

Nobody's Child

By JUDGE R. H. MURRAY*

THE problem of the child of unwed parents has been perplexing the peoples of the world ever since marriage was instituted. The laws as to the status of the unfortunate child and methods of assigning the liability for its support have varied in every country, state and province. The first attempt in England to codify the law, solely for the monetary benefit of the parish where the child was born, is found in the English Acts of 1609 and 1773, enabling the mother of any child chargeable or likely to become chargeable to the parish, to secure the arrest and imprisonment of the father until he might indemnify the parish of the expense consequent on the birth of the child. Many other acts were subsequently passed to protect a parish. The welfare of the child and mother were given little consideration. In 1845 civil remedy was, by statute, given to the mother and others. Since then substantial effort has been made not only to protect the parish but towards improving the welfare of the child and mother. In earlier times the child was generally known as "Nullius Filius", "Son of nobody", "Kin of nobody". Blackstone fully sets forth the disabilities placed on such a child. (Vol. I p. 433).

The Province of Nova Scotia has a statute which received its inspiration through the English law. This is found in a codified form in the Revised Statutes of Nova Scotia (1923, Vol. 2 Chapter 49). There have been several amendments made since that year, particularly for the benefit of the child. The Act is divided into two main parts, the first being for the purpose of proceedings to indemnify a poor district in consequence of being called on to support the child and mother. Procedure is there set out to meet the case of a pregnant woman who is likely to become or is chargeable to the poor district. The putative father is apprehended and is dealt with by justices of peace or a stipendiary magistrate. Legislation, limiting the right to institute such proceedings, is found in sections relating to the cities of Halifax and Sydney. If an order of filiation is granted the putative father is required by the Court, to meet expenses incident to the birth of the child by paying "a sum of money weekly towards the maintenance of such child while chargeable to the poor district, or for such period as they consider right, respect being had to the ability and prospective means of the putative father." This may be enforced by a bond for the

fulfillment of the order. As a matter of fact the liability is generally discharged by virtue of another provision in the Act whereby, in default of a bond being furnished the putative father he may pay a lump sum of "not less than One Hundred and Fifty Dollars nor more than Five Hundred Dollars." A further provision casts the liability on the mother to nurse a child and contribute towards its support. Default on the part of the putative father may subject him to imprisonment up to twelve months or until an order is fulfilled.

In actual practice, owing to the impecunious condition of most such fathers, the magistrates have generally collected and paid over the lump sum, or have provided instalment payments to be made to the institution, family, or person, who attend to the maintenance of the child. Under the Act corroborative evidence of the parentage on the part of the putative father is not necessary, although the Courts have frequently stated that the evidence of fatherhood should be convincing.

Part second of the Act shows an evolution of the early law by giving a remedy by civil action (from time to time) on the part of the mother or by another person or corporation having maintained such child, for any expenses incurred. This liability remains on the father until the child attains an age of fifteen years, the amount of weekly payments being a sum not exceeding Five Dollars. The putative father is not liable if he has previously fulfilled a filiation order made under Part one of the Act. Part two is not frequently invoked owing to the difficulty in collecting a civil debt.

Deprivation of heirship was one of the disabilities attending the child of parents who ought, rather than the child, bear the stigma of "illegitimate." By an amendment to the main Act, passed in 1934, better financial provision, was made for the maintenance of the child, and several disabilities were removed. The mother became the lawful heir of the child and "where the mother and putative father of any child heretofore or hereafter born out of lawful wedlock have heretofore intermarried or hereafter intermarry," the child is given "all the civil rights and privileges of a child born in lawful wedlock" including a right to inherit property, "and for all purposes to become a lawful lineal descendant of the parents." Provision is, however, made that the removal of these disabilities shall not affect any "right, title or interest" which has been vested in any other person.

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Conditions in Nova Scotia

So far for the Nova Scotia law. It may now be asked what are some of the life conditions affecting such children? In the ordinary cases, prenatal care is absent. The mother is, by reason of her situation, hiding her "shame", compelled to work under distressing circumstances, and has no person to go to for help or advice. Credit for much assistance must be given to Children's Aid Societies and other social agencies. The mother suffers great distress when forced to go to a magistrate and disclose her condition, both before him and before the Court at later proceedings. No financial help is given her until after the birth of the child and frequently there is an ultimate default. The child is in the majority of instances, an outcast in the mother's home and its start in life is most unpropitious. The defectives generally find a home in an institution. The normal children start out with a heavy handicap and it is not surprising that many of them add to our delinquent class. It is consoling, however, that, notwithstanding the heavy penalties, visited by a Pecksniffian Society, thousands of these children have overcome the stigma and filled important places in the world.

The last Report of the Department of Health for the Province, in the year 1935, shows that there were 377 such births in our Cities and Towns, and 286 in our Counties. On a study of the numbers credited to each locality there are great discrepancies in the matter of proportions to be attributed to them. Perhaps the presence of hospitals, in some of these centres, may explain why some towns have only one or no births noted, while others go as high as 34.

Although progress has been made in this Province, not only to protect the Poor District, which was the primary concern of early legislators, there have also been slow advances made in the interests of the child and mother. It is, however, submitted that our Act is, in many respects, an anachronism, when compared with the advances made in some of the other Provinces. Without specifically dealing with the legislation of each Province, some of the legal evolutionary developments, not found in our Act, may be noted. Many of the Acts, outside Nova Scotia, contain all the benefits bestowed by our Act, and, in addition, further effective provisions. The keynote may be found in one of their sections which reads: "The Judge shall fix such sums for maintenance as shall enable the child to maintain a reasonable standard of life, and the Judge shall be governed in his findings by the consideration of what the child would have enjoyed had he been born to his parents in lawful wedlock." "Illegitimate" is not used in these Acts. "Children of Unmarried Parents" is the more euphonious title. A "Pro-

vincial Guardian" or "Provincial Officer" is appointed by the Government to oversee and enforce the working of the laws. One of the most important sections is that which requires the officer in charge of the Vital Statistics Act to report the birth of every child, born out of wedlock, to the Provincial Guardian, who shall fully investigate every such birth and see that all proper proceedings are taken in the interest of the child. The Provincial Guardian is also a refuge to whom the woman may, at any time, go for sympathy and aid. The application for affiliation orders may be made by practically any person financially interested in the child, as well as the Provincial Guardian. The limitations of time, in which proceedings may be taken, are much more generous than in the Nova Scotia Act, and the provisions for the maintenance of the child are much more liberal. The child may be given the name of the father. Corroboration of the mother's evidence is necessary in the Acts of some of the Provinces. Notice of all proceedings must be given to the Public Guardian and all moneys payable by the putative father are to be sent to the Provincial Guardian, who, in turn, pays them to the Public Trustee. As the money is needed it is paid back to the Public Guardian to be used for the maintenance of the child. Collectors of the moneys from the putative fathers are also appointed and it is noteworthy that last year \$86,000.00 were collected in Ontario for the benefit of the children. In short the administration of the Act is under the Public Guardian—a very great need in Nova Scotia. It is a painful sight in our Courts to be present when several possible fathers are brought before the Court as defence to the putative father. This situation is met in Prince Edward Island and other Provinces, a provision being found: "Where any one of two or more persons may be the possible father of a child born out of wedlock . . . the Judge may make an order against any one or more of such persons." So much for advanced law from which Nova Scotia may take inspiration.

The child and mother also seem to be considered of primary importance by modern social workers. As a consequence there have been many philanthropic agencies working, throughout the world, for the benefit of these unfortunates. The Director of Child Welfare for the Province, in conjunction with Children's Aid Societies has, with very limited appropriations, been doing excellent work, but he and the Children's Aid Societies should receive more aid by law, by Government and civic appropriations, and by private co-operation. A few special organizations to aid in such cases have been formed in Canada and the United States. England and Scotland specialize in their aid through "The National Council for the Unmarried Mother and her Child." The list of officers and committees consists of the names of some of the most dis-

tinguished men and women in Great Britain. Perhaps one of the most useful departments of the Council is the Case Committee to which expectant mothers may go for aid. There are a few of such local organizations in Canada. The Children's Aid Societies have been called on from time to time, and are over taxed in their work. The Unmarried Parents Committee of the Vancouver Council of Social Agencies has been of great help to that community. Domestic Relation Courts and Probation Officers have been aiding in other communities. In short, efforts have been to recognise the child as one of the greatest assets in our civilization, and by conserving the interests

of mother and child, thus lay a foundation for a better citizenship in Canada. The Canadian Welfare Council has been doing excellent educative work and there is no reason why it should not strive for a uniformity of legislation in these matters throughout Canada. It could also, through local agencies, do much to help in coordinating the law and the divers methods, which are now being used throughout our Dominion, to make the lot of the unfortunate more bearable. It is the sincere prayer of all interested in our fellow beings that something be done and that right speedily, to build up a citizenship from which the criminal and defective classes shall have largely disappeared.

Aims Of Agricultural Education

By LYMAN T. CHAPMAN*

TO give its students an adequate understanding of the application of agricultural science, in a profitable way, to the fields and farm yards, to develop an active appreciation of comfortable homes and a better understanding of rural life is the aim of agricultural education. The achievement of this objective is attempted by the Nova Scotia Agricultural College from two angles: First, training boys and girls to become better farmers and citizens; second, by providing facilities for taking the first and second years of the B.S.A. degree course as a means of training farmers, educators, research workers, experimentalists, extension men, and men for administrative positions in technical agriculture.

In a word, the principal product of agricultural education is *men* trained in the sciences and arts of farming; trained men to man our farms, our experimental stations, our research laboratories, district representative offices, administrative positions, and the Agricultural College itself. And above all, the men in these different walks of agricultural life must have a clear understanding of the place farmers and farming occupy in this changing world of ours, where farmers are no longer self-sufficient, but must sell their products in the world's markets and buy numerous daily necessities from many sources.

The application of science in engineering, aviation, manufacturing of all kinds, has changed the tempo of life, and so agriculture, if it is to keep in step and maintain a satisfactory standard

of rural life, must work that money-making team—"Science" and "Practice"—at the modern rate of speed and efficiency.

Teachers and students at an agricultural college work with life and living things. Beginning with the lowest forms of plant and animal life, the course of instruction unfolds the evolution of plants and animals to the higher forms as represented by the hay and grain in the fields, the fruit in the orchards, the poultry and the cattle and horses in the farmyards, all of which provide the food we eat and the clothes we wear. And so not only do the students acquire the knowledge of a business and a way of life, but they study and work with the very basis of their existence.

As the roots of the plants go down into the earth, so does the work of the chemistry and biology laboratories in determining the proper treatment of soils for the production of the living things that are a part of our very existence and in acquiring knowledge of the plants themselves, all of which is helpful in fighting and preventing the ravages of the undesirable and injurious forms of plant and animal life—the diseases and insects that attack crops and fruits and live stock and man.

A constant battle is being waged by nature and by man to maintain the balance. We in Nova Scotia face these enemies in more or less controllable kinds and numbers. The aim of an agricultural education is to equip men to carry on these battles. To equip them to apply the findings of science to the arts of farming and rural life. We live in a world of facts accumulating at an increasingly rapid rate. The contribution of the agricultural scientist is a great increase in the things we know. Hand

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