to the protection and upkeep of children interned at the request of their parents, even from the funds set aside for that purpose by the Legislature, to the amount which the Lieutenant-Governor in Council may see fit to recommend.

(b) That, in all cases where the municipality is called upon to pay, either completely or in part, for the upkeep of a child in an Industrial School, it has a claim against the property of the child or against the property of those on whom the child is dependent; and that if the municipality has not been able to be repaid, and if it is recognized as a poor municipality, it may have itself repaid by the County, which divides the expense between the local municipalities. The municipality may, under the same conditions, call in the aid of the County when a child has no property and no domicile in the Province.

The law concerning Reformatory Schools (Chap. 159 of the Revised Statutes of Quebec and later amendments) is developed in the same direction as the law concerning Industrial Schools; here it is no longer a question of children who have been abandoned, but only of children who have been found guilty of wrongdoing and detained according to a judgment of the Court.

The expenses are met partly by the Province and partly by the municipality; the latter having the same privilege of requesting aid as in the case of Industrial Schools.

The expenses are shared in the same way in the case of a child of more than ten years of age, brought up in an Industrial School, and who, because of failure to conform to the rules of the School, has been condemned, according to article 55 of the Industrial Schools Act, to an imprisonment varying from 14 days to 3 months, followed by detention in a Reform School.

Such are the terms of the Act which lead to the "internment" of a child — unfortunately, that is the word which must be used — not only in a Reform School, but even in an Industrial School. We have enumerated them in order to show to what a degree they are lacking in unity.

We shall, moreover, offer a criticism of them below.

Children enter the Industrial School from the age of six years. They are lodged, protected and given instruction. They leave the School at the age of fourteen, unless, owing to their upkeep no longer being paid, the authorities are forced to dismiss them. At the Reform School, the children stay from the age of ten to sixteen years.

The Act authorizes the directors of the Industrial School to place the children, on certain conditions, in a family of good character or with their parents; to put them in apprenticeship, or to engage them in domestic service, for a period which may extend up to the time of their majority.

The Provincial Secretary may, officially, place the children in families without requiring them to attend first an Industrial School.

It is a principle admitted elsewhere by Provincial Legislation that the directors of Reform Schools and of Orphanages also have the right of placing children in apprenticeship.

The children detained in Industrial Schools or in Reform Schools do not receive a salary when they are put in apprenticeship but their master is required to provide for their upkeep and their technical education.

Orphans placed in apprenticeship may receive a remuneration.

If the children work in the School itself, whether Industrial or Reform School, what they earn is put towards the cost of their upkeep, and at their dismissal from the School, they are given the pay which remains to their credit.

CRITICISM OF THE ACT.

1. We have already said that the Act is lacking in unity, in that it authorizes far too many persons to intervene in order to obtain the internment of a child. According to the expression of one witness, "It is everybody's business and therefore nobody's business".

2. The Act scarcely permits investigation. In order that intervention may take place, it is necessary to have an example of clear, self-evident misery. That very fact leads on to a serious consequence: the work of prevention has not been done, that is to say that delay continues until the situation has become so serious that it is necessary to remove the child from his surroundings when, by a measure taken before those who are responsible, one might have prevented abuses which are now only determined.

3. The only solution at the present time outside of the Orphanage, appears to be the Industrial School, and, for the juvenile delinquent, the Reformatory School, with the exception of the right which may be exercised by the Provincial Secretary, of placing the children in a family.

It may be asked whether, in many cases, the child, instead of being put in a school, might not be taken from his surroundings and placed elsewhere, even temporarily.

4. Even if children are admitted into a school, the question remains whether the expenses of upkeep will be paid, especially when the ratepayers have assumed the responsibility, and it is known that if these expenses are not paid, the child is dismissed without further protection.

5. At the age of fourteen, insofar as the Industrial School pupils are concerned, the children are dismissed. Where will they go if they are children who had been maltreated or abandond? And they are at an age, as one witness points out, when it is very difficult to make enough to live on.

6. Since they have no guardian, the children are exposed to every danger unless a "home" — a service to be developed — takes charge of them. They may even fall back into the condition in which they were living before their internment.

7. Lastly, no well-defined administrative authority gives its attention to abandoned children. There is no existing provincial bureau for Child Protection. Sometimes it is the Lieutenant-Governor, sometimes the Provincial Secretary, sometimes the Municipal Council, sometimes a ratepayer or a relative who undertakes to see to the application, of necessity problematical, of a law whose principle is excellent.

RECOMMENDATIONS

1. Revision of Legislation.

The chapters of the Statutes treating of Industrial Schools and apprenticeship ought to be revised, correlated and clarified, the cases of cruelty and neglect being clearly defined and grouped.

2. Provincial Bureau.

A central provincial authority for Child Protection ought to be constituted and assigned to the office of the Provincial Secretary; moreover, this Bureau will be responsible for all measures relating to Child Protection.

3. Societies for Child Protection.

The Commission recommends that Societies for Child Protection be constituted in cities of more than 25,000 people.

In Montreal these societies ought to be the number of four.

(a) A French-speaking Roman Catholic society.

(b) An English-speaking Roman Catholic society.

(c) A Protestant society.

(d) A Jewish society.

These societies are needed especially in the large cities where the problem of Child Protection is most acute. Elsewhere people have been content with admitting the utility of such measures in a more theoretical way.

This is not an innovation. A society exists at Montreal "the Society for the Protection of Women and Children". What is new is their constitution, by means of a charter granting them civil recognition and the right of acting as an institution, and permitting them to perform certain functions and to take the initiative reserved up till now for individuals.

These societies would exercise, under constant supervision, their authority, with respect to the family and abandoned children. They

would aim at investigating cases of misery and cruelty, at interfering in the home in order to attempt, by means of assistance of all kinds, to reestablish the conditions of a sane and normal life where they are chiefly menaced.

They alone would be authorized to bring before the Juvenile Court or before a court with like powers, cases of internment in Children's Shelters; but their parents would retain their natural right to intervene. Persons desiring that a child should be taken from his surroundings and placed in an institution would be required therefore to act through the societies' intermediary; with the exception of the right, held at the present time by the relatives, of requesting directly the internment of a child.

They would be given the moral tutorship of children entrusted to their care by the Court, according to our remarks thereon below, under the heading "Tutorship".

In restricting the field of action of these societies to cities of more than 25,000 people, the Commission means to suggest a kind of social experiment. Important witnesses have asked that societies of this kind be organized throughout the Province, according to the general practice in the other provinces of Canada and in several of the American States. The Commission believes that such an increase of activity would entail considerable expenditure ,the work of a secretary or of an inspector who would have to be paid, if not everywhere, at least in centres of some importance. Moreover the protection of the child is sufficiently assured in the villages and smaller cities, thanks to the parish priest, institutions such as the Saint-Vincent de Paul, or orphanages; and the interest of the public, aroused by the experiments which will be carried out, will not fail to take the initiative elsewhere or to develop such beginnings as already exist. Moreover in other cities and in out-of-the-way districts which are not organized from a social point of view, the Provincial Bureau for Child Protection will be able to make use of the existing societies or constitute new ones with a view to Child Protection.

Finally, the interference of these societies in family life is, for some, a thing of serious consequences. As long as it is a question of abandoned children, the action of the society will be carried on freely and, according to its nature, doubtless with resulting benefit; but when it is a question of investigating and preventing cases found in the family, this action will be more complex and often of a very delicate nature. However, let us not exagerate. The societies for Child Protection which function at the present time in Montreal can bring their influence to bear by intervening before the Juvenile Court and by

basing their action either on the Provincial Act or on the Criminal Code. What they lack is the right of interfering in the home in order to carry assistance which will be accepted because they will be known to have legal authority; that is also to exercise a moral tutorship of abandoned children whom they have taken under their care. The recommendation offered by the Commission gives new powers to the societies, and brings to the child an organized protection, one which respects traditions, whereas the protection as it is now is problematical and inorganized.

These societies would receive a grant, taken from the funds set aside for Public Charity, according to the modification of the Public Charities Act which is discussed below.

4. Experimental Psychology Courses.

The Commission also recommends the organization of experimental psychology classes among the groups engaged in Child Relief work, and especially among those who direct Industrial Schools and Reformatory Schools.

5. Dismissal of Children from Orphanages, etc.

That a serious inquiry be conducted by a person who is competent and sympathic, before the dismissal of a child from an Orphanage, a Reformatory School or an Industrial School, concerning the conditions into which the child is to return, in order to avoid sending him into wretched or corrupting surroundings.

6. Lenght of the Internment.

That the director or directress of one of these institutions be consulted, in every case concerning the advisability of prolonging or shortening the period of the child's internment. Save in exceptional cases, a premature dismissal is more harmful to the child than a too lengthy sojourn, and it is the director or directress of an institution who is best able to judge.

7. Boys and Girls Homes.

That institutions complementary to Orphanages, Industrial Schools and Reformatory Schools, such as Boys' and Girls' Homes, shelters, etc. be developed where they already exist or established according as the need may arise, with a view to receiving and protecting, on their dismissal, the children for whom no suitable family surroundings will be available.

8. Games.

That all institutions which lodge children, and which are not yet

suitably equipped for such purposes, take immediate measures to put at the disposition of their young charges ample opportunities for recreation, indoors and in the open air, and play-grounds of sufficient size and well equipped.

That the public authorities, in case private benefactors be lacking, give financial assistance to the institutions which would find it impossible to meet the expenses of these improvements.

9. Day Nurseries.

That the Public Charity Organizations or School Commissions favour, by more liberal grants, the increase of nurseries and kindergartens.

10. Mentally Deficients.

That institutions be encouraged and assisted in arranging special classes for the mentally deficient.

11. Abnormal Children.

That an inquiry be conducted by an individual of tried competence into the presence in institutions of abnormal children who are a serious source of embarrassment to the staff and the cause of harm, sometimes very serious, to the other children.

That measures be taken to isolate these children, with careful provision for separating the vicious or depraved abnormals from the rest.

12. Instruction.

That the Council of Public Instruction be entrusted with the question of the education of children in Charitable Institutions with a view:

(a) to improving, if there be room for improvement, the instruction which is given them.

(b) to taking the measures necessary in order that our school system may assume, in whole or in part, the expenses of the education of these children.

13. Name of the School.

That the name of the Industrial School to which has been attached the meaning "School of Punishment" be changed to that of "Children's Home".

14. Expenses.

That the expenses of internment be raised partly by the province

and partly by the municipality, and that this be obligatory, except for the poor municipalities who may appeal for aid to the County Council.

15. Age of Dismissal.

That the age of dismissal from the Children's Home be raised to sixteen years.

CONCERNING TUTORSHIP

The question of tutorship is related naturally to that of Child Protection, and the Commission was impressed by its importance by a representative of "The Society for the Protection of Women and Children".

There exists in the Province of Quebec, in accordance with the Civil Code, a tutorship of person and of property, a public responsibility transferred by legal authority, on the advice of a family council. The father or mother may be named as tutor. As a general rule minors and those interdicted may not. Societies are not considered. The tutor undertakes the care of the person of the minor, represents him in all his civil acts, and administers his property.

The tutorship ends, among other causes, on the emancipation of the minor, or on his reaching his majority. The tutor is required to give an account at the end of his tutorship, and even during it, if requested, by anyone allied to the minor, or by his subrogate-tutor, or by any of the other interested parties; he must submit without cost a summary account of his management. The witnesses who appeared before the Commission admit that, when there has been legal action establishing the tutorship, the interests of the child are protected. From this point of view there will be no occasion to propose changes in the Code, except perhaps to request the natural tutorship of the father as it exists in France and to require from the tutor more frequent accounts.

Let us examine these two points:

1. It may happen in certain cases that a minor whose parents are still alive may be obliged to perform certain acts for which the law requires the nomination of a tutor who may, in some cases, be the father. It would doubtless simplify the procedure considerably to adopt the principle of the tutorship of the father, or more exactly, to declare—as declared by the French Act of April 6, 1910, which is substituted for Article 389 of the Code Napoléon—that the father is in fact the legal administrator of the property of his children who are not of age and not emancipated, with the exception of what might have been given or bequeathed to them on the express condition of its being adminis-

tered by a third party. In case the father loses his rights, the mother becomes the rightful tutor; if there is a conflict of interests between the minor and his parents a tutor "ad hoc" is named. (Johnson, Civil Code, Article 269.)

2. It seemed to certain witnesses that the rendering of a definite account by the tutor only at the end of the tutorship, is not sufficient and offers certain dangers.

It is true, as we have seen above, that the tutor may be forced, especially by the subrogate-tutor, to present a summary account of his management, even during the tutorship; but in practice, it often happens that the tutor only renders an account when the child reaches his majority. It would be of value to make obligatory what the Code terms the summary account, by deciding, according to the practice in certain American States, that the tutor will be required to offer each year to the office of the Registrar of Tutorship, an account of his management.

It is felt that in this way those dangers will be avoided which might arise from the administration of the tutorship as it is understood at the present time. If the tutor failed in this duty, the Bureau of Tutorship would be authorized to take action against him.

That is one solution. If the fear is entertained lest it should require a bookkeeping staff too large, the legislator will be able to apply here the principle of Article 470 of the Code Napoléon which charges the family council to fix the periods when, during the tutorship, the tutor will be required to submit to the subrogate-tutor an account of his administration. From then on, the tutor would no longer be left to himself. That is the most important consideration and would doubtless correspond to the desires expressed by the witnesses.

If our system of tutorship applied legally appears in general to be good, one can not say as much for the condition of desertion in which children are too often plunged by the absence of tutorship.

In reality there are many children who are orphans, or who have been abandoned by their parents, or who, for one reason or another, no longer live in their own home, and who are absolutely without protection during the whole period of their minority. These children pass from one family to another or else move here and there like drift-wood unless they are rescued by institutions—which is doubtful.

As for the child who has been maltreated or forced into surroundings of doubtful character or clearly immoral, we know that the Statu-

tes and the Criminal Code give permission for him to be brought before a court and for his detention to be obtained. In this way, he is protected if he has the good fortune to meet someone who is willing to be interested in his lot; but when the evil is once done, the intervention comes too late. How many of these cases which thus find a solution harsh and brutal, might have been prevented by the intervention in the home, in the way of a tactful interest, of advice, and even of assistance?

Our Civil Code, that is to say, our most general body of Law, the legal foundation of our family life, hardly tends towards the appointment of a tutorship when there is no property in question. Doubtless there may be tutors of the person and Article 290 declares that "the tutor assumes the care of the person of his pupil and represents him in all civil acts", but because of the complexity of the procedure—the calling together of a family council, report to the court for homologation—recourse is had to the tutorship especially when it is a question of safeguarding material interests. In all cases it is rare that a child who is needy and abandoned has a tutor and—let us repeat—no one goes to his assistance. Who would do so when no one is charged with the duty and when the measures to be taken are lengthy and expensive?

In order to remedy this deplorable state of affairs, it is requested that Societies for the Protection of the Child, legally constituted, should exercise over children abandoned or without domicile, a moral tutorship and a right of protection permitting them to act in justice in the interests of the child. It is a principle which has already been admitted by our legislators. The Provincial Foundlings Act (Revised Statutes, 1925, Chap. 194) establishes a legal tutorship over children who are entrusted to institutions, and these institutions or their representatives may act if they had been named tutors according to the ordinary application o fthe law, and especially they may place the children in families or withdraw them, if the circumstances do not appear more favourable to their welfare.

The text is clear (Article 2) and amply justifies the recommendation about to be made by the Commission:

"The Commissioners appointed by the Lieutenant-governor for superintending the Hotel-Dieu at Quebec, the General Hospital of the Grey Nuns at Montreal, the General Hospital at Quebec, or any institution receiving foundlings in the district of Three-Rivers, and their successors in office, shall be legal tutors of the foundlings in the institutions to which they have been respectively appointed, and shall have such powers as they would have if appointed tutors in the ordinary course of law".

The tutorship possessed by these institutions is even transferable, according to article 6 of the same Act which declares that every person to whom the institutions mentioned above—"have entrusted the custody of a child, whether a foundling or not, shall have the same rights of supervision, authority and possession with respect to the said child, as those possessed and exercised by the said institution".

Articles 3 and 4 authorize the placement of children under the following conditions:

"Any institution mentioned in section 2, or any other institution authorized thereto by the Lieutenant-Governor in Council, may, at its discretion, entrust custody of any foundling under its care, to any person, partnership, or corporation, to be maintained and furnished with an education suitable to shch a child, under a contract, by the terms of which the said institution shall have the right, at its discretion, to take possession again of such child at any time if it deem it expedient." (Art 3)

"For the above purposes, any person acting for any such institution or for such commissioners may, on petition to any judge of the Superior Court, and without previous notice, obtain from such judge a writ of possession, returnable forthwith before such judge, adressed to a bailiff of the said court, ordering him to apprehend the person of the child therein mentioned, and to bring him before such judge for a decision as to the possession and custody of such child." (Art. 4.)

Our path is well marked out by this legislation. There would be good reason therefore, in the centres where Child Welfare Societies have been legally organized, to furnish them with the same facilities for action, that is to say, appoint them, once the Juvenile Court has pronounced sentence, tutors of the children whom they will protect, just as wards of Public Charity exist in France.

It is not a question here of destroying the natural right possessed by parents over their children. When these parents are no longer there the problem is not presented. When the parents are unworthy, the Court gives a decision and it is only when the decision has been given that the tutorship is constituted.

According to the discretion of the Judge, the Society may receive only the right of protection, without tutorship in the full sense of the term, if the parents are worthy of confidence and if it is sufficient to supervise them. That is similar to the procedure followed at the present time at Montreal by the Juvenile Court, whenever it is necessary to furnish an advisor for a child without treading on the rights of the pa-

rents. The tutorship itself may last only for a certain period of time, a year or more, in order to determine whether the parents have improved; it may last to the child's majority in clearly defined cases. This system, which exists in other Provinces of Canada, is flexible, and allows every situation to be met. It assumes the protection of the child. Henceforth a child maltreated or abandoned will be looked after. If he is placed in a shelter, someone will interest himself in his lot; when he leaves at the age of sixteen, a society will help him to get his bearings in life. This moral tutorship thus appears, according to the expression of one witness, as the "crux" of the agonizing problem of deserted children.

CONCERNING ADOPTION

In the course of demonstration concerning the necessity of Child Protection, the question of adoption was touched on incidentally. The present law (R.S. 1925, Chap. 196 and Amendments of 1927) was briefly criticised.

It is necessary to recall the main terms of the Act in order to make more comprehensible the modification thereof which several witnesses would desire to see made.

First of all, who may adopt a child?

(a) Husband and wife living together, who may adopt a child of either sex.

(b) A widower or widow who is childless at the time of the adoption, or an unmaried person, of the age of majority provided that the adopted child be of the same sex as the adopter.

(c) The adopter must be twenty years older than the adopted and profess the same religious faith.

What child may be adopted?

(a) Illegitimate children, under age.

(b) Legitimate children, both fatherless and motherless if no ascendants are caring for them.

(c) Children whose father and mother are incurably insane.

The procedure is simple: an application for adoption addressed to a judge of the Superior Court sitting in chambers. Consent is required: that of the child if he be ten years of age or over; that of the tutor or curator; that of the father or mother of the illegitimate child; that of the institution in which the illegitimate child is, if the father and mother

of such child be unknown. In certain cases, consent is not required;—that of persons who for a certain period of time, have shown no interest in the child; or at the discretion of the judge.

The adopted child becomes the legitimate child of the adopter, while the parents, the tutor, or the persons entrusted previously with the custody and care of the child, are freed from their legal obligations. The adopted child becomes the heir of the adopter and bears his name if the judge may so decide.

It will be noticed that the law does not authorize the adoption of a legitimate child who still has his parents, or one or the other of his parents, the latter being of sound mind. However it happens frequently that a widower or a widow may be left alone with several children, or that a family may be so large that the parents have considerable difficulty in raising the children. These children may not, legally, be adopted. If they are—and the case happens—the adoption is not valid no matter how it may be registered. From this, situations result which are sometimes painful.

The person who desires to adopt a child will hesitate perhaps before an illegitimate child or a case of insanity, when he would decide willingly on a child whose family he knows well and for whom he already feels affection. Likewise, whatever may have been the purpose of the legislator when he had this act passed, the Commission is of the opinion that the adoption of a legitimate child living under normal conditions ought to be permitted.

Some complaints have been received everywhere, from among English-speaking Canadians as well as from French-speaking, that the expenses of adoption are too great. As a matter of fact, it has been difficult for us to determine them exactly, because they vary from one district to another, Here they amount to twenty dollars, while in other places they reach the sum of thirty-five. It is claimed that that fact hinders the adoption of children from Crèches which, however, ought to be increased in number if it is desired to make the lot of these little ones respectable and assured. On the other hand, as we have remarked, the legislator has very justly simplified the procedure, and his action is found to be hampered to some extent by the fact that its application is so costly. This problem though insignificant in appearance, has its importance. Many people are hindered in their desire to adopt a child by the impossibility in which they find themselves of incurring the required expense.

There are several solutions. The expense could be decreased or, what

is simpler,—and what has been requested, especially in Quebec—an official might be charged with the formalities of adoption which occasionally require certain preliminary steps, but which are reduced to a minimum, when it is a question of adopting a child kept in a Crèche.

The Crèches encourage adoption to a great degree. It has been well said that "it is in these institutions that is to be found the class of children for whom family placement, with its logical complement, adoption, is chiefly desirable." In this respect, as in many others, the Crèches have accomplished marvels of ingenuity. They have aroused the sympathy of the public which they have solicited with astonishing results, by commercial means, advertising, posters and exibitions. The Commission has had the opportunity of comparing the adoption charts, drawn up following the publicity campaigns whose results appear clearly. The more pronounced curves from spring to autumn, because of easier means of communication, have risen gradually from year to year from the time when the Crèches began to make use of advertising and of the illustrated booklet.

They hesitated to make a serious beginning along this line, because they had but small funds; then they persevered, encouraged by success. The Provincial Government came to their aid and accorded them a special grant. The Commission offers an emphatic recommendation to the Government to continue this course of action, that is to say, to increase the contributions to Crèches in order to develop, and perfect to the full, their service of family placement where they can be wisely utilized. The Crèches are overcrowded. At Montreal, it is necessary to turn children away for lack of room; at Quebec the situation is scarcely better. It is not the fault of the people of the Province of Quebec. The Commission found everywhere that the clientèle of the crèches is largely an outside one and that the large centres serve, according to an expression of one witness, rather strong, but just, after all, as a "dumping ground". It is a pitiable situation, but also a question of human kindness. Can the child be turned away by society? We shall come back to this point.

There is another aspect of adoption which impressed the Commission greatly. To be frank, it is not so much a question here of developing adoption as it is of regulating it. It has been pointed out on many sides that desertion, or rather transference, or better still, if one may use the term, "surrender" of children is commonly made without rule or law, "without ceremony". The terms which have been used to deplore this state of affairs are severe: here is an example:

"Hundreds of children throughout the Province have no one person

or body legally responsible for them, and are being promiscuously passed about and transferred, often without the least formality of agreement. Parents, especially unmaried mothers, daily leave their children in the care of institutions, social agencies and in scores in the commercialized maternity homes. This "surrender" is generally wholly illegal and the child is then doomed to drift about or pass from one type of care to another, without any reconstitution of anything approximating guardianship, unless the child becomes definitely neglected and delinquent and passes under the legislation."

On the other hand it happens, according to some, that parents leave their children to the care of an individual or a society and come to reclaim them when they are old enough to earn money.

The first conference for the Protection of Children held at Quebec in February 1931, adopted a resolution which repeats, almost in the same terms, the testimony which we quote above. Here is the official text of the resolution:

WHEREAS the papers and deliberations of this conference have revealed a serious problem in the freedom with which parents can transfer the custody of their children informally from themselves to another person, to a commercialized maternity home, to an institution, etc., and

WHEREAS these parents may thus carelessly trade, or place, or transfer their children and later claim their custody when they come to years of economic usefulness, and

WHEREAS only for a small group of children in the care of a few institutions are guardians legally appointed.

BE IT RESOLVED THAT this conference respectfully suggests that the Provincial Government study this question with the purpose of evolving a system whereby parents shall not be allowed to surrender or place their children *except under a fixed legal procedure* and only to recognized organizations or under court order and that once they have placed them under this fixed procedure, that this transfer of guardianship be considered permanent, and transfer allowed again only to the organization to whom the guardianship has been entrusted, or when the child is adopted under the provincial adoption legislation.

This question is in reality serious and it seemed to the Commission one which ought to engage its attention. The resolution quoted requests the Provincial Government to take action; the Commission being entrusted with everything which has a bearing on Child Protection, it

is just as well that it should give its opinion at once on these measures without referring to other inquirers the task of finding a solution.

It is at one and the same time a problem of tutorship and adoption. The search for its solution forces us to retrace our steps somewhat, but it was necessary, before attempting it, to have treated the subject of adoption and in many cases to clarify a situation which is the result of a policy of "laisser faire". The fact is that the surrender of children by their parents is conducted without any rule. Therefore one must be found.

In truth the situation is a very delicate one, at least for one part of our population—the French Roman Catholics. The examples of the placement of children in families are very numerous among the French Canadians; historians who have traced our social evolution have even recognized therein one of our sources of strength and a remarkable instance of one of the most charitable methods of solidarity. It is one of the aspects of the national life of the French Canadians which we shall bring into relief when we discuss below the questions of charity in the home and family placement. Should this movement be checked by advocating Draconian measures? On the other hand, abuses which are mentioned most certainly exist, and especially in the large cities. The Commission having received, on this point, testimony especially from English-speaking witnesses, has questioned French-Canadian Roman Catholic societies; it has found that these also are faced with the same abuses.

As a result of extend testimony, the criticism of the present state of affairs may be summed up in two main points:

(1) It is not known, in the Province of Quebec who may surrender the rights exercised over a child—"Who can surrender a child and under what circumstance can the custody of a child be transferred in the Province of Quebec". This question seems as yet unanswered. Are the conditions as bad as this?

It is true that the Civil Code, under the title of "Paternal Authority", is silent regarding the surrender of this authority; only the "right of correction" exercised by parents over their children not of age and not emancipated, may be delegated. But the Adoption Act, which ought to be incorporated in the Code according to the practice in France, provides nevertheless, for the surrender of paternal authority, at least in the instances which we have mentioned. This Act establishes in particular the consent judged necessary for adoption. As well as that of the child if he is over ten years of age, there is also the consent of the father, or failing that, of the mother of a natural child, if they are known; and

that of the tutor or the institution caring for the child. That is something, at any rate, and a partial answer at least to the question asked. But it is only a matter of adoption there, the only manner which we have of definitely assuring the child's future. We have already said that recourse must be had thereto as frequently as possible and we have proposed methods of simplification. It is necessary to go as far as forbidding the voluntary surrender of the custody of the child? Let us imagine a concrete example: A mother dies, leaving four children whom the father in despair abandons. Will the priest be forbidden to try to place these children in families even without having recourse to adoption? Let us take another case, the one doubtless in the mind of the witnesses. Natural parents leave their children to an individual or an institution, or again to an agency. How may one intervene in order to protect the child against reversals of fortune which always must be envisaged?

(2) It is here that the second idea expressed by the witnesses complicate the problem: the child, thus surrendered or placed, runs the risk of being handed over to the sadest fate and if, on the contrary, he is well treated, he may, having reached the age of earning a living, be reclaimed by the parents who up to then have taken no thought of him.

For a child, then, placed in such a situation, a "guardian" as the English say, is needed. If the child is adopted, the case is settled, unless, for serious reasons, the adoption be anulled. If he has a tutor, the latter will intervene; doubtless more frequent recourse might be had to a tutorship of the person. If the child is in an institution, the latter, if legally recognized, ought to possess, as well as the right already held, of placement, the right (held by some already) of reclaiming possession of the child if the child's condition demands it.

But the others? In examining the testimony of societies interested and of specialists in applied sociology, we may realize that they are definitely connected with the society for the protection of children, entrusted with the tutorship of the child's person.

This is, once more, the universally accepted solution. We have advised it first of all for centres of twenty-five thousand souls, as an experiment, because it is especially there that social questions of this kind arise.

We have already said that these societies would have full civil status, the right to appear before the courts, to take action and to act as tutors. What will this lead to? Is it not a doubtful solution for the difficulties which we have just analyzed? In social work, the evil which is to be remedied or prevented must first be known, and in order to do

this, an organization must be established which is to size up the situation, to define it, to try out the reforms that are essential, to intervene within the limits set, and to state clearly its opinion on the results reached and on the improvements to be made. Let us begin by giving powers to the afore-mentioned societies. They will take action in the most flagrant cases, they will enquire into others. They will see, in particular, to the application or the modification of certain regulations of a social nature. This is better, for the time being, than suggesting detailed solutions with which no one will feel called upon to comply.

II—CHARITY TO NEEDY MOTHERS

Charity for needy mothers is attached directly to the protection of the child, in the sense that it grants the mother, burdened with a family, the means of keeping her children with her and of bringing them up.

This is a fairly recent measure of social aid but it has spread very rapidly in North America. It is of American origin. In the United-States, according to Emma Octavia Lundberg, head of the research bureau of the Child Welfare League of America, forty-four states have adopted laws instituting charity for needy mothers. In a single year, twenty-four states have spent on this work more than thirty millions. As a result of an inquiry instituted at New-York and at Washington by the Commission, these laws are very different, developed more or less, according to the States, and are of a more or less elastic interpretation. The principles which underlie them are moreover in Canadian legislation.

In Canada, seven of the nine provinces have adopted similar measures. The Commission has studied and compared these laws. It has also been to Toronto in order to meet there the President of the Commission charged with the application of the law in Ontario.

This inquiry conducted on the spot has been useful to the Commission, because by it the Commission has been able to judge the motives which guide the authorities in the carrying out of their duty and, in particular, in the use which they make of certain discretionary powers.

Thus the Province of Quebec is about the only province of Canada which has not supplied a solution by legislature to the question of needy mothers. The fact is—we shall come back to the point later on—that the province has built and equipped numerous institutions where children are placed and taught.

Charity to needy mothers consists essentially in an allowance which is paid each month to mothers burdened with one or more children under sixteen years of age.

Children are thus brought up in their own homes. As the State definitely provides for the care of poor children, an endeavour is made in the belief that it is best to keep them in the home with their mother. This is, to adopt the expression of a witness, " a placement in citizenship". It is not a question then of providing a pension but of temporary assistance given to the mother and her children. This "placement", in addition, ought to be fruitful. The mother ought to be placed in such living conditions that she may be able to raise her family decently in the difficult situation in which the death, or mental or physical incapacity of her husband has left her. She herself must be worthy of confidence and capable of exercising authority over her children. Finally she must prove that she does not possess sufficient means to be able to provide for the care of her children. That is to say, that a law that grants allowances to needy mothers must provide also an administrative organization to put it into execution and to watch over it.

According to the testimony received from the directors of Catholic or Protestant societies, charity to needy mothers would supply a partial solution to the problem of the child and would sanction the principle, admitted by all, of the superiority of up-bringing carried out in the home, under maternal care. In all the centres visited, in Montreal, Quebec, Hull, Three-Rivers, Sherbrooke, Rimouski, Chicoutimi, St-Hyacinthe, and St-John, the priests, clergymen, social workers, directors of syndicates, professional men and magistrates, men and women of religious orders, have agreed in seeing clearly the excellence of this principle and in drawing from it the conclusion that it is preferable to leave the children with their mother rather than to place them in institutions. Moreover, the witnesses agree in saying that the presence of children in the home is an effective moral protection for the needy mother.

We do not intend by that to criticize the institutions; we shall deal with that question later. Moreover, even in granting charity to needy mothers, we shall have recourse to institutions. While respecting these institutions which are, and always will be, necessary in their role of social welfare, there is need to ask ourselves if our charitable work does suffice at the present time in helping the indigent mother and her children. Except in very rare instances the answer is decisive: "No". All the witnesses agree on this point. It is the same in very large districts that have no institutions.

We shall copy here three paragraphs of the report presented to us by Mr. Arthur Saint-Pierre who has been charged by the Commission to make a personal inquiry among the religious communities. The Commission adopts these paragraphs because they expose a state of things

which the Commission itself has found. It will be noticed also, inasmuch as it concerns the French Canadians, that it confirms what we have already said before about family placement which is highly regarded by them.

"Now this is what gives outstanding importance to this side of our problem. Children absolutely alone form only a very small part of the children needing care. All the statistics that I have gone over on this subject agree in this. The most significant for us are without doubt, those which I have gathered together in the course of my inquiry. They show that about 21% of the little lodgers in our orphanages still have their father and their mother, that 67% have either father or mother and that 12% only are really orphans.

"Further, the directors and directresses of these institutions declare that a very large number of their protégés, even among those who have neither father nor mother, find on leaving the orphanage, some near relative disposed to welcome them and to take care of them. In the great majority of cases consequently, there is not, there must not be, a question of creating a new family sphere for our protégés, but of helping them in their own family when it is possible. If a removal is necessary, recourse should be had to the mode of charity which is most likely to keep up the ties of the family, that is to say to the institution. (A study of Child Protection in the State of New-Jersey shows the marked preference of catholic parents for institutional charity which allows them to keep in closer contact with their children.)

"As to the small number of those who have no one to look out for them, the institutions in the country appear to find no difficulty in placing them in good families. In the large cities, in Montreal especially, whose too great and too rapid development complicates in an extraordinary way all our social problems, the situation is certainly difficult. We have not an adequate organization of care and placement for this class of child any more than for those in the infants homes ,in hospitals and maternity homes, or for those who are abandoned. Here is an exceedingly grave fault in our charitable organization that it is our imperative duty to remedy as soon as possible.

On the other hand, can the needy mother earn her own living and that of her children too? The witnesses questioned have replied that that is not always possible, stating that the mother, in order to earn her living, must be sufficiently strong and must find work. Now, these two conditions are not always filled.

Here the problem of work for a woman in a factory comes up.

The testimony in general holds in very slight favour the working in a factory of a mother burdened with children, yet the condition is widespread, since in cities like Three Rivers and Sherbrooke we are told that four hundred married women work in factories.

What becomes of the children during work hours? The witnesses have answered that they remain under the charge of the oldest little girl, that they are placed out with neighbours or, more rarely, are placed in day nurseries. They agree in saying that these methods are defective.

It is certainly in order to keep the family together, to protect the mother and to save the children, that almost all the witnesses whom we have questioned in the Province have declared themselves in favour of a form of charity to needy mothers. On this point there is no doubt; one may say that the feeling is unanimous.

In European countries, pensions to widows and orphans are looked after by social insurance, to which subject the Commission will devote the third part of its general report; but in the Province of Quebec, due to the already large increase in life assurance, we can say at the moment, that it is not opportune, at least for the present, to introduce Social Insurance for the solution of the problem of needy mothers.

If, later on, those interested find themselves unable, because of an excessive reduction in salary, to pay the premiums of a life insurance, perhaps there will be occasion then to consider, for the widows and the orphans, an obligatory insurance.

The Commission, then, recommends the Provincial Government to institute a method of charity for needy mothers.

CLASSES OF THOSE RECEIVING CHARITY

If the legislation of the other provinces of Canada is studied, it is found that they are not all alike as to what may be termed the classes of those receiving charity, but by using these texts a list of those deserving of charity may be drawn up.

By following this method, five classes are found:

(1) Widows burdened with one or more children.

(2) Wives whose husbands are insane.

(3) Wives whose husbands are incapable of working due to some serious incurable disease.

(4) Deserted wives.

(5) Wives whose husbands are in prison.

To this list we should add, taking into consideration the proof laid before us—divorcees.

We have questioned the witnesses about these different classes with the following results:

1. Widows burdened with Children.

The witnesses are unanimous in advocating the establishment of a method of charity, in favour of the widow having charge of two or more children. This is, to mention in passing, a principle which is sanctioned by the laws of Ontario, New Brunswick and Nova Scotia. Some witnesses would favour the inclusion in this class of the widow having only one child.

The Commission recommends that the law, if it is passed by the Houses, grant charity to widows burdened with two or more children until these children reach the age of sixteen. However, the Commission would be favourable to the application, in the Province of Quebec, of the measures taken by the Provinces of New Brunswick and Nova Scotia, namely, that charity be allowed to the widow, mother of one or more children, if the mother is ill and unable to work.

2. and 3. Wives whose husbands are insane or totally incapacitated for work.

Here again the witnesses are unanimous. The Commission recommends that the Government of the Province of Quebec help the women who belong in these two classes, whether they have one child or more, until these children reach the age of sixteen.

The Commission, in recommending these three classes of needy women to the attention of the Government, suggests that the first class be looked after before passing on to the second and the third, so as to test out a new departure and to adapt the funds to a more widespread solution.

4. Deserted wives.

The law of Ontario, of Saskatchewan, of British Columbia grants an allowance to women abandoned by their husbands. In the Province of Ontario, except in certain special cases, the woman must have been without news of her husband for five years; in Saskatchewan, the period is seven years; in British Columbia, two.

Although the Commission recognizes that here also cases of this kind may, under certain circumstances, rouse much sympathy, it is of the op-

inion that there is no opportunity, for the time being, of intervening when they are presented.

The witnesses, in general, have been quite severe in the matter of the "deserter". The opinion of the Montreal Council of Social Agencies express well the sentiment of the Commission:

"For this class the first and most urgent need is legislation to assist in the apprehension of the deserter, and reciprocal legislation between different provinces and countries in order that the defaulting parent may be dealt with when located outside the home territory. Once adequate legislative machinery were provided to meet this social problem, a provincial Government might then proceed to extend Mothers' Allowances to cases of prolonged desertion where other measures had proved unsuccessful in getting results. This would discourage the rather common occurence of collusion between deserter and wife, and offer no inducement to the prospective or potential deserter. With reference to genuine desertion, it is not to be supposed that public and private charity would cease to assist, as they already do, the most urgent cases involving dependent children of this class during the period of search and investigation."

As for mothers granted separation or divorce, their case is left to the courts.

5. Women whose husbands are in prison.

In several centres of the Province some have declared themselves in favour of the form of aid recognized by the laws of Saskatchewan and British Columbia: but in general it may be said that the witnesses, and in particular the English-speaking agencies, are opposed.

The Commission believes that it is not expedient to include this group in the law, not, however, because it is unaware of the serious condition of the women who are thus deprived for a certain time of their normal means of support, but because according to the conclusion reached elsewhere, the problem offers certain dangers.

Here is a paragraph of the report submitted March 20, 1931 by the Montreal Council of Social Agencies which reproduces exactly the opinion of the Commission:

"Prisoners' families make a strong appeal to the sympathies of the public, as the innocent obviously suffer more than the guilty in a large proportion of these cases. At the same time there is something distasteful to the average tax-payer in the contemplation of a prisoner housed and fed and relieved of all responsibility while the state maintains his family. Here the public demand is in favour of a system of paid prison

labour, intra or extra-mural, similar to that which now obtains in the Province of Ontario. The fact that the Federal Parliament has already gone on record in favour of such a system would warrant the public expecting legislation to carry such a sentiment into effect before falling back on Mothers' Allowances to fill the gap. Here again, private charity must be expected to extend a helping hand to necessitous cases while pressing for more adequate measures".

To sum up, the Commission limits itself to asking for a grant for the first three groups mentioned. It knows that every woman with the care of a family would be worthy of attention, but it believes that if the public desires to obtain this legislation, it should agree to proceeding by stages.

The Montreal Council of Social Agencies having grouped together the three classes for whom the Commission solicits aid, adds:

"To make anything like adequate provision for this group alone is itself a heavy undertaking."

The other cases would be helped by private charity, by institutions, by the application of the Public Charities Act; but as the result of the passing of the act which we recommend, the work of charity would be made that much lighter.

At the most, the Commission may suggest that the Bureau charged with the application of the Act concerning aid to needy mothers may possess, according to the practice in Ontario, a certain discretionary power which it will employ only when it is necessary to deal with cases which apparently allow of no other solution than that of direct aid to the person interested.

CONDITIONS OF OBTAINING AID.

Every needy mother who requests a grant should.

(1) Be a British subject by birth, by marriage, or as the result of naturalization.

(2) Have resided in the Province of Quebec the previous three years.

(3) Be of good character and able to bring up her children in good moral conditions.

(4) Be able to prove that she has not the desired means of facing this task.

(5) Make a request to the constituted authorities.

Similar arrangements are found in nearly all the legislations of Canada.

THE NATURE AND AMOUNT OF THE GRANT

In the different districts in which inquiry has been made, the Commission has asked the witnesses, especially the social workers, to determine the nature of the grant, the principle of which the Commission approves.

The majority answered that it is best for this grant to consist of a sum of money. The Commission agrees that, in certain cases, it would be necessary to provide, instead, a grant "in kind". It would suffice to give the Bureau discretionary powers.

What shall the amount of the grant be?

The witnesses who were heard thought that it would be better to leave the amount to be paid to the Bureau, which will be required to conduct inquiries and to administer the law. The sums dispensed will vary accordingly to the localities because of the differences, sometimes noticeable, in the cost of living. Besides, it is not in order to indicate a maximum or a minimum that the Commission expresses the opinion, based on the evidence where there is absolute lack of an income, that the sum of $40.00 for one mother and two children might be considered.

ADMINISTRATION

The administrative organization entrusted with the application of the law distributing grants to needy mothers, varies according to the Provinces.

Occasionally recourse is had to what is called the Superintendent of Child Welfare and his subordinate officers. Most frequently though, a Commission or Bureau is set up to determine and to distribute the grants.

The Commission is of the opinion that these two ways of administration may be combined, in so far as it concerns the Province of Quebec.

The Commission suggests that a Bureau of five members, one a woman, be constituted, and that the provincial representative entrusted more especially with the protection of the child, be a member.

This is a question of new legislation which, most certainly, it will be necessary to modify, little by little, in order to give it full efficacy.

On the other hand, the Commission, in this report, lays down only a suggestion of a scheme of Child Protection which may be extended later, holding in respect the traditions, habits and methods of procedure of the different groups which make up our population.

It would be an excellent thing to make possible, right from the start, collaboration between the director of the organization in charge of child protection and the Bureau entrusted with the application of the law of grants to needy mothers. Moreover, it is a good thing that these bodies should understand each other, and in order to give one example, we shall mention the law of Saskatchewan, which operates on Child Protection and Charity to Needy Mothers at one and the same time.

In the inquiry which has been made in Toronto, the Commission stated that the Bureau is helped in its work by the municipal societies and even by the benevolent societies.

After having compared the situation which exists in the Province of Ontario with that which is found in Province of Quebec, the Commission has come to the conclusion that the grants ought to be given only after a thorough inquiry, conducted by the benevolent societies which are entrusted with charity to the home.

Let us take, for example, a city like Sherbrooke, or like St. Hyacinthe, or even St. John. The Commission has been assured that this sort of inquiry might easily be made by institutions like St. Vincent de Paul or by the workrooms. In Montreal and Quebec the same information may be obtained by applying to the large societies which concern themselves with charity to the home and who have, beside a social part to play, a religious character likely to make enquiries more sure or less dangerous. Where there is no society giving charity to the home, benevolent societies ought to be constituted either by the mayor or the minister.

The Commission wishes to be thoroughly understood on this point. It has proposed in its report, that societies legally constituted for the purpose of protecting the child be established only in cities of at least 25,000 souls, in the nature of an experiment. It did not wish, consequently, as certain witnesses asked, to establish such societies throughout the whole Province because that would entail too much expense and because it would necessitate a complete administrative system to carry it out. But this does not mean to say that the Commission is opposed to the principle of societies for the child. On the contrary, it would favour benevolent societies almost everywhere with which the municipality and the Province might come to an understanding for the purpose of social action.

Finally the Bureau should be invested with the following powers:

(1) Of making inquiries into each case submitted to it, and of collecting the required data, especially on the financial resources of the mother soliciting a grant.

(2) Of according the grant judged suitable while remaining within the limits established by the law.

(3) Of keeping in constant touch with the societies for Charity in the home and with the local committees, with a view to facilitating the inquiries undertaken.

(4) Of keeping registers in which shall be written the names of those given assistance, with all the details helping to throw light on the case.

(5) Of making regulations with a view to the application of the law.

(6) Of making an annual report to the Lieutenant-Governor in Council.

The decision made by the Bureau shall be final and without appeal.

FINANCES

The expenses incurred by the new system of grants to needy mothers ought to be met partly by the Province and partly by the municipality and should be obligatory. In the case of poor municipalities who are absolutely unable to meet such an obligation, the County Council, on the authorization of the central organization charged with the application of the Act, will be called upon to assume this responsibility. This principle is admitted in all Canadian legislation. Moreover, it is the principle, applied in matters of social work, in the Province of Quebec, according to the Public Charities Act, as well as the Acts concerning Industrial Schools, and Reformatory Schools, Insane Asylums, abandoned children and Crèches.

It is true that in most of the instances which we have just mentioned, private charity usually undertakes a third of the expense, but here it is a question of reestablishing the home and of grouping the children about the mother, and no society undertakes this task.

Will aid to needy mothers assist in relieving the overcrowding in Orphanages? To a great extent, according to the witnesses.

Would it cost more to establish a policy of assistance to mothers

than to meet the present expenses of the construction and upkeep of the orphanages? Generally the witnesses declared that the difference would be slight, if one considers the expense necessary for the capital or upkeep of the Orphanages and the amount required fo grants to mothers. That is the idea, we might mention in passing, which inspired the legislator in the State of New York.

Is it necessary to add that the Orphanages will not disappear because of the adoption of a law of assistance to needy mothers? Unfortunately, orphanages will always exist as well as children who are not able to be kept by the mother.

Moreover, this will apply to the Crèches where aid given to needy mothers will lighten the burden, for the fact is ascertained that in 1931 there is a large number of legitimate children in these institutions, for example, one hundred and twelve in the Quebec district and ninety at Montreal.

III.—WORKS OF CHARITY

We now turn to the questions of an economic and social nature, to the evils suffered by the poor classes who have need of help.

These evils have long been known—illness, disability, old age, unemployment. We leave aside accidents suffered while working, a subject concerning which the Provincial Parliament has just legislated.

The argument has been put forward that if we wish to be honest with ourselves when demanding the protection of the family as an essential principle, we must approve at the same time every thing which contributes to assuring the working man not only a living wage, but a family wage — that is to say, a salary such that the one who receives it may be able to nourish his dependents and provide for their security as well as for his own.

That is the goal — for away though it may be — towards which we must strive, according to Miss Whitton; for after all, we are only at the beginning of the industrial age, and hope may be entertained for a better division of wealth which may allow the working man to protect himself more efficiently against the ravages of factory life.

This end will be reached by instituting especially a system of social insurance and, chiefly, insurance against illness, unemployment, disability and old age. The insurance carries with it a contribution from those forming part of the system; charity does not enter into the question. It is a remedy for a definite evil. Social insurance forms one of the great problems in the inquiry being undertaken by the Commission. It has already come into contact with these protective organizations in

their European form. It now remains for it to examine the problem from Canadian point of view, and to question those interested, workers, factory owners, farmers, servants, insurance agents, underwriters and doctors.

But whatever may be the conclusions of the Commission, the solutions proposed by it will never be more than partial. It will be necessary, just the same, to have recourse to organized charity. There will always be individuals and families who can not pay the cost of insurance. The insurance rates will be too high, impossible for the industry and the worker to meet if the attempt were made to cover at the same time the insurance risks and, in an indirect way, actual assistance. That is what has happened in England where, let us not forget, there exists, alongside of insurance, the Charity laws which have just been revised. We simply quote the opinion of one witness:

"No reasonably possible health or unemployment insurance scheme within the reach of workman and employer in Canada could sustain premiums at a rate to provide all the social services required and to meet the needs of all residual groups. It is respectfully suggested to this Commission that, regardless of what measures of health or unemployment insurance they may recommend, there will have to be provision for public recognition of the need of direct relief and welfare services supplementary thereto".

CHARITY IN INSTITUTIONS; AID IN THE HOME; FAMILY PLACEMENT

There are two kinds of charity — one is offered in institutions, or to be more general, by means of institutions (hospitals, sanitoria, asylums or shelters, orphanages or homes for children, crèches, maternity hospitals, nurseries, houses of refuge, special schools); the other is offered in the home by societies, such as the Saint-Vincent de Paul, with branches, as the Commission has found, in all our chief centres, with their influences doubled, moreover, by women's societies, especially at Quebec, by a Bureau of Family Welfare. To these must be added the *Family Welfare Association,* the *Catholic Welfare Bureau,* the *Baron de Hirsch Institute,* the *Victorian Order of Nurses,* the *Mothers' Welfare Society,* and in the moral sphere, the *Catholic Society for Protection and Advice.* There are others as well for whose omission we offer apologies.

Now these two kinds of charity have, each one, their advocates and two theories have been formed which lead to diversity of opinion. We should not enter into these quarrels of the school if they were only dis-

putes of theory — the Commission is asked for solutions and not opinions more or less spectacular. But it happens that these differences of opinion have had a repercussion even in the meetings of inquiry where they have aroused contrary arguments and suggestions. They have also made their appearance in the full light of actuality and their practical repercussions have been clear. It has been necessary therefore to touch on them in order to arrive at conclusions which take them into consideration, especially since the criticisms drawn up come chiefly from the English-speaking element, because, as a matter of fact, the thesis which stands in opposition to the French thesis indicates one of the fundamental complexities in the problem of social aid in our Province.

The reproach levelled against institutions dealing especially with the children and the aged, is that they are institutions — that is to say places where people are kept in custody, and that they check the individual. The criticism is also made that they are old fashioned, the most fruitful field for social activity being henceforth the family.

Here are the terms in which these criticisms were expressed before the Commission:

(a) "It was pointed out that throughout the continent the weight of expert opinion was to the effect that young children should not be confined to institutions for any length of time, except under special circumstances. The institutionalized child is recognized as one who is less able to stand on his own feet in competition with other persons who have been brought up in the usual surroundings of a private home, and experience has shown that many children discharged from an institution after a long sojourn there, are not able satisfactorily to fight their own battles."

This criticism is directed against institutions of the Orphanage type. We retain only the kernel.

But here is a criticism which broadens the debate: The Province of Quebec, according to another witness, has developed especially the institutions. That is all very well, but this manner of giving aid has unfortunate consequences, and in particular, that of breaking the bonds, which hold the family together:

(b) "Such provision however, involves the disruption of the home life of the indigent helped, and even frequently the entire break-up of the family group, the children being assigned to one type of care, and the parents to another, often the man and the wife to separate institutions."

Accordingly, in the rest of Canada, the attention has been directed towards aid in the home:

"Consequently, in most of the provinces of Canada there has been a definite development away from "indoor relief" in homes, houses of industry, etc., and gradual but rapid development of "outdoor relief", whereby the municipal or provincial authority, as the case may be, provides a definite and organized system of relief in food and fuel, and frequently in other needs as well for the relief and assistance of their own residents within their own homes or within the community life."

The same witness insists on aid of a "moral character" which social workers offer, in addition, to families afflicted by misfortune or sickness:

"In the perception of this fundamental fact, that the human being in need may require not only food, clothing and shelter, or even medical and similar care, but revival of his spiritual life and strenthening of the caracter-building forces about and within him, the whole structure of modern case work, so-called, has evolved."

Let us examine these criticisms which are offered, let us believe, with the intention of ameliorating our social service activities, and not of declaring them useless and inefficient.

(1) In general then what is the value of the Institution as a means of social aid?

To reply to that question, the Commission has before it an original document — the report on the inquiry carried out in the religious communities by Mr. Arthur Saint-Pierre, professor of Applied Sociology in the University of Montreal. In handing over this task to Mr. Saint-Pierre, the Commission had in view especially the possibility of having defined, once and for all, the social work carried out in our Province by the religious communities. Before advocating reforms, it desired to know what existed, and since it was not able, without an intermediary, to visit all the institutions interested (a task which would have entailed long and costly journeys), it handed over the task to a commissioner in order to gain information. The Commission puts the report of Mr. Saint-Pierre at the disposal of the Government, and has instructed the author to publish it. A complete analysis cannot be attempted here for fear of making the present report too long; but the Commission is anxious to emphasize certain conclusions which answer the question put forth above, and which, with few exceptions, apply to all the institutions.

(a) Institutions are necessary. In a host of instances they cannot be dispensed with. Even those who before this Commission have doubted their usefulness as far as individuals are concerned, continue to have recourse to them in large proportions. In the United States, more than

half the children receiving charity are in institutions while a comparatively small number are distributed in families; but the law requires aid to needy mothers. A warm advocate of family placement admits that the institution system is necessary for almost 90% of children who are given help.

(b) It has not been proven that the Institution checks the personality and breaks family bonds. That depends in the first place on the staff of the institution. The opinion has been expressed by American specialists, which is similar to the conclusions reached by a Commission of Inquiry which has studied in British Columbia the question of the protection and welfare of the child, that in three quarters of all cases the worth of a charity organization depends on the worth of its staff. Now no doubt is thrown on the worth of the staff in our institutions. Those who have carried on inquiries in British Columbia, New Brunswick and Ontario, have rendered them excellent tributes. Before this Commission, Miss Whitton, in particular, has seen fit to render homage several times to our institutions. Our hospital staff is large and of the highest order. Its traditional training offers great advantages; if, from another point of view it offers certain short-comings, the institutions, once convinced, put forth all efforts to make them disappear. As for the family, it happens that the institution, far from breaking it up, on the contrary, preserves it, by giving shelter for a time to one whom it helps, and who will return later to his home. Family placement does not always reach its aim — is it not true that in New-Jersey 25% of children placed in families have had to change homes within a month? Institutions furthermore, tend to keep together a husband and wife who are old, and that is sometimes worth more than placing them here and there in families where, nevertheless, they are separated. Lastly, they are certain hospital cases offered which cannot be treated in the home.

(c) Let us place ourselves, in order to detail this last argument, in the double point of view of the religious orders and of the Province of Quebec. The contribution of the religious orders to the relief of wretchedness, or in other terms, the value of the services they give to our people, is figured at nine millions. This sum represents the saving realized by their administration in the cost of the upkeep of hospital cases, of orphanages, of insane asylums, of hospitals, of maternity homes, the societies for the protection of the young girl, of special schools for the blind or the deaf-mutes, compared with that of the institutions provided with staffs of laymen. In the hospitals, the control of the religious orders aided by a picked staff, working almost without salary, results in a saving of at least a dollar a day per bed. A Christian society owes it to itself to maintain good works of all sorts, but it is to the general interest

that the burden borne by the productive part of the population be not too great and it is to the interest of the poor themselves that their upkeep be not too expensive. Having dedicated their lives to the service of the poor for three hundred years, administering our institutions with an economy little short of the marvellous, these religious orders play a role in social service that is remarkably beneficial.

(2) On the other hand, what is the worth of family placement and charity to the home?

It is also necessary, in specific cases, to have recourse to it. The "Fédération nationale Saint Jean-Baptiste" has insisted with moving eloquence, that charity to women in childbirth continue to be rendered to the home. Everywhere where the family can be kept together, the social worker ought to lend his efforts to do so, without making of this excellent principle a kind of weapon directed against institutions.

This is so true, that Catholic charity organizations, just as protestant charity organizations, have gone to the homes of the poor and the sick to relieve misery and sickness. State organizations do the same. To believe that nothing is done in this direction which is the one in which recent progress in applied sociology has been made, would prove a slight acquaintanceship with the Province of Quebec.

Let us mention first the application made by the State in our Province of what is called the "Grancher system" and this with the unanimous approval of the religious authorities. The nurse in charge of charity work in Montreal, Mlle. Angeline Michaud, has supplied the Commission with abundant details on this organization which is developing successfully. It is a question not of tubercular children but of children who would be exposed to the contraction of tuberculosis as a consequence of certain contacts; they are sent to families living in the country and placed under the fatherly control of the priest and the watchfulness of the doctor. The results are remarkable. It can be said that all the children thus placed have escaped tuberculosis up till now. The Commission can only congratulate the Government on this happy initiative.

Is it necessary to recall also those charitable agencies that we have alreay mentioned and that give charity in the home, the St. Vincent de Paul, the Assistance maternelle, and so many others who join their efforts to those of groups of other religious denominations?

The grants to needy mothers that this Commission outlines, will reunite families that are today broken up; this measure, asked for,

moreover by all the people, is made therefore in the spirit which prompts some witnesses to demand the protection of the home.

Especially the family placement to which we have already referred on several occasions in this report is much more common in the Province of Quebec than is generally believed, and those are wrong who, through preconceived ideas, are ignorant of it. Children who are "adopted" by relatives, friends, or even outside families, may be counted by thousands. The fact that this adoption may often be worthless from a legal point of view, or even that the desire may not be felt of legalizing a good deed done naturally, though a Christian sentiment, has little to do with the point under discussion. The fact is there,—the Province of Quebec, at the time of strengthening the Charity Organizations requested families, often not those in most comfortable circumstances, not even the richest, but families the least unfortunate, or still fully kept together, to accept and raise children of others who had been abandoned.

One must conclude that the institutions, family placement, and aid in the home are necessary. These methods of assistance are complementary. Here is what Mr. Arthur Saint-Pierre says of them:

"We have no reason to consider ourselves old-fashioned because our Societies for Child Protection are still of the Institution type. Nor do I see the utility of bending our efforts toward family placement and the "Cottage Orphanage" as a substitution for our large institutions, as long as the superiority of these two forms of protection has not been clearly established.

"But I have already said, and I repeat it, that institutional charity and family placement, far from being in opposition, are complementary. It can be no more a question of suppressing the latter than it should be of putting an end to the institutions. Nor have ever intended to depreciate family placement; I have simply desired, as far as I was able, to prevent an excessive exaggeration of its role; especially have I desired to check, while there is still time, the frequency common among us, of "anti-institutional" preconceptions, of which our unfortunate children would be the first to suffer the evil results."

It is almost in the same words that we find expressed the opinion of Dr. Karl J. Alter ,director of the National Catholic School of Social Service of Washington;

"There are various methods of child care, such as mothers' allowances, workmen's compensation, divers forms of insurance, institutions and foster homes. These various methods should not be regarded as being in opposition to one another, but rather as forming a comprehensive and

integrate system of child care. It is important to keep in mind that foster home care is entirely compatible with institutional treatment. It is, in consequence, high time that we got rid of the "versus" attitude. It is not a question of mothers' allowances versus the institution or the institution versus foster home care, or boarding home care versus care of the child in his own family home. They are not different conflicting systems, but one harmonious system."

But if it is admitted that the two systems are necessary, there is occasion logically to go further, and to study from this angle the essential points of the Public Charities Act.

The English-speaking witnesses representing important social organizations, have declared that this Act is drawn up for the Institutions:

"The effect of fthe Act, in short, — says a memorandum submitted to the Commission, — is to penalize organizations endeavouring to preserve the home as a unit of the community and to subsidize those organizations which do not operate with this end in view."

The criticism appears very serious, but we believe that it ought to be qualified by the fact that the Provincial Government has adopted certain attitudes which have, in a measure, guarded against the disadvantages pointed out.

Historically, the Public Charities Act was drawn up and passed with a view to coming to the aid of institutions. The latter, at the end of their resources, were continually seeking the assistance of the Government who resolved to institute a means of assistance to them.

The Act, in its text, stresses this purpose; it is above all a question of charitable institutions; that is to say "any institution which gratuitously admits, keeps, care for, or provides medical or other treatment for the indigent and is recognized as such by the Lieutenant-Governor in Council."

However, consideration may be taken of article 17 of the Act, which allows, and has actually permitted, the Provincial Government to come to the aid of institutions which give assistance in the home or which undertake family placement:

"The Lieutenant-Governor in Council may, nevertheless, upon recommendation of the Bureau of Public Charities in urgent cases where it is absolutely necessary, give such aid as he may see fit to the development of works of public charity in the Province."

Taking this article as a basis, the Lieutenant-Governor in Council has added to the list of societies receiving grants, a group contain-

ing exactly the various organizations" whose object is not to welcome the ill and needy.

Class A—Hospitals.
Class B—Sanatoria. Hospitals for Consumptives.

Class C—Shelters for the Aged. Shelters for epileptics and paralytics.

Class D—Combined Orphanages and Industrial Schools. Orphanages alone.

Class E—Crèches, Maternity Hospitals, Nurseries, *Charity Associations and Institutions not included in the preceeding groups.*

Class F—Deformed Children.

This Class E is therefore sufficiently broad to allow aid to be given to every worth-while social organization, even though it may not be an institution, according to the strict interpretation of the law. Moreover, the Provincial Government has even included in Class D children placed in families, as if they had been entrusted to institutions. The memorandum quoted above recognized this:

"In 1929, the Children's Bureau cared for 286 children in foster homes and only 226 in institutions. Fortunately the Provincial Bureau of Public Charities has taken a broad view of the matter and has recognized the Children's Bureau as, in effect, an institution, so that the children cared for in foster homes are subsidized by the Quebec Public Charities Act as though they were being cared for in an institution."

The Memorandum adds:

"The Family Welfare Association, however, which cared for 1,652 dependent children in their own homes in 1929, received a lump sum grant under the Quebec Charities Act, which does not compensate for the expenditure which would be incurred were these children institutionalized."

The Commission is of the opinion that the Government should continue this policy which takes into consideration, more and more, the charitable organizations which give aid in the home, either that it should assimilate these works to institutions as it has done in the case of the Children's Bureau, or else that, according to article 17, it should pay over to them a lump sum. However, in this latter case, while continuing the practice adopted, the Government should, little by little, base its contribution on the services rendered by these associations, instead of turning over to them a lump sum.

THE PUBLIC CHARITIES ACT

The Commission recognize, with everyone, the difficulties resulting from the present economic depression. Several provinces and states find themselves faced with involved financial situations, and the adoption of various social legislation, undoubtedly praiseworthy, but entailing exceedingly high expenditure, constitutes one of the causes of these difficulties. Likewise, this is not the time perhaps to burden excessively the Provincial budget. However, the Commission, in the course of the inquiry which it carried out and which it had to carry out in order to determine what the province possessed in the nature of social legislation, saw appearing before it a host of witnesses, one after the other, who took the opportunity of bringing to light the needs of the institutions and of the social works in which they are interested, and of requesting from the public authorities a more favourable treatment.

The Commissioner charged with inquiring into the Catholic institutions in many dioceses, has taken special care to set in relief the economic value of the services rendered in those institutions, and on this point, the Commission can do no more than repeat the warm appreciation which has been expressed of those services. Mr. Saint-Pierre has become the interpreter for the directing bodies of certain of them, who, setting forth the annual deficits which they must meet, the needs which make themselves felt everywhere, the urgent need of certain new buildings and the enlarging of old ones, seek — some for a maternity hospital, some for an orphanage or shelter, some for a crèche for foundlings, some for a shelter for penitent girls — credits and grants whose total would amount to fifteen or twenty millions of dollars.

The Commission is well aware of these complaints and requests since they were brought before it, but there are two facts which cannot be passed over in silence; first, the enormous total just cited, and secondly, the necessity of studying, not only the question of crèches, maternity hospitals and refuges about which the witnesses have spoken, but also the question which has a bearing on many other social works of just as great importance.

The social question in a country embraces a multitude of problems, and since we are on this point of charitable organizations in the Province of Quebec, it is of value not to forget those associations whose absence constitutes among us a crying need, which it is of the greatest importance to remedy.

The Province of Quebec has not a single institution for the suitable treatment of alcoholics, epileptics and drug addicts. It stands in

need of hundreds of beds for hospitals for the insane, mentally deficient and those of arrested mental development, (see the Desloges testimony). Tuberculosis still claims a frightful toll in spite of all the excellent institutions founded during the last ten years. We ought to have, at the minimum, 3,300 beds in sanatoria and sanitoria connected with hospitals; we have 1,700, while it has been conclusively shown that in countries such as Denmark, for example, a death-rate of more than two hundred per thousand of population, has been reduced to less than sixty by free treatment in hospitals for consumptives, and by putting at the disposal of those hospitals the requisite number of beds. The great question of housing, of the clearing-up of slums, a question which, though having no bearing on that of charity in the strict sense of the word, has, nevertheless, a great social importance, has not even been tackled by us.

The Commission comes to the conclusion therefore, that in spite of a tireless devotion shown for a period of almost three hundred years by the institutions who are offered a sincere tribute, and who have created of one character the hospital and necessary to certain classes of the unfortunate, there remains however, a great field of activity where everything remains to be accomplished and where vast enterprise is necessary.

We repeat, the moment is perhaps inopportune to offer recommendation with a bearing on all the problems brought up before us. Everywhere governments are grappling with such difficulties that a call is sent forth to observe to the greatest degree a strict radical economy, brought on by dire necessity. However we should fail in our duty of we did not point out to the Government of our province the many needs which are making themselves felt among our people, leaving to the Government the task of deciding, when better days come, whether the aid to be given for the betterment of existing institutions ought to take precedence over the founding of new ones, or whether again improvements and new creations may be undertaken together.

The Commission suggests for the moment that observation should be made of the results which will undoubtedly follow on the recommendations, if they are applied, of this report. The grants to needy mothers will doubtless relieve the overcrowding in the orphanages. The increase of aid given in the home will affect the hospitals. The activity of Child Protective Societies will make itself felt in the direction of family placement. It is a policy which is worth a trial. It is the policy which is found in the other provinces and in the United States ,even in England, where, side by side with social insurance, are found the "Public Social Services", looking after public health and charity, (entrusted now to

the counties), and the "Voluntary Social Services", whose activity, extremely varied, covers education, child welfare, unsanitary dwellings, hygiene, emigration and colonization, aid in the home, and societies of a religious character.

However, the Commission may and ought to offer certain recommendations with a view to assuring in the highest possible measure—and that too without altering greatly the financial position of Public Charity—aid to the needy.

It believes it to be its duty therefore, to propose the following modifications of the Public Charities Act and its regulations:

(a) Since the benevolent societies which give aid in the home are held under the same obligation by the Lieutenant-Governor in Council, as are the hospital institutions, placed as they are in Class E of the Charity organizations, the Commission requests that the grants accorded to them be met as in the case of the others, by the province and the municipality, each one bearing a third of the expense, the rest being met by private charity.

(b) Let these grants be based on the services rendered by the associations, as they are at the present time for the institutions, and that too after an inquiry into the nature and extent of the service rendered, with a view to determining the amount of the grant to be accorded for each class of cases.

In the same spirit the Commission desires to make certain recommendations which concern the application of the Public Charities Act and which follow from the testimony it has gathered in the course of its sittings.

(a) The grants given to the institutions or to associations are fixed, in theory, at two thirds of the cost of care in hospitals, or of upkeep. There is evidently a margin between the theory and the reality, because the State has never claimed to undertake, itself, care in hospitals, and to stand all the expenses of that hospital treatment. The Public Charities Act is a law simply giving aid to social works. This margin is however quite definitely marked for certain classes of institutions, such as crèches and maternity hospitals.

Consequently the Commission recommends:

That, in particular, the grant to crèches be substantially increased, as well as that which is given to maternity homes and orphanages, and that these institutions receive for all their hospital cases a uniform grant.

Revised thus, the Public Charities Act, which has already rendered outstanding services to our institutions and to our associations, will be still more beneficial, the help which it assures being spread out to those places where it is most necessary.

The Commission also recommends

That the "Bon Pasteur" of Montreal and that of Quebec, and every other religious order devoting its energies to the reclaiming and protection of the young girl, receive a regular grant, sufficient to permit them to continue and to develop their work.

That a social service be established for the common benefit of those given aid by the "Bon Pasteur" and of those who have been protected by the Misericorde, if possible, by the Sisters of Notre-Dame du Bon Conseil, with the charitable collaboration of women outside the order and the paid assistance of graduates of the School of Applied Social Hygiene and of the Maternity Hospital.

That the provincial and municipal social services favour the establishment and the functioning of this organization, by alloting it a grant.

(b) Our Public Charities Act very wisely provides that the official grants should be paid in part by the Provincial Government and in part by the municipalities in which the needy reside. It would not be fair for the municipalities to shirk this duty, when the devotion of our institutions and the liberality of the Government reduce to a minimum the share of the sacrifice claimed from the municipal councils. In the Province of Ontario, the municipalities sometimes bear the whole cost of certain works of charity, and when they are asked for their contribution it is higher than in the province of Quebec. Moreover "The Royal Commission on Public Welfare", in its official report, has recommended that the expenses of hospital treatment for the needy be increased in such a way as to have the public organizations bear the whole cost,—in the proportion of one quarter by the Provincial Government to three quarters by the municipalities. It is therefore very important to maintain the principle of municipal responsibility in the matter of aid to the needy. It is one of the good points of Our Public Charities Act, and its value must not be destroyed by unwillingness, if it exists, or by the lack of a social feeling.

The Commission recommends:

That the collaboration of the municipalities in the application of the Public Charities Act be made obligatory, and that in the case where

it is established to the satisfaction of the Public Charities Service that a municipality is absolutely incapable of fulfilling this obligation, the latter should be divided among all the municipalities of the county to which it belongs, by the County Council, as now practised according to the Industrial Schools Act and the Lunatic Asylum Act.

That the institutions and charity associations be protected against the loss of the official grant, when the municipalities refuse, injustly, to recognize their indigents.

That the water service should be offered to charity institutions at a nominal rate, as in the case of the large hospitals in Montreal.

That the indigent person to whom the mayor refuses a certificate of custody, should have the right to tender a request before two justices of the peace, as well as before the district magistrate, as authorized by article 22a of the Public Charities Act.

(c) Form B ,otherwise called the certificate of the municipal authorities recognizing indigence, bears mention of article 165 and those following, of the Civil Code, according to which the ascendants and descendants are required to come to the aid of an indigent person. Now it may happen that these ascendants and descendants are themselves indigents, and not in a position to come to the aid of such needs.

Wherefore, suggestion is offered that to the form mentioned above, should be added a clause pointing out that if the persons responsible are not in a condition to come to the aid of the indigent, the latter may benefit according to the law.

(d) Witnesses have pointed out the fact that the periods of residence required of the indigents are, five years of residence in Canada, and six months of residence in the province. Now it happens that immigrants who have landed recently and who have been left without support, become, doubtless more quickly than others, indigents who must be looked after by charity alone. The witnesses admit the advisability of the Dominion Government carrying a part of this responsibility.

The Commission recommends:

That either by means of an exchange of opinion or by means of a conference, the province should attempt to reach an understanding with the Federal Government, in order to regulate this question of the period of residence, more or less long, required of immigrants who fall to the care of public charity, as well as the question, quite as important, of indigents who have recently come from other provinces, or even from the United-States, and who finally receive hospital treatment in the

Province of Quebec, or vice versa, at the expense of a population which after all is not their own.

FINANCES

The application of the Public Charities Act is assured by a special fund which is kept up by the revenue collected in accordance with the law that imposes a tax on places of amusement and race courses, and the law imposing a tax, for the benefit of hospitals, on certain meals taken in restaurants. In accordance with the Public Charities Act, a million dollars is paid over each year to the fund of Public Charities as well as the profits realized by the Liquor Commission. Since the institution of the system of Public Charity in 1921, the Government has been able to raise and pay out a sum of over eighteen million dollars.

Although the Commission has tried not to increase beyond measure the expenses of public charity and although it has tried to bring about especially the redistribution of funds which would permit the relief of certain charitable works and encourage others, it is well aware of the fact that, in order to face the future, it will be necessary either to increase the present taxes or to impose others.

The order-in-council does not entrust to the Commission the searching out of methods of a financial order that would permit it to carry out all the proposed reforms unless one interprets freely the words, "the manner in which the problems studied may be regulated in the Province of Quebec". The Commission does not think that interference comes under its jurisdiction, the Government alone being acquainted with its financial policies.

CENTRAL BUREAU OF SOCIAL SERVICE

The Commission is of the opinion that in the large centres, Montreal and Quebec, for example, there ought to be organized a central bureau of social services which would be in touch with all the charitable organizations and which, each time an appeal were made to their services, would be able to direct the poor and secure for them the kind of help their case requires.

The Central Bureau, in the second place, being acquainted with the general situation would point out the measures to be taken in order to help certain classes of the poor who would still be without support or without care.

These central offices already exist. It would suffice to give them more definite limits and more exactly determined duties.

With time, this kind of charitable works would be able to spread gradually throughout the Province.

OLD AGE PENSIONS

Chapter 156 of the Revised Statutes of Canada (1927) establishes "old age pensions" to which the Dominion Government and the Provincial Governments contribute in the ratio modified by Chapter 42, 21-22 George V passed on the third of August 1931: under certain conditions the Dominion Government undertakes to bear 75% of the payments.

The pension is payable from the age of seventy and without previous premiums from these interested. The federal law is then a charity law and not one of insurance. However, two reasons have determined the Commission to reserve its conclusions until such time as it will have finished its inquiry on Social Insurance: first, that the federal government, may be thinking of modifying its attitude and of establishing an obligatory old age insurance based, like all insurance, on premiums. Second, the fact that the pension is not payable until after seventy years of age, leaves without solution the question of disability and of old age insurance, from sixty to seventy years of age.

The Commission, for these two reasons, asks to postpone until later its conclusions.

CONCLUSIONS

We have made reference previously to the economic crisis which exists at the present and of which the Commission could not be ignorant.

If however, the Commission had been stopped by this consideration alone, it would have hesitated to recommend reforms and to propose new measures at a time when it is perhaps difficult to undertake either the one or the other; but its work would have to be done over again and the Commission believed that its duty lay in expressing, just the same, its opinions concerning the problems which had been given to be studied. It will be very readily admitted that these problems are both difficult and diverse among a mixed population, whose customs, habits, ways of thinking and traditions are not everywhere the same.

The Commission has gathered together important testimony and it wishes to thank the people and the associations, who, appearing before it, have aided it in its task. All the witnesses, even those who declared that they had not studied deeply the subjects on which they were questioned, gave proof of the most sincere good will.

The Government of the Province of Quebec which knows the general conditions under which its financial policy is carried out, is able to judge if the propositions made by the Commission are to be applied in a more or less near future, but it was the duty of the Commission to relate what it had discovered.

All of which is respectfully submitted.

(Signed):

Edouard Montpetit, President.

Mgr. Georges Courchesne.

Ven. Archdeacon F. G. Scott.

J. T. Foster.

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Dr Alphonse Lessard.

Georges Savoy.

Members.

January 1932.

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