THE CHILDREN COURT

PERTH, WESTERN AUSTRALIA,

During

TWO DECADES.

By

The Hon. A. LOVEKIN, M.L.C.

(Honorary Special Magistrate.)

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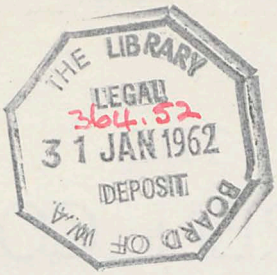

DEDICATION.

Without his permission, I respectfully dedicate the following pages to my old and much esteemed friend, the Hon. J. M. Drew, M.L.C., now Chief Secretary of Western Australia.

Although we do not subscribe to the same political creed; notwithstanding that we do not profess the like religious faith, in one important and transcending particular, we do live on common ground.

We may well differ, however, as to what, mundanely, is best. We may not accord as to the gate—the Anglican, the Roman, the Nonconformist, or even the Atheistic—we may best enter that Heavenly haven which all, in time, must reach.

We pass this way but once. Whilst here we have one objective, common to each of us—the cause of humanity.

From my friend I have received much sympathy, much aid. I regret I cannot better acknowledge it—better repay my indebtedness—than by dedicating these crude pages to him—pages designed to promote the betterment and uplifting of the future race.

A. L.

26th January, 1929.

PREFACE.

This booklet is not for sale, or for public distribution. There is already too much sordid literature extant. I have no desire to add to it. During the last two decades many thousands of cases have passed through our Children Courts. From January to December, 1928, no fewer than 1,365 cases were listed at the Perth Court alone. The decisions have had far-reaching effect—effect which, my experience tells me, has been largely for good.

I have compiled the booklet for distribution among those who should be interested in child welfare, and who have the power to help, and will help, given the requisite knowledge to enable them to do so.

Unfortunately, many do not regard Children Courts with the degree of seriousness they deserve. Failure to realise the problems which constantly confront every community, is responsible for the attitude adopted in many instances. My objective is to stress the importance of shaping the tree while it is young. Theory will accomplish but little in this direction. It is the practical side which must be operated. Decent housing accommodation must be provided for the Child Welfare Department and its Court, without which neither can satisfactorily function. There must be efficient machinery provided for the work. As prevention is at all times better than cure, a suitable and efficient probation staff—both male and female—is an essential. Homes for the mentally deficient—for females as well as for males—are real urgencies. A probation farm at which those callous of their responsibilities, those who deliberately evade their obligations, can be forced to work out their indebtedness, whether it be to their families or to the State, is a further need.

Although little appears in the following pages to support the contention, an alteration of the law is desirable under which, henceforth, only suitable and efficient persons shall be selected to adjudicate at Children Courts.

A. LOVEKIN.

Perth, January 1929.

THE CHILDREN COURT
During Two Decades.

COMPLEXITY OF ITS PROBLEMS.

ITS TRAGEDY AND PATHOS.

EARLY EXPERIENCES.

Soon after I was appointed to the Commission of the Peace, in 1908, I was induced to take a seat on the Bench of the Children Court. Mr. R. P. Vincent was the Presiding Justice, and we two constituted the Court. We dealt with a number of cases, the details of which have passed from my mind. At the conclusion of the sitting, with my brother Justice, I made a tour of the precincts of the Court. It was a shocking place. The Court room itself was a room about 20 feet long by 14 or 15 feet wide. It did duty as Clerk's office as well as Judicial chamber. Opposite was a room where charity was dispensed to the unfortunates who needed it. Upstairs were some clerical offices into which the employees were packed like sardines amidst bundles of paper. At the rear was a kitchen and one living room for the caretaker, who combined with his caretaking and court ushering duties, the position of gaoler and flagellator. Alongside were two rooms with low roofs of galvanised iron, devoid of ceilings. One of these was for the use of female children and the other for male children, during their temporary confinement or until transfer to an institution. There was one bed in each room—filthy and infested with vermin. If two children of the same sex were under detention, they had to occupy the same bed. If more than two children were there at one time, I do not know what happened. There were no lavatory conveniences in the rooms. These necessaries were provided in the yard a few feet away from the kitchen and consisted of a pan W.C. and an open water tap, which was used for the performance of the necessary ablutions—when required. I was shown a heavy strap with a large buckle attached to it, used, when occasion called for it, to impose the six, ten or twelve strokes which the Court might have ordered infliction upon the unfortunate delinquents who came before it. Such was my initial experience at our Children Court.

BREAKING IN.

Such conditions were repellant to my nature, and it was a long time before I made a further appearance at the Court. I could not, however, excise from my mind what I had seen and, meeting Mr. F. D. Good, one of the Justices who regularly attended the Court, I discussed the matter with him. He urged me to make further appearances and learn more about the Court and its work. Subsequently I did so. Mr. Good was senior to me as a Justice, but he insisted that I should take the chair and so become broken in as it were. I acceded. I attended more frequently and often took the chair. The more I did so, the more I became inbued with the need for reform. I set myself to work towards that end and I have continued striving in the like direction ever since. But the task has been most difficult. I have found that Ministers were in little sympathy with the work of the Court, that few took interest in the welfare of children, not from any lack of sympathy, but from want of knowledge. The officials who ought to have advised the Ministers appeared to me to be men of ultra-conservative tendencies, and whose apparent callousness was due, not so much to hardness of heart as failure to realise the conditions which surrounded them.

A BETTERMENT PROPOSAL.

At that time any Justice might be called upon to attend at the Court. Some were there more frequently than others, and having become interested I was among those who made more than a spasmodic effort to respond to the call of duty. From time to time several of us were wont to discuss the position, and we took steps to effect reform as far as lay in our power. Among these gentlemen were Messrs. F. D. Good, H. Casper, J. Cantor, C. Harper, and J. M. Lapsley. This small band obtained literature as to the constitutions and workings of other Children Courts, and used the material towards the education of the Government and its officials. In the course of time the locale of the Court was changed, albeit there was little real improvement so far as the Court accommodation was concerned. The principal changes were the abolition of the cells, the flagellator and the other objectionable surroundings. In order to promote some measure of betterment, Mr. Good offered to sell his large house near the Mint for the purposes of a Court and Detention quarters, at the market price, from which he offered to deduct £500 as a donation. I volunteered to provide £500 to furnish it. We suggested that the Government should continue to pay the rent, which it was then involved in for an unsuitable building, to a fund, which in the course of a little time would not only have paid the interest on the new outgoing, but would also have provided sufficient to redeem the capital and leave the Government with a free property. This was

turned down. The Government, however, did embark upon the building of a Depot on good lines and which has been in use ever since with much advantage.

THE PRESENT HABITAT.

Later still, the Court was removed to its present site—old St. George's Hall—which after its disuse as a place of amusement did duty, for many years, as a Government Lithographic Department. This building is also totally unsatisfactory for its present purpose. I have sat in the Court Room with the rain falling through the headlight. I have seen pools of water on the floor. I have objected, without avail, to the damp and musty odours which from time to time permeate His Majesty's Hall of Justice. I have been subject to the cold winter winds blowing through four doorways, admittedly unavoidable, as the business of the officers had to be proceeded with.

The entrance to the Court is up a narrow lane which is the rendevous for unemployed seeking assistance, and where distressed persons—women in numbers—have to wait their turn to interview the relieving officer. Turning to the right, half way down the lane, one meets a public latrine and, adjacent thereto, is the front entrance of the Court. Inside this front door is an open wash basin and another latrine for the use of officials. Opposite to these is the Probation Officers' room, dingy and cold, and ill-lighted. Then comes the Court room, with the Clerks' office on the right. The floor of the latter is ever damp and, in winter, the water runs down on the inside of the walls. Fortunately the clerk, Mr. Dunn—an excellent officer—is a young man and so far unsubjected to rheumatism. Next to the Clerks' room is the Justices' room. As with the Clerks' room, the walls are damp, the rain beats under the door and occasionally floods the floor. Furniture is a scarce commodity. We started with two wooden chairs for 15 Justices to sit on, and no table. We furnished our own room with a few chairs, table, bookshelf and carpet, at a cost of £60. The Government magnanimously found us a small radiator for use during the winter and for which it provides the cost of the electric current. Occasionally, when there has been heavy rain overnight, the carpet is found to be saturated at the sitting of the Court on the following day.

Behind the Court is the Charities Department. Here is to be found a number of small pigeon boxes with wooden petitions carried half way to the ceiling. In size they are about 8 feet by 10 feet. In most of them two officers work. When deserted wives and other women in trouble have to interview officers, all their woes and difficulties must be poured out within the hearing of other officials, as the structure is not sound proof. Such is the Child Welfare department to-day. Such it probably will be until I am no more.

CHILD WELFARE.

In 1919 I had the honour of being elected a member of the Legislative Council. I had studied Child Welfare methods in other parts of the world. I had seen how the business of the Courts was conducted, and had knowledge of the ideals these Courts aspired to. I thought my opportunity had come when I could effectively urge the cause of our Children Courts. In my first year as a member, the Government introduced an Act to amend the State Children Act. I took advantage of this and proposed many amendments. Most of them were received sympathetically by the members of the Legislative Council, and were agreed to. When the Bill went to the Assembly, however, I had not the opportunity of explaining and no member there realised the true position, with the result that many of the amendments were not favourably received. A curious factor was that Ministers having scant knowledge themselves, relied solely upon their official staff. They became their rubber stamps as it were. And the officials, as I have already pointed out, were possessed of ultra-conservative tendencies. Nevertheless, we did get some useful amendments, but more must follow before our Child Welfare Court is placed on absolutely modern lines.

SPECIAL QUALIFICATION NECESSARY.

The knowledge I acquired satisfied me that a Court, composed, as it was, of Justices who attended to-day but were never afterwards seen for months, could not function as an ideal tribunal called upon to grapple with child and other domestic problems. I urged for a Court permanent as to its personnel, and, in the 1919 Act, the Government was induced to insert a section which had this effect. It provided that the Governor might appoint "such persons, male or female, as he might think fit, to be members of any particular Children Court." Following upon this, the Government appointed 15 persons as members of the Perth Children Court. Five of these were females and ten males. The result of the change was advantageous. It enabled the same individuals to meet and discuss the problems which were ever confronting the Court. In many instances the women have been able to assist in the work of the Court, where men would have failed, or, on account of the nature of particular cases, could not well have undertaken the task. In order that there might be some measure of synchronisation—some fixity and continuity of purpose—monthly meetings were held to discuss the various and difficult problems.

OUR INSTITUTIONS.

It was, of course, necessary that the members of the Court should know something of the institutions to which they were sending children. A section was inserted in this 1919 Act by which any member of the

Children Court might at any time enter, visit and inspect any institution when authorised by the Governor. In practice this has worked well. To avoid inconvenience to the institutions from the unannounced visits of so many as 15 members of the Court, each six months the Governor specially authorises four members for this work. The institutions have been regularly visited and reports furnished to the Minister. In some instances these have led to improvement. At the present time the institutions from the Court viewpoint are satisfactory. But more institutions, having special objectives, are essential. One of the greatest difficulties which has faced the Court, for very many years, has been the disposition of mentally defective children. Some little time ago, due largely to the pressure of the Court, the Government appointed a Psychologist to whom children of doubtful mentality might be referred. Such, in very many instances, has enabled the Court to deal with these children in a manner more beneficial to their welfare than would have been possible without the expert advice. The Salvation Army, realising the need, established a home for mentally deficient boys, and, in order that they might receive training at the hands of experts, the Government consented to increase the subsidy from 9s. to £1 per week. The limit, however, is 26 boys—unfortunately not nearly sufficient. The Roman Catholic denomination, also convinced of the need of handling the mentally deficient, is building an institution specially designed for the purpose, and which will be controlled by experts having special training in this class of work. The institution will be opened shortly and will be capable of handling up to 50 boys. But there is a still greater need in this direction for an institution which will provide for mentally deficient girls. The demand is much more pronounced than that in the case of boys, as will be apparent if anyone gives the slightest thought to the subject. It is possible that, before long, provision will be made in the interests of the weaker sex of the community who, from no personal fault, find themselves unable to hold their own.

WIDE JURISDICTION OF COURT.

I will not enumerate in detail the improvements which have found place in our Child Welfare laws since the amending Act of 1919, and the appointment of a permanent Court. Suffice it to say, the Court has jurisdiction in affiliation cases. At a Children Court these may be heard privately as it were. Hitherto much distress and suffering was caused to women, compelled as they were, to go to the ordinary police courts, there to be gazed upon by a prurient minded public, and subject to the right of the Press to report heartrending and unsavory detail. Most of these cases are now heard in the Justices' Room.

The issue of summonses against children for petty offences has been abolished. A notice is now sent to them calling upon them to attend the Court. I cannot call to mind any instance in which the

notice has not been complied with. This has saved much cost in the delivery of summonses, an unnecessary expense the parents of children in times gone by were compelled to meet, poor and needy as they might be. It also has served to remove the humiliation which many parents experienced in having a policeman deliver his "sheet of blue paper" at their house in full gaze of the neighbours. Last year (1928) this practice was made legal in the case of parents summoned in respect to the truancy of their children. Experience showed that such cases arose in the families of the poorest of the poor. In very many of them, the parent or guardian was found to be in receipt of State relief. To involve such in heavy costs was obviously wrong. Under the law as it stood, at least 3s. costs there must be, even if no fine were inflicted. And this 3s. automatically became 7s. 6d., by reason of the order which had to follow. In quite a number of instances there was also mileage to be paid; sometimes 14s. or 15s. or even more to be added, besides other costs in connection with the process for enforcement of the fines and costs. In future, notices will be posted to parents calling upon them to attend. Thus distress warrants will be fewer, whilst there will be no relaxation of the compulsory sections of the Education Act, a compulsion which is highly necessary in the interests of children, or, in other words, the future citizen.

CONVICTIONS NOT RECORDED.

Another improvement in the law arises from the wider discretion which has been given to the Court. Under this a child, although guilty of the offence of which it is charged, need not have a conviction recorded. Thus there is no recorded stain which can be used in evidence when the youthful delinquent reaches maturity and has acquired better sense of right and wrong. Indeed it is made an offence to maliciously disclose in evidence any proceedings in a Children Court which have taken place before a child has reached the age of 18.

PROBATION FOR BOYS.

This wider discretion has also permitted an extension of the probation system. The experience of the Court has demonstrated, beyond challenge, that it is better, in the interests of delinquent children, and the community generally, that the offenders should be released on probation, rather than be committed to an Institution. In one year in which the figures were taken out, it was found that only 3 per cent. of the children released on probation had offended a second time. The Court has been fortunate in having, as an aid, an excellent probation officer in the person of Mr. Bulley. Such a position obviously needs the right man. Over many years the effect of his work, although little known, has been far reaching. Example: In days gone by the news-

papers frequently published reports of the doings of what are known as "pushes." Little is now heard of such gangs. The work of Mr. Bulley accounts for the change. Whenever he hears of a rising among youths of the "push" type, whose instincts are criminally disposed, he gets to work. In due course the ringleaders are summoned to the Court. The boys are released on probation, subject to Mr. Bulley's supervision. He then handles them for their own good and for the benefit of the community. He will find a job, say, at Geraldton for one ringleader, and another job, say, at Albany for another of the "push" chiefs. The loss of the leaders and some kindly advice to the remaining rank and file, generally has the effect of breaking up the "push." There are many cases where this action has proved to be of lasting benefit to the lads themselves.

The members of the Court ever endeavour to watch the result of their commitments. In numerous cases the boys do well, and so great an influence does Mr. Bulley exert over them, that they send him their earnings to bank for them. Quite recently Mr. Bulley reported to me that a boy I placed on probation some three years ago—a boy I regarded as quite incorrigible—had placed with him over £200, which was now in the boy's banking account. These boys are kept in touch with during their probation. If they are in town, they must see Mr. Bulley from time to time. If in the country they must write to him constantly. He always replies and urges the lads to continue in their changed life. Although beneficial to the boys, the commuunity also has gained much advantage. Several of the Institutions which the Government, in the past, had to maintain, have been closed down and the Treasurer has been relieved of the cost.

PROBATION FOR GIRLS.

What is necessary and good for the boys is even more so in the case of girls. For many years the Court has been urging the appointment of a woman probation officer. Some time ago, realising as I did, the need for such an officer, I offered to provide £300 per annum for two years to test the need. Experience satisfied us that there were scores of young girls employed in the city who were constantly guilty of petty acts of pilfering. When it is borne in mind that these young girls henceforth will become mothers of the race, it is highly undesirable that they should have recorded against them, at an age when their minds are not fully stabilised, a conviction for theft. I once stated from the Bench that I hoped the women police would not bring such girls before the Court if it could possibly be avoided. For this pronouncement I brought down upon my head the condemnation of a legal luminary in the Legislative Assembly. In his flight of oratory he declaimed, "who has dared to give such instructions to the police." I dare to be the Daniel. I plead guilty to the charge,

but, in extenuation, I say that the hon. member did not understand, whereas I did. If there had been a woman probation officer to whose care and supervision such girls might have been committed without a conviction having been recorded, I would have had no need for the expression of such a hope. But there was no such probation officer. My offer to supply one, if merely to demonstrate the need, was turned down. The Department advised the Minister that such an appointment was not warranted, as there was not a sufficient number of girls placed on probation. What there were, the existing staff could cope with. The answer is that, until recently, girls have not been placed upon probation because there has been no probation officer, and that the Inspectresses, having defined work to do in their respective districts, cannot carry out probation work effectively. Moreover, most of the inspectresses are too old to engage in strenuous probation work. If the system is to avail much, there must be the special type of officer to work it. However, this aid must come in the near future and will come when Ministers feel sufficiently sure of themselves to act upon their own judgment.

BABY FARMING.

The Child Welfare Department has also contributed much to the "good of the cause." It has effaced what is understood as "baby farming." No one other than a relative, or licensed person, is now allowed to take charge of a child under six in the capacity of foster mother. The Department has also welfared many hundreds of children, by obtaining adopting parents for them. It, too, has been the means of raising the age to 12 years, when street trading can be permitted, such as the selling of newspapers, racecards, etc. It has prevented children, under 16, from begging or performing in the streets, or being engaged in racing stables or performing with theatrical companies for money. It has extended the allowance for the maintenance of a child from 12s. 6d. to 20s. per week. And, to avoid the loading up of costs, it has provided that the orders of one Court, say, for maintenance, may be transmitted to another Court for enforcement, thus saving the expense, often many pounds, in bringing an offender to the original Court, or taking him, under warrant, from his employment and thus accentuating his non-compliance with the order against him.

THE IDEAL.

Unfortunately, Children Courts are not properly understood. There is the tendency to regard them as punitive tribunals, whereas modern ideals run in quite an opposite direction. Prior to the establishment of such a Court at Chicago, 1899, juvenile offenders were regarded merely as young criminals and were dealt with at the ordinary police Courts. The true and more modern viewpoint is radically

different. The advocates of special Courts for Children hold it to be a crime for the community to place the stamp of criminal upon a child. They contend that every delinquency of youth should be judged, not from the standpoint of any particular wrongful act or omission, but should be visaged from the conditions under which the child is growing up, what kind of character he or she is developing and that, in the light of these, consideration should be given as to how such child can best be diverted so that it may become an upright and useful citizen.

I have stressed it that there are problems arising in Children Courts which are difficult of solution. I now propose to cite a number of cases, but those only which are within my own knowledge, to support my contention. Other members of the Court have had like experiences, but I wish to avoid chronicling anything in the nature of hearsay.

One of the first cases at which I presided was somewhat pathetic.

"PLEASE, SIR, WHERE MAY WE PLAY?"

Some 30 children, boys and girls, all under the age of 10, had been officially summoned by the Perth City Council for breaches of the civic By-laws. The small Court room was packed with the children and their parents. The first small boy, aged about six, was charged with playing football in a municipal park. The evidence disclosed that he had a five-inch rubber air ball which he and others were kicking about the grass. To recite the charge, he was playing football in the Park contrary to the By-law. The little chap readily admitted the offence. He was told by the Bench that it was against the rules to kick balls in the Park. Innocently the boy rejoined, "Yes sir, but will you please tell us where we *may* play?" The Bench took time to consider its judgment. The next little fellow, aged about four, had been served with the usual sheet of blue paper, to wit, a summons, charging him that on a certain day he did unlawfully fish in the Park. The evidence showed that there were some ducks on a miniature lake in the Park, and that the little boy had a piece of paper tied by some cotton, and had thrown the primitive fishing bait into the water, pretending to fish. He was caught redhanded by the inspector and prosecuted. Again the Bench took time to consider. A young girl, quite an infant, was charged with the heinous offence of swinging on the branch of a tree. A boy presented himself, on His Majesty's command, for having climbed the fence. So the list was proceeded with. Again the Bench needed time to consider how best to make the punishment fit the crime. In most of the cases it was shown that the children lived in houses which had backyards of pocket handkerchief dimensions, hence the children either had to play in the Parks or in the streets. After much considera-

tion, the Bench cautioned all the delinquents and told them that it was against the Regulations for them to so act in the Park. The Inspector asked for costs in each case—2s. The Bench promptly replied, "No costs." The Inspector responded: "The Council has been put to the expense of issuing the summonses and the ratepayers ought not to lose the money." The Bench said that, in their opinion, there was no need for the summonses. The children might have been cautioned on the spot or their parents communicated with.

To my surprise on the following week another batch of children, some 20 odd, was listed with charges against them of a similar nature—namely, committing various heinous offences when playing in the Park. On this occasion the Mayor attended and pointed out to the Bench the vast amount of destruction that was taking place in the public Parks through children climbing fences, swinging on trees, frightening the ducks, etc. He pressed for more deterrent action on the part of the Bench than was imposed on the previous occasion. The Court, however, adhered to its former decision. It refused to fine the children or even impose costs. It suggested that the children should be warned, or their parents communicated with.

In a subsequent discussion, the Mayor agreed with the Court that it was absurd to bring children up on such charges, and he said he would take steps to bring about a change. The result of his efforts was that the children henceforth were reprimanded by the Inspector, and in some cases, which were considered to be very bad ones, the delinquents were taken to the Town Hall where they were admonished in a fatherly way by the Town Clerk or some other official. Curious to relate, the new method had the effect of checking much of the vandalism complained of. No such cases have troubled the Court since.

"I SWEAR IT WAS NOT MINE."

Quite a different class of case was that brought by a girl of 17 who had given birth to a child. She sued the alleged father for the maintenance of it. The defendant was represented by Counsel; she conducted her own case. Having been duly sworn she told her story. She said she had been in the habit of going out with the defendant and that intimacy had occurred in various paddocks, and later on at the house of her parents which he, at times, visited and stayed. At the conclusion of her statement I asked her whether she had any witness, or any letter or paper which would corroborate her statement in some material particular. She replied that she had no witnesses—no papers or letters. I then told her that it was obligatory under the law that her story be corroborated. She simply said she had no one to help her. The defendant thereupon said he had no wish to take advantage of the girl, and he would go into the box and swear it was not his child. I told him that such was unneces-

sary, as the girl first must be corroborated. He, however, persisted in his desire to clear himself. I let him have his way. He went into the box and was duly sworn. He asked the Court to look at the girl and ask themselves whether a man, such as he was, would be likely to have anything to do with a girl of her class. "I swear it is not mine," he said.

I had had some experience of witnesses in the box and a passage of Shakespeare, "Me think'st thou dos't protest too much," flashed across my mind. I said, "I think, in the circumstances, this girl ought to be represented. I will adjourn the case so that she may have an opportunity of getting some advice." The case was accordingly adjourned, and, as the girl had no means, I asked the Clerk of the Court to obtain some legal assistance for her and authorised him to pay two or three guineas for it from the £10 which Parliament votes per annum to the Children Court for petty expenses. Mr. Arthur Haynes was employed, and, at the subsequent hearing, I witnessed one of the cleverest pieces of cross-examination I have ever heard, and saw one of the most dramatic endings to a case which is to be found on record.

No corroboration. The case was reeking with it. Haynes began his cross-examination by causing the defendant to swear even more emphatically than at the previous hearing, that he had never had anything to do with the girl. Haynes then asked him whether he had ever been to her house. He said he had been, but he had only called for his brother who was visiting there. Behind his back Counsel had a sort of conjuror's bag. From this he produced article after article which connected the defendant with the girl. There was a photograph of the two of them taken together—unmistakable. There was another photograph with the defendant in her clothes—also unmistakable. There was also the girl in his pyjamas. They had exchanged dresses. His name was on the pyjamas which he had left at her house where he had slept on the night of the frivolity. A large doll was next palmed from the bag. This corresponded with the doll in the arms of the girl when she was photographed with the defendant's arms around her. And finally was a note in the defendant's handwriting but not signed by him requesting her to meet him at "the usual place" behind the sleeper stacks in the Railway yard. At this the defendant collapsed, and an order was made against him for the maintenance of the child. The State paid £5 4s. for the Counsel's fee, but saved the payment of 9s. per week for 14 years for the maintenance of what would otherwise have been deemed to be a destitute child.

IT'S THE OLD SAD STORY.

Apropos of the foregoing, I call to mind another case wherein experience prompted me that the evidence was not of the truth. In the Charge Book a case was listed, at the instance of the guardian

of a child, charging that the said child was uncontrollable and neglected. The alleged guardian sat in the witness chair and, having been duly sworn, told the following story: "I was present at the birth of this child. Its mother died shortly after childbirth. I was a friend of hers. On her dying bed she made me promise I would always look after the little chap. I made her the promise. After a time I came out to Australia with my husband and brought the baby with me. He lived with us for about three years. My husband did not like him. I put him out with a foster mother and paid for him from my housekeeping money, but I cannot do it any longer, and as my husband will not have him in the house, I have been advised to put him on the State. He is only a little fellow, but he is quite uncontrollable, and of course there is no obligation on me to keep him.

The Departmental Officer said that on the facts the only thing to be done was to commit the child to the care of the State. I was dubious—I did not altogether swallow the story. The manner in which she gave her evidence prompted this view. Turning to the Probation officer I said, "This woman appears to be the only one in possession of the particulars regarding this child, therefore you ought to get a record signed by her for your files." The officer said he would write out a declaration and get her to sign it in my presence. After a short delay, a typewritten statement was handed to me substantially on the lines of the sworn evidence which had been given. The woman appeared to be nervous. She trembled a little. Having my doubts, I said to her: "You are about to sign, in my presence, a most important document. I want you to be sure that everything it contains is true, because it will be very serious for you if it appears later on that the statements are not true. Now read it over carefully yourself before you sign it." Thereupon the woman said to Mr. Bulley, "May I see you again privately?" Having given my consent to a second interview, the woman and the officer left the Court. In a few minutes both returned. The officer said: It will be no use, sir, for her to sign this." I asked, "why?" He replied: "Well, sir, because it isn't true—it's the old sad story." The woman burst into tears. She then admitted that it was her own child—illegitimate—conceived and born whilst her husband was at the war, and that she dare not tell him about it. She said she would struggle to continue the payments to the foster mother for the child, and she would tell the officer the name, etc. of the father, if he would promise that nothing should be made public, and that on no account should her husband know. The case was allowed to drop. Here was another 9s. per week for 10 years saved to the State. In this case the woman had four other children by her lawful husband.

IN CONFLICT WITH BRITISH LAW.

I relate the following, not only as an example of the varied questions which arise at the Children Court, but also as showing the greater beneficence in the interest of children of our law over the British law. In earlier days, affiliation cases were heard under the Bastardy Act of 1875, which followed the British Statutes on the subject. The sections of the Act had evidently been drawn by some equity special pleader, judging from their verbosity and the consequent difficulty of following the true intention of the framers. Under the Act, no affiliation order could be made, unless the mother of the child herself made the complaint, and also gave evidence at the hearing.

At one of the meetings of the Court held to discuss various matters which arose from time to time, it was pointed out that the law, as it stood, acted very harshly upon a child, if the mother happened to have died, say, in childbirth, before she could get an order for maintenance. There were other difficulties, but I need not refer to them. I was asked to endeavour to get a repeal of these provisions, and to have substituted a more simple and more benevolent enactment. Opportunity presented itself, and I succeeded in achieving the objective of the Court.

Curiously enough, I was presiding at the Court when a case was called on which justified my action in Parliament. A complaint was laid by the father of the mother of an illegitimate child, calling upon the putative father to show cause why he should not contribute to the support of the child. The evidence disclosed that the mother of the child died shortly after her confinement. The defendant had been keeping company with her for about five years. He had admitted to various members of the mother's family that it was his child. To one of them, the father, he said, "This will hang over my head and I intend to marry her as soon as she gets out of bed." After she died, and before the funeral, defendant asked to be allowed to go into the room by himself. He went in and was seen kneeling by the corpse as if engaged in prayer. Another witness said that, after the child was born, defendant went into the bedroom and picked up the baby. When he left the room he said to the girl's mother: "I am going to marry her." To another member of the family, a day or two after the baby was born, he said, "I know the child belongs to me; I am going to Perth and I am going to marry her there." He kissed the baby before leaving. After the funeral he was at the house of the parents, and, in the course of conversation, said: "Don't think I am trying to get out of it, because I am not." The midwife was called and deposed to the fact that defendant had kissed the baby in her presence and had said to her, "I know she is a good girl, and I have asked her to try hard to get well." After she died, defendant asked to be allowed to go into the room. He went in and was there quite a long time. A sister of the deceased woman also related conversations with the defendant, when he admitted that "he knew quite well that the child belonged to him."

The solicitor for the defendant intimated that he had not intended to put, and had not put, a single question to any witness by way of cross-examination, but would rest his case entirely upon the law. He urged that the mother being dead the case of Reg. v. Armytage (L.R.Q.B. 773) applied. That case held that "the mother must herself be present at the hearing, as her evidence is essential. . . . . If, therefore, she die before the hearing, the proceedings are at an end. . . The evidence of the mother as to the paternity of the child is essential. . . . The remedy is one personal to the mother, and in the event of her death, without having taken proceedings, no one else can do so."

We did not call upon the complainant's solicitor, and stated that we would give our decision in writing. Later we did so. We held that Reg. v. Armytage was not an authority in this State. It was based upon the Bastardy Act which was no longer law in Western Australia. The State Children Act was more benevolent, inasmuch as it had for its objective the protection and welfare of the child. We pointed out that the Legislature in repealing the Bastardy Act, must be taken to have had full knowledge of its provisions, and was not desirous of continuing injustice to a child which, in the event of the death of its mother, could have no recourse upon its father for maintenance, be the proof of parentage ever so strong. As the State Children Act stood, there was no injunction, as in the Bastardy Act, that the mother should make the complaint, or that she should give evidence. The only condition was that no person shall be adjudged the father of an illegitimate child upon the evidence of the mother alone. She must be corroborated in a material particular, and must not have been a common prostitute at the time the child was begotten. We held that the testimony of the mother was no longer an essential ingredient to an order, and that the parentage of an illegitimate child might be admitted, or might be proved by evidence other than that of the mother. If the evidence depended upon the mother, it was necessary it should be corroborated, but in this case the evidence had been abundant without the mother. It was impossible to call her, but that was no reason why the child should be left without support when there was other convincing evidence against the father. We ordered payment of 12s. 6d. per week together with medical and other expenses.

The defendant's solicitor has not seen fit to appeal. Here, again, the State has been relieved of the payment of 9s. per week for 14 years.

WANTED TO EXPERIENCE A RAILWAY SMASH.

Here is another case indicative of the problems which present themselves to the Children Court. A youth, between the ages of 16 and 17, was charged with placing sleepers across the rails on one of our main lines to the danger of life and limb. It appeared from the evidence that the youth was well educated and was a highly accom-

plished pianist. He was in the habit of attending picture shows. On one occasion, the subject of the picture was a terrific railway smash. He conceived the idea that he would like to experience participation in such a happening. He had, by himself after much exertion, placed four sleepers on the line, had gone back to a station and purchased a ticket to take him to the next station. He got into the train quite prepared to go over the sleepers he had laid and thus gain the experience. Fortunately for him, some gangers had seen the sleepers and had removed them before the train approached. Unfortunately for him, he had been seen placing the sleepers on the line, and the description of him supplied to the police led to his arrest.

We (the Bench) came to the conclusion that there was some mental defect and, without having any legal authority to so decree, we ordered that he be medically examined. The report we received was that the aberration was merely temporary, and was due to self abuse. We felt that we could not allow a youth having such tendencies, even though they be of a temporary character, to remain at large. Our difficulty was how to deal with him. At that time we had no probation officer. We had no option, therefore, other than to send him to an Institution—a Reformatory—for a term until he had overcome his particular vice. Then came the question what Institution can we send him to? We remanded him. In the interval we hired a car and proceeded to make a tour of the various Institutions. Without particularising we came to the conclusion that if we were to send him to one of the Reformatories, we would probably make a criminal of him rather than a good citizen. In our difficulty we approached the Salvation Army. We put all the facts before the Major in charge, and asked whether his organisation could find some special means of handling the youth. After some consideration, the Army undertook to provide for the youth separately, and to do its best to cure him of his vice. We accordingly committed him to the care of the Army, a body which has ever been willing to help the Court in many of its difficulties. In course of time, the youth was cured and released. His mentality assumed the normal. I have since learned that he is now engaged in accountancy work at a salary of £600 per annum, and that he is quite a sane and reputable citizen. Such result would never have followed if the Court had adopted the usual method of calling for revenge against the lad for his wanton and criminal offence against the community. Indeed, so called reformatory treatment would have rather bred a criminal than created a reputable citizen.

The discretion which our benevolent Act vests in the Court enabled adoption of this somewhat novel method of dealing with a "young criminal."

ABANDON AND RE-ABANDON.

Here I may, perhaps, mention another of the cases in which the Salvation Army has been of great service to the Court. Complaint was made against a respectable young girl charging her with being a neglected child, and there was a further complaint against the mother, charging her, under section 136, with contributing towards the delinquency of her child. The evidence showed that the mother had for some time been addicted to drink, and that her husband, who held a trusted and lucrative position, had left her in consequence of her habits. He had allowed her ample means on which to live. The girl was employed as a typist in a mercantile house at 12s. 6d. per week. The mother and daughter lodged at the house of a German and his wife. There the mother continued her drinking habits, for the most part partaking of new and cheap wine. She rarely had a meal provided for her daughter on her return from work. On occasions the child had reached home and found her mother torpid from intoxication, and more than once the woman was seen, hopelessly under the "influence" and *en deshabille*, with the German lying alongside her.

On her appearance at the Court, it was evident that the mother was a person of some refinement. She wrote shorthand and was proficient as a typist. She had nothing to say for herself, except that her married life had driven her to drink, and she could not now give it up. We adjourned the case in order to give consideration as to what was best to be done in the circumstances. In the meantime we interviewed the husband. He told us that he was now living with another woman by whom he had two children, and, as he was happy, and there was no drinking, he could not leave her to return to his wife who drank excessively. It was owing to her habits in this direction that he had been forced to leave her, but he was quite willing to support her and his daughter by her, if she would cease to drink. He had, in fact, reduced the allowance to £3 per week, in order that she could not have money to spend on liquor. We also saw the daughter privately. She told us that she could not live further with her mother, and had had to leave her home. Her father gave her nothing, and she could not live on the 12s. 6d. per week she was receiving. My lady colleague on that occasion suggested that if we could change the woman's environment and place her where she could get help against her prevailing vice, some good might follow. I fell in with her suggestion. We decided that we would ask the daughter to return to her mother and do her best to look after her, if we got her away from the influence of the German. We proposed that we should find the money to send the two of them to the seaside for a month, and that, whilst there, the daughter should see that her mother had plenty of sea bathing, and that no drink would be available. The girl assented. We interviewed the girl's employer, who sympathetically gave the girl short leave of absence.

At the adjourned hearing, which was held in the Magistrates' private room, the mother agreed to the suggestion of the Bench and the daughter promised her mother that she would remain with her so long as she gave up the German and the drink. My colleague found suitable accommodation at Cottesloe Beach, where she herself could keep an eye on the woman, and she provided bathing costumes and other necessaries, as there were no other means available. For about two weeks things went well at Cottesloe. The German, however, gained knowledge of the woman's whereabouts. He found her and, in the absence of the girl at the beach, presented her with a bottle of brandy. On returning to the lodging the girl found the German there, and, later on, discovered part of the bottle of brandy under the bed. She reported to my colleague, who made another effort to get the woman off the track she was again on. It availed, however, for a few days only. By some means the woman was still getting drink. The case at the Court, having been adjourned in the meantime, again came on for hearing. If any good were to ensue, there was nothing for it but to confine the woman in an inebriate home. I was of opinion that we had no power to deal with her in such a way, and I consulted the Salvation Army. The matron at their Inebriates' Home was willing to take the woman for a minimum period of 12 months, if we could order her to go there. No shorter period, she told us, would be of any use. It was necessary also that the woman should be committed to the Home, otherwise the Army could not enforce her to remain.

Procedure under the Inebriates Act was somewhat difficult, and I spent many hours in looking up authorities, and in studying the Act, with a view to finding a means of accomplishing the purpose we had in view. I found that under section 6 of the Inebriates Act, 1912, a judge or magistrate might commit an inebriate to an institution for a period not exceeding 12 months. The Salvation Army Inebriates' Home was an Institution within the meaning of the Act. But "Magistrate" was defined as meaning a "resident" or "police magistrate." Was I a magistrate within this definition? I had been appointed "special magistrate" for the Children Court. Under section 19 of the State Children Act, it is prescribed that the "special magistrate" of a Court shall have all the powers of a police magistrate throughout the State "for the purposes of the State Children Act." If I acted under this power would I be acting for the "purposes of the Act?" I satisfied my conscience, rightly or wrongly, that I would be so acting, inasmuch as the woman was charged under the Act (Section 136) with contributing to the child in question becoming a neglected child. I decided to take the risk, and committed the woman to the Salvation Army Inebriate Home for 12 months, her husband having agreed to provide the means. We next saw the daughter's employer, who agreed to increase her wages, which with a supplement of 15s. per week from her father, would then

enable her to provide for herself at the Young Women's Christian Association. I should add here, perhaps, that when we made the order, the woman not only raised no objection to it, but expressed her willingness to go to the Home in the hope that it might be for her ultimate benefit.

Some time before the 12 months expired, we learned from the Salvation Army authorities that the craving for drink had ceased and that, apparently, a new woman had arisen. When the term expired, a suitable position was found for her in the country where drink was not available and where suitable companionship was forthcoming. The salary was a good one, and last reports showed that the woman was on the safe road towards becoming a reputable citizen. The girl, I am given to understand, has since married.

For aught I know all is now going well. Such is another example of the work of the Children Court, effort which I am sorry to say is little known of and possibly less appreciated. It has been urged that such is not the work of the Court. The answer, however, is that such work is necessary. If other machinery is not provided to do it, is it incumbent on the members to personally perform it, or should it be left undone?

SWEAR, YES I SWEAR, BY JEHOVAH I SWEAR.

A lad was charged with stealing a bicycle. The machine was almost new and was worth £24 or £25. He had sold it to a marine dealer for £2 5s., and had used the money. The evidence showed that the dealer in question was of foreign extraction and was no Christian. The bicycle had been taken from him by the police, and he appeared at Court for the purpose of claiming a refund of the money he had paid for it. He said he desired to speak. I asked him if he would be sworn. He said, "Oh yes, I swear, by Jehovah I swear." He flourished his arms with much vigour and continued to repeat many times over, both his willingness, and ability to swear in the name of God, the Almighty. He was duly sworn and made a statement to the following effect, speaking in broken English: "Yes, I buy the bicycle from this boy. He gave me receipt. Here is receipt (Receipt produced for £2 5s. signed by the lad and duly stamped.) The boy often sold things to me. I told him if he could bring me a good bicycle which I could ride myself—a good one—I would give him good price for it. He brought me this bike (produced). I kept my word. I give him good price—£2 5s., and I get his receipt. " Asked by the Bench how it was he came to buy a bike, evidently worth so much more, for the money he paid, he said, it was a good price for the boy. He added, "I had very bad luck with it. The first time I rode it, the policeman caught me. The mistake I made was that I forgot to take the number off."

The boy, when asked what he had to say, pointed to the receipt. He said he had given the receipt, but without a stamp on it. The

stamp must have been put on since. The Bench placed the boy on probation, until he reached the age of 18, and ordered the bicycle to be restored to its owner. The marine dealer then asked for compensation. He had paid the money, and he could not afford to lose it. He asked that the boy be ordered to repay the £2 5s. and also something for his loss of time in coming to the Court. I promptly said: "There will be no such order. If it were not for men like you, there would not be so much crime. You knew very well when you took this bicycle, that the boy had not become possessed of it honestly. Let this be a warning to you as well as to the boy." He left the Court ejaculating protests.

WANTED A BABY.

Since I have been Special Magistrate at the Court, I have been constantly called upon at my private house for advice. Within these pages I will give a few examples of the kind of advice which is sought, of course suppressing names. A young couple called one day, their ages being, approximately, 24 or 25. The husband was employed in the Government service in the country, his work necessitating his absence from 9 a.m. to 5 p.m. During this time the wife was left at the home and she said that she felt very lonely. They had been married about four years and had had no children. The husband said his wife was becoming melancholy and they had come to the conclusion that a child in the house would be company for her. They had approached the State Children Department, and stated that they wanted a baby for adoption. The Department, however, had advised them not to be in a hurry, but to wait, as there was plenty of time for them to have their own child. The Department would not, in the circumstances, facilitate an adoption. It was against this decision they appealed to me. I told them the matter was not one within my province to deal with, but I would say that, in my opinion, the advice given to them by the Department was both sound and sensible. Unless there were some physical defect, which only a medical man could pronounce upon, they certainly ought to wait, for, if they should have a child of their own later on, they would probably find, as others had experienced, that the adopted child became an encumbrance—a "not wanted" in the household. They thanked me and departed. Some months afterwards, I received a letter from the husband again thanking me for the advice I had given, and adding that things had changed, and they were both now very glad they had not persisted. The nature of the change he did not disclose.

I LOVE MY BOY.

One Sunday afternoon, a mother and her daughter called at my house. The mother said she did not know what to do with her girl, who had just turned 16 years of age. She could not keep her at home. She was frequently out at all hours of the night, and she defied her

parents. The girl was quite uncontrollable, and she (the mother) wanted to know whether the Children Court could help her. I spoke to the girl who sat beside her mother. She said: "Things would be all right if mother would only allow me to have my boy. I love my boy, and want to be with him always." I pointed out to her that, of course, this could not be at present, but that the time might come when she would be able to have her wish. In the meantime she must obey her parents, and behave herself in the home. The girl turned round to me and, without a blush, said, "Look here, sir, mother and father live like cat and dog. They sleep together. I love my boy, and why should I not sleep with him if I like?" Strenuously as I had advocated the appointment of a woman probation officer, I had never felt the need of one so much as I did at this moment. Indeed I only relate this incident with the object of stressing not the need, but the necessity. I talked to the mother and the girl as best I could. I pointed out to the girl that, unless she mended her ways, her mother could, and probably would, charge her at the Court with being uncontrollable, when she would possibly be sent to a reformatory and, perhaps, be kept there until she was 21. It would be better, therefore, for her, in her own interests, to change her mode of life. This was all I could do. A suitable probation officer could have done more.

ECHO OF A FAMOUS CASE.

One January afternoon I was telephoned to by the Clerk of the Court, asking me if I could take an urgent case there and then. He said the Court had been sitting during the morning, but the case in question had not then been listed and it was very urgent. I attended, as I often did in such circumstances, and sat alone. A complaint had been made by the mother of a child charging that the said child was neglected. It was pointed out to me by the Inspectress, that the Department had not seen fit to make the complaint, although it desired to help the mother, and that, in consequence, the mother herself had laid the complaint. In support of the charge against her own offspring, the mother said she resided in the country with her husband and three children. There was some estrangement between herself and her husband, and, although they lived in the same house as husband and wife, they had ceased to cohabit by reason of his doubts as to the true paternity of one of the three children. Some 10 months ago she had occasion to go into the township. She left on her return for home, somewhat late, in company with a man she knew and who frequently visited their house. On the way the man assaulted her, with the result that she became pregnant. To have let her husband know, would have meant the breaking up of the home entirely. She, therefore, hid the happening from him until her time had nearly arrived. She then made excuse to him that she was seriously ill, and must go to Perth to see a first class doctor. Her husband consented. She came to Perth and went to the Maternity Home where she was duly delivered of the child in question. Later on she

advised her husband that she was convalescent and would be returning on the following Monday. Her difficulty, however, was the disposal of the child. She told her story to the State Children Department, but the Secretary advised her that the Department could not make a complaint as to the neglect of the child in the circumstances, but that she could do so herself. This she did. As she had promised her husband to return by Monday, it now being Friday, the Department asked me to attend to hear the case on the grounds of urgency.

When I heard the story I asked the woman one question—"You say you were assaulted—not willingly: why did you not inform your husband on your return home?" She said she was afraid to do so, in view of his doubts regarding another of the children. I took a little time to consider. Later on, I told the woman, in as kindly a way as I was capable of doing, that I could not commit the child to the care of the State. In the first place Courts could not become parties to deceptions. Secondly I told her that the law on the subject was clear. I referred to the famous case of Russell v. Russell decided by the House of Lords, in 1924, where it was laid down as a rule, absolutely without exception—a rule founded on decency, morality and policy—that husband and wife are not to be permitted to say, after marriage, that they have had no connection, and that therefore the offspring is spurious, unless non-access could be established. Here they were living in the same house. The opportunity of access was present, and on the decision cited, she was not competent to give evidence, which would bastardise her issue and as a corollary leave the child neglected. I said—"The test is this: suppose she were to proceed against the true father, as she alleged him to be, for maintenance, he would have an unanswerable case, apart from lack of corroboration, by showing that she and her husband were living in the same house. It would not then have been open either to her, or her husband, to give evidence opposed to the legitimacy of the child." I dismissed the case.

The Department with its usual sympathetic leanings took the woman in hand, and I have no doubt but that the best was done for her in the circumstances. What that best was, I have no knowledge. My obiter opinion was that the woman was not altogether a person of mental stability, or responsibility.

PRECOCIOUS CHILDREN.

There is no 9 to 5 work for the probation officer. At all hours of the day and night Mr. Bulley, the officer attached to the Perth Court, is found out and about in the interests of youth. Occasionally he visits the Picture shows. At one of the meetings of the members of the Court, he reported that there was a good deal of moral depravity among children who attended these shows, and that indecency between the sexes was frequently indulged in. From one of the boys he had interrogated, he had learnt that such practices were quite common even at the schools.

About a fortnight following upon this meeting, a revolting case came before the Court. A large number of boys and girls at the ———school was involved. In three of the cases there was much more than indecency—acts of incestuousness. After a lengthy hearing involving much evidence, I asked Mr. Casper, who acted as Secretary to the members of the Court, to convene an urgent meeting of the members. He did so at 3 o'clock the same day. The matter was discussed and it was decided that some steps should be immediately taken to quench, as it were, the fire before the children returned to school on the following Monday. Let me indicate the work of the members of the Court.

At 4.30 p.m., with Mrs.———and Mr.———I saw the Minister Mr. ———. We explained the position. We urged that the matter was urgent. We requested him to appoint a woman probation officer (we having no power to do so). We offered to provide a cheque for a year's salary, if the question of money stood in the way. He promptly promised to render all the help he could. He said he would see Mr.———and Mr.———(two other Ministers) and let us know something by the following morning.

At 5 p.m. I called at State Children Department. Secretary had left. Saw his lieutenant. Told him we had asked the Minister for services of———as probation officer for girls. He said Department did not favour———and suggested———another member of the women police force. I said we were not wedded to any particular individual, but wanted this work done at once. I asked him to see Minister, and substitute person he named for the person Court had suggested. The Officer then raised question of the police woman's pay and status. I said I would see Public Service Commissioner.

Saturday 10 a.m. Minister 'phoned me at Children Court and stated that———'s services (the lady suggested by the Departmental Officer) were to be placed at our disposal forthwith. Then saw Secretary of Department, who again raised question of———'s pay and status. He suggested that if this lady were brought into Department at higher salary than that paid to other Inspectresses, result would be discontent. Further, he said he had no instructions as to whether his Department was to pay.

11 a.m. Saw Public Service Commissioner. Told him the position. He said "Go ahead. You get———and go on with your work, I will do the rest. I advise you to see Commissioner of Police."

11.30 a.m. Saw Commissioner of Police. Asked him to get ———available as soon as possible, as action desired before children came together again at school on Monday. He forthwith 'phoned instructions that———was to see me at once, and place herself under my direction.

3 p.m. ——— called on me at private house. I told her what we wanted. She then raised question of her status and pay. I told her I had assurance of Public Service Commissioner she would not suffer. She asked me as to whom she should look to for her expenses. I said Public Service Commissioner would arrange, but, in meantime, I would personally guarantee.

At suggestion of Public Service Commissioner, Mrs. ——— (a member of the Court), woman Police officer and self took car to and called upon Director of Education. Mrs. Dr. Jull was with him. Both admitted difficulty of problem before us. Director suggested we should see headmaster of school. Subsequently saw him. After long discussion he arranged to see policewoman at 3 p.m., Sunday.

Sunday 3 p.m. Saw policewoman. Gave her names of children etc. She left to see master of school and probation officer Bulley.

7.30 p.m. Head master called upon me. Said policewoman had seen him. He thought she was under wrong impression in one respect. I corrected. He advised that parents of children should be seen quietly.

Monday 10.30 a.m. Conference Mrs. ———, Mrs. ———, Mr. ——— (members of Court) policewoman ———, probation officer Bulley, and self. Bulley explained method of proposed action. Arranged policewoman see Headmaster then interview parents. She to use Justices room as temporary office.

3.30 p.m. Received 'phone message from probation officer Bulley to effect that there was a hitch. Woman police officer came to my house. Said she had seen Commissioner of Police who had told her she was to make this particular inquiry only, and not touch general probation work. I told her to go on and I would see Minister later.

Tuesday.—Saw Minister. Told him what had happened. He said, "Well, go on with this case, and we will see what we can do." Subsequently a report was furnished, which was not regarded as satisfactory.

The foregoing, however, will afford some indication of the influences at work—influences which have prevented the appointment of a woman probation officer.

I may point out here that, on the many occasions on which the members of the Court and representatives of women's organisations have interviewed Ministers in quest of a lady probation officer, the Department has always contended that the number of girls on probation did not warrant such an appointment. The foregoing, however, will show how unsound this contention has been. But apart from this, I happen to know that such was not the real ground of objection. The true inwardness of the business was that there are several Inspectresses in the Department, in receipt of lower salaries than was proposed to

pay to an efficient probation officer for girls—because the right type of woman is essential—and discontent would follow if another person at a higher salary were brought into the Department. I was told this privately on good authority.

The case in question was disposed of by transferring to the parents the task of correction and handling of the children.

During the course of the evidence it transpired that the like precocity prevailed at other schools. Certain names were given to the Court, but in view of the result of the particular case under investigation, nothing further could be done. The subject, however, is one which needs attention on the part of the authorities. The public statistics prove this. In 1921, out of a total of 41,018 first born births, no less than 18,846 were begotten before marriage—some 45 per cent. In 1926, the figures were 43,242 first born, and 17,927 conceptions before wedlock—some 41 per cent.

TRUANT CHILDREN.

Under the Education law, a parent whose child fails to attend an efficient school is liable to a penalty of 5s. for the first offence; 10s. for a second offence. If the child be still more delinquent, it may be sent to an institution. It will be readily understood that there are two classes of parents whose children are truant. The one is the very poor class who have to make use of their children in cases of sickness, etc. The other is the parent class who deliberately keep their children from school for purposes of gain. In the latter case, the Court has little difficulty in making a determination. It imposes the maximum penalty and has no compunction about sending a child to an institution.

I had before me, on several occasions, a man who used his three boys to milk the cows at 3 o'clock in the morning, and follow up by delivering the milk to customers. On return, they would have a meal, go to school—sometimes—in the afternoon, and return to the milk delivery business later on. I pointed out to him that he had no right to exploit the children as he was doing, and that by keeping them from school he was jeopardising their future. He took no heed of the warnings and was again brought before the Court. I promptly committed the boys to an institution, and ordered the father to contribute 27s. a week towards their support. The man constantly pestered me after the committal with a view to their release I declined to recommend it.

The other class of case is much more difficult to handle. On the one hand there is the future welfare of the child to be considered. It is of primary importance. On the other hand, the parents are in poor circumstances, many of them in receipt of a few shillings per week from the State in order to enable them to subsist. Some are widows (with several children) who earn a precarious livelihood by

washing and scrubbing. Others are invalids who, occasionally, must fall back upon the aid of their children, because they cannot afford other help.

I can vouch for it that the Education Department is always sympathetic and lenient with such people. The trouble is the Department is not apprised of the position. The parents know little or nothing of the law and they neglect to notify either the Department or the master of the school as to the why and wherefore of the child's non-attendance. The result is children are brought before the Court and then, for the first time, information is gleaned as to the cause of the truancy. Where the excuse is a good one, there is nothing to be done other than to impress upon the parent the need of education in order that the child may have a reasonable chance in after life. To fine even the 5s. is an act of inhumanity, because it takes so much bread away from an already impoverished home. Heretofore the 3s. costs had to be paid, and frequently members of the Court made good the amount.

In one recent case, a man came before me charged with neglecting to send his child to school. He simply pleaded guilty and said he had no "legal" excuse. I fined him 5s. with 3s. costs. He then turned to me and said: "You will have to give me a long time to pay it." I asked why? He replied: "All I have to depend on is my invalid pension. That has to suffice for myself and the boy. I am unable to work and I could not have got here this morning except that a friend gave me a lift in his 'Lizzie.'" The man looked very ill. I said: "In the circumstances, I will cancel the fine. The costs must remain, but you need not worry any further about them. Let the boy go to school as often as you can." He said "I only keep him at home when I am very sick and cannot help myself."

Following upon this case, with the sympathy and aid of the Chief Secretary (Mr. Drew), I was successful in getting an amendment in the Education Act, which in future will permit of parents being summoned to the Court by postal notice without cost, instead of by the ordinary method. Whilst this will not involve the State in much revenue, it will avoid many great hardships, small as the amount may be.

It is not generally known what the imposition of even so small a sum as 3s. costs means. As soon as the Court rises the 3s., unless it be paid cash down, automatically becomes 7s. 6d., for an order follows, which adds 4s. 6d. Then, in addition, are added various other charges, service, mileage—sometimes 10s. or 12s., even more—bailiff's charges, inventory, sale of goods and chattels, if any—all for the sake of an original 3s. And what is more, when all these charges are piled up, it is generally found that there is nothing to levy distress upon. The next process is to issue a warrant for the imprisonment of the erring parent for 3 days' incarceration. Much

as I have striven to carry out my duties according to law, I have always resisted the signing of distress warrants. I have never been able to force myself to be the means of taking chairs, tables, pots and kettles from the poor, in order to satisfy what is termed the ends of justice. I have found other means rather than do so.

Still there remains the problem, what is to be done in such cases? Is the child to be handicapped in the future from want of schooling, or is its present physical condition to be impaired through curtailment of its immediate food supply by reason of penalties imposed upon its parents? The solution is not for the Court, but for the community through its Government.

A MYSTERIOUS HUSBAND.

A prepossessing young woman, aged about 25, charged her boy with being a neglected child. A solicitor appeared on her behalf. The story she told was that she was a married woman and had two children. Her husband had deserted her. She did not know his whereabouts, but from time to time, through the solicitor who was appearing for her, she received certain amounts from her husband towards their support. The amounts came very irregularly, and as a result she had to go out to work. One of the children was with her where she worked with her needle. For her services she received bed, board and clothing for herself and child, but no wages. She said she was very happy and peaceful where she was, and she desired to remain, but she could not support the other child, and therefore requested that the State should take care of him. The Bench asked the solicitor as to the husband's whereabouts. He said he did not know. All he could say was that, from time to time, he received money from the father through his London agents, who simply sent the money, but declined to give any information otherwise. I was not satisfied with this. It did not appear to me that a fair thing would be done to the State, to impose upon it the burden of this child for 10 or 12 years, on so flimsy a story. I said I would adjourn the case in order that further inquiries might be made, and I suggested to the solicitor that he should assist.

During the adjournment the solicitor called upon me. He made to me a confidential communication. The nature of it I cannot, of course, disclose. At the adjourned hearing, however, he stated that if the child were taken charge of by the State he would give his personal guarantee for the payment of £1 per week which would meet the costs of the child, and provide a little in addition for the woman. I accepted this and relieved the State from a burden which otherwise would have fallen upon it.

OUR FUTURE DEFENDERS.

One of my special jobs, as Special Magistrate, is to deal with the cadets who fail to attend the necessary number of drills as provided by the Commonwealth Defence Act. In addition to night drills a certain number of afternoon parades are prescribed. Saturday afternoons are the chosen occasions, the reason being that the lads are then free from their employment. But what is good for the employer does not appeal to the employees. They like their Saturday afternoon for sport, either as participators therein or witnesses thereto. The result is that an unwritten understanding exists between many of them, that they will enjoy their Saturday sport come what may, and when the inevitable is upon them, they will make good the missing drills at the camp to which they must be committed for their offences against the Act. The Commonwealth law is inexorable on the point. Now and then I hold a levee at the Court. Thirty, forty and even sixty lads have been summoned at a time for failure to comply with the Regulations. Under the Act, the Court has practically no discretion, but I have always asked each boy whether he had any excuse to offer. Right round the circle most would reply, "Nothing to say, Sir." I would then ask the area officer how many hours default. On receiving the reply, a simple calculation would determine the period during which I was compelled to send the boys to camp. In most cases they appeared in their uniforms and carried their kit ready to go; they seemed pleased at the opportunity. At first I could not quite grasp the position, so I interrogated the lads. They frankly told me that they liked their Saturday afternoons for cricket, football, yachting, etc. These they could have, and finally would go to camp for a week or so to make up the time, where they would have quite a good time. They would have no work to do. The "boss" couldn't sack them. They would have a bit of drilling, which was good exercise, plenty of good tucker, plenty of swimming and bathing, and plenty of time to play. It was "good Oh" to go to the camp. Again the solution of the problem is not for the Court, but for the community through its Government. Of course there are some cases in which it becomes necessary to abstain from committal to the camp. There may be no camp open at the particular time, or there may have been special reasons for non-attendance at drill, in which cases the area officers generally ask that the lads be committed to their care to make up the necessary drills. The request is always acceded to. In rare cases—cases which would have involved much hardship—I have overcome the lack of discretion by adjournments.

Here again the problem is not for the Court, but for the community through its Government.

DOES ADULTERY CONNOTE UNFITNESS?

Three children were charged by the women police with being neglected. The offence alleged was that they were "under the guardianship of a person unfit to have such guardianship." The evidence was to the effect that the mother's husband had left her, and she was living in adultery with another man. In the interests of the children, the women police had warned the man that he must not continue to live with the woman. He had, in consequence, left the house and had not returned to it for some eight days. During that interval the woman was visited by the women police, and, on one occasion, was found to be under the influence of drink.

The man in question appeared in Court, and said that he had left the woman because he did not want to see her children taken away, as had been threatened by the police. When he left her she was in a desperate condition, having herself and three children to support and no means of doing so. He admitted having cohabited with her. He said he was fond of her, and was willing to look after her and the children. He added that he would marry her if such were possible, but the woman's husband would not divorce her, nor could she divorce him in the circumstances, even if she knew his whereabouts. He further said that the woman did not drink, and was found in the condition she was by the police, because in her desperation she had tried to console herself with the potent.

The Court, in giving its decision, said that, until some higher authority directed to the contrary, they could not hold that adultery, by itself, was a sufficient ground on which to declare a person unfit to have the custody of children so as to bring them within the ambit of neglected children under the section of the Act. There was certainly the additional ingredient that, on one occasion only, she was found under the influence of drink. But even this added lapse did not justify a committal. It was apparently an isolated lapse, in respect to which some palliation might be suggested, due to the desperate condition in which she found herself, namely having three children to support and no means. Although adultery was a sin, subject to pains and penalties at the instance of Ecclesiastical Courts, nowhere in the Civil code could the Court find any pronouncement that adultery was a crime. Although the moral aspect could not be defended, there was the stern fact that thousands of people were living in a state of adultery. If, on this account alone, adulterers were to be deprived of the custody of their children, the obligations on the State would become very great, and by no means would it be certain that in every case the welfare of the children would be advantaged. In the circumstances, the Court was unable to assent to the principle that adultery of itself was a ground of unfitness. Unless, therefore, some other evidence of unfitness was presented, the Court could not commit these children to the State.

THE BARBER'S CASE.

I now relate a case which brought the Bench into conflict with the Department. A barber residing at Northam and earning from £5 to £6 a week, was charged with non-compliance of a maintenance order which had been made against him. His wife was living at Fremantle. She had two children with her; five others had been committed to the care of the State, in respect to whom the maintenance order had been made. The arrears under the order amounted to £60. The charge against him was laid under section 128, rendering him liable to imprisonment for 12 months.

In his defence the man said he could not get suitable accommodation at Northam for the whole of the family, which was the reason his wife was living at Fremantle. From his wages he could not support two homes and also pay for the five children in charge of the State. He admitted that the house his wife was living in was very small, but he said, if he had opportunity, he would endeavour to improve the position, and take all the children, including those on the State, under one roof. The Departmental Officer pressed for imprisonment, on the ground that he had had considerable trouble in getting payments from the man, who had practically defied him.

The Bench said they would give the defendant the opportunity he desired. They would adjourn the case for a fortnight. During that time he must get a house—not promise to do so—and satisfy the Department.

At the adjourned hearing the Crown Prosecutor appeared for the maintenance officer—quite an innovation—and submitted that the evidence as to the house accommodation, which had been listened to by the Bench on the previous occasion, was quite irrelevant. The defendant, he said, was charged under section 128. Admittedly the defendant had failed to comply with the order, and all the Bench could do was to put the section into operation.

The Bench ruled that, as the Court was administering a Child Welfare Act, it was obligated to consider all the circumstances, and was called upon to take them into account in any order it might make. The punitive jurisdiction of the Court was secondary to its jurisdiction in respect to the welfare of the child.

It was then shown to the Bench that not only was the house accommodation insufficient, but that the mode of life of the parents was not such as was conducive to the welfare of the children. The Bench asked the defendant whether he could find security for compliance with the order. He said he might do so if he could get back to Northam. The Crown Prosecutor then suggested an adjournment for a week to enable the man to find security. The defendant said it was not long enough. The Bench thereupon ordered him to find security within 14 days to assure payment of 45s. per week—9s. for each child—in default six months' imprisonment.

The view which the Court takes is opposed to procedure under the punitive sections of the Act. It will be noted that, in the decision given, the defendant was ordered to find security or in default imprisonment. He was not ordered to be imprisoned for failing to comply with the order. The effect of the latter would have involved far-reaching consequences.

Firstly, it would have purged the whole of the arrears due to the Department—some £60 or £70, which, at some time, the defendant might be in a position to meet.

Secondly, the 45s. per week payable under the order would have had to be suspended during the currency of the sentence.

Thirdly, the two children not on the State, and which were being supported by the defendant, would have had to be relieved by the State, to the extent of at least 18s. per week, with possibly some allowance for the wife also.

Fourthly, the wife being without support, and her husband in gaol, might go from bad to worse and possibly impose further obligation on the State at a later period.

Fifthly, during the defendant's incarceration the State would have had to find cost of his maintenance in gaol—some 22s. 6d. per week.

Sixthly, imprisonment would have cost the defendant his job, and have rendered it difficult to find another, consequent upon his imprisonment.

Admitting imprisonment for six months only, the taxpayer would thus have been obligated to £4 5s. 6d. per week, instead of £2 5s. under the order, as against which would merely accrue the advantage (whatever be its value) of deterrent to other delinquents. Generally speaking, consequences are not factors which ordinary Courts take into account. But Child Welfare Acts are specially enacted, and extend wide discretion to the Courts constituted under them, in order that justice may be done, apart from the "eye for an eye" and "tooth for a tooth" principle.

There is no doubt very great difficulty is experienced in the enforcement of maintenance. Men change their names, and the Department thereby loses touch with them. Many of them are "wasters" and "ne'er do wells," and will never pay unless forced to do so. The position has been frequently discussed at meetings of the members of the Court, and by the officers of the Department. The only solution which has suggested itself is to provide a prison farm to which such offenders may be sent, and where they will be compelled to work, and apply their wages—whatever they may receive—in liquidation of their indebtedness—a wheat or dairy farm for preference.

Here is the sequel to the barber's case:—

A MOTHER AND HER CHILDREN.

Although nothing to do with the Court, following is a sample of the communications, many of which are received by members. This came to me because I had already ordered the father to comply with a maintenance order in respect to five of his children which were "on the State." At the time of the committal two other children had been left with the mother. Owing to her conduct, the Departmental officers had had the other two children also committed to ensure their welfare. The husband was now paying 63s. per week for them, but refused to provide maintenance for the mother. The letter (omitting names) was as follows.

"I am writing to see if you can help me to get my children. I want to go back and live with my husband, but I could not go without my children. It is driving me mad. I really do not know why they took my two little darlings from me. My two little babies were much better off and loved. My husband came down on Saturday, drunk, and made a terrible row. The neighbours complained about the rows, but I had nothing to do with them—only to suffer. I think it is cruel. If they can prove any wrong against me, I am willing to lose my children. I can't get any satisfaction from the Department. I am only two months off going to bed. I really cannot wait for my trouble, and go through this worry. I would do myself in, for what is my life after bringing 9 healthy children into the world. This is the tenth, and all dragged away from me. My husband is to blame for the lot. For ever since he started a lady's hairdressing saloon he "casted" the children and me off, but he said that if I would go back and live with him, he would be different. I can't stand the place, but I will suffer anything to get my family together again, as I won't be able to suffer this any longer. I am willing to take my children back on probation, if they think I am that bad, but the Department is only driving me to the dogs, for what is there left for me—only the streets or death, for I can't stand this worry. Hoping I do get satisfaction from you, and my children home again, I am etc., ————

As one never knows what is behind these cases, I interviewed the Department, and very soon discovered what was the fly in the ointment. Action had properly been taken in the interests of the children. All I could do was to reply pointing out that the State had no interest in depriving parents of their children, and that my advice was that she should return to her husband as soon as possible, and demonstrate that they were able to maintain and bring up their children properly. There would then be no difficulty in regaining the children as she desired. Later on I received a further letter stating that, if the writer did not get her children, she would do away with

herself and her unborn child. I passed it on to the Department and thus added one more to the very difficult problems it is almost daily called upon to grapple with.

This is one of the incidents which occupy time, and which must be attended to, if the work of a Children Court is to be carried on on modern lines. Unfortunately, at the Perth Court, members have no machinery at their disposal, and consequently have to carry out duties personally. The position should be remedied.

AN OUTLAW.

A girl, aged between 16 and 17 years, was brought before the Court on various charges of stealing. The evidence showed that she was in the habit of engaging either as a domestic or nursegirl. During the course of her employment she availed herself of the opportunity of ransacking the houses she was in, and stealing therefrom any article of value she could afterwards dispose of. On several occasions she had been prosecuted and had been sent to Institutions. It appeared that her father was unknown. Her mother was a drunkard—a common prostitute, who consorted with seamen at Fremantle. The girl had had no upbringing and, since she was a mere child, she had been left upon her own resource, from time to time, during her mother's periods of imprisonment. The last commitment of the girl had been to the Home of the Good Shepherd. There she used filthy language, fought with other inmates, refused even to make her own bed, and finally absconded. She was caught and taken back, but continued in her old ways and again absconded. The Act forbids a child being sent to prison, but the evidence adduced to the Court was that no Institution would have her on any account. The Bench was perplexed as to what could best be done. Following upon remand, it was arranged that she be sent to Fremantle prison and kept apart from other prisoners.

Bad as the accused was, the members of the Court were much concerned about the case. They met privately and discussed it. They journeyed to the Fremantle prison, and one of the women justices among the party interviewed the girl. In the course of the conversation the girl told her there was no hope for her. She had never had a chance in life and so must continue her ways until she died, or drowned herself. The members of the Court (three of us) further discussed the matter at the goal. We came to the conclusion that, to allow the girl to remain in solitary confinement for six months within four high stone walls, with no one to speak to except the wardress who occasionally visited her, was rather calculated to emphasise the bad that was within her than make for her salvation. We interviewed the goal matron, and intimated to her the lines of our discussion. We asked whether there could not be some altered arrangement by which the girl would have some companionship, and,

at the same time, be not subjected to further contamination from the adult female prisoners. The matron replied, "I can only suggest that she be placed with the other women. You need have no fear that she will be further contaminated. She will rather contaminate the others. She is an outlaw—nothing will save her—her ways cannot be mended." The matron's suggestion was approved. It was of course left to the authorities to effect whatever change they thought fit.

Later on the lady member of the Bench and myself again visited the goal. The girl told us that she would like to be good if she could, but every one was against her. The day she had been changed from the solitary confinement to the women's prison, the first person she had met was her mother, who was also serving sentence. The lady member told me she would like to take the case in hand, and see whether some good might result. I said that no doubt the authorities would gladly aid her towards that end. The result was that the lady member induced the girl to write to her, and in turn she wrote to the girl. Presently arrangements were made to place the girl in a position where the employer had full knowledge of the girl's past.

This lady member kept in touch with her for many months. Unfortunately, there was relapse, and the last state, apparently, was worse than the first. But the lady in question did not discontinue her efforts. The girl had behaved herself for some eight months before she broke out again. There was still hope. Age was a factor which was aiding the change. A second attempt brought reformation which was complete, according to the last report I had on the subject.

I quote this case as indicative of some of the work the Children Court, apart from its punitive jurisdiction, is often called upon to engage in—work which is more within the province of a probation officer than that of the members of the Court personally.

WELFARE OF THE CHILD.

Many of the cases which come before the Court demand that the welfare of the child shall have primary consideration. It is often difficult, of course, to discriminate between the interests of the children and those of the community. I will relate a couple of cases in which the Court sought to give preference to the child.

Two boys, aged 16½ and 14½ years respectively, were charged with having carnal knowledge of a girl under the age of 16 years. The evidence showed that the girl was returning with bread from a baker's shop when the two boys met her, and took her from the track to some bushes. There, one held her, whilst the other committed the offence. The girl said she had known the boys, who were in the habit of making suggestions to the girls whilst they were at play in the school grounds.

They made the suggestions by using their fingers. Most of the girls knew what was meant, which is confirmatory of reports from other schools, and which, as already narrated, the Court has endeavoured to minimise through the instrumentality of a woman probation officer. At the conclusion of the evidence, the Bench suggested to the defending solicitor the advisableness of having the case finalised there and then. He, however, exercised his right of trial by the Supreme Court. The Bench, therefore, had no option, other than to commit, notwithstanding that it involved the children going through the ordeal again, further impressing upon their minds the sordid story, and involving the country in much expense.

When the case came before the Supreme Court later on, the presiding Judge (Mr. Justice Northmore) said the case should never have reached the Supreme Court. The Crown Prosecutor also said he was at a loss to know why the case was before them, as, during the week, he had offered counsel for the defence the opportunity of having the case sent back to the Children Court. The defending counsel stated that the position had been fully put before the parents of the boys, and that they had wished it to be brought to the higher court. His Honour said his feeling was that, if the position had been properly represented to the parents, he could not conceive how they could have given their consent.

The lads were found guilty and were sent to an Industrial School for four years and two years respectively. Possibly at the Children Court these boys would have been placed on probation under strict conditions. The Supreme Court Judge, however, had no power to invoke the aid of the probation system, and accordingly was obliged to send them to a reformatory, from which they will probably emerge more or less tainted with criminality.

A GIRL SEDUCER.

Here is another case in which the Court desired to finalise the matter under consideration. An Italian, the owner of a house, employed the mother of a girl as his housekeeper. The evidence pointed to the fact that she was more than housekeeper. The man was charged with having carnal knowledge of the girl, she being under the age of 16. The daughter certainly appeared to be much older than 16. The doctor, who was called, said he would pronounce her to be a girl over the age of 17 if he had not been informed of her correct age. The girl in the box told an unique story. She said she used to attend to the man's room. She frequently entered it before he was up in the morning. Sometimes she would get on the bed with him—sometimes she would even get into the bed. He always repulsed her. On one occasion she persisted in remaining and she tickled him. She made him do something to her. That something was what he was now charged with. But it was all her fault.

I must confess I did not swallow the story, but there was the evidence. The defendant admitted the offence, but said she was a consenting party, and he thought she was over 16 years of age, which is a ground of defence under the Act. I suggested to the prosecuting officer that there was little or no chance of a conviction if the case were sent to the higher Court. The sordid details would have to be repeated, the country involved in considerable expense to no good purpose. The officer informed me his instructions were that, if the case were dismissed, he must lay a fresh information. There was thus no option other than to commit the accused for trial.

Subsequently, at the Supreme Court, the Chief Justice, who presided, evidently coincided with the view I had taken, and practically told the jury to acquit, which they did without leaving the box.

Although, admittedly, there might be some danger in giving extended powers in such cases to inferior Courts, it is worth consideration, where children are concerned, as to whether such Courts should not be possessed of a measure of discretion which would permit them to finalise cases of this description.

ANOTHER SORDID STORY.

A bloated woman, dressed in black rags, and of poverty stricken appearance, who gave her age as 39, took her seat in the Court. Beside her sat a daughter aged 21. Behind the two was a row of children—one boy and seven girls. Their respective ages were 17, 15, 13, 10, 8, 4, 2 and 1½ years. The last was the child of the eldest daughter, aged 21; father unknown. The rest were the progeny of the elder woman, two of them being in the same position regarding paternity as the child of the daughter. The charges against them were that they were neglected children. The evidence showed that the woman's husband had left her, and that, as a means of livelihood, she had taken a position as a door-keeper at a house of ill-fame, and in that capacity was assisted by her elder daughter. Her last two children, and that of her elder daughter, were the result of her employment. The women police, in the interests of the children, had intervened and had compelled the woman to give up her employment. With her family she was living in a small and dirty hovel, and was able to provide little or no food. The Court was asked to commit all the children under 18 to the care of the State.

We, the members of the Court, were much perplexed as to what was our duty. For their protection the children must be taken charge of. At the same time, by committing them, the Court was establishing a principle by which people could carry on as these two people had done, and end up by throwing the whole of their responsibilities on to the taxpayer. In this one case the Court, by committing, was imposing a burden of between £1,300 and £1,400 upon the

taxpayer in respect to the children, to say nothing of what the mother and her elder daughter might add to the amount from various causes in the future.

THE NEGLECTED AND UNCONTROLLABLE.

I have stated the previous case as an instance of the operations of the Children Court. Such was an individual case, but it gives no idea of what the aggregation for years means. I took out the figures for the period between January 1st and October 6th, 1928. Taking the cost per child at 9s. per week—it is often more—even up to £1—I found that Children Courts had committed neglected and uncontrollable children to the care of the State, which, covering the period of their wardship, involves a cost of no less than £33,692. This is computed in the following manner:—There were 23 children under the age of 1 committed. They will have to be maintained until 14 years of age, at a cost of 9s. per week. There were 20 under the age of 2, 15 under the age of 3 and so on, each having to be maintained until 14 years of age. The total cost of commitments for a full year will probably approximate £40,000. I have not the complete figures, but those given will afford an idea of how the functionings of our Children Courts are sapping the pockets of the taxpayers.

MAINTENANCE DEFAULTERS.

The foregoing brings me to another point. There are many hundreds of maintenace orders against men whose responsibilities have been cast upon the State, and who have failed to respond to their obligations. There is scarcely a sitting of the Court but when several defaulters are brought up for non-compliance with the orders against them. Many come under arrest. By wandering around the country under changed names, they have been able, for long periods, to evade payment. When they have been tracked down, and arrested, they, mostly, are found to be penniless. To send them to prison involves their maintenance there at a cost of about 22s. 6d. per week at least. What is to done in such cases? What steps can be taken to provide a recoup to the State for the thousands of pounds it pays out on account of those who will not honour their obligations?

Although it is not within the province of the Court to make recommendations on this head, I throw out the suggestion that a Probation farm—I would not call it a prison farm—be established—a wheat farm for preference—to which men who fail to comply with orders against them—those who make no attempt to do so—could be committed and forced to work out their indebtedness. They need not be paid the full rate of wage. They ought not to be so paid, because they would not return a full value of work. But they could do some work. They could produce so many bushels of wheat, and

could be recompensed for their work over and above the value of the food they eat. From the recompense could be deducted the amount of their obligations to the State, and they could be continued in employment at the farm until they had done so. Again, although nothing to do with the Court as a Court, I have not failed to notice the overwork of the Maintenance Officer. He is singlehanded, and I am confident that assistance in his Department would result in a two-fold return on present figures for the additional salary involved.

VALUE OF EXPERT EVIDENCE.

The following is an instance of the variety of cases which the Children Court is called upon to deal with. A married woman who had not seen her husband for several years bore a child and sought maintenance against the alleged father. The defendant produced the form which is necessary to be filled in for registration of the birth. The handwriting throughout the form was certainly very similar. The complainant, however, swore that the name signature alone was hers. She said she had inserted her lawful husband's name as the father, because she had been advised that she could not legally insert the name of the real father. As the child was illegitimate, she was told she must use her own name. She had written out a form in the first place in which she had inserted the defendant's name as the father, but the midwife had torn it up and had written out another form, and had inserted complainant's name. She had signed it in bed, two days after the birth of the child.

The defendant's counsel submitted that the writing on the form was the writing of one hand only, and as the woman had inserted, in the place set apart for the father's name, the name of her lawful husband, it showed that to charge the defendant with the paternity was an afterthought. A bank inspector was called who declared himself to be an expert in handwriting. He swore that the whole of the writing on the form, including all of the signatures, was by one and the same person. There was no mistake or doubt about it.

I was not equally certain myself, and I afforded the maintenance officer, who was conducting the case for the woman, an opportunity to rebut this evidence. After a short adjournment he called the midwife. She said she had filled in the form, having advised the complainant that she must use her own name and, being a married woman, must state her husband's name as required by the form. I handed the witness a piece of paper and a pen, and called upon her to write at my dictation. I read out to her certain of the entries on the form. She wrote them down. There was no doubt but that her writing in Court was identical with that on the form. Next the midwife's daughter was called. She deposed she was present when the form was filled in and signed. Her mother, she said, filled in the form, the complainant signed it, and she witnessed the signature. Thus there were three differ-

ent writings on the document—all very similar, instead of one only as testified by the expert.

On this evidence the defendant abandoned his case, and an order was made against him for 12s. 6d. per week plus £76 arrears due to the Department for past maintenance. The case emphasised the lesson that courts must be extremely careful as to the reliance which is placed on the testimony of handwriting experts. The maintenance money and arrears have been forthcoming to the State; whereas, had the evidence of the expert been accepted, not only would this money have been lost, but future payments to the woman would have also had to be found by the State.

PROBATION WORK.

In Western Australia the value of probation work is far from being appreciated as it should be.

In America and, in recent years, in Great Britain, strong efforts have been made to promote and extend the system. In England there is a Probation Officers' Association, brought into being for the purpose of educating and training those who may engage in the work. From the reports which are published from time to time, it is laid down by all who have given special attention to the question of juvenile delinquency, that the right method of approach to the subject is to consider, not punishment for the offence, but treatment of the young offenders. The main object is to ascertain the circumstances which lead to the commission of offences, and to apply such remedies as may prevent boys and girls from growing up in a state of unhappiness to themselves and as a menace to others.

Mr. Harris, Assistant Secretary at the Home Office, and Mr. Norris, Chief Inspector of Reformatory and Industrial Schools, in a joint report to the Home Office said: "It would be wrong to assume that boys and girls who appear in the Juvenile Courts come from criminal homes solely. The same spirit of mischief and adventure is found in children of all classes. But those from the poorer homes are, in many instances, not under adequate control, or have not sufficient opportunities for giving proper expression to their energies.

Mr. Hamblin Smith, Medical Officer at H.M. Prison at Birmingham, declared that poverty seems to be undoubtedly at the bottom of delinquency among children. Juvenile delinquency often begins with the attempt to play in the streets contrary to the town regulations. This play may be a nuisance to the community, but it is nothing less than the very life of the child. It is not merely desirable, it is an absolute obligation on the community to see that every child has the opportunity of developing amidst surroundings which are as perfect as they can be made. The majority of offences are committed by normal children who have not been trained to control their impulses. For the

more serious offences the two principal methods of dealing with juvenile offenders are probation and committal to certified schools. The magistrates alone can determine which system is best suited to the individual case. Where the home circumstances are good, and the child appears to be under suitable guidance, the probation system will prove to be the best method of checking delinquency. When the probation method has failed, the best chance for the young offender may be to send him to an Industrial School. Under modern methods not only has the amount of delinquency been reduced, but much greater attention is being given to the individual child, and there is greater recognition that training, rather than punishment, is the true remedy.

LORD CHANCELLOR'S VIEW OF PROBATION WORK.

As showing the value which is placed upon probation work in modern times, the following excerpt from a speech delivered by the Lord Chancellor at the annual meeting of the Magistrates' Association, England, held on 17th October, 1928, will be of interest. Lord Hailsham said:—

> I think a great deal of reliance ought to be placed by the magistrates, when they consider how to deal with the prisoners who come before them, upon the experience of their probation officers. It is a very remarkable development of our criminal law to see how tremendously the use of the probation system has been extended in recent years. Although I am trenching perhaps on matters which do not lie within my jurisdiction, but rather within that of the Home Secretary, I personally should be very glad to see magistrates extensively using the power, when they put an offender upon probation, of making it a condition of the recognisance that the offender shall submit himself or herself to supervision. I think experience shows that where that power is used, very often it has been possible to reclaim the offender from the beginnings of a criminal career and to restore him or her to useful citizenship.

A FEW EXAMPLES OF PROBATION WORK.

The following will afford some idea of the work of Mr. Bulley, the male Probation Officer attached to the Department.

A fatherless boy. Mother already possessed of an illegitimate child. A most incapable housewife. Lacking necessary influence over her boy—inevitable result—committal to an Industrial school. He repeatedly absconded and, from time to time, was returned by the police. Institutional life, however, did not appeal to him, and having gained possession of a ten-inch file he converted it into a dagger. Again escaping, and with his weapon secreted in his clothing, he entered a

picture hall where he met a little girl acquaintance. Grabbing her by the throat he threatened to plunge the dagger into her, if she did not give him certain information as to the whereabouts of certain members of the I.W.W. He was again caught and returned to the Institution. Once more he absconded. He wandered about, hiding during the day, and securing what food he could at night. After about six weeks, information came to Mr. Bulley to the effect that the lad was about to visit his mother at about midnight. Mr. Bulley saw the mother and arranged that he should be admitted when the boy returned home. The information was correct. The boy did return at midnight. Mr. Bulley, who had been watching, knocked at the door. The mother turned the key on the boy in a room, and then admitted the probation officer. On entering, the boy presented a half-starved and hunted appearance. The room was filthy. Two beds and an old dressing table were the only articles of furniture. Filthy rags were in the corners of the room. On one of the beds a little girl lay sleeping. Mr. Bulley took the boy by the hand and succeeded in eliciting from him his story. For two years the lad said he had been fighting for his rights—the rights to live at peace with his mother. Mr. Bulley, after giving him advice, said he must return to the Institution, but he promised him that if he remained there and behaved himself for 48 hours only, he (Mr. Bulley) would endeavour to secure his release. The boy declined, but Mr. Bulley extorted from him a promise that if he did abscond he would let him know his whereabouts.

Within a few hours following his return, the boy again absconded, but kept his promise to Mr. Bulley. Later on the probation officer found work for the lad on a farm. In time the mother was taken ill. The boy left his employment to nurse her. After her recovery, work was again found for the lad and, thereafter, he lived in peace with his mother. The hovel was vacated for better living conditions, due to the earnings of the lad. Happiness came into the home, brought about, to a large extent, by the efforts of the probation officer, who worked on lines of sympathy and kindness instead of harshness and vengeance such as is generally the treatment of those having criminal propensities. In time the lad married. He has two little children, happy and contented, and he is faithfully carrying out his duties as a good citizen.

A CRIMINAL OR OTHERWISE.

Born in Fremantle prison. The son of one of the worst of women. The inmate of a foundling home and orphanage until he was 14. Father unknown. Knew nothing of his half brothers and sisters. On discharge from the Orphanage he was arrested in company of another lad for breaking and entering and stealing. Together they were placed in Roe Street lockup. Using a jarrah fender as a lever, they wrenched aside the iron bars of the window and escaped. They were soon captured and sentenced to 14 months' imprisonment. Later on they were sent to the Seaforth Industrial School to serve the balance of the sen-

tences. Upon release this particular lad was without friends, and Major McClure, of the Salvation Army, consulted Mr. Bulley who took the case in hand. Work was found for the lad. Five pounds was advanced by the Department to provide him with necessary clothing. Mr. Bulley was in constant touch with him. In four months after entering his employment, the lad had handed Mr. Bulley some £16 from the 25s. per week, plus board, he had received as wages. He accounted for every penny of his expenditure, and asked to be allowed to return the £5 advanced by the Department. From the balance he bought a new kit of clothing. What remained over he handed to Mr. Bulley to bank for him. The officer found a new job for him—a more lucrative one at the North-West. Correspondence was maintained with him. One letter from the lad written on a dirty piece of paper, about three inches square, contained the words "I am all right, don't worry about me"—nothing else. The following envelope received from the boy contained twenty £1 notes, unregistered and no letter. Reports from the lad's employers were very satisfactory and encouraging. From time to time he added to his account with Mr. Bulley. On two occasions he sent cheques for £20 and £80 respectively. After 4½ years he returned to Perth. His bank book then showed a credit of no less than £370. After a chat with Mr. Bulley the lad said he would like to be a farmer, and proposed to take up 1,000 acres of wheat land. Mr. Bulley helped him and secured for him 1,000 acres at Scaddan. The lad journeyed from Carnarvon to see it, but was dissatisfied with the classification of the block, but said he was willing to take it on account of the trouble Mr. Bulley had taken in securing it. Naturally the officer would not assent to this. Later on, another block was obtained from the Midland Railway Company, on which the lad paid £100 as deposit. He has since kept up his instalments. The lad informed Mr. Bulley that he intended to work the land when it was paid for, and when he had a couple of hundred pounds to start off with. He is now a man of 24½ years of age, of excellent physique, an abstainer and non-smoker. He relates with a mixture of shame and regret his past conduct, but is thankful he was brought under the influence of the Children Court. His knowledge of sheep, acquired in the North-West, will stand him in good stead when he sets out for himself, and the character he has developed makes for assurance of his future.

PREVENTION BETTER THAN CURE.

The following is an instance of what might have been. Standing at the door of Mr. Bulley's office, one morning, was a woman and a boy aged about 12 years. Both mother and child bore evidence of refinement and culture. They were well dressed and spotlessly clean. The mother stated that her boy had been threatened with expulsion from school because he had been associated with boys who had committed petty acts of stealing, and because he had been disobedient in respect to his attendance at school. Cycle riding, bird nesting, etc., had greater

appeal to him than fear of the mother. Inquiry disclosed that the father, like many others, was a person whose sole interest in his family was to have his meals with them, and to work for them. He demanded silence in the home whilst he was there. He regarded the mother as the one upon whom the responsibility of the upbringing of the children devolved. Owing to the conduct of the lad, and which the mother could not control, the father had threatened that, unless the boy were placed in an orphanage forthwith, he would not return home again. Mr. Bulley saw the father, whose position was such that he could give his family every reasonable comfort. The result of the interview had its effect. The boy did not go to the orphanage. The home was not destroyed, and for the past four years there has been happiness and comradeship between father and son.

EFFECT OF HEREDITY.

A young refined and attractive mother (in the absence of a woman probation officer) sought the advice of Mr. Bulley. She said she had divorced her husband who, without the least provocation, was in the habit of throwing himself into a fit of passion. He would smash the household furniture, tear to ribbons his own and his wife's clothing, had destroyed the piano and had threatened to destroy himself. Whilst in these fits he would go upstairs, hang over the balcony head downwards and threaten to drop, if not pulled back. The boy with her, aged 11½ years, had developed similar traits. He knew nothing of, nor had he seen anything of his father's tendencies. Still the boy had inherited them, for he would frequently hang over the balcony, head downwards, and threaten to destroy himself. When the fits were over the boy had, as was the case with the father, a desire for tranquillity. The latter would then shower presents on his wife, would replace broken articles, and implore forgiveness. In like manner the boy, after his outbursts, would do anything to be restored to the affection of his mother. By constant visits, by methods of kindness at one time, and threats of severity at another, the boy apparently changed, time probably playing its part. Later on both mother and stepfather (the mother having re-married) assured the probation officer that there was no need for further anxiety.

KINDNESS V. THE BIRCH.

Called, by request, to a certain office, Mr. Bulley learned that a youth had forged a cheque. The officer asked the youth's father to call upon him. The parent described himself as a god-fearing man who tried and was anxious to do his best for his family. He said he had never been able to control this particular lad from infancy. In the home the boy's conduct was such that he (the father) was compelled to give him merciless floggings. These, however, had no effect. The lad had never been known to shed a tear, or ask his father to stop thrashing him. On the contrary the boy would say "carry on—you will tire first."

The boy's companions were of the street corner type, and were unknown to the father. Indeed the father knew little of the boy's life. A meeting of father, son and probation officer was arranged at the office of the last named. As the result of the interview it was evident that the estrangement between father and son was undermining the boy's character, and was the real cause of the trouble. The father did not understand the son; in turn, the son had no time for the father. The boy kept late hours, drank wine, gambled, and apparently did not care what happened. Although only 16 years of age, the lad had forged a cheque in order to obtain money to gamble with. Mr. Bulley soon discovered that the lad was responsive to kindness more than to harshness. He made an appeal to him on behalf of his mother. For the first time the boy wept. The interview being over, Mr. Bulley continued his friendly offices and, later on, was glad to find that there had grown up a complete understanding and comradeship between father and son. Instead of meeting his old companions at the street corners, he made new friends and brought them to the home. On the files of the Court is to be found an appreciative letter from the father expressing thankfulness to the Department for the good effect it had achieved.

CHECKED.

A lad of cheerful disposition and apparently not prone to criminal tendencies began to trade in the streets. To increase his profits he yielded to the temptation of stealing a few lead pencils and pens. For this offence the Fremantle Court sent him to an Institution. Later on the probation officer visited the Institution where he saw the boy who made an appeal to be allowed to work on a farm. Mr. Bulley found such a position for him, kept in touch with him as usual, and now, after several years, comes the report of faithfulness to his employer. Attached to this is a sequel. The employer, as the result of the employment of the boy, became his brother-in-law, and there exists a happy little family at the farm, and the prospective setting up of the boy as a farmer himself.

A GOOD SAMARITAN.

Charged at the Court with stealing grapes, a 14-year-old lad was placed on probation. His home conditions were bad. He had a lazy, incapable stepfather who was living on his wife's efforts to maintain a small shop in which she made and sold children's clothing. When taken from the Court a stranger, rough in appearance, brown and tanned, evidencing hard work, approached the probation officer and asked if he had a handy boy he could take back to his farm. Instantly and appealingly the lad said, "Take me, Sir, I will work for you and do anything." The man replied: "I do not think you would suit—you are too small." To this the lad, in an appealing tone, said: "Do try me." Having interrogated the would-be employer, Mr. Bulley suggested that the lad

might be given a chance. The man assented. Mr. Bulley secured Departmental approval and, side by side, the burly man and the little lad left the precincts of the Court. With Mr. Bulley, the man took the lad to a clothing emporium, spent some £7 or £8 in providing him with a kit of clothes. Later a return was made to the office where the old clothes were placed among the rubbish and, then, both employer and employee departed, the latter, as if having entered a new world. On the following day return was made to the farm and, thereafter for many years, the two became staunch companions. Recently, the boy received a handsome bonus from his employer, plus a fortnight's holiday at the seaside with his employer, plus a good cheque, proceeds of which the lad banked. Although the lad has not returned to his mother, he corresponds with her and, may be, is helping her.

DENIED HIS MOTHER.

A distracted mother had lost her son and had applied to the State Children Department to find him. To Mr. Bulley was passed on the inquiry. After much investigation, he discovered the lad, dirty, neglected, and working for 10s. per week and food, minding cows. His mentality was not normal. On taking him to his mother, he boy turned round upon her and said, "You're not my mother, I don't know you, and I don't want to. I have never seen you before, and if you say you met me at the boat you are lying." Such was the greeting of this 16 year old lad to his mother. It appeared that his father had deserted the army, and that his little sister had been burned to death. Savage with determination and anger, the lad divested himself of his coat and wanted to fight all and sundry. His language was foul. Perseverance and persistency, however, had their effect. The lad was committed to the care of the Department and placed on probation so that he might be supervised. After three years of handling, Mr. Bulley has met his reward. The lad has been reconciled to his mother, who has proved worthy of the name by her untiring sympathy and affection for her son.

HAPPY EVER AFTER.

A 16 year old youth, wild as a colt, nothing daunted him. Breaking, entering and stealing was his main objective. Sent to an institution for his misdeeds, he absconded time after time. As usual, it fell to the probationer officer's lot to try his hand at the taming process. Mr. Bulley had him brought to his office. The youth proved quite intelligent but was determined to have his liberty, cost what it might. During the interview he offered to compromise rather than run the risk of going to Fremantle prison. He would, he said, be willing to remain at the institution for 12 months if, after that time, Mr. Bulley would recommend his release. Mr. Bulley tactfully said he would leave the matter in abeyance for three months, and he would then give him an

answer. The lad returned to the Institution and respected his promise. He forsook his old habits and his conduct was reported as good. Before the three months had expired, application was made to the Department for a boy to work on a station at the North-West. The applicant was personally known to Mr. Bulley, and it occurred to him that he was just the man to handle the youth in question. Negotiations were completed, approval obtained, and the lad took up his duties at the North-West. Regular correspondence was maintained for three years. The lad then returned to the coast, and much against his mother's wish he availed himself of work with his father. There was no return to the old habits. In course of time, much to Mr. Bulley's surprise, the lad walked into his office with a lady whom he introduced as his wife and "best friend." A happy sequel was that, after years of bitter estrangement, mother and father became reconciled and the whole family now constitutes a happy community.

A SEX CASE.

A probation officer must be prepared to accept any case which may come before him. A boy still of school age, of excellent physique and appearance, but the progeny of unknown parents, was charged with stealing. His adopting mother kept a rest home. She was continually receiving complaints that ladies' wearing apparel was removed and not returned. Boxes and trunks were locked. Still the articles disappeared. Subsequently a quantity of the clothing was discovered. Suspicion fell upon the boy, who, when questioned, admitted the offence.

At the Court he was placed on probation. Mr. Bulley kept in touch with him. As the result of his investigations, he traced the cause of his thieving propensities. It was due to temporary mental aberration which so often follows upon self abuse. The practice was admitted and the necessary steps taken accordingly. Result: There has been no repetition of the old habits. Instead, a steady hard-working young man, of whom his adopting mother is worthily proud.

The foregoing constitute a few examples of probation work among boys. Although, in America and in England, there are women probation officers whose employment is considered even more necessary than male probation officers, Western Australia lags behind. There is no probation officer for girls, although, in the opinion of those connected with the work, the need is infinitely greater.

PROTECTION OF CHILD FIRST CONSIDERATION.

The cases which follow show how the Court and the Department endeavour to protect the child even as against the parent.

A maintenance order was enforced against the father of an illegitimate child. The two parents contracted by deed to release the father in consideration of a lump sum payment of £60 to the mother. The father produced the deed to the Court and applied to have the order annulled. The application was refused on the ground that the order was in the interests of the child, and it ought not to be bartered by the mother, who might expend the money and, later on, render the child destitute.

A defendant had signed an agreement to contribute 9s. per week towards the maintenance of an illegitimate child. Two years after he applied to have the order annulled on the ground that he was not the father. The mother of the child appeared and reversed her former evidence by swearing that the applicant was not the father. Since the order, she had married the applicant, but was not then living with him. She said she did not know the name of the real father, except that he was called "Jack." The application was refused on the ground that the evidence was not sufficiently satisfactory to warrant jeopardising the interests of the child. In addition, section 68 rendered the mother's husband still liable.

Two boys had been committed to an Institution until they were 18 years of age. One of them had reached the age of 16 and the mother, through a firm of solicitors, applied to have him released so that he could go to work. The mother explained that she was not living with her husband; that he was allowing her £2 10s. per week, of which 18s. went to the Department towards the maintenance of the two lads. From the balance of the money she had to maintain two younger children aged 11 and 9 years respectively. Having the care of these two children, and suffering from ill-health, which prevented her earning more money, it would be of considerable assistance to her if the boy in question were released so that he might get employment, and thus earn money and help support her and his younger brothers. The Court held that having made the order it was functus officio. The application should be made to the Department which would investigate the matter sympathetically, but would have regard to the best interests of the boy, in preference to those of the mother. (In this particular case there were good reasons why the lad should be retained until 18).

AN ABERRATED GRANDFATHER.

An old Perth identity called at my house and said he desired to lay a complaint on behalf of his grandchildren who had been robbed of their birthright by the Anglican Church. He asserted

that, some 30 odd years ago, he was possessed of a block of land which he had mortgaged for £1,000, and that the mortgagee had foreclosed and sold it behind his back. It had come into the possession of the Church which would not let him have it back. I pointed out to him that the Children Court was not a tribunal which could deal with such a matter. But he would not accept this pronouncement, and, for months, continued to pester me on the subject, until finally, in order to appease him, I promised to look into the matter. I did so, and found that not only had he raised the same question many years before, when the case was heard by Mr. Justice Hensman at the Supreme Court, who had given a verdict adverse to the identity referred to, but that he had recently been advised by an eminent K.C. that he had no case whatever. I told him the result of my inquiries when he again visited me later on. He said he would have to try somewhere else. He cried and said he was an old man, and that it was his duty, before he died, to preserve the birthright of his grandchildren, and he must try someone else as I was evidently hostile to him. Subsequently I heard he had approached another member of the Court, and had suggested to him, that if he would induce the Church to settle the matter by a payment of £5,000, no more would be heard of the case. I do not know the ending. The foregoing, however, shows the diverseness of the matters which members of the Court are called upon to deal with from time to time.

"I MUST BE A NUN."

A lady in good position in society, called upon me to relate the misdoings of her daughter with a view to lodging a complaint against her as being uncontrollable. She stated that she had sent her daughter to a certain school, where she had become proficient, specially in regard to music. The father had been absent from the State for many years, and the mother, who had to earn a living for herself and child, was constantly absent from home. The daughter was lonely, possibly almost desperate. Without previous warning, she apprised her mother of the fact that she intended to be a nun. She did not like society, she abhorred bridge and dancing. She desired a quiet, peaceful life. She must be a nun and nothing would stop her from being one. Her age was 17½ years. I advised the mother not to make a formal complaint at that stage, and I promised to help her with a view to dissuading the girl from pursuing her objective. The mother retorted that the girl was not only impudent to her, but was disobedient and uncontrollable. I pressed for pacific means at the outset, and by consent of the mother these methods were tried.

I will not relate the methods employed. It will suffice to say that my time was occupied from 11 o'clock until 5 o'clock in seeing first one and then another, to say nothing of the expense involved for motor transport. A week later I had the satisfaction of learning that a change for the better had come about, and that there was hope for the future, without recourse to more drastic proceedings.

L'ENFANT TERRIBLE.

I was sent for urgently to hold a sitting of the Court in order to deal with a girl, aged 15, who had been brought under arrest from York, charged with being uncontrollable. She was a quick-witted, venomous-tongued vixen. Her language was beyond description. She frequently ran away from her home, and, before so doing, was in the habit of smashing things about the house, and ill-treating her younger brothers and sisters. The reason she gave for her conduct was that she had a brother a year older than herself, who wanted to be top dog, and she would not have it. She claimed the supremacy. On the last occasion she left home, she walked to Midland Junction, then to Northam and finally on to York, where she put up at a leading hotel. She was there arrested, and brought to Perth. She declared she was able to look after herself. She would listen to no one, but would have her own way. In Court both father and mother were in tears. I endeavoured to pacify her. I asked her what good purpose she was serving herself by paining her father and her mother. She said it was not her business. She was going her own way and would defy everybody. If she were locked up she would break out and do for anyone who stood in her path. It was quite obvious that she had a "kink," and I committed her to the care of the State, so that she might be examined and, later on, suitable employment found for her. She said she already had had a job at a coffee palace which she could go back to, notwithstanding that she had only remained there on a previous occasion for two or three days. "At any rate," she added, "I can find my own jobs." I asked her if there were a boy in the case. She said, "No, I hate boys—I despise men."

Having made the commitment, I left her in the hands of the Department. The matron of the Receiving Home endeavoured to take her back with her. The girl became violent. She brushed the matron aside with considerable force, and then turned on two of the male officers who were endeavouring to prevent her escape. She struck them in the face and kicked each one in the vicinity of a vital part. Finally she was hustled into a room and the door locked on her. The services of a police officer were obtained. The Matron declared that she could not hold her in the Receiving Home. The girl had already been there in the interval between her arrival from York and the sitting of the Court, and it had been with the greatest difficulty that they got her to Court. When the constable arrived, he took her to the Home of the Good Shepherd, and only got her there after violent struggling. The constable sat down on a seat, whilst one of the nuns was talking to the girl. Suddenly she turned from the lady, and, without warning, violently kicked the constable in a vital part and made use of vile language to him. The officer was badly injured. The Good Shepherd authorities advised the Department that they could not be responsible for holding her, and that other steps would have to be taken to

detain her. I was referred to, and was at once confronted with the difficulty which has frequently presented itself. Under the law the girl could not be imprisoned. She must be sent to an Institution. There was none such suitable—none at which she could be held. I suggested, as I had done in a previous case, that portion of the Fremantle Prison be gazetted an Institution for the purposes of the Act, and stated that, if this were done, I would commit her to it. It was unthinkable that a girl of this description should be permitted to defy the community. I cite the case to show another of the difficulties which beset the Court from time to time.

CONCLUSION.

There is no more severe weapon for criticism than ridicule. That such has been used to detract from the work of the Children Courts is common knowledge. I have frequently heard it charged that no matter how bad, how delinquent a child may be, it has only to be brought before the Court to get its "pat on the head" and then be told to go home and become a good boy or good girl, as the case may be, for the future. Traders constantly subjected to petty pilfering are those whose voices are raised most loudly against the leniency of the Justices.

No one, of course, can support theft, misbehaviour, vandalism or delinquencies generally. But there is another side. Is the objective to lead the child towards an honest and upright path or is it to drive it towards criminality? Is it desirable that the offence committed should be sternly avenged or should it be used as a lesson towards promoting the sinner's ultimate good citizenship? I would ask those who read these pages to answer such questions as the following:—

(a) Most girls love their bits of ribbon and other finery. A young girl between 15 and 16 years of age, engaged at one of our emporiums, has stolen a pair of silk stockings in order that she might appear equally presentable with others of her sex, whose parents are in more affluent circumstances. She is brought to Court. What should be done? Should she be sent to an Institution, or should she be warned, or should her future as a mother of the race be sullied by having a Court record against her for an act her youthful mind was not capable of realising the full effect of?

(b) A boy breaks into a confectioner's shop and partakes of a surfeit of the good things which are there—good things as they appear to the child. Should he be imprisoned, should he be whipped, or should he, too, be reprimanded and enjoined to be a better boy for the future?

(c) A young girl has had the misfortune to give birth to a babe which, in her trouble and distress, she has abandoned. What is the measure of punishment for her? What degree of vengeance is necessary to appease the wrath of the law in her case?

I need not multiply such instances, for I do not think there is a decimal point per hundred of the community which would stand for harshness and severity in such cases. But when one is fortified with the experience which results from thousands of cases, he has but one answer, and that a prompt one. He knows, and so expresses it, that kindness, mercy and charity invariably lead to reformation; whereas harshness, brutality and severity direct towards criminality. If proof of this be needed, one has but to turn to the figures at the Children Courts, from which it will be found that only about 3 per cent. of the children kindly treated, commit a second offence. Surely the lesson derivable is, that the new dispensation of love, kindness and forgiveness is more beneficial both to the child and to the community than the old dispensation, which calls for an eye for an eye, or a tooth for a tooth.

(Finis.)

By Authority: Fred. Wm. Simpson, Government Printer, Perth.