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New Laws for Minnesota Children

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NEW LAWS FOR MINNESOTA CHILDREN.

One need not be especially thoughtful or observant to find himself asking Why?—when it is proposed to add to or otherwise interfere with (unless it be by judicious repeal) the multitude of statutes which we Minnesotans, following the fixed American habit, have already imposed upon our neighbors and ourselves. Laws, laws, laws! Looking at the biennial output from St. Paul, to say nothing of contributions from local municipalities, one lifts his hands in consternation. True, one may ignore and evade,—we Americans have that habit too; but in our reflective moods we are not wholly satisfied with this alternative. Sometimes conscience—or is it just our sense of humor?—asserts itself and we realize the naive inconsistency of making quick and cock-sure laws to cure or prevent all known and imaginable public ills,—and then quite forgetting to execute a large proportion of them.

When, therefore, it is proposed to laboriously revise our laws relating to children, it is to be expected that such people as read THE REVIEW will promptly inquire—"What's the need?" It will not be difficult to point out existing defects that cannot be remedied merely by better administration. But first it may be remarked that *a priori* our statutory occupation of this important field may be expected to be found far from perfect; and there is no subject of legislation concerning which the quest for perfection ought to be more earnest and sustained. We live in what has been aptly termed "the century of the child". Never before have the obligations of society to its more helpless members been so generally recognized; and of all forms of helplessness that of childhood makes the strongest and most universal appeal. Even those who are still slow to admit that they are their brothers' keepers may be readily made to see that they ought to be the joint protectors of their brothers' boys and girls, and must be if civilization is to go forward. The rapid growth of this common sense of responsibility for childhood has been a noteworthy mark of the last two decades. The young State of Minnesota was prompt to make humane provision for her

youthful offenders in a reform school, for the training of her deaf and blind and for the custody of her feeble-minded children. More than thirty years ago the State Public School at Owatonna was established for the care and education of dependent children, with a wise policy of home-finding as its chief objective. In 1893 private corporations were authorized to become guardians of homeless and neglected children, and place them out in suitable families. In 1905, we imported from Illinois, for our three most populous counties, the then novel juvenile court idea, and four years later attempted to extend it to the remainder of the state; 1907 saw the inauguration of the State Hospital for Crippled Children and 1913 brought so-called "mothers' pensions". On the whole Minnesota has been far from backward in adopting new instrumentalities for child welfare. And to that very fact is due in part the crudity of some of our legislation, since we took it over from other states before it had passed beyond the stage of experiment and become fixed in well considered form. Some of our children's institutions have become models of their kind, while we still find our children's laws crude, inconsistent and inadequate when compared with the best in other communities. No one can be long engaged nowadays in any form of work for the young without recognizing the careful and productive study which in recent years has been given to the problems of childhood; and much of the resulting wisdom has found its way to the statute books,—some in one state, some in another and some in the more progressive countries abroad. Good social legislation is not clutched out of the air; it is the precipitate of patient observation and experience. In the hands of an administrator a new idea is fluid,—he may try it out and modify, adopt or reject it according to the needs of his particular enterprise; the very essence of the legislator's task is to fix its form and content, and this done, wise changes are exceedingly difficult to secure. Hence it is not to be wondered at that while we find the general field of child welfare intensively cultivated in recent years, our Minnesota laws relating to children, however progressive in their origin, have not in well devised improvements and adaptations kept pace with the best details of legislation elsewhere or with the most efficient administration at home.

Of all varieties of laws those that fall within the class we know as "social legislation", concerned as they are not with

mere business relationships or political rights and methods but with human lives, should be most wisely and delicately adjusted to their ends. In this field mistakes both in doing and omitting may mean ruin of health, happiness or character. When the persons involved are young children, in whose keeping will be the future of family, city, state and nation, the importance of such laws is vastly increased; and surely they are of supreme moment when these children are so disadvantaged in inheritance or environment that they are entering upon the struggle of life with a heavy handicap. For such private philanthropy can do much but not all. When there are rights to protect or wrongs to prohibit, or when public funds are to be disbursed, the law must be invoked. "Such laws are difficult to frame. Often the line between the good and bad is indistinct, and while the good is very good indeed, the bad, like the little girl in the nursery rhyme, is 'horrid.' Often the subject is a new one and the statute is sure to come under the severely critical tests of an appellate court. Often in order to effect its purpose a measure must creep as near as possible to the precipice of unconstitutionality in restricting freedom of individual action:—a hair's breadth too far and the result is fatal. The questions involved are likely to be quite outside the information as well as the experience of the legislators, even when they are men of training and capacity. Private interests retain skilled counsel to draft the bills which they promote. Social legislation does not usually command like service. Besides it is likely to miss the critical attention which conflicting factions are sure to give to political, economic or fiscal measures."[1] What wonder then that our body of laws relating to children has received less than adequate consideration? "This legislature isn't interested in children", a senator said to me two years ago, and a by-standing colleague gave assent. It was not necessary to go so far to account for the inactivity to which allusion was made; unfamiliarity with the facts was a sufficient explanation.

Considerations such as the foregoing moved a group of people who are interested in children to ask the legislature of 1911 to consider the appointment of a commission to revise our children's laws. The proposal was made late in the session and received no serious attention. A bill for such a

1. Quoted from an address by the writer before the Minnesota State Conference of Charities and Corrections in 1913.

commission, to be named by the governor and to serve without compensation, passed the house at the following session. Carrying an appropriation for expense it met opposition in the senate committee on finance and was not permitted to come to a vote, even when modified to meet every objection that was openly brought against it. The friends of the measure were naturally discouraged, but a year later agitation started up again. It was felt that the need was too urgent to permit of further delay than was unavoidable. It was plain that the work could be done only by a group, approaching the delicate and difficult problems from different angles; and no qualified group would undertake it without some other warrant than their own initiative. Taking their cue from Missouri, where a commission for a like purpose had been appointed by the Governor without action by the legislature, various civic and philanthropic bodies, together with a large number of individual petitioners throughout the state, requested Governor Burnquist to appoint a commission to revise and codify the laws of the state relating to children. This he did, naming twelve persons. The Commission, which styles itself for convenience the Minnesota Child Welfare Commission, organized August 15th, was assigned an office in the State Capitol, secured a competent executive secretary and clerical assistance and began its task. It is financed by contributions of interested persons, supplemented by assistance of various sorts from several departments of the state government. It has accumulated a large amount of material bearing upon the different subjects under consideration, including statutes of other states, has corresponded with many experts and had personal conference with a few; and at this writing (December first) has held seven public hearings at which all who have so desired have had opportunity to express their views.

The members of the Commission have understood their task to be not merely to supply omissions in our children's laws and reduce them to more orderly form, but to devise new legislation embodying whatever is needed to bring this branch of our Minnesota law abreast with the best contemporary thought and experience. This is a large undertaking. How much can be accomplished in season to be presented to the legislature of 1917 remains to be seen; but some measures of

importance will be forthcoming. It is, of course, impracticable to enter into a detailed recital of the numerous matters under consideration, but a few will be selected for summary mention.

The fundamental principle involved, based upon social and political necessity, is that the state by virtue of its sovereignty is the ultimate guardian of all its subjects who need for their well-being what they are unable to supply by their own exertions. Of this class young children are the conspicuous members. Recognition of this doctrine by the courts has been abundant. "It is the unquestioned right and imperative duty of every enlightened government, in its character of *parens patriae,* to protect and provide for the comfort and well-being of such of its citizens as, by reason of infancy, defective understanding or other misfortune or infirmity, are unable to take care of themselves. The performance of this duty is justly recognized as one of the most important of governmental functions." *McLean County v. Humphreys.*[2] The natural rights of parents must give way, in appropriate cases, to this paramount function of the state. *Ex parte Crouse;*[3] *State ex rel Olson v. Brown.*[4] The principle as applied to juvenile courts was very ably developed by Judge Julian W. Mack in an address before the American Bar Association in 1909. Lawyers are familiar with its ancient application by courts of chancery, but until comparatively recent years the emphasis was upon the protection of property rights. As living conditions have been more and more complex, and as a social consciousness has gradually emerged from the intense individualism of the eighteenth and early nineteenth centuries, necessity and humanity have worked together to transfer the ictus from property to people; and now the personal rights of children are commonly recognized as within the guardian care of the state, exercised through the legislature and the courts.

To every child is due from the sovereign that claims his allegiance—

1. A fair chance to begin life sound in mind and body, and with two responsible parents.

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2. 104 Ill., 378.
3. 4 Whart. 9.
4. (1892) 50 Minn. 353, 52 N. W. 935.

2. A fair chance for development, appropriate to his natural capacity, in body, mind and morals.

3. The greatest practicable relief from permanent consequences of his own wrong-doing, and corrective restraint of his anti-social tendencies.

1. At present Minnesota does not secure to all her children a fair chance to be born sound in mind and body. There is no serious attempt to prevent the propagation of mental defectives save through the segregation of some of the insane and a fraction of the feeble-minded and epileptic. It is said by those familiar with the facts that there are probably ten thousand feeble-minded and epileptic persons in the state who, if permitted to mate, are practically certain to become the parents of several times that number of mental defectives. The capacity of our only custodial institution for these unfortunates, the School for Feeble-Minded and Colony for Epileptics at Faribault, is about sixteen hundred. Commitment is optional with parents or guardians, who are often too unwise or indifferent to take the necessary steps, and after admission detention cannot be enforced. The menace of the feeble-minded at large is so obvious, in its geometrical progression of poverty, disease, degradation, vice, crime and public expense, that one marvels at the improvidence that contents itself with less than the utmost of precautionary measures. Certainly we should have greatly enlarged facilities for segregation. But with this advance should there not be compulsory judicial commitment? A few states—Illinois, for one—have provided for this. But it is a difficult and perplexing subject. What is the minimum standard of mental normality below which segregation is needed for the protection of the subject and of children who have the right not to be begotten? What means of establishing feeble-mindedness will be accepted by the community as just and safe? Often feeble-minded girls of the higher grades become able to support themselves, with supervision, outside the school. Save for the possibility of their becoming mothers and the biological certainty that some of their offspring would be feeble-minded, they might be set at large with mutual advantage to themselves and the state. Shall they be unconditionally discharged? Or shall this be done, while they remain of child-bearing age, only in the event of their being

sterilized? If this measure is to be employed, what authorization should be accepted as sufficient?[5]

Twenty to twenty-five per cent of blind children in institutions are victims of *opthalmia neonatorum,* a disease communicated at birth and subject to a simple, sure and safe prophylaxis. Some states require by law that this preventive treatment shall be applied: should Minnesota do likewise?[6]

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5. Perhaps the reader whose pleasant path of life has never led him very near to "the warrens of the poor" will think I have overdrawn the social dangers of feeble-mindedness. I offer Exhibit A. the X family, out of many that might be selected from even my own limited field of observation:

1. Peter, husband; common laborer, well-meaning but of low intelligence.
2. Mary, wife; five times in and out of an insane hospital; never when at large able to carry any of the ordinary responsibilities of family life except bearing children.

Children: 1, 2 & 3: married and living in other cities; nothing learned about them by my investigator.

4. Hilda, oldest daughter born in U. S.; feeble-minded and epileptic. Married to John Peterson, stupid, lazy, formerly a hard drinker and syphilitic,—probably a moron. When I first knew the pair, about four years ago, there were four small children,—the oldest seven and the youngest a babe in arms. Almost by a miracle this woman was persuaded to go to the State School at Faribault, under a special dispensation permitting her to take her baby. There she remains, in physical comfort but progressive mental disintegration. The baby died of tuberculosis.
5. Christine. Married a tuberculous man; both have died of T. B., leaving 2 children. Whole family public charges for years.
6. William, oldest son born in U. S.; habitual thief in boyhood; twice in juvenile court; sent to State Training School at Red Wing, where he proved incorrigible and ran away.
7. Olof, next son; three times in juvenile court and once sent to Glen Lake Farm School, the court's detention home for delinquent boys.
8. Susan, next daughter; three times in juvenile court; finally, at 14, sent to Home School for Girls at Sauk Center. Confessed to repeated immoral relations with a married relative.
9. Hjalmar. Feeble-minded. School authorities wish him sent to Faribault, but parents will not consent.
10. Christian, 11 years old; mentally retarded; on school list for mental test, but none made yet.
11. Margaret, 10 years old; no signs of mental defect thus far.

4—a, b & c: Children of Hilda and John Peterson:

a. Robert, in a local children's home for last four years; thus far mentally all right.
b. Bertha, feeble-minded; sent to Faribault after long treatment in city hospital for venereal infection.
c. Francis, same as Bertha.

Agencies that are known to have dealt with the X family in the last ten years are as follows: State, five; county, two; city, two; private charities, five.

Does this sort of thing interest you, Messrs. Senators and Representatives?

And what are you going to do about it?

6. While this article was in preparation the State Board of Health

Hundreds of the children born in Minnesota in 1916, were ushered into life by midwives, without the attendance of a physician. Our supervision of midwives is practically *nil.* Is this fulfilling our obligation to the babies?

The misery entailed upon children by transmitted venereal disease is too familiar to require comment. Can the law assist the slow process of education and moral uplift in preventing this hideous injustice? Try your hand, my brother lawyer, at the drafting of such a law, in restraint of the marriage of the unfit, or even for the sanitary control of the diseases of vice;—and you will soon realize the difficulty of the task.

Our statute as to illegitimacy is but a slightly humanized survival of the cruel common law,—so careful of inheritable property and so careless of innocent and helpless childhood. We safeguard the county treasury, give slight redress to the mother, but practically ignore the child. We allow him but a single responsible parent, even when paternity is undisputed. Should not the state concern itself with establishing paternity? Should not the father and mother alike be charged with the care and education of their child to the full extent, and under the same coercion, as in the case of a legitimate child? Does our law of inheritance do full justice to the child born out of wedlock. If not, what changes can be made, with due care not to undermine that cornerstone of civilization, the family, and not to invite too broadly assaults by unscrupulous adventurers upon the reputation and estates of the dead?

2. Minnesota does not now reasonably secure to all her children a fair chance for development in body, mind and morals. I shall not enter into any discussion of our general educational scheme. Save with respect to the compulsory features the Commission does not deem this to be within the scope of its undertaking. Whether an unyielding school attendance law is wise opinions will differ; but that to handicapped children should be guaranteed the best equipment for life the state can provide, all will probably agree. I have called attention to the fact that appropriate training for the mentally defective is not assured. The same is true of the blind, al-

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issued regulations upon this subject. But the Attorney General has expressly refrained from passing upon their validity. Further legislation may be needed if this is to be placed beyond controversy.

though compulsory attendance of deaf or dumb children at the state school for the deaf is provided for.

Our child labor laws are confused and unrelated. They need orderly rearrangement rather than substantial change. In one respect, however, we are far below the standard set by other progressive states: we have no regulation of street-trades. This subject has been deemed of such importance as to claim the attention of the American Bar Association's Committee on Uniform Legislation. The model bill prepared by this committee should have careful attention.

Some of our statutes designed to protect the morals of the young are made inoperative by a penalty which brings the offense into the class of indictable crimes. Police laws are much more likely to be enforced when the offense created is a simple misdemeanor. This is because juries are loath to convict when the penalties are severe, and prosecution is more tardy, cumbersome and expensive in the district courts than in courts of limited jurisdiction. The promotion—so to speak—of simple misdemeanors to gross misdemeanors is a familiar legislative phenomenon. The champion of public morality has a period of brief elation, but presently he finds that he can no longer get prosecutions and convictions so readily as before, and that the net result is to make the offense he seeks to punish severely practically immune. Furnishing intoxicants to minors, procuring minors to enter saloons to obtain intoxicants, selling cigarettes to minors, selling fire-arms to persons under eighteen years of age, accepting pawned articles from minors, selling and exhibiting obscene and other injurious literature to minors and employing minors to distribute such literature—are now gross misdemeanors. How many convictions has the reader known or heard of since they attained this dignity? And is it well that these offenses against the young shall continue to go unpunished by the state?

Happily, over most children the guardianship of the state remains potential only. They are protected, nurtured and trained in the homes into which they have been born. Even where home conditions are far from ideal parental incompetence and improvidence, unless they be extreme, are commonly—and I think rightly—deemed no warrant for official interference. But there are waifs in plenty who are not born

into homes or even into families; and there are many who through the misfortune or the fault of parents are in grave danger or actual distress. If the state do not provide itself the prompt and efficient guardian of these, that indeed were folly and shame! I have spoken of the duty to provide the illegitimate child, if possible, with a responsible father. But what of the many cases where this cannot be done? Has the state no duty then? Must such children take their chance with private charity or the uncontrolled preference of mothers whose incapacity to care properly even for themselves finds conclusive proof in the very existence of the child? Among the few points on which the Commission already knows its own mind is the proposition that the state should begin at birth to exercise its guardianship over the illegitimate child; first to find him a father and compel that father to shoulder his due responsibility; and this failing, to stand vigilantly by the side of the mother, helping her if her will and judgment make for good to the child, and restraining her if for ill.

So also as to children born in wedlock but orphaned, abandoned or neglected; the state has no higher obligation than to discover and supply their need. This means, of course, delegation by law of duty and authority to persons through whom alone the functions of government can be exercised. The defects of the present situation can best be shown by concrete illustrations. An unmarried girl about to become a mother comes to Minneapolis, St. Paul or Duluth to hide herself until the ordeal is past. She goes to a private lying-in place which has no supervision except such as the health authorities see fit to provide with respect to sanitation. Her child is born. The birth may be duly reported, but the report entails no duty upon any public officer. Shall the mother nurse her babe? The state has nothing to say. When she is able to go away shall she go and leave the child behind? The state does not concern itself. Usually she goes and the child remains. She sends for a time the required payments for his care, sometimes in the hope that a way will yet open to have him with her; sometimes under an agreement by which the keeper of the place is to "find a home" for the unwelcome little one. Presently the payments cease and the child must be disposed of. The papers contain an advertisement that at such-and-such a place a beautiful blue-eyed boy may be

had for adoption. It is of some moment to the blue-eyed boy —is it not?—this determination of his future. If ever he will need the guardian care of Mother Minnesota is it not now? But Minnesota is blind and deaf. She does not know and seemingly does not care. The child is placed according to the whim or interest of his temporary custodian; and the state takes no part in the transaction.[7] My illustration is colorless; but I could supply hues of tragedy and pathos in great variety. I have had before me children who had been for years in the hands of prostitutes and drunkards, picked up and kept as one might harbor a vagrant kitten until a chance occasion brought them into court.

Another girl is more well-advised. She goes to a maternity home or hospital, organized and conducted to render aid to such as she. Or, if her confinement be elsewhere, she takes her child to an institution or association to which the law gives her the power to surrender her maternal rights. These institutions and associations are generally well conducted and do a noble work. But even though the child be safe with them, does not sound public policy demand that here too the state shall have some share in choosing the home in which the future citizen shall be prepared for life? Not a dollar of his patrimony, if he had any, could be disbursed without public supervision. Is it appropriate to leave the nurture and training of his most critical years to the unchecked discretion of even good and wise people who have no responsibility except such as lies within their own conscience? In such cases the guardianship of the state would be exercised not for interference but coöperation, and to demand its exercise is not to disparage private philanthropy any more than to require an accounting in court is a slur upon the integrity of a trustee.

Here is a waif left upon a door-step. The kind-hearted householder takes him in and keeps him. But something more than a kind heart is necessary to make the home a fit one for the particular child. Should not the state inquire? I have known a white child to be left at the door of colored people. It is no reflection upon the good man and woman

7. This is a strictly true statement of the law down to the enactment of Ch. 199, Laws 1911. That act was designed to secure some participation by the probate court, but has proven so ineffective that I have ignored it in this recital as it is ignored in practice.

who cared for him, took him into their hearts and wished to keep him as their own, to question whether it was well that this relation should continue; but in all the great state there was no one whose official duty it was to raise that question. Here is a family of orphaned children, needing from the public everything that helplessness and destitution lack. If these needs are supplied it is not at the instance of the state but of private charity, although state agencies may finally be invoked. Here are children with parents of a sort, but neglected and imperiled in body, mind and morals. Of them the same is true. Obviously there should be supplied a link between the sovereign state and the needy child. To this end it is proposed to provide for public guardians whose duty it shall be to safeguard the interests of children who are proper subjects of the state's protecting care. They may serve as legal guardians, appointed by the courts, in appropriate cases; but their peculiar function will be to take the initiative in all that should be done for the welfare of dependent, neglected and defective children, many of whom now suffer because their welfare is "nobody's business". For example, a child is born to an unmarried mother. The local public guardian will concern himself with finding the father and holding him to his lawful responsibility. At present the only motive which sets the machinery of the courts in motion is the self-interest of the mother or the prevention of expense to the county. The public guardian will emphasize a more important motive, now ignored,—the child's permanent good, and whether the father be found or not official vigilance will not be withdrawn until the future of the child is fairly secure. He will represent the state's responsibility when placing-out or adoption are in question, and when in any respect the welfare of a child is deemed to call for interference with the existing custody.

The manner in which this new recognition of an old and neglected duty of the state is to be organized for action is yet to be determined. The idea has been worked out with apparent success in several states. The problem is to secure adequate service in every locality, with proper coördination and with the least possible increase in the machinery of the state government. In these days of "economy and efficiency" the ideal must give way to the practicable. Suggested plans call for centralization in the State Board of Control, with repre-

sentatives in the several counties and perhaps some traveling agents.

Changes in the present law granting county aid or so-called "mothers' pensions" to mothers of dependent children are imperatively needed. The scheme is a novel one,—less than four years old in Minnesota and first adopted anywhere in the United States as recently as 1911; but it has met with such general approval that the permanence of its essential features is assured. Practically $100,000 will be disbursed under this law in Hennepin and Ramsey Counties in 1917. $250,000 would not be an unreasonable estimate for the entire state, and the amount will grow steadily, if not rapidly. Legislation involving so large a distribution of public funds, and fraught with such possibilities for good or ill,—timely and constructive relief or wastefulness and demoralization,—should be carefully framed at the outset and brought as speedily as may be to a perfected form. Our Minnesota act of 1913 was hastily thrown together, passed with slight consideration and left without amendment by the succeeding legislature. Other states have embodied the results of their study and experience in new and carefully devised measures. It is high time for us to do the same. This law should be properly related to other laws with which it is now inconsistent; it should have checks and safeguards that are now lacking; and if it is to remain in such form as to exclude all unmarried, divorced and deserted mothers, as at present, this should be as a deliberate conclusion after study of the questions involved, rather than a chance imitation of the law of another state. Most persons whose knowledge of the subject entitles them to an opinion believe the law should not be administered in the juvenile court. But to agree upon the more appropriate agency will not be easy.

3. Our third division of the rights of childhood relates to delinquency. Here our present law is more nearly adequate than in the fields of defectiveness, dependency and neglect. Experience shows that at least in the cities police and school officials, despairing parents and private citizens with grievances can be fairly well relied upon to bring delinquent children into court; and once in court the facilities for dealing with them are moderately good. Our law of 1905, vesting juvenile court jurisdiction in the district courts in the three

large counties of the state, followed closely the original Illinois law passed in 1899. It has stood the test of experience remarkably well. Like every piece of live legislation it has needed amendment from time to time, and changes are needed now, most of them involving details of procedure and administration. One fundamental question, at least, must have attention. After four years of successful operation of the law of 1905 in Hennepin, Ramsey, and St. Louis Counties there was a general desire to extend its benefits to the rest of the state. In 1909 juvenile court jurisdiction was given to probate courts in counties having a population of less than fifty thousand. This was deemed to be constitutional, even as to delinquents, inasmuch as the proceedings in such cases would not be criminal but an extension of the limited chancery powers already exercised by the court in the interest of minor children. So far as deemed practicable the new law followed in its details, the earlier one. It did not work well—at least not as to delinquent children. They were still dealt with in the smaller towns and rural districts by criminal courts. In 1913 amendments designed to cure this obvious defect and others were framed and passed; but still the probate court, speaking generally, has not proven a success in the exercise of its new functions. That this is not necessarily so, in spite of unavoidable drawbacks, such as the brief terms of probate judges, their lack of criminal jurisdiction over adults who contribute to juvenile delinquency and dependency, and the absence of an official probation system, is shown by the excellent work done by a few judges who have taken a real interest in this branch of their duties. Nevertheless it is a grave question whether all the district courts should not take on juvenile court jurisdiction, with aid from commissioners or referees, as in North Dakota or several other states. That the problem of juvenile delinquency is found in alarming proportions outside the largest cities, I need take no space to demonstrate. Nothing less than the best way to save the boys and girls who are beginning to go wrong, wherever they are found in the state, is good enough, and considerations of economy and convenience should give way to probable efficiency. Further, the fact should not be overlooked that the handicaps of probate courts referred to in this connection also hamper their dealings with dependent and neglected children.

Objections to this suggested shift of jurisdiction are obvious and weighty; and it may well be that with an effective centralization of responsibility for children in the Board of Control there will ensue a gradual process of education, both of courts and public opinion, which may be relied upon to bring about the most essential reforms. But reforms there must be, or the state will be recreant to one of its most solemn obligations; and for these reforms wise legislative provision is required.

But one other contemplated change affecting delinquents will be mentioned here: It is proposed to raise the maximum age of juvenile court jurisdiction from sixteen to seventeen,—the limit in nearly all the more progressive states. This seems to me to be a matter to be deduced from experience rather than reasoned out; and it is interesting to find that by a sort of unrelated progression many of our criminal laws have come to recognize the eighteenth birthday as the dividing line between childhood and youth. As a safeguard and to provide for exceptional cases discretion to transfer a technical juvenile to a criminal court, to be dealt with on the basis of full responsibility, should be clearly vested in the juvenile courts. The present law on this point is somewhat obscure.

The Commission, according to the terms of the Governor's designation, is expected not only to revise but to codify. It will revise by proposing amendments and new laws; whether it can gather all the laws relating to children from the four corners of the statutes where they are now scattered into an orderly code is doubtful. But the substance is more important than the form; and if they shall succeed in answering to the reasonable satisfaction of the citizens of Minnesota, as represented in the legislature, even a few of the important questions they are now considering, they will not have labored in vain.

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