

---

---

ARTICLE II.—AN IMPORTANT BUT NEGLECTED  
BRANCH OF SOCIAL SCIENCE.—*By E. A. Meredith,*  
*L.L.D.*

[Read before the Society, 6th November, 1861.]

---

Mr. Chairman and Gentlemen :

I have felt some hesitation in laying before this Society the paper which I am about to read this evening, fearing that it might be thought by some, unsuited to the character of our Society, and foreign to the purposes and objects for which it was incorporated. For this reason I purposely selected a somewhat vague title for my paper, believing that one more clearly indicating its character would have sounded somewhat strangely in the ears of the members. But for this, it would, probably, have been announced under the title of "A Plea for Destitute and Neglected Children."

Unusual, however, as it is to bring topics such as I propose this evening to discuss, under the notice of our Society, yet it cannot be questioned that they come legitimately within the scope of our labors.

Our society, it should be remembered, is not established for the cultivation of Literature and History, exclusively; although the title under which we are incorporated might lead to such a supposition. We are, by the very terms of our charter, called to investigate "all those branches of the arts and sciences from which public benefit may be expected to result."

"Social Science" (although the youngest of the sisterhood of the sciences,) is that one of them all which most immediately and directly concerns itself with whatever tends to advance the happiness and well-being of society. It deals with those matters especially, which "come home to the business and bosoms of men." It is, therefore, pre-eminently a science from which public benefit may be expected to result. And no branch of that science, assuredly, is more interesting or more important, as none is, generally, less cultivated than that which aims at bettering the condition of the destitute and neglected children who are growing up in ignorance and vice amongst us.

That a large proportion of the children of the poorer classes throughout the country, but especially in our large cities, are utterly destitute and neglected, is a fact which, unhappily, requires but little proof. Again and again has public attention

been called to the matter, by our judges and others, and various plans have been suggested to remedy this crying evil.

It is only within the last few years that the claims of this interesting but unfortunate class of the community—neglected and destitute children—have received any adequate consideration in even the most wealthy and highly civilized countries in the Old World, England and France.

Public writers and speakers in those countries were in the habit of complacently congratulating themselves and their fellow-countrymen on the increasing light and knowledge of this christian age. They did not concern themselves to enquire how large a portion of the community were as effectually cut off from all participation in the benefits of this increased light and knowledge as though they were living in the midst of heathen ignorance and darkness. When the hill-tops and the fields around us are ablaze with sunshine, who thinks of the low-lying valleys whose cheerless depths remain unvisited by one single ray of the blessed health-giving light ! And thus while the privileged few were in the enjoyment of all the advantages of an improved system of education, and of all the appliances and aid to mental culture and physical comfort, which modern science has placed within their reach, they had little

thought for the crowds of their fellow-citizens, who, in the language of one who speaks from his own bitter experience :

“ Sit in gloom while sunshine floods the land,  
And feel through darkness for the hand of help.”

The alarming and disproportionate increase of juvenile crime was the first thing which served to awaken the public mind in England to the condition of these unhappy children.

About the same time, or rather earlier, the attention of some of the numerous Philanthropic Societies of the neighbouring States (Societies which reflect honor on that country) was directed to the same subject. In Canada too, as far back as the year 1849, the commissioners appointed by Government to report upon the steps to be taken for the improvement of our system of criminal legislation, in their second report laid before Parliament in that year, denounce in forcible language the evils of the indiscriminate mingling together of children “ who have strayed for the first time from the paths of honesty, or who, perhaps, have never been taught the meaning of sin, with the hardened offender of mature years.” And as a remedy for this evil they recommend the immediate establishment of refuges for children.

For good or ill “ the child is father to the man.” The habits, tastes and feelings, whether good or

bad, acquired in childhood, generally remain unchanged through life, growing with our growth and strengthening with our strength; shall we then be surprised that the wretched boy who has received no care or instruction in his childhood, who from his cradle has breathed an atmosphere of vice, should pass his youth in crime and excess, and end his days in the penitentiary or on the scaffold! Thus it happens that those whom society ignores and neglects as children, become in after-life the "whips and scourges" to plague her for her unnatural and short-sighted policy.

Imprisonment in gaol, after the first conviction of the juvenile offender, has every where been found powerless to arrest the growth of crime in this class of the population. Indeed, many intelligent magistrates have asserted, (with probably but too much truth) that early imprisonment in ordinary gaols, so far from having a tendency to diminish crime, is itself a great and primary cause of crime. So true is it that ordinary gaols, not only in Canada, but even in older and wealthier countries, must be regarded, more especially for the young, not as schools of reform but as nurseries of vice.

Within the last two years, the Government of Canada, in establishing juvenile reformatories, has taken a wise and important step towards checking the growth of juvenile crime and reclaiming young offenders.

F

To these reformatories we look with hope, and with a confident expectation, that, if properly conducted, a large proportion of the inmates will leave them reclaimed; and that instead of going forth from their imprisonment to swell the ranks of our criminal population (as they should probably have done had they been sentenced to the common gaols) they will become good and useful citizens.

But these institutions, useful as they unquestionably are in a high degree for juvenile delinquents, are of no benefit whatever to those who have not actually made themselves amenable to the laws. To enter the reformatory the child must have qualified himself by the commission of crime, he must have undergone the disgrace of a trial and conviction, and must have passed through the polluting atmosphere of a gaol.

The reformatories are remedial but not preventive; they aim at reclaiming the boy who has become criminal, not at preventing him from becoming such.

Infinitely better would it be, not merely on religious grounds, but on grounds of public policy, humanity, and economy, to devise, if possible, the means to rescue these children, before they have actually commenced a career crime of; *Principis obsta*, is ever a sound and wise maxim, and here its wisdom is unquestionable. Here, if anywhere,

“prevention is better than cure.” To provide the machinery for preventing the growth of vice ; to check and dry up the streams of crime at their source, is surely a noble object, one worthy of the greatest efforts of the christian philanthropist and statesman. Such is the purpose and such the object, for which the establishment of Homes or Houses of Refuge is here recommended. They are in fact an attempt to carry out, as regards these forsaken children, the precept of the inspired writer. “Train up a child in the way he should go, and when he is old he will not depart from it.”

It has been truly observed that until within the last few years the penal legislation of almost all countries was essentially punitive, and in no respect preventive. It could scarcely lay any claim to being considered as even remedial or reformatory, and its reformatory efforts, such as they were, were confined almost exclusively to old and hardened offenders. The whole system was unphilosophical, and in the strict sense of the term, ‘preposterous.’ It was a beginning at the wrong end.

It is easier to train the sapling than to transplant the full grown oak, and it is an easier and a more hopeful task, to train up the yet docile child in the paths of virtue, than to win back to honesty and self-respect, the hardened and

degraded felon. *Argilla quidvis imitabris uda*, is the wise maxim of a heathen poet. The child is the moist and plastic clay which the potter can mould and shape to any form he pleases—The man is the formed vessel grown hard by exposure to the external atmosphere—you may break it, but to change its shape or to re-form it is all but impossible. In connection with this part of my subject I may be allowed to quote a passage from a sermon of the celebrated Bishop Butler: “The care of youth, which is the general notion of education, becomes a distinct subject and a distinct duty, from the particular danger of their ruin if left to themselves, and the particular reason we have to expect, they will do well if due care be taken of them.” And again, “God forbid that it should be impossible for men to recollect themselves and reform at an advanced age; but it is in no sort, in the power of others to gain upon them, to turn them away from what is wrong, and enforce upon them what is right at that season of their lives, in the manner we might have done in their childhood.”

The preceding remarks suffice, I trust, to prove the necessity and utility, to say nothing of the duty, of securing the blessings of early education and training for those who, under the present state of things, are effectually, but without



any fault of theirs, debarred from such advantages.

Assuming then, the importance and utility of "Homes, &c.," to be admitted, I shall briefly point out: 1st.—The classes of children for whom these Refuges or Homes are intended. 2nd.—The nature of the instruction which should be given to the inmates of the Homes and Refuges, and the way in which they should be disposed of when they leave the Home; and 3rd.—The legislative provisions which would seem to be necessary to establish this class of institutions in Canada.

First, as to the classes of children for whom the Refuges are designed, They are :

1st—Children vicious and incorrigible at home.

2nd.—Vagrants.

3rd.—Destitute and friendless children, who either have no parents or natural protectors, or whose parents or natural protectors (from poverty, criminal indifference, depraved habits, or other causes) are unable or unwilling to give the children under their control that care or education which they require, and without which they are almost certain to fall into habits of vice and crime.

With reference to the instruction, given to the inmates of Refuges, it is to be borne in mind that these places are not meant to be prisons, but schools for the education of children who would otherwise be left wholly ignorant.

The answer to this question may be given in the words of Mr. C. Thompson's letter, from a paper read by him before the British Association in the year 1859, pleading the cause of these unhappy outcasts "Whom Society seems to have agreed to treat as a pariah caste, beyond the legitimate sphere of Christian enterprise," he says: "What did these children require? It may be well summed up in three words, Christian parental care. For their bodies they need food; for their mind, instruction in the elementary branches of knowledge; for success in life, they need training in industrial habits; and for their never-dying souls, they need abundant religious instruction."

After the inmates have remained a sufficient time in the institution, and when the early inclinations to vice appear to have been conquered, and habits of industry acquired; when, in fact, there is good reason for supposing that a real reformation has been effected, and that the child has acquired the elements of school learning, and some knowledge of a trade, then the authorities of the institution should have power to bind out the pupils as apprentices either to farmers or mechanics or as house servants, or in any other way that may be thought advisable.

A year or a little more is generally found sufficient to bring about this desirable change in the

habits and disposition of the child, and that is accordingly about the average period during which the children are kept in such institutions in the neighboring States.

The want of Homes or Refuges, is most felt in our large cities ; here are naturally found a very great proportion of those vicious and incorrigible, or friendless and unprotected vagrant children, 'City Arabs' as they have been not inaptly designated, for whose benefit the Refuges are intended. The Homes should therefore be established at or near the principal cities. It would be indeed very desirable that there should be, if possible, an industrial farm connected with the Home. If this were the case, the boys, during their sojourn in the institution, might be instructed in the rudiments of husbandry and horticulture, occupations of all others the most desirable for youths, as well for their moral improvement as for their physical health.

*Legislative provisions necessary to create and  
organize Homes.*

It would be premature to consider here, in detail, the Legislative enactments which would be necessary in order to establish Homes or Refuges for the purposes stated in this paper. I may remark, however, that, as during the last twenty or thirty years,

many such institutions have been in successful operation in the neighbouring States, the laws under which they have been established and successfully conducted there, could not fail to assist materially in legislating on the subject in this country.

The Homes might be managed either by societies of benevolent individuals, or by a committee partly of private persons and partly of persons selected by the city municipalities. \* As soon as the managers of a Home were provided with a suitable building for the purpose and had complied with whatever formalities the law might prescribe, they might be incorporated under the provisions of some general Act, such incorporation to be duly declared by proclamation in the *Gazette*. Once proclaimed, the Home would be legally available for all boys or girls of the class for which it was intended within the limits prescribed by the proclamation.

The statute should further authorize certain magistrates, say for example the Police Magistrates,

---

\* In September, 1859, some benevolent ladies in Toronto set on foot a Home for destitute boys not convicted of crime. In their report for 1860, they show that the institution has already accomplished a great amount of good—upwards of sixty boys were received into it last year. The managers of the Home represent that their two principal difficulties, are retaining the boys in the Home during the necessary period and the want of authority to bind them out as apprentices when they are ready to leave the institution.

or Recorders in cities, the County Judges or Judges of Superior Courts elsewhere, to send the boys and girls, on the necessary complaints or voluntary representations being made before them, and due enquiry had in the case, to the Homes, for any indefinite period that may be found necessary, subject only to the restriction, that the children should not be allowed to be kept in the institution after reaching a prescribed age.

The Legislature should further authorize the managers of the Homes to apprentice the boys, (with their own consent if over fourteen years of age), to farmers or mechanics, and the girls to dress-makers or other suitable employers.

The Magistrates should have power to send the children to the Homes on the representation or complaint of:

1st.—The parents or natural guardians of the boy.

2nd.—A stranger, and

3rd.—The boy himself.

It would be necessary to establish that the child was :

1st—Either vicious or incorrigible at home.

2nd.—Utterly destitute, or

3rd.—A vagrant.

When children are sent to the Home from any municipality other than that in which the Home

is situated, and by which it is mainly supported, the municipality sending the child should be liable to pay a stated sum to the Home for the maintenance of the child during its stay in the institution.

*Homes and Refuges considered from an economical point of view.*

The advantages of the proposed Refuges as a matter of public economy, are apparent at a glance. Consider merely the cost of the prosecution of criminals, of their support in gaols, reformatories or penitentiaries, of the depredations they commit upon society when at large—and we shall find that the aggregate during the career of a criminal exceeds upon the average, many hundreds if not thousands of pounds; and yet, in this calculation, we have only glanced at some of the direct losses inflicted on society by the criminal; we have altogether omitted to estimate the indirect loss which the criminal often causes society in many other ways; as, for example, by training up, during his course of crime, others to follow in his footsteps and to make society their prey. †

---

† A case is quoted report of the City Mission, London, of a man who had been twenty years a pickpocket, and who, during that time had been twenty times in gaol, and had trained 500 young thieves.

Persons who have not had their attention specially called to the subject, may be startled at these calculations of the pecuniary losses caused to society, from the depredations of the criminal classes. But the following passage from the statement of the Rev. John Clay, for thirty-four years the unwearied chaplain to the Preston House of Correction, in England, more than confirms the foregoing statement: "Some years ago," he writes, "a committee of enquiry into the annual depredations of the Liverpool thieves, stated the amount of those depredations at £700,000! Now I ask you," he continues, "to balance between the charge of training the young outcasts of the country to godly and industrious habits, and the waste of money, time and souls, consequent upon our neglect of an undeniable christian duty."

The industrial schools which have recently been established by statute, in England, as also the celebrated Ragged Schools which the active philanthropy of that country has called into existence within the last few years, have both of them for their object, to provide education for the same class for whom our Homes are designed. The success which has attended the Ragged School movement is well-known—hitherto they have had no support from the State, but the advocates of these schools feel warranted now in making a

strong appeal to the Legislature to extend to them State aid. It is to be hoped the appeal will not be in vain.

There would indeed be one great, and I think, important difference between Homes such as are recommended in this paper, and those in existence in the neighbouring States. Into the Refuges of the Union are admitted not merely the poor and unfriended outcasts who have never rendered themselves in any way amenable to the law, those in fact whose only crime is poverty, and those on the other hand, who have been convicted of various minor offences, and who, consequently, have been subject more or less to gaol influences.

According to the plan here suggested, no one should be admitted into a Home who had been in gaol, or who had been convicted before a Court of Justice of any offence ; at least, not of any offence which, under the present law, would warrant his being sent to a Reformatory. Our Reformatories are the proper receptacles for persons of this class. It appears to me a matter of great importance to preserve the distinctive character of a Home as a place not for criminal but for destitute or neglected boys ; as a school for teaching, not a prison for punishment. By carefully excluding actual offenders from our Homes, and reserving them entirely for unfortunate and friendless children, these



institutions would soon come to be regarded by the public as places which could be entered without disgrace and left without infamy. No stain would attach to the character of their inmates, and the fact that a boy or girl had passed a year or more, under the protection and guardianship of the authorities of the Home, so far from being a bar to future success in life, would be considered in some sort as a pledge and guarantee of the good conduct of the child.

Homes or Refuges, if limited in their use to the class of persons whom we have described, would form, as it were, an immediate link between our Common Schools and our Reformatories. While entirely distinct and separate from both, they would form the natural and necessary supplement of both, and would meet the wants of a class for whom at present there is absolutely no provision.

Charitable institutions of a kindred character with the Homes here advocated, have indeed been in existence for many years past in some of our large cities, among them may be mentioned the Montreal Roman Catholic Asylum, and the Montreal Protestant Orphan Asylum. Similar institutions are also in existence in Quebec, Toronto and Kingston.

All these institutions are, no doubt, productive of great good. In the official report of the Montreal

Protestant Orphan Asylum for last year, it is stated that 600 children had been received into the Institution since its foundation. † But, useful as these institutions doubtless are, they supply to a very limited extent, the objects contemplated to be attained by the Homes. In the first place the benefits of these asylums are confined to orphans (who have lost both parents) exclusively. Again, there is no power vested in the magistrates, of sending children to these asylums. And again, the asylum authorities have no power to retain a child, if claimed by his natural protectors, or if the child chooses to leave the institution.

Should the Government think proper to carry out the scheme here propounded it would no doubt be practicable, as it would clearly be desirable, to come to an understanding with the managers of these and other kindred institutions already in existence, with a view to their being used as Homes, at least to a limited extent. The Government would thus find itself provided with institutions fully organized and well conducted, which (the consent of the managers being obtained) might be at once erected into Homes. The charitable ladies at the head of these various institutions, would not be likely to object to any arrangement

---

† See Historical Sketch of the Montreal Protestant Orphan Home, p. 26.

which would enable them to extend so much the field of their truly christian labors.

Other institutions more closely allied to those recommended here have, as already stated, under the names of Refuges, been for many years past in successful operation in many of the States of the Union : they have received the highest testimony as to their usefulness, from the most distinguished jurists, judges, and philanthropists on the continent of America.

For myself, I do not hesitate to say that I am persuaded, that it is not to our penitentiaries, not to our gaols, not even to our reformatories, that we must mainly look, but to Homes or some such institutions, if we wish, with God's help, "to stand between the living and the dead, and stay the plague" of immorality and vice amongst us.

Before concluding this memorandum it will not be out of place to advert very briefly to two objections which have been urged against the class of institutions here referred to. It may be, and has been, argued that to restrain in any way persons who have not violated the laws, is contrary to the natural rights of personal liberty, and again that a further injustice is committed when children are taken away from their parents [their natural protectors] and committed without their consent to the guardianship of others. The right of per-

sonal liberty and the rights of parents are important rights which Englishmen are wont to regard as peculiarly sacred. But we must be careful not to carry our morbid jealousy of any apparent interference with those rights to such an extreme as to work injury to those very persons whom we desire to benefit and protect. As to the former objection we may remark in the first place, that the power of sending children to Homes should be exercised only according to strict forms prescribed by law; and should moreover, be surrounded by such safe-guards and checks, as would make the abuse of that power improbable if not impossible. This objection is, however, answered practically by the fact, that similar institutions have been in successful operation for more than thirty years in many of the neighboring States, and yet I am not aware that in any case has the power of the magistrate, of sending children to the Homes, been want-only abused.

The grounds upon which the State is justified in interfering with and restraining the liberty of children, and on taking them, if necessary, from their parents for that purpose, are so well put by the Superior Court of Pennsylvania, that I cannot do better than quote the part of a judgment of that Court bearing on the point.

“ The object of the charity, or House of Refuge,”

argues the Court, "is reformative, by training its inmates to industry ; by imbuing their minds with principles of morality and religion ; by furnishing them with means to earn a living, and above all by separating them from the corrupting influence of improper associates : to this end may not the natural parents, when unequal to the task of education or unworthy of it, be superseded by the *Parens patriæ* or common guardians of the community. It is to be remembered that the public has a paramount of interest in the virtue, and knowledge of its members, and that of strict right, the business of education belongs to it ; that parents are ordinarily entrusted with it, is because it can seldom be put into better hands, but when they are incompetent or corrupt, what is there to prevent the public from withdrawing their faculties, enjoyed as they obviously are at its suffrance ?

"The right of parental control is a natural but not an inalienable one.

"As to the abridgement of indefeasible right by confinement of the person, it is no more than is borne to a greater or less extent in every school, and we know of no natural right to exemption from restraints which conduce to an infant's welfare."

Mr. Senior, one of the Commissioners recently appointed in England to report upon the subject of 'Popular Education,' lays it down as an axiom

that " it is as much the duty of the community to see that a child is educated as it is to see that the child is fed ; and that unless the community can and will compel the parents to feed the child or to educate the child, the community must do so."

In the foregoing remarks I have labored to shew the necessity for establishing Homes or Refuges, to point out the classes of persons for whose benefit these institutions are mainly designed, and the nature of the instruction which should be offered in them to their inmates. I have also replied to the objections sometimes urged against those institutions, on the ground that they are an infringement on the liberty of the subject and a violation of the parental authority.

In closing this paper I cannot refrain from citing the concluding paragraph of an admirable pamphlet on the subject of Houses of Refuge, published in Philadelphia in 1851. It is there stated :

" It should always be remembered, in connection with this whole subject that there is a sort of moral retribution provided for in the very constitution of society, which visits upon us the just punishment of our neglect or omission of duty towards the ignorant and forsaken. If juvenile delinquency is allowed to pass with impunity, it will soon break forth into outrage and crime of every description ; and offences and offenders will

multiply without number or end. If on the other hand, we check the formation of the early habit by removing the child from scenes of temptations and guilt, if we put him where restraint and wholesome discipline are connected with personal liberty and enjoyment, and with literary, moral and religious instruction,—and then place him in a position to be taught some useful and profitable art of life—we are sure that the best interests of the community are subserved, while the individual himself is saved and blest.”

In my capacity as a member of the Board of Inspectors of Asylums and Prisons of the Province, I some months since laid before the Government a memorandum advocating the views contained in this paper.

It is in the hope that the prestige of this Society may secure some share of public attention to this subject, so deeply interesting to the Community at large, that I have ventured to bring the matter under your notice ; should such be the result, I shall have no reason to regret my departure from the class of topics usually treated of before the Society.

