

CARE AND TREATMENT
OF THE
UNMARRIED MOTHER AND HER CHILD

A Study of Six Cases
of the
Catholic Social Welfare Bureau,
Milwaukee, Wis.

by

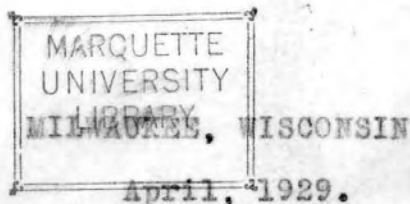
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the Graduate School, Marquette
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fillment of the Require-
ments for the Degree
of Master of Arts.



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Outline of Chapters.

Outline of Chapters

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INTRODUCTION.

Introduction.

This thesis presents a study of the problems involved in the care and treatment of illegitimacy. It is only within recent years that illegitimacy has been seriously approached by social workers. These social workers realize that it is the most baffling of all children's problems.

Illegitimacy is a many-sided problem. It is not just a legal problem. It is also a social problem. It is not only an economic problem; it is also a moral problem. It is not only a moral problem; it is also a physical problem. Illegitimacy means, the moral, the legal, the physical, and the economic condition of children born out of wedlock; children whose parents have not been married to each other. Illegitimacy is the sum total of all conditions and causative factors and corrective measures concerning children born out of
(1)
wedlock.

Therefore, the problem of the unmarried mother and her child must be considered in its many aspects--physical, mental, moral and social. Also, the causes making for illegitimacy must be studied in order that the conscience of the community be aroused to the responsibility of removing
(2)
the causes.

Illegitimacy is a definite social problem. Such a delinquent unmarried mother under the conditions, can do little to provide for the consequences of her sin, and, to fulfill the incumbent obligations. Furthermore, the condition of

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- 1) Emma O. Lundberg and Katharine F. Lenroot, "Illegitimacy as a Child-Welfare Problem," Part I. United States Department of Labor, (Children's Bureau), Publication No. 66. 1920. p. 7-9.
 - 2) United States Department of Labor, (Children's Bureau). "Illegitimacy as a Child-Welfare Problem", Part III. Publication No. 128. 1924. p. 201.

such a delinquent undermines the very basic social unit--the family, its sanctity, and integrity. The community must see to it, that it control or remove, if necessary, all external social conditions, which entice and allure the morally weak into immorality and illegitimacy. It must safeguard the sanctity and integrity of the home--the family unit which is the basic foundation of society. It must help such delinquent parents to assure their rehabilitation. The innocent offspring must be afforded the protection of its natural rights, with the same assurance as is given to other children.

Only, within comparatively recent times, social agencies dealing with the problem of illegitimacy have made of a dormant problem, a live problem. Studies of the problem have been made by social groups, showing the intricate complication of illegitimacy and its relation to other problems. Stimulated in their work by the United States Department of Labor, Children's Bureau, these social groups of workers are building up an efficient administrative agency, outlining their program on two distinct phases of the problem. These are, first, a study of causative factors, centering their attention on the mother and father of the child. Secondly, studies centering attention on the child, and attempting to measure the handicaps of the child born out of wedlock; and, to secure (1) the care and protection that should be afforded him.

Results of these studies show the relation of illegitimacy to education, to mental defect, to mental hygiene, to recreation, to dependency, to economic opportunity, and to environment of the delinquent parents.

1) "Illegitimacy as a Child-Welfare Problem", Part I. op. cit., p. 7.

Results of these studies also show the chance survival of such children, the absence of a normal home, deprivation of a mother's care, lack of adequate support; dependency, delinquency, mentality of such children; and conditions that handicap normal development of character.

Social workers can show from their case work that many children born out of wedlock, frequently start life with an heritage of mental subnormality, or, with an heritage of immorality and delinquency, or, in their shiftings about are subjected to detrimental influences.

Many an unmarried mother is obligated to assume a double parental responsibility, often working away from home to earn a bare livelihood for herself and child, struggling against difficulties in guiding and training her child. And such children, without a normal home guidance, are more often than other children, in need of a stronger discipline and direction in their character-development.

Social workers can prove in many instances of their case work, that a peculiar restlessness and an unhappiness of such a child caused by the uncertainty concerning the whereabouts and circumstances of the alleged father, or the unmarried mother, or both, that the instinctive yearning of every child for a mother and father and kin of its own--as other children have--has a detrimental influence on the child born out of wedlock; that such a child feels its shame and distress; sees itself marked and disowned, with some sort of social stigma upon it, as though an outcast of society; that this psychological condition marks the cause of so many of them going wrong.

We cannot draw any general conclusions from such data,

gathered by the social worker.

"Many theories have been advanced in regard to the natural endowment of the child born out of wedlock as compared with that of the child of legitimate birth, but very little authoritative information is available. Neither has there been any adequate consideration of the environmental and home influences surrounding children who are born out of wedlock, nor of the burden that is placed upon the public for the support of these children." (1)

Illegitimacy centers its attention on the child born out of wedlock: on the care and protection that should be afforded him. The child born out of wedlock is innocent of wrong-doing. He is entitled to the same benefits of home life and parental care as other children. He has the same natural rights as the child of a more fortunate birth, and the obligation to fulfill these natural rights rests upon both the father and mother of the child.

Not to fulfill this natural obligation, imposed upon the unmarried mother and the father by the Divine Plan of the Almighty Creator, means, a serious and disastrous result to the child, and a serious, responsible disobedience to the Almighty Himself.

'Tis true, the unfavorable circumstances which surround the child born out of wedlock, make it very difficult to fulfill the imposed obligations, especially of its mother. The young woman expecting to give birth to a child out of wedlock undergoes mental distress and anguish. For fear of divulging the truth, even to her kin, she is tempted to leave home and friends. Should she divulge the truth? Will she find a staunch friend to stand by her? What will be the attitude of her mother at home? No wonder many such girls leave home, going somewhere, not knowing where. Temptation may seize the girl to

1) "Illegitimacy as a Child-Welfare Problem", Part I. op.cit.p.7.

dispose of the child, to sacrifice the child's life, in order not to go through this bitterest hour of her life.

The alleged father is, as a rule, obstinate in admitting his guilt. Not only obstinate; he evades the situation, concealing his whereabouts and identity. Again, the alleged father may see his escape in denying paternity. This necessitates court action with a jury trial. Court actions of this nature are public in character. Where the paternity of the alleged father is established beyond doubt, the child is barred from his estate and from his kin; it is disowned, and is made a stranger to its father; and, in the eyes of society, a repudiated object. Under the Civil Law, such a father's obligation is a monetary one, practically speaking. He washes his hands from all guilt by a quick and usually inadequate settlement, in lump-sum, or, in partial payments according to his means at the time of his delinquency.

The responsibility and care of the child falls upon its mother. She must bring up the child; to her family name the child has a legal right, and from her and her kin it may inherit precisely as a child born in wedlock.

Sometimes it happens, that the whole responsibility, duty and burden are placed solely upon the unmarried mother. This occurs when the reputed father flees to another State before he admits paternity, and when no warrant for his arrest was served in time. In this instance, the inadequacy of the State Law has no jurisdiction in another State, with the result that such a delinquent father escapes his share of responsibility, making the unmarried mother suffer the whole responsibility.

And the unmarried mother! The period immediately before and after the birth of her child disturbs her entire organism and weakens her ability to work for her livelihood; it demands her strength in the care of the child. If she be poor her economic condition may bring about a neglect of herself and her child. Lack of proper care may result in still birth, infant mortality, and prevalence of illness with the infant. If, after the confinement period, such mothers are obliged to work away from home to earn livelihoods for themselves and their child, they assume a double parental responsibility, often encountering insurmountable difficulties in caring, and guiding, and training their child.

Such is the picture of illegitimacy. Its seriousness has awakened the dormant powers of social workers to extend their protective and guiding arm to such a mother in her bitter moment of life. With good case work, the social worker can influence the alleged father to realize and fulfill the obligations toward his child. The social worker, with her efficient administrative agency can prove to be a staunch guardian of the child's rights, which at all cost must be protected. The social worker, aware of the limitations of the Civil Law, can, with the resources of his or her art, effect a complete rehabilitation of both, the father and mother. For a law, though inadequate, yet, if well administered will bring far greater results than an adequate law poorly administered. Herein lies the value and strength of the law. The value and strength of legislation is equivalent to the amount of it that can be translated into practice.

Legislation concerning illegitimacy should not be too severe. Too severe a law may bring about malpractice and injustice to the yet unborn child. On the other hand, an easy law may encourage further illicit sex relations and illegitimacy. Certainly, the more fundamental and larger duties of such fathers and mothers should be written into the statute books and that, in application to individual cases, a good deal of leeway and latitude be given the courts to exercise the judicial discretion in the light of such social case work as may be available to them. Then, such legislation will take on a more human and social aspect in the care and treatment of the problem of illegitimacy.

In the cases presented in this thesis, it will be noticed, that the treatment and solution of each case lies in the well-trained worker. To quote the statement of the Rev. Robert F. Keegan:

"We must get down to the understanding of each case and the influence at work in each instance. We must keep constantly in mind the conviction that the rights of the child are paramount. Most of all we need good case work, based upon the proper kind of study at each state. It is good case work which will properly determine the child's parentage, the child's future, and the moral consequences of keeping the child with the mother, or of planning for a complete separation. Thorough investigation is necessary in order to learn the character of the parents and to predict the result of placing this or that responsibility upon either or both of them. It is only by combining the fundamental principle of modern case work--namely, individualization of study and treatment--with firm and sound principles of justice to all concerned, that we can hope for an adequate treatment of problems of the unmarried mother and her child." (1)

The objective of the social worker is the child born out of wedlock: the child, which the common law in its cruelty

1) United States Department of Labor, (Children's Bureau)
"Standards of Legal Protection for Children Born Out of
 Wedlock," Report of Regional Conferences. Publication
 No. 77 1921

has stigmatized as filius nullius; the child, which has no part in the moral obliquity in its conception, and therefore, should not be penalized; also the rehabilitation of the father and mother of the child, corrective treatment of both; and punitive only in so far as it is corrective; so that both, the father and mother may again take their places as upright and good citizens of this world and the next.

Six typical cases of illegitimacy have been picked out from among fifteen cases taken care of by the Catholic Social Welfare Bureau of Milwaukee, Wisconsin. The Catholic Social Welfare Bureau is a Catholic Diocesan Charity Agency. Illegitimacy is one feature of its work.

The cases studied were selected by the Reverend Director of the Bureau. Only six of these are presented in this thesis, six typical cases, involving the major problems of illegitimacy. In their presentation, secrecy of records is strictly observed.

The cases are: Case No. 1202 - Settlement made in the District Attorney's office without a trial; Case No. 1448 - A Jury case of illegitimacy; Case No. 1810 - Adoption of the child; Case No. 733 - Difficulty in verifying the girl's story; Case No. 1376 - The feeble-minded girl (under age); Case No. 777 - The consciously immoral girl and man.

CHAPTER I.

Settlement

Without a Jury Trial.

CHAPTER I.

Settlement Without a Jury Trial.

Part I.

Presentation of the Case.

A pregnant, unmarried girl came to Milwaukee with the alleged father of the child, whom she introduced as her "brother." They came from a town near Milwaukee to report at the Misericordia Hospital for confinement care of the girl. Both were Catholics.

The registrar, having learned that the venereal and epileptic tests were not yet taken, could not accept the patient until after the tests. This being the policy of the hospital, advised the girl to be under the protection and care of the Catholic Social Welfare Bureau. The function of the Bureau was explained to her in detail. It was what she wanted: a staunch friend who would protect and care for her in this difficulty. The Bureau was informed. The girl with her "brother" left the hospital to report at the Catholic Social Welfare Bureau.

In the Bureau, the alleged father was again introduced as her "brother". The girl listened to the explanations of the difficulties involved in her case and to the plans of procedure. She placed herself under the care of the Bureau. The social worker accompanied the girl to the municipal clinic located in the City Hall, for the Wassermann and the Gonorrhoea Condition tests. Temporary arrangements for the girl were made at the Friendship Home, a home for friendless girls, to await the report of the health clinic.

Establishing Contact with the Girl.

The social worker called at the Friendship Home for an interview. Much pleasant conversation was interspersed with

the sad story. Conversation was about her favorite hobbies, her various occupations and her home. The fine Christian traditions and atmosphere in her parents' home, the devotion of the family to the Church, and the exemplary lives of the elders at home and in their call of life, marked a high standard of a practical, Christian family.

The girl's confidence in the worker was gained very easily. She admitted her sin and divulged freely the whole story. She admitted that the man whom she introduced as her "brother", was not her brother; he was the father of the child. He was a professional man, with a good practice in her little town.

The girl talked about marriage. The professional man was afraid to marry her. He said, it would injure his professional standing, if people should find out about the baby. To avoid publicity in her town, the girl was advised by one of the doctors there to come to Milwaukee. No one at home knew of her condition, she admitted, except her mother (her father being dead) and her confident brother. The man involved was anxious that no one of his family know of his predicament.

She was undecided, whether it would be better for them to be married under existing conditions, or not, saying that the people of her town would probably find out about their baby sooner or later.

At the close of the interview, the social worker told the girl of the report of the health clinic; and that arrangements were already made for her at the Misericordia Hospital for prenatal care.

Establishing Contact with the Alleged Father.

The supervisor of the Bureau sent a letter to the alleged father, asking him to come to the office at his earliest convenience. The man came, a typical young professional man. He was unmarried. He admitted that it was he who brought the girl to the office a few days before. He was not a brother to the girl as he stated in the office. But, he emphatically claimed that in no way was he involved in her present difficulty. Because she asked his assistance and because he knew her, were the reasons why he brought her to Milwaukee to the Misericordia Hospital.

Thereupon, the girl was called from the hospital to the Bureau. In the office of the Director, and in the presence of the man, the girl told her convincing story. The man finally admitted sex relations with the girl; also paternity of the child. Since he admitted paternity, there was no need of issuing a warrant for his arrest. Had he not admitted paternity, a warrant for his arrest could be served on the complaint of the girl. The Civil Law was quoted to him concerning his financial responsibility toward the child and the girl's lying-in expenses. He was also advised not to agree to any settlements until the matter should come up in the District Attorney's office. The proper procedure of settlement was explained to him.

At the close of the interview, the man spoke to the Director confidentially, telling him that his father knew something of the situation but did not believe him guilty. He also said, that because of his indebtedness in business, he could not make any settlement, but felt, that if his father

were properly approached, he would help him. The man asked the Director to approach his father.

Here is the content of the letter sent by the Director:

"Your son.....was in the office the other day and admitted that he is responsible for the condition of.....who is now in the Misericordia Hospital, Milwaukee, about to be confined. At his request I am bringing the matter to your attention.

Although the matter is serious and much to be regretted I feel that it would be unwise to be too severe with the boy at this time. He seems to realize his mistake, and was quite broken up when he talked with me in the office. He seemed to fear that you would be badly upset, but I hope that you will take the truly Christian attitude, and try to help the boy make amends. I believe he has learned his lesson, and is in need of sympathy more than severity at this time. Our bureau is prepared to help you make the necessary adjustments.

For your information, permit me to say, that under the law, the girl's parents, brothers, or sisters, are not entitled to anything in the way of damages, and no money settlement should be made with them. According to law, your son is liable for the girl's lying-in expenses which are generally about \$75.00. In addition to this he is liable for the support of the child until it is sixteen years of age. As a rule a lump sum settlement is made, and an agreement signed which, for a stipulated sum, will release him from all further liability. This money is set aside for the support of the child. It should not be turned over to the girl herself, nor to any member of her family. In Milwaukee County, this money is turned over to the commissioner of the poor, who then issues monthly checks for the baby's board. After this release is signed, and the money paid over, the girl alone is responsible for the child.

Our bureau will be glad to help make all necessary adjustments, as I said above, but we expect no fee, as our service is a free service."

This letter of the Director brought the father and his delinquent son to the office. At the close of this interview, the Director suggested that they meet in the office again, in a month or two. Arrangements were also made to have the girl

and her elder brother in the office at the same time. The purpose of the conference was to come to some agreement as to the amount of settlement. Then the worker on the case could accompany all to the District Attorney's office, and there have the matter settled legally.

Fear of Social Stigma.

A short time after the delinquent boy and his father interviewed the Director, the social worker talked with the girl at the hospital. The girl disclosed the information that her Reverend Pastor from her home-town had called at the hospital. Soon the conversation turned toward the baby. The girl was very fond of her child and asked the worker whether it would be prudent to take the baby home with her. She realized that the people in her town knew about the child already. The worker then said that, as long as the people knew about her child, she might as well take the baby home with her. If she did not they would wonder what she did with it. The girl agreed that this would be the best plan, saying, that she would miss the child if she had to leave it.

Before the worker left, the girl asked whether the father of the child said anything about marriage. This statement made the impression on the worker, that she was still fond of him. The statement of the man, made in the office to his father and to the Director was repeated: he would not consider marriage.

A month later, the worker visited the girl again. The girl told the worker that she had been thinking of taking the baby home, although she felt, that it would not be a wise thing to do. She explained the reason for this statement, saying, that in a small town people are too much concerned in their

neighbor's affairs, and that they would talk about her. She felt that this would be unbearable, citing a similar incident which occurred in her town a few years before. The girl continued her conversation with the worker, telling her that she would like to be at home with her mother and that her mother needed her help. However, there was no advantage in going home, and she was decided to stay with the child in Milwaukee and work for her living, if that could be arranged, or, if not, to have her child in a boarding home, in order to be near. She said she was proud of the baby, and would never consider giving him up.

The girl asked again about the father of her child, and mentioned marriage, aware of his positive statement of refusal. The worker said that if she wanted to talk with him, the Bureau would call him. She seemed to favor the idea, although she was afraid that he was angry with her. She had not talked with him since coming to Milwaukee and did not understand just what changed his attitude, since he was friendly to her when he brought her to Milwaukee. The girl's brother said a few harsh words to him. This was not her fault, she continued, and there was no reason why he should be angry with her.

It appeared that the girl was still interested in the man, although she was hurt at his attitude.

Making the Settlement.

A date was set for a conference at the office of the Bureau. Letters were sent by the Director to the unmarried mother, the delinquent father of the child, to his father, and to the elder brother of the unmarried mother. The purpose of the conference was to make a satisfactory adjustment

of the matter.

The delinquent boy asked the Bureau to arrange for another date, giving a reasonable excuse. In consequence, the date for the conference was set three weeks later.

Letters were again sent to the parties mentioned above. The letter sent to the delinquent boy had this added statement: "It might be well for you to have your father present, or some one who could go your bail, in case a settlement could be made."

Again the boy made an excuse: "It will be impossible for my father to be there at that time"; and asked to set another date. This letter he wrote a day before the date set.

A letter was issued to him again, by the Director himself, setting a final date:

"We have gone ahead and made an appointment with the District Attorney for that morning, so that you cannot disappoint us.

If you are not here at the appointed time, we shall advise the girl to swear out a warrant; and I feel certain that the District Attorney will issue one immediately."

Letters were also sent to the others, as mentioned above, by the Director.

The conference took place at the Bureau on the appointed date. All were present. The father of the boy agreed to settle the matter. An appointment was immediately made with the District Attorney. At the District Attorney's office, a report came from the hospital, that the baby had died.

Thereupon, final arrangements were made, and all agreed to them, that the girl receive \$400.00 to cover her expense. The money was to be sent directly to the Catholic Social Welfare Bureau.

A few days later, a letter was sent to the girl, who, in the meantime, had returned to her home-town, as follows:

"We have received \$400.00 from..... and are holding it subject to your order. The money is in currency. We hesitate to send that amount through the mail. However, sending it in any other form, makes it necessary for you to cash the check, which you may not want to do. Do you want us to pay your hospital bill, or shall we forward the full amount to you?"

The girl and the boy, both, came to the office of the Bureau. Settlement money, amounting to \$400.00 was turned over to the girl and a receipt was obtained.

Part II.

The Problems.

This case was chosen as the first of the six presented, because it was in full charge and control of the Bureau, from its beginning to the close. It shows the administrative foundation of the Bureau and its place in social work. The outstanding feature of the method of treatment and care was the willing co-operation of other agencies and institutions. This co-operative effort in social work dealing with the illegitimacy is today, distinctive of the City of Milwaukee.

The first step of the social worker, after the preliminary interview of the case, was the investigation of the records of the Confidential Exchange, of the Juvenile Protective Association, of the Family Welfare Association, in order to gather past history of the case in question. This process is called "clearing the case." The records investigated showed no history of this case.

The essential steps in handling cases for illegitimacy by case working agencies were outlined by the Milwaukee Conference on Illegitimacy, in 1924, as follows:

- (1) Complete Social Investigation.
 - (a) Clear and register in Social Service Exchange, (b) Obtain Family Face Sheet and Mother's Sheet material on every case, (c) Secure chronological history of girl's life and experiences, including sex teaching, recreation, past sex experiences, definite details and date of present situation, (d) if non-resident, consider possibility of confinement care near legal residence, (e) verify girl's story, (f) arrange for her communication with some member of her family.

Specialized services to be utilized by Case-Working Agencies.

1) Milwaukee Central Council of Social Agencies, "A Community Program for the Unmarried Mother and Her Child," Conference on Illegitimacy, 1924. p. 9 - 11.

- (2) Prenatal Examination.
- (3) Venereal Disease Tests.
- (4) Mental Examination.
- (5) Establishing Paternity (District Attorney's Office)
- (6) Prenatal Housing.
- (7) Confinement Care.
- (8) Postnatal Housing.
- (9) Supervision after Confinement.
- (10) Permanent Disposition. (Legal release and placement of child for adoption).

The problem in this case is social stigma. As is usually the case, such pregnant girls leave their home to come to a city of considerable size, where numbers count and not individuals, where an individual is unnoticed and unknown in the continuous whirl of madly rushing throngs of a metropolis. It is shame, that is haunting the girl at her home. It is the fear of publicity, that is driving her farther away from her parents and friends, into unknown places and friendless homes. We have a good example in the case reviewed. We also notice that both, the boy and girl, were anxious that no one, even of the family, should find out the truth. The planning of their marriage was discouraging, because of the fear of jeopardizing the reputation enjoyed in the community by the man, and because of the indecision of the girl, whether to go to her home-town with the baby, or not, through fear of the stigma of social reproach.

The girl and young man were unmarried. Both were Catholics. They had been brought up as Catholics. Their home-environment was Christian, especially in the girl's home. Both families had a Christian tradition; there was a living and growing faith among its members. Yet, we see in these two individuals, a wrong, an evil, a breakdown in character, that is surprising. However, let us not forget the words of

St. Paul: "Wherefore he that thinketh himself to stand, let him take heed lest he fall."⁽¹⁾ Only too true are these words of the great Paul, who knew the "inner struggle" of man, the struggle of the law of flesh with the higher law of God.

Having fallen, we see how the boy and girl were trying to face the difficulties involved, to rehabilitate themselves, so that they might attain the high standard of perfection in life, enjoyed before. Efforts of both, to respect the rights of the child to be born, a recognition of the physical condition of the girl, seeking help for prenatal care and confinement, were an easy starting point for rehabilitation under the guidance and direction of a competent social worker.

There was not much difficulty in establishing contact with the girl and the father of the child, although the identity of the father was at first concealed. This could be expected. The first impression made on the Registrar of the hospital and on the Director of the Bureau revealed a spirit of willingness and eagerness to abide by the plans suggested, and to fulfill them. The girl and the boy learned, that the Bureau is governed by Christian principles; and that it is a diocesan institution under the control of the Arch-bishop of the diocese; that the Bureau is a friend to those in need, an institution that is charity itself, extending its protective arm in the spirit of Christ, to bring back to the fold those who have fallen by the wayside.

The establishing of confidence in the worker, at the first interview with the girl, who was temporarily cared for and protected at the Friendship Home, is a common example of a bit of psychology. And it worked with wonderful results.

1) I Cor. X, 12.

Prenatal and confinement care was given at the Misericordia Hospital, a Catholic Hospital, conducted by the Sisters of the Poor, with a chaplain, a Jesuit father, attending.

Records are kept but only of medical attention given. Matters of spiritual help are personal affairs of the chaplain. Nor, has the hospital a social record bureau, which is much talked of today in Hospital Administration. There is a fine co-operative arrangement with all the social agencies of the city.

The work of the Catholic Social Welfare Bureau comes to the fore by establishing contact with the father of the child, and in arranging a final settlement. Illegitimacy agencies in Milwaukee can boast of the co-operative helpfulness of the District Attorney's office on these two points.

Reluctantly, the man admitted paternity. There was no need of issuing a warrant for his arrest. He admitted his guilt. It was his duty to fulfill the incumbent obligations demanded by the Civil Law and the Church Law. Had he shirked these duties having admitted paternity, he could be forced to comply with these duties upon issuing a warrant for his arrest, on the charge of abandonment. This law has far reaching jurisdiction into all other States. The Church Law, on the other hand, punishes him for his neglect, in conscience.

The function of the Bureau was illustrated in the letter of the Director himself, which was sent to the father of the delinquent boy. In it was a fine attempt to create in the mind of the boy's father, a true Christian attitude toward his delinquent son. The obligations of Civil Law, pertinent to illegitimacy are explained in clear terms: the procedure of

settlements; the trustee of the settlement; that the settlement is for the child only; responsibility for the care of the child; and that there is no financial obligation to the bureau: "We expect no fee as our service is a free service."

Another fine piece of work by the Bureau was shown in the calling of a conference to make final arrangements for an adequate settlement in the District Attorney's office. The Bureau seeks willing co-operation of the delinquents but, if stubbornness is shown, threatening and drastic means are used, other methods failing. The letter sent to the father of the child is typical of pressure used when necessary: "We have gone ahead and made an appointment with the District Attorney for that morning, so that you cannot disappoint us. If you are not here at the appointed time, we shall advise the girl to swear out a warrant and I feel that the District Attorney will issue one immediately."

If he had failed to appear, a warrant would have been issued on the charge of abandonment of his child. It was high-time for a financial settlement. The three months nursing period was nearly up, the hospital bills were to be paid, plans for the child were to be discussed and determined and other matters. Besides, two months time was given him to plan an adequate settlement of the matter, and three notices were sent to him, setting a date for the conference.

The matter was settled without a jury action in the District Attorney's office. The worker on the case represented the Bureau. There is no publicity in such cases; this being a tacit agreement of the District Attorney and the agencies dealing with illegitimacy.

In making such a settlement, outside of court action, legal formality must be observed so that the compromise or arrangement may have binding force. Here is the Wisconsin Statute:

"Sec. 166.16 - Compromise. The chairman of the town, president of the village or mayor of the city wherein any such female shall reside, or county superintendent of poor in such counties as may have abolished the distinction between town and county poor, shall have power to make such compromise or arrangement with the putative father of any bastard child in any such town, city, village, or county, relative to the support of such child as they shall deem equitable and just; and thereupon may discharge such putative father from all liability for the support of such bastard."(1)

Solution of the Problem.

Social stigma presented great difficulties when the girl began planning for her child. It was a dilemma to the girl. On the one hand, attachment and love toward her child, and on the other side, the opinion of her family and the community if she should take the child home with her. She cherished the hope of marriage as a solution. She loved the man; but, the man declared that he would not consider marriage. She seemed to understand his attitude toward her and their marriage. He was angry because of the sting of social stigma. The reputation of his profession would suffer, if they were married under existing conditions. To avoid social reproach, the girl planned on staying in Milwaukee to work, and, in the meantime, to keep the baby in some boarding home.

The planning for the child came to an abrupt end. The child died at the hospital, just before the final settlement was arranged in the District Attorney's office. The girl returned home to her mother.

1) Wisconsin Statutes, Vol. I. (9th Edition) 1927. p. 1423.

The young man and the girl did love each other. The difficulties and problems of social stigma estranged their love temporarily.

A few days after the case was concluded, the Bureau called the girl back to Milwaukee to collect her settlement money.

The work of the Bureau closed at this point. The Confidential Exchange shows no further record of the parties. Further rehabilitation was left to the individuals themselves. The Bureau had reason to presume that they will try to live so as to attain their standard of Christian perfection enjoyed before their fall.

Here the words of Christ are inspiring: "Has no man condemned thee? Neither will I condemn thee. Go, and sin no more."

CHAPTER II.

A Jury Case.

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A Jury Case.

Part I.

Presentation of the Case

A Catholic girl of age, pregnant and unmarried, came to the District Attorney's office to file a warrant for the arrest of the alleged father of the child. Having obtained the necessary data from the girl, the District Attorney issued the warrant, and at the same time set the date for a preliminary hearing in the Civil Court.

The warrant for arrest of the alleged father brought him to the District Attorney's office. Bail of a few hundred dollars was fixed in lieu of imprisonment until the date of the preliminary hearing. He chose to provide the bail.

The District Attorney reported the illegitimacy case to the Catholic Social Welfare Bureau, for prenatal and confinement care.

To obtain historical data of the girl, the Bureau cleared the records of the Confidential Exchange, of the Family Welfare Association, of the Juvenile Protective Association, and of the Children's Welfare Department. The girl had no record in any of these agencies.

To establish contact and gain the confidence of the girl, the worker visited her home. She found her mother alone. The mother's attitude toward the worker was very negative. At first, she hesitated to speak to the worker. But tact and prudence of the worker won her over, at least to understand the function of the Bureau and its aim in taking interest in the case.

The mother of the girl demanded of the worker a definite

answer, whether any information which she would give her, would be held against her delinquent daughter at the time of the trial or not. The worker explained her purpose in coming to see the girl, and assured the mother in clear cut terms, that she was gathering no data for the trial, that she wanted no harm to be done to the delinquent girl. She came to help the girl, especially to help her make plans for prenatal and confinement care.

The worker finally gained the mother's confidence, the social data asked by the worker was given freely. There were many children in the family, the youngest was seven and the delinquent girl was the oldest child.

Two days later, the worker had her first interview with the delinquent girl. The girl knew already about the worker, her mother having told her of the worker's visit. Willingly she answered all the questions which the worker presented, making a connected story of the whole case. Then the worker explained about having the required physical tests taken as soon as possible (The Wassermann and the Smear), so that arrangements could be made for her to go to the hospital at any time. This strengthened the girl's confidence in the worker. She promised to come to the office, that the worker might accompany her to the health clinic for the purpose of having the examination.

Prenatal Care.

The report of the Municipal Health Department was sent to the office of the Bureau. The girl visited the Bureau to discuss plans about going to the hospital.

The mother of the delinquent girl did not want her to stay at home on account of the younger children. Arrangements were, therefore, made for her at the Misericordia Hospital. The worker explained about the bills to be paid at the hospital. The usual charges were \$75.00, which could be paid when she was ready to leave. However, as the case was in court, it might be settled before she would be ready to leave the hospital and the accused would have to pay the bill, when found guilty.

The hospital reported the birth of her child to the Bureau. At an interview with the social worker, the girl said that she was very anxious to have her case put on the calendar in the Civil Court for trial. Such trials are always held after confinement.

The Worker Gathered More Data.

The worker secured the hospital record regarding the baby. The Doctor's statement was that the baby weighed 8 lbs. and 3 oz., and that it was a full term baby. The Sister at the hospital said that there was a possibility that the baby might be two or three weeks premature; but there was no mention of this on the hospital chart. According to the girl's calculation, however, the child was about five or six weeks premature.

With this data, the worker called on the District Attorney. The Assistant District Attorney thought that, since there was such a discrepancy, the girl had no case against the alleged father and it might be thrown out of court.

The worker interviewed the girl in the hospital and informed her about the hospital record and the doctor's report. The girl argued that the child was premature, and was not concerned at all with the discrepancy, claiming that she was telling

the truth, and was not afraid to appear in court. There were two other men involved in the case, she continued; yet, emphatically insisted that Mr. X was the father of her child. The worker called on the District Attorney with this information. The District Attorney said that the case was very weak.

The Case in the Civil Court.

The case came up for trial by jury in the Civil Court. The District Attorney explained the nature of the case to be tried. The jurymen were asked a number of routine questions. The jury was then sworn in, and the trial began. The girl took the stand, and was questioned and cross-examined by the District Attorney and the lawyer for the alleged father. The alleged father also took the stand, although he was not obliged to do so. Then the witnesses were called upon: the doctor, the girl's mother and friends of the girl and of the alleged father, in order to establish proper dates. The social worker was not called upon. The social worker is never called as a witness but, if she has pertinent data, she may be called upon for facts.

The case looked very bad for the girl. It was testified, that she had been out all night with two other men, about the time of her last menstruation period. These two men admitted relations with the girl in that period. The case was further complicated by the testimony of the hospital doctor, who testified that the baby was a full-term child. On the other hand, the girl's calculation and testimony were that the child was premature and that it was the child of Mr. X, not of either of the other two.

The jury was returned with an unanimous verdict of "guilty", against the alleged father. The testimony of the

girl was respected in the face of all other testimony, which made it doubtful as to who of all three was the father of the child. The jury convicted the alleged father and freed the other two men unconditionally. The alleged father made a cash settlement of \$750.00. This money was held by the County Poor Office and was given out monthly to the mother for the care of the child.

The worker followed up the case for a while. She visited the girl at home, where she was staying with her mother. She was working during the day. Her mother was caring for the baby during her daughter's working hours. The girl showed devotion toward her child. The other children in the family were also attached to her child.

No record of the girl has appeared since in the Confidential Exchange, nor at the Child Welfare Division, nor at the Juvenile Protective Association. The Bureau presumes that rehabilitation was established.

Part II.

Problems.

The case just quoted illustrates the method used in establishing paternity. It is a problem of legislation and administration of law and because of the inadequacy of State Legislation many difficulties present themselves.

When an alleged father refuses to admit paternity, legal action is necessary. There are various steps in this legal procedure. The girl, or any bureau, or anybody may report the case to the District Attorney. The girl is called to the District Attorney's office, and upon sufficient testimony, the District Attorney's office issues a warrant for the arrest of the alleged father. He is arrested, and brought to the District Attorney. If he, or any one in his behalf provides the bail set by the District Attorney, he is allowed to return home. Failing to provide bail, he is locked up in jail to await trial of the case.

The preliminary hearing is held in the Civil Court. This court is open to the public. If the girl has a case against the alleged father, the bail stands, or should he fail to provide bail, he returns to jail to await jury trial.

The jury trial takes place three to six months later, sometime after the confinement of the girl. It is held in open court--the Civil Court, as before. Should the case be a notorious one, the court-room often is over crowded with curious listeners.

(a) The Issue of a Warrant.

No warrant in illegitimacy cases is issued until the District Attorney has examined the complainant and has given an order for a warrant. If possible, the sheriff brings the

alleged father to the District Attorney's office as soon as he is apprehended. The District Attorney questions him to give an opportunity to make a true statement before the alleged father has talked with a lawyer, or has been advised to plead not guilty and to deny paternity, or before he flees to another State. If there is probably cause to believe the man guilty, he is usually released on bail, to appear on the date set, to arrange for a settlement. Should the girl refuse to accept the settlement proposed, the case continues and the alleged father must appear in court for the preliminary hearing. The trial of the case is held after the birth of the child.

The law on the Wisconsin statute books concerning proceedings in illegitimacy reads:

(1)

"Sec. 166.04. Proceedings on complaint. On complaint being made to any justice of the peace by any female who shall be delivered of a bastard child or who shall be pregnant with a child which if born alive, may be a bastard, accusing any person of being the father of such a child the justice shall take such complaint in writing, under the oath of such female, and shall thereupon issue his warrant against the person accused, directed to the sheriff or any constable of his county, commanding him forthwith to bring such accused person before the justice to answer such complaint.

Sec. 166.05. Proceedings on return of warrant. On return of such warrant, if the accused be in custody or shall appear, the justice shall examine the complainant under oath respecting the cause of complaint, and the accused may cross-examine her and put any question necessary for his defense. Witnesses may be examined on behalf of either party. All testimony taken and proceedings had shall be reduced to writing; and proceedings for cause shown may be adjourned from time to time, not exceeding ten days at one time; and on such adjournment the accused may be recognized for his appearance for such examination in a sum not less than one hundred dollars nor more than one thousand dollars, and with securities to the satisfaction of the justice,

1) Wisconsin Statutes, Vol. I. op. cit. p. 1421-1423.

and in default thereof he shall be committed, pending such examination, to the county jail. The accused shall be entitled to a removal of such action as in criminal examination before justices of the peace.

Sec. 166.06. Discharge of accused. If the accused person shall pay or secure to be paid to the female complaining such sum of money or other property as she may agree to receive in full satisfaction and as shall be approved by the supervisors of the town, of which agreement and approval the justice shall make a memorandum on his docket, and shall also give bonds with sufficient securities, to be approved by the justice, to the town in which she shall reside, or if she shall reside in a county which has abolished the distinction between county poor and town poor, to such county, conditioned to secure and indemnify such town (or county, as the case may be) from all charges for the maintenance of such child, and shall also pay all expenses, if any, incurred by such town or county for the lying-in and support and attendance upon the mother during her sickness and the costs of prosecution and further conditioned to support the maintain such child until it is sixteen years of age the justice shall discharge such accused person.

Sec. 166.07. Recognizance and commitment. In case any person accused as aforesaid shall not comply with the provisions of the preceding section and there is probable cause to believe the accused person guilty the justice shall bind such person in a recognizance with one or more surities, to be approved by the justice, in a sum of not less than two hundred dollars nor more than two thousand dollars, to appear at the next term of the circuit court for the proper county, and from time to time thereafter until final judgment, to answer the said complaint and to abide the order of said court thereon; and on his neglect or refusal to find such security the justice shall cause him to be committed to the county jail, there to be held to answer to such complaint; and such justice shall thereupon certify and return the examination and all testimony so taken before him with all process and papers in the case to the clerk of said court. In case any examination has been had as provided by law, and the person complaint of has been discharged for want of sufficient evidence to raise a probability of his guilt, and the district attorney shall afterwards discover admissable evidence sufficient, in his judgment, to convict the person discharged, he may, notwithstanding such discharge, cause another complaint to be made before

any officer authorized by law to make such examination, and thereupon another arrest and examination shall be had.

Sec. 166.13. Prosecution by officers. When the mother of a bastard child commences any such proceeding and fails to prosecute the same, the supervisors of the proper town or proper officers of the county in which the distinction between town and county poor has been abolished or any person interested in the support of such bastard may prosecute the proceedings commenced by the mother to final judgement.

Sec. 166.14. Inquiry by officers. If any female shall be delivered of a bastard child which is or likely to become a public charge, or shall be pregnant of a child likely to be borne a bastard and to become a public charge, any member of the town board in a town, village board in a village, common council in a city or superintendent or commissioner of the poor or the chairman of the committee on poor in any such town, village, or city wherein such female shall reside, or in case she shall reside in a county which has abolished the distinction between county poor and town poor, any member of the county board or any superintendent of the county poor thereof may, if they deem proper, apply to some justice of peace of the same county, who shall thereupon examine such female on oath respecting the father of such child, the time when and the place where such child was begotten and as to such other circumstances as he may deem necessary; and such justice shall reduce such examination to writing and shall thereupon issue his warrant, without further or formal complaint, to apprehend the reputed father, and the same proceedings shall be had thereon and with the like effects as are hereinbefore provided in cases of complaint made by such female.

The above legislation provides that a warrant for arrest shall be served on the alleged father in order to bring him to face the charge. It may be questioned whether the issuance of a summons is not a better process. A warrant for arrest carries with it a stigma of reproach on the alleged father, who may be innocent. The issuance of a summons would eliminate somewhat the social stigma connected with arrest. The "Uniform Illegitimacy Act", drawn up by the National

Conference of Commissioners on Uniform State Laws, which act was adopted at its annual meeting in 1922, in San Francisco, (1) proposes the process of summons. Here is the proposal:

"Section 12. (Process) The judge or magistrate shall issue his warrant for the apprehension of the defendant, directed to any officer in the state authorized to execute warrants, and such warrant may be executed in any part of the state. With the consent of the complainant, a summons may be issued in the first instance as in other civil cases, instead of a warrant, which summons shall be personally served."

However, the issuance of a summons, under existing legislation would give opportunity to the alleged father to avoid facing the charges against him by fleeing into another State.

In the State of Wisconsin, the proceedings for the support of a child born out of wedlock is a civil one, the purpose of the law being to secure support for the child so that he may not become a public charge. The Wisconsin Statutes make this definition:

"A criminal action is prosecuted by the state as a party against a person charged with a public offense for the punishment thereof. (Sec. 260.06) Every other is a civil action. (Sec. 260.07)" (2)

Because the proceeding is civil and not criminal, the alleged father cannot be extradited if he leaves the State to evade prosecution. Jurisdiction in civil cases is limited to the confines of the State. The Wisconsin statute reads:

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- 1) The National Conference of Commissioners on Uniform State Laws, "Uniform Illegitimacy Act", Edition of 1922 - 2M. p. 9.
 - 2) Wisconsin Statutes, Vol. I, op. cit., p. 1920-1921.
 - 3) Ibid., p. 1423.

"Sec. 166.15. Warrant--Attendance of female. Any warrant issued under this chapter may be executed in any part of this State; and in all cases said town and county supervisors, superintendents of county poor and the accused may compel the said female to attend and testify the same as witnesses in other cases."

Illegitimacy is, therefore, a civil action and the scope of its jurisdiction is within the confines of its own State. The absconding defendant is therefore, beyond reach of the law. In order to be dealt with, he must be brought back. This is possible only through an extradition proceeding. This means new legislation. Some suggest that in order to make extradition possible, a criminal act prior to the escape must be charged upon the father. How is this possible? Pennsylvania makes the illicit connection with the woman a crime; Massachusetts, the begetting of the child; Minnesota, the escape into other jurisdiction. The "Uniform Illegitimacy Act" referred to above, solves the problem of the absconding defendant in a different manner. It permits the mother to bring proceedings in the place where the father is permanently or temporarily resident; and, it is no bar to the jurisdiction of the court that she lives in another State. Article 5,

(1)

Section 33, reads:

"Jurisdiction over proceedings to compel support is vested in the () court of the () in which the alleged father is permanently or temporarily resident, or in which the mother or the child resides or is found. It is not a bar to the jurisdiction of the court, that the complaining mother or child resides in another State."

Section 34 of the same act continues:

"The judgment of the court of another state rendered in proceedings to compel support of a child born out of wedlock and directing payment

1) The National Conference of Commissioners on Uniform State Laws, "Uniform Illegitimacy Act," op. cit., p. 13.

either of a fixed sum or of sums payable from time to time, may be sued upon in this state and be made a domestic judgment so far as not inconsistent with the laws of this state, and the same remedies may thereupon be had upon such judgment as if it had been recovered originally in this state."

Should each State in the Union revise its law relative to the absconding father, as suggested and proposed by the "Uniform Illegitimacy Act", then the issuance of a warrant for arrest in the first instance, is not necessary. Summons to appear, would be sufficient. Should the alleged father flee to another State, the unmarried mother would be protected by the revised State legislation, to begin proceedings in the State where the absconding father or the girl happens to be.

(b) Court Action is Public in Character.

The hearings and jury trial are held in open court, often filled with idle men, lawyers not concerned with the case, and curiosity seekers. The writer is making no insinuations. The court rooms are crowded with avid listeners, the trials are contested, and the girl is searchingly cross-examined, to the delight of a mob seeking sensual gratification. Surely, it is not edifying, and not in accordance with the character of court action, which should be a protection and a help to the mother and the alleged father in establishing their obligations and in determining a correct solution.

The Minnesota State Board of Control adopted a resolution concerning privacy of court action in illegitimacy proceedings on October 19, 1918, as follows:

"If the defendant or the prospective defendant denies his paternity, his remedy lies in a proper defense at the hearing in court, which hearings should always be held in private for the protection of all persons concerned."

1) "Illegitimacy as a Child-Welfare Problem", Part I. op. cit., p. 42.

Among the many bills, covering various aspects of the illegitimacy problem, proposed by the Missouri Children's Code Commission for that State, the privacy of court action was also proposed. However, neither this bill nor the others presented were enacted into law. Here is the proposed provision: (1)

"It is also provided that the proceedings shall be conducted in private, and the court papers be kept separate."

Among the resolutions adopted at the Chicago Regional Conference, we read: (2)

"The proceedings to establish paternity are of a somewhat unique character, unlike the cases of a civil or criminal type. The proceedings should, therefore, be heard in a court of socialized experience, and equipment. It is desirable that these hearings be of a private character and every means possible should be taken to insure such privacy."

The present method of conducting hearings in the State of Wisconsin in open court filled with curious spectators, does not encourage a girl voluntarily to go through this most difficult ordeal. She is not given the protection and consideration in these proceedings which should be given here as a State's witness. The magistrate should take cognizance of the Wisconsin Statute, entitled: "Exclusion from examination" (3)

"Sec. 361.15. On the preliminary examination of every person charged with the offense of rape, assault with intent to commit rape, seduction, adultery, bastardy, or other offense against chastity, morality or decency, it shall be in the discretion of the magistrate to exclude from the place of trial all bystanders and other persons not officers of the court or otherwise required to be in attendance."

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- 1) "Standards of Legal Protection for Children Born Out of Wedlock", op. cit., p. 51.
 - 2) Ibid., p. 14.
 - 3) Wisconsin Statutes, Vol. I, op. cit. p. 2431.

(c) Amount of Settlement.

It is generally admitted that the father and mother of a child born out of wedlock owe the child necessary maintenance, education, and support. They are also liable for the child's funeral expenses, should the child die.

It is a sacred duty of the father and mother to protect and educate their child. Every child, though a weakling, possesses an imprescriptible right (co-natural) to life, and protection and perfection. But the child is most incapable of protecting itself, of maintaining itself, of developing and perfecting itself. To whom falls the duty of providing conditions for the child as long as it is unable to take care of itself, if not above all to the father and mother who have been instrumental in bringing it into being? To give only life to the child, and then leave it in its weakness to suffer and die, is contrary to the Natural Law. In infancy and in adolescence, the child requires constant protection; in adolescence, more guidance. The authors of its being, by the very fact of procreation, have the responsibility of bringing up the child. Right order demands the fulfillment of this responsibility by the father and mother of the child. It is the dictate of reason, and the law of reason is the Natural Law.

Let us see how the Civil Law puts this moral principle of responsibility in dollars and cents.

The State Board of Control of Minnesota, on October 19, 1918, adopted the following resolution:

"In making settlements, full consideration should be given to the circumstances of the defendant;

1) "Illegitimacy as a Child-Welfare Problem," Part I.
op. cit., p. 42.

but the standard should be that care which he would be able to give his children born in lawful wedlock. An infant cannot be maintained properly on much less than \$20 a month, and the cost increases as the infant grows older.

If a lump-sum settlement is desired, the entire amount may be deposited with the State Board of Control as trustee, and any unexpended surplus returned, should the child die. A minimum lump-sum settlement should be in the neighborhood of \$3,000."

At the Chicago Regional Conference in 1920, Jeannette Bates, Assistant Attorney General of Illinois, gave this report
(1)
for that State:

"For the mother of the illegitimate child the amount of support in Illinois heretofore was \$550. We succeeded in getting the amount doubled, so that the maximum support the child may receive in Illinois is now \$1,100; \$200. during the first year of its lifetime and \$100. a year for the nine following years. No settlement can be made out of court which is binding and no settlement can be made in court without the approval of the court for a sum less than \$800."

The Wisconsin State Law concerning support or settlement, gives no definite figures. It is left to the court to determine the proportion of support by the father and mother. The
(2)
law reads as follows:

"Sec. 166.09. If the accused shall be found guilty or shall admit the truth of the accusation he shall be adjudged to be the father of such child and shall stand chargeable with its future maintenance in such sum and in such manner as the court shall direct, and also for all expenses incurred by such town or county or by the mother of such child for the lying-in and attendance of the mother during her sickness and also for the care and support of such child since its birth and until it shall attain the age of 16 years and for the cost of the prosecution.

Sec. 166.10. Bond or commitment. If the person so adjudged to be the father of such child shall give a bond to the proper town or county in such sum and with such sureties as shall be approved by the court, conditioned for the performance of such

1) "Standards of Legal Protection for Children Born out of Wedlock", op. cit., p. 50.

2) Wisconsin Statutes, Vol. I., op. cit., p. 1422.

judgment and the payment of all sums ordered thereby to be paid as therein directed, and shall pay the costs of prosecution and any sums adjudged then to be paid, he shall be discharged; otherwise he shall be committed to the county jail until he shall comply with and perform such judgment or shall be otherwise discharged according to law. In counties having and maintaining a house of correction, or workhouse the commitment may be to the house of correction or workhouse, of said county instead of the county jail.

Sec. 156.11. When and how discharged. Any person who shall have been so imprisoned ninety days may apply for his discharge from imprisonment in the manner provided by law for the discharge from imprisonment of persons confined in jail upon executions against the person; but notice of the application for such discharge shall be given to the complainant, if living within the State, and also to the chairman of the proper town or county board at least fifteen days before such application for discharge is made."

If the father of the child fails to pay the amount ordered by court, or if he fails to support the child any time before the child reaches the age of sixteen, he is liable to arrest for child abandonment and is dealt with in the same manner as the father of a child of legitimate birth. The law reads: (1)

"Sec. 351.30 Any person who shall, without lawful excuse, desert or wilfully neglect or refuse to provide for the support and maintenance of his or her legitimate or illegitimate minor child or children under the age of sixteen years in destitute or necessitous circumstances, shall be guilty of a crime, and on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisonment in the State prison, county jail, or in the county workhouse not exceeding two years, or both, in the discretion of the court. And it is hereby made the duty of the parent of any illegitimate child or children, under the age of sixteen years, to provide for the support, and maintenance of such illegitimate child or children: PROVIDED, That the parent of any illegitimate child by giving bond, or by settlement with the proper officers in accordance with the provisions of chapter 64 of the Statutes, shall not be subject to the provisions of this section.

1) Wisconsin Statutes, Vol. I. op. cit., p. 2364.

Proceedings under this section may be instituted upon complaint made under oath or affirmation by the wife or child or children, or either of them, or by any other person or persons, or organization, against any person guilty of either of the above named offenses."

One important legislative change needed relative to payments for support is this: a provision should be made for the court, after a hearing upon due notice given to the defendant, to modify the order for payments for support from time to time, according to the changed economic condition of the father. This is one of the conclusions as a result of the study of the care of children born out of wedlock in Milwaukee. (1) In fixing the amount of settlement to be made by the father of the child, the court fixes an inadequate amount in most instances, because of the economic condition of the father. This decision of the court stands until the child is sixteen years of age. So, if partial payments are agreed upon, the amount fixed by the court is in force even though the father happens to be in better financial circumstances later. And when a lump-settlement is made, no matter how inadequate, the father is absolved from all further responsibility. His existing financial condition is considered in fixing the amount which is not changed thereafter.

In a study made in Milwaukee on the legal action for the support of children born out of wedlock, we have this report: (2)

"Eighty-six fathers were ordered to make periodic lump sum payments of specified amounts for the support of their children born out of wedlock, or entered into agreements to do so approved by the district attorney. The amounts the fathers agreed to pay were as follows:

-
- 1) "Illegitimacy as a Child-Welfare Problem", Part III.
op. cit., p. 140-141.
 - 2) Ibid., p. 138-139

Total fathers	-	-	-	-	-	86
Amount specified	-	-	-	-	-	74
Less than \$200	-	-	-	-	-	5
\$200--\$400	-	-	-	-	-	12
\$400--\$500	-	-	-	-	-	21
\$500--\$600	-	-	-	-	-	31
Over \$600	-	-	-	-	-	5
Amount not specified	-	-	-	-	-	12

Fourteen of these fathers were required to make immediate payments and 14 to continue payment indefinitely "until paid." The father was ordered to make full payment in 1 case within 5 days, and in 18 cases within 60 days. Seven fathers were allowed 1 year; 6, between 1 and 2 years; and 2, more than 2 years. In 24 cases the time allowed was not reported.

Lump-sum payments aggregating \$13,820 were ordered or agreed upon in the cases of 43 children, being an average of \$321.39 for each child. Of this amount, \$13,675 was actually paid, an average for each child of \$318. Paid out, as this money almost was, at the rate of \$8 or \$10 a month, it would be exhausted before the child was 3 years and 4 months of age.

The report of the study was for the years 1916-1917.

The amount of settlement was so small as to be hardly believable. The injustice falls upon the child. The mother of the child agrees to take what she can get in a lump-sum which is often soon dissipated.

No matter what motive prompts the court to agree to such low settlements, it could provide against the inadequacy of settlement by adopting the recommendation presented in the
(1)
Milwaukee study, namely:

"A provision should be made for the court, after hearing upon due notice given to the defendant, to modify the order for payments for support from time to time, according to the changed economic condition of the father."

Article 2, Section 27, of the "Uniform Illegitimacy Act" makes provision for this modification from time to time, in
(2)
these words:

- 1) "Illegitimacy as a Child-Welfare Problem" Part III.op.cit.p.141.
- 2) The National Conference of Commissioners on Uniform State Laws. "Uniform Illegitimacy Act". op. cit. p. 12.

"(Continuing Jurisdiction.) The court has continuing jurisdiction over proceedings brought to compel support and to increase or decrease the amount thereof, until the judgment of the court has been completely satisfied, and also has continuing jurisdiction to determine custody in accordance with the interests of the child."

(d) Teaching of the Catholic Church Concerning Settlement.

The Catholic Church distinguishes and defines the obligations of a ravisher, a fornicator, and an adulterer; his obligations toward his spurious or adulterous offspring, and toward the girl or woman involved.

A ravisher is one who persuades a woman by moral or physical force, to have carnal intercourse with him. A fornicator is one who has carnal intercourse with a woman with her full knowledge and consent. An adulterer is a married person who commits the sin of carnal intercourse with a married or a single person of the opposite sex.

(1)

I. When force is used, physical or moral, the oppressor is punished in conscience and is bound to pay all the expenses for the rearing and education of the child, should offspring result from the illicit relation. Furthermore, the victim may take advantage of Civil Law to punish the ravisher. If the ravisher is a man, and he refuses to fulfill the obligations to which he is bound in justice, then the mother of the child is bound to support it, because she is the mother. But then she has a right to demand payment from the one who has corrupted her and a right to use court action or any other lawful action to force the man to payment. The expenses for the rearing and education of the child include prenatal and confinement care.

If the sin committed was a free act on the part of both delinquents, then, according to the Natural Law, both are bound

1) Sabetti-Barrett, "Compendium Theologiae Moralis", (30th Edition), 1924. p. 413-414. No. 469.

equally to share the expenses. As far as the Civil Law of the United States is concerned:

"The mother or reputed father is generally in this country chargeable by law with the maintenance of the bastard child; and in New York it is in such a way as any two justices of the peace of the county shall think meet; and the goods, chattels, and real estate of the parents are seizable for the support of such children if the parents have absconded. The reputed father is liable to arrest and imprisonment until he gives security to indemnify the town chargeable with the maintenance of the child. These provisions are intended for the public indemnity and were borrowed from the English statutes on the subject; and similar regulations to coerce the putative father to maintain the child, and indemnify the town or parish, have been adopted in the several States." (1)

(2)

H. Noldin sums up the obligations of a fornicator, as follows: The fornicator is not bound to pay the expenses of confinement care, if the unmarried mother is in a position to do so. The reason lies in the fact that she consented to the sin willingly. However, the burden of sustaining the child obliges both, the father and mother, by virtue of the Natural Law. Because, both are the efficient and unjust cause.

If the woman has had illicit relations with two or more men so that, it is unknown who is the father of the child, it is evident that none of these are obliged to sustain the child; because, the mother is the cause of the uncertainty of paternity. (3) If it is doubtful, after a diligent inquiry, whether the one accused is the efficient cause of the indemnification or not, then he is not bound to anything; because an obligation cannot be imposed unless it is certain and evident. (4)

1) Sabetti-Barrett, op. cit., p. 413-414, No. 469.

2) Noldin, H., S. J., "Summa Theologiae Moralis", Vol. II. (14th & 15th Edition), 1922. p. 495. No. 471

3) Ibid., p. 484. No. 460.

4) Ibid., p. 495. No. 471.

When a civil law imposes obligation to support the child on anyone of the fornicators, the woman can demand from him support for the child, imposed by the judge. Such a law is certainly just because it is enacted in favor of the child, and because the illicit relation could make anyone of them the father. Wherever civil law does not give the woman such a right she acts unjustly, and is therefore, bound to restitution wherever she claims, at random, (because he is wealthier, or better looking, etc.), anyone of them with whom she had illicit relations to be the father and has no certainty as to anyone of them, and she alone is the efficient cause of the uncertainty. (1)

The above citation explains the obligation of the alleged father, Mr. X, in the case presented in this chapter.

From the testimony given in court, it was impossible for the jury to determine paternity. The testimony given, made it unknown who was the father. Anyone of the three men involved could be the father. The unmarried mother, however, insisted that Mr. X, of the three men, was the father. How could she know? Did the girl claim at random that Mr. X was the father, for the simple reason that he was in a better financial position to make an adequate settlement? Or, did she have illicit relation with the other two men in such a way as to prevent conception? This testimony was not given in court.

However, the jury demanded support of her child from the one accused by the girl. No matter what reason prompted the girl to demand support from him, she is justified in accepting it, because of the decision of the jury.

1) Noldin, H., S. J., op. cit. p. 496. No. 471.

II. What is the obligation of such a delinquent man toward the girl? Such a one has no obligations of restitution toward the girl, if he used no violence. No injustice is done to such a girl. But, supposing the illicit relation was had under the condition of marriage, i.e., consent was given by both parties to fornication with a serious promise of future marriage. The promise, however, must be an act of reason, not an act of sensuality. For example, during the time intervening the engagement and the marriage ceremony. Here is a question of a contract to be fulfilled. The contract binds *ex justitia* to marriage, unless the contract be dissolved, freely, by both parties. Or, should there be danger that an unhappy union would result, then the man need not marry her but compensate her in some way.

What is the obligation of a ravisher who violated the girl's virginity? Such a one is bound to no restitution for the lost virginity itself; because virginity cannot be measured by money values. However, if such a ravisher did not promise marriage, then he is bound to make restitution for the consequences which actually are present as a result of sin; because he alone is the efficient and unjust cause. Restitution is made either by marrying her or by giving dowry, or by providing otherwise so that she could marry equally well as though never violated. If, on account of the loss of virginity, she could not marry, the ravisher is bound to support her (by alimony). Furthermore, if out of the illicit relation a child is born, then the ravisher is bound; 1) to defray the expenses of confinement care; 2) to support the child, to pay the expenses of food, clothing, board and education; and he alone is

bound (personally), since he is the cause of the sin and the effects following; 3) he is bound to acknowledge the child and by subsequent marriage legitimize the child. This, out of charity and piety only, not out of justice; and not with grievous inconvenience.⁽¹⁾

Again, if the violation of the girl's virginity by force, is a secret, to such an extent that the girl accepted the violation of virginity and suffered no other indemnification as a result of the violation (birth of the child), the the violator is bound to nothing.⁽²⁾

If the ravisher promised marriage as a condition to force the illicit relation, even though he fictitiously promised, he must marry her with the following exceptions: a) if it is foreseen that the marriage would be unhappy; b) if the virgin could easily foresee that the promise was not serious; c) if the parents have weighty reasons to object.⁽³⁾

III. How about restitution on account of adultery? If the adulterer extorted the consent of a married woman by force or grave fear, he alone is bound to repair the entire damage.

"qui injuste entorsit adulterium a muliere (sive violenta oppressione sive metu incusso etc.), tenetur solus de omnibus damnis, quae unori, marito, legitimis filliis oriuntur." (4)

If however, the married woman freely consented to adultery, both parties are bound in solidum to repair all the losses of the family. Both are the effecacious and unjust cause. Restitution must be made to the husband of the woman for the expenses involved in nourishing and educating the

1) Noldin, H., S. J., Vol. II. op.cit., p. 494. No. 469.

2) Ibid., p. 495. No. 469.

3) Ibid., p. 495. No. 469.

4) Lehmkuhl, Augustine, "Theologiae Moralis", Vol. I. (12th Edition), 1914, p. 682. No. 1189.

offspring; and if such a child receives an inheritance with the other legitimate children, compensation must be made to these children pro rata. (1)

When there is doubt, whether the offspring be of the husband or of the adulterer, then the offspring is to be considered as legitimate and not spurious. In this case, there is no obligation of restitution on the part of the adulterer, according to the axiom that the father of such a child is the one who is married to the woman.

Again, when the woman knows that the child is spurious, but cannot determine who is the father, because of the fact that the woman committed adultery with many men, then the married woman alone is bound to suffer the loss, because it is through her fault that the father of the child cannot be determined.

How is it possible for the woman, who committed adultery, to make restitution to her husband and children to which restitution she is bound ex justitia? She must make restitution from her own possessions, such as she has as her own, from donations, from a contract, from a will or legacy, etc. If she does not possess means of her own, she must labor harder for her family, and be more saving in private expenses, labor more willingly and diligently in as far as her state permits. (2)

The offspring of adultery is seldom placed in an orphanage. It divulges the secret of the crime, and involves grave dangers. Usually, such a mother brings up the child as if from legitimate wedlock and raises it and educates it like the other children of the family.

1) Sabetti-Barrett, op. cit., p. 414, No. 470.

2) Ibid., p. 414, No. 471.

There must be a just cause on the part of the parents, who send their child to an orphanage or such institution. Having no just cause, and placing their child in an institution the parents sin, first, against the virtue of piety which they owe their child, and secondly, against justice, by placing a grave burden upon the institution. When such parents give a stipulated amount for the expenses in raising the child, even then they sin, but only against piety; because, the maternal instinct alone can satisfy sufficiently the natural needs of a babe, especially in its most tender years. However, when one has a just cause, it is no sin, even though the parents are rich to send their child to an orphanage or such institution; furthermore, they are probably not bound to make a pecuniary compensation. ⁽¹⁾

Regarding the obligation of making a pecuniary compensation, especially in the case of an illegitimate child, Augustine ⁽²⁾ Lehmkuhl writes:

"Fornicatores aut adulteros, qui prolem ex peccato conceptam ad brephotrophium mittunt, ex justitia ad compensandas expensas teneri, non semper constat."

It does not always occur that a fornicator or adulterer, who sends the child, conceived and born of sin, to an orphanage, is bound in justice to defray the expenses of the child's support.

The application of the two citations depends on conditions. The obligations of such parents are carefully worded, "probably not bound" and "non semper constat". If an orphanage or such institution, public or private, are established for all children indiscriminately, without imposing obligations upon

1) Sabetti-Barrett, op. cit., p. 255. No. 257.

2) Lehmkuhl, Augustine, Vol. I., op. cit. p. 684. No. 1191.

the parents in any pecuniary way whatever, then such parents, having a just cause, are not obligated in justice to make a pecuniary compensation. Whether such an arrangement is expedient, is another question. Such was the arrangement when, for example, an institution had the system of the turn-box. The turn-box was usually a box, one side of which is left open, fixed in a revolving cylinder in the outer wall of the foundling hospital. Anyone wishing to leave a child placed it in the receptacle, ringing a bell and going away unseen, while the hospital attendant, from within, turned the box and received the infant.

Social conditions, especially in the Middle Ages, necessitated such a system in favor of illegitimate children. Family ties and marriage were considered sacred and inviolable. Any breach or violation brought about ostracism from the community. The practice of murdering an illegitimate child at its birth, or, of exposing newborn infants to perish in the streets became prevalent. To prevent infant mortality and to discourage the unmarried mothers from such inhuman and sinful practices, free foundling asylums were established, without any obligation in justice toward the unmarried mother and the alleged father.

Today, in American, a free institution for illegitimate children leads to many abuses and flagrant evils. It is an easy way of disposing of an undesired offspring, and an incentive to greater sexual affinity and illegitimacy. No one can argue, that social conditions in American today, are those of the Middle Ages, for example. Social reproach and ostracism from the community is not so severe, if at all, as in the

Middle Ages. Unmarried mothers can conceal their identity and sin to a certain extent. They may come to a larger city, and if necessary, place their child in an orphanage or asylum. State legislation enacted in favor of the innocent child, is becoming more adequate in establishing paternity and support of the offspring. There is no question of probability as to the obligation of support of an illegitimate child placed in an institution. A fornicator or adulterer, who sends the child, conceived and born of sin, to an orphanage or such institution, is bound in justice to defray the expenses of the child's support. Orphanages and such institutions are endowed or financed by taxation. It is generally understood that they are not free institutions for all children indiscriminately. The parent or parents, having a just cause in placing their child in such an institution and being in a position to make compensation, are bound to do so.

A just cause allowing the parent to place a child in an orphanage or such institution, is the condition of the unmarried mother. Many such mothers are not in a financial position to stay at home to care for their child. They must work for a livelihood. The well-to-do unmarried mother may ruin the reputation of her parents and cause a loss of position and business. However, the unmarried mother is not freed from the expenses incurred by the institution in the care of her child. Nor is the father of the child absolved from the obligation. Such is the arrangement today. In the case of a ravisher, he or she alone, is bound in justice to make a pecuniary compensation.

Part III.

Difficulties of Approach of the Worker.

A perverted attitude toward social workers was illustrated in the attitude of the girl's mother when the social worker called for an interview. The record of the Bureau brings out this point.

Such an attitude is common, even among the more educated and professional men and women. Dealing with such a perverted, negative mind-set, it makes a difficult approach for the worker to gain her objective. These people are of the opinion that the worker is "meddling into other people's business", that she is a "trouble maker" and what not. The mother of the girl in the case presented, considered the social worker a professional "schemer" looking for data on the case, to bring same to court; and there, "Throw a wrench into the works", to make it difficult for the girl in trouble to win her case.

Such a negative mind-set is a mental, acquired habit; it has a basis for being there. Social case work is a new thing for the people. The public is not yet educated to know and appreciate the true value and purpose of social work. Because there have been and are instances of bad case-work with far reaching effects, bad case-work creates the perverted concept toward the social worker, a perversion which often takes deep root in a given community. Such a mental condition, personal or local, presents, a most difficult approach in social case-work, many times a futile approach.

Let us briefly sum up the work and purpose of social work concerned with illegitimacy and its problems.

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The activities of the social worker consist in making a thorough investigation of the case before admission to a hospital or maternity home for prenatal and confinement care. Relatives and others involved in the case are asked to co-operate in making arrangements for the care of mother and baby, for legal assistance in securing support from the father, and for the follow-up and after-care of the girl and her child when discharged from the institution. Investigation is continual to assure the rights and protection of mother and child.

It is believed that a girl, pregnant for the first time, especially if under age, should receive unique attention and be care for in other ways than at a public hospital. Attempts should be made in these instances to secure other provision. The Catholic Social Welfare Bureau takes particular pride in caring for such girls at the Catholic Misericordia Hospital.

Before discharge from the hospital, a protective plan is worked out for the mother and child. Co-operation of relatives is secured, mental examinations are given to the mother appearing to be below normal; physical, cultural tests of the child are arranged for; all reports are sent to the Bureau; positions in domestic service and other service are secured; food supplies are obtained if necessary; and other plans are made and works of service done. Every case is investigated from the point of view of legal action to secure support from the father. All possible steps are taken toward this end.

The after-care of the mother and child, discharged from the hospital demands special attention and work. There is the

problem of placing the mother and child in such environment and under such conditions and provisions as will tend to develop them into useful and upright citizens.

There is the problem of keeping the mother and her child together. To do this, the worker and her agency must obtain the means of support from the father. Premature placing of mother and child in a family or home is to be avoided. The agency must have an adequate follow-up system, the indifference of relatives must be overcome, much consideration is to be given to the arbitrary plans for the mother and special attention to the problem of the mother's social readjustment.

After all other plans for the child are considered then only as a last resort, the child is placed in a licensed boarding-home, or is adopted. If the mother is mentally defective, perhaps, she must be segregated not to be a menace to the community. Then, there is the continual follow-up, to enforce the responsibilities of the father and mother to the child.

Such work demands a socialized equipment. This means case-work with a staff of competent workers. Our courts dealing with this problem have not yet embodied in their dealings such a bureau of social administration. And Civil Legislation is slow in adopting into its legislation such measures and recommendations.

In after-care work, the socialized bureau co-operates with private societies and individuals: advice, counsel and supervision are given, and every attempt is made to reestablish the father and mother in the community and to enable the mother to keep her child.

The whole process of social work is interwoven with spiritual suggestions and help. There is a continual emphasis on duties and obligations; on the need of prayer and sacraments, to attain Divine graces so necessary to fulfill one's responsibilities. The sacrament of baptism is administered to the child born, and integration of a Christian character to be developed in the child is explained and encouraged. There is the problem of spiritual rehabilitation of the mother and the father of the child--in one word, the soul is in need of help, charitable and spiritual. This is a part of the work and the objective of the social worker.

Yes, the soul suffers a greater need of help than the body. While taking care of the physical condition of the mother and child, and of the legal process against the father, the religious problem is most important for the worker. With rehabilitation as the objective, what factor has a greater influence than religion, the religion of the delinquents?

The real value of a social welfare agency and its workers therefore, depends on these three outstanding characteristics: 1) a knowledge of the problem, and an adequate analysis and diagnosis of each individual case; 2) the ability to suggest a proper remedy; 3) magnificent courage to meet every issue, and to attempt to force a solution. These characteristics are a test of the quality of work done.

CHAPTER III.

Adoption of the Illegitimate Child.

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Part I.

Presentation of the Case.

The usual preliminary procedure was followed and proper arrangements were made at the Misericordia Hospital.

The worker interviewed the girl at the hospital to obtain some history of her family and other data. Information was given freely and willingly, except information about the alleged father of the child. It appeared as though the girl was not telling the truth about him. The girl admitted that she met the man at a neighborhood dance; but did not know much about him. He was from "up north somewhere" and worked around on many farms. She went with him steadily and admitted relations. But she insisted that she did not know his first name, that she had never heard his first name and had never asked him what it was.

The girl said to the worker that the man was arranging a settlement with her father in regard to the child; but she did not know what had been done.

The girl was Catholic; the alleged father, a Protestant. If he were a Catholic, the girl claimed, she would have married him. She did not approve marrying a non-Catholic.

She told the worker about her plans for the baby. The baby was not yet born and she asked the worker to make arrangements to place her baby for adoption. Her parents did not want her to return home with the baby and she was told before leaving home to enter the hospital that she must place the baby for adoption. This was her reason for making plans so early. But the worker did not discuss the problem with her.

Two weeks later a certain Miss X, related closely to the girl, called at the Bureau. She was an ordinary working girl, living in Milwaukee. This informant disclosed many facts on the case. She gave the full name of the alleged father, his residence, and the names of his relatives. The alleged father was attempting a settlement with the girl's father, to cover hospital expenses only. The girl's father refused to accept the settlement money because the man demanded from the girl's father a written statement that henceforth he (the man) be released from all further obligation. Thereupon the man threatened the girl's father that if anyone should attempt to force him to anything further, he would leave the State.

The informant was very anxious that something be done by the Bureau. The worker states that the Bureau was perfectly willing to take matters into its hands. Action was to be taken at once to prevent the alleged father from leaving the State. Once he had left the State, there would be no way of getting him back. Therefore, it was necessary to have a warrant issued for the man in his own town and as soon as possible. But the informant preferred that the worker first take up the matter with the father of the girl. The worker agreed to the wishes of the informant. The interview closed, and the Miss X was assured that the Bureau would get in touch with her later.

Shortly after the visit of Miss X to the office, the baby was born. The sacrament of baptism was administered. The worker visited the girl at the hospital. The girl

showed attachment to her child, and was quite upset at the thought of giving up the baby. But there was no other way out of the situation, she continued. The parents told her before entering the hospital, that she must place the baby for adoption, otherwise, they would not permit her to return home.

The girl also worried about the alleged father. She was afraid that if any one should get in touch with him, he would spread the story about the community.

The worker assured the girl that she would try to persuade her father to let her keep the baby and return home with it. The girl did not cherish much hope in the attempt of the worker.

The girl's father and the man, both, came together to the office of the Bureau. The man admitted that he was the father of the child. He stated, that he was willing to make a settlement, to pay the expenses of the girl, and the board of the child. This settlement he would make in the District Attorney's office in his own town; and would do so as soon as possible. The girl's father told the Bureau in definite and absolute terms that the girl must give up the child; he would not consider keeping it in his home. He was very stubborn on this point and arguments made no impression on him.

A month later, Miss X, the related informant mentioned above, came to the office, She said that the family had decided that the girl must give up the baby. The girl was not educated enough to get a very good job and thereby support the child and herself. The care of the child would ultimately

fall on the family. The informant suggested that the girl stay with her in Milwaukee when her time was up at the hospital. She was willing to take the girl and thought the girl would be able to get some work. This would be much better for her, she continued, than being in the country. The girl had the bad habit of running around to dances, to country dances, which affairs are known to be frequented by questionable people.

The informant had heard from the father of the girl, that a settlement had been arranged for and made in the District Attorney's office in that town; but was not sure as to the amount of settlement.

She asked the worker that a mental examination of the girl be made, giving serious reasons for the examination.

When the informant left the office, the worker wrote to the District Attorney of said town for definite information as to the settlement; and at once began preparing an outline for the mental examination suggested to be presented to the Milwaukee Mental Hygiene Clinic.

The outline of the history of the girl and family was written up in detail. It was lengthy and based on the information received and investigations made. The outline was as follows:

- 1) The informant: name, address, relationship, personal appearance, intelligence, manner in which information was given, reliability of informant.

Other sources of information: hospital, the girl herself, the girl's father, the alleged father, school record.

- 2) The delinquent: (a) race, religion, date and place of birth, present address; (b) her problem, and adoptability of the child; (c) court records; (d) behaviour at home.

- 3) The father of the girl: (a) name, age, birthplace, health, education, intelligence, occupation, habits, standards of morality, court record. (b) his character.
- 4) The father's family, history and health.
- 5) The mother of the girl: age, birthplace, health, education, intelligence, occupation before and after marriage.
- 6) The mother's family, history and health.
- 7) Developmental of delinquent: health of father and mother prior to conception, age of walking of the child, age of talking, diseases, injuries, puberty, age of menstruation, fainting spells, headaches.
- 8) Habits of delinquent; sleeping, eating, drinking, nervous habits, personal cleanliness.
- 9) School record: the number of grades, standing in the grades, behaviour, time of leaving school.
- 10) Work: name and address of factory; wages received.
- 11) Interests of the delinquent: indoors and outdoors.
- 12) Personality traits: at home, in company, the kind of company and associates.
- 13) Home conditions: stability of residence, economic status of the family.
- 14) Family life: parental control, religion, disposition toward the delinquent girl and her child.

This outline was sent to the Milwaukee Mental Hygiene Clinic. A date was set for the mental examination. The worker accompanied the girl for the examination. On the way to the clinic, the girl told the worker that she was anxious to leave the hospital before the three months nursing period was up. She would like to go home. When the worker explained that it was impossible before the nursing period was up, the girl decided to stay and co-operate with the civic regulation. (1)

1) Milwaukee Health Department, Forty-third Annual Report, 1919. p. 3.

(The three-months nursing is a regulation of the Milwaukee Health Department, adopted in 1919).

The report received from the Mental Hygiene Clinic follows:

Physical: Slightly short in stature, normal strength and nutrition. Thyroid enlarged. Otorrhea both ears. Entirely deaf in right ear.

Mental: Defective general intelligence; high grade moron. There were no tests in which her performances were up to or better than the average. Her vocabulary was exceedingly inadequate, her judgment very poor and ability to make associations quite deficient. She passed planning ability test at 8 year level. She was unable to make generalizations and reasoning was poor. Her scope of general information was below 9 year level. Learning ability somewhat inferior and motor control also somewhat poor. Her attention and cooperation were average with a fair degree of effort and interest. Reactions were of average speed and reflective, although she frequently showed rather poor application. Girl was quiet, agreeable, good natured, somewhat shallow and passive, unemotional and not entirely frank.Reports that girl was always congenial, even-tempered and well liked. Got along well in school.

Problem: Unmarried mother; question of adoptability of child.

Background: (2) Heridity: Parents essentially negative. (b) Developmental: Became deaf right ear following measles. (c) Habits: Bites nails. Otherwise negative. (d) Home conditions: Ordinary rural home. Normal parental interest.

Conclusions: This girl makes a pretty fair impression at first, but it is soon seen that she is very inadequate. Our examination indicates that she is feeble-minded and this would preclude the adoptability of the child. We are fearful that girl may have more difficulty if she adheres to her present plan of remaining in the city and living with..... We believe that she needs more supervision than this. She is quite amenable to suggestion and would probably agree to return to her home if she were advised to do so. Parents will need to appreciate the necessary closer supervision than she had prior to her affair.

Miss X, the related informant, was called to the office of the Bureau. The report of the Mental Hygiene Clinic was

explained to her. She said she had always realized that the girl was rather slow but she had attributed it to her deafness. She asked to have the girl examined by another psychologist, not connected with the municipal clinic.

This was done and the report follows:

Report to the Cath. Welfare Bureau, Date.
Milwaukee, Wis.

Psychological examination of.....
Test: Stanford Revision, Binet-Simon, Individual Intelligence Test.

Examiner.....(Name of Psychologist.)

Time required: 1 hr., 40 min.
Basal year: 10
C.A. 19 yr. 8 mo. (actual)
" 14 yrs. (for computing I.Q.)
M.A. 12 yrs., 9 mo.
I.Q. 91 (Low normal)

Procedure of Adoption.

The father of the delinquent girl called at the office of the Bureau. He stated that a settlement of \$350. had been made in the District Attorney's office in his town. Of this sum, \$75. was used to pay the hospital bill. He left \$200 at the Bureau for the baby's board. The girl was at home with her parents, doing housework. She missed the baby but her family did not allow her to visit the child.

Sometime later, the girl was called to the office of the Bureau to sign the release of her baby. This process freed the mother from all obligations toward her child. The Bureau took upon itself the obligations of care. Steps were at once taken to have the child adopted in some family. In the meantime, the child was cared for in a licensed boarding home. The baby's board was paid by the Bureau from the settlement money. The Bureau investigated the families wishing to

adopt the child to see whether they measured up to the standards demanded by Civil Law and by the Bureau. If, upon investigation, the family was in accordance with the standards demanded, a trial care of six months was given the family. This is a regulation of the Bureau and is not a legal provision. After a satisfactory trial, all legal papers relative to the adoption of the child were properly signed. The Bureau had no further obligations toward the child. The obligations were now upon the family having legally adopted the child.

Part II.

Control of the Catholic Church Over Marriage.

The unmarried delinquent girl in this case showed an acquaintance with and respect for the Church Law concerning marriage.

The Church Law forbids a marriage of a Catholic party with a Protestant, not baptized or baptized.

Here is the Law of Disparity of Worship, i.e., when one party is a baptized Catholic, the other, a non-baptized non-
(1)
Catholic.

Canon 1070. #1. Nullum est matrimonium contractum a persona non baptizata cum persona baptizata in Ecclesia catholica vel ad eandem ex haeresi aut schismate conversa.

Canon 1070. #1. A marriage is null when contracted between a person baptized in, or converted to, the Catholic Church and an unbaptized person.

Here is the Law of Mixed Marriage, i.e., a marriage between two baptized persons, one of whom is a Catholic, the
(2)
other, a member of some sect.

Canon 1060. Severissime Ecclesia ubique prohibet ne matrimonium ineatur inter duas personas baptizatas, quarum altera sit catholica, altera vero sectae haereticae seu schismaticae adscripta; quod si adsit perversionis periculum conjugis catholici et prolis, conjugium ipsa etiam lege divina vetatur.

Canon 1060. The Church most severely forbids everywhere marriages between two baptized persons one of whom is a Catholic, the other a member of a heretical or schismatic sect; if there is danger of perversion for the Catholic party or for the offspring, the marriage is forbidden also by divine law.

Who are to be considered as members of some sect? Not one who would simply have fallen into some heresy secretly, or even one who would have publicly renounced the Faith without joining any sect. A member of a sect is one who is affiliated

1) Ayrinhac, H.A., Rev., DD. D.C.L., "Marriage Legislation in the New Code of Canon Law." p. 147-148.

2) Ibid. n. 114-115.

with some heretical or schismatic sect. The Holy Office, (April 6, 1859), enumerates the following: (1) those who, having been baptized in the Catholic Church, have been brought up in heresy before the age of seven and still profess it; (2) those who have been brought up by heretics rather than in heresy; (3) those who have fallen into the hands of heretics in their infancy; (4) those born and baptized in heresy. (1)

The principal reason for the Church prohibition is the danger of perversion for the Catholic party and for the children. A mixed marriage, as well as a marriage of disparity of cult, is never without some danger or some inconveniences. (2)

Dispensations from the Impediment.

Canon 1061. #1. Ecclesia super impedimento mixtae religionis non dispensat, nisi:

1. Urgeant justae ac graves causae;
2. Cautionem praestiterit conjux acatholicus de amovendo a conjuge catholico perversionis periculo, et uterque conjux de universa prole catholice tantum baptizanda et educanda;
3. Moralis habeatur certitudo de cautionum implemen-
to.

Canon 1061. #2. Cautiones regulariter in scriptis exigantur.

Canon 1061. #1. The Church grants no dispensation from the impediment of mixed religion, unless:

1. There be just and grave causes;
2. The non-Catholic party give guarantees that the danger of perversion for the Catholic party will be removed, and both parties promise that all the children will be baptized and brought up only in the Catholic faith;
3. There will be a moral certainty that the promises will be fulfilled.

Canon 1061. #2. Regularly the promises should be demanded in writing.

The conditions for the dispensation must be just and grave, otherwise the dispensation is null. A sufficient reason for the Ordinary (the diocesan Bishop) to grant the dispensation

1) Ayrrinhac, H. A., Rev., op. cit., p. 114.

2) Ibid., p. 117.

would be a fear lest the parties should go and be married by the civil officer. Moreover, such parties must give guarantee that there will be no danger of perversion for the Catholic party nor the offspring. A mere hope or even a moral certainty founded only on the good will of the parties is not sufficient. The non-Catholic party must promise that the Catholic's faith will not be endangered; both parties must promise that their children will be baptized in the Catholic Church and not in any other, that they will receive, strictly and exclusively, a Catholic education. And these promises are made in writing which are kept among the other records in the diocesan archives.

The Church also grants dispensation from the impediment of disparity of worship. The conditions for dispensation are the same as for the impediment of mixed religion.

The Church like the State, has powers to control marriage. Marriage has an important bearing upon the religious and civil welfare of the community. The welfare of the community, religious as well as civil, demand some restrictions, regulations and control, common good being the objective. To whom shall this control belong? The State claims control over the relation of man and wife on the ground of civil consequences of marriage. The Church, on the other hand, claims control, on the ground that Christian marriage is a sacrament, and therefore, like all else that is sacred, belongs to the Church. Leo XIII, in his Encyclical "Arcanum" teaches, that Christ entrusted to the Church the entire control over Christian marriage. It is hers to limit, for wise reasons, the competency of certain persons to contract marriage with each other, if at all. It is hers to control marriage by defining and regu-

lating the mutual rights and duties of those married and the rights and duties of any mother and father toward their child. And what is of greatest importance, these powers which the Church always and everywhere exercises, are not derived from the consent of governments or those governed, but as given to her directly by her Divine Founder.

Part III.

Legal Protection of the Child Against Abuses.A) The Nursing Regulation.

In 1917, a bill concerning breast-feeding was introduced in the Wisconsin Legislature. The bill made it illegal to separate a mother from her baby under six months of age without an application to, and the consent of, the local juvenile court judge. It failed to pass.

However, the importance of such a measure for the protection of children, their life and health, was shown in the public interest of Milwaukee social workers and the Municipal Health Department, evoked at the time of the failure of the bill in the Wisconsin Legislature. The failure of the bill as a State Law was no obstacle for Milwaukee to make said bill a municipal health regulation binding all mothers, in lawful wedlock and out of wedlock.

Protection and scientific care of children, legitimate and illegitimate is a public health problem. The Municipal Health Department must see to it that all babies, regardless of social status, are given the right to live and be well. Saving the lives and health of babies is a public health measure. The Milwaukee Health Department attacked this problem at the point where the separation of mother and baby is made. Separation of the child from its mother is harmful to the child. It brings about sickness, neglect, and infant mortality. The first essential in lowering the infant death rate, and in advancing the health of the baby, is the keeping of mother and her baby together for at least a three month's nursing period, provided nursing is physically possible.

The Milwaukee Health Department in 1919, adopted this

ruling with reference to a minimum nursing period of three months. An appeal for co-operation was made to all maternity homes and lying-in hospitals, to doctors, lawyers, and all social agencies.

(1)

"The problem of illegitimacy has too long, in our judgment, been viewed from the standpoint of the unmarried mother. The Moral, social and legal phases of the question have determined in the past and are still largely determining our actions.

The question of the life and health of the child born out of wedlock has not in our judgment received fair and adequate consideration. Under the impulse of protecting the unmarried mother and her family from stigma the child unquestionably has been sacrificed a great many times.

The common practice of separating the mother and the illegitimate child at the earliest opportunity and turning the child over to a baby farm or placing it out for adoption seems to us no longer humane or justifiable, in view of the fact that these unfortunate and innocent children are largely sacrificed thereby. It is a well-known fact that the children born out of wedlock and turned over to institutional care have in some instances a mortality from 35 to 60 per cent within the first year and that those who survive are seriously handicapped in health. It is also known, on the other hand, that the child who is nursed by its mother not only has a proportionately greater chance at life but an equally better chance at health.

Under these circumstances it does not seem justified, therefore, that the claim for consideration for the unmarried mother and her family should receive prior consideration over the rights of the child."

A study of the results of this measure of the Milwaukee Health Department was made and written up for the Federal Children's Bureau by Louise Drury, executive secretary of the Juvenile Protective Association of Milwaukee.

(2)

The Church's stand concerning breast nursing is explained

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- 1) Wisconsin Anti-Tuberculosis Association, "The Crusader": Motherhood Number, Vol. XI. No. 5, (May 1920) p. 21.
 - 2) "Illegitimacy as a Child-Welfare Problem", Part III. op. cit., p. 100-104.

by Sabetti-Barrett, in their Compendium Theologiae Moralis,
(1)
as follows:

quaeritur 1. An mater filiolos proprio lacte
nutrire debeat?

Resp., Affirm., cum sententia communi, quia hoc
just naturale postulare videtur. Attamen haec
obligatio non urgent sub gravi, quia non apparet
in hoc gravis deordination. Ab omni autem culpa
excusat necessitas, notabilis, utilitas, aut con-
suetudo apud familias nobiles vicens, etc.; sed
tunc sub gravi mater bonam, quoad mores et vale-
tudinem, nutricem sibi substituere debet.

quaer. 1. Must a mother nurse her babe with her
own milk?

Resp. Yes; according to common opinion because
the natural law seems to demand this. However,
this obligation does not oblige under pain of
mortal sin, because a grave deordination is not
apparent in this. Necessity, notable utility,
or custom which prevails among families of noble
birth, would excuse one from all guilt, but then
a mother is bound under pain of mortal sin to sub-
stitute a nurse who is good as far as her health
and morals are concerned.

Breast feeding is demanded by Natural Law, says the above
mentioned author. This obligation, however, does not bind un-
der pain of mortal sin. It is binding only under pain of
venial sin if otherwise sufficiently provided for.

"Hoc praeceptum, si aliunde filiolo satis pro-
videtur, per bonam nutricem, sub levi tantum
obligare." (2)

A just and reasonable excuse justifies the mother in
freeing herself from this obligation and does not incur sin,
provided, (and this under mortal sin), that she furnishes
other healthy and adequate food and care proper to the child's
health.

An excerpt from an article written by the Reverend John
O'Grady, under the caption, "Ethical Aspects of Illegitimacy",

1) Sabetti-Barrett, op. cit., p. 255 No. 257.

2) Lehmkuhl, Augustin, Vol. I., op. cit., p. 521. No. 935.

(1)

bears on this problem. It reads as follows:

"There is no question any longer among case workers about the advisability of requiring an unmarried mother to nurse her child for at least three months provided she is physically able to do so. It is a matter of common knowledge that the three months' rule of the State Boards of Control in Minnesota and Wisconsin and the six months' law in Maryland have cut down the infant mortality of illegitimate children very considerably. In its study of the effects of the Maryland law, the United States Children's Bureau found that from 1915 to 1921, the mortality rate of babies of illegitimate birth between one and three months decreased by 80.4 per cent; between three and six months the decrease was 50.9 per cent. (The Welfare of Infants of Illegitimate Birth in Baltimore--Rena Rosenberg, Bureau Publication No. 144.) Not only does the requiring of the unmarried mother to nurse her child give the child a better chance of living and developing a sound and healthy body, but it also gives the mother an opportunity of developing her motherly instinct of attachment to her child. The ordinary mother who has nursed her child for a period of three months does not surrender it without a struggle. The nursing period, moreover, gives the social agency a very useful opportunity of planning with the unmarried mother for the care of herself and her child.

B) Legal Control of Maternity Homes.

A social menace are uncontrolled commercial maternity homes. These institutions are operated by physicians, nurses, midwives, and others, on a mere commercial basis. It is a business with them; and business is business. Profits for themselves is their objective. Standards of morality are nil with them. Money is their standard of morality.

These consider the child to be born as having no rights. Pregnant mothers are induced to abortive methods. Abortion is not considered a crime by many of these who have no regard for the social effects, that such a practice leads to conti-

1) O'Grady, John, Rev., Ethical Aspects of Illegitimacy.
 "The Catholic Charities Review," Vol. XI. No. 1.
 (Jan. 1927) p. 13.

nued immorality and prostitution and demoralization of society. Nor are such commercial agencies concerned with rehabilitation of the mother. Mothers are urged to give up their children for adoption or to place the child in some foster home suggested to them. Breast feeding is discouraged so that the mother may not become attached to her child. Attempts to discover the father of the child are not made. Records of the child are not kept, so that, tracing of it becomes impossible.

This is not an exaggeration. Where there is no legal control of commercial maternity homes, the standards of methods of care are those of the agency alone. The test of their standards is determined by financial motives only.

Entrance condition to such a commercial agency is the woman's purse. Ability to pay is the only condition. Previous immorality or disease does not exclude the unmarried mother. Costs at such agencies vary. George B. Mangold of the University of Missouri, in his study of "Children Born Out of Wedlock", gives a table of cost to the mother in the various commercial institutions in a certain city:

Cost of Maternity Homes.

Institu- tion.	Board : per : week.	Delivery : Fee	Uniform : Prices	Adoption : Adoption- : Charge	Cost for 4 : wks. includ- : ing adoption.
1.	\$6	\$25	No.	Yes	\$15 \$64.
2.	10	25	No	Yes	5--25 90
3.	6	25	Yes	No	None 49
4.	18	35--50	No	Yes	35--50 145--175
5.	*	*	No	Yes	* 125--150

* Cost included in lump sum for four weeks' care.

The commercial maternity home does not help to reduce the extent of illegitimacy. There is nothing constructive in

1) Mangold, George B., "Children Born Out of Wedlock," p. 85.

its program. Such homes do not consider the obligations of father and mother; they do not assure adequate protection of the child, if any; they do not promote social welfare. There is little or no preventive work accomplished. The evil, resulting from their methods of handling illegitimacy, is this: women and men under their care are absolved from responsibility for their action. Such an easy and cheap way of escaping the natural consequences of unlawful motherhood is an incentive to increase and continue in immorality and illegitimacy.

The only way to eradicate the evil practices of commercial maternity homes is by legal control. The Juvenile Protective Association of Milwaukee has attacked this problem with far reaching results. Recent studies by this institution, on the problem of children born out of wedlock, brought to light serious defects in the care which Milwaukee was giving them. As to the uncontrolled maternity homes, the report says:

"1. Placing of children for adoption by midwives and commercially lying-in hospitals. In Many cases the only advice which an unmarried mother received concerning herself and her child was given by the midwife or commercial lying-in hospital caring for her at confinement. Having been licensed by the State Board of Control of Wisconsin to place children for adoption, these commercially interested midwives and hospitals were in the habit of advising the mothers to give up their babies, whom they then advertised for adoption in the daily papers and placed in uninvestigated and unsupervised homes. For this anti-social solution of her problem the mother paid from \$50 to \$125.

2. Abandonment of children in unlicensed boarding homes. Many children were boarded in unlicensed and unsupervised boarding homes. These included

1) "Illegitimacy as a Child-Welfare Problem", Part III. op. cit., p. 99-100.

babies brought from outside the city, who were received without investigation and frequently abandoned without any clue by which the mother might be located.

3. Lack of breast feeding. Very little effort was made, by either institutions, organizations, midwives, or boarding mothers, to persuade the unmarried mothers to breast feed their infants, a matter so essential to the survival and health of all children. Tiny babies were often separated from their mothers when only a few days old."

As a result of the findings of the Juvenile Protective Association, the Wisconsin State Board of Control enforced the State Law with greater severity.

(1)

"Sec. 58.03 License of home finding agencies. No individual other than the parent or legal guardian of the child, and no corporation organized for the purpose specified in section 58.01 (private institutions for orphans, indigent and delinquent children), or section 58.02 (home finding corporations), or any other agency or institution, until duly constituted legal guardian and duly licensed therefor as hereinafter provided, shall place any child in any family with or without contract, or give him away for adoption.

(2) Upon application by any individual, agency, association or corporation, to the State Board of Control and upon satisfactory proof made to said board that the applicant is in all respects qualified to engage in the work of finding homes for children, giving them away by adoption, or placing them in families with or without contract during their minority, said board may, upon payment of a fee of five dollars therefore, issue to said applicant an annual license to engage in said business. Each such license shall bear date the first Tuesday of June and shall be in force for one year next thereafter, but shall not be transferable and may be revoked by said board at any time upon thirty day's notice to the licensee and due hearing, when in the opinion of said board the licensee is not in all respects qualified to continue in said business. (3) Every such licensee shall report to said board whenever required such facts with reference to all children committed to its care and custody upon such blanks as it may prescribe; and the board may investigate the home in which any such child is placed.

Sec. 58.04 Maternity home and baby farms; license, inspection, and reports. (1) Every individual, firm, association, or corporation, owning, keeping, conducting or managing any institution or home for the

boarding, or sheltering of infant children, or so called "Baby Farm", or any lying-in hospital, hospital ward, maternity home, or other place for the reception, care and treatment of pregnant women, shall obtain an annual license which shall be issued by the State Board of Health without fee, shall not be transferable to other persons or other premises, and shall expire on the thirty-first day of December next following the issuance; but said board may revoke any such license for reasonable cause.

(2) Whenever any such license is issued, the board shall forthwith give notice of the granting and terms thereof to the local health officer, who shall keep informed of the nature and reputation of every such institution in his jurisdiction, and shall visit and inspect the same from time to time, and for such purposes shall at all reasonable hours be given free and unrestricted access to such institution.

(3) Every such licensee shall report to the local health officer, within twenty-four hours next after it occurs: The birth of any child, including still-born or prematurely born children at such institution; the arrival of any child, stating the name, sex, age, and color, and from whom received; and the removal of any child, stating its name, age, and the disposition made of it.

(1)

Sec. 351.26. Maternity homes and home finding agencies. Any person or persons, agency, association, or corporation, found guilty of violating any of the provisions of sections 58.03 or 58.04, regulating maternity homes, baby farms and home finding agencies, shall be punished by a fine of not less than ten nor more than five hundred dollars, or by imprisonment in the county jail or house of correction not more than one year, and said term of imprisonment in case of a corporation, may be imposed upon the officers of said corporation, who are responsible for said violation."

Not only does the Wisconsin Statute regulate the Maternity homes and the lying-in hospitals in the interest of children found therein, but also lays down specific regulations as to the standards of midwifery. The findings of the Milwaukee study also attacked the malpractice of many midwives.

The Wisconsin Statute, on the standard and qualifications of a licensed midwife; the civil action against one

guilty of immoral or unprofessional conduct, and the meaning of these terms; the penalty for violation of any of the provisions; and the law punishing the complex in procuring abortion:
(1)

"Sec. 150.01. Practice. (1) No one shall practice or attempt to practice midwifery without a recorded certificate or registration from the State Board of Medical Examiners.

(2) This shall not affect physicians, surgeons or osteopaths, nor prohibit service where a physician, surgeon, or registered midwife cannot be secured in time nor gratuitous service in emergency.

(2)

Sec. 147.20 Treating the sick. Upon verified complaint in writing to the district attorney, charging the holder of a license or certificate of registration from the State Board of Medical Examiners with having been guilty of immoral and unprofessional conduct.....the district attorney shall bring civil action in the circuit court against the holder and in the name of the state as plaintiff to revoke the license or certificate.

Sec. 147.21. Penalty. Anyone violating any provision of this chapter shall be fined not less than one hundred nor more than five hundred dollars, or imprisonment not less than sixty days, nor more than one year, or both.

(3)

Sec. 150.05. Revocation. The words "immoral and unprofessional conduct" in this action mean: Procuring, aiding or abetting a criminal abortion...

(4)

Sec. 150.06. Penalty. Violation of this chapter (chapter 150), shall be punished by fine of not less than twenty-five nor more than one hundred dollars for each offense, or by imprisonment not exceeding six months, or both.

(5)

Sec. 340.16. Manslaughter, second degree. Any person who shall administer to any woman pregnant with a child any medicine, drug or substance whatever, or shall use or employ any instrument or other means with intent thereby to destroy such child, unless the same shall have been necessary to preserve the life of such mother or shall have been advised by two physicians to be necessary for such purpose shall, in case the death

1) Wisconsin Statutes, Vol. I., op. cit., p. 1385.

2) Ibid., p. 1380.

3) Ibid., p. 1385.

4) Ibid., p. 1385.

5) Ibid., p. 2279.

of such child or of such mother be thereby produced, be deemed guilty of manslaughter in the second degree."

C) Adoption.

There are several means by which a more or less complete adjustment of the child to society may be made. The publication of the Federal Children's Bureau, "Illegitimacy as a Child-Welfare Problem," Part II, presents the different methods of adjustment of the child as follows: (1)

- "1) The parents may marry each other and establish a home for the child.
- 2) The mother may marry another man and the child be accepted as a member of the family.
- 3) The mother, though not establishing a home as a result of marriage, may keep the child with her, either in the home of her relatives, in her place of employment, or in an independent home which she maintains.
- 4) The mother may board the child, paying the board from her own earnings or with the assistance of the child's father or of relatives.
- 5) The child may be adopted or taken permanently by relatives or foster parents and brought up as their own child.
- 6) The child may be taken over by a child-caring agency and placed in a boarding or free home under conditions as nearly normal as possible.
- 7) The child may be brought up in an institution."

The environmental conditions surrounding the child born out of wedlock will determine the method of adjustment of the child. No stereotyped method will solve the social adjustment. In solving the adjustment of the child we must consider the child in its surroundings and adjust, modify, elevate and use the existing environment to the advantage of the child. This is the function of applied sociology. Applied sociology is a natural corrolary of pure sociology. Pure sociology aims to answer the questions--What, Why and

1) Lundberg, Emma, O., and Lenroot, Katharine, F.,
 "Illegitimacy as a Child-Welfare Problem", Part II.
 United States Department of Labor, (Children's Bureau)
 Publication No. 75. 1921. p. 147-148.

How. Applied sociology aims to answer the question--What for. The former deals with facts, causes, and principles, the latter with the object, end or purpose. The one treats the subject matter of sociology, the other its use. (1)

In adjusting the illegitimate child in its place in society, we must keep in view a certain objective. The illegitimate child is innocent of all wrong. It has no part in the delinquency of its father and mother. Moreover, it has the same rights as the child of lawful wedlock. This innocent child may become a victim of social reproach if we do not modify and transform its social condition. Social obstructions must be removed, so that the child will be freed from social forces that deny the child a real opportunity to grow, develop, and become like unto other citizens. It is the duty of social workers to take cognizance of the important role environment plays in the adjustment of an illegitimate child. It is the duty of these workers to utilize and transform environment to promote the best interest of the illegitimate child, if such workers are, in all sincerity trying to solve the problem of such child. Environment does not make the man. But it has a decided influence on his life and character. And the illegitimate child, which begins life in abnormal surroundings and conditions, altogether helpless and at the mercy of delinquent, perhaps degraded individuals, should be freed and emancipated from harmful, repressive forces, and given equal opportunities with other children, to establish itself in society and free itself from social stigma that may await it. The well-being of society depends on this condition--

1) Ward, Lester F., "Applied Sociology." p. 5.

of giving equal opportunities and possibilities to all its children, legitimate and illegitimate. Achievement in civilization depends on what society makes of its environment.

There are three methods of social adjustment of an illegitimate child which deserve special attention. They are: placing-out, boarding-out, and adoption.

The term "placing-out, does not mean boarding-out, indenturing, baby-farming, the securing of employment or the mere transferring of the custody of a child from one person to another or to an institution without regard to the object of such transfer. It means placing a placeable child in a free family home for the purpose of making it a member of the family with whom it is placed. The New York State Law (1) defines the term as follows:

"The term place-out....means the placing of a destitute child in a family, other than of a relative within the second degree, (parent, grandparent, brother or sister), for the purpose of providing a home for such child."

The term--boarding-out, qualifies the act of placing a dependent child in a family home, where payment is made to the boarding-home mother for the care of the child. (2)

The term "Adoption" is defined in the law of New York State, which is probably similar to those of other States: (3)

"Adoption is the legal act whereby an adult takes a minor into the relation of child and thereby acquires the right and incurs the responsibility of parent in respect to such minor".

Adoption is a legal process. A child is received into the home of the adopting parents as their own child. The status of such children is practically the same as that of

1) United States Department of Labor, (Children's Bureau) "Standards of Child Welfare" Report of the Children's Bureau Conferences, (May and June 1919). Publication No. 60. 1919. p. 353.

2) Ibid., p. 353.

3) Ibid., p. 354.

natural children in respect to the adopting parents. It is a method, an ideal way of providing for children whose parents are dead or unable to provide for them. This method gives such children all the advantages of a normal home and social relationships.

(1)

Wisconsin has the following legislation on adoption:

"Sec. 322.01. No such adoption shall be made without the written consent of the living parents of such child unless the court shall find that one of the parents has abandoned the child or gone to parts unknown, when such consent may be given by the parent, if any, having care of the child. In cases where neither of the parents is living, or if living are unknown or mentally incompetent or have abandoned the child, such consent may be given by the guardian of such a child, if any.....

Sec. 322.02. In case of a child not born in lawful wedlock such consent may be given by the mother, if she is living and has not abandoned the child; Provided, That unless the living parent or parents of a minor consent to such adoption it shall be the duty of the court having jurisdiction of the proceedings, upon the filing of any petition for adoption, by order to appoint a time and place for hearing such petition and cause notice of such time and place to be given to such parent or parents, by personal service of said notice on such parent or parents at least ten days before the hearing or, if to the satisfaction of the court personal service cannot be obtained, by publication thereof in a newspaper in the county at least three weeks successively prior to said hearing, and when notice is duly given as herein provided the parent of any minor shall be bound by the order of adoption as fully as though he had consented thereto.

Sec. 322.04. And by such order (of the court) the name of such child may be changed to that of the parents by adoption.

(2)

Sec. 69.28. If a child is born out of wedlock and thereafter proceedings are had under the provisions of sections 166.01 and 166.16 inclusive, of the statutes, and in such proceedings the pa-

1) Wisconsin Statutes, Vol. I. op. cit. p. 2219-2220.

2) Ibid., p. 830.

ternity of such child determined, such child shall be given the name of such father in said report. (birth registration).

The finding of foster parents, who will willingly and adequately fulfill the acquired obligations toward the adopted child, is the real problem in adoption. Foster parents must come up to certain standards in order to be fit to adopt a child into their home. Above all, the foster parents must desire to adopt the child for the child's sake. They should have an income sufficient to ensure proper care and support of the child. They should not be advanced in years, as otherwise the child might lack the continuous care necessary to enable it to reach manhood under their training and supervision. They should be persons of good physical and mental health, industrious and thrifty, should possess at least average education and intelligence, and should enjoy the respect and endorsement of their pastors and neighbors as law-abiding and respectable citizens of their communities. They should be of the same religion as that of the child to be placed with them. These standards, except as to the financial requirements, apply also to the parent⁽¹⁾ or parents of the boarding-home.

The surrender of illegitimate children for adoption has many abuses. There are States today, in which agencies and institutions place children for adoption without adequate consideration of their histories, family circumstances, or physical and mental condition, or of the character of the homes into which they are to be adopted. It is also observed, that

1) "Standards of Child Welfare" op. cit., p. 355-356.

many States allow the practice of adoption through advertisement in local newspapers and through commercialized agencies, which take advantage, for business reasons, of the unmarried mother who desires to be relieved of the burden of providing for her child, with all the economic and social difficulties involved, and of the childless men and women who long for children whom they may take as their own.

If such practices are prevalent in any State or community, there is need for careful and adequate investigation before adoption is decreed by the court, and need for adequate legal measures to be proposed and adopted in legislation.

We often wonder what becomes of the baby of a well-to-do mother? In the first place, there is no publicity connected with the well-to-do. They do not come into contact with philanthropic agencies. They are financially situated to take care of themselves. This explains the lack of definite statistics concerning the well-to-do. Moreover, the problem of illegitimacy for the well-to-do presents greater difficulties than in the case of an ordinary girl or boy. Many respectable men cannot retain their positions if the public knows that their daughters have sinned. The disgrace affects not only the girl directly but threatens to ruin her parents.

In order to meet conditions such as these, "sanitaria" or expensive maternity homes have been established in various places. The girls come to these homes for treatment, or for prenatal and confinement care, to relinquish the child as soon as possible; and then, to return home "cured" and in good spirits.

The Massachusetts law, Chapter 83, Section 13 (revised

laws, 1902), makes provision for a well-to-do unmarried mother to dispose of her child by adoption. In favor of the child, the law allows a mother of an illegitimate child under two years of age, who is resident of the state and who has previously borne a good reputation, with the consent of the State Board of Charity, to give up her baby to the Board for adoption. (1)

The well-to-do unmarried mother presents a condition that must be faced squarely with due regard for the sentiments of the family and the permanent interests of society. But, as to the protection of the child, the fundamental principles of ethics must be the same for the rich as for the poor.

What about the morality of the legal process of adoption? It is a fundamental, ethical principle, that parents are responsible for the care and education of their children. The Canon of the Catholic Church Code defines this responsibility of the parents as follows: (2)

"Canon 1113. The parents are bound by a most serious obligation to provide to the best of their ability for the religious and moral as well as the physical and civil education of their children, and to care for their temporal wellbeing."

The Canon makes no distinctions about the kinds of parents, nor, about the kinds of children. Parents have the above responsibilities toward their children, whether their children be legitimate or illegitimate. The obligations are imposed by the Natural Law. Is the surrender of a child through the process of adoption a violation of the Natural Law? It certainly is, if there is no grave reason present.

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- 1) Freund, Ernst. "Illegitimacy Laws of the United States", United States Department of Labor, (Children's Bureau), Publication No. 42. 1919. p. 151.
 - 2) Woywod, Stanislaus, O.F.M., "The New Canon Law" p. 226-227.

The unmarried mother must retain the care and custody of her own child. This is the working principle of social workers handling the problem of illegitimacy. We should look upon the surrender of the child born out of wedlock as a last resort to be used after all other means have been exhausted of getting the parents to care directly for their own child, and then, under conditions, namely: after the mother has nursed the child for at least three months; that she complies with the legal formalities of adoption; and is assured that her child is turned over to fit persons who will give it necessary and proper care, and spiritual guidance.

The Catholic Social Welfare Bureau assures every mother an opportunity to keep her baby. This is one of the fundamental principles adopted by the Milwaukee Conference on
(1)
Illegitimacy.

"Every mother should be given an opportunity to keep her baby unless there is some very good reason to the contrary.....It seems inadvisable to suggest the release of the baby for adoption until after the three months' nursing period, and after all other plans have been considered."

It is the sacred duty of parents, having grave reasons for placing their children for adoption, to see to it that their child is turned over to fit persons; not to orphanages, nor asylums, nor any such institutions. Society does not feel that it has fulfilled its duty toward children bereft of parental care when it has herded them into an orphanage, or such institutions. It looks upon the orphanage as the haven of last resort no matter how carefully it promises to shelter children and provide for their material and spiritual needs. It realizes that life is more than a matter of shelter,

1) Milwaukee Central Council of Social Agencies, "A Community Program for the Unmarried Mother and Her Child". op.cit. p.5.

food and raiment, essential though these may be, and that group training does not offer the best guarantee of spiritual stability. (1)

Children to be adopted, whether illegitimate or orphaned, should be given a father and mother that they may have a normal home surrounding. The process of adoption breaks the natural bond which exists between parents and child. Ties of blood kinship are severed, and a new relationship is created between the child and the adopting parents. The established relationship is similar to that existing between the natural parent and offspring. Civil law with its legal formalities supplies the artificial union which serves the purposes of the original. The adopted child has no longer a legal relation to its natural parents. The natural parents have no longer an obligation and responsibility toward their child adopted by others. This obligation and responsibility are accepted by the adopting parents, who, by civil law and Christian charity, are bound to fulfill them.

"Adoption is a legal act whereby an adult takes a minor into the relation of child, and thereby acquires the right and incurs the responsibility of parent in respect to such minor." (2)

It is important that the adopted child be assured a moral and spiritual development. A Catholic unmarried mother has an obligation "sub gravi" that her child be adopted in Catholic environment, with Catholic adopting parents.

When adoption takes place, what disposition is made of the money received in lump-settlement? Of, if the father of

1) McEvoy, M. P., Rev., Transplanting the Child. The Salesianum, Vol. XXI. No. 1. (Jan. 1926) p. 40.

2) Butler, Edmund, J. Standards of Child Placing and Supervision. "Standards of Child Welfare," op. cit., p. 353-354.

the child has agreed to partial payments until the child becomes sixteen years of age, does he continue said payments, when adoption took place? The answer to these two questions depends upon the decision of the District Attorney, when filling out the proper legal papers.

Concerning the question of relationship of the adopted child to the adopting family, the Catholic Church upholds the civil law. Where the civil law recognizes a legal relationship arising from the act of adoption, and is sanctioned by law, this legislation is recognized by the Church. The Canon (1) reads:

"Qui lege civili inhabiles ad nuptias inter se ineundas habentur ob cognationem legalem ex adoptione ortam, nequeunt vi juris canonici matrimonium inter se valide contrahere."
(Canon 1080)

Those who by civil law are declared incapable to marry on account of legal adoption, cannot equally under Canon Law contract valid marriage.

The Church, therefore, in this particular impediment adopts the civil law and makes it also her own. To know whether there is a diriment impediment of relationship by adoption and how far it extends, must be learned from the statute law of the individual States.

The adoption of a child born of its feeble-minded mother, raises the question whether such a practice is justifiable. The placing for adoption of a child with hereditary feeble-mindedness seems unfair to the adopting parents. Feeble-mindedness is hereditary. This statement is true, generally speaking. In the particular case of the adopted child, presented in this chapter, an examination was made. No traces

1) Sabetti-Barrett, Op. cit., p. 901. No. 894.

of imbecility were found. If there were any signs of the defect, the Juvenile Protective Association would not allow adoption, but segregation. Should an adopted child show evidences of feeble-mindedness at some later period, the adopting parents are free to give up the child.

CHAPTER IV.

Difficulties in Verifying
the Girl's Story.

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Difficulties in Verifying the Girl's Story.

Part I

Presentation of the Case.

A young girl with her twelve day old baby-boy, was approached by one of the workers of the Traveler's Aid Society at a railroad station in Milwaukee. The worker learned that the girl had left her home-town to look for work in Milwaukee. In the meantime, she wished to keep the baby in a boarding home or some such institution. Being in need of help, and recognizing a friend in the social worker, the girl was willing to abide by any preliminary arrangements suggested to her.

The worker brought the girl to the Catholic Social Welfare Bureau, for an interview with the Director. Here, she gave information as to her twelve day old baby-boy. The child was born in a county nearby, a doctor attending. She herself was a Catholic; but was married to a Jew. The baby-boy was baptised in her home-town by a Catholic priest, the parish pastor.

She was asked about the validity of her marriage but it was impossible to determine from her answers, whether or not, she was married. She claimed that her marriage took place in Waukegan, Ill., giving the name of some officiating person and the date of the marriage. Later, she admitted, that the officiating person, whom she claimed had administered marriage, was only recommended to them by the man who issued the license in that city.

The girl was asked what excuse she had for not nursing the child. She said she could not and would not. The

Milwaukee Health Department regulation, demanding a three months' nursing by the mother, was told and explained to her, also the consequences of its violation. She then decided to go to a friend in a city in Illinois, a relative of her foster parents. She herself was a foster child, having stayed with her foster parents until she left for Milwaukee. Their names were given by the girl.

The Director asked her whether she had any relatives in Milwaukee. She named a certain Mrs. X. This lady was at once called by telephone and asked whether she had known the girl, and whether or not, she could take her in temporarily. She refused to care for her, but admitted that she knew her. The girl was very troublesome, Mrs. X continued and that her foster parents were already caring for a four year old child of hers. The girl finally admitted having this other child, already four years of age. This child was the fruit of her civil marriage contracted four years before in a town of the State of Wisconsin; but shortly after, she had divorced this man in the same town. She admitted that her foster parents were caring for this first child of hers. The foster parents had thrown out the girl with her baby because of "money trouble". When asked about the nature of the "money trouble" she again was evasive.

At the close of the first interview, arrangements were made for the girl at the Friendship Home, temporarily, until her story could be verified and a plan of rehabilitation worked out for her. She was accompanied by the social worker to the Home.

Process of Verification.

The Infant Asylums of Milwaukee were asked to look up their records of the girl and her foster parents. Should they have any information, they were requested to get in touch with the Bureau. The following report concerning the girl and her adopting parents was received: The girl in question was brought to Milwaukee to the Infant Asylum from a certain city in Wisconsin on such a date, and under another name. The date of the girl's birth was given, also the name of the Catholic priest who baptized her. The records, however, did not show who brought the child to the institution. The girl's stay at the asylum was short. She was taken from the institution by Mr. and Mrs.....(her present foster parents). There was no record of her having been legally adopted by these people.

At the same time, the Bureau sent a letter to the foster parents. Information was received from them that the girl had been dismissed from their home after the birth of her second child, and that the family refused absolutely to take her back. The foster parents said that the girl was issuing fraudulent checks and causing much trouble. To hide her second guilt, the girl claimed to be married, this time in Milwaukee.

The Director of the Bureau, immediately after the first interview with the girl, called up the Juvenile Protective Association, asking that organization to interview the girl and determine whether she could nurse her baby, also asked that the data concerning the first born child and the first marriage be verified. The Juvenile Protective Association reported accordingly; that the girl was able to nurse her baby and that the girl's story concerning her first marriage

and her first child was true. The girl contracted civil marriage in a town of the State of Wisconsin, not in her hometown; the first child was the fruit of this marriage; and later, she divorced the man.

As to the second child, which was only twelve days old, the Bureau wrote to the county nurse of the county in which the child was born. The record of the child was sent to the Bureau with this added information--that the girl was not married and never had been married and that her parents were her foster parents and well-to-do.

A letter was sent to the alleged father of the child. The girl claimed that he was a salesman and of Jewish religion. She gave his address. The letter sent to him was not answered.

A letter was sent to the Catholic priest who baptized the child. The Reverend Father answered:

"(the girl) has told the same conflicting stories here. A person cannot believe a word she says. She is not married according to what I hear. Mr.....who is said to be the father of the child, is not sick. I baptized the child on the..... (date of baptism). Her foster parents are supporting one child to whom she gave birth when still under age. Now, of course, when she gave birth to another child, they compelled her to leave the house. Mr.....a travelling man, who is the father of the child, ought to be compelled to support her.

Another letter was sent to the priest asking for additional information:

"Nobody around here seems to know of the whereabouts of Mr.....(the alleged father). Besides, I do not believe that the.....family (the foster parents) are willing to take her back since they are supporting one child already."

A letter was also sent to her friend in Illinois, to whom she planned to go in order to evade the Milwaukee Health regulation on nursing babies. He answered the letter, offering his co-operation to do all in his power for the girl, and at once wrote to her foster parents to induce them to allow the girl to come home.

Mental Test of the Girl.

Because the girl appeared to be of a peculiar mentality, arrangements were made at the mental clinic of the city for an examination. The Milwaukee County Dispensary gave this report:

"We have this day made a mental test of the above mentioned patient with the following results: Chronological Age--22 yrs. 5 mos.; Mental Age--13 years; Intelligent quotient--81; Classification--Normal, but very dull.

There are several discrepancies in this case, the first one being.....(the girl's name) claims to have graduated from High School at(of her home town). We have no way of checking up on this story, but with her present mentality, we are inclined to doubt it. It is possible of course, that she has deteriorated mentally but she does not test as if this was the case. She tells a connected and logical story, interspersed with many exact dates which may be an effort to appear plausible. It is very difficult to come to any conclusion regarding her until her story is verified. There does not seem to be any reason why she should not be returned home to her foster mother. If her husband does not support her in the future, she is perfectly able to work.....

As to appearing indifferent to her children, we were unable to see any sign of this. It must be remembered that the child is not yet three weeks old and that (the girl).....cannot possibly have her full strength back."

Upon receipt of this report from the Department of Neurology and Psychiatry of the Milwaukee County Dispensary, the Director of the Bureau interviewed the District Attorney. The District Attorney thought that the girl should be placed in an institution, adding that there is no legal charge on

which the alleged father could be apprehended. The attorney suggested placing the child in an Infant Hospital and that the girl should nurse it. Should she fail even once, his office should be notified and they would have a warrant issued for her arrest, on technical abandonment.

Arrangements were made at the Milwaukee Children's Hospital with proper information.

Investigation by the Director.

To better verify the girl's story, the Director of the Bureau interviewed personally the foster parents of the girl, the doctor who had delivered the last child, and the Reverend Pastor of her church.

The Reverend Pastor, and the doctor attending the confinement of the girl, informed the Director that the girl did not bear a good reputation in her village, and it would be unwise to have her return to the foster parent's home. Also, that at one time, the foster parents kept a saloon and the girl was raised in this environment.

The Director called on the foster parents. The foster mother of the girl welcomed the Director. With emphasis she repeated that the family would not receive the girl hom. They were now caring for the girl's four year old son. The Director saw the child. He seemed to be bright and quite contented. The foster mother stated that it was not their intention to adopt this child, although, they would continue to care for and raise him.

The girl had deceived them many times, continued the foster mother. Often, the girl told them that she was at work,

when she was not. The girl was not married when she gave birth to her first child. To give the impression that she was married, she ordered furniture and had it sent to the foster parents. The foster parents refused to accept it. Lately, when she again claimed to be married, she ordered a wedding ring and a rosary. But told her foster parents that her husband had given these to her. A few days later, the jeweler sent a bill to the foster parents for the purchased articles.

The foster mother stressed the deceitfulness of the girl, stating that to date, they had paid bills amounting to several thousand dollars which the girl contracted. From now on, they positively refused to pay any more bills of hers. She also told the Director, that she had learned from a good source that the present alleged husband of the girl was a married man, with three children, and lived at such an address.

A Friend from Illinois Called on the Girl.

This friend, personally called at the Bureau to become acquainted with the personnel. He also interviewed the girl at the Friendship Home. Returning to his home in Illinois, the Bureau received a report of his interview written personally. He showed a fine Christian attitude toward the girl, and made an appeal to her that she live a Christian life. His letter gives also a description of her character. An excerpt from the letter follows:

"I want you (the girl) to promise me that, in case a suitable job is found for you, you will toe the mark and you must be obliged and are obliging yourself now to reform your ways... You realize that there is nothing but disappointment, emptiness, and misery in the life you are leading, and sooner or later, probably much sooner than you anticipate, you will have cause to bitterly regret the apparent contempt you have now for everything that is wholesome in this short life of ours.

Go to work, go to church, be truthful, lead a respectable life, and the few missteps you have made will soon be forgotten.

.....
 To sum up: It is my belief that through her lack of education, through her realization of the fact that people, friends and relatives alike despise her, and through the fact that the rogues with whom she associates give her nothing but ill advices, it is my opinion, that the further she is allowed to remain in that state of mind, she will further develop her deficiency in mind, which is dishonesty. To that end she would use whatever vestige of evil power that may have been left untouched in her. Those are, boldness, lying, dishonesty, her lack of appreciation of good advice, and many others. In my opinion, she is not beyond redemption provided, she is absolutely restrained from communicating with the leeches who have caused her downfall."

Establishing Paternity.

Having verified the story of the girl, she was called to the office of the Bureau. She claimed emphatically, that she was married to the alleged second husband. But, after pressure, admitted she was lying; that she had not been married to him. Finally, she agreed to swear out a warrant for the man's arrest, that his paternity might be established and if established, the incumbent obligations be fixed. But, she did not know of his whereabouts; he was a travelling salesman.

In the meantime, her child was taken to the Children's Division of St. Joseph's Hospital. Upon admission to the hospital, the child was examined. The report read that it had been shamelessly neglected and was in a very bad condition.

Two days after the girl called at the Bureau, the directress of the Friendship Home answered a long distance telephone call for the girl. The girl had just stepped out. It was a man calling her, and since she was not in, he left the long distance telephone number, asking that the girl call him.

The directress recalled, that just a moment before the girl had written a letter and addressed the same to a man of the city mentioned in the long distance telephone call. This information, leading possibly to the whereabouts of the alleged father, was at once sent to the Bureau. The Bureau instructed the directress not to deliver the telephone message.

The Director hurried to the District Attorney's office in the city from which the call was reported. The whole case was presented to him and he promised to co-operate with the Bureau and at once, would have the alleged father come to the office and would try to arrange a settlement.

The following day, the District Attorney of said city informed the Bureau by mail that he talked with the alleged father in the office.

A few days later another letter was sent to the Bureau by the District Attorney, saying that the man had left for Milwaukee, promising to call on the Director of the Bureau; that, he admitted relations with the girl, but at the same time claimed, that others, including high-school students in his own town were also involved.

A week later the directress of the Friendship Home called the Bureau saying, that the alleged father had been in Milwaukee for some time. The girl admitted to the directress that she again was intimate with him; that she was seeing him in his room. She confessed that she had gone to the man's room as his wife. The girl was out a great deal and was becoming a trouble-maker when in the house. She had not worked more than a week during the whole time she had been at the Friendship Home.

The man did not call at the Bureau, even though he had promised to do so to the District Attorney of his city.

Shortly after the report of the Friendship Home, the District Attorney of that city brought the alleged husband to Milwaukee. The whole matter was discussed in the District Attorney's office in Milwaukee. It was agreed that the man pay \$500 for the child. The money was to be placed with the County Poor Office and monthly payments were to be made to the St. Joseph's Hospital through the Catholic Social Welfare Bureau. The District Attorney of Milwaukee instructed the man that if he did not keep away from the girl he would be picked up again, on an adultery charge inasmuch as he was a married man.

Choosing a Different Environment.

A conference was held at the Bureau with the directress of the Friendship Home. It was decided that the girl should not room at the Friendship Home any longer. Her behaviour was bringing about a bad influence on and breaking the morale of the other girls in the home.

The girl was given addresses of several places of employment and was also told that she would have to find work before the next week, as she could no longer stay at the home. Also, a place to stay was recommended her.

The next day the girl found work, and prepared to move. But she refused to go to the home recommended. She said, she was through with every one and was going straight without anyone's help. However, being in need of money she borrowed some from the directress, to pay for her room in advance, giving the address of her new home.

Two days later, a social worker of the Friendship Home called at the Bureau. This social worker was very much interested in the girl and thought she could do much good for her. It was decided to let her try and she was given authority by the Bureau to do what she could for the girl.

She visited the girl and had the girl visit her. The social worker called at the Bureau and explained that the home of the girl was not satisfactory. The people there were making moonshine. She said she knew a family in a town not so far from Milwaukee, a certain Mr. and Mrs. A, who had done work with delinquent girls, successfully too. The family might be induced to take the girl into their home. Arrangements were made to have Mr. and Mrs. A. call at the Bureau to meet the girl and talk things over.

The conference took place in the office as arranged. Matters were explained. At the same time the father of her child called at the Bureau. He learned that the girl had written several checks signed with his name, with prefix--"Mrs." on them. He came to the Bureau to meet the girl to find out how many checks she had so written and for what amounts. The girl told the truth. He promised to settle these checks. The man was told and with emphasis, that in order to avoid future trouble about checks, to communicate only with the Bureau. The Bureau did not worry so much about the checks, but suspected that the girl used this scheme to become again intimate with the man.

The girl left with Mr. and Mrs. A for their home. Later, a letter was sent to the Bureau as follows:

"She has no thoughts of interfering with the proper course of handling her child. As she under-

stands it, when the time comes for the child to be taken from the hospital, he will be placed in a home, and adopted out when he is old enough to be mentally tested, four or five years, and if he proves to be normal. She has no intention of breaking over the regular procedure.

There has been some advantage in her being at present entirely away from her previous associations and also in being in the home where, during her leisure time, she is constantly under the supervision of Mrs. A. So far she has kept perfectly straight, and I think, has a strong determination to do right. On the whole, we are quite encouraged about her.

Let me also say that we respect the religious situation, and scrupulously avoid any influence that might draw her away from the Catholic Church.

Assuring you again of our co-operation, I am

Very truly yours,
Mr. A."

Several times the girl came to Milwaukee to see her baby. She first called on the social worker of the Friendship Home and with her made the visits. Whenever the girl came to Milwaukee, she was accompanied by the worker to the home of the supervisor of the Catholic Social Welfare Bureau. The girl was always neatly dressed, clean, and looked very well. She said that she was attending a vocational school, taking up a commercial course; working part time, after school, earning some wages. The girl felt proud of her efforts and success in her school work.

Later, the girl decided to do full time work, feeling sure of her ability. But it was impossible to obtain any kind of work in the town where she was staying. So Mrs. A thought it best to have the girl come to Milwaukee to find work and to stay. Mrs. A found a suitable place in Milwaukee for the girl to live, and advanced her first week's board and room.

The Bureau made arrangements for the girl to apply for work in one of the big establishments in Milwaukee. But the girl failed in getting the job, admitting, she had not tried very hard to get it. Other places were recommended.

Later, the girl was called to the office of the Bureau. The supervisor asked what plans she had for the baby's future. The girl had been thinking the matter over, and felt that something ought to be done for her baby. She asked the supervisor for advice for she realized that she could not give the baby a home. The supervisor suggested the placing of the baby for adoption. The girl decided to call Mr. and Mrs. A, with whom she had been staying. Mr. and Mrs. A instructed her to do whatever the Catholic Social Welfare Bureau advised, adding, that Mr. A would be in Milwaukee to discuss the matter further.

The girl signed the release of her baby to the Catholic Social Welfare Bureau. Mr. A was present. The baby was already too big to be kept at the Infant's Department of St. Joseph's Hospital, so it was removed by the Bureau, which now was responsible for the child, to a boarding home, with proper feeding instructions given by the hospital. The last payment for the baby's board at the hospital was paid by the Bureau.

The balance of the settlement money was checked up at the County Poor Office. Only \$85 was the balance left for the child. When the final check was received by the Bureau from the office, a report was sent as to the disposal of the money, to the State Board of Control.

In the meantime, the Bureau investigated a few homes, in order to place the child for adoption. The home boarding the

child temporarily called the Bureau and asked whether the child could be placed for adoption with their relative, who lives in Illinois. The Bureau answered that it was not their policy to place children for adoption anywhere outside of the State. A Protestant family called the Bureau asking to adopt the child and again the Bureau answered, stating that it was not their policy to place Catholic children in non-Catholic homes because of the danger of religious perversion.

The Bureau finally succeeded in placing the child for adoption in a Catholic home, after a satisfactory trial of six months. All necessary legal papers were properly signed.

For a few months the Bureau had no word from the girl. Finally she called with the news that she had been for a week's vacation during the summer months with Mr. and Mrs. A and at present she was not working. She was staying at the Methodist Deaconess Home in Milwaukee.

Mr. and Mrs. A wrote to the Bureau concerning the girl. The letter was as follows:

"(The girl) is not with us now but has gone to Milwaukee to look for work. Mrs. A and I have done what we could to help her and we hope that she may get along nicely, maintain a proper life, and do good work. At the same time, it seems best to say that we are not in any way responsible for (the girl) or for what she may do."

About this time, the County Poor Office of Milwaukee, informed the Bureau of a notice that appeared in a newspaper in the home town of the man who paid the settlement money. The notice in the newspaper read as follows:

"I wish to inform the public that Mr..... (the alleged father) is completely innocent of the charges brought against him on..... (date)."

This notice was signed in her own name and was sworn out before a notary public.

The notice was like a thunderbolt from a clear sky. Rehabilitation of the girl seemed practically complete. The case with all its complications was actually closed. Suddenly, as though an outburst of a tortured conscience, a public confession was made. What was the reason for this public statement? It was not an outburst of a tortured conscience, for no injustice was done to the man by the girl.

The public statement was a scheme which she used to save the good name of the man. He was married, and no doubt, his relations to the girl became known not only to his wife and family, but also to the community. Evidently, the girl must have been induced to make the public statement in order to absolve the man from guilt so that he may enjoy his good name at home and in his community.

Six months after the notice appeared, the girl was living in a delapidated apartment home in Milwaukee, suffering from an acute case of tonsillitis. Notice of her condition came to the Bureau from the County Poor Office. The Bureau made arrangements at the Marquette University Dispensary for hospital care, where she was admitted to one of the wards as a charity case.

Having recuperated, the girl came to the Bureau. The supervisor of the Bureau showed her a letter from Mr. and Mrs. A with whom she stayed for some time. The family stated in the letter that they wished to see the girl after she should be dismissed from the hospital. The girl decided to see Mr. and Mrs. A thinking they might have some suggestions to make. The supervisor of the Bureau told the girl that should the family have no plans for her, arrangements would be made at

the Friendship Home.

A few days later, the Friendship Home informed the Bureau that the girl was working at the Gimbel's Department Store and was living at the Calaroga Home.

Part II.

Problems in the Case.

One of the outstanding problems in this case is the integration of the girl's character and a choosing of a proper environment to attain this objective.

The first step in character rebuilding is the reestablishing or continuing of the girl's contact with her family.

"Experience has taught that in the majority of cases reestablishing or continuing the girl's contact with her family is of great value in assisting the girl to adjust herself, to prevent a recurrence of her trouble, and to make a better plan for the baby. Therefore, it seems wise to urge every unmarried mother to communicate with some responsible member of her family."(1)

As a starting point, making for rehabilitation of the girl, efforts of the Bureau were directed toward the establishment of contact with the girl's foster parents. This was attempted by her friend in Illinois and the Director of the Bureau. But, under the circumstances, contact of the girl with her foster parents was impossible for the present. There were obstacles and difficulties. The girl had a bad reputation in the community. She did not appreciate the care her foster parents were giving her first child. She was spending leisure time with bad associates and frivolous thoughtless youth, of low ideals of life and low standards of morality. Her conduct was disorderly; she was malicious in lying; issued fraudulent checks; looked for pleasure in forbidden things. Of a week will she become. It was not hereditary immorality. Nor was she an irresponsible victim of her environment. It was acquired immorality. She cared little for genuine training in moral powers, in self-control, in capacity for virtue and a virtuous life.

Resistance to temptation had no meaning to her. She was giving

1) Milwaukee Central Council of Social Agencies, "A Community Program for the Unmarried Mother and Her Child," op.cit., p. 4.

way to her carnal instincts that they may have full sway and play. The test of a "good time" for her was measured by the opportunity for immorality. And what aggravated matters, this perverted will of hers was clothed in a nature attractive body.

We have a fine diagnosis of the girl's character and the proper remedy for her rehabilitation in the letter from her friend in Illinois. Her cure lies in choosing a different environment and other associates that she may spend her leisure time advantageously and in a wholesome manner; and in an appeal to higher ideals of life, in an appeal to religion that she may, with the help of Divine Grace, adjust herself spiritually.

Rehabilitation was breaking down when the alleged father came to Milwaukee. The girl began claiming him as her husband and was very intimate. But, when the District Attorney, at the time of the settlement in his office, threatened him with arrest on the charge of adultery, if he did not keep away from the girl, the man, thereupon, ceased to associate with her. The girl was sent away from Milwaukee to a private family doing work with delinquent girls so that under continual guidance and supervision, she might try again to readjust her character.

Stressing the importance of the right kind of environment for the girl that she may be totally removed from the leeches who were causing her downfall, was the all-important solution in the rehabilitation of the girl's character.

B) An ordinary method of helping an unmarried girl with normal intelligence to keep her baby is to place the girl with the baby in a position at general housework. But this is not always possible and such work for such girls and under such

conditions is hard to find.

Boarding homes are established in various cities for the unmarried mother where she can remain with her baby. After the three months' nursing period is up, the unmarried mother may go out to work during the day, keeping her baby in the nursery of the boarding home. Such a mother is freed from the care of her child during the day. Furthermore, such a boarding home has a splendid opportunity to furnish supervised recreation to the girls every evening of the week. There may be some objection to herding such girls into a community of this kind. Social reproach may stigmatize such a community.

Should there be lacking the proper supervision and control, the community may fall to the lowest level of immorality.

This objection can be solved, if such a boarding home gives to its inmates some incentive for a wider education, to keep their minds busy with other things and not on their emotional excitement with sex experience. Many of the unmarried mothers have little education, perhaps no high-school or vocational training at all. Here is the problem: How to create interest in more education, or in learning some trade or calling.

Supervised recreation and education of such girls facilitates rehabilitation. However, is it this kind of supervision, supervision in a boarding home, that will finally readjust the girl into her former social status? Or, isn't there a yearning in the girl's heart, to return to her home, to her mother, to be under her supervision? But, can she return with her child? If she does, will her mother be a help to her in caring for the child? Here, an experienced and resourceful

social worker has a splendid opportunity to use her skill in adjusting the girl in her family status, where she actually belongs. Should it be necessary and should it be the only way of having the girl at home with her parents, the child should be placed for adoption. For after all, if the girl does not wish to marry the father of her child, a complete rehabilitation of her character can best reach its perfection when she returns home to be under the guidance and supervision of her parents. Nothing can substitute the sanctity and integrity of the home. When the child of the unmarried mother is adopted, it suffers no injustice. An adopted child establishes a relationship with the adopting parents and acquires the same rights as the other children of the adopting parents. Such a child gets a home, a father and mother, and "by order of the court, the name of such a child may be changed to that of the parents by adoption."⁽¹⁾ The fact of its illegitimacy may, for always, be a secret to the child.

C) It is important to establish paternity in every case possible. Paternity is established that support of the child be secured. Once paternity is established, it assists the mother in caring for her baby, of giving the child a legal status in case of future non-support, inheritance, etc., and of acting as a deterrent to the father.

The establishment of paternity through a jury trial in the case just quoted was not necessary. The alleged father admitted relations with the girl and agreed to pay the sum stipulated by the District Attorney, even though he claimed that others were also involved. The alleged father paid \$500 in

1) Wisconsin Statutes, Vol. I., Sec. 332.04. loc. cit., p. 79.

lump settlement. Had he refused to pay, jury trial would have become necessary and the other men involved would have to appear. This would have encountered the danger of publicity for the alleged father. He was a married man and had a right to keep his good name with his family, his wife and children. To avoid red tape and publicity, he agreed to pay the settlement money. It was a small amount for the care of the child but again, not too big a price for his guilt and disorderly conduct with the girl. Surely, no injustice was done to him.

(1)
When the civil law imposes obligation to support the child on anyone of the fornicators, the woman can demand from him support for the child imposed by the judge. Such a law is certainly just because it is enacted in favor of the child, and because the illicit relation could make anyone of them the father.

1) Noldin, H., S. J., loc. cit., p. 44,

Part III.

Recording the Child's Baptism and Birth.

A) The child of the girl was baptized by a Catholic Priest. The baptism was recorded in the respective parish record book. How does the record read? Does it contain the name of the father? All baptisms must be recorded; the records are public records. Let us see the regulations of the Catholic Church on birth registration.

It is a grave obligation of the pastor of a parish to enter carefully and without delay, in the respective parish book, the complete record of the baptism of the child, i.e., the name of the one baptized, the minister, the parents, the sponsors, the date and place.⁽¹⁾

When it is a question of baptizing an illegitimate child, then there is another Church Law as to registration of such a record. The law reads as follows:

"Ubi vero de illegitimis filiis agatur, matris nomen est inserendum, si publice ejus maternitas constet, vel ipsa sponte sua scripto vel coram duobus testibus id petat; item nomen patris, dummodo ipse sponte sua a paroco vel scripto vel coram duobus testibus id requirat, vel ex publico authentico documento sit notus; in ceteris casibus inscribatur natus filius patris ignoti vel ignotorum parentum."⁽²⁾

In the Baptism of illegitimate children the name of the mother is to be entered, if her motherhood is publicly known, or if she of her own accord demands this either in writing or before two witnesses. Also the name of the father, provided he himself demands it either in writing or before two witnesses, or if he be known from some public document. In all other cases the child should be entered as one whose father or parents are unknown. (Canon 777) ⁽³⁾

1) Sabetti-Barrett, op. cit., p. 594. No. 666.

2) Ibid., p. 594. No. 666.

3) Waywood, Stanislaus, O.F.M., op. cit. p. 158-159.

The Canon is clear. It needs no explanation. The registration of the baptism of an illegitimate child is recorded as the offspring of an unknown father, or unknown mother, or unknown parents. The name of the father, or the name of the mother, or the names of both, is recorded only when each one personally demands this in writing or in the presence of two witnesses; or, when the girl is publicly known as the mother, or when the man has admitted paternity in court, or his paternity has been established through court action.

The girl is publicly known as the mother, when she does not or cannot make a secret of her transgression; or, when the case is brought into court. A "publicum authenticum documentum", i.e., a public document, referred above in the Canon, is a publishable statement attested by recognized authority in writing.
(1)

When such a child is brought for baptism, no one should be asked about its parents, if the fact is not public. It is a question of both judgment and delicacy in which pastoral prudence must guide and protect the good name of the unmarried mother and of the father of the child.

The parish books are public records. Registration of illegitimate children together with the names of its father and mother, when the fact is not public, affects the reputation and good name of the parents. Such a parent can bring the Parish Priest into court on the charge of detraction or calumny. It would also be a violation of the eighth commandment of God, a violation against justice and charity.

The question of divulging the secret of illegitimacy is the same as that of any other question affecting the reputation

1) Baptismal Record of Illegitimates. "The Ecclesiastical Review", Vol. LXII. No. 1. (January 1920), p. 91-92.

of a third party. It may easily be divulged, but it binds; and, if the name of the mother or both parents is entered in the records, under the conditions specified in the Canon, then, the pastor must make the sponsors of the baptism aware of the secrecy, which binds under pain of mortal sin.

B) What are the standards of registration of illegitimates in the various States?

Louise De Koven, of the Juvenile Protective Association of Chicago, said at the Chicago Regional Conference:

"We register the paternity of prize cattle and hogs, of thoroughbred horses and high-priced cats and dogs, but we have allowed human beings who, through no fault of their own, were born out of wedlock, to go through life only half registered. Is it not time to break away from the traditional point of view, which considers illegitimate children only in terms of their possible dependency on the State, and begin to treat them as human beings?" (1)

The report of Em. H. Guilfoyle, N. D., registrar of records of the New York City Department of Health, reads as follows: (2)

"Today, I think, that the physicians send in certificates of birth in these cases (illegitimate). I do not vouch for the accuracy of the information upon the certificates of birth, especially as to names. We have no means of inquiring as to the truth of the statements made upon the certificates of birth on file at our office. We have no force to find out whether these statements are true or not. So I have no doubt that at the present time we are filing in the department of health certificates which may contain misinformation as to names, etc., of births that occur in the city. I know that quite a number of persons in trouble come from suburban towns--come to the City of New York and enter our institutions and give false names, and that those names are on record as their true names down at the department of health."

There are social workers who say that it should be made lawful for the expectant mother to assume a fictitious name for the purpose of registration and report, in order not to expose her identity. It is a practice among pregnant girls, upon

1) "Standards of Legal Protection for Children Born Out of Wedlock", op. cit., p. 54-55.

2) Ibid., p. 114.

entering a hospital, to represent themselves as married women. The Wisconsin Statute punishes such a falsification of records (1) by imprisonment or fine.

"Sec. 348.35. Any officer or other person whose duty it shall be by law to return or certify to the register of deeds any birth, marriage or death occurring within this state, who shall refuse or wilfully neglect to make such return as required by law, or who shall knowingly make any false return or certificate thereof, or any register of deeds who shall refuse or wilfully neglect to make or cause to be made the true entry, or who shall wilfully make or cause to be made a false entry thereof in his books or registration shall be punished by imprisonment in the County Jail for not more than six months or by fine not exceeding one hundred dollars."

The Wisconsin Statute demands the registration of illegitimate children. How is the registration recorded? The vital statistics law of 1927 provides that where in bastardy proceedings the paternity of a child is determined, the child shall be given in the birth report the name of the father. The law also implies, although it is not expressed, that the father's name shall be the legal name of the child. Otherwise, the child is recorded, simply as illegitimate.

"Sec. 69.28. (21) If child is born out of wedlock and thereafter proceedings are had under the provisions of sections 166.01 to 166.16 inclusive (bastardy proceedings) of the statutes, and in such proceedings the paternity of such child determined, such child shall be given the name of such father in said report. (2)

The New York State Law requires that the birth of a child be recorded as legitimate or illegitimate, and also the full name of the father is put on the record.

In North Carolina, the name of the reputed father cannot be entered on record without his consent, but other information

1) Wisconsin Statutes, Vol. I., op. cit., p. 2351.

2) Ibid., p. 830.

regarding him may be entered.

In North Dakota, every child is by law the legitimate child of its natural parents, and the surname of the child is that of its father.

In Missouri, all facts that the mother may be able to give about the man whom she claims is the father of the child, are completely suppressed.

In the District of Columbia, the law makes it optional for the physician or midwife, in case the baby born is illegitimate to include on the birth certificate any facts that might lead to the identity of the father, mother or child.

The City of Chicago has an ordinance to this effect, that, any patient in a maternity home may file her name and address and that of the father of the prospective child and certain additional facts, all of which shall be kept in a secret record to which no person except officials and employees of the Department of Health have access, unless by order of a court of competent jurisdiction.

In Minnesota, the name of the father is entered, only subsequent to his conviction in court.

The practicability of legislation requiring that the child bear the name of the father, or, that the name of the father should in all instances be put on record, is questionable. Is it for the good of the child? Such a legal record would make known the child's illegitimacy, if the child lives with its mother. The unmarried mother has no right to the father's name. And should the child have a different name, or should a public record show the child that its father's name is different from its mother's, a problem arises which we surely

are desirous to avoid. For, the normal legal relation between parent and child involves the social foundation of a lawful or de facto marriage.

Again, the practical consequences of assimilating the status of an illegitimate child to that of a legitimate child are also limited. Should laws be made to this effect, then legislation is attempting to change social conditions and concepts of the status of marriage.

Part IV.

Relation of the Parish Priest to the Bureau.

With the recent development of the Catholic Diocesan Charities equipped with well-trained and efficient administrators and workers, the pastor is relieved of handling baffling cases alone. One feature of work of the Catholic Diocesan Charities is illegitimacy. Each case is handled with the assurance of better care and treatment than that which the pastor, in his capacity can give. All the facilities which a community affords are, each in its proper time, brought to the girl's assistance. For this reason, a case working agency is in a better position than the pastor to handle the problem more efficiently.

In the Catholic Church, therefore, the problem of illegitimacy has taken a wider social aspect. The old way of handling such cases has shifted. The arrangements are no longer between the parish priest and the delinquent parties solely. Today, plans of treatment of cases are worked out through co-operation between the parish priest and the Catholic Diocesan Charities, making for better care and follow up in each case of illegitimacy.

As soon as the Diocesan Agency takes hold of a case, the responsibilities of the parish priest are shifted to the agency. The agency becomes fully responsible for the girl continuously from that time until a final permanent plan has been worked out.

The Diocesan Agency makes no reports to the respective parish priest on cases of illegitimacy in their parish. Records of the agency are kept secret. No information is given to a parish priest even though he call at the office of the

Bureau to ask about a particular case in his parish. No information is given him except he himself referred the case to the Bureau. The writer has experienced this fact in his dealings with and in his cases presented to the Bureau. Should the Diocesan Agency need the help of any parish priest, one of the workers calls on him to obtain whatever is necessary.

Concerning the parish priest, the Milwaukee Conference
(1)
on Illegitimacy reads:

"In attempting to assist the unmarried mother, the influence of religion should not be overlooked. Therefore, an effort should be made to enlist the services of the girl's pastor, or some other properly authorized representative of her religious faith."

1) Milwaukee Central Council of Social Agencies,
"A Community Program for the Unmarried Mother and Her Child,"
op. cit., p. 4.

Part V.

Civil Marriage Contracted by Catholics.

When the girl informed the Bureau of her marriage in Waukegan, Illinois, at her first interview in the office of the Director, the Bureau was very anxious to verify that marriage. The girl, being Catholic, was not considered as married by the Catholic Church. Such is the Canon Law of the Church. It does not recognize civil marriages when contracted by a Catholic or Catholics.

(1)

"Those marriages only are valid which are contracted either before the pastor or the Ordinary of the place, or a priest delegated by either, and at least two witnesses." (Canon 1094)

To the form of marriage as demanded by the preceding Canon
(2)
are held:

"1) All persons baptized in the Catholic Church, and converts to the Church from heresy or schism, though the first mentioned as well as the converts should afterwards have fallen away, if they contract marriage among themselves.

2) Catholics, as described in the foregoing paragraph, who marry non-Catholics, either baptized or unbaptized, even after they have obtained a dispensation from disparity of cult, or mixed religion. (Cf. above. p. 63, sqq.)

3) Catholics of Oriental Rites who marry persons of the Latin Rite held to this form of marriage. (Canon 1099)"

1) Woywod, Stanislaus, Rev., op. cit., p. 221.

2) Ibid., p. 224.

CHAPTER V.

A Feeble-minded, Unmarried Mother.

(Under Age)

Chapter V.

A Feeble-minded Unmarried Mother.

Part I.

Presentation of the Case.

A married sister of the pregnant unmarried mother referred the case to the Bureau, asking for information and co-operation regarding confinement care. The pregnant girl was 16 years old and expected to be confined in a couple of weeks.

The delinquent girl was interviewed at home. She said that at the moving picture theatre she met a certain Mr. X. He took her home, even though they had never met before. That night they had illicit sexual relations. She had not seen him since, but her married sister spoke to him. He promised her sister to make a settlement. A date was set. He failed to appear. The sister knew the address of the alleged father of the child.

The mother of the girl spoke very highly of the married sister, saying that she had been a great help to them in this trouble, and for this, they were greatly indebted to her and her husband.

The family was Catholic and were active members of the Catholic congregation nearby. The girl, however, has never attended a Catholic parochial school.

Arrangements were made at once with the Milwaukee Health Department for the Wassermann and the Gonorrhoea Condition tests. These tests are required by some hospitals as a condition of entry. Thereafter the girl was accompanied to the Misericordia Hospital for confinement care.

The married sister called at the Bureau. She gave the

information that the family would not keep the baby and were very anxious about making arrangements to dispose of it by adoption. This matter could not be discussed at the time. It is a policy of the Bureau to assure an opportunity to every mother to keep her baby, unless, after all other plans have been considered for the baby, it becomes necessary to release the baby for adoption. (1) Before the sister left the office, she said, that the mother of the girl would pay the hospital bill in a few days.

Later, the sister was interviewed at home. She asked the worker what to do about getting in touch with the alleged father. A couple of months ago, she had been to see the District Attorney about the matter. He was a personal friend of the family. She was advised to wait until the baby was born. The child was already born. The social worker suggested waiting a little longer until the girl would be able to be up to accompany them to the District Attorney's office. Since the girl was very lonesome at the hospital, the sister suggested having the girl stay with her at her home. The worker admitted that hers was a nice home and that the delinquent girl would probably be able to give the baby good care there, but no promises could be made as the matter would have to be taken up with the Milwaukee Health Department. The worker thought that the best thing for the delinquent girl to do, and this at the end of the three months' nursing period, would be to put the baby in a boarding home, under the control of the Juvenile Protective Association. A delay of three months would allow the delinquent girl a chance to plan for herself. The sister agreed with the social worker, saying, that she wanted to do the best thing for the girl.

1) Milwaukee Central Council of Social Agencies, loc. cit., p. 83.

117.

The worker interviewed the girl at the hospital. The girl was quite cheerful, although rather lonesome. She liked her baby. The baby was baptized in the hospital by the attending chaplain, a Jesuit Father.

A couple of weeks later, the hospital informed the Bureau that the girl, notwithstanding explanations and kind words, was refusing to eat, and as a result, her baby was losing weight. The worker called on the girl and tried to explain that not eating had a bad effect on the baby; but she did not seem to understand at all. She seemed to be very childish and immature.

A week later, the worker called on the girl again. The girl had been eating more, and the baby was gaining. Seemed to be quite cheerful, always in a sitting position, staring into space; and when spoken to, smiled rather vacantly.

The delinquent girl, her sister, and the social worker came to the District Attorney's office. The girl was questioned very closely by the District Attorney about her acquaintance with the alleged father. She told her story, that she met him at the moving picture theatre, and that he had taken her home; that night, she had relations with him, although she had never seen him before. Also admitted meeting him two weeks later, and had relations with him again. No other men were involved, she declared. Upon questioning, she admitted masturbation. A warrant was issued by the District Attorney for the arrest of the alleged father. All were asked to come to the office of the District Attorney the next morning.

The alleged father was arrested. He confessed, but claimed that there were others involved, having mentioned the names of two men. The girl was questioned by the District Attorney about the two men. The day before, she declared, that no others were involved. Being questioned severely, she

admitted relations with them. The District Attorney reprimanded her for lying to him the day before. She began to cry, not for shame at wrong doing, but because she was caught at lying, at least it so appeared to the worker. The alleged father was now called into the office of the District Attorney, to repeat his story so that all might hear it; and that the worker might be a witness at the trial, if necessary. The man admitted relations with the girl on two different occasions, giving the exact dates.

The girl had no idea of the dates when she had relations with the other two men; and was unable to give any information upon questioning. The District Attorney said, that there might be some doubt as to paternity. He asked the worker to help the girl recall the dates. A warrant was issued for the arrest of the other two men.

Later, the worker talked with the girl alone. She admitted that there were several men involved, but did not know their names, except of two, whose names she disclosed. These two men were not those mentioned by the alleged father. However, she could not recall the dates; could not recall any dates, even with the other, and had no idea of the number of times.

The married sister was very much shocked to find out what her sister had done, and said that she never would have brought the case into court if she had suspected the truth.

The District Attorney made arrangements with the Milwaukee Mental Hygiene Clinic for an examination of the girl, in order to determine her mentality before going on with the prosecution.

The worker made an outline of the social history of the case. She called on the girl's mother for more adequate information. The mother was co-operative. Then, the worker called at the school which the girl attended for her record. She also called at the Misericordia Hospital for the birth record of the child to determine whether it was a normal baby and whether it had any peculiarities.

The outline of the case was written up and presented to the Milwaukee County Dispensary, before the mental test took place.

After the mental examination was completed, the Milwaukee County Dispensary sent the report to the Bureau, as follows:

Physical: Slightly under height. Normal nutrition. Good strength and posture. Thyroid slightly enlarged, and several teeth slightly carious. Rapid heart action.

Mental: Defective mentality. Performance consistently low. Poor learning ability, poor motor control. Inadequate grasp of general knowledge. Slow in comprehension. Attention fairly well sustained. Very slow rate of reaction. Responses partially reflective. Average willingness, but only fair effort. Quiet, sluggish, agreeable, rather responsive, somewhat silly, quite indifferent, immature and naive. Reported by sister as being lazy, selfish, impudent, untruthful, affectionate at times, not gregarious.

Problem: Determination of mentality.

Background: (a) Heredity; Entirely negative. (b) Developmental: somewhat retarded in walking and talking. Severe illness at the age of seven. (c) Habits: very restless sleeper. Fussy and irregular about eating. Bites nails and fingers. Masturbation admitted. (d) Home conditions: physical conditions good, but control quite lax.

Conclusions: Girl's conduct is easily explainable when one notes the degree of mental incapacity. She is so defective as to constitute a meance to herself and to the community. Unless she is placed under custody and supervision, she is quite likely to get into further trouble. Parents' control has

been so inadequate as to make it out of the question for her to remain home. Would suggest House of Good Shepherd or commitment to a feeble-minded institution."

Court Action.

The girl became very confused on the witness stand, did not seem to know what she was saying. The jury found the alleged father guilty, but sentence was deferred until the trial of the two men mentioned by the alleged father. The first one pleaded guilty; his sentence was deferred. The other had a trial and was not found guilty. The girl's testimony was very poor, and cross-examination showed her low mentality.

The sentence for the alleged father and the other man was deferred until the judge had time to think the matter over.

The Municipal Court reported the case to the Juvenile Court, that they might file a petition for the delinquency of the girl. She was under age, being only 16 years old. The Juvenile Court called the Catholic Social Welfare Bureau to bring information about the girl. Two petitions were filed at once: one for the girl, and one for the baby.

Trial of the girl and baby was held again, this time in the Juvenile Court. It was decided to commit the child to the County Home for dependent children, and this, permanently. The girl was committed to the House of Good Shepherd, with the understanding that she should be removed to another institution, if she became at all troublesome.

The family was greatly disturbed about the commitment and tried to have the girl sent home on probation. It seemed, they did not understand the situation at all; nor the report of the Mental Hygiene Clinic.

The married sister called on the District Attorney, who

was a personal friend of the family. Thereupon, the girl and baby were allowed to go home. The Juvenile Protective Association followed up the case.

Part II.

A Study of the Case.

In the case and treatment of the case quoted, we have an example of bad case work. Diagnosis of the case was wrong. The problem was feeble-mindedness. The pregnant unmarried mother was an imbecile, an easy prey of lust. Her child about to be born, had the germ of possible hereditary imbecility. This fact was the important starting-point in the handling of the case. Hence, neglect of the necessary mental examination at the time when the case was reported to the Bureau, meant just so much wasted effort. The worker had enough cues to question the girl's mentality. Investigation into the social history of the girl and family, her school record, her conduct since she left school, would determine in the very beginning, another approach to the care of the girl with a view to rehabilitation; and plans for the baby would receive a more adequate consideration.

The report of the Milwaukee County Dispensary revealed her imbecility: "She is so defective as to constitute a menace to herself and to the community." Her rehabilitation, therefore, depended on segregation and commitment to an institution, to be under continual custody and supervision. No amount of instruction in self-control and in sex-affairs could bring about a rehabilitation of such a defective. The reasoning faculty of such a one cannot function normally. Should an occasion arouse the lower passions, the passions are beyond control. The powers of the flesh reign supreme in the mentally defective. It is necessary, therefore, to control their environment, to remove what may be an occasion of sin for them.

This is accomplished by segregation.

Whether a child of a feeble-minded mother should be committed to a home for dependent children is questionable. It depends on the physical and mental condition of such a child. If, upon an examination no defects are present, such a child should be given a chance of being brought up in home surroundings. It should be boarded out or adopted. Should any defects show themselves later, the child can then be placed in a public institution caring for such defective children.

Establishing paternity in the case quoted was an easy matter. The man admitted his guilt, and made arrangements with the girl's married sister to come to some agreement. This was planned before the case was brought to the Bureau. It was not the important problem in the case.

Care of Feeble-minded.

Feeble-mindedness is hereditary and a contributory cause of immorality.

There is much agitation about the care of the feeble-minded. Some believe only in institutional care, irrespective of the degree of feeble-mindedness. These would like to see our public and private institutions filled to capacity. There are others, again, who believe that many of these cases can be properly cared for in the home of the parents.

In regard to the care of the mentally handicapped, the Standards of Child Welfare, suggests that, ⁽¹⁾

"In suitable cases, parents should be allowed to have the custody of their child, with the understanding that he shall be properly cared for and protected during his life, that he shall not be allowed to become immoral or criminal, and that he shall be prevented from parenthood. Whenever the parents or friends are unwilling or incapable of performing these duties, the law should provide

1) Fernald, Walter, E. - A State Program for the Care of the Mentally Defective. "Standards of Child Welfare" op.cit., p.401.

that he shall be forcibly placed in an institution, or otherwise safeguarded."

It is a duty of the State to care for these but only then, when the home is unwilling or unable to do so. The home is sacred, with rights and obligations. The State steps in, when the rights and obligations of the home are in danger, to protect the helpless and innocent. Also, to help develop in each individual his capacity and personality to the utmost.

(1)

To quote again from the Standards of Child Welfare:

"Each State.....should make adequate provision for such mentall defective children as require institutional care and provide special schools or classes with qualified teachers and adequate equipment for such defective children as may be properly cared for outside of institutions. Custodial care in institutions for feeble-minded children should not be resorted to until after due consideration of the possibility of adjustment within the community."

The keynote to a practical program for the proper care of mental defectives, is special education. The defective child is entitled more than a normal child to education because of its greater needs and limited capacity. This cannot be done in our ordinary schools. Special classes or institutional schools should be established. A special course of study should be outlined, and the necessary equipment of school materials for these special school classes should be furnished. The State Board of Education should prepare suitable text books for these defectives; and a manual for teachers should be carefully prepared, describing the methods of training and management of the defective child. Normal schools for training teachers should put into their curriculum, a course in teaching defectives, how to recognize probable cases of mental defect,

1) Fernald, Walter, E., op. cit., p. 443.

so that the student in training may have a general idea as to the training and discipline of such children. The State Board of Education should also prepare a series of literature for the use of parents of feeble-minded children. This literature should contain special articles for young boys, for young girls, for older boys, for older girls, and for other groups. The pamphlets and manuals should inform the parents of the limitations of these children in the way of scholastic acquirements; emphasis should be placed on the importance of the development of habits of obedience and industry; on the necessary protection against evil influences and companions during the formative period, and of the possible need of institutional care in the future.

The point to stress in the care of the defective is this: To give proper care and training during the formative period of life, while he or she is yet a child. This is to be done either at home with the special help of an attending teacher, or by conducting special classes for these in public schools; or, as a last resort, by placing such a child in a State institution. It is the neglected defective who makes trouble later in life. Therefore, it is necessary to protect such a one from temptation and evil associations during his childhood, educate him by special methods to acquire correct habits of living; and when such a one has reached adult life, continue to give him the help and guidance necessary.

There are two types of feeble-minded persons. First, those in families who are capable of properly protecting, controlling and educating their feeble-minded children. These should not be confined to a public or private institution.

Second, those whose parents are unwilling or incapable of performing these duties toward such defectives, on account of their ignorance, or lack of moral and religious standards, or unwholesome customs, or other unfavorable conditions of environment. These must be segregated for institutional care, for they may constitute a menace to themselves and to the community.

In the care of the mentally defective, the deceptive practice of sterilization is gaining ground. There are two reasons for this deceptive practice. First, that defectives should not perpetuate their decadent stock. Feeble-mindedness is hereditary. Second, to decrease vice and immorality.

As to the first reason, sterilization is entirely unnecessary. The effect in view is attained if the degree of imbecility is grave and beyond control, by a complete segregation in some institution, and thereby removing all immoral or other suggestions which may possibly tempt them to succumb to their lower instincts.

As to the second reason, vice and immorality will not decrease by sterilization. In the first place, it will not cure the feeble-minded from the mental defect. Neither will it reform the imbecile. And if such are allowed to return to their community after sterilization, these degenerates will increase vice and immorality. Women will not be safe from the attacks of such men; feeble-minded girls will become the victims of the lust of men; social disease will spread, because sexual life will be given full and free play, entailing no responsibilities intended by Nature and the Author of Nature. What will be the consequence? Segregation will become necessary.

Then why resort to unnecessary, uneffective, non-reformatory methods when ultimately these must be segregated? Segregation will accomplish just that what is intended by sterilization.

The State of Wisconsin makes a legal provision for the
(1)
sterilization of defectives:

"Sec. 46.12. Sterilization of defectives: (3) If such experts and superintendent unanimously find that procreation is inadvisable, it shall be lawful to perform such operation for the prevention of procreation as shall be decided safest and most effective; provided, however, that the operation shall not be performed except in such cases as are authorized by the said board of control.

(4) Before such operation shall be performed, it shall be the duty of the state board of control to give at least thirty days' notice in writing to the husband or wife, parent or guardian, if the same shall be known, and if unknown, to the person with whom such inmate last resided."

The Wisconsin Statute is unjust. The State may be justified in sterilizing mental defectives only then, when the following conditions are present: First, the number of mental defectives and their degenerate, diseased, and dependent offspring is so great as to create a present or certainly imminent danger to the common welfare; Second, when no other means of
(2)
protection is feasible.

The State of Wisconsin is not threatened with an imminent on-sweep of racial deterioration and of decadent stock. The number of the mentally defective is often subject to exaggerations. The well-being of society is far from being menaced by the mentally defective. Moreover, it is sufficient that these degenerates be under supervision and control to prevent perpetuation of feeble-minded undesirables. Sterilization is not necessary.

1) Wisconsin Statutes, Vol. I., op. cit., p. 562.

2) Unjustified Sterilization, "The America" Vol. XXXVII. No. 5.
(May 14, 1927) p. 102.

(1)

Civil authority cannot impose sterilization for public well-being to prevent degenerate offspring. The State has no jurisdiction in such matters, pertaining to the founding of family ties; and it is better for a degenerate offspring to be than not to be. However, civil authority can provide for the future of such children, and this, indirectly only. The State is for the individual; not the individual for the state. Again, sterilization cannot be imposed as a punishment. Such a punishment is improper. And, in many instances, such a punishment is a deprivation which, in reality, is desired and often demanded for further immorality and degeneracy.

(2)

Sabetti-Barrett, explain to us the teaching of the Catholic Church concerning sterilization.

Vasectomy is an operation performed on men, by which the testicles are severed. It is called perfect when both testicles are severed. After this operation is performed, the desires of the flesh remain and the carnal copula can be accomplished as before, except that the seed of the man cannot be ejected. Those who make such laws, desire solely to prevent the birth of defective children, namely, those which are not desirable to the State. After a case has been considered, and judgment has been passed by a legal commission that there is no probable chance that the criminal will improve, and that procreation is undesirable, legal proceedings are started to perform the operation which will hinder procreation. Then, when all other conditions are taken care of, the operation is performed. Such a law is unjust, the Catholic Church teaches,

1) Lehmkuhl, Augustine, Vol. I., op. cit. p. 405. No. 735.
2) Sabetti-Barrett, op. cit., p. 272-273. No. 267.

because: (1) the danger is not threatening; children do not yet exist, and if they did exist and were educated in a Christian manner, the danger, very often, could be removed. (2) That there are feeble-minded persons, the State is not free from all guilt, because of its negligence. The problem of the mentally defective exists, because the State has neglected its most sacred duty of offering these unfortunates a Christian education. (3) We concede that the State may lawfully do that which is necessary for its conservation. However, it is not necessary, that such an operation be performed for the conservation of the State. (4) If the patient would be treated in a Christian manner, it would be seen that there is not only a probability but a great hope that he would improve. There are many who, by this method, have been brought back to a better moral excellence. (5) It is altogether cruel to let remain the organ of the man with its violent desires; to let the power remain of producing a prolific seed and of performing the same act, from which was taken away its sole purpose and power to complete the act, namely, the ejection of the seed and the possibility of procreation.

What is said of vasectomy is to be applied to ovariectomy or oophorectomy, which pertains to women.

We must not confuse therapeutic sterilization with eugenic sterilization. Mutilation of the body, such as excision of an organ, for the purpose of removing a serious pathological condition of the member or any organ of the body, is called therapeutic sterilization. This kind of sterilization is allowed, whenever the general welfare of the body demands it and the conditions are sufficiently grave to permit such

an operation.

"quam quisque sua sponte sibi infligere nequit
nisi sit ad totum corpus seu vitam conservan-
dam necessaria." (1)

The State is not concerned so much about therapeutic sterilization. It is eugenic sterilization that is of concern with the State in the care and treatment of the defectives. Eugenic sterilization, according to the teaching of the Catholic Church, is unlawful and unjust.

1) Lehmkuhl, Augustine, Vol. I., op. cit., p. 405. No. 735.

Part III.

The Juvenile Court.

The case quoted in this chapter illustrates a court action which should have been held only in the Juvenile Court. The unmarried mother was under age, a juvenile delinquent. Only the Juvenile Court is socially equipped to deal with such cases in a constructive way for the safeguarding of such child-mothers. And this children's court should have jurisdiction over the proceedings against the alleged father. Imagine! A 16 year old unmarried mother going through the experience of a public trial in the Municipal Court, crowded with strangers, to be searchingly cross-examined, with a jury to decide the trial. To go through such an ordeal is not to the credit of the authorities; it furthermore, does not protect and help such a young mother to readjust her life, with this picture of a Civil Court action haunting her a life-time, like the ghost of Banquo.

Illegitimacy is a child welfare problem. The center of attention is the child born out of wedlock, the care and protection that should be afforded such a child. Every illegitimacy court action is primarily for the benefit of the children born out of wedlock, which, through the handicap of their birth, require special protection. The child's welfare is the predominant consideration, accompanied by the responsibility of the natural parents and the State. The nature of court action should, therefore, be that of a child welfare action. This child welfare action can properly be had only in the Juvenile Court, which alone is equipped with a socialized staff to handle the problem properly.

In the procedure of illegitimacy cases, it is essential

for the protection and rehabilitation of the unmarried mother and her child, that not only the evidence in the particular case be laid before the court, but also the surrounding facts and circumstances, including previous history of the child, its present social environment, and its physical and mental conditions. These facts are secured by the probation officer of the court. He has the co-operation of social agencies dealing with such problems.

The Milwaukee study of the care of children born out of wedlock proposes that all illegitimacy cases should be handled only in the Juvenile Court.

"The purpose of the laws governing the support of children born out of wedlock should be primarily to safeguard the interests of such children.....Exclusive jurisdiction in cases involving the support of children born out of wedlock might well be lodged in the Juvenile Court, and the definition of "dependent" children under the Juvenile Court law made to include children born out of wedlock. In this court of socialized experience and equipment the mother could receive the benefit of the help of the probation staff, and particularly the assistance of woman officers"(1)

Among the recommendations proposed for State legislation in Missouri by the Children's Code Commission in 1917, the method of court procedure was one of the proposals.

"That questions relating to the paternity and support of such child be brought before the Juvenile Court." (2)

At the Chicago Regional Conference, Jeannette Bates, giving a report of the amendments to the Illinois Law, made this statement as to court action of illegitimacy cases:

"We succeeded in having court jurisdiction extended to courts handling juvenile court cases; that we considered rather a substantial advance. Now these cases may be handled in the juvenile

- 1) "Illegitimacy as a Child-Welfare Problem" Part III. op. cit., p. 140.
- 2) "Standards of Legal Protection For Children Born Out of Wedlock", op. cit., p. 51.

court branch of our courts. In Illinois, however, the juvenile court has not exclusive jurisdiction but only concurrent jurisdiction, so it has to be made a matter of local arrangement with the State's attorney, whether or not we can have cases handled in the local juvenile court." (1)

(2)

The Standards of Child Welfare also proposes, that all illegitimacy cases should be handled in the Juvenile Court.

The proposal reads as follows:

"The juvenile victims of sex offenses are without adequate protection against unnecessary publicity and further corruption in our courts. To safeguard them, the jurisdiction of the juvenile court should be extended to deal with adult sex offenders against children, and all safeguards of that court be accorded to their victims."

In the Minnesota study of illegitimacy and of the necessary legal changes in court procedure, Mildred Dennett Mudgett proposes a closer relation of the various courts handling each case, and that each court should have a socialized staff and equipment. The proposal was as follows:

(3)

"The ordeal to which both the girl and the man are subjected by the present method of trial in court deserves a severe indictment. Even when the judges are careful to clear the court room at both hearings the prosecution at present is an experience from which a young girl may well shrink. The whole organization of the courts for the handling of the problem of illegitimacy needs revision. It is obviously inefficient to have unmarried mothers pass through three different courts. The preliminary hearing, the proceedings to establish paternity, the commitment of the girl or the child, the nonsupport action against the father, should all be handled by the same judge; or, if this is impossible, each judge should have a complete record of all previous court action in the case. Each judge, also should have at his command the services of a trained investigator who can secure complete social data. Such a reorganization of the courts would improve the co-operation between the child-welfare board and the court, and by a division of labor acceptable to both might relieve the child-welfare agents of some investigation, allowing them to devote more time to constructive aftercare of the girls.

- 1) "Standards of Legal Protection For Children Born Out Of Wedlock" op. cit., p. 50.
- 2) "Standards of Child Welfare" op. cit., p. 443.
- 3) "Illegitimacy as a Child-Welfare Problem" Part III.

CHAPTER VI.

The Consciously Immoral Girl and Man.

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The Consciously Immoral Girl and Man.

Part I.

Presentation of the Case.

An active case of the Juvenile Protective Association was given to the Catholic Social Welfare Bureau. It was an illegitimacy case. The Bureau took charge of the case with the understanding that the case was to be returned to the Juvenile Protective Association if, after the girl left the hospital, there should be further need of social work. This transfer took place five years ago, in 1924. The case is still an active one, far from being considered closed.

The girl in question was Catholic. She had given birth to an illegitimate child, a baby boy, a little more than a year ago. Complete records of the case were in the office of the Juvenile Protective Association. Paternity was established in Civil Court. The alleged father was ordered to pay \$25.00 per month for the baby boy, until he becomes 16 years of age. Thereafter, the girl was pregnant with another illegitimate child. The alleged father was the father of the first baby boy. He was Catholic. The girl and man were single with no obstacle or impediment to marriage.

At this point, the Catholic Social Welfare Bureau took charge of the case. The girl came to the Bureau. She asked to have the baby boy placed in a licensed boarding home. The Bureau advised the girl to talk the matter of a boarding home with the Juvenile Protective Association. The girl was told to inform her sister, Mrs. X, of her present pregnant condition.

Mrs. X agreed to take the baby boy to board. The girl's

second confinement of the second illegitimate child was to take place in two months.

A little more than a month after the second confinement, Mrs. X, the girl's sister, called at the Bureau to say that the board of the baby boy whom she was keeping, had not been paid. The County Poor Office had informed her that the girl would have to make a complaint before they could do anything towards securing the stipulated money from the father of the child.

When the three months' nursing period was up, the baby was removed to the Infants' Department of the St. Joseph Hospital. The girl was accepted into the home of Mrs. X, who was still boarding the first baby boy.

The case came up in Circuit Court, i.e., regarding the second illegitimate baby. A lump-settlement was made by the father of the child. The amount fixed was \$525.00. He also gave \$100.00 back pay for the first boy.

The girl was anxious to find employment. A letter was sent to her by the Bureau, telling her about a position which was open in a factory. She got the job.

Two months later, the social worker visited Mrs. X. The girl was still staying here with her older boy and was working in a factory during the day. The younger baby boy was in St. Joseph's Hospital and showed evidence of the best of care. The girl visited him regularly and paid the board for him. This money she had from the lump-settlement. Money for the care of the older boy was paid by the father, at the end of each month through the County Poor Office.

The second baby was getting too big to stay at the hospital. Mrs. X, who was already caring for the older boy, had no

room for the younger one. Furthermore, her husband objected. Mrs. X said that the father of both children still kept saying that he and the girl would be married soon; but he never carried this through. When the time came for the marriage as planned, he always had some excuse to offer. In due time, thought Mrs. X, they will marry; and will take both their children into their own home.

The girl said, that she would have to place the second baby with the Carmelite Sisters in Wauwatosa. She had previously made arrangements with them and was promised care of the child.

The case was returned to the Juvenile Protective Association. This was agreed upon in the very beginning. The Catholic Social Welfare Bureau handled the case for one year and six months.

Thereafter, the Juvenile Protective Association cared for the children and their unmarried mother. After a lapse of two and a half years, a conference was held on the case. The Family Welfare Association, the Catholic Social Welfare Bureau, and the Juvenile Protective Association formed the conference.

The record of the Juvenile Protective Association was read in full. It was very lengthy, and contained all information regarding both children, the settlement made for them, and the follow-up of the case.

The court ordered that the father pay \$25 per month for the first boy until he is 16 years of age; and, a lump-sum of \$525 for the second boy. This last amount was paid in full.

The Family Welfare Association informed the conference that the case was referred to them by the landlady of the girl about a year ago.

At the time of the conference, the girl's financial condition was very bad. She was living with her two children in a private home. She called herself Mrs.....(the father's second name), although she was not married to him. The father of the children was not working. The girl was trying to live on what he gave her. The father stated, that he had no intention of marrying the girl; that positively, he will not marry her. The girl, however, was anxious to be married to him, so that she might give the children a name and a home.

It was decided at this conference that the Catholic Social Welfare Bureau take over the case again.

The social worker of the Catholic Social Welfare Bureau called at the girl's home. She lived in one room, on the third floor. The room was clean and neat; also the children. It was apparent that they had little to eat. It was supper time when the worker called. The only dish on the table was potato soup. The girl explained, that when the children had eaten the soup, they would have to go to bed immediately. The father was not making his payments regularly; and did not know how she would get along in the future. Was very much opposed to the idea of the social worker talking to the father alone. She claimed that he made payments only then when the worker had sent for him to come to the Bureau. If the worker would not approach the father he would be more regular in his payments, the girl claimed. The girl was very suspicious and felt that some one was talking about her to him. Thereupon, the worker made arrangements to meet the father and girl together to talk with both of them.

The girl was worried. The man was calling on her; they

continued having illicit relations. For this reason she could not be reconciled with the Catholic Church. Would like to move to another place, so that he could not visit her. She seemed very anxious to make her Easter Duty, and to return to the "fold".

The worker obtained food supplies for the children from the St. Vincent de Paul Society, a Catholic Charity Agency; and brought the food supplies to the children.

Sometime later, the worker called on the girl at her home and talked with the man as was arranged. It was very difficult for the worker to get any statement from the man. The girl interrupted him, every time the man tried to say something. Finally, he insisted, that he did not intend to marry her; that he was willing to stay away from her; and to send the stipulated money rather than come to the house. Thereupon, the girl insisted that he should come to see the children, not her. This started an argument which lasted about a half hour.

The man expected to start working the following day and agreed that as soon as he started to work, he would make his payments regularly; that he would stay away from her and even the children. He talked at great length about what he could have done if he had the opportunity. The worker tried to persuade him to come to the Bureau. He refused to do so.

Later, the landlady telephoned to the Bureau. She believed that they were married. The man treated the girl very rough. He visited her while drunk; and many times left her without money.

A week later, the girl asked the Bureau for more food supplies. The man had not given her any money since the last visit of the worker. The St. Vincent de Paul Society furnished the supplies.

The Bureau suggested that the children ought to be placed in a licensed boarding home so that the girl may return to work.

The worker interviewed the girl at her home to offer the suggestion. The girl was very much opposed to the plan of putting the children in a boarding home. She claimed that they were her only comfort. She had had them so long, she could not bear giving them up. The girl could not see any advantage for the children to be in a boarding home; they were much better off, "couped up" in this one room. Would keep reiterating that they were all she had. Her voice was high and shrill; and seemed to be on the verge of hysteria. She could not stop talking, to think anything sensibly.

She finally accepted the worker's suggestion under condition, i.e., if she gets work and the man pays the board regularly.

The girl with her two children, was living in poverty. Yet, she was contented with her lot. Was verging on hysteria and despair when asked to give up her children. She was still infatuated with the man and thought that the children were her only hold on him.

The landlady called the Bureau, hoping to get some money for the girl's rent. Rent was six weeks behind. The St. Vincent de Paul Society advanced one week's rent.

The worker called at the County Poor Office to read the record of the case. Judgement was entered five years ago for the first baby boy, whereby the father was to pay \$25 per month until the child is 16 years of age. The man's last payment was made just two years ago. Thus far, he paid \$335.00.

The girl telephoned for the worker. The landlady told her she would have to move. The children were noisy and ill-man-

nered; they annoyed the other roomers.

When the worker called on the girl, the girl had changed her mind about the boarding home. At the last interview, she promised the worker to place the children in a boarding home, so that she may go to work and support herself. Now, she decided not to be separated from her children, even during daytime. She suggested a plan to the worker, of renting a cottage in another town nearby, for \$15.00 per month; and absolutely refused to listen to the worker who was trying to explain that living in that cottage would actually cost more than \$15.00 per month. There were extra expenses connected with the cottage, such as, fuel, gas, light, water, etc. But the girl insisted that everything would turn out well. But, the worker won her point. The girl changed her mind about the cottage and begged the worker to find a place for her to stay. The landlady insisted that she should move. The children were behaving, the girl continued, and have done nothing to annoy the other roomers. As soon as the worker should find a place for her, she would have someone stay with her children during the day, someone from the Employment Agency, as she had done before. This would give her a chance to go to work.

Before the worker left, the girl promised that if the man did not make his payments regularly, she will have him arrested and brought into court.

The man came to the Bureau. The Director explained to him that unless he agreed to support the children regularly, the girl will be obliged to have him taken into court. At first, he was inclined to argue the matter, but finally agreed. Furthermore, the Director insisted, that he must keep away from the girl. He made many excuses for himself, saying the girl

ran after him. If he stayed away, she would call up and ask him to come. He would prefer not to see her at all; and had no intention of marrying her. One wish he cherished in his heart. Should the children be placed in a boarding home, arrangements should be made for the girl to stay with them. The girl could not stand being separated from the children. The Director made no promises.

The worker called on the girl, some time later. She was still living there, and getting along a little better. The man was paying quite regularly. That money, of course, was insufficient to support her and the two children. The girl talked at great length as usual; she promised to leave her children with the landlady, and go to work. In the meantime, the Bureau would locate another place for the children.

A few weeks later, the landlady informed the Bureau, that the other roomers had again see the man coming to her; that he came intoxicated, spending the whole night with her. The worker called on the landlady. The landlady repeated the complaints of the other roomers. Also, that the girl was six weeks rent in arrears; and was getting tired of the situation. The girl must move, insisted the landlady.

The worker talked with the girl. She emphatically denied that the man had been spending the night with her. He came twice since the last visit of the worker; once with a man friend and another time with a certain Mrs. A, a friend of hers. The man came to bring her some money and to see the children.

The girl expected to begin working evenings. In this way she would be able to manage herself financially. But was still determined to follow her own plans of staying in the one room

with her children.

The landlady telephoned to the Bureau again. Rent was not paid. Neighbors were complaining of the man who, while intoxicated came to her, to spend the whole night with her.

The worker called at the girl's home. She appeared to be very high strung and nervous; talked in a high-pitched voice; kept moving about the room, picking up things, then sitting down and twisting her hands, while talking to the worker. The man had not sent her any money that week. She had only 52 cents in the house. Mrs. X had brought her some food for dinner. She had quite her job, Could not stand it. She worked evenings to a late hour, one o'clock in the morning; and at six-thirty in the morning was up with her children.

The worker suggested that she go to the St. Vincent's Infant asylum with the two children until some other plans were made for her. The girl became very indignant at the suggestion. She refused to place her children in an orphan asylum, claiming that she had placed one of her children at the Carmelite Sister's Home, where it did not receive good care.

The case is still an active one with the Bureau, far from being considered closed.

Part II.

A Study of the Case.

When paternity is established in illegitimacy cases, support of the child involves difficulties. There are two ways of supporting the child: (a) by making partial payments every month until the child is 16 years of age; (b) by making a lump-settlement.

In the first case, the man is usually obstinate and irregular in his monthly partial payments. These payments are made to the County Poor Office. To force the man to regular payments and to pay his arrears if his whereabouts are known, a warrant for arrest must be served on him. The warrant is served by the girl complaining, not by the County Poor Office. Thereupon, should he refuse to pay the arrears, he is confined to jail on the charge of non-support, not exceeding 90 days. While the man is in jail, the unmarried mother and her child receive food supplies from the County. Being released from jail, the man may again refuse to make his payments regularly. So the process repeats itself. Whether the issuance of a warrant for non-support is of advantage to the unmarried mother and her child is questionable. It should be done after all other schemes have failed as a despairing attempt.

The other method of support is by making a lump-settlement. As a rule, lump-settlement is so small that it allows support of the child for two or three years only, instead of sixteen years. There is, however, one advantage for the unmarried mother in accepting a lump-settlement, namely, assurance and certainty of cash money in a lump-sum for the care and support of her child.

Both methods of support, with the difficulties involved,

are exemplified in the case quoted in this chapter. Judgment was entered against the alleged father, that he pay \$25 per month for the first illegitimate child, until it is 16 years of age. Because of his irregular payments, he paid within the first five years \$335 for the support of the child. As to the second illegitimate child, a lump-settlement of \$525 was agreed upon and paid in full.

The monthly allowance for the first child was sufficient, if paid regularly. Of the lump-settlement for the second child, money was taken to pay the confinement care of the unmarried mother, and the hospital fee; also for the care of the child while in the Infants' Department of St. Joseph's Hospital.

When the unmarried mother was caring for her two children, the lump-settlement money was soon depleted while partial payments for the other child were not made regularly. The economic condition of the home became aggravating, when the unmarried mother refused to board-out her children that she might go to work. The County Poor Office would do nothing to force the man to make his payments regularly until she would serve a warrant for his arrest. This, the girl would not do. The man took advantage of the situation. He visited the girl, satisfied his sensuality, and made his payments for the care of the first child as he wished.

Marriage would solve the difficulty. In this instance, it would be a forced marriage for the man was unwilling.

"If the young people have not for each other that affection which should exist between husband and wife, a marriage should not be considered even for the sake of giving the child a name. A forced marriage, as a rule, serves only to make a bad situation worse." (1)

Law can force and fix responsibility on the alleged father and the unmarried mother, but it cannot create affection or a sense of obligation.

This case, which is still an active one will never close, if the parties concerned, the girl and man, are not willing to adjust themselves into society. The worker is there to help and direct them in attaining the standard, the Ideal. But it depends on the girl and man, on them alone, to attain the Ideal, not on the worker nor the Bureau nor any agency.

What is wrong with the case? It is stubbornness. It is a lack of backbone to do what is right. There is need of a firm purpose of amendment. No matter how well these two individuals understand their Ideal and Master, they will not attain "unto the measure of the age of the fullness of Christ".⁽¹⁾

Why not? They know how to live in order to realize their Ideal but they do not the things that they would not, as says St.

⁽²⁾ Paul. Why? Emotions rule supreme in their lives. Their reason dictates that they should live so as to readjust themselves into their social and spiritual status in society. This readjustment is repugnant to their perverted, immoral emotions and desires. Their will follows the law of the members, and ⁽³⁾ not the law of the mind.

The mind and will are not one. The mind sees and delights in what is good, and the will chooses what is evil. "For the good which I will, I do not, but the evil which I will not, ⁽⁴⁾ that I do."

Human nature is weak and prone to evil. But, when aided by Divine Grace, the struggle with self becomes an easy victory.

1) Eph. IV, 13.

2) Rom. VII, 19-20.

3) Ibid., VII, 23

4) Ibid., VII, 19

if one only tries and perseveres. Divine Grace helps man in bringing the emotions of the flesh and its rebelling powers under obedience of the will, so that, the will, and not the emotions, rule supreme.

Sufficient Divine Grace is given to all, irrespective of their moral condition, i.e., sufficient grace for rehabilitation and integration of character, to readjust and rehabilitate one's self. But not all use this Grace. These two individuals refuse to make up their mind, and to stick to their resolution. They refuse to use the means of additional Divine assistance, such as, prayer, vigilance, examination of the state of the soul, keeping away from each other, the holy sacraments, which means give added strength to amend one's life, to readjust and integrate one's powers.

It is no wonder, social workers are helpless in such obstinate cases as the one presented. No social worker, no matter how efficient, can perform miracles.

CONCLUSION.

Conclusion.

The problem of illegitimacy affects about 1000 children per year in Wisconsin. In Milwaukee itself, about 25 out of every 1000 live births are illegitimate. ⁽¹⁾ The problems involved in the care and treatment of illegitimate children are far larger and greater in proportion than the number of such children would imply. We know the right thing to be done in the care and treatment, but often we lack a method or a knack, a systems, or, adequate legislation--of making real what we know is right.

The many problems in the care and treatment of the illegitimate child may be summed up as follows: 1) Illegitimate births should be registered. The father's name, however, should not be on the record, except, after an adjudication of paternity. 2) These records should be held confidential and transcripts should bear no identification of legitimacy or illegitimacy. 3) The mother should have the custody of her child, except, in cases otherwise decreed by the court. 4) The child's name should be that of the mother unless it be changed upon application to a court of competent jurisdiction. 5) The paternity of every child should be established, if possible. 6) Court proceedings to establish paternity should be held in a court of socialized experience and equipment, such as a family court, a court of domestic relations, or a juvenile court. 7) The father should make a financial provision for the adequate care, maintenance, and education of the child until it becomes 16 years of age, and no settlement should be made out of court. 8) The court should have continuing jurisdiction as to custody and support during the minority of the child.

1) Lundberg, Emma, O. "Children of Illegitimate Birth and Measures for their Protection" United States Department of Labor, (Children's Bureau) Publication No. 166, 1926. p. 6.

9) Provisions should be made for criminal proceedings when the father of the child fails to fulfill the judgment obligation. 10) Every effort should be made to have the mother keep her child; and that she nurse it for at least three months. 11) the inheritance rights of a child born out of wedlock should be the same as those of a legitimate child. 12) The mother or guardian of the child should not be permitted to surrender the child for adoption to any person or agency, without the consent of the court. 13) Maternity homes, hospitals, and institutions should be controlled by the State; and the State should have legal guardianship through court order of all children found therein when they are neglected or dependent. 14) The State should make adequate provision for mentally defective as require institutional care; and should provide special schools or classes with qualified teachers and adequate equipment for such defective as may be properly cared for outside of institutions with due consideration of the possibility of adjustment within the community.

What type of unmarried, pregnant mothers report to a social agency and why? Is it the girl who knows contraceptive methods and "foul play" of the many underworld midwives and doctors? Or, the girl who knows how to "keep dark and under cover" her delinquency and crime, who knows how to avoid social stigma and to shirk parental responsibility by sacrificing the life of the innocent, unborn child? Such cases do not come to the knowledge of the public, nor of any social agency; here and there, now and then, we learn of such a girl, who paid the price with her own life. The known cases of illegitimacy are usually first offenders; youths, ignorants of modern

methods of contraception, or, morally conscious of their unlawfulness. Youth, innocence, conscience, ignorance, helplessness, a gradual realization of the consequences following, fear of the parents, inability of the girl to provide for herself and her child during confinement--make the girl, in this shameful and distressing hour, look for a protecting hand, which would help her face the situation and go through courageously.

The Catholic Diocesan Charities is there to help and guide such a girl that, like gold is cleansed through fire, she may reestablish herself, as far as possible under the circumstances into the respectable status enjoyed before the fall.

(1)

We may classify the types of girls and women who become mothers out of wedlock as follows: a) the mentally subnormal girl who lacks controlling inhibitory instincts and is an easy victim because of helplessness; b) the young, susceptible girl, unprotected from dangers, who gets into trouble because of lack of understanding, or through force; c) the more mature young woman of good character who is led by false promises or who weakly or rashly follows an instinct that under other conditions would have been normal and social; d) the really delinquent girl or woman, who knowingly chooses antisocial conduct, her illegitimate maternity being only an incidental evidence of repeated immorality.

In the treatment of the problem of illegitimacy, it is evident, no stereotyped formula can be applied indiscriminately, without consideration of the type of case handled. It is individualization of study and treatment that brings about good

1) Lundberg, Emma, O. "Children of Illegitimate Birth and Measures for their Protection" op. cit., p. 12.

results.

Constructive measures for reducing the extent of the problem demand an analysis and a study of the factors that lead to the condition of immorality and illegitimacy, how and why these individuals deviate from the average normal boy and girl.

What are the underlying social conditions, contributing to this moral delinquency? Is it uncontrolled and unhealthy recreation of our youth today? Or, the free social relation with the opposite sex, "petting and necking", as it is styled today, done even in public without reproach? Or, the filthy, picturesque magazines advocating the cult of sex? Or, the environment of workers in factories and offices? Or, the broken home and the abnormal home, which drives many an innocent girl into the world, if not the underworld?

The extent of illegitimacy is a symptom of a perverted philosophy of sex, of sex-indulgence, of sex-gratification, of sex-cult, which is gaining ground in our country, where indulgence, luxury, use, gratification, pleasure, are substitutes for self-denial and mortification. And, to talk of preventive measures it is useless, until we first recognize and understand and train ourselves in the principle of self-control. "Learn of Me," says Christ. (1) So that, knowing Him, we may love and serve Him. (2) "If a man love Me, he will keep My word."

"Follow Me", is the command of Christ. Christ teaches the meaning of such words which today are passing into oblivion: self-control, self-conquest, self-discipline, self-sacrifice, self-mastery.

This is all important, that we know Christ and make our lives as nearly Christlike as possible. After training and

1) Matt. XI, 29.
2) John, XIV, 23.

perfecting oneself in this philosophy of life, can a social worker attempt to fashion that likeness of Christ in others, to dig out of the mire of sin a depraved character, so that, he or she may begin to live a rational and human life of healthy, saintly habits.

It is the doctrine of self-control, that the social worker must preach.....

"Every man reigns a king over one kingdom--self. He should not only reign, but rule. His individuality is his true self; his best self; his higher self; his self - victorious. His guide is his conscience. His thoughts, his words, his acts, his feelings, his aims, and his powers are his subjects. With firm strength he must control them, or they will finally take from his feeble fingers the reins of government and rule in his stead. He may attain self-control if he only will. Self-control may be developed through self-sacrifice in precisely the same manner as a weak muscle is toned up by little exercises day by day. Let us teach this truth to those with whom our work brings us into contact.

Let us make Right our highest guide, Justice our finest aim, Truth our final revelation, and Love the constant atmosphere of our living, then truly will we reign and rule and convert others to our standard." (1)

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