

# **Scandal and Social Policy: The Ideal Maternity Home and the Evolution of Social Policy in Nova Scotia, 1940-51**

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## Scandal and Social Policy: The Ideal Maternity Home and the Evolution of Social Policy in Nova Scotia, 1940-51

A SCANDAL WAS BREWING in the small seaside village of East Chester, Nova Scotia in the mid-1940s. At the heart of the controversy were William and Lila Young, proprietors of the recently expanded Ideal Maternity Home (IMH). Since 1928, William (a chiropractor) and Lila (an “obstetrical specialist”) had provided maternity care and adoption services to unwed mothers looking for a haven where they could give birth to their children and hide from the harsh condemnation society directed toward unmarried pregnant women.<sup>1</sup> The IMH prospered in the 1930s, and grew still more as the dislocations of war-time Nova Scotia brought increasing numbers of women “in trouble” to the Youngs’ doorstep.<sup>2</sup> By the mid 1940s, the IMH was the largest maternity home in Eastern Canada, with between 80 and 125 babies in the nursery. Estimates of the total number of children born at the Home between 1928 and 1946 range from 800 to 1,500.<sup>3</sup>

- 1 *Ideal Maternity Home: No Publicity – Mother’s Refuge*, 1944, MG 100, vol. 100, file 59, Public Archives of Nova Scotia [PANS]. Research for this paper was supported generously by the Social Science and Humanities Research Council of Canada through the Doctoral Fellowship Program, and by grants from the American Historical Association, the New York State Archives and Records Administration, and the Graduate School at Rutgers University. I am grateful to Alice Kessler-Harris, Kathleen Brown, Danny Samson, Gail Campbell and the anonymous reviewers of *Acadiensis* for comments on earlier versions of this paper. Suzanne Morton and Shirley Tillotson gave me permission to cite their work-in-progress, and discussions with both helped me refine this paper. Various members of the support group the Friends and Survivors of the Ideal Maternity Home in Canada and in the United States agreed to share their personal stories and their private documents with me.
- 2 Through 1936-44, the ratio of births out of wedlock to live births in Nova Scotia never dropped below 6 per cent, while no other Canadian province recorded a rate above 5 per cent. In 1945, the out-of-wedlock birth rate in Nova Scotia rose to a peak of 7.9 per cent – or 1,228 births – against a national average still well below 5 per cent. See George Davidson, *Report on Public Welfare Services in Nova Scotia*, Royal Commission on Provincial Development and Rehabilitation, Volume 4 (Halifax, 1944), p. 153; Number of Illegitimate Live Births and Percentage of all Births in Canada by Province, 1926-48, MG 28 I10, vol. 60, file 491, National Archives of Canada [NAC]. On contemporary attempts to explain the province’s comparatively high rate of out-of-wedlock births, see Suzanne Morton, “Nova Scotia and Its Unmarried Mothers, 1945-75”, in Michael Gauvreau and Nancy Christie, eds., *On the Margins? Narratives of Family in Canada, 1700-1900* (Montreal and Kingston, forthcoming).
- 3 “Evidence Heard in Maternity Home Case”, *Halifax Herald*, 2 May 1946; Bette Cahill, *Butterbox Babies: Baby Sales, Baby Deaths and the Scandalous Story of the Ideal Maternity Home* (Toronto, 1992), p. 116; William Young to Mr. Morris, 19 July 1945, MG 28 I10, vol. 45, file 405 (1941-45), NAC; Young to Mr. and Mrs. Barnes, 18 September 1945, Archival Collection of Author [ACA]; Fred MacKinnon, interview with author, 3 December 1993.

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As the Home expanded, the Youngs and their business attracted attention from both admirers and bitter critics. Admirers, who included politicians, local businessmen and prominent Nova Scotian families, praised the Youngs for their contributions to the local economy, for their dedicated work in the “mission field” of service to unwed mothers and for their success in creating happy families by arranging adoptions. Less charitably, the Home’s supporters noted the Youngs also saved local rate-payers the expense of supporting destitute unwed mothers and their children.<sup>4</sup> The Home’s detractors, centred in the province’s Department of Public Welfare, held a darker view, arguing that the Youngs’ fee structure exploited birth mothers and adoptive parents and that standards of nutrition, medical care and cleanliness at the Home were abysmal. They accused the Youngs of disregarding the health and happiness of the children, resorting to fraud and blackmail to collect fees, deliberately trying to evade provincial laws and effectively “selling” babies on an international black market in children.<sup>5</sup>

Between 1934 and 1946, Nova Scotia’s minister of public welfare, Dr. Frank Davis, and his senior departmental staff engaged in a “twelve year running battle” with the Youngs and their supporters as provincial officials tried to control and then to shut down the IMH.<sup>6</sup> The other key combatants in this “battle” were Deputy Minister of Public Welfare Ernest Blois and provincial Director of Child Welfare Fred MacKinnon, arguably the two most important figures in the development of social policy in Nova Scotia in the 20th century.<sup>7</sup> As the fight to close the IMH intensified, these provincial officials collected more and more evidence of the Youngs’ misdeeds and questionable practices. When some of this evidence became public between 1945 and 1947, the Youngs lost favour among many of their former supporters and their public reputation disintegrated. Behind the scenes, a more complete and horrific accounting of events at the Home became ammunition for Davis, Blois and especially MacKinnon, as they pushed for changes in provincial child welfare and adoption laws which would give them the power they needed to shut down the Home. By 1946, this strategy was successful and the IMH was – at least officially – out of business.<sup>8</sup>

On one level, the story of the IMH can be read as a cautionary tale of shame and tragedy. The Home was an increasing embarrassment to the provincial government

4 See testimonials, especially from Senator William Duff, in *The Child of Today is to Become the Man or Woman of Tomorrow*, 1944, RG 25, series C, vol. 9, file 7, Petition, 22 November 1945, MG 2, vol. 897, file 17-1/3, PANS.

5 See, for example, MacKinnon to Young, 7 November 1945, RG 39, series C, vol. 934, SC13226, PANS.

6 Mavis Gallant, “Traders in Fear: Baby Farm Rackets Still Lure Girls Who Are Afraid of Social Agencies”, *Montreal Standard*, 31 August 1946, copy in MG 100, vol. 87, file 18, PANS.

7 On the impact of Blois, see Fred MacKinnon, *The Life and Times of Ernest Blois* (Halifax, 1992); *Annual Report of the Director of Child Welfare for 1943* (Halifax, 1944). On MacKinnon, see “Three Nova Scotians among Order of Canada Inductees”, *Halifax Mail-Star*, 25 June 1992.

8 The institutional affiliations of the key players changed over the course of this study. Frank Davis was first appointed Nova Scotia’s minister of public health in 1933, while Ernest Blois served, at this time, as the director of child welfare. From 1939-44, MacKinnon was the assistant director of child welfare. In 1944, the Department of Public Health was re-organized as the Department of Public Welfare, and Davis became minister of public welfare, Blois became deputy minister of public welfare and MacKinnon was appointed director of child welfare. For clarity, I have used the titles in place from 1944 throughout this paper.

and to the small group of professionally trained child welfare workers in the province. It demonstrated key weaknesses in the province's child welfare system and marked the province as backward in some aspects of its social policy. The legislative and policy changes Nova Scotia enacted to fill the regulatory void and clamp down on the IMH, or justified because of the Home, also had an important long term effect on the evolution of the social welfare system. Thus, the tragedy of the IMH was an opening for the reform of social policy in the province. In the short term, there were direct links between the IMH and changes in the Nova Scotia adoption and maternity boarding houses legislation. In the longer term, the IMH experience is linked, though less directly, to the repeal of the Nova Scotia Illegitimate Children's Act in 1951 and to the growing push for professional standards in child welfare services in the province beginning in the 1940s.

The first question to ask is why the IMH scandal was so influential, given that there were other potentially "scandalous" problems in the administration of social policy in Nova Scotia in this period. In 1944, George Davidson (executive director of the Canadian Welfare Council) produced a *Report on Public Welfare Services in Nova Scotia* for the Dawson Royal Commission on Provincial Development and Rehabilitation. In Davidson's report, the IMH featured as a core problem in the province's welfare system. According to the report, it demonstrated the need for widespread reform touching many areas of the social welfare structure from amendments to the adoption law and repeal of the province's Illegitimate Children's Act, to a desperately needed re-vamping of the province's outmoded poor law. As Janet Guildford has argued, however, Davidson's most trenchant critiques and most extensive recommendations for reform were directed toward the poor law system. Davidson was appalled by conditions in the county poor houses where the aged, the indigent and the insane were often housed together in unsanitary and depressing conditions. He described the homes as a "convenient dumping ground for any problem cases arising within the local area", and was horrified to discover that "in some instances unmarried mothers are taken into the local county home for confinement and are kept there, after the child is born, for indefinite and sometimes prolonged periods".<sup>9</sup>

Clearly, there were other places to locate "scandal" in the treatment of unwed mothers and their children in Nova Scotia in the 1940s, as well as in other areas of social policy. But neither the condition of the poor in the county homes, nor the generally bleak options facing unmarried pregnant women attracted the attention and sympathy of Nova Scotians and their politicians during this decade. In contrast, the IMH – or, rather, a very specific construction of the scandalous IMH – attracted much attention and became the impetus for important changes in social policy. Although the story of the rise and fall of the Youngs and their maternity-adoption business was complex, the tale could be, and often was, sold to the public and to politicians simply and directly through the faces and the fates of the children born at the Home. Were these children cared for properly? Were they neglected? Were they placed with (sold

9 Janet Guildford, "Closing the Mansions of Woe: The End of the Poor Law in Nova Scotia, 1944-65", (paper presented at the Canadian Historical Association Conference, St. John's, Newfoundland, June 1997); Davidson, *Report on Public Welfare Services*, pp. 104-9, 122-6.

to?) good parents? With bad or unworthy parents? What authority did the government need – must the government have – to protect these children? What further tragedies would develop in the absence of government control? In this version of the IMH story, the unwed mother, after giving birth, did not disappear completely. She was, however, pushed to the background while her child was, quite consciously, pulled to the foreground. The “innocent” babe could excite public opinion and become a vehicle for social change in a way that the possibly “destitute” and probably “sinful” unwed mother could not.

Beyond the “public relations” value of the IMH babies, the developing scandal turned on the clash of strong personalities and on conflicting visions of the proper role of government in the administration of social welfare.<sup>10</sup> The Youngs were quarrelsome, aggressive and out-spoken, and they championed the right of the entrepreneur to conduct business without undue interference and harassment from government officials. In contrast, Minister Davis, Deputy Minister Blois and Director of Child Welfare MacKinnon presented themselves as the voice(s) of reason, logic, experience and, above all, professional authority. Within this group, MacKinnon’s personality, which mixed a careful sense of bureaucratic propriety with a strident commitment to “progress” in social welfare, was the most interesting and the most significant in terms of the subsequent development of social policy in Nova Scotia. While Blois retired in 1947 and Davis died in office in 1948, MacKinnon remained as the senior bureaucrat in the provincial Department of Public Welfare until 1980.

MacKinnon was in many ways the archetypal bureaucrat, loyal to his superiors and always aware that his ability to shape policy depended on finding allies. He was conscious of the need to prepare the public (and the politicians) before presenting new ideas. When he felt he had strong support, he was willing to exercise the authority of his office but otherwise he was cautious. At the same time, MacKinnon had a clear vision of how to improve social welfare services in Nova Scotia and he saw himself as a key advocate for progress. For MacKinnon, such progress required an increasingly activist government over-seeing an expanded array of public and private social welfare agencies staffed and administered by professionally trained social workers.<sup>11</sup> Not surprisingly, MacKinnon’s views reflected dominant themes in professional social work thought and practice across North America in this period. As James Struthers has argued, “Building welfare state programs . . . meant creating

10 As Shirley Tillotson has recently argued, “large transformations in political culture are lived out in a myriad of apparently petty struggles, and engage their participants in power relations at multiple levels, from the interpersonal to the institutional to the ideological”. See Tillotson, “‘Too much planning in secret’: Publicity and Democracy in Child Welfare, 1925-1952”, in Judith Fingard and Janet Guildford, eds., *Women, Work and Social Policy in Nova Scotia, 1945-1975* (forthcoming).

11 The docudrama *Butterbox Babies* (Sullivan Entertainment, 1994) portrays MacKinnon as crusader who ignored bureaucratic protocol, pressured his superiors and risked his job in the effort to shut down the IMH. This is a highly inaccurate picture. My portrait of MacKinnon’s personality is drawn from Bette Cahill’s discussion of MacKinnon in the book *Butterbox Babies*, my interview with MacKinnon in 1993 and my reading hundreds of pages of MacKinnon’s correspondence, speeches and articles found in the archival collections of the Department of Community Services and the Angus L. Macdonald papers at PANS, the Canadian Council on Social Development papers at NAC and the library of the Nova Scotia Department of Community Services in Halifax. See also, Tillotson, “‘Too much planning in secret’”.

employment for social work and expanding the profession's potential power through enhancing the claims of its specialised knowledge and expertise".<sup>12</sup> When he took up his first position with the Nova Scotia government in 1939, MacKinnon was fresh from a year of study at the University of Chicago's prestigious graduate School of Social Work. As a well-educated young man dedicated to a career in social welfare, MacKinnon was in many ways the literal embodiment of new directions in the development and administration of the welfare state.<sup>13</sup>

To a large extent, this study considers the IMH scandal from MacKinnon's professionalizing/state-building perspective, from inside a logic which establishes the major "problem" surrounding the IMH as the absence of government regulation and then defines the "solution" as the expansion of state authority backed by professional expertise. This understanding of problem and solution explains the path taken from scandal to social policy.<sup>14</sup> It does not follow, however, that MacKinnon and his

12 James Struthers, *The Limits of Affluence: Welfare in Ontario, 1920-1970* (Toronto, 1994), p. 274.

13 MacKinnon was a case worker for the Children's Aid Society in Colchester County in the late 1930s. Blois recruited MacKinnon to provincial service and arranged for the younger man to receive a Rockefeller Foundation Scholarship to finance his studies in Chicago. MacKinnon then committed to a profession (social work) and a subfield (child welfare) that was numerically dominated by women. Historians of social welfare in the United States and Canada have noted that larger numbers of men moved into the social work field as the expanding welfare state created new, relatively well-paid positions in the administration of large social welfare agencies and government programs. See MacKinnon interview; James Struthers, "'Lord Give Us Men': Women and Social Work in English Canada, 1918-1953", in Allan Muscovitch and Jim Albert, eds., *The Benevolent State: The Growth of Welfare in Canada* (Toronto, 1987), pp. 126-43; R.L. Schnell, "Female Separatism and Institution-Building: Continuities and Discontinuities in Canadian Child Welfare, 1913-1935", *International Journal of History and Political Science*, 25, 2 (1988), pp. 14-40; Cynthia Commachio, *Nations Are Built of Babies: Saving Ontario's Mothers and Children, 1900-1940* (Montreal and Kingston, 1993), pp. 4, 238. Tillotson describes "gendered shifts in authority" in the developing welfare state with specific reference to MacKinnon and developments in Halifax in "'Too much planning in secret'". For an introduction to the voluminous American literature on gender, professional authority and the welfare state, see Robyn Muncy, *Creating a Female Dominion in American Reform* (New York, 1991); Linda Gordon, *Pitied But Not Entitled: Single Mothers and the History of Welfare, 1890-1935* (New York, 1994). Regina Kunzel describes these issues with specific reference the history of unmarried mothers and adoption in *Fallen Women, Problem Girls: Unmarried Mothers and the Professionalization of Social Work, 1890-1940* (New Haven, 1993).

14 From a broader perspective, this problem-solution dyad, which promised to "fix" social problems through the application of bureaucratic control and professional expertise was an important dynamic in the development of welfare state programs at the provincial and federal level across Canada. This dynamic appears to have been more influential in the field of child welfare than in the field of income support (i.e. unemployment insurance and old age pensions) where the expansion of the welfare state was so closely linked to fiscal and constitutional negotiations between the provinces and the federal government. For a thorough and well-balanced analysis of the myriad factors (including the professionalizing/state building impulse) feeding the development of the Canadian welfare state, see Struthers, *The Limits of Affluence*, pp. 3-17, 126-35, 261-75. See also James Struthers, *No Fault of Their Own: Unemployment and the Canadian Welfare State, 1914-1941* (Toronto, 1983); Dennis Guest, *The Emergence of Social Security in Canada* (Vancouver, 1985); Margaret Jane Hillyard Little, *'No Car, No Radio, No Liquor Permit': The Moral Regulation of Single Mothers in Ontario* (Toronto, 1999); Muscovitch and Albert, *The Benevolent State*; Nancy Christie, *Engendering the State: Family, Work and Welfare in Canada* (Toronto, 2000). For works which focus on child welfare systems, see Commachio, *Nations Are Built of Babies*; Patricia Rooke and R.L. Schnell, *Discarding the Asylum: From Child Welfare to the Welfare State in English Canada 1800-1950* (Lanham, Maryland, 1983); Neil Sutherland, *Children in English Canadian Society* (Toronto, 1976).



supporters were always consistent in their actions, or that the Nova Scotia reformers followed up on all of the implications of their own ideas and supposed priorities. Nor did their professionalizing/state-building perspective go unchallenged. There was considerable opposition – inside and outside of Nova Scotia – both to the depiction of the Youngs and their business in the IMH scandal, and to the vision of a more authoritative welfare state which informed the policy response.

The basic story of the IMH will be familiar to many readers. Nearly forgotten for 40 years, the story of the Home was revived in the late 1980s through the work of journalist Bette Cahill. In *Butterbox Babies: Baby Sales, Baby Deaths and the Scandalous Story of the Ideal Maternity Home*, Cahill traced the contours of the Youngs' lucrative business. Unwed mothers paid the Youngs \$500 or \$600 for secrecy, shelter, medical care and an "adoption" transfer plan.<sup>15</sup> Women who could not afford the IMH prices worked off their debt before and after the birth of their children by doing the laundry, cooking and child-minding. Because the Home employed very few professionally trained nurses, the young mothers did most of the nursing work as well.<sup>16</sup>

Adoptive families from across eastern Canada and the Northeast United States, desperate to find healthy, white, adoptable infants in a very tight adoption market, paid "fees" or gave "donations" to the Home that ranged from a few hundred dollars to, perhaps, as much as \$10,000. It is unlikely that many parents adopting children from the Home paid anything near this higher figure, and child welfare leaders from Canada and the United States who investigated the IMH could not confirm payments higher than several hundred dollars.<sup>17</sup> They nonetheless felt that fees at the IMH were "exorbitant", and regarded the Youngs' operation as a clear example of "black market practices". Without question, the Youngs were prospering. By 1944, the family had a

15 Cahill, *Butterbox Babies*. Under the adoption transfer plan, expectant mothers paid the Youngs \$300 (\$350 if they did not sign the transfer document until after the birth) to place their children for adoption and care for them until the adoption placement. The mothers often understood the adoption transfer agreement as a legally binding, formal consent to adoption, but the document was not a legal instrument for this purpose. See Ideal Maternity Home and Sanatorium Limited Price List, undated (1944), RG 39, series C, vol. 934, SC13226, PANS; Cahill, *Butterbox Babies*, p. 82.

16 The adoption placement fee seems to have been a unique IMH innovation. The issue of fees charged to the women is complicated. Undoubtedly, there were homes which charged more than the IMH for board and medical care and most homes charged boarding fees for children until they were adopted or removed from the home by the birth mother. But as Rickie Solinger points out, commercial maternity homes which charged parents fees for arranging adoption (or engaged in the outright selling of babies) usually attracted pregnant women by offering them free care in exchange for their children. See Solinger, *Wake Up Little Suzy: Single Pregnancy and Race Before Roe v. Wade* (New York, 1992), pp. 177-86.

17 Historians of adoption date a rapidly rising demand for infant children to adopt, and hence the appearance of an adoption marketplace where there was a distinct "shortage" of some kinds of children, from the late 1930s. The adoption marketplace was segregated by race; the demand was very specifically for white children. The IMH took in only white mothers, and children born "not white" were excluded from the adoption transfer plan. See Transfer Agreement, 1944, RG 39, series C, vol. 934, SC13226, PANS; Rickie Solinger, "Race and Value: Black and White Illegitimate Babies, in the USA, 1945-1965", *Gender and History*, 4, 3 (Autumn 1992), pp. 343-63; Kunzel, *Fallen Women, Problem Girls*, pp. 144-70; Julie Berebitsky, *Like Our Very Own: Adoption and the Changing Culture of Motherhood, 1851-1950* (Lawrence, Kansas, 2000), pp. 9-11, 128-9, 168-9.

new private residence and the IMH had moved into a 54-room building with extensive grounds.<sup>18</sup>

The Youngs advertised extensively in American and Canadian newspapers, offering “lovely babies for adoption; excellent health background and healthy bodies”.<sup>19</sup> Word of mouth also helped the business and by the early 1940s the Youngs had an extensive clientele in both countries. They developed a close connection with Jewish families in the New Jersey and New York City area, who found it almost impossible to adopt children through licensed social agencies. Adoption and child welfare laws in most states and provinces in the 1930s and 1940s forbade adoption placements across religious lines and as a result there was a particularly acute shortage of Jewish children available through reputable child welfare organizations.<sup>20</sup> The adoption law in Nova Scotia did not require that children be placed within the same religious group, and the Youngs consciously rejected the principle of same-religion placement. When adopting parents were concerned about religious matching, the Youngs would often claim a specific child was born to a Jewish mother. It is unlikely, however, that large numbers of Jewish women sought out the rural Nova Scotia Home for their confinements.<sup>21</sup>

Although adoptive parents approaching the IMH for children were required to

- 18 A wealthy New Jersey couple told Cahill they paid nearly \$10,000 to an IMH lawyer in connection with the adoption of their son and Cahill cites other examples of families who paid between \$1,000 and \$3,000. MacKinnon suspected the standard fee was between \$800 and \$1,000. See Cahill, *Butterbox Babies*, pp. 111-13, 122; IMH, 3 April 1946, MG 28 I10, vol. 45, file 405 (1946), NAC; Sarah Scott to Maud Morlock, 1 November 1945, RG 102, series 3B, 1949-52, box 445, file 7-3-1-3, (January-May 1949), United States National Archives [USNA], Washington. Pictures of the Youngs’ new buildings and grounds dominated a glossy brochure on the IMH first distributed in 1944. See *The Child of Today is to Become the Man or Woman of Tomorrow*, 1944, RG 25, series C, vol. 9, file 7; Petition, 22 November 1945, MG 2, vol. 897, file 17-1/3, PANS.
- 19 Advertisement copy attached to William P. Young to Manager, Classified Advertising the *Elizabeth Daily Journal* (New Jersey), 6 November 1944, MG 28 I10, vol. 45, file 405 (1941-45), NAC. Such advertisements were illegal under New Jersey law. See Ellen Potter to Morlock, 17 May 1945, RG 102, series 3B, box 445, file 7-3-1-3, USNA.
- 20 Often religious matching regulations appeared in the Children’s Protection Act as well as, or instead of, the Adoption Act. In both Canada and the United States, religious placement laws had their origin in the legal standard of ensuring the “best interests of the child”, but also in earlier debates about the existence and funding of Protestant and Catholic public schools and social welfare institutions. In both countries, these laws were challenged in the 1950s and in most jurisdictions religious matching became discretionary (though still influential) instead of mandatory. See “Survey of New Jersey Adoption Law”, *Rutgers Law Review*, XVII, 2 (Winter 1962), pp. 410-15; Laura Schwartz, “Religious Matching for Adoption: Unravelling the Interests Behind the ‘Best Interests’ Standard”, *Family Law Quarterly* XXV, 2 (Summer 1991), pp. 171-92; David Dehler, “Church and State: The Problem of Interfaith Adoption in Ontario”, *Revue de l’université d’Ottawa*, 36, 1 (1966), pp. 66-85. On the appeal of the IMH to Jewish families in the United States, see Rose Weinheimer to Nora Lea, 21 August 1946, MG 28 I10, vol. 45, file 405 (1946), NAC. For the role of religious matching laws and traditions in creating a “surplus” of Catholic children in Quebec and its impact on cross-border adoptions from Quebec into the Northeastern United States, see Karen Balcom, “‘The Traffic in Babies’: Cross-Border Adoption, Baby-Selling and the Development of Child Welfare Systems in the United States and Canada, 1930-1960”, Ph.D. dissertation, Rutgers University, 2002.
- 21 The Nova Scotia Children’s Protection Act specified that Protestant children could not be placed in Roman Catholic institutions or “in any family the head of which is a Roman Catholic”, and also made the reverse stipulation. But the Act referred only to neglected and dependent children taken into care, and this did not apply to the children born at the IMH. In addition, this law made no mention of



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provide letters of reference and proof of financial standing, these materials were not checked in any way. Parents chose their new child out of the nursery, or in some cases selected the child before birth, after observing the expectant mothers at the Home. Before 1943, the adoptions were processed quickly (sometimes within 24 hours) in the local county court when the children were as young as two to three days old. If the family was returning to the United States, obtaining a Canadian passport and an American entry visa for the child took an additional two weeks. Often, parents were back at home with their new charge within three weeks. There was no provision in the IMH procedure for any follow-up or investigation of the new family before or after the adoption.<sup>22</sup>

All of this flew in the face of the adoption procedures recommended by child welfare leaders in Canada and the United States. By the 1940s, child welfare leaders in both countries had developed recommended procedures in adoption referred to collectively as “sound adoption practice”. The key concepts in sound adoption practice were investigation, matching, supervision and regulation. Child welfare leaders regarded adoption as a complicated social and legal procedure which could go wrong at many stages and which, therefore, needed to be approached with the greatest care. The first step was the proper counselling of the birth mother to make certain that she understood her options and had made a realistic choice about relinquishing her child for adoption.<sup>23</sup> The next step was a thorough “social” investigation of both the mother and the putative father that delved into the “moral” and genetic background of the birth parents. The investigation looked at physical characteristics from race to eye colour and skin tone of the mother and father, and for any evidence of either physical or mental illness in the family. Also important were the religion, socio-economic class, occupation and education of the birth parents. After birth, the infant had to be observed and tested for at least several months to make certain there were no obvious physical or neurological defects.

Prospective parents had to undergo a similar series of investigations delving into their physical and psychological health, their moral and financial standing, and their reasons for wanting to adopt a child. All of this information was considered critical in the next step: finding a “match” between adoptive parents and adoptable children in which racial background, religious faith and the more vaguely defined

religious identities other than Protestantism and Roman Catholicism. See *Statutes of Nova Scotia*, c. 166, s. 30, 1923. On the IMH argument against religious matching, see Charles Longley to Potter, 31 August 1945, RG 102, series 3B, box 445, file 7-3-1-3, USNA. On lies to parents, see Scott to Blois, 13 August 1945, RG 102, series 3B, 1949-52, box 445, file 7-3-1-3 (January-May 1949), USNA.

- 22 Couples were required to produce 12 notarized documents (11 of which pertained to the family’s financial standing) along with the names of two people who *could be* contacted as character references. The financial documents were required to obtain the American entry visa. See Longley to Mrs. Pippas, 26 February 1945, MG 28 I10, vol. 45, file 405 (1941-45), NAC; Robert Hartlen, *Butterbox Survivors: Life After the Ideal Maternity Home* (Halifax, 1999), p. 21.

- 23 As Solinger and Kunzel point out, the *realistic* options presented to women by social workers varied over time. Early in the century, women pregnant out of wedlock were pressured to keep their children. By the 1940s, there was tremendous pressure on white women (and white women only) to relinquish their children for adoption. See Solinger, *Wake Up Little Suzy*, pp. 148-204; Kunzel, *Fallen Women, Problem Girls*, pp. 144-70. On options for women pregnant out of wedlock in Nova Scotia, see Morton, “Nova Scotia and its Unmarried Mothers”.

“developmental potential” of the child were the most important factors. Once the match was made, adoption reformers recommended the child be placed in the adoptive home for a probationary period so the new family could be observed and evaluated by a professionally-trained social worker. The final adoption order would be processed six months to two years later, after a satisfactory report from the social worker.<sup>24</sup>

The Youngs’ rapid-fire approach to adoption completely bypassed these procedures. As Nora Lea of the Canadian Welfare Council explained to a worried New Jersey child welfare official, “the real source of trouble with the Ideal Maternity Home is their complete violation of ordinary accepted standards in adoption placement”.<sup>25</sup> But there were other problems as well. Adoption reformers argued that placements worked best when the entire process was overseen by a single social agency (ideally, by one worker) familiar with the birth mother, the child and the adoptive parents. This meant a strong preference for working within a limited geographic area and placing children locally. “Distance placements” were possible, but required careful co-ordination and communication between social agencies which was difficult to arrange, especially when children were moved across the physical boundaries separating one unit of government (and therefore one unit of legal jurisdiction) from another. When children crossed borders between one state and another, between one province and another, and between one country and another, child welfare leaders feared it was possible (even probable) that children and parents would “fall through the cracks” and that adoption placements would occur without adequate input, guidance or protection from social workers and state officials.<sup>26</sup> From the perspective of government officials and professional social workers inside and outside of Nova Scotia, the Youngs moved babies across borders in a deliberate effort to avoid government regulations and professional oversight. The result, they argued, was the dangerous exploitation of birth mothers, adoptive parents and, above all, innocent children.<sup>27</sup>

24 These principles were laid out for Canadian social workers in Canadian Welfare Council, *Essentials in Adoption Service* (Ottawa, 1944). The equivalent American publication, produced by the United States Children’s Bureau, was widely available in Canada both in its early draft form (1944) and later (1949) as a formal Bureau publication. Over time, adoption reformers shortened the recommended period for observing and testing the newborn infant before placement, but the standard in the 1940s was three to four months. See United States Children’s Bureau, *Essentials in Adoption Practice* (Washington, 1949); *Preliminary Draft of Essentials of Adoption Law and Procedures*, December 1945, RG 102, series 3B, 1945-48, box 191, file 10-12-5 (January-June 1945), USNA. See also, Berebitsky, *Like Our Very Own*, pp. 128-65; E. Wayne Carp, *Family Matters: Secrecy and Disclosure in the History of Adoption* (Cambridge, 1998), pp. 15-35.

25 Lea to Potter, 10 August 1945, RG 102, series 3B, 1945-48, box 154, file 7-3-1-3 (August-December 1947), USNA.

26 In 1945, Morlock of the United States Children’s Bureau explained the professional objection to distance placement and international adoptions in an article prompted by the developing IMH scandal. See Maud Morlock, “Chosen Children”, *Canadian Welfare*, 15 April 1945, pp. 3-8.

27 Significantly, nationalist objections to the “export” of Canadian babies did not feature prominently in complaints against the Youngs, although child welfare leaders did worry that adopting parents might not take the necessary steps to secure American citizenship for their new children. In other cases, notably the Alberta “Babies-for Export” scandal uncovered by Charlotte Whitton in 1947, Canadian social welfare leaders and politicians made much more of Canada’s “loss” of future citizens and the children’s “right” to their Canadian heritage. See Patricia Rooke and R.L. Schnell, “Charlotte Whitton Meets ‘The Last Best West’: The Politics of Child Welfare in Alberta, 1929-49”, *Prairie Forum*, 6, 2 (Fall 1981), pp. 143-63; Charlotte Whitton, “Better Controls for Baby Adoption Needed When Babies Cross Borders”, *Saturday Night* 63, 36 (June 12, 1948), pp. 6-7.

## 12 *Acadiensis*

In *Butterbox Babies*, Cahill explored disturbing rumours that the Youngs deliberately starved and neglected babies with some physical or mental defect who could not easily be placed for adoption. She records the long-standing suspicion that at least 100 babies are buried in unmarked graves near a local cemetery in Fox Point, Nova Scotia, and that other bodies were either dumped at sea or thrown into the Home's incinerator. The Youngs were never convicted of the murder of an infant, and there does not appear to be documentary evidence in support of Cahill's most disturbing allegations. But there is solid proof that there were serious deficiencies in sanitary conditions and medical standards at the Home and that many of the children in the nursery were neglected and malnourished.<sup>28</sup> In 1945, one potential adoptive mother, appalled by what she had seen, reported her experiences to an adoption worker in New York. Describing the nursery at the Home, she reported that:

The smell and stench of stale urine overcame her to such an extent that she was ready to fly from the place. The cribs had three children in each one. The floors were bare, and she noticed that the children who should be getting solid foods were getting pabulum in their milk bottles. No child was getting personal care and all looked undernourished, pale and soiled.<sup>29</sup>

In an early draft of the *Report on Public Welfare Services in Nova Scotia*, George Davidson of the Canadian Welfare Council reported that:

Although the Home confines upwards of a hundred mothers or more a year, and cares for as many as seventy babies at a time, there is a total lack of qualified medical supervision, and a serious inadequacy of properly qualified, fully trained nursing care. The room in which the babies were kept was, on the occasion of the survey visit, distressingly overcrowded, with the obvious result that it was impossible to prevent the spread of colds (and this would apply to similar infectious diseases). . . . On at least one previous occasion, infant deaths at this institution have reached epidemic proportions, and it is the opinion of this survey that nothing except great good fortune has prevented similar tragedies from recurring on more frequent occasions.<sup>30</sup>

These passages are disturbing, even heart-rending, and could be supplemented by many similar examples. From at least 1935, when the Youngs were unsuccessfully

28 Cahill relied largely on interviews with local residents in Chester and former employees of the Home. Her strongest testimony comes from a handyman who worked at the Home and who recalled burying large numbers of children. I did not talk to any of Cahill's interviewees (with the exception of MacKinnon) and relied instead on correspondence and records about the IMH case located in Canadian and American archives. I found no references to the Youngs as deliberate mass murderers of children, even in records produced by the Youngs' harshest critics. See Cahill, *Butterbox Babies*, pp. 225-7.

29 Ruth Bremmer to State Department of Social Welfare, 29 November 1945, RG 102, series 3B, box 445, file 7-3-1-3, USNA.

30 Davidson's reference to poor sanitary conditions and infant deaths at "epidemic proportions" may help to explain rumours about the murder of children at the Home. See Davidson quoted in Lea to Jane Rinck, 31 May 1945, RG 102, series 3B, 1945-48, box 154, file 7-3-1-3 (August-December 1947), USNA. This passage was edited out of Davidson's published report.

prosecuted for manslaughter in connection with the death of a mother and her infant, provincial officials were aware of some of the Home's problems and shortcomings.<sup>31</sup> Why, then, did it take so long for provincial officials to take effective action? Why was it so difficult to close the Home? From MacKinnon's professionalizing/state-building perspective, the first answer to these questions is that through the 1930s, and well into the 1940s, the provincial government had no authority to inspect or regulate either the IMH or other similar institutions. There was no provincial mechanism for the inspection of maternity homes or private hospitals. The adoption law, as measured against the standard of "sound adoption practice", was also seriously deficient. There was no requirement in the law that parents or children be investigated before an adoption; there was no opportunity for provincial authorities to give or withhold approval for a particular placement; there was no provision for a probationary period before a final adoption decree.<sup>32</sup> In this situation, it was difficult for provincial authorities to find proof to support their growing suspicions about the Home, and, therefore, difficult to build a convincing case for the expansion of state authority necessary for them to take action.

The carefully guarded secrecy surrounding the IMH made things still more difficult for provincial authorities. At the same time, this secrecy was a critical part of the Home's appeal to its clients. Despite the rising popularity of infant adoption, many adopting parents tried to hide the new child's origins from friends and neighbours. The Youngs promised never to reveal information about the adopted babies, and sometimes offered cover stories for anxious parents.<sup>33</sup> In newspaper advertisements and brochures directed toward women pregnant out of wedlock, the Youngs promised a "Complete Service Free From Publicity". To underscore the importance of the (private, publicity-free) "Mothers' Refuge" offered at the IMH, the Youngs pointed out that "Dame Gossip has sent many young lives to perdition after ruining them socially, that might have been BRIGHT STARS in society and a POWER in the world of usefulness HAD THEY BEEN SHIELDED from gossip when they made a mistake".<sup>34</sup>

31 On the 1935 manslaughter trial, see Cahill, *Butterbox Babies*, pp. 35-41.

32 By 1941, five Canadian provinces (British Columbia, Alberta, Saskatchewan, Manitoba and Ontario) had adoption laws which gave provincial authorities some authority to compel and oversee adoption investigations. By 1939, state departments of social welfare in the United States held similar authority in 11 states. The 1940s were a critical decade in the reform of adoption laws in both countries. See Agnes Hanna to Charlotte Whitton, 24 March 1941, MG 28 I10, vol. 45, 405 (1941-45), NAC; Mary Ruth Colby, *Problems and Procedures in Adoption* (Washington, 1941). On the need for legislation to control private hospitals in Nova Scotia, see Davidson, *Report on Public Welfare in Nova Scotia*, pp. 19-20, 157-8.

33 In the case of one New Jersey family which adopted two children from the IMH, the official story was that the (supposedly pregnant) adoptive mother deliberately traveled from urban New Jersey to rural Nova Scotia for the quality obstetrical care available at the IMH, twice. Another story which recurs within IMH families is that of the (supposedly) heavily pregnant (adoptive) mother who accompanied her husband on a fishing trip to Nova Scotia and was then forced to give birth at the IMH. The best source on changing attitudes toward secrecy and openness in adoption over the course of the 20th century is Carp, *Family Matters*. On IMH cover stories, see David William Vosburgh (born Rex McBride, named unchanged at informant's request), interview with author, April 1997; Hartlen, *Butterbox Survivors*, p. 208.

34 *Ideal Maternity Home – No Publicity – Mothers' Refuge*, undated, MG 100, vol. 54, file 59, PANS.

It is not difficult to understand why this rhetoric appealed to unwed mothers. Their best hope for resuming “normal” lives after the birth of their children lay in hiding their pregnancies from their communities and perhaps even from their families. The women also needed shelter, medical care and reassurance they were making good choices for their babies. The Youngs promised all of this, and many women got exactly what they needed and wanted from the Home. Another explanation, then, for why the IMH continued to thrive in the 1940s was that the institution provided a service which was valued by adoptive parents, and desperately needed by women pregnant out of wedlock.<sup>35</sup> Because of the (highly valued) secrecy surrounding the Home, there was little chance that a woman entering the IMH would know anything about the rumoured problems with medical standards and child care which worried provincial officials. Some women detected no significant problems during their stay at the IMH. Those who did spot problems, were worried about the standard of child care, or felt they had been mistreated, could not report what they had experienced without forfeiting the anonymity which drew them to the Home in the first place.<sup>36</sup>

Although Davidson also emphasized the lack of “social care” and “sympathetic helpful understanding” for the unwed mother that made the commercial maternity home look like an attractive option for Nova Scotian women, he concluded that the “problem” of the IMH was created and sustained by gaps in the province’s regulatory structure.<sup>37</sup> In early drafts of his report, Davidson wrote explicitly and at length about the Home and its deficiencies. He also described the rampant animosity between the Youngs and senior officials at the Department of Public Welfare and detailed attempts by the Youngs to deliberately evade provincial regulations.<sup>38</sup> In later versions of his report, Davidson removed most specific references to the Home and toned down his comments, but he kept more than a dozen unmistakable, and highly critical, references to a “certain commercial maternity home” engaged in an “export baby business”.<sup>39</sup> Starting with the IMH as evidence of shortcomings in the province, Davidson went on to recommend a series of reforms designed to control the home while at the same time

35 In Nova Scotia and elsewhere, commercial maternity homes offered unwed mothers-to-be the protection of secrecy without the moral condemnation or rehabilitative programs which came with maternity home care under the control of churches or professional social workers. On the appeal of the commercial maternity homes, see Solinger, *Wake Up Little Suzy*, pp. 177-86; Kunzel, *Fallen Women, Problem Girls*, p. 70. On the priorities of Canadian women seeking maternity home care, see Anne Petrie, *Gone to An Aunt’s: Remembering Canada’s Homes for Unwed Mothers* (Toronto, 1998); Andr  e L  vesque, “Deviants Anonymous: Single Mothers at the H  pital de la Mis  ricorde in Montreal, 1929-1939”, in Katherine Arnup, ed., *Delivering Motherhood* (London, 1990), pp. 108-25.

36 For positive and negative personal recollections from several women who gave birth at the IMH, see Hartlen, *Butterbox Survivors*, pp. 2-28. One of the women in Hartlen’s sample noted that when she decided to keep her baby she was told by the Youngs that the child was dead. She also reported, however, that “other than lying to us about our babies, the Youngs could have treated us a lot worse”, p. 14. A negative account from a woman who gave birth at the Home can be found in “‘Never Heard So Many Lies, Lila’: Mothers, Character Witnesses Take Up Third Day of \$25,000 Libel Suit”, *Halifax Chronicle*, 14 May 1947.

37 Quotation from Davidson, *Public Welfare in Nova Scotia*, pp. 156, 160.

38 Excerpts From Dr. Davidson’s Memo Re: Nova Scotia, no date, MG 28 I10, vol. 216, file 13, NAC; Davidson to R. MacGregor Dawson, 22 March 1944, MS 2, vol. 256, file F.1.C.39, Dalhousie University Archives [DUA]; Lea to Rinck, 31 May 1945, RG 102, series 3B, 1945-48, box 154, file 7-3-1-3 (August-December 1947), USNA.

39 Davidson, *Report on Public Welfare Services*, p. 19.

strengthening the overall provincial welfare structure.

Davidson was not an employee of the province, nor was his report binding on the provincial government. Nonetheless, the report – along with Davidson’s letters and notes on the project – laid out the connections between the IMH, the need for immediate changes in provincial laws and longer-term directions for reform in the province.<sup>40</sup> Of necessity, Davidson worked closely (though not always without tension) with key staff members at the Department of Public Welfare, including MacKinnon.<sup>41</sup> The two men had much in common in their professional outlook and MacKinnon identified closely with the themes of professional development and expanded state authority which ran through Davidson’s report. MacKinnon, quite characteristically, felt that many of Davidson’s recommendations for reform were unrealistic and ignored the fiscal, social and political realities of mid-20th-century Nova Scotia but the two clearly shared a commitment to change that went well beyond closing the IMH.<sup>42</sup>

When Davidson arrived in the province, some changes were already in place. In 1940, Dr. Frank Davis and his staff at the Nova Scotia Ministry of Public Welfare successfully sponsored a new piece of legislation, the Maternity Boarding Houses Act, which extended provincial control over institutions like the IMH. Under the legislation, most institutions receiving payment for keeping children under three years of age were required to obtain a licence from the province. One condition of the licence was that the facility and its records had to be open at all times for inspection by the director of child welfare and certain of his representatives. Other provisions effectively prohibited institutions from advertising that they had children available for adoption or were willing to arrange adoptions. The law established penalties for institutions operating without a licence or violating other provisions of the legislation. The director of child welfare, “at his absolute discretion”, was given the authority to evaluate any application for a licence and to cancel any licence already granted. The legislation also had weak provisions for establishing provincial authority over adoption, specifying that any adoption placement originating from a licensed

40 My argument is not that Davidson provided a blueprint for changes in the province which was then followed by provincial officials, but rather that his report laid out an argument and a logic around the IMH which mirrored and supported developments already under way in the province. See MacKinnon, *Life and Times of Ernest Blois*, pp. 23-4.

41 Deputy Minister Blois disagreed with Davidson’s criticisms of provincial practice with respect to the administration of pensions, hospitals and care for mentally handicapped children, though he felt “bound to say that with many of [Davidson’s] recommendations, but by no means all”, he was “heartily in agreement”. MacKinnon recalls that Blois was reluctant to enact many of Davidson’s suggestions and that the main recommendations concerning the poor law system could not be implemented until federal-provincial fiscal relationships were renegotiated. The closest ties between Davidson’s recommendations and provincial action came in the child welfare practices touched by the IMH scandal. See Blois to Davidson, 29 March 1944, 5 April 1944, MS 2, vol. 256, F.I.C.39, DUA; MacKinnon, *Life and Times of Ernest Blois*, pp. 23-4. On Davidson’s overall assessment of the province’s public welfare services, see Guildford, “Closing the Mansions of Woe”. On the generally disappointed reaction to the Dawson Royal Commission report as a whole, see J. Murray Beck, *The Politics of Nova Scotia, Vol. 2, Murray – Buchanan, 1896-1988* (Tantallon, Nova Scotia, 1988), pp. 199-200.

42 MacKinnon interview. See also MacKinnon, *Life and Times of Ernest Blois*, pp. 23-4.



maternity boarding house had to be approved by the local Children's Aid Society, the director of child welfare or a court.<sup>43</sup>

In the short term, provincial officials moved slowly and chose not to exploit the full potential of the new legislation. In 1940, 1941 and again in 1942, Nova Scotia granted the Youngs a licence under the Maternity Boarding Houses Act, and provincial officials contented themselves with a rudimentary reporting from the Youngs on the Home's activities. The most obvious explanation for why the province issued these licences is that MacKinnon, Blois and Davis felt they were not in a strong enough position to take action against the still-popular and politically connected Youngs.<sup>44</sup> The Youngs, meanwhile, were quick to put their new status to good advantage, producing publicity pamphlets touting the IMH as a "licenced facility approved by the Nova Scotia government".<sup>45</sup>

In 1943, as provincial officials were building greater support for a tougher application of the law, the Youngs took advantage of a loophole in the 1940 legislation which exempted incorporated institutions from the provisions of the Maternity Boarding Houses Act. The exemption was originally intended to exclude the large denominational maternity homes in Halifax and Sydney from the requirements of the legislation. The explanation for this provision was that the denominational maternity homes – created by individual acts of the provincial government and regulated under these acts – were already reporting to the province of their own accord. For the IMH, the incorporation loophole was a way to slip out from under the control of provincial officials.<sup>46</sup> The "Ideal Maternity Home" became the "Ideal Maternity Home and Sanatorium, Inc.", with Senator William Duff, a powerful Nova Scotia political figure, serving as president.<sup>47</sup> Davidson, surveying these developments, was appalled. He argued that the fact "the largest institution of its kind in the province . . . resorted to incorporation for the obvious purpose of escaping supervision", demonstrated that the Maternity Boarding Houses Act must be strengthened.<sup>48</sup>

43 Since IMH adoptions were already approved by local courts, this provision had little impact. See *Statutes of Nova Scotia*, c. 9, 1940.

44 This explanation is supported by Cahill's interviews with MacKinnon, in which MacKinnon expressed some discomfort with the decision to grant the Youngs a licence. See Cahill, *Butterbox Babies*, pp. 80-1. In 1946, the Youngs' supporters at the Chester Board of Trade would argue that since the Youngs were first granted and then denied a licence there was proof of a capricious persecution of the couple by provincial officials. See Report of the Chester Board of Trade, 5 July 1946, MG 2, vol. 897, file 17-1/14, PANS. Local businessmen had obvious financial reasons for supporting the home. What other motivations may have influenced their position are not clear, but on-going research by Danny Samson and Erik Kristianson suggests possible connections between the Home, the wide-spread popularity of eugenic ideas in the province and the development of provincial welfare policy.

45 *Ideal Maternity Home*, 1942, MG 100, vol. 100, file 59, PANS.

46 Section 13 of the Maternity Boarding Houses Act, mentions specific institutions operating in the province (Halifax Infants Home, Home of the Guardian Angel, Mercy Hospital) and grants a blanket exemption to "incorporated institutions". See Notes for Reply to Robin Hennigar, 25 February 1946, MG 2, vol. 897, file 17-1/1, PANS.

47 The Youngs retained control of the new corporation, holding all but the three shares which were distributed Senator Duff and Chester businessmen Philip Moore and Robin Hennigar. See Hennigar to Angus L. Macdonald, 16 February 1946, MG 2, vol. 897, file 17-1/2, PANS.

48 Davidson recommended that the incorporation provision be repealed and also argued that the province needed to pass new legislation giving it authority over private hospitals. See Davidson, *Report on Public Welfare in Nova Scotia*, pp. 66, 157, 377.

Davidson saw greater potential in the province's "excellent amendments" to the Adoption Act in 1943. The key reform was a provision requiring a probationary period of one year before an adoption could be finalized. During that year, the director of child welfare, or his representatives, would have the chance to supervise and investigate the adoptive placement. Later, these officials had the option to give evidence and recommend approval or disapproval at the final adoption hearing, although the decision still rested in the hands of a county court judge.<sup>49</sup> The legislation effectively increased the regulatory authority of provincial officials and, in accord with the tenets of sound adoption practice, established the provincial interest in overseeing "social" as well as "legal" aspects of adoption transactions. In an early draft of his report, Davidson noted that one effect of this amendment was to "increase congestion" at the IMH, "since children can no longer be disposed of so readily". In the published version, he argued that the new provisions had "put an effective stop to an 'export' business in babies for adoption on an 'over-the-counter' basis".<sup>50</sup>

This prediction was premature. The Youngs and their lawyers soon found a way around the new legislation by instructing the adoptive parents to take children to New Brunswick for the court appearance and adoption.<sup>51</sup> Under New Brunswick regulations there was no requirement that either the child or the parent be a resident of the province, and there was no probationary period before the a final adoption decree was issued.<sup>52</sup> In letters to Americans seeking children to adopt, William Young explained in detail how couples could evade the laws of Nova Scotia and obtain quick adoption decrees in New Brunswick.<sup>53</sup>

Considerable opposition to the new adoption legislation emerged within the province as well, and in early 1944 provincial officials were preparing for a challenge to the new Adoption Act at the spring sitting of the legislature. Davidson hinted broadly that the Youngs were behind the challenge. There were, though, other potential sources of opposition to the new regulatory regime.<sup>54</sup> Across North America during the 1940s and 1950s, child welfare leaders advocating adoption reform and calling for increased professional supervision and more state regulation of the

49 Davidson, *Report on Public Welfare in Nova Scotia*, p. 150; *Statutes of Nova Scotia*, c. 18, 1939.

50 Lea to Rinck, 31 May 1945, RG 102, series 3B, 1945-48, box 154, file 7-3-1-3 (August-December 1947), USNA; Davidson, *Report on Public Welfare Services*, p. 151.

51 Toward this end, the Youngs acquired a new partner, Saint John attorney Benjamin Guss. As pressure mounted in Nova Scotia, Guss became more and more important. In 1946, he urged the Youngs, to no avail, to move the IMH to New Brunswick. After the IMH closed, Guss became an independent operator, building up his own black market baby business out of Saint John, New Brunswick. See Longley to Mr. and Mrs. Barnes, 26 February 1945; Sarah Jones [IMH nurse] to Mrs. Barnes, 26 March 1947, ACA; John B. McNair to Louis St. Laurent, 16 March 1948, RG 25, vol. 3937, file 9463-40 (1947-49), NAC.

52 Until the late 1940s, New Brunswick did not have an Adoption Act and adoptions were processed under regulations contained in the Judicature Act. See *Statutes of New Brunswick*, c. 113, 1927, order 56, rules 56-62; amend. 1943, order 56, rule 58; 1944, order 56, rule 57. See also Canadian Welfare Council, *The Adoption Laws of the Canadian Provinces*, (Ottawa, 1946), pp. 18-20.

53 Young to "Dear Friend", January 1945 and Young to Morris, 19 July 1945, MG 28 110, vol. 45, file 405 (1941-45), NAC.

54 "Other pressures and protests have, of course, arisen in Nova Scotia, inspired by sources which, to say the least, have an interest in the problem which is not always identical with the interests of the children involved". See Davidson, *Report on Public Welfare Services*, p. 151.

adoption process often met with resistance from the public, from politicians and even from some members of their own profession.<sup>55</sup> In some areas, the principles of sound adoption practice were well-entrenched in law and professional practice, but elsewhere standards (as measured by adoption reformers) were low. While reformers argued that stringent professional oversight was necessary to protect children and parents, critics noted the threat of unnecessary delays, increasing expenses, and an unwarranted intrusion into the private lives of adoptive families. Complaints that social workers deliberately surrounded adoption procedures with “red tape” and “bureaucracy” in order to protect their jobs were frequent, as were charges that the so-called “protections” of “sound adoption practice” were responsible for preventing thousands of lonely families and abandoned children from finding happiness together. In 1945, the grandmother of an IMH-adopted baby lectured a New Jersey child welfare worker on what a “shame” it was “that New Jersey agencies work so hard to prevent families from adopting children”. She went on to “point how very gracious the people in Canada [at the IMH] were to her daughter, as a decided contrast”.<sup>56</sup>

The Youngs proved adept at exploiting latent opposition to the intrusion and delay associated with increased state control of adoption. Often, couples came to the IMH in search of babies specifically because they were tired of waiting for heavily-regulated adoptions conducted under the laws of their home provinces or states. Others came because they had been rejected as adoptive parents under the strict guidelines (including religious matching) of adoption agencies employing the new professional standards. For many Nova Scotians, it seemed unnecessary to spend time and tax dollars to launch invasive studies of adoptive placements and add complications to the simple process of bringing home a child to love, particularly if that child might otherwise become a financial burden on the community. The Youngs had, after all, successfully crafted a public image as dedicated and skilled practitioners in service of children and families. In a 1944 booklet aimed at adoptive parents and the public at large, for example, Senator Duff praised the Youngs for keeping true to their “strong faith in God and determination for the betterment of humanity”, as they overcame obstacles and “nobly pioneered the work of child welfare by developing strong healthy babies within delightful surroundings for both mother and child”. The same booklet featured a smiling photo and glowing endorsement of the IMH from Mr. and Mrs. John Stewart Kendall (the son and daughter-in-law of the province’s lieutenant governor) who had recently adopted a child from the Home.<sup>57</sup> Reformers at the Nova Scotia Department of Public Welfare might talk about the need to protect children in adoption, but it simply would not have been evident to most of those

55 Kunzel documents conflicts between professionally trained social workers and “amateur” charity workers, as well as conflicts between social workers, over the proper professional approach to the treatment of unwed mothers and their children. See Kunzel, *Fallen Women, Problem Girls*, pp. 36-64, 115-43.

56 For an example of popular criticism of sound adoption practice, see Edith Liggett, “Red Tape and Runaround in Adoption”, *The Woman*, June 1946, pp. 29-32. Resistance to adoption reform is also discussed in Morlock, “Chosen Children”. On the New Jersey grandmother, see Scott to Lea, 23 October 1945, MG 28 I10, vol. 45, file 405 (1941-45), NAC.

57 *The Child of Today is to Become the Man or Woman of Tomorrow*, 1944, RG25, series C, vol. 9, file 7, PANS. See also *Make Yours a Happy Home by Adopting a Baby*, no date, MG 100, vol. 54, file 59, PANS.

outside of their circle what dangers lurked behind unregulated adoptions from the IMH or any other maternity home which would justify state intervention and oversight.

The circle of reformers who were aware of problems at the IMH and committed to changes in the province's child welfare structure included a small but growing group of professionally trained social workers and supporters of reform concentrated in the Halifax area. Since 1941, a committee of the Halifax Council of Social Agencies had been studying the province's adoption act.<sup>58</sup> In 1943, the Council lobbied the legislature in support of amendments to the Act which increased provincial oversight and professional intervention.<sup>59</sup> In 1944, when these amendments seemed threatened, MacKinnon told the Council that "he did not think sufficient preliminary education had been given to amendments before they were passed", and he asked that the Council send out information on adoption reform to "all interested organisations in the province". The Council also organized a committee to watch the proceedings of the legislature closely and "be ready with material, etc. to meet any opposition". The Halifax Children's Aid Society, a member group of the Council, sent briefs to local Children's Aid Societies around the province asking their board members, who generally were prominent local citizens, "to invoke the interest of their local representatives in the matter".<sup>60</sup>

Acting in his official capacity as director of child welfare, MacKinnon responded to the challenge by preparing and distributing a booklet, *Adoption of Children: Selection of Opinions from British, American and Canadian Sources*. While this publication made no specific mention of the recent Nova Scotia amendments, the booklet presented examples of legislation and professional opinion on adoption reform, made an implicit argument in support of the reforms undertaken in the province and pointed toward further advances.<sup>61</sup> The publication illustrates the self-referential logic which lay behind MacKinnon's quest to expand state authority and professionalize adoption practice in the province; to prove the need for more professional authority and state power, MacKinnon quoted other professionals and law makers who shared his perspective. The collective lobbying and educational efforts of provincial officials and their supporters outside of government seems to

58 From 1930 to 1950 this organization was known as the Halifax Council of Social Agencies; afterwards it became the Halifax Welfare Council. Since most of my references to this group precede the change, I have used Halifax Council of Social Agencies throughout.

59 The Council recommended a stronger law than was eventually passed. In the Halifax Council of Social Agencies version, the director of child welfare had to give his consent before any adoption was finalized. Before giving this consent, the director had to prove that "the conduct of the applicant and the conditions under which the infant has lived have been such as to justify the making of the order". See Memorandum of the Council of Social Agencies Concerning the Adoption Act, undated (1943), MG 20, vol. 408, file 2.13; Division A, Child Welfare, Minutes, 18 November 1941, MG 20, vol. 408, file 2.5, PANS.

60 Division A, Child Welfare, Minutes, 31 January 1944, MG 20, vol. 408, file 2.20, PANS.

61 Director of Child Welfare, *Adoption of Children: Selections of Opinion from British, American and Canadian Sources* (Halifax, 1944). Davidson used a similar tactic throughout his report – building support for reform in Nova Scotia by comparing changes (or proposed changes) in the province to reforms already undertaken elsewhere in the Dominion. See Davidson, *Report on Public Welfare Services*, pp. 150, 155.

have been successful. The Adoption Act was neither repealed nor weakened during the 1944 legislative session.<sup>62</sup>

By 1945, Davis, backed by Blois and MacKinnon, felt he was in a strong enough position to push for further reform and greater authority. In that year, the RCMP, at the request of the province, began to investigate the Home's adoptive placements and to interview birth mothers on their experiences with the Youngs.<sup>63</sup> In the spring, the legislature amended the Maternity Boarding Houses Act to remove the "incorporation loophole" which had allowed the Youngs to avoid provincial control. This change left the Youngs in a precarious position. From this point forward, they would be required to obtain an operating licence from the province, granted or refused at MacKinnon's discretion.<sup>64</sup> In July 1945, the Youngs applied for a licence. MacKinnon inspected the Home in August and then turned down the application. In his report on the inspection, MacKinnon noted that he had found babies lying in their own vomit and fecal matter.<sup>65</sup>

The Youngs responded to this new situation with an enhanced, and more public, attack on Davis, Blois and MacKinnon and on the policies of the Department of Public Welfare. This animosity was not new. In 1944, Davidson had been struck by their "open and strenuous hostility towards the Director of Child Welfare and towards the entire Department of Health".<sup>66</sup> Davidson removed direct references to this conflict from his report at the request of MacKinnon, but added a plea for support for the Department's beleaguered officials in his final version: "There should therefore be the strongest possible measure of support for any steps which the Department of Public Health may take to insure that institutions of this kind measure up to tolerable standards".<sup>67</sup>

MacKinnon was not the only target of these attacks. Davis and Blois had been in conflict with the Youngs since the mid 1930s. By 1945, Blois was nearing the end of a 32-year career in social welfare during which he pioneered key areas of social policy in the province and helped to establish the provincial Department of Public Health and later the Department of Public Welfare. Frequently prickly and apt to take criticism of

62 It is not clear how far this challenge went, or exactly where it was directed, but it certainly was taken seriously by the provincial reform community. There is no Hansard for the Nova Scotia legislature for this period, and published accounts of legislative debate during the spring 1944 session make no mention of the 1943 adoption reforms or possible opposition. See Minutes of the Child Welfare Division of the Halifax Council of Social Agencies, 21 February 1944, MG 20, vol. 408, file 3.1; Annual Report of the Halifax Council of Social Agencies for 1945, MG 20, vol. 47, file 1.41, PANS.

63 The Home's supporters among Chester businessmen charged that the RCMP investigations constituted a cruel and unwarranted invasion of the privacy of the IMH mothers. See Moore to Macdonald, undated (March 1946), MG 2, vol. 897, file 17-1/6, PANS. New Brunswick officials requested a similar investigation very soon thereafter. See Memorandum for the Secretary of State for External Affairs, 26 May 1948, RG 25, vol. 3937, file 9463-40, 1947-49, NAC. RCMP files on the New Brunswick and Nova Scotia investigations are no longer extant.

64 *Statutes of Nova Scotia*, c. 68, 1945.

65 MacKinnon to Young, 7 November 1945, RG 39, series C, vol. 934, file SC13226, PANS.

66 Davidson quoted in Lea to Rinck, 31 May 1945, RG 102, series 3B, 1945-48, box 154, file 7-3-1-3 (August-December 1947), USNA.

67 Davidson, *Report on Public Welfare Services*, p. 157; Comments Regarding Davidson Report, 5 April 1944, MS 2, vol. 256, file F.1.C.39, DUA; Davidson to Dawson, 14 April 1944, MS 2, vol. 256, file F.1.C.39, DUA.

the provincial social welfare structure as an attack on his personal integrity, Blois was clearly feeling frustrated and pressured by the IMH struggle.<sup>68</sup> That summer, Lea, George Davidson's successor at the head of the CWC, reported on a meeting with Blois in which the Nova Scotian noted that "they [the Youngs] are organising a very active campaign in the province against the Minister of Health and Welfare (sic) and tending to discredit them in the eyes of the public". Blois expressed to Lea his belief that, "a public official can stand only so much of this and then it becomes harmful to the Department and its projects".<sup>69</sup>

For Davis, the new assault from the Youngs meant an attack on his personal reputation and a challenge to his Department of Public Welfare; it also was a direct threat to his political future. Davis, in addition to serving as minister of public welfare, was the member of the legislative assembly for Lunenburg County – the electoral riding in which the IMH was located. The IMH generated a lot of business in the local area, and the Youngs had the support of most of the business community in the town of Chester. Many of these businessmen were supporters of Davis's party – the Liberal party – and 1945 was an election year.<sup>70</sup> Through the fall of 1945, the Youngs spearheaded a direct effort to defeat Davis in the election, organizing and speaking at anti-Davis lectures and placing posters around the county urging the voters to "RESTORE DEMOCRACY" by making election day "V-DAY" for "VICTORY OVER DAVIS AND DICTATORSHIP".<sup>71</sup>

The hyperbole the Youngs employed in this effort was astounding. They compared Davis to the fascist dictators of Europe, basing their claims on the "dictatorial powers" the legislature had recently granted the director of child welfare: "Since a war has just been fought to end dictatorship in Europe. . . . We can't afford to let it continue here, so away with Davis and Dictatorship!"<sup>72</sup> The Youngs, in turn, portrayed themselves as the innocent victims of persecution, the objects of an unreasonable personal vendetta on the part of Davis and his staff. They wrote confidently to their American supporters that, "our campaign against Dr. Davis is going over in a big way. In the six

68 Blois's contributions to social welfare in the province are outlined in MacKinnon, *The Life and Times of Ernest Blois*. For evidence of Blois's defensiveness see Blois to Whitton, 27 February 1930, Whitton to Blois, 20 January 1934, MG 28 I10, vol. 1, file 4, NAC.

69 Lea to Morlock, 14 August 1945, RG 102, series 3B, 1945-48, box 154, file 7-3-1-3 (August-December 1947), NAC.

70 The Liberal political affiliation of most of the Chester Board of Trade leadership was pointed out very clearly in a letter from the president of the board to Davis protesting the government's persecution of the IMH (and by extension the Chester business community). See Moore to Frank Davis, 26 November 1945, MG 2, vol. 897, file 17-1/7, PANS.

71 "Restore Democracy", 1945, MG 2, vol. 897, file 17-1/1A, PANS.

72 Ibid. The Youngs' campaign against Davis appears to have been their own project, but there were tantalizing ties to the larger Progressive Conservative campaign in the province. First, one of the Conservative candidates opposing Davis was Clifford E. Levy, a Chester lawyer who frequently worked for the Youngs and who served as clerk for the Chester Municipal Council, a body that stood staunchly in support of the Youngs. Second, the Youngs' attack on Davis as a "dictator" granting unreasonable amounts of power to the bureaucrats who worked for him resonated well with the Progressive Conservative campaign plank criticizing the expanded authority and size of the provincial bureaucracy. See "A Message to the Voters of Lunenburg County", *Bridgewater Bulletin*, 17 October 1945; "The Dictators", *Halifax Herald*, 12 October 1945; "Preserving Liberty", *Halifax Mail*, 16 October 1945.



lectures already held, we have spoken to about three thousand people. It is costing us considerable, but we feel that any sacrifice is necessary for these helpless babies".<sup>73</sup>

This "sacrifice" was to be in vain. Davis fought back steadily, challenging his opponents to "step out from behind women's petticoats", a reference to Lila Young's leadership in the anti-Davis campaign. He gathered support from social welfare professionals and major social organizations from across the province and won the election easily as part of the Liberal sweep of the province. He also filed (although later withdrew) a libel action against the Youngs. Davis thus emerged from the election with his political base largely intact and with solid support from the newly elected and popular premier, his old friend Angus L. Macdonald.<sup>74</sup>

Earlier in 1945, Lea confessed her "shrewd suspicion that the Nova Scotia authorities are a little bit afraid of this institution [the IMH] and, hence, are walking warily". In 1944, Davidson expressed the same sentiment, writing to R. MacGregor Dawson that the Nova Scotian authorities were pressuring him to tone down his report because they feared they might be sued by the Youngs.<sup>75</sup> Although Blois, MacKinnon and Davis may have had some personal, professional and political inclinations to be cautious – even fearful – in their dealings with the Youngs in earlier years, there was little reason to maintain that reserve beyond the summer and fall of 1945. After the Youngs stepped up their very public criticism of Davis and his staff, there was no motivation for the provincial officials to act cautiously in an effort to avoid scandal. The Home thrived on the secrecy surrounding the specifics of its operation and had been protected by it. But as the Youngs complained of "persecution" at the hands of Davis, Blois and MacKinnon, they drew more and more attention to themselves and presented a new public face that was far less scripted – and far less appealing – than the image which appeared in their promotional brochures. Nova Scotians were left to judge whether they felt that new provincial regulations for maternity homes and new oversight in adoption really constituted the advance of tyranny in the province. Some, undoubtedly, believed that it did. Others, whether or not they were convinced by the logic of professionalizing child welfare, saw exaggeration and hyperbole in the Youngs' attacks on the well-respected Davis and his staff.<sup>76</sup>

The reformers emerged from the nastiness of the election campaign in a stronger position and quickly pressed their advantage. In early November, MacKinnon sent the Youngs a long letter detailing changes in record keeping, medical care, nutrition, child care and physical plant that would have to be made at the IMH before he would consider a new application for a maternity boarding home licence.<sup>77</sup> The Youngs' vocal supporters in the Chester business community complained that it was

73 Young to Mr. and Mrs. Bendett, 18 September 1945, ACA.

74 "Minister of Health Answers Criticism Regarding Maternity Home", *Bridgewater Progress-Enterprise*, 17 October 1945; Macdonald to Moore, 22 March 1946, MG 2, vol. 897, file 17-1/5, PANS; MacKinnon interview.

75 In the end, many of Davidson's cuts were motivated by his fear that he might be sued by the Youngs. See Lea to Morlock, 14 August 1945, RG 102, series 3B (1945-48), box 154, file 7-3-1-3 (August-December 1947), USNA; Davidson to Dawson, 14 April 1944, 22 March 1944, MS 2, vol. 256, file F.1.C.39, DUA.

76 "Consider Carefully Before Voting", *Bridgewater Progress-Enterprise*, 17 October 1945; Cahill, *Butterbox Babies*, pp. 130, 134.

77 MacKinnon to Young, 7 November 1945, RG 39, series C, vol. 934, file SC13226, PANS.

impossible for the IMH, or any other institution in the province, to meet the criteria MacKinnon set out in his letter, and in this they were probably correct.<sup>78</sup> They argued that the length of time between MacKinnon's initial inspection in July (there was a second inspection in October) and his formal report back to the institution in November indicated that the province had no interest in change at the IMH but only wished to close it down. Here, the Chester businessmen were probably also correct. A petition to the premier and the Nova Scotia legislature filed by the Chester Board of Trade described the "bitter persecution" of the IMH, which culminated in "discriminating dictatorial legislation", as an attack on the right of the Youngs (and of local businessmen) to a fair return on their invested capital.<sup>79</sup> In a long "Report on Ideal Maternity Home" directed "without prejudice" to the premier, the president of the Chester Board of Trade, Phil Moore, argued that "the continual hounding of the Ideal Maternity Home . . . is in the opinion of this Board the most astounding project of studied injustice that has ever been perpetrated by Government officials anywhere in the Dominion". Later in the same report, Moore accused Davis and his staff of using "Gestapo methods" and argued that the minister was "using the powers of his high office to promote his own chances in a *private* quarrel with Dr. and Mrs. Young".<sup>80</sup>

None of these complaints got a sympathetic hearing. The premier responded strongly to Moore's attack on Davis, writing that "I cannot remain silent when a colleague of the calibre of Dr. Davis is attacked in this way, unfairly".<sup>81</sup> The Youngs were worried. They told supporters in the United States to encourage friends to hurry to Nova Scotia to collect babies because the Home might not be able to stay in business after the spring 1946 sitting of the legislature.<sup>82</sup> During the spring session, the legislature replaced the Maternity Boarding Houses Act with a new act which continued the provisions of the former legislation while adding some important new items. For example, the new act specified that "no child who is kept or maintained in a maternity home shall be given out for adoption . . . except with the consent of the Director [of Child Welfare]". As well, it provided an expanded, clarified definition of a maternity home, established the authority of the director of Child Welfare to make further regulations respecting maternity homes and specified that every day an institution operated in contravention of the terms of the act was a separate, punishable offence.<sup>83</sup> The Youngs, in other words, could no longer place children for adoption,

78 Moore to Macdonald, [March 1946], MG 2, vol. 897, file 17-1/6, PANS. Moore, president of the Chester Board of Trade and a persistent champion of the Youngs, argued that the denominational maternity homes in Halifax and Sydney were specifically exempted from the 1945 Maternity Boarding Houses Act because they could never meet the standards the province required as a condition for licensing the IMH. See Moore to Macdonald, [March 1946], MG 2, vol. 897, file 17-1/6, PANS; MacKinnon interview.

79 Hennigar to Macdonald, 16 February 1946, MG 2, vol. 897, file 17-1/2; Petition, 22 November 1945, Resolution, 19 January 1946, MG 2, vol. 897, file 17-1/3; Report of the Chester Board of Trade, 5 July 1946, MG 2, vol. 897, file 17-1/14, PANS.

80 Moore to Macdonald, [March 1946], MG 2, vol. 897, file 17-1/6, PANS. Although Moore signed this document, there is evidence that it was written by Dr. Young.

81 Macdonald to Moore, 22 March 1946, MG 2, vol. 897, file 17-1/5; Notes for reply to Robin Hennigar, 25 February 1946, MG 2, vol. 897, file 17-1/1, PANS.

82 Young to Rachel Salman, 5 December 1945, ACA.

83 *Statutes of Nova Scotia*, c. 8, 1946.

whether the actual adoption was finalized inside or outside of the province, without the consent of the director of child welfare. Every instance in which the IMH made an unauthorized placement, as well as every day it remained open without a licence, could be the basis for a separate legal complaint.

Even before the legislation was passed, the Youngs faced serious trouble from legal prosecutions for violations of the original Maternity Boarding Houses Act and the provincial Medical Act. The subsequent trials, which kept the Youngs in court for much of the spring of 1946, were not a new experience for the couple. In 1936, the Youngs were acquitted on two charges of manslaughter stemming from the death of a mother and her baby at the home. In 1935, they were convicted of fraud for their attempt to collect expenses for the care of a child after the child died.<sup>84</sup> In 1942, they were forced to appear before a board of inquest studying the death of a child recently adopted from the Home.<sup>85</sup> The Youngs emerged from these encounters relatively unscathed, but the court actions in the spring of 1946 brought a series of convictions and negative publicity.

William and Lila Young successfully defended themselves against charges under the Medical Act, which concerned whether William, a chiropractor, was posing and/or acting as a medical doctor and whether Lila, who described herself as an “obstetrical specialist”, was reaching beyond her (questionable) qualification as a midwife and performing procedures for which she was neither qualified nor licensed.<sup>86</sup> It was more difficult to defend themselves from charges that they had violated the Maternity Boarding Houses Act. The evidence against them, drawn from the RCMP investigations, was strong and the Youngs were convicted on seven of nine charges.<sup>87</sup> The court fined them \$50 or \$100 for each conviction plus costs. The negative publicity was the most damaging aspect of the trials, as the proceedings were covered extensively in the province’s newspapers.<sup>88</sup> As the public looked on, MacKinnon explained in detail how the Youngs were flaunting provincial laws while Lila Young ranted about persecution and William Young persisted in untenable denials of his role

84 Cahill, *Butterbox Babies*, pp. 35-41, 43-8; “Dr. and Mrs. Young Acquitted of Manslaughter Charges: Freed on All Counts”, *Halifax Herald*, 29 May 1936.

85 The child died of a middle ear infection and blood poisoning. The jury decided that “the death of the child was due to natural causes”, but also recommended “that conditions at the Ideal Maternity Home be investigated”. See “Decide Death due to Natural Causes”, *Halifax Herald*, 9 January 1942. Through the same period, the litigious Youngs launched several civil suits of their own seeking payment from their maternity home clients and contesting a land transaction. See vol. 841, series C, SC 5589, file 5590; vol. 62, file CC7285; vol. 84, file CC7793; vol. 889, file SC8455, PANS; Cahill, *Butterbox Babies*, pp. 47-8.

86 “Maternity Home Case Continues”, *Halifax Herald*, 16 May 1946; “Counsel States Home to Close”, *Halifax Chronicle*, 5 June 1946; Cahill, *Butterbox Babies*, pp. 150-1.

87 One conviction was for operating without a licence, one for unlawfully keeping mothers for gain and five for contracting illegal adoptions without complying with the terms of the act. One additional charge under the Maternity Boarding Houses Act, which dealt with illegal advertising of children available for adoption, was dismissed and a final charge dealing with the unlawful boarding of children was dropped. See “Maternity Home is Convicted on Two Charges”, *Halifax Herald*, 28 March 1946; “Ideal Will Appeal Two Decisions”, *Halifax Herald*, 20 June 1946.

88 See, for example, “Maternity Home Faces 7 Charges”, *Halifax Herald*, 21 March 1946; “Maternity Home Fined”, *Halifax Herald*, 17 April 1946; “Evidence Heard in Maternity Case”, *Halifax Herald*, 2 May 1946; “Ideal Will Appeal Two Decisions”, *Halifax Chronicle*, 20 June 1946.

in arranging adoptions. The Youngs' behaviour drew the ire of judges and lawyers, and the couple came across poorly in newspaper accounts of the proceedings.<sup>89</sup>

Outside the province, social welfare reformers in both Canada and the United States watched the events of spring 1946 with hope and expectation. Lea, writing to a colleague in the United States, noted that the new Nova Scotia legislation "will certainly put a spoke in the wheel of the Home".<sup>90</sup> By June, with convictions mounting and the new legislation about to come into effect, the Youngs appeared to have had enough and their lawyer announced that the IMH was closing. MacKinnon reacted with relief as the increasingly public scandal surrounding the Home was embarrassing as well as useful. He wrote Lea expressing his satisfaction that political barriers to strong action against the Home had been overcome. He argued, perhaps too optimistically, that, "I think you will agree that none of these things in the administrative field can be cleared entirely from political colour, but I also think that it can be said that in this case a fundamental issue was involved which was finally and definitely settled devoid of any prejudice or political considerations. Some of us could not stand such indignities any longer".<sup>91</sup> The timing of the Youngs' announcement was fortuitous as the Canadian Conference on Social Work was set to have its annual meeting in Halifax in late June. Blois was president of the conference, an important honour as he neared the end of a career spent shaping the welfare structure of Nova Scotia. "I can't tell you", wrote MacKinnon, "how pleased I am to know that the whole sordid mess is settled before the Conference comes to Nova Scotia".<sup>92</sup>

This was not, however, the end of either the Youngs or their home; the "sordid mess" could be neither cleaned up nor forgotten easily. While in Nova Scotia for the Canadian Conference on Social Work meeting, the American Children's Bureau adoption expert Maud Morlock noted that there were still many children at the Home "for whom some plan must be made".<sup>93</sup> The Youngs "officially" turned the IMH into a tourist hotel and old age care centre called the "Battle Creek of Nova Scotia Rest Haven Park". Lila, however, still operated a "private" obstetrical care and adoption business under her own name for several years. The court battles also continued. During the fall of 1946, the Youngs appealed their convictions under the Maternity Boarding Houses Act, but were successful in only one case. In early 1947, William was in court successfully defending himself against a perjury charge stemming from the previous spring's court appearances. Lila plead guilty to two additional charges under the Maternity Boarding Houses Act based on her most recent activities.<sup>94</sup>

89 "Verbal Battle in Home Case: Magistrate Asks Mrs. Young 'Not to be so flip', Orders Lawyers to 'Sit Down'", *Halifax Chronicle*, 2 May 1946; "Ideal Home Perjury Case: Stenographer 'Only Vaguely' Remembers", *Halifax Chronicle*, 21 March 1947.

90 Lea to Scott, 25 April 1946 and Scott to Lea, 23 April 1946, telegram, 17 May 1946, Ideal Maternity Home, 3 April 1946, Memo of Discussion with Mr. MacKinnon, 2 April 1946, MG 28 I10, vol. 45, file 405 (1946), NAC.

91 "Counsel States Home to Close", *Halifax Chronicle*, 5 June 1946; MacKinnon to Lea, 12 June 1946, MG 28 I10, vol. 45, file 405 (1946), NAC.

92 MacKinnon to Lea, 12 June 1946, MG 28 I10, vol. 45, file 405 (1946), NAC; MacKinnon, *The Life and Times of Ernest Blois*, pp. 23-5.

93 Morlock to Lawrence Cole, 22 August 1946, MG 28 I10, vol. 45, file 405 (1946), NAC.

94 "Ideal Wins One, Loses 5 Appeals", *Halifax Chronicle*, 24 October 1946; "Guilty Plea to Two Charges", *Halifax Chronicle*, 22 March 1947; "Dr. Young Cleared of Perjury Charge: Judge is Critical of Decision of Petit Jurors in Case", *Halifax Chronicle*, 22 March 1947.

The Youngs' courtroom career reached a dramatic climax in May 1947 when a libel suit they instigated against the *Montreal Standard* came to trial. In August of 1946, the *Standard* published an exposé by staff reporter Mavis Gallant: "Traders in Fear: Baby Farm Rackets Still Lure Girls Who are Afraid of Social Agencies". The article painted the IMH in a damning light, charging that the Youngs exploited young girls in desperate circumstances, bullied them into giving their children up for adoption, ignored accepted standards for choosing and supervising adoptive placements, and provided a questionable standard of medical care. Gallant described William and Lila Young as "blatant" participants in an international traffic in babies.<sup>95</sup> Although the Home was closed when the article appeared, the Youngs insisted they had been "greatly injured in their character, credit and reputation and had suffered general damages". They sued for \$25,000. It was the trial itself, however, which proved most damaging to the couple's character and reputation. As the *Standard's* lawyer set out to prove the charges in the article, the proceedings turned into a parade of the Youngs' misdeeds and Lila's stormy defiance. The entire drama was played out in excruciating detail on the front pages of the Halifax newspapers.<sup>96</sup> One particularly effective exchange for the defence concerned the accusation that the Youngs buried dead infants in "butter boxes" obtained from the local grocer. Lila Young insisted that these wooden boxes were turned into respectable coffins lined with "beautiful sateen", but the image of babies tossed aside in leftover packaging remained and became a symbol of the Youngs' questionable practices.<sup>97</sup>

After four days of testimony, the presiding judge dismissed the complaint. The Youngs' reputation was in shreds and by this time most of their former supporters had grown silent or turned against the couple. In the aftermath of the libel trial, there were no more letters to the premier decrying the "persecution" of the Youngs. By 1948, Lieutenant Governor Kendall, the adoptive grandfather of an IMH baby, was acknowledging problems with the IMH in correspondence with federal officials.<sup>98</sup> MacKinnon described the day the libel case was dismissed as "the best day of my life". He had reason to be pleased. He testified at the trial concerning the poor conditions he found at the Home and the failure of the Youngs to meet the province's licensing standards or to acknowledge the widely accepted professional standards for investigation and "matching" in adoptive placements. His testimony, with its references to new laws, newly enforced standards and new principles in adoption

95 Gallant, "Traders in Fear".

96 "Open \$25,000 Libel Suit", *Halifax Chronicle*, 9 May 1947; "Bury Babes in Butter Boxes: Interesting Testimony at Trial of Young \$25,000 Libel Suit", *Halifax Chronicle*, 10 May 1947; "Says 'Took Rap for Wily Girl': Libel Suit Evidence Mentions Bad Smell at Chester", *Halifax Chronicle*, 13 May 1947; "'Never Heard So Many Lies, Lila': Mothers, Character Witnesses Take up Third Day of \$25,000 Libel Suit", *Halifax Chronicle*, 14 May 1947; "\$25,000 Libel Suit Dismissed by Court: Judge Compliments On Decision In Action Against Montreal Newspaper", 15 May 1947. The *Halifax Herald* used less sensational headlines, but presented even closer coverage of the trial. See "Libel Case Evidence Heard", 10 May 1947; "Further Evidence To be Taken in Libel Action", 12 May 1947; "Libel Action May Go To Jury This Afternoon", 13 May 1947; "Defense Closes Case in Libel Action at Halifax", 14 May 1947; "Decision in Libel Action Favours Publishing Company", 15 May 1947. See also Cahill, *Butterbox Babies*, pp. 159-89.

97 "Bury Babes in Butter Boxes: Interesting Testimony at Trial of Young \$25,000 Libel Suit", *Halifax Chronicle*, 10 May 1947.

98 H.E. Kendall to W.R.J. O'Meara, 5 March 1947, RG 25, vol. 3937, file 9463-40 (1947-49), NAC.

practice, was itself an indication of how the IMH contributed to what MacKinnon would call “progress” in the province’s child welfare system.<sup>99</sup>

As the immediate scandal wound down, the province was left with the negative publicity as well as with a strengthened regulatory framework in the form of the Maternity Boarding Houses Act and the amended Adoption Act. In subsequent years, MacKinnon devoted more attention to these two pieces of legislation, filling in potential loopholes and strengthening the position of the department and its agents. In 1949, the legislature amended the Maternity Boarding Houses Act to require that any person taking a child out of the province for adoption first obtain a special certificate from the director of child welfare, issued only after an investigation of the proposed adoptive home.<sup>100</sup> MacKinnon continued to work steadily on adoption reform, looking for ways to control out-of-province adoptions and trying to surround legal consents to adoption with protections that would safeguard the interests of adoptive parents and birth mothers.<sup>101</sup> At the national level, he emerged as a leader in the biannual gatherings of the provincial directors of child welfare. Throughout the 1950s, this group devoted much of its attention to refinements in adoption law, and paid particular attention to the challenge of regulating interprovincial and international adoption placements. By the mid 1950s, the Nova Scotia Department of Public Welfare became a Canadian pioneer in a new movement to search nationally and internationally to locate adoptive homes for so-called “hard-to-place” children – mixed-race, Native and handicapped children. MacKinnon had come full circle; he began as the steadfast opponent of cross-border placements, and ended as an advocate for professionally sanctioned and carefully controlled cross-border adoptions, at least for some children. In both poses, he remained an advocate of professional supervision and state authority in adoption.<sup>102</sup>

This new regulatory regime for adoption and maternity boarding houses did not, however, solve all of the “problems” revealed by the IMH, nor did it mark the extent of the scandal’s influence on provincial welfare structures. The province gained a mechanism to control the IMH and other smaller, less controversial charitable and commercial maternity homes operating in the province, but none of this did anything to address the very pressing needs of single, unwed women for material aid. The IMH appealed to women pregnant out of wedlock because it offered shelter and protection

99 Cahill, *Butterbox Babies*, p. 187; “‘Never Heard So Many Lies, Lila’: Mothers, Character Witnesses Take up Third day of \$25,000 Libel Suit”, *Halifax Chronicle*, 14 May 1947; MacKinnon interview.

100 *Statutes of Nova Scotia*, c. 63, 1949. In 1950, the Maternity Boarding Houses Act was folded into the province’s new Children’s Protection Act.

101 MacKinnon to Scott, 16 June 1947, RG 72, vol. 9, file 2, PANS; *Statutes of Nova Scotia*, c. 2, 1952.

102 On MacKinnon’s national role, see, for example, Minutes of Directors of Child Welfare Meeting, 14 October 1955, MG 28 I10, vol. 183, file 10, PANS; Across-Border Placement Meeting, 10 August 1954, SW 109, box 12, file Children in Migration, Social Welfare History Archives [SWHA], University of Minnesota. On the Nova Scotian effort with respect to hard-to-place children, see Minutes of Meeting of the Directors of Child Welfare, 16-17 June 1956, MG 28 I10, vol. 183, file 11, NAC; Minister of Public Welfare for Nova Scotia, *Social Welfare Pioneers in Nova Scotia* (Halifax, 1964), entry for “Lillian Romkey”, pp. 25-31. On the larger movement to arrange border-crossing adoptions for hard-to-place children, see Roberta Hunt, *Obstacles to Interstate Adoption* (New York, 1972).



and made it possible for the women to resume “normal” lives after the births of their babies. Before and after the IMH scandal, the province offered no comparable service. From this perspective, the demise of the IMH was a loss for some single pregnant women.<sup>103</sup>

MacKinnon and his colleagues were by no means insensitive to this issue, but worried they could not break through the bitter prejudice against the unmarried mother and build support for expanded services for these women. MacKinnon chose to direct the initial battle against the IMH through the issue of adoption, feeling that the mistreatment of babies was far more likely to draw public support than the exploitation of unwed mothers. This was a political decision with material consequences for unmarried mothers.<sup>104</sup> In 1944, George Davidson argued, quite reasonably, that it was not possible get rid of the commercialized baby business without addressing the needs of the mother as well as the danger to the child:

It should be constantly kept in mind that the reason why commercialised maternity homes come into existence and flourish is because no adequate social facilities are available to provide the necessary care and help to the unmarried mother and her child. It is not, therefore, sufficient to put out of business, or to establish minimum control over, commercialised maternity houses operating in this field. . . . It is even more important that the province should assume the responsibility of developing, through its Child Welfare Branch and through the Children’s Aid Societies of the province, a case work service that will adequately meet the needs of the unmarried mother in her period of difficulty.<sup>105</sup>

Davidson had an expansive view of what those needs were and what services would be required to fill them. He argued that the province required a much larger staff of trained social welfare professionals who would be available to provide sympathetic support for every unwed mother. The social workers would assist the woman during her pregnancy and delivery and help her to make a plan for her baby after the birth. He argued that the mother had the “first rights to her own child” and that she should be provided, if necessary, with the financial support to enable her to keep her baby if that is what she chose to do after consultation with a social worker. Davidson believed that if such a plan were implemented, the commercialized maternity homes would have no more clients. “Unmarried mothers will come to the

103 The IMH was an exploitative institution which, on the whole, treated both mothers and children poorly. But most choices for women pregnant out of wedlock were not attractive.

104 MacKinnon interview. Measuring societal prejudice against unmarried mothers is a difficult task. Most of the literature on unwed pregnancy in this period describes, on the basis of considerable evidence, a general tone of harsh condemnation directed against women giving birth out of wedlock. Recent work by Mary Louise Hough on unmarried mothers in rural Maine – a region that is in many ways comparable to Nova Scotia – suggests that in local pockets these women received a more sympathetic reception. I am grateful to Suzanne Morton for drawing my attention to this work. See Mary Louise Hough, “‘I’m a Poor Girl . . . in Family and I’d Like to Know If You Be Kind’: The Community’s Response to Unwed Mothers in Maine and Tennessee, 1876-1956”, Ph.D. Dissertation, University of Maine, 1997. See also Suzanne Morton, “Nova Scotia and its Unmarried Mothers”.

105 Davidson, *Report on Public Welfare Services*, p. 159.

Children's Aid Societies or the Provincial Welfare Representatives for advice in planning as to how they shall be confined and what plan they should make for themselves and their baby after it is born".<sup>106</sup>

Davidson's vision was generous in some ways. His plan for financial support for unwed mothers, and his assertion of an unwed mother's right to keep her child, put him out of step with social welfare practice and even with professional opinion on adoption and unwed motherhood in this period.<sup>107</sup> But this vision was also naive. It ignored the very good reasons unwed mothers had for placing a high value on secrecy and distrusting intrusive social workers. Approaching public officials for help, even if those officials were sympathetic, meant braving public knowledge of the pregnancy. It was difficult, for instance, for social workers to investigate the mother and her background without alerting family and friends of her pregnancy. Turning to social workers for help could only be as attractive as Davidson assumed if there was a radical change in public attitudes toward the single pregnant woman, an unlikely revolution in thought and practice. The plan also assumed financial and professional resources which were simply not available in the province, nor likely to be available.

MacKinnon recognized that the province was letting down unwed mothers, but disagreed strongly with many of Davidson's recommendations. The cautious and pragmatic bureaucrat in MacKinnon felt Davidson's measures would never be approved by the provincial legislature. MacKinnon also believed that providing minimal, inadequate, financial support to unwed mothers would only doom the mothers and their children to poverty. And it did not seem creditable that there would be a sudden change of opinion and practice among the mostly untrained Children's Aid workers around the province.<sup>108</sup> During the 1930s, these same workers proved some of the harshest critics of the unwed mothers; their annual reports often portrayed women pregnant out of wedlock as moral and financial threats to the community.<sup>109</sup> In the late 1940s, the executive secretary of the Halifax Children's Aid Society, Gwen Lantz (a professionally trained social worker) was criticized by fellow social workers in the city for her harsh treatment of the unwed mothers who came to the Children's Aid Society for help.<sup>110</sup>

There was one area where MacKinnon agreed with Davidson's recommendations

106 Davidson, *Report on Public Welfare Services*, pp. 156-60.

107 Solinger and Kunzel argue that from the 1940s a rhetoric of "choice" for unwed mothers was undercut by continual pressure on white women with "normal", "adoptable" children to recognize adoption as the responsible choice. For non-white women, the pressure was reversed. See Solinger, *Wake Up Little Suzy*; Kunzel, *Fallen Women, Problem Girls*.

108 MacKinnon interview. As Suzanne Morton has noted, MacKinnon's position was quite paternalistic. He assumed that he, as representative of the state and professional social welfare, "knew better" than the mothers what was best for their children and for themselves. Personal communication with Suzanne Morton, April 2001.

109 See, for example, annual reports of the Children's Aid Societies of Colchester and Cumberland counties, published in *Annual Report of the Director of Child Welfare for 1938* (Halifax, 1939), pp. 30, 45.

110 This was only one of many complaints against Lantz. See Tillotson, "'Too much planning in secret'"; Memo to File, 18 February 1950, MG 28 I10, vol. 227, file 26, NAC; Minister of Public Welfare of Nova Scotia, *The Nova Scotia Association of Children's Aid Societies: 1926-1956* (Halifax, 1972), p. 47.

on “illegitimacy and work with unwed mothers”: the province’s Illegitimate Children’s Act had to be repealed and replaced. Davidson called the act, which set the terms under which an unwed mother could use the court system to seek financial support from the father of her child, “the greatest weakness in the entire chain of child protective services in the province”. Neither this act, nor any other piece of legislation on the provincial books, made any provision for the kind of support and guidance which Davidson referred to as constituting proper “social care” of the unwed mother. Davidson also pointed out that the legislation was directly tied to the province’s antiquated poor law system and was set up to protect the financial interests of the local poor district, often to the detriment of the mother and her child.<sup>111</sup>

Until the late 1950s, general relief in Nova Scotia was administered under a poor law inherited from Great Britain and largely unchanged in administration and spirit from the 18th century to the mid 1900s. Under this system, the province was divided into more than 300 tiny poor districts, each responsible for raising funds to support the poor having settlement in that district.<sup>112</sup> But how did the connection between the poor law and the Illegitimate Children’s Act affect the unwed mother? The answer to this question depended on the financial and familial resources available to a woman. The most fortunate had families or lovers who gave them care and shelter or provided financial support, perhaps enough to pay for a commercial maternity home.<sup>113</sup> Other women managed, as at the IMH, to work off their bills at commercial homes, or chose the charitable maternity homes run by the Catholic and Protestant churches in Halifax and Sydney.<sup>114</sup> Unless these options were unavailable or unacceptable, a Nova Scotian pregnant out of wedlock was unlikely to turn to the poor law and/or the Illegitimate Children’s Act for help.

The act was divided into two parts: the first treated “Proceedings on Behalf of the Poor District”; the second treated “Proceedings on Behalf of an Illegitimate Child and Its Mother”.<sup>115</sup> Under Part II of the act, the mother of an illegitimate child (or her parents, or “any person or corporation having maintained such child”) could bring an action against the putative father of the child to force the father to contribute to her

111 Davidson, *Report on Public Welfare Services*, pp. 153-4.

112 For an examination of the poor law, see Guildford, “Closing the Mansions of Woe”; L.T. Hancock, “The Function and Status of Poor Boards in Nova Scotia”, 10 September 1954, MS1-22, file Canadian Public Health Association, Atlantic Branch, DUA.

113 Morton, “Nova Scotia and Its Unmarried Mothers”; Hough, “I’m a Poor Girl . . . in Family”.

114 The religious homes did not charge fees, but the help they provided came tied up with a strong message about the woman’s “sin” and her need for redemption. MacKinnon described the Catholic Home of the Guardian Angel and Protestant Halifax Infants’ Home during the 1940s as “operating out of the nineteenth century” in the punitive application of religious doctrine. See MacKinnon interview. On women’s experiences in religious maternity homes, see Lévesque, “Deviants Anonymous”; Petrie, *Gone to an Aunt’s*; Maire-Aimée Cliché, “Morale chrétienne et ‘double standard sexuel’ : les filles-mères à l’hôpital Miséricorde à Québec 1874-1972”, *Historie sociale/Social History*, 24, 47 (mai/May 1991), pp. 85-125. Canadian and American historians argue that many women were able to take what they needed from charitable or religious maternity homes while resisting efforts to “reform” their behaviour or “save” their souls. See Lévesque, “Deviants Anonymous”; Petrie, *Gone to an Aunt’s*; Solinger, *Wake Up Little Suzy*; Kunzel, *Fallen Women, Problem Girls*.

115 *Revised Statutes of Nova Scotia*, c. 49, 1923 and amendments as specified in *Statutes of Nova Scotia*, c. 24, 1920, c. 22, 1934, c. 20, 1938, c. 31, 1941.

medical expenses and to the ongoing maintenance of the child. In order to secure payment, the mother was forced to appear in open court for a humiliating inquiry into the circumstances of her pregnancy where the putative father could defend himself by questioning the mother's character and sexual history.<sup>116</sup>

If the judge believed the mother had accurately named the father of the child in question, the father could be ordered to pay the woman a maximum of five dollars per week, depending on his financial resources. The mother was, however, prohibited from pursuing the father under Part II of the act if there had been a previous action against him under Part I of the act. This protected the interests of the poor district. If, at any point before or after the birth of her child, the mother turned to the local overseers of the poor for relief (for medical care during her delivery, housing in the Poor House, boarding care for the child) then she could be forced by the overseers of the poor, or by any ratepayer in the poor district, to name the father of her child before a judge and thus commence legal proceedings under Part I of the act. In this proceeding (that is, one initiated on behalf of the local poor district), the mother still had to face the open court inquiry, but any funds recovered would go to pay the expenses incurred by the overseers of the poor. The total liability of the father in an action under Part I was limited to \$500. In other words, the claim of the poor district for the repayment of short-term expenses outweighed the claim of the mother for either short-term costs or long-term support for her child. Overall, the process was traumatic for women, and the chances of a successful prosecution of the father low. If either a mother or a poor district succeeded in securing an order under the act, the amount of money was likely to be small and difficult to collect from uncooperative fathers. In most of the province, there were few prosecutions under the act by the 1940s.<sup>117</sup>

As early as 1930, the Nova Scotia Illegitimate Children's Act was recognized as the most backward legislation of its kind in the country.<sup>118</sup> Blois, prodded by Canadian Welfare Council leaders, made several attempts to draft new legislation but there was no concentrated push from within the province to get a new law until 1945-46 – at the height of the IMH scandal. In late 1945 and early 1946, MacKinnon was corresponding with Lea at the Canadian Welfare Council, seeking her advice on the drafting of a new Unmarried Parents Act which would, among other things, treat the unmarried mother more gently in filiation proceedings and place her interests above those of the poor district.<sup>119</sup> MacKinnon hoped, in vain, to get the new legislation through the legislature in 1946. In the fall of 1946, the cause of reform was strengthened when the Child Welfare Division of the Halifax Council of Social

116 Judge R.H. Murray, "Nobody's Child", *Public Affairs*, 1, 1 (August 1937). In 1938, the Illegitimate Children's Act was amended to specify that if a putative father tried to defend himself by producing a witness who claimed that he also had sexual intercourse with the mother, both men could be held liable under the terms of the Act. This seems a strong indication that this kind of defence was a regular occurrence. See *Statutes of Nova Scotia*, c. 20, 1938.

117 Morton, "Nova Scotia and Its Unmarried Mothers". Morton notes that one possible exception to this trend was Lunenburg County, where there were more frequent legal cases.

118 Memorandum re: Discussion of Possible Changes Unmarried Parenthood Legislation in Nova Scotia, August 1931; Whitton to Blois, 20 January 1934, MG 28 I10, vol. 1, file 4, NAC.

119 MacKinnon to Lea, 12 February 1946, MG 28 I10, vol. 216, file 13, NAC.

Agencies, a group in which MacKinnon was quite influential, began work on its own draft bill. The Council hoped that through study and publicity it would be able to “create interest locally in the passing of a new act” much as it had been able, earlier in the decade, to consolidate support for the Adoption Act.<sup>120</sup> At the same time, the newly formed Nova Scotia Association of Children’s Aid Societies began a similar study.<sup>121</sup>

The fight to get a new act through the legislature was long and bitter and the new Children of Unmarried Parents Act was not passed until 1951. As MacKinnon predicted, it was difficult to build public support for a better deal for unwed mothers – support which was needed to prod legislators. There were even serious divisions within the professional reform community. Reformers at the Halifax Council of Social Agencies felt that the bill supported by the Nova Scotia Association of Children’s Aid Societies was still marked by an attitude of condemnation toward the unmarried mother. They were pleased when legislation passed in 1951 “more nearly resembled” the Council of Social Agencies’ vision.<sup>122</sup> The most important features of the new bill placed the mother’s claim first in the collection of payments from the father; there was no provision for the overseers of the poor (or anyone else) to initiate action on behalf of the poor district. Other changes increased the amount of money a court could order the father to pay in a lump sum (from \$500 to \$1,500) and made provisions for the court to order regular payments for maintenance until the child turned 16. Court

120 MacKinnon urged consideration of the Illegitimate Children’s Act on the Child Welfare Division as early as November 1944. In 1947, he was on the subcommittee which worked on the new Unmarried Parents Act, though he did not agree with all of the provisions suggested by this body. See Minutes of the Child Welfare Division of the Halifax Council of Social Agencies, 6 November 1944, 6 March 1947, 17 November 1947, MG 20, vol. 408, file 3.1, PANS; Gwen Shand, *A History of the Welfare Council of Halifax, Nova Scotia* (Halifax, 1960), p. 14. On MacKinnon’s influence inside the Council, see Tillotson, “Too much planning in secret”.

121 Minister of Public Welfare of Nova Scotia, *Nova Scotia Association of Children’s Aid Societies*, pp. 22, 33; Walter Wood to MacDonald, 24 January 1948, MG 2, vol. 933, file 26.5, PANS. MacKinnon was also a significant presence in the Nova Scotia Association of Children’s Aid Societies, serving as honorary president through the second half of the 1940s.

122 The Nova Scotia Association of Children’s Aid Societies bill was largely influenced by Gwen Lantz, of the Halifax Children’s Aid Society. Many at the Halifax Council of Social Agencies, and some at the Nova Scotia Association of Children’s Aid Societies, felt that Lantz sabotaged efforts to merge the Halifax Council of Social Agencies and Nova Scotia Association of Children’s Aid Societies draft bills and perhaps tried to derail the new legislation altogether in her 1951 testimony before the Committee on Bills of the Nova Scotia legislature. One point of conflict was Lantz’s supposed unwillingness to see unmarried mothers treated more gently. Another was her insistence (this time shared with her Nova Scotia Association of Children’s Aid Societies colleagues) that the director of child welfare receive and re-distribute all monies paid out under court orders. The Children’s Aid Societies want to avoid responsibility for collecting the money because of the workload involved. When a similar suggestion was made in any early stage of the Halifax Council of Social Agencies debates, MacKinnon argued that having all money paid to the director’s office made for too great a concentration of authority. The eventual legislation specified a number of responsible bodies or individuals who could collect the money. See Bessie Touzel, *Halifax (NS) Study of the Children’s Aid Society and Its Relation to Other Agencies*, 1952, MG 28 I10, vol. 228, file 1, pp. 6-8, NAC; Minutes of the Child Welfare Division of the Halifax Council of Social Agencies, 6 March 1947, 9 January 1948, 6 February 1948, 13 February 1948, 28 November 1950, MG 20, vol. 408, file 3.1, 4, PANS; Minister of Public Welfare, *Nova Scotia Association of Children’s Aid Societies*, pp. 45-7; “Bill Widening Scope of Act Favoured in Principle”, *Mail-Star*, 31 March 1951.

proceedings under the Act were closed to the public, but the director of Child Welfare was given the option to attend, give evidence and call witnesses in these proceedings.<sup>123</sup>

These were significant advances, but any advance toward “social care” of the unwed mother was implied rather than required, and the potential awards to mothers were still relatively small and often difficult to collect.<sup>124</sup> In many cases, the mothers did not have direct control over the funds these proceedings secured. The court designated “a person who in the opinion of the magistrate is capable of applying the money properly and can be relied upon to do so”. This “responsible person” could be the mother, but the wording of the act (along with discussions leading up to the legislation) permitted alternatives.<sup>125</sup> With the poor law still in place, women who needed additional help still faced local condemnation and restrictions on their choices. In the mid 1950s, overseers of the poor in Lunenburg County were still known to use the threat of incarceration in the poor house to force single mothers to surrender their children for adoption or to support them in specific boarding placements. MacKinnon and other supporters of the new legislation felt, however, that the new legislation represented a recognition of problems with the poor law system and a step toward its demise. MacKinnon, celebrating the new Unmarried Parents Act, described the old act as “a companion piece” of the Poor Relief Act. Halifax City Solicitor Carl Bethune called the new act a “tremendous improvement from the point of view of municipalities”, and added “I hope it might be a forerunner to an attempt to do a job on the Poor Relief Act”.<sup>126</sup>

MacKinnon, like most leaders in his profession, believed that enacting laws and regulations was only the first step to improving social welfare services; new regulatory regimes would have limited effect unless they were implemented by trained social work professionals. During the same period that MacKinnon was fighting the IMH, he was working with the small group of professionally trained or oriented social workers and administrators in the province to found the Maritime School of Social Work. The school opened its doors in 1941, and expanded through the decade. In the early 1940s, MacKinnon also instituted regular training seminars

123 *Statutes of Nova Scotia*, c. 3, 1951.

124 Suzanne Morton argues that the 1951 legislation did not significantly improve the situation of unwed mothers. She notes that women often did not have control of the money paid on their behalf and argues that enforcing court orders remained difficult. She also points out that since the previous legislation was not widely used, there is reason to question how often the new legislation resulted in court orders. Both the new legislation and the old had provisions for the collection of money owed under court orders. In the new legislation these provisions were extended to provide for the seizure and sale of the father's goods. But the text of the act suggests little about actual enforcement. More research is needed on the use of the new legislation and on the issue of enforcement. See *Statutes of Nova Scotia*, c. 3, 1951, s. 8-10, 34; Morton, “Nova Scotia and Its Unmarried Mothers”.

125 The act was divided into two sections. Part I laid out the process for a formal filiation proceeding, in which the judge ruled on the paternity of the child and named the recipient of funds. Part II lays out less formal procedure for determining the civil liability of a father, where paternity is not contested and is not determined by the court. Part II provides for the payment of funds from the father of the child to the mother or to her parents. See *Statutes of Nova Scotia*, c. 3, 1951, s. 3.3, 7.1, 11.1, 33.

126 Conway Ellsworth to L.T. Hancock, 18 August 1954, MS 1, vol. 22, file Canadian Public Health Association, Atlantic Branch, DUA; “Bill Widening Scope of Act Favoured in Principle”, *Mail-Star*, 31 March 1951.



for the (mostly untrained) Children's Aid workers around the province.<sup>127</sup>

The IMH, at the very least, gave MacKinnon an extra argument in favour of complementing the new legislation with increased training and a platform from which to promote new, higher professional standards in child welfare. He received support in this effort from national child welfare leaders at the Canadian Welfare Council. In late 1945, MacKinnon invited Lea to Halifax to conduct a training institute with rural child welfare workers on the topic of adoption, noting that "As far as adoption is concerned – we have had three years of experience here with the amended Act and the whole field is an interesting one, especially in view of the activities of the Institution at Chester". A few months later (in the midst of the IMH court cases) MacKinnon told another Canadian Welfare Council worker that "current interest in the prosecution of the Ideal Maternity Home" was leading to increased interest in the province in the "socially acceptable types of care for the unmarried mother".<sup>128</sup> At this point, MacKinnon's boss, Blois, had already invited Maud Morlock, the United States' Children's Bureau expert on adoption and work with unmarried mothers, to headline the June 1946 Canadian Conference on Social Work meeting in Halifax. Morlock came to Halifax with Lea. Together, the two led a series of well-attended seminars on adoption, maternity boarding houses and work with unwed mothers in which they emphasized the importance of professional training for social workers. The IMH was the (almost literal) backdrop for these discussions.<sup>129</sup>

Not everyone appreciated the effort MacKinnon and like-minded colleagues devoted to the effort to professionalize child welfare in Nova Scotia. The push for professionalization was closely tied to the increased assertion of provincial authority in child welfare and for some this was a threatening, or at least unwelcome, development. Traditionally, provincial authorities had little authority over the Children's Aid Societies which did most of the day-to-day child welfare work in communities around the province. MacKinnon's reform agenda was interpreted as an effort to assert central control over the children's aid system and replace or upgrade the "amateur" workers who had staffed the Children's Aid Societies for years or even decades.<sup>130</sup> Background grumblings spilled into open revolt at the 1946 conference of the Nova Scotia Association of Children's Aid Societies when Cape Breton social worker Elizabeth Torrey attacked Blois and MacKinnon, complaining of "undue interference" by the provincial government in the work of the local Children's Aid

127 Memo for the Nova Scotia Provincial Child Welfare Department File, February 1944, MG 28 I10, vol. 216, file 13, NAC.

128 MacKinnon to Lea, 18 December 1945, Memo of Discussion with Mr. MacKinnon, 2 April 1946, MG 28 I10, vol. 216, file 13, NAC.

129 Blois to Morlock, 19 December 1946, RG 102, series 3B, 1945-48, box 171, file 8-4-2 (August-September 1946), USNA; Canadian Conference on Social Work, *Proceedings of the 10th Biennial Meeting of the Canadian Conference on Social Work* (Halifax, 1946). Blois was the president of the conference, Lea was on the program committee and MacKinnon was deeply involved in the planning process. Morlock and Lea were intimate friends who worked together closely in the effort to regulate the movement of Canadian children to the United States for adoption. I discuss their collaboration in connection with the IMH in Balcom, "The Traffic in Babies".

130 Complaints were directed against both Blois and MacKinnon. See, for example, Elizabeth Torrey to Lea, 8 June 1945, MG 28 I10, vol. 223, file 19; E.S.L. Govan, Notes from Field Trip to Nova Scotia, 16-18 February 1950, MG 28 I10, vol. 241, file 11, NAC.

Societies. Torrey pointed to the recent amendments of the adoption act (a direct outcome of the IMH scandal) as a prime example of provincial encroachment on local territory.<sup>131</sup> The dispute was ugly and well publicized, but Torrey and her supporters were not in the majority. The same conference passed one resolution “to the effect that the conference wished to cooperate with the Department of Public Welfare” and another commending “the Attorney-General’s Department in prosecuting a maternity home for infractions against the Maternity Boarding Houses Act of 1940”. These prosecutions, of course, depended on the work that MacKinnon, Blois and Davis had done to strengthen the authority of the province with respect to adoption and maternity boarding houses. Torrey was correct, however, in her intimation that ever greater levels of provincial control over the Children’s Aid Societies were in the offing. In 1950, the Children’s Protection Act was amended to institute a “grading system” where provincial grants to the Children’s Aid Societies were tied to a provincial assessment of the standards and practices of each society.<sup>132</sup>

The connections between the IMH, the Unmarried Parents Act and the push to professionalize and centralize child welfare work in Nova Scotia are not as obvious as the ties between the IMH scandal and earlier regulatory reform. The IMH debate, though, drew attention to deficiencies in the social services and legal protection provided to unmarried mothers in Nova Scotia, and helped create momentum for new legislation. Similarly, the IMH scandal created obvious centres of interest for professional training, thus reinforcing MacKinnon’s pre-existing commitment to “professionalize” child welfare in Nova Scotia. Directly and indirectly, the IMH scandal served as a vehicle to expand state and professional authority in Nova Scotia.

The IMH scandal had implications that extended beyond the development of social policy in Nova Scotia. The adopted children went to families across eastern Canada and, especially, the northeastern United States, and child welfare authorities in these jurisdictions also had an interest in the standards and practices of the Home. The IMH, and the larger cross-border “traffic in babies” of which it was a part, presented a social problem that crossed borders and ignored the neat divisions between units of governmental jurisdiction. Bureaucrats and social welfare reformers both inside and outside of Nova Scotia knew that controlling the baby trade from Canada to the United States required reforming adoption practices in Canadian provinces and American states, as well as developing new co-operative mechanisms that could link

131 Minister of Public Welfare of Nova Scotia, *Nova Scotia Association of Children’s Aid Societies*, pp. 28-33; “Children’s Aid Delegates in Session: Critical of Relations with Welfare Branch”, *Halifax Herald*, 25 April 1946. Torrey was backed by Lantz and by Whitton, who was visiting Nova Scotia at the time of the conference. Whitton’s resistance to what she viewed as the over-extension of government authority in social welfare is explored in Struthers, “Lord, Give Us Men”, pp. 126-43; Patricia Rooke and R.L. Schnell, “Making the Way More Comfortable: Charlotte Whitton’s Child Welfare Career, 1920-1948”, *Journal of Canadian Studies*, 17, 4 (Winter 1982-3), pp. 33-45. The personal animosity between MacKinnon and Lantz is explored in Tillotson, “‘Too much planning in secret’”.

132 *Statute of Nova Scotia*, c. 2, 1950, s. 9.C, 15. In 1952, the legislation was further amended to allow the minister to “suspend or stop payment” to a society if that body “has not adopted or is not maintaining the standards and methods of work prescribed” by provincial regulations. See *Statutes of Nova Scotia*, c. 78, 1952, s. 2.3. Nova Scotia adapted the grading system for Children’s Aid Societies from one already in place in Ontario. See Struthers, *The Limits of Affluence*, p. 130.

provincial, state and national governments in a common effort.<sup>133</sup>

At this international level the IMH worked as a catalyst for reform in much the same way as it did within Nova Scotia. The IMH, as an example of tragedy and exploitation, was a powerful weapon in the hands of reformers seeking to modernize adoption in both countries and to prompt reluctant legislators to tighten adoption regulations. In the United States, the IMH case, along with other instances of cross-border adoption, led the Children's Bureau to convene interstate conferences on the problem of the state-to-state transfer of children, as well as the transfer of children from Canada and the United States. In Canada, the IMH helped put interprovincial and international protocols for adoption placement on the agenda of the provincial directors of child welfare and of the Canadian Welfare Council's Committee on Adoption in the 1950s.<sup>134</sup>

Canadian Welfare Council and United States Children's Bureau officials used their national networks to collect information on the IMH operation and then passed this "evidence" of wrongdoing and/or dangerous practices to Blois and MacKinnon in Nova Scotia.<sup>135</sup> Throughout the 1940s, Canadian Welfare Council officials offered advice and consultation on the reform of Nova Scotia's laws and also tried (always discreetly) to push the Nova Scotians to take quicker and more decisive action against the IMH.<sup>136</sup> The Canadian Welfare Council applied similar pressure to politicians and

133 For a more complete treatment of how the IMH fits with the formal and informal international networks connecting leading child welfare reformers at the Canadian Welfare Council and the United States Children's Bureau, the Alberta Babies-for-Export Scandal, and the role of *La Société d'Adoption et de Protection de l'enfance* in the placement of Catholic children from Quebec in Catholic homes in the northeastern United States, see Balcom, "'The Traffic in Babies'". Unlike the IMH case, the Alberta and Quebec placements do not seem to have involved the transfer of dollars and a literal selling of babies. On the Alberta case, see Rooke and Schnell, "Charlotte Whitton Meets 'The Last Best West'", pp. 143-63. For an institutional history of *La Société d'Adoption et de Protection de L'enfance*, see Marie-Paule Malouin, dir., *L'univers des enfants en difficulté au Québec entre 1940 et 1960* (Montreal, 1996).

134 For American discussions, see Smith to Lea, 4 November 1946, RG 102, series 3B (1945-48), box 154, file 7-3-1-3 (August-December 1947); Summary Report of Midwest Conference on Interstate and International Placement of Children, Grafton, Illinois, October 1947, RG 102, series 3B (1945-48), box 154, file 7-3-1-3 (January-March 1948); Problems in the International Placement of Children, July 1948, RG 102, series 3B (1945-48), box 154, file 7-3-1-3 (April-December 1948), USNA. For Canadian discussions, see Canadian Welfare Council, Committee on Adoption, *Report of the Committee on Adoption* (Ottawa, 1948), Canadian Welfare Council, Committee on Adoption, *Report of the Adoption Committee* (Ottawa, 1953), Canadian Welfare Council, *A Policy Statement on Adoption Across Borders* (Ottawa, 1956), Minutes of Directors of Child Welfare Meeting, 14 October 1955, MG 28 I10, vol. 183, file 10, NAC.

135 For example, New Jersey and Rhode Island officials collected letters the Youngs and their lawyers wrote to prospective clients in these two states. The letters laid out the IMH plan to circumvent Nova Scotia's adoption laws by taking the babies to New Brunswick for adoption. Such letters, passed from the states to the United States Children's Bureau to the Canadian Welfare Council and back the governments of Nova Scotia and New Brunswick, bolstered the argument for further adoption reform in both provinces. In 1945 New Jersey, responding to a request from Nova Scotia, funnelled through the Canadian Welfare Council and the United States Children's Bureau, agreed to do follow-up studies on adoptive families in New Jersey who had taken children from the IMH. Scott of the New Jersey Department of Institutions and agencies then forwarded a detailed (and damning) report to Blois. See Scott to Blois, 13 August 1945, RG 102, series 3B, box 445, file 7-3-1-3, USNA.

136 Morlock to Blois, 19 May 1945, RG 102, series 3B, 1945-48, box 191, file 10-12-5 (January-April 1947), USNA; Lea to Morlock, 21 November 1945, RG 102, series 3B, 1945-48, box 154, file 7-3-1-3 (August-December 1947), USNA.

social welfare bureaucrats in the neighbouring provinces of New Brunswick and Prince Edward Island in 1945 and 1946. Lea successfully used the IMH scandal to leverage long-desired adoption reform in New Brunswick. New adoption regulations enacted in late 1945 made it more difficult for adoption operators from other provinces (including the IMH) to process quick adoptions through the New Brunswick courts. In 1946, the province passed its first formal adoption law, which took effect in 1947. In 1945, Prince Edward Island officials heeded a warning from Lea that they must tighten adoption regulations to avoid becoming the next “funnel” for IMH adoptions once New Brunswick enacted reforms.<sup>137</sup>

The tragedy of the IMH is most often thought of as a black mark on the history of social welfare in Nova Scotia and there is great justification for this view. But the tale of exploitation and of cruelly limited options that lie at the heart of the IMH saga, and the experience of “closing the IMH”, helped to jump-start important short-term and long-term reforms of social policy in the province. The shape of these reforms had much to do with the professionalizing and state-building priorities of MacKinnon, who was early in his career when these events took place. When Blois retired in 1948, MacKinnon became the acting deputy minister of welfare, with responsibilities which stretched beyond child welfare to the entire scope of social welfare services in the province. He remained as acting or permanent deputy minister for the next 32 years. How the case of the IMH affected MacKinnon’s professional outlook and subsequent developments in social policy in the province requires further research. In the aftermath of the IMH tragedy, important changes in the organization and supervision of child welfare in the province helped to remove some of the worst abuses of the older system. It is not clear, however, whether the closing of the IMH and the related regulatory reforms really improved the situation of unwed mothers, their children or adoptive parents.

137 Lea to McNair, 29 April 1946, MG 28 I10, vol. 216, file New Brunswick Department of Health and Social Services, (1935-50); Lea to E.B. McLatchy, 19 April 1946, MG 28 I10, vol. 216, file New Brunswick Department of Health and Social Services, (1935-50); Lea to W.J. Brawders, 27 December 1945 and 19 December 1945, MG 28 I10, vol. 45, file 405 (1946), NAC.