

THE DEVELOPMENT OF THE JUVENILE COURT MOVEMENT  
IN MARYLAND, 1900-1948

by  
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## TABLE OF CONTENTS

Chapter I. Introduction	1
Chapter II. Purpose, Scope, Methodology	3
Chapter III. Early History of Child Welfare in Maryland	8
Chapter IV. Early Laws Relating to Delinquent Children: The Growth of Institutions	12
Chapter V. Baltimore City	20
Chapter VI. The History of State Juvenile Court Legislation in Maryland	44
Chapter VII. Allegany, Baltimore and Harford Counties	66
Chapter VIII. Washington County	92
Chapter IX. Frederick County	106
Chapter X. Montgomery County	114
Chapter XI. Garrett County	129
Chapter XII. Anne Arundel County	144
Chapter XIII. Howard County	164
Chapter XIV. Carroll County	171
Chapter XV. The Eastern Shore Counties of Maryland	181
Chapter XVI. The Southern Maryland Counties	220
Chapter XVII. Prince George's County	228
Chapter XVIII. Maryland's Social Welfare Structure and its Relationship to the Development of the Juvenile Court	241
Chapter XIX. Conclusion	255
Appendix I	273
Appendix II	288

Appendix III	310
Appendix IV	371
Appendix V	373
Bibliography	381

## CHAPTER I

### INTRODUCTION

The history of juvenile court legislation in the entire world is slightly less than a half century old. The first two juvenile tribunals were established in Chicago and Denver in 1899. Maryland enacted its first juvenile court law in 1902 in Baltimore City and the law was to pertain to that area exclusively.

The counties of Maryland have operated autonomously and since all of the proposed juvenile court legislation prior to 1945 was permissive in nature, such laws were often rejected by the local communities. Thus, it is seen that even when state-wide legislation was enacted, the autonomy of the county was preserved and such laws ignored. The counties explain their position in rejecting some of the State laws on the basis of geographical location, economic, occupational, social and cultural differences. These counties feel that Maryland is too unique in these considerations for over-all blanket legislation.

The juvenile court in Maryland has had a history characteristic of this viewpoint. Individual counties have pioneered in the field of juvenile court legislation, and the laws they have sponsored, although similar in some respects, vary according to the emphasis placed on different phases of such legislation. Further, the enactment of the 1945 State Juvenile

Court Law, although uniting eighteen counties in a standard juvenile court act, found some counties asking exemption since individual laws were pending or were already in use and one county never having had such a law showed no interest in adopting one.

In appraising juvenile court practice in the counties using the 1945 law, it was seen that even though the law implies similar procedures to be followed in all counties, such uniformity was not being achieved because of the interpretation put upon the act by various Judges and Magistrates. There was also a differential of community services available to the Court, and a differential in amount of interpretation given the public by the Court.

It was known that there was wide discrepancy among the counties in these respects. Since the study was pointed to an analysis of the social and historical forces as they operated in the communities, the differences in approach, in practice and philosophy have been interpreted in terms of the development of the juvenile court as a social institution in Maryland.

## CHAPTER II

### PURPOSE AND SCOPE OF THE STUDY: METHODOLOGY

This research was undertaken in order to present a developmental history of the juvenile court movement in Maryland and to examine county participation as it was directed toward the reception of or resistance to juvenile court legislation. It was further directed to an analysis of the forces which stimulated and created interest in the juvenile court as a social and legal agency interested in the welfare of the delinquent child, the mentally defective child and the child without proper care and guardianship.

The study was also premised on the concept of the children's court as a community process in which the needs, understanding, attitudes and support of juvenile court legislation would be defined within the framework of a social institution. This definition outlined a social institution as "a set of group-made rules of behavior that center around the achievement of some human end or purpose."<sup>1</sup>

In an appraisal of Maryland's movement toward juvenile court legislation, viewed both historically and contemporarily, it becomes apparent that, whereas some of the counties have shown liberally progressive attitudes, others have remained immutable. In the forty-six year span between Baltimore

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<sup>1</sup>Sutherland, R.L., and Woodward, J. L., Introductory Sociology, p. 28.

City's first law which made distinction between the adult criminal and the child offender, and the 1945 State Juvenile Court Act, indorsement of such legislation varied from county to county. Because the laws proposed and enacted were permissive rather than mandatory, each community was free to accept or reject the measures, depending upon local philosophy and interest.

This study then, centered around the forces operative in creating and stimulating interest in the juvenile court as a method of social and legal control. Further, the data obtained was to demonstrate and describe the concept of community process; the juvenile court was treated as a social institution rather than as a purely historical legal entity. The emphasis in this work is upon social movement and impact as it relates to persons, institutions and agencies as well as an analysis of the laws and the content of the statutes themselves.

Three investigative procedures were followed in this study, namely, the direct contact interview, the use of a questionnaire and search of the literature, i.e., the Maryland press and pertinent periodicals and reports.

In evaluating material gathered by the direct interview method, much material that was given and predicated on a highly subjective base was eliminated. Valuable information was given by lay individuals and agency personnel who had actively engaged in sponsoring or repressing juvenile court procedure and legislation. Yet because of vested

interest participation, a workable distinction had to be made between data that was factual and could, in some way be authenticated, documented, and defended, and such material as was interesting, yet opinionated and of a significantly biased nature. The only interview content used, consequently, was that which was verifiable.

A further problem met was that of having interviewees recall their own participation in organizations, committee groups and boards. The purpose, the motivating agents as well as the results achieved became obscured in the memory of active civic persons. Consequently, there was a great urgency on their part to make referrals to other persons and thus withhold information, because they felt another colleague could be so much more completely helpful. Some of the persons interviewed were reluctant to give their viewpoints and several key persons did not make themselves available for interviews.

The persons interviewed included legislators, judges, probation officers, juvenile police officers, police chiefs, private and public social agency personnel, school superintendents, members of the Boards of County Commissioners, school attendance officers, members of the Governor's Juvenile Court Committees, members of the Governor's Commission on Juvenile Delinquency, State's Attorneys, and Law Librarians. Lay persons who were known to be interested in the problems of children were interviewed whether they were actively engaged in the interests of the juvenile court or not.

Direct contact interviews and communication by letter was made with one hundred and forty-six persons in a total of eighty-six social agencies, courts, schools and other offices. Some material was sought by correspondence since documentation was necessary in order to use the material.

The questionnaires were sent to social agencies, chambers of commerce, fraternal organization and other community functionaries, with which time and distance did not warrant direct contact. The questionnaire was devised to learn the nature of services offered to children, either on a casework or recreational basis, in order to gain a view of what was being done in the remedial, protective and preventive areas of child welfare. The questionnaire asked specifically if the agency had a working relationship with the juvenile court in the community and if it had participated or cooperated in any way in sponsoring the 1945 Juvenile Court Law.

The search of the Maryland press for information showing either community awareness to proposed juvenile court legislation or interpretation of such legislation was found to be very scant. The Baltimore City law of 1943 was given some newspaper coverage, but there was nothing mentioned of the 1902 Baltimore City legislation in two newspapers examined. Only two county newspapers, one a bi-weekly, serving one of the smaller counties, gave full and adequate interpretation of the 1945 law immediately after the law was enacted. News space devoted to a report of the activities of the Governor's Juvenile Court Committee of 1931 was at a minimum in all of

the newspapers examined. The Governor's Commission on Juvenile Delinquency as set up in 1945 received wide coverage in several newspapers. The press did, however, without exception, devote much space to private effort in behalf of children as it related to the charitable aspects of child welfare. These philanthropic endeavors of fraternal organizations received notice as did community plans and provisions for recreation.

Each county having a law library was visited for examination of local material as it related to juvenile court legislation, and juvenile delinquency prevention and control. There was also an effort made to find historical material that would aid in giving insight into the past thinking of the localities. The early dockets of the Courts were also examined in order to discern the similarities and differences in handling children's cases in the various jurisdictions.

Since historical material was available in some counties and scarce in others, there is a noted differential between the length of write-up on the several counties. The same is true of the more contemporary material as it relates to social action within the county in terms of interest in the juvenile court movement. In several of the counties it was very difficult to obtain even the most meager information, while in others a well-developed appraisal was achieved.

Because of the disparity of time between the individual county's acceptance of juvenile court law and its use of such legislation, the material is presented in historical sequence.

### CHAPTER III

#### EARLY HISTORY OF CHILD WELFARE IN MARYLAND

Under Maryland's early proprietary government there were no laws enacted in behalf of the delinquent, dependent or neglected child. The indenture pattern spread to Maryland from Elizabeth's Poor Law of 1601. As in the parishes of England, the needy child became the responsibility of the individual county and in order to save the county the financial burden entailed in the child's care, the indenture system was used. Under the indenture plan a child was put into a family to work and to live in that family as a unit member until he reached his majority, as set by the law. As he reviewed it historically, Thurston called indenture "a forward step in child care" and he pointed out that it fulfilled two major purposes: one, the responsibility for the care of children who would live in and be a part of the family assuming responsibility for that care and secondly, the whole idea of indenture was significant of a trend directed to care of the neglected and dependent child. However, since indenture grew out of early guild practices of "farming out" children under contract, to work for their maintenance, clothing and education, it did not have real service to small children, and the occupational aspect of indenture more often overshadowed the placement than did the offering of a home and adequate care of the child.<sup>1</sup>

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<sup>1</sup>Thurston, Henry, The Dependent Child, p. 10.

Maryland passed a bill of indenture in its first Assembly in 1638, in which it stated the expectations and limitations put upon apprentices coming to Maryland as well as outlining the obligations of the parties responsible for the indentured child. The bill relating to children transported to Maryland for the sole purpose of indenture does not have the word "child" in it, but rather speaks of "all persons under the age of eighteen years . . . ." The majority age at which freedom could be attained was set at the twenty-fourth birthday.<sup>1</sup>

The first mention in the Assembly proceedings regarding the individual dependent child's welfare took place in the April 1650 meeting at St. Mary's. The Bill involved "An Order concerning the charge of the two children of Thomas Allen, deceased."<sup>2</sup> The Allen children had been taken captives by the Indians and the General Assembly passed a law relative to reclaiming and assuming responsibility for these children.

The first recognition of the fact of age relative to apprenticeship is seen in the 1682 legislation in which the stipulation was made that the Assembly would pay for the maintenance of indentured children until they were self-supporting in their role of apprentice. This was the first piece of legislation pertaining to children in which there was awareness in some degree of "individual difference."<sup>3</sup>

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<sup>1</sup>Archives of Maryland, Proceedings and Acts of the Assembly, Vol. 33, p. 498.

<sup>2</sup>Ibid., Vol. 1, p. 420

<sup>3</sup>Ibid., Vol. II, p. 312.

Under proprietary law then, there is no legislation relative to the delinquent, dependent or neglected child except as indenture could absorb the child who was dependent upon the community.

It is apparent that all children did not accept indenture even though it was rigidly inculcated in the law. The first copy of the Gazette, an Anne Arundel newspaper, published on January 7th, 1745, carried an advertisement in which a reward was offered for the return of runaway indentured children.

After 1781 when Maryland adopted the State system of government, indenture laws continued to be considered and in 1793 a strong indenture bill was passed giving the Justices of the Orphans Courts the authority to bind out all pauperized orphan and illegitimate children. Parents were given the opportunity to apprentice their children and poor children in almshouses could be bound out by the County Trustees. Further, fines were levied against the improper handling of indentured children.<sup>1</sup>

In the law of 1849 there is seen the first actual outlining of the duties of the master toward the indentured child but as in all previous provisions there is no mention of real responsibility for the supervision of the child, but merely an outline of the conditions of the contract.

The first three almshouses in the State were established in 1773 in Anne Arundel, St. Mary's and Baltimore Counties

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<sup>1</sup>Laws of Maryland, 1793, Chap. 45.

respectively. The almshouse carrying over from the Elizabethan Poor Law as did indenture, was the first institutional facility for the delinquent child and the first institution too, to receive the indigent, the socially inadequate and the mentally ill person. Children were bound from the almshouses, but frequently there were many more children available for apprenticeship than there were homes, farms and industries to absorb them and housing was necessary for them. Some types of exceptional children were not exempted from almshouse care, however. They were the mentally defective child, the epileptic and those who were disabled or deformed.<sup>1</sup>

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<sup>1</sup>Laws of Maryland, 1886, Chap. 262.

## CHAPTER IV

### EARLY LAWS RELATING TO DELINQUENT CHILDREN; THE GROWTH OF INSTITUTIONS

The early laws of Maryland gave little consideration to the delinquent child and there is no statutory evidence that children's cases were heard or disposed of any differently than those of offending adults, except that penal authorities were given the right to bind out any child who became incarcerated.<sup>1</sup>

The first contributory law was enacted in 1821; this law stated very definitely that there was to be penalty for any adult who contributed to the delinquency of a minor. The law read in part: "If any person shall entice any minor from the care, direction, service or employment of the father, guardian or master of such minor, or shall induce or encourage any minor to disobey any lawful command of his or her father, guardian or master, or shall permit any minor to resort to, or enter or remain in any house, shop, store, apartment or dwelling used or occupied by such person, after notice from the father, guardian or master of such minor prohibiting the same, such person shall for every such offense, forfeit the sum of twenty dollars, the one half to use of the state, and the other half thereof to the use of the informer . . . ."<sup>2</sup>

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<sup>1</sup>Laws of Maryland, 1814, Chap. 104.

<sup>2</sup>Ibid., 1821, Chap. 219.

A second such law followed in 1876 and indicated concern with adults who contributed to the delinquency of a minor for purposes of prostitution. This Law covered the child under twelve years of age.<sup>1</sup>

In 1831 a Law was enacted which had in it the first essence of differential treatment for the child offender in that there was implied in the Law a recognition of the need for removing the child from the immediate locale of his misbehavior and binding him out to another jurisdiction. This Law related to children under the age of fifteen, who were "guilty of any indictable offense other than a felony." This Law indicated too, that a child could receive a suspended sentence and then in turn be bound out by the Court. A child was not to be bound out beyond her sixteenth birthday if a girl or beyond the twenty-first birthday if a boy. The Law further stated that "the infant was not to be bound to any service within the county from which he or she shall have been convicted."<sup>2</sup>

The Act of 1854 stated that all crimes committed by persons under fifteen or over twelve years of age, which would be felonies if charged to adults, would be prison offenses for the child. The Law read: "All infants over 12 and under 15 who may be convicted of mayhem, murder in the 2nd degree, manslaughter, assault with intent to murder or

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<sup>1</sup>Laws of Maryland, 1876, Chap. 324.

<sup>2</sup>Ibid, 1831, Chap. 208.

mayhem, or of setting fire to any building, tenement or property, the setting fire to which is punishable by confinement in the case of adults, shall be sentenced to the penitentiary for the said crimes in the same manner as if they were of full age."<sup>1</sup> It was also indicated in this Law that "it shall be the duty of every court having criminal jurisdiction to examine into the character of all infants convicted of offenses whether said "prisoner or transverser so convicted should be bound out in accordance with existing or future laws, or should be sentenced to the penitentiary."<sup>2</sup>

Thus, although there were contributory laws involving special protection to the child as far as adults were concerned, there was no real consideration for the care and treatment of delinquent children indicated in the early statutes. Adults and children were commonly treated the same in the courts and were incarcerated in like places for like offenses. Beggars, regardless of age, were sent to the county almshouse, and many, whether they were minors or not, were given sentences in the county jails.<sup>3</sup>

Two additional laws enacted in 1890 and 1892 widened the considerations relative to children in legislative thinking. The 1890 Law was "An act for the better protection of the morals and health of minors." It was, in fact, a

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<sup>1</sup>Laws of Maryland, 1854, Chap. 155.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid., 1814, Chap. 104.

broadening of the 1821 Law and indicated that ". . . no person engaged in performing upon any musical instrument, in, upon or near to any street, lane, alley, or highway, or engaged in selling . . . not having a fixed place of business . . . shall have in his possession or company, while so engaged, any boy or girl under the age of 8 years."<sup>1</sup> The idea of child exploitation is indicated in this Law and it might well be called one of the first laws involving concern for the social health of the child.

It was not until 1892 that "An act in relation to the sentence of convict minors" was instituted. This was a law which repealed all of the existing laws in relation to the sentences of convict minors, and it stated that minors under the age of sixteen years upon conviction of any offense punishable by imprisonment, might, at the discretion of the Court or Justice of the Peace, instead of imprisonment in the place provided for offenders generally, be sentenced to any House of Refuge or like institution in the State, under police regulation, provided the term of imprisonment does not extend beyond minority."<sup>2</sup> In this revolutionary turn to institutionalization instead of incarceration, there is still seen strong elements of the punitive, since the language of the Act is that used in criminal handling. Institutionalization is referred to as "imprisonment" and the child

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<sup>1</sup>Laws of Maryland, 1890, Chap. 6.

<sup>2</sup>Ibid, 1892, Chap. 311.

is being seen as "sentenced" rather than committed. However, with this Law and its antecedents, the Houses of Refuge, lay the generic foundations for the changed thinking and practice in the treatment of the contemporary delinquent in Maryland. While it is true that the early motivation was directed in philanthropic channels, there were evidences of a felt need to change the rather rigid thinking of earlier times.

The historical importance of the statute of 1830, which gave authority for the establishment of the first House of Refuge, appears to be one of the important landmarks in the developmental history of concern for the child's welfare in Maryland.<sup>1</sup> Although not materializing for nineteen years after the enactment of the Law, it was the beginning of the State's institutional program for the delinquent child. Turning away from the use of the almshouse as a multiple custodial device, the House of Refuge in Maryland followed the plan of the House of Refuge as it originated in New York and extended as a national pattern of institutional care for delinquent children throughout many of the major American cities.

The original House of Refuge in Maryland was renamed the Maryland School for Boys in 1906.<sup>2</sup> It remained at its original site in Baltimore until 1910 when the school was moved to Loch Raven, its present location. The Maryland School for Boys was

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<sup>1</sup>Laws of Maryland, 1830, Chap. 64.

<sup>2</sup>Ibid., 1906, Chap. 28.

given its present name, Maryland Training School for Boys, in 1918 when it was completely taken over by the State.<sup>1</sup> Up to this time the institution was under semi-state sponsorship with private subscription involved in its maintenance. In 1922 the school became a part of the general education system under the Board of Education.<sup>2</sup>

The history of the institutions serving girls is also based on the House of Refuge precedent. The Maryland Industrial Training School for Girls became an incorporated institution in 1866,<sup>3</sup> and in 1880 it was renamed the Female House of Refuge.<sup>4</sup> Renamed the Montrose School for Girls in 1922, it had become as the Maryland Training School for Boys, a direct responsibility of the State in 1918,<sup>5</sup> and began to function under the Board of Education as a part of the general education system in 1922.<sup>6</sup>

\* Consideration was given to the delinquent and dependent Negro boys in the establishment of the House of Reformation and Instruction for Colored Children, in 1870.<sup>7</sup> Renamed Cheltenham School for Boys, the State assumed responsibility for its ownership and management in 1937.<sup>8</sup> The Industrial

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<sup>1</sup>Laws of Maryland, 1918, Chap. 300

<sup>2</sup>Ibid, 1922, Chap. 29.

<sup>3</sup>Ibid, 1866, Chap. 156.

<sup>4</sup>Ibid, 1880, Chap. 173.

<sup>5</sup>Ibid, 1818, Chap. 303. ✓

<sup>6</sup>Ibid, 1922, Chap. 29.

<sup>7</sup>Chancellor, C. W., Report on the Public Charities Reformatories, Prisons and Almshouses of the State of Maryland. p. 71.

<sup>8</sup>Laws of Maryland, 1937, Chap. 70.

School for Colored Girls was established in 1882 and was the first such institution for Negroes in the United States.<sup>1</sup>

It was privately supported until 1931 when its management was assumed by the State. It was then renamed the Maryland Training School for Colored Girls.<sup>2</sup>

Various private custodial facilities were made available to the Baltimore City area. Most prominent of these facilities were the House of Good Shepherd for White Girls, established in 1864<sup>3</sup> and the same kind of institution established for Negro girls in 1892.<sup>4</sup> St. Mary's Industrial School, a protrectory for delinquent and dependent boys was established in 1866.<sup>5</sup> These institutions were under Catholic auspices.

The institutional trend of this period was high-lighted by the protest movement in regard to the use of mixed almshouse care for children. By 1886 almshouses were no longer permitted to shelter children of normal intelligence between the ages of three and sixteen.<sup>6</sup> Perhaps the one most progressive legal step was taken by a law in 1888 which allowed the Court to commit a child to any cooperating agency designed to meet the child's needs. This is the first law giving the Court the prerogative to use a treatment facility, rather than a purely custodial one.<sup>7</sup>

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<sup>1</sup>Laws of Maryland, 1882, Chap. 291.      <sup>2</sup>Ibid, 1931, Chap. 367.

<sup>3</sup>Directory of the Charitable and Beneficent Organizations of Baltimore and Maryland, Baltimore, 1892, p. 41.

<sup>4</sup>Laws of Maryland, 1894, Chap. 187.      <sup>5</sup>Ibid, 1866, Chap. 402.

<sup>6</sup>Ibid, 1886, Chap. 252.      <sup>7</sup>Ibid, 1888, Art. 27, Sec. 297.

A more recent development in the supervision of children in institutions was invested in the Maryland State Department of Public Welfare. With the establishment of a Bureau of Child Welfare in 1943, this organization was charged with having responsibility for insuring proper standards of child care for all children in need thereof and a Division of Institutions within the Bureau."<sup>1</sup> The Department of Public Welfare was to "... establish standards of care, policies of admission, transfer and discharge, and from time to time order such changes in the policies, conduct or management of ....institutions...."<sup>2</sup>

The social welfare organization of the State has been closely related to the juvenile court movement and to child welfare legislation. The historical perspective of juvenile court law and its relationship to the legal and social welfare structure of the individual counties is handled in the following chapters.

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<sup>1</sup> Laws of Maryland, 1943, Chap. 797, Sec. 23.

<sup>2</sup> Ibid. Sec. 17.

## CHAPTER V

### BALTIMORE CITY

Baltimore City was established in 1728. As the hub of the State's population, it grew into one of America's big cities. As such, it was faced with a variety of social problems unknown to the rural and less populated sections of Maryland. It is logical then, that Baltimore City would seek early legislation in behalf of children and it is logical too, that it would seek to have its own legislation, since its problems were those peculiar to a growing urban section of America.

Baltimore City instituted many laws relating to the poor and to dependent and neglected children. As in all Maryland counties, its first method of dealing with these children was by use of the almshouse. In 1817 the Trustees of the Poor and the Justices of the Orphan's Courts were given the power to bind out female children who were being cared for in almshouses. These children were to be bound out until the age of eighteen or until they married.<sup>1</sup> Ten years previously, private institutions had been permitted by statute to bind out children committed to their care.<sup>2</sup>

In 1827 there was recognition of the fact that many children were without proper care. Although the practice of

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<sup>1</sup>Laws of Maryland, 1817, Chap. 87.

<sup>2</sup>Ibid, 1807, Chap. 32, Sec. 2.

committing children to almshouses was the only method of public child care in Maryland since 1768, Baltimore City had greater problems in regard to children who were to be bound out than other communities had. There was no place to detain indigent, homeless children until they were bound out and the child population needing care was fast becoming a community problem, as children roamed the streets begging for a living. In 1827, the Justices of the Peace and the Trustees of the Poor for Baltimore City and County were given the power to arrest and detain any poor child who was found begging and who obviously appeared homeless and uncared for. These children were then sent to the almshouse or the poorhouse until such time as they would be bound out.<sup>1</sup> The Justices of the Peace and the Trustees of the Poor in Baltimore City were responsible for such placement until 1898 when the Supervisors of City Charities, with the Mayor and City Council, assumed responsibility in placing dependent and neglected children in public city-supported institutions.<sup>2</sup> Actually, almshouse care had been prohibited in the State of Maryland itself by legislation enacted in 1886.<sup>3</sup>

Of the problems that were becoming manifest in growing Baltimore, the one involving children in the city jails was fast becoming an issue of concern for both the community and the police. Increasing numbers of children were coming to

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<sup>1</sup>Laws of Maryland, 1827, Chap. 161.

<sup>2</sup>Ibid, 1898, Chap. 123.

<sup>3</sup>Ibid, 1886, Chap. 262.

the attention of the authorities, and with no other custodial facility available, great numbers of children faced jail and prison experiences. As early as 1881, the Warden, in his message to the Board of Visitors of the Jail of Baltimore City stated: "I desire more forcibly than ever in this case to call to your attention the necessity of further prison accommodations for minors, who are committed to the prison and confined in Section One, charged with various offenses against the law. As the prison is now arranged, these lads, mere children, many of them charged with slight offenses, are committed to the same section as male adults with no possibility of preventing communication between them. . . . No provision has or can be made in Baltimore City Jail to separate different classes of prisoners."<sup>1</sup>

Thus, the problem of children being kept in jails became a serious consideration in the minds of interested Baltimore persons. There was, too, very shortly, to be concern for a separate children's Court that could hear and dispose of children's cases in a different way than had been done previously.

Up to this time juvenile delinquents had been heard by Justices of the Peace sitting as Police Magistrates. Children were arrested and taken to the police station and treated as adults; there was no separation of cases.

In 1901 in the Fall of the year, there began to be movement toward the establishment of a Juvenile Court for Baltimore

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<sup>1</sup>Morrison, J. F., Warden, To the Board of Visitors of the Jail of Baltimore City, p. 20.

City. This action was taken by the Board of Managers of the Charity Organization Society. The Committee on Law and Legislation of the Society had been directed to prepare an Act to provide for a Juvenile Court and to submit proposals to the State Legislature, and then to stimulate community action for the Bill's adoption. The aims of the Bill were set by the Committee creating a separate Court for all delinquent minors under sixteen years of age, to recognize probation service as essential to such a Court, and to give the Court the right to suspend its proceedings at any time rather than before sentence or after conviction.

When the Fifth Conference of Charities and Corrections was held in 1909, a prominent member of the Conference recalled some of the considerations that had been given to the matter of Juvenile Court legislation in 1901.

The first question then to be settled was the nature of the tribunal to be established. No one was prepared to recommend the immediate creation of an additional court presided over by a judge who should be a member of the Supreme Bench of Baltimore City and such a recommendation if made would surely have failed, and if persisted in would have postponed indefinitely the initiation of the movement. Those most interested in the movement in Baltimore had then vague ideas of the practical work possible of accomplishment by such a Court, and the community at large had never had an opportunity of formulating any ideas whatever on the subject.<sup>1</sup>

Thus it is seen that there was thinking and acting behind this early law, which was one of the pioneering efforts in the legislation of children's cases in America.

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<sup>1</sup>  
Riggs, Lawrason, Fifth Conference of Maryland Charities and Corrections, Proceedings of 1909, p. 180.

This new facility was created to better handle children's cases as they came before the Court. The kind of procedure used previously can be seen by the fact that in 1902 some six to seven hundred children were committed to Baltimore City jails. Delinquency had never been defined in the thinking of the Police Magistrates and cases were disposed of merely to clear the docket.<sup>1</sup>

The new Juvenile Court was created from an Act to amend a previous Article of the Code of Public Local Laws and it was believed to be one of the first such courts in the world devoted exclusively to the trial and disposition of cases where children were the principals.

This new tribunal was actually not established as an additional court since the General Assembly of Maryland was without the authority under its Constitution to create another kind of court. The Juvenile Court then, became a reality only by the appointment of an additional Justice of the Peace who would sit on the Supreme Bench of the City of Baltimore for the sole purpose of hearing children's cases. The 1902 Act provided that the Governor of Maryland should make an appointment of an additional Justice of the Peace whose official title would be "Magistrate for Juvenile Causes."<sup>2</sup> Exclusive jurisdiction of minors under the age of sixteen was to be given the Magistrate for Juvenile Causes in all cases

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<sup>1</sup>Report of the Juvenile Court of Baltimore City, April 30, 1913, p. 4.

<sup>2</sup>Acts of 1902, Chap. 611, Sec. 623A.

where jurisdiction had been given by law to Police Magistrates of Baltimore City.<sup>1</sup> The Act also provided for the appointment of probation officers of either sex. These officers were to be appointed by the Supreme Bench of Baltimore City and were to serve without pay.<sup>2</sup> Actually, a Committee of interested Baltimore persons assumed responsibility for the salaries of the probation officers. "As there were no funds appropriated to pay the salaries of the probation officers, a committee of men and women with Honorable Charles J. Bonaparte as Chairman assumed the responsibility for the salaries of these positions."<sup>3</sup>

The Magistrate for Juvenile Causes was to be a member of the Bar of the Supreme Bench of Baltimore City, and was to receive a salary of \$2,100 per annum, from the Mayor and City Council of Baltimore.<sup>4</sup>

The new Juvenile Court was situated in the Court House and was informally opened on June 24th, 1902 by the Honorable Judge Charles Heisler. The Court held two sessions daily and one session was held on Sundays.<sup>5</sup>

In 1904 the General Assembly expanded the powers of the Magistrate for Juvenile Causes by granting him the additional

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<sup>1</sup>Acts of 1902, Chap. 611, Sec. 623A.

<sup>2</sup>Ibid, Sec. 886A.

<sup>3</sup>Juvenile Court of Baltimore City Manual, May, 1942, p. 1, Preface.

<sup>4</sup>Acts of 1902, Chap. 611, Sec. 623A.

<sup>5</sup>Juvenile Court of Baltimore City Manual, p. 1.

powers of police magistrates and also provided for the appointment of a sergeant and one police officer.<sup>1</sup> The sergeant was to act in the capacity of bailiff and maintain order in the Court and assume responsibility for delivering children to institutions.

The 1904 Act also indicated that the Magistrate's salary would be raised from \$2,100 to \$2,500 and additional probation officers were authorized.<sup>2</sup> The new Act assured the probation officers a salary to be paid by the City of Baltimore.<sup>3</sup>

In 1906 the Law authorized the appointment of two additional probation officers.<sup>4</sup> It was in 1906 that the antecedents of the more modern Juvenile Court Committee and the Governor's Commission on Juvenile Delinquency had its roots. The persons interested in the Baltimore legislation for children's cases were not convinced that the most adequate procedures were being followed in children's cases and there was movement to advise the legislature to review the current legislation. The legislature in turn empowered the Governor to appoint five commissioners, who were to serve without pay and who would concern themselves with the laws as they related to child welfare. The Commissioners were to review and to revise legislation as it pertained to the Juvenile Court and to children coming before the Court. The Commission was to

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<sup>1</sup>Acts of 1904, Chap. 521.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid.

<sup>4</sup>Laws of Maryland, 1906, Chap. 263.

serve for a two year term and make its results known to the 1908 Assembly.<sup>1</sup> The Governor appointed a Board of five persons in 1908 to fulfill much the same function as that of the 1906 Commissioners.<sup>2</sup>

The first annual report of the Baltimore Juvenile Court was published in 1909. The report gives some pertinent information on purposed extension of jurisdiction, especially as it related to adult responsibility and non-support. The report read in part:

A large proportion of the cases of wrongdoing among children is traceable to the home and results from the viciousness, carelessness and neglect of parents. In practically none of the cases can the parents be punished, because we do not have adequate laws fixing their responsibility and holding them liable. The result is that innocent, little children must suffer because parents do not realize their responsibilities or have no sense of obligation, to their children. . . . What we need, and sincerely trust the next General Assembly will enact, is an adult responsibility or contributory delinquency law such as exists in some of the states. . . .

The report also indicates the great need for an adequate non-support law "compelling the husband and father, wherever possible, to properly support and maintain his wife and children."<sup>4</sup> The report quotes from the recommendations of the Grand Jury for the City of Baltimore for the September 1908 term as follows:

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<sup>1</sup>Laws of Maryland, 1906, Chap. 807.

<sup>2</sup>Ibid, 1908, Chapter 486.

<sup>3</sup>Annual Report of the Juvenile Court, Baltimore, Md., 1909, p. 9.

<sup>4</sup>Ibid, pp. 10-11.

A more effective law is needed to combat this ever-growing evil of the non-support or desertion of wives and children..... It is, therefore, suggested that the law be so amended as to confer upon the Juvenile Court concurrent jurisdiction with the Criminal Court in non-support and desertion cases, where the accused does not pray a jury trial, and that a per diem of fifty cents be paid the wife or children of the delinquent husband for each day's work performed by him while in prison.<sup>1</sup>

In these statements, the Grand Jury was using the District of Columbia non-support law as an example of desirable legislation in dealing with this problem.

The Grand Jury further went on record as recommending "that a 'detention school' be established, where youthful delinquents may be sent pending trial or investigation." The need stressed was one for temporary-custody housing while investigations were being made.<sup>2</sup>

The volume of activity in the new Juvenile Court was great. From 1908 to 1909, 2,443 children were heard by the Court. This number involved 3,015 cases and the children involved were charged with the commission of one or more of forty-six different offenses. Indicative of the early methods of handling child offenders in Baltimore City is the fact that the most frequently reported offense was "disorderly conduct." Children were booked in that manner at the station houses where all offenders were taken before their hearing in the Juvenile Court. Of the total number of children reported

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<sup>1</sup> Annual Report of the Juvenile Court, Baltimore, Md., 1909, pp. 10-11.

<sup>2</sup> Ibid, p. 11.

in the first statistics released by the new Juvenile Court, 711 were reported as minors without proper care and guardianship. It was this number of neglected and dependent children that caused great concern over parental delinquency.

In 1910 the Governor was directed to appoint an additional Justice of the Peace to hear children's cases. The new Magistrate's salary was to be \$3,000 per year.<sup>1</sup>

The 1912 Law gave wider powers to the Magistrate for Juvenile Causes in that he could now assess penalty for contempt of court.<sup>2</sup> This Law was levelled at parents who refused to carry out the orders and recommendations of the Magistrate. Further additions in 1912 gave the Police Commissioner for the City of Baltimore authorization to appoint two male and two female physicians to give service to the station houses and to the Juvenile Court.<sup>3</sup> Social treatment as well as medical treatment was extended when the Magistrates were authorized to place "any minor who may be on probation as herein provided for in the custody of such person or persons for such period as deemed necessary. . . ."<sup>4</sup>

Informal and private hearings were not instituted until 1925. This change in procedure was brought about by the Honorable J. T. C. Williams who was then Chief Judge of the Juvenile Court. At that time the press was also excluded from

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<sup>1</sup>Laws of Maryland, 1910, Chap. 41.

<sup>2</sup>Ibid, 1912, Chap. 482.

<sup>3</sup>Ibid, Chap. 733.

<sup>4</sup>Ibid, Chap. 618.

the hearings of children. Court procedure is described in this fashion in the Report of the Juvenile Court for 1926: "The method of procedure in the Juvenile Court is dignified, but informal. . . . The hearings are held in the office of the Judge and the accused stand before his desk, accompanied by their parents."<sup>1</sup>

On October 1st, 1929, the Honorable T. J. S. Waxter, who was Judge of the Juvenile Court, instituted the services of a psychiatrist and pediatrician for children coming before the Court. This service was maintained for one year by private sources and during the year of 1930 it was supported by the Jewish Charities and the Catholic Charities with the Community Fund also lending support. By January, 1931 the money for this service was appropriated by the City of Baltimore.<sup>2</sup>

In 1931 another milestone in the history of modern Juvenile Court legislation was achieved in Baltimore City when Judge Waxter made private all records having to do with minors under the age of sixteen. These records were to be closed to the public but available to parents "or other authorized representatives of the person concerned and in the discretion of the Court by any other person having a legitimate interest therein."<sup>3</sup>

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<sup>1</sup>Report of the Juvenile Court of the City of Baltimore, Dec., 1926, p. 7.

<sup>2</sup>Juvenile Court Manual, May, 1942, Preface p. 2.

<sup>3</sup>Article 52, Chap. 323, Sec. 81, Annotated Code.

There was at this time a development of movement for a more expansive Juvenile Court and in 1941 a Bill was introduced requesting a constitutional amendment whereby the Juvenile Court would be made a court of record and have jurisdiction of minors up to the age of eighteen years. A Bill which provided a constitutional amendment was subsequently passed by the Legislature, approved by the Governor, but was not voted upon by the people of Baltimore City in November, 1942.

In 1943, however, the City of Baltimore enacted local juvenile court legislation. In evaluating the social movement of this Law, a former Juvenile Court Judge for the City of Baltimore stated:

The dominant motive behind the change brought about by the 1943 law was that the Juvenile Court become a court of record. This was brought about by the interest of the lawyers and the legislators in giving more status to the Court. The social work group was effective in having the Governor appoint a special committee to go into the matter to stimulate this interest.<sup>1</sup>

The new Law was to abolish the Juvenile Court and to transfer jurisdiction over children's cases to an Equity Court. An introduction to the Law reads:

An Act to amend the laws pertaining to juvenile and related cases in Baltimore City, to confer jurisdiction in such cases upon the Circuit Court of Baltimore City, to provide for the care and treatment of children found by said Court to be dependent, delinquent or feeble-minded, and to abolish the offices of Magistrate and Assistant Magistrate for Juvenile Causes in Baltimore City.<sup>2</sup>

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<sup>1</sup>Correspondence from Judge T. J. S. Waxter, Director of the Department of Public Welfare, Baltimore, Md., Aug. 2, 1949.

<sup>2</sup>Laws of Maryland, 1943, Chap. 818.

All cases pending before the Magistrates for Juvenile Causes on May 6th, 1943 were to be transferred to the Circuit Court for Baltimore City. "In addition to the jurisdiction now possessed and exercised by the Circuit Court . . . said Court shall have jurisdiction in juvenile causes. . . ." <sup>1</sup>

It was indicated in this section that the Judge "need not be subject to rotation." This Judge was to be assigned to the Supreme Bench of Baltimore City and was to have exclusive and original jurisdiction over dependent, neglected and delinquent children. His jurisdiction also extended to the feeble-minded child and to the determination of paternity in disputed cases. The Judge further had the power to try, subject to the right of trial by jury, any parent or adult responsible for the child, who contributed to the condition of the child. It was clearly pointed out, however, that other Courts were to retain the right to determine custody of children upon writs of habeas corpus and to determine the custody and guardianship of children. <sup>2</sup>

The Law pointed out that any child brought before the Juvenile Court would be charged only with being a dependent, delinquent or a feeble-minded child. No child was to be charged with "commission of any crime." If the child is charged with a misdemeanor or felony which would be a criminal charge if committed by an adult, the Judge, after

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<sup>1</sup>Laws of Maryland, 1943, Chap. 818, Sec. 420A.

<sup>2</sup>Ibid, Sec. 420C.

investigation, may waive jurisdiction and order the child held for action under adult procedures.<sup>1</sup> The terms of dependency, neglect and delinquency are fully defined in the Law.

The delinquent child was defined as one who violated any law or ordinance, or who committed any act which, if committed by an adult, would be a crime not punishable by death or life imprisonment. It included in its definition the incorrigible, ungovernable and habitually disobedient child, "who is beyond the control of his parents, guardian, custodian or other lawful authority." Delinquency was also defined as habitual truancy, desertion from home, engagement in illegal occupation or association "with immoral or vicious persons." The child would also be adjudged delinquent if he behaved in such a way "as to injure wilfully or endanger the morals of himself or others."<sup>2</sup>

The 1943 Baltimore City Law gave the Supreme Bench the power to appoint, upon recommendation of the Judge, a suitable person who would act as Master, and who would receive a salary of \$4,000 per year. This position of Master, similar to that of Referee in other courts, was one of the innovations to the Act. The Law stipulated that the case shall first be heard by the Master, who in turn would transmit to the Judge all material relating to the case together with findings and recommendations. If a hearing were indicated it would be held

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<sup>1</sup>Laws of Maryland, 1943, Chap. 818, Sec. 420D.

<sup>2</sup>Ibid, Sec. 420B.

with the Judge officiating. If a hearing was not considered necessary, the order of the Master would stand, when confirmed by the Judge and would thereby become the judgment of the Court.<sup>1</sup>

The Law stated that children would be released to their parents or custodians pending a Juvenile Court hearing, whenever that was possible.<sup>2</sup> If it was considered ill advised to return a child to his own home the Judge was empowered to arrange temporary housing with the Department of Public Welfare of Baltimore City.<sup>3</sup> The Department of Public Welfare was to use its discretion in the selection of home for the child or for its institutionalization.

If a child were in need of care or treatment by virtue of its dependency or neglect by parents or others, the Judge was authorized to commit such a child to the State Department of Public Welfare, where it would be given the care the Department of Public Welfare deemed best. The Law stated that the Welfare Department was to submit semi-annual progress reports on each child committed to them. The Welfare Department had the right to make changes of residence for the child if that was indicated.<sup>4</sup> Parents were expected to pay for such care if it were possible for them to do so. In cases of parents able to pay for such support and who wilfully refused to accept responsibility for their children, the Judge had

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<sup>1</sup>Laws of Maryland, 1943, Chap. 818, Sec. 420F.

<sup>2</sup>Ibid, Sec. 420H.

<sup>3</sup>Ibid, Sec. 420 I

<sup>4</sup>Ibid, Sec. 420K

the power to regard them as in contempt of court.<sup>1</sup>

The 1943 Law stated the right to appeal and application was to be made to the Court of Appeals.<sup>2</sup>

Children committed to the Department of Public Welfare of Baltimore City come under a specialized division known as Children's Protective Services. This department keeps custody of Protestant children and assigns Catholic and Jewish children to their respective agencies. The Department of Public Welfare is in the anomalous position of assuming responsibility for the commitment of a child but other agencies do the placing and supervision.<sup>3</sup>

Thus, Baltimore City, a pioneer in the field of juvenile legislation created a new and expansive Juvenile Court Law, taking away the authority of the Magistrates to hear children's cases and to vest that authority in the Circuit Court. An interpretation of the change was made in the Baltimore Evening Sun. Emphasizing the forty-one year span in which the Juvenile Court had been a police court for minors with the Judges having the limited authority of Magistrates, the article further stated:

A committee of Judges from the Supreme Bench had been assigned to prepare a draft of rules regulating procedure in the new court. Considerations were the locale of the new court and who would be the Judge.  
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<sup>1</sup>Laws of Maryland, 1943, Chap. 818, Sec. 420M.

<sup>2</sup>Ibid, Sec. 420Q.

<sup>3</sup>Interview with Miss Esther Lazarus, Chief, Children's Protective Services.

<sup>4</sup>Baltimore Evening Sun, February 19th, 1942.

The first year of the Juvenile Court under the Circuit Court indicated a decline of 14-1/2% in delinquency cases coming before the Court. This was accredited, by the Supreme Bench to the several aspects of the new Law. Most prominently, it outlined:

Equity is the forum traditionally constituted to promote the ultimate welfare of children. In contrast to the Magistrate's loss of jurisdiction after commitment of a child to a training school, the long-armed Equity Court's power to retain jurisdiction to bring about changes in the care and treatment as the need for them arises is historic and inherent.

For the last several years of the old system, writs of Habeas Corpus were sought by aggrieved parents in wholesale numbers to bring about the release of children committed to correctional schools. Since June, 1943, the number of such writs has dwindled to relatively negligible proportions. Parents soon sensed that the Court's retention of jurisdiction indicated a genuine and continuing interest in the children committed as they noted the innovation of the Court's requiring from the training schools individual reports . . . covering the progress of each child.<sup>1</sup>

The 1944 Report of the Circuit Court of Baltimore City, Division for Juvenile Causes, pointed out in 1944, that one of the still unsolved problems was the matter of providing facilities for the care of children detained by the Court pending either investigation or psychiatric study.<sup>2</sup>

In the matter of probation the 1944 Report indicates somewhat how the new Law was being used and interpreted by the Judges.

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<sup>1</sup>Report of the Circuit Court of Baltimore City Division for Juvenile Causes for the Year 1944. p. 1.

<sup>2</sup>Ibid, p. 5.

The emphasis which the Court has placed on searching out the causes of delinquent behavior, through comprehensive, painstaking, social investigation and psychiatric study, is evidence of its clear recognition that the child and not the offense is its most important consideration. . . . During 1944, the Probation Staff made 1,126 social investigations. . . . Probation was granted in 684 cases. These children were permitted to remain in their own home under the supervision of the Court's probation officers.<sup>1</sup>

By 1947 more than 13,000 children had had hearings in the new Juvenile Court.<sup>2</sup> No appeal had ever been made in any of the Court's decisions, although the right to appeal was given in the Law.<sup>3</sup>

The 1947 Report of the Circuit Court of Baltimore City, Division for Juvenile Causes, pointed out five major needs in order to effect the best service to children. There was concern shown for the feeble-minded child, for the delinquent and the mentally retarded child. The Report indicated that because of lack of space only thirty-five or eighty-one referrals were given service at the State institutions at Rosewood and Crownsville.<sup>4</sup> A second consideration was the need of an enlarged Child Study Home for both White and Negro children. This facility was seen by the Court as imperative in a program of prevention and remediation in the problem of delinquency and pre-delinquency.<sup>5</sup> Another major concern of

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<sup>1</sup>Report of the Circuit Court of Baltimore City, Division for Juvenile Causes for the Year 1944, page 5.

<sup>2</sup>Ibid., 1947, p. 1.

<sup>3</sup>Ibid., p. 11.

<sup>4</sup>Ibid., p. 2.

<sup>5</sup>Ibid., p. 4.

the Court was the high incident of delinquency among Negro youth. The Report pointed out that although the Negro child population comprises only 20% of the City's children, the Negro child was involved in 57% of its delinquency. These children coming from the heavily populated areas of East Baltimore and Northwest Baltimore require attention by the community in terms of services to them.<sup>1</sup> The item of detention, which appeared in almost every annual report of the Juvenile Court, was presented in this one with forcefulness.

This Court detains children for social and psychiatric study and not as punishment. Neither cruelty to children nor custody for custody's sake is ever tolerated. . . . In Baltimore City the jail is never used as a place of detention for juveniles.

In 1947, we found it necessary to detain 433 boys and girls who had already been adjudged delinquent, while they were being studied and plans were being made for them. On their face, their offenses were so serious as seemingly to offer the least hope for adjustment in the juvenile's own homes. The three week's study prompted the Court, however, to commit only 132 of them and an additional 16 to schools for the feeble-minded. Seven were committed to the Department of Public Welfare for foster home placement and 231 were tried on probation. . . . only 29 were committed to training schools. Forty-four of the 433 studied were found by the Court's psychiatrist to have I.Q.'s of 65 or less.<sup>2</sup> . . . most of these were carried on probation.<sup>2</sup>

Since the child is detained on an average of three weeks for social and psychiatric study in Baltimore City, the concern for custodial facilities is great.

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<sup>1</sup>Report of the Circuit Court of Baltimore City, Division for Juvenile Causes, 1947, p. 6.

<sup>2</sup>Ibid, p. 8.

Another concern of the Juvenile Court in its Report was the need to plan for slum clearance and more adequate housing. Using the Housing Authority of Baltimore's estimate that twenty-five percent of Baltimore's population were living in sub-standard housing, the Report urges the Mayor and City Council to again place the \$10,000,000 bond issue before the voters. The issue had been defeated in the last election.<sup>1</sup>

Thus was seen that the Court's own appraisal of its work was one which implied that auxiliary services were needed to make the Court a more complete service to the community. The 1943 Baltimore City Law itself was getting recognition from jurists and was seemingly making imprint upon the thinking of persons who were interested in seeing legislation of this kind on a State-wide basis.

The Community's appraisal of the present law and of its administration by the Supreme Bench of Baltimore City has resulted in a movement to have the handling of juvenile cases in the counties of Maryland patterned after our present setup in Baltimore City. Upon the recommendation of the State Department of Public Welfare, a Bill to effectuate the change has already been introduced in the Legislature.<sup>2</sup>

In an appraisal of the social action other than that involved in the creation of Juvenile Court legislation itself, it was seen that there were many persons in Baltimore interested in the problems of youth and in the aspects of prevention and control of juvenile delinquency. In 1944, the

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<sup>1</sup>Report of the Circuit Court of Baltimore City, Division for Juvenile Causes, 1947, p. 7.

<sup>2</sup>Ibid, p. 2.

Juvenile Court, the Baltimore Youth Commission, the Department of Public Welfare and the Municipal Government of Baltimore created two Area Projects. A third such project was set up in 1947 in Northwest Baltimore.

At the time of this study, Baltimore had scores of organizations for recreational service to children. The Girl Scout Council of Baltimore and Baltimore County reported some 9,000 girls of all faiths between the ages of 7 and 18 enrolled. No Negro girls were indicated in the membership. The Girl Scouts Executive served for five years on the Mayor's Juvenile Delinquency Commission and indicated an interest of this Organization in Juvenile Court legislation.<sup>1</sup>

The Glenn L. Martin's Boy's Club indicated a relationship with the Juvenile Court. "Occasionally we have a boy or boys released on probation under guidance of the director."<sup>2</sup> The McKim Community Center, under the Presbyterian Board of National Missions and the Friends, had a recreational service for both boys and girls. In answer to the question: "Do you have a working relationship with the Juvenile Court?", the McKim Center indicated that it had no such relationship at present and that referrals were made by the Center to the Department of Public Welfare.<sup>3</sup>

The Baltimore Area Council of Boy Scouts indicated a membership of approximately 14,000 boys from nine to eighteen

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<sup>1</sup>Questionnaire, Caroline T. Lydee.

<sup>2</sup>Questionnaire material.

<sup>3</sup>Ibid.

years of age. The Boy Scouts of Baltimore had no working relationship with the Juvenile Court unless a specific case was referred to them. The questionnaire stated that there was a volunteer staff of 3,600 connected with the Baltimore Council, plus some fifteen trained staff members.<sup>1</sup>

The Little Flower Youth Organization provided recreation and "social, cultural, physical and religious activities for youth nine to twenty-five years of age." It served Catholic children predominately, but others were welcome as guests. In answering the questionnaire on the matters of delinquency the pastor stated; "If we seem to have been negligent in the matter of public interest as regards legislation on juvenile courts and juvenile delinquency, it may be perhaps best explained by saying that we have very little problem in that matter. Usual normal mischief there is aplenty, but nothing serious that we cannot handle."<sup>2</sup>

Despite the great number of recreational services for children in Baltimore, there was still need for more such services to meet the needs of all children. The Juvenile Court had taken action with the Police Commissioner to develop a Boy Scout Troop in every Police District and a Boys' Club in the Southwestern Police Section. The Juvenile Protective Bureau of the Police Department hoped to enlarge its boys' club facilities and to extend such service to Negro youth as well as White children.

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<sup>1</sup>Questionnaire material.

<sup>2</sup>Ibid, material furnished by Rev. Frederick H. Duke.

In a further step in the appraisal of social action in Baltimore, several of the major social welfare agencies should be mentioned. The Maryland Children's Aid Society, whose history has meant virtually the history of child welfare in many of the counties, has its "parent office" in Baltimore. The activity throughout the years both in terms of child welfare and Juvenile Court legislation is outlined in other chapters of this study. In 1948 the Family and Children's Agency gave service to the Juvenile Court and was active in the proposed Juvenile Court legislation. The Catholic Charities of Baltimore, was working with Catholic children and their families and was a prominent community agency as well as other denominational agencies. The Baltimore Urban League, although not a service giving agency, but rather one of a community organization nature interested in interracial aspects of community life, dealt with the problems of the Baltimore Negro.

The study of the Juvenile Court evolution in Baltimore City was seen to center in the interest and stimulation of two predominate groups: the legal profession and the social workers. The developmental history of the contemporary Juvenile Court in Baltimore from its inception in 1902 on a Police Magistrate's level to the 1943 Law on the Circuit Court level would seem to imply that both factions had compromised and that in the debates that ensued, both interests had some representation in the laws that were enacted.

At the 1909 Conference of Charities and Corrections a very pertinent note was sounded. Seven years after the first

Juvenile Court was established in 1902 the Chairman of the Conference stated:

..... a very important phase of juvenile court work  
..... is the attitude of the public towards the court,  
In this respect it is unique. No other court depends  
for the successful working of its machinery upon public  
opinion, as does this court. .... Public opinion <sup>1</sup>  
approves the principles upon which the Court is founded.

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<sup>1</sup>  
Fifth Conference of Maryland Charities and Corrections,  
1909, p. 180.

## CHAPTER VI

### The History of State Juvenile Court Legislation In Maryland

The proposal of the 1916 Juvenile Court Law for the State of Maryland was the first such legislation to be introduced on a State-wide basis. The new law was almost identical in pattern to the Baltimore County Law in which it was stipulated that the Juvenile Court was to be put on the Circuit Court level. The legislation was to be permissive in nature. Since the existing children's courts of the State had been operating on the basis of local legislation, each county having such a Court had written into its law those items which would meet community need and give support and recognition to the Court. It was hoped now to create a uniform blanket law for the entire State, yet the permissive clause would insure individual county freedom in accepting or rejecting the law.

The Board of State Aid and Charities advocated the adoption of a State-wide law since it felt that the counties having such legislation were handling children with greater success and that the over-use of institutions as a means of case disposal by counties not having an adequate juvenile court system or philosophy was harmful to those children.<sup>1</sup> The full implication was that with a State Juvenile Court Law in operation in every political sub-division of the

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<sup>1</sup>  
State Aid and Charities Report, 1914-1915. p. 46.

State Court policies and procedures would be somewhat more uniform and meaningful in terms of more adequate service to children.

One year previous to the enactment of the 1916 Law, the forty-second annual meeting of the Conference of Charities and Correction had taken place in Baltimore. At this conference there was very definite expression of the disparity that often exists between the enactment of a piece of legislation and the actual practice in using this legislation. Although the conference did not go on record as resisting the newly proposed Juvenile Court Law, the implication would seem, because of the title of the paper presented "The Reaction of Children's Casework in the Development of the Constructive and Preventive Work of a Community in Law Enforcement," to relate to legislation regarding child welfare issues. The address delivered by John Edward Ransom, Superintendent of the Free Dispensary in Chicago read in part:

Promoters of public welfare are often want to feel that victory has come with the enactment of constructive legislation. . . . The placing of a law upon our statute books today is no guarantee of its enforcement. Constructive social legislation is usually framed by a group of people interested in a particular social problem. It is introduced as a bill by some legislator for one or more of divers reasons. Its passage often is accomplished by legislative reciprocity or political expediency. The executive branch of the government now becomes the guardian of this newly made law and upon the activity and integrity of the law enforcing power, its real value depends.<sup>1</sup>

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<sup>1</sup>Ransom, John E., Proceedings of the Conference of Charities and Corrections, 1915, p. 26.

The 1916 Juvenile Court Law conferred additional powers upon the Circuit Courts of Maryland and they were to have jurisdiction to hear cases involving dependent, neglected and delinquent children. They were to try persons who encouraged such conditions and to adjudge the punishment of such persons.

Under the 1916 Law the terms "dependent" child and "neglected" child were of synonymous connotation. A male child under twenty and female child under eighteen years of age would be adjudged under these categories if he or she were:

destitute, homeless or abandoned, or dependent upon the public for support, or has not fit and proper parental care or guardianship, or who is feeble-minded or otherwise mentally deficient, or who habitually begs for alms, or is found living with vicious or depraved persons, or has a home, which, by reason of neglect, cruelty or depravity on the part of its parent or parents, guardian or other person having charge of it, is an unfit place for such a child. . . .<sup>1</sup>

The feeble-minded and mentally deficient child, therefore, would come to the attention of the Court without medical definition and by virtue of mental impairment would be adjudged neglected or dependent. The child "who is habitually absent from school contrary to the public general or public local laws of Maryland,"<sup>2</sup> would also be heard as a dependent or neglected child. The Law stated that a delinquent child "shall be construed as meaning any male or female child under the ages . . . specified, and who, while under

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<sup>1</sup>Laws of Maryland, 1916, Chapter 326, Sec. 1.

<sup>2</sup>Ibid.

such age, may violate any criminal law of the State, or is incorrigible, or knowingly associates with thieves, vicious or depraved persons, or is growing up in idleness or crime, or knowingly frequents any gambling places, policy shops, and patronizes or frequents liquor or beer saloons unaccompanied by a parent or guardian, or is guilty of indecent, immoral or lascivious conduct.<sup>1</sup>

Under this Law a Circuit Court Judge would sit in Juvenile Causes and when that designation was made he would have jurisdiction of "any and all Justices of the Peace for said county in all cases of trial or commitment to any juvenile institution, and to "hear, try and determine all cases of any . . . dependent, neglected or delinquent children and to provide for the custody, control and maintenance of such child until it shall attain the age of twenty-one, and shall have all other jurisdiction by this Act. . . ."<sup>2</sup>

Any resident of the several counties or any agency incorporated under the laws of the State "for the care and protection of children" could assume responsibility for filing a petition with the Clerk of the Circuit Court in the interest of any child who appeared to be delinquent, neglected or dependent. The Clerk would then docket such a petition wherein the petitioner would be named as the plaintiff and the child or its parent or guardian would be named as defendants in

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<sup>1</sup>Laws of Maryland, 1916, Chap. 326, Sec. 1.

<sup>2</sup>Ibid, Sec. 2.

such cases.<sup>1</sup> The defendants would be served a summons and they would appear before the Circuit Court sitting in Juvenile Causes.<sup>2</sup>

The Circuit Court, sitting in Juvenile Causes was to appoint one or more probation officers whose salaries were to be paid by the County Commissioners, the salary to be fixed by the said court. The duties of the probation officers were outlined as follows:

It shall be the duty of such officer or officers to inform himself or themselves when any child is to be brought into said Court, and to make investigations of all such cases, to be present in Court to represent the interest of the child when the case is heard and to furnish said Court such information and assistance as said Court may require and to take charge of such child before or after the trial as said Court may direct, and whenever such probation officer shall have knowledge of any dependent, neglected or delinquent child, it shall be the duty of such officer to bring the same to the attention<sup>3</sup> of said Court by petition, as hereinbefore provided.

The right to a jury trial was assured any minor who was charged with a criminal offense. The child was to appear before the Circuit Court for any county, sitting in Juvenile Causes. ". . . then said Court shall direct said charge against said minor to be tried in like manner as other criminal cases are now or may hereafter be tried; and the said Court shall have and exercise in such case all its ordinary powers over the person of said minor pending information, indictment or trial."<sup>4</sup>

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<sup>1</sup>Laws of Maryland, 1916, Chap. 326, Sec. 3.

<sup>2</sup>Ibid, Sec. 4.

<sup>3</sup>Ibid, Sec. 6.

<sup>4</sup>Ibid, Sec. 7.

The Circuit Court sitting in Juvenile Causes was to allow any dependent, neglected or delinquent male child under twenty years of age or any female child under eighteen years of age, to remain in its home, subject to the supervision of the Probation Officer. The Judge could require that the child report to the Court or to the Probation Officer when the Court so ordered.

The child was to be removed from his home,

. . . . if said Court . . . . shall find the parent, parents, guardian or custodian of such child an unfit or improper person or persons, or unwilling to care for, protect,<sup>1</sup> train, educate or discipline such child . . . .<sup>1</sup>

In such case the Court would be allowed to

pass an order committing the child to the custody of some agency, or to some more suitable institution, State or otherwise, organized for the care of children, until it becomes twenty-one years of age and said agency or institution may place such children in the home of some suitable family. Said Court, however, shall retain the right to remove such children from such family, home, agency or institution, for such reasons as the Court may determine sufficient.<sup>2</sup>

Agencies or institutions responsible for the placement of children by Court direction were to supervise such placements and to visit the child once every three months; the Court also held such agencies responsible for a progress report on each child so placed.<sup>3</sup>

Parents or persons charged with the responsibility for the care of a child so placed were to pay in full or in part

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<sup>1</sup>Laws of Maryland, 1916, Chap. 326, Sec. 8.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid., Sec. 9.

the cost of maintaining such child, and the Court was to have the power to "assess the costs of such proceeding against such parent . . . or other persons so charged."<sup>1</sup>

The child under the age of fourteen years was not to be committed to a jail or police station but if the child was unable to give bail for the Court appearance, "he or she shall be committed to the care of a Probation Officer for the said County, or to the custody of some society or juvenile institution organized for the care of children."<sup>2</sup>

Any person who wilfully neglected to care for or support a child for whom he was legally responsible was to be charged with being guilty of a misdemeanor and was liable to imprisonment, fine or both.<sup>3</sup>

The 1916 Juvenile Court Law was not to apply to Baltimore City and it was stated that ". . . all laws or parts of laws now in force . . . in conflict with provisions of this act, are hereby repealed to the extent of that conflict, but no further."<sup>4</sup>

This Act was approved on April 18th, 1916 and was to be effective on June 1st, 1916.<sup>5</sup>

The second State-wide Juvenile Court Law enacted in 1931 was permissive in nature and progressive in scope, and it related to the hearing of cases involving dependent, delinquent

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<sup>1</sup>Laws of Maryland, 1916, Chapter 326, Sec. 10.

<sup>2</sup>Ibid, Sec. 12.

<sup>3</sup>Ibid, Sec. 13.

<sup>4</sup>Ibid, Sec. 16.

<sup>5</sup>Ibid, Sec. 18.

and neglected children. The Law stipulated that the Governor would appoint, with the advice and consent of the Senate, an additional Justice of the Peace for each County in the State. This officer of the Court would be known as the Magistrate for Juvenile Causes.<sup>1</sup>

The Magistrate would have the same power as a Justice of the Peace or Magistrate for criminal causes and exclusive jurisdiction ". . . in all cases of trial, or commitment for trial, or commitment to any juvenile institution of any minor under the age of sixteen years."<sup>2</sup>

The Magistrate was empowered to dispose of cases involving children by dismissal, postponement or probation "in the care of and under the supervision and direction of one or more probation officers."<sup>3</sup> Hearings were to be conducted informally and privately.<sup>4</sup> Records were to be kept and "all such records having to do with minors under the age of sixteen shall be exempt from discriminate public inspection" according to the Law.<sup>5</sup> Records would be available to "the parents or other authorized representative of the person concerned and in the discretion of the Court. . . ."<sup>6</sup>

The Law allowed any resident of the counties or any child incorporated protective agency, to file a petition, in

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<sup>1</sup>Laws of Maryland, 1931, Chap. 323, Sec. 81.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid., Sec. 84.

<sup>5</sup>Ibid., Sec. 81.

<sup>6</sup>Ibid.

writing and under oath, in behalf of a dependent, neglected or delinquent child. The petitioner would be named the plaintiff and the child or children and their parents or custodians would be named the defendant in such cases. A summons would be served by the sheriff or constable and the defendants would be ordered to appear before the Magistrate.<sup>1</sup>

The Magistrates for Juvenile Causes were empowered to appoint a probation officer, whose salary would be paid by the County Commissioners of the several counties. The Law stipulated that the probation officer was to have at least one year's experience in the field of social work.<sup>2</sup>

The duties of the probation officer were specifically defined. The officer was to be under the supervision of the Magistrate and to be vested with the privileges and authorities of constables. The probation officer was to make investigations, supervise probationers and to have "the power to bring any minor or minors who may be on probation . . . . before the juvenile court, by a process of warrant duly sworn to charging him or them with violation of the terms or conditions of their probation. . . . ."<sup>3</sup>

The 1931 Law provided for a Juvenile Court Committee in each of the counties. The Committee was to be composed of five members appointed by the Governor. It was to serve without pay and to act in an advisory capacity to the Magistrate

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<sup>1</sup>Laws of Maryland, 1931, Chapter 323, Sec. 83.

<sup>2</sup>Ibid., Sec. 86.

<sup>3</sup>Ibid., Sec. 87.

and meet with him four times each year. The Committee was to make recommendations as to the appointment of probation officers and to "confer with the Magistrates for Juvenile Causes of their respective counties and to render such service as the Magistrates may require in their discretion." The Committee was also to recommend to the Governor qualified candidates for the position of Magistrate for Juvenile Causes.<sup>1</sup>

The 1931 State-wide Juvenile Court Law was approved on April, 17th, 1931 and was made effective on June 1st, 1931.<sup>2</sup>

In 1941, House Bill 785 was introduced. This Bill was a repeal and re-enactment with amendments of Sections 83 and 84 of Article 52 of the Annotated Code of Maryland, 1939 Edition.

These amendments, approved on May 2nd, 1941, raised the juvenile court age from sixteen to eighteen years,<sup>3</sup> and provided that the Magistrate for Juvenile Causes "have concurrent jurisdiction with the Circuit Courts for the several counties in cases involving trial, or commitment for trial, or commitment to any juvenile institution. . . ."<sup>4</sup>

In 1945 Maryland enacted its first State-wide mandatory Juvenile Court Law, and its origins were deeply rooted in the movement of interest in the Baltimore City Juvenile Court Law of 1943.

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<sup>1</sup>Laws of Maryland, 1931, Chap. 323, Sec. 85.

<sup>2</sup>Ibid., Sec. 5.

<sup>3</sup>Ibid., 1941, Chap. 807, Sec. 83.

<sup>4</sup>Ibid.,

One of the most important of the functionaries working in behalf of new legislation both for the State and for the Baltimore City Law of 1943 was the Commission on Juvenile Delinquency appointed by the Governor in 1940. This Commission was to consider the whole field of juvenile delinquency and its treatment and to report its findings to the General Assembly at the 1941 session. The Commission had its organization meeting on October 31st, 1940 and it met with representatives of State and private agencies interested in, and responsible for, caring for delinquent children. These agencies were, State and Public Departments of Welfare and the law enforcement factions of the State and of Baltimore City. The Juvenile Court of Baltimore City, the Probation Department of the Supreme Bench of Baltimore City, the State Department of Correction, the State Departments of Parole and Probation, the State's Attorney for Baltimore City, the Police Magistrates for Baltimore and the State Board of Mental Hygiene were among those organizations meeting with the Governor's Commission on Juvenile Delinquency. The following statement was made as an appraisal of this meeting:

It is significant that this is the first time that the activities of all of these agencies and individuals in Maryland, all of whom are concerned with the widely ramified problem of dealing with or preventing delinquency in children, have been brought into a single focus so that their efforts can be considered as a whole. Perhaps the most useful function of such a Commission is to make a beginning in the direction of integrating these now independent activities into a unified program, so that the State's job in this vital field can be more effectively done.<sup>1</sup>

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<sup>1</sup>Report of the Juvenile Delinquency Commission, January 28th, 1941.

The findings of the Commission on Juvenile Delinquency can perhaps be designated as some of the most important both in terms of local and State legislation. It was out of this study that the 1943 Baltimore City Juvenile Court Law became a reality and upon which the State-wide Juvenile Court Law was written two years later.

As the Commission saw it the Juvenile Court in Baltimore City was handicapped because it was "seriously limited in authority." This was directed to the Juvenile Court's inability to hear felonies.

All such cases have been heard under the charge of being 'minors without proper care.' When children have been committed in such cases to State Industrial Schools and a writ of habeas corpus is taken before the Supreme Bench, that Court has usually taken the position that the Juvenile Court had acted beyond its lawful authority and has released the child. The result has been the return of many children, particularly after their commitment, with the consequent lowering of prestige of the Juvenile Court, and a bad effect upon the children and others who know the situation.<sup>1</sup>

The Commission urged that the Juvenile Court be made a Court of Record and be extended to hear all cases of felony.<sup>2</sup> The Commission pointed out that the Juvenile Courts are handicapped by the intake policies of institutions. Their comments were directed especially to the child with serious mental retardation. "Industrial schools do not wish to take those with low mentality and the schools for defectives do

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<sup>1</sup>Report of the Juvenile Delinquency Commission, January 28th, 1941, p. 3.

<sup>2</sup>Ibid, p. 4.

not wish to take the seriously delinquent. In each case the reason is that rehabilitation and training, and the disciplinary program of the institution are thereby interfered with."<sup>1</sup> The Commission stated that the Juvenile Court estimated an accumulation of about one hundred children who cannot be institutionalized for these reasons and, therefore, "must be permitted to run the streets."<sup>2</sup>

An earlier Commission on Juvenile Delinquency had canvassed the twenty-three counties with a questionnaire to attempt an evaluation of how the various county courts were handling children's cases. The summation of the study revealed that juvenile delinquents were being heard in a variety of ways in the State.

About one third (of the counties) have Juvenile Courts, some of which have taken advantage of the 1931 optional statute, while others merely designate an existing court to hear juvenile cases. A few counties have a special arrangement between the Circuit Court and the public or private welfare agency, and in some counties the cases are handled by Justices of the Peace. Four counties reported active Juvenile Court Committees appointed by the Governor in 1931. . . . Many Judges and County Court officials who replied seemed unaware of the existence of such committees. It would appear that there has been a lack of knowledge on the part of these committees as to what they were appointed for, and on the part of the Courts of the existence of such committees and of their relation to the Court.<sup>3</sup>

The Commission pointed out that Baltimore City was the only large city in the United States having its Juvenile Court on a Justice of the Peace level.

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<sup>1</sup> Report of the Juvenile Delinquency Commission, January 28th, 1941, p. 4.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid, p. 6.

While Juvenile Courts are designed to be the exclusive tribunal for dealing with juvenile offenders, the Baltimore Juvenile Court actually has no legal jurisdiction over the type of offenses most commonly committed. As a result, when commitments are made in cases involving petty stealing, etc., the offender is frequently released by the Supreme Bench of Baltimore on a writ of habeas corpus.<sup>1</sup>

The work and recommendations of the Commission on Juvenile Delinquency was questioned by some members of the Bar. One group, known as the Judiciary Commission, headed by Chief Judge Carroll T. Bond, studied plans for the reorganization of Maryland's judicial system. The results of the "Bond Commission" study and its recommendations ran counter to that of the Commission on Juvenile Delinquency.

The Bond Commission recommended the rejection of the proposed Juvenile Court amendment because it believed that Juvenile Courts, with adequate powers could be established constitutionally and that an amendment was not necessary. The Bond Commission also felt that in order to avoid

the multiplication of courts, a Juvenile Court in Baltimore City should be a branch of the Supreme Bench, and that a judge of that bench qualified for such work should continue to serve in juvenile matters without rotation in order to promote the most effective administration.<sup>2</sup>

The recognition given the Bond Commission by the Commission on Juvenile Delinquency is fully implied in the statement made in the Report of the Maryland Commission on Juvenile Delinquency.

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<sup>1</sup>Report of the Juvenile Delinquency Commission, January 28th, 1941, p. 16.

<sup>2</sup>Ibid, p. 86.

The present Commission did not publicly assume any position with respect to the defeated Constitutional Amendment, nor has it yet done so with respect to the Bond Commission proposal regarding a Juvenile Court for Baltimore City. This may, prima facie, appear to have been a mistake. However, the primary reason for the present Commission's silence on the subject has been its failure to receive until recently from the Bond Commission a sufficiently clear and complete statement as to how and when that Commission anticipated the Juvenile Court for Baltimore City might be made fully operative under that Commission's proposal. In addition we have felt that since, like the members of our predecessor Commission, we are charged with the duty of viewing the problem committed to us in a broad, State-wide aspect, and since the Bond Commission has seen fit not to make any recommendations whatsoever with respect to Juvenile Courts in the counties, we should not recommend the repudiation of such a constructive piece of work as our predecessors had done in recommending the Constitutional Amendment, which was to have had State-wide application, and endorse in its place a plan, the details of which had not been made available to us.<sup>1</sup>

In summarizing the pertinent points made by the Commission on Juvenile Delinquency it must be pointed out that the group supported the fact that the Courts had inherent jurisdiction to define such terms as "child," "neglect," "dependency," and "delinquency." The objection of the Commission, however, was that there was no adequate definition of such terms in the Maryland Law, and likewise

no adequate declaration of the right inherent in the Courts to exercise this jurisdiction over the child, because of the very unsatisfactory make-shift system under the Maryland Law whereby Juvenile Court jurisdiction is given to so-called Magistrates for Juvenile Causes.<sup>2</sup>

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<sup>1</sup>Report of the Juvenile Delinquency Commission, January 28th, 1941, p. 72.

<sup>2</sup>Ibid, p. 74.

The recommendations of the Commission included completely abolishing the existing procedure involving the Magistrates for Juvenile Causes in Baltimore City and in the counties as a system for handling delinquent children, to define the age limit which would determine whether alleged offenders were to be handled in terms of criminal law or as juvenile offenders, to make clear the distinction between criminal causes and juvenile causes and to define specifically the jurisdiction that Juvenile Courts shall exercise.<sup>1</sup> Thus, the Commission that had been directed to:

investigate thoroughly the entire subject of delinquent and dependent children in the State, including the general and specific causes of such delinquency or dependency, the effectiveness of methods<sup>2</sup> of treatment by private and public agencies. . . .

had made its recommendations. It had stated, however, that the time was too limited and that the measures advocated would need further appraisal.

One of the most pertinent criticisms of the Commission's Report came from a jurist who felt that much of the legal traditionalism of the court was being jeopardized by the suggestions of the Commission. The Daily Record, organ of the Bar Association, carried the article written in answer to the Commission's Report.<sup>3</sup>

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<sup>1</sup>Report of the Juvenile Delinquency Commission, January 28th, 1941, p. 74.

<sup>2</sup>Ibid, p. 1.

<sup>3</sup>Dennis, Samuel K., Criticisms and Suggestions Relating to Existing and Proposed Juvenile Courts for Baltimore and for the Counties, p. 2.

The jurist saw the new judicial procedure in regard to children's cases as "turning the clock back more than seven hundred years."<sup>1</sup>

The writer was most concerned with first the processes of legality, second, the expense involved in the proposed procedures and third, with the role that the Juvenile Court Judge was playing as he heard children's cases.

Those excellent gentlemen, who as Justices, assume to play the part of humanitarians (unwittingly in reverse), apparently feel that as soon as the ink dries on their commissions they cease to be as other men, and become endowed with a superinsight which entitled them to substitute their intuitions for statutes, Constitutions and "inestimable privileges." That course necessarily means rule by men, their individual notions (and perhaps caprices) and not by law. Nevertheless, local sociologists say the procedure is hallowed and atoned by the unsupported and often mistaken assertion made by them that it is all for the good of the child; that the children do well to have the Court force upon them an exchange of their constitutional rights for the unrestrained judgments of that same Court, however, the children's years in correctional institutions thereby are multiplied. Those gentlemen justices are sincere, therefore, the more firmly set in their way.<sup>2</sup>

. . . . The procedure is not criminal but social and civil in character; and neither the stigma nor the penalty for crime should be held to accompany such proceedings. The trial or inquiry and the final adjudication relate to status exclusively; viz, that the child is without proper care and guardianship, etc., and because the action has no reference to the guilt or innocence of the child of crime, and no penal offense is involved, the provisions of Federal and State Constitutions usually regarded as essential in criminal prosecutions, such as trial by jury, do not apply. Nor is there

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<sup>1</sup>Dennis, Samuel K., Ibid.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid.

any express or implied right of appeal; and the order of the Juvenile Court is final.<sup>1</sup>

. . . the proceedings (are) in semi-privacy, even restricting the press. It is of the essence of liberty that judicial proceedings be open to legitimate inspections. To add to other costs the county must provide some place for the custody of the minor 'other than the county jail.'<sup>2</sup>

The matters of concern in this article make clear the disparity of thinking between those who supported the characteristics of the modern Juvenile Court and those who saw it as correct to handle the cases of children as adults would be handled. One point of view was that of the child in relation to his best interests in the matter of "justice" as the law interprets equity. The other was that taken by social workers, who were not necessarily unaware of the legal implications of a child's delinquent act, but gave causation precedence over court procedure and gave treatment preference over "rights."

The 1945 legislation stipulated that the Circuit Court for each county would have jurisdiction in juvenile causes<sup>3</sup> and that it would be concerned with the dependent, delinquent and neglected child under the age of eighteen years.<sup>4</sup>

Child dependency implied that a child was "deprived of support or care by reason of the death, continued absence from the home, physical or mental incapacity, or poverty of his parent or guardian . . . ." <sup>5</sup> while the neglected child was

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<sup>1</sup>Dennis, Samuel K., Ibid.

<sup>2</sup>Ibid., p. 5.

<sup>3</sup>Laws of Maryland, 1945, Chap. 797, Sec. 48A.

<sup>4</sup>Ibid., Sec. 48B (c).

<sup>5</sup>Ibid., Sec. 48 (d).

defined as one who was without proper care and guardianship,

. . . . and whose parent, guardian or person with whom the child lives, by reason of cruelty, mental incapacity, immorality or depravity is unfit to care properly for such a child . . . . (or) who is in such condition of want or suffering, or is under such improper guardianship or control . . . . as to injure or endanger the morals or health of himself or others. . . . .<sup>1</sup>

The delinquent child was defined as

a child who violates any law or ordinance; or commits any act which, if committed by an adult, would be a crime not punishable by death or life imprisonment; who is incorrigible or habitually disobedient or who is beyond the control of his parents, guardian, custodian or other lawful authority . . . . or who so deports himself as to injure wilfully or endanger the morals of himself or others.<sup>2</sup>

The feeble-minded child was defined as one

who has a level of intelligence sufficiently low that he is unable to compete with his fellows on equal terms or to manage his affairs with ordinary prudence.<sup>3</sup>

The Judge was to have original and exclusive jurisdiction over these four categories of children and to have such original and exclusive jurisdiction to try,

subject to the right of trial by jury unless waived . . . . any parent, guardian or other adult for any wilful act or omission contributing to, encouraging or intending to cause any condition bringing a child within the jurisdiction of the court.<sup>4</sup>

When such an adult was found guilty, the penalty was not to exceed a five hundred dollar fine or two years imprisonment or both.<sup>5</sup>

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<sup>1</sup>Laws of Maryland, 1945, Chap. 797, Sec. 48 (f).

<sup>2</sup>Ibid, Sec. 48B (e).

<sup>3</sup>Ibid, Sec. 48B (g).

<sup>4</sup>Ibid, Sec. 48C.

<sup>5</sup>Ibid, 48E.

The Judge was empowered to appoint a probation officer whose salary would be fixed and paid by the County Commissioners. There was stipulation in this section that two or more counties of one or more judicial circuits could share a probation officer.<sup>1</sup>

The probation officer was to make preliminary investigations when directed to do so by the Judge and to furnish the Judge with a pre-hearing investigation report, together with his findings and recommendations.<sup>2</sup>

A child was to be released from custody pending trial, to his parents or guardian and if not released he was to be placed in detention quarters. The police station, jail or lock-up was not to be used for detention purposes.<sup>3</sup> If no adequate detention quarters were available, the Judge was to "arrange for the care and custody of such children temporarily by the County Welfare Board, or other institution, agency or person."<sup>4</sup>

The Judge was given the authority to make the following dispositions of children's cases: dismissal, probation or custody of the child in a public or private institution or in the custody of a person selected by the Judge.<sup>5</sup>

The Law stated: "No adjudication by the Judge upon the status of any child shall operate to impose any civil disabilities, nor shall the child be deemed a criminal by reason of such adjudication."<sup>6</sup>

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<sup>1</sup>Laws of Maryland, 1945, Chap. 797, Sec. 48F.

<sup>2</sup>Ibid, Sec. 48G.

<sup>3</sup>Ibid, Sec. 48H.

<sup>4</sup>Ibid, Sec. 48 I.

<sup>5</sup>Ibid, Sec. 48K.

<sup>6</sup>Ibid.

Hearings were to be informal and heard separately from those of adults.<sup>1</sup>

Parents were directed to pay for the support of a child in custody of an institution or agency and failure to do so would constitute contempt of court.<sup>2</sup>

Besides the responsibility for the salaries and fees necessary in maintaining the Court, the County Commissioners were to pay for the support of children in care by order of Court, "to the extent funds for this purpose are not provided by the State, and the County Commissioners are directed to levy to the extent necessary to provide funds for (these) purposes. . . ."<sup>3</sup>

A summons would be issued upon the filing of a petition. The petition would

set forth the name and residence of the child, and of its parents or guardians, or other persons having the custody, control or supervision of such child, and of the person or persons responsible for or contributing to the condition of such child; and that the child is a minor without proper care and guardianship. . . ."<sup>4</sup>

Allegany, Garrett, Prince George's Montgomery, and Washington Counties were exempted from the 1945 Juvenile Court Law,<sup>5</sup> which was enacted on June 1st, 1945.<sup>6</sup>

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<sup>1</sup>Laws of Maryland, 1945, Chap. 797, Sec. 48J.

<sup>2</sup>Ibid., Sec. 48L.

<sup>3</sup>Ibid., Sec. 48S.

<sup>4</sup>Ibid., Sec. 50.

<sup>5</sup>Ibid., Sec. 4A.

<sup>6</sup>Ibid., Sec. 12.

Because the three State Juvenile Court Laws are referred to throughout the study, the laws are developed in this chapter only. To handle the material otherwise would have necessitated much repetition of the contents of the laws as they related to the various counties using the legislation.

## CHAPTER VII

### ALLEGANY, BALTIMORE AND HARFORD COUNTIES

Alleghany County has had a very interesting history in general. Carved out of Washington County, it was settled amid the Indian dangers on the one hand, and the dictatorial attitudes of Lord Baltimore on the other. The land, which was to make up Alleghany County in 1789 was first assigned to Maryland soldiers who had participated in the Revolutionary War. Each soldier was to be allotted fifty acres, based on Army rank, by the General Assembly of 1781. This move stimulated immigration and by 1789 the territory was large enough to create the new County of Alleghany. Cumberland Town, originally called Walnut Bottom, became the County seat.

Continuing to prove advantageous to settlement and exploration, the Maryland Gazette advertised the desirability of settling here, and the 672,000 acres comprising the County soon had many more inhabitants in excess of the five thousand persons originally in the area.<sup>1</sup>

The first Court convened in Alleghany County on April 25th, 1791 and its first jail known as "The Old Guard House" was built in 1799. The first Orphan's Court met in Alleghany County on April 4th, 1791 and the first case to be heard in

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<sup>1</sup>Thomas, James W. & Thomas, Judge T.J.C., History of Alleghany County, Maryland, Vol. I, pp. 1-3

behalf of a dependent child took place in 1794. This involved a fourteen year old boy who was to be apprenticed until his twenty-first birthday, during which time his foster father was to "find him sufficient diet, lodging and apparel, to give him six months schooling, to teach him the trade of a blacksmith and when free to give him a suit of clothes of the value of six pounds current money."<sup>1</sup>

One of the major events in Allegany County's history was the "Big Cumberland Fire." Thomas and Thomas, famed Maryland historians, describe the incident as follows:

In a few hours the labor of a generation was laid in ashes . . . . The spectacle of a thriving village, daily increasing in all comforts of life, reduced in so short a time to a melancholy waste of broken walls and naked chimneys, cannot fail to call forth those principles of active benevolence that form a distinctive characteristic of the American people.<sup>2</sup>

The Big Cumberland Fire reportedly brought much sympathy from the rest of the Nation and its accompanying tragic consequences brought help from all over early America. The significant social factor growing out of the great fire was that the population doubled within a very few years. More and more persons were attracted to this area. The growing population stimulated by the institution of natural gas, new churches, two printing offices, and the advent of the Baltimore and Ohio Railroad to Northwestern Maryland greatly enhanced the desirability of living in Allegany County.

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<sup>1</sup>Thomas, James W., & Thomas, Judge T.J.C., History of Allegany County, Maryland, p. 8.

<sup>2</sup>Ibid, p. 111.

Cumberland, the County seat, has continued to be the nucleus of community activity for the County. The topography of the County is such that many localities are isolated from each other for several months of the year. As in Garrett County, few of the mountain communities are represented in any County-wide social action groups.

Allegany County's first Juvenile Court Law was written by a Cumberland jurist, Judge William E. Walsh. The Law was first passed in 1912 and amended in 1914. The Judge's interest in a Juvenile Court Law apparently grew out of his interest in the welfare of children which was encouraged and stimulated by his long association with the St. Vincent de Paul Society in Cumberland. Judge Walsh seemingly did not write the Law as a protest of the way children were being heard and handled previously but out of a recognition for the need of a law that would relate specifically to children and their consequent welfare.

The 1912 Allegany County Juvenile Court Law was recommended as an amendment to Article I of the Public Local Laws of the State of Maryland, for Allegany County. Its major emphasis was on the appointment of an additional Justice of the Peace for Allegany County, who would be appointed by the Governor with the consent of the Senate and who would be designated as the Magistrate for Juvenile Cases. This Magistrate was to be a member of the Bar of the Circuit Court for Allegany County and the City of Cumberland.<sup>1</sup>

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<sup>1</sup>Laws of Maryland, 1912, Chap. 471, Sec. 184A.

The Magistrate for Juvenile Cases was to have full power and jurisdiction over the delinquent, neglected and dependent minor who was under the age of sixteen, and to have full power and jurisdiction over all adults contributing to such conditions.<sup>1</sup> In the hearing of cases, the Magistrate had jurisdiction of trial and commitment to trial, and to make commitments of children under sixteen years of age, to juvenile institutions.<sup>2</sup> The Law fully defined what should be determined as dependency and delinquency by virtue of destitution, abandonment, homelessness, cruelty or immoral environment. Although this section of the Law is headed "Any minor shall be considered dependent or delinquent who violates State, County or Municipal law . . . .," the Law itself relates in this Section totally to environmental deprivations of the child rather than a detailed outline of what shall constitute specific law violations.

The Law also stated that preference should be given to other than a station-house or jail for detention purposes and that the station-house should be used only in absence "of such designation."<sup>3</sup>

In this earliest Allegany Juvenile Court Law there was no mention of probation officers, but the Board of County Commissioners was to furnish one or more constables and the City Council of Cumberland was to designate one or more

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<sup>1</sup>Laws of Maryland, 1912, Chap. 471, Sec. 2.

<sup>2</sup>Ibid., Sec. 3.

<sup>3</sup>Ibid., Sec. 4.

members of the City Police staff to assist the Magistrate for Juvenile Cases.<sup>1</sup>

There was no apparent opposition to the 1912 Allegany County Juvenile Court Law and it became effective May 1st, 1912 after having been approved by the Governor a month earlier.

In the amendment that followed in 1914, authored also by Judge Walsh, some additions and refinements were made to the initial law. The salary of the Magistrate was to stay the same at twelve hundred dollars per annum, but there was a change indicated in the sharing of County-City responsibility for the Magistrate's salary. In the 1912 law it was stipulated that the County Commissioners and the City Council of Cumberland each pay one-half of the Magistrate's salary;<sup>2</sup> the newer law specified that the division of payment would now be two-thirds for the County Commissioners and one-third for the City Council of Cumberland.<sup>3</sup>

In designating the need for a detention home, the law only suggested that

the Board of County Commissioners may in its discretion rent, lease, or build a suitable building as a house of detention for minors under the age of sixteen years who may be held to await trial or hearing, and to which such minor may be committed by said Juvenile Magistrate, as to other reformatories or schools.<sup>4</sup>

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<sup>1</sup> Laws of Maryland, 1912, Chap. 471, Sec. 2.

<sup>2</sup> Ibid, Sec. 184A

<sup>3</sup> Ibid, 1914, Chap. 701, Sec. 184A.

<sup>4</sup> Ibid.

The Law also indicated the engagement of a supervising matron and segregated facilities for boys and girls.

The 1914 amendment stated that the Magistrate was now to be attended by the Sheriff of Allegany County and a Deputy appointed by the Sheriff. The Mayor and City Council was still empowered to assign one or more members of the City Police to attend the Magistrate.<sup>1</sup>

The new Law did not include further or more elaborated definitions of dependency and delinquency. Both of these early enactments indicated awareness to a need for differential handling of children from adults, although when compared to the legislation enacted within the last ten years, it can be seen that these earlier laws were mainly related to the mechanics of jurisdiction and procedure rather than the social aspects of adequate child welfare legislation.

The Juvenile Court in Allegany County was reorganized in 1945 under the authority of the Special Juvenile Court Law for Allegany County originating from Senate Bill 521.<sup>2</sup> This Bill, authored by Senator Robert B. Kimble, was a substitute for the State-wide Juvenile Court Law that had met with opposition in Allegany because it was felt that the general law expanded the power of the Allegany County Welfare Board. The new general law seemingly was too broad in

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<sup>1</sup>Laws of Maryland, 1914, Chap. 701, Sec. 1840.

<sup>2</sup>Ibid, 1945, Chap. 976.

the matter of the County Welfare Board's jurisdiction in the handling of cases involving juveniles.<sup>1</sup>

Under the provisions of these new amendments an additional Justice of the Peace for Allegany County was to be appointed by the Governor by and with the consent of the Senate. The Justice was to have the general powers of a Justice of the Peace and he was to have full jurisdiction relating to cases involving delinquent, neglected, dependent and feeble-minded children to the age of eighteen years. His powers extended to jurisdiction over any adult causing, encouraging or contributing to the aforementioned situations. The Justice of the Peace was to have exclusive jurisdiction in all cases of trial or commitment to any juvenile institutions, and to act in whatever way was indicated to be for the best interests of the child.<sup>2</sup>

The new Law clearly stated that a child would come to the Juvenile Court only as a delinquent, neglected, dependent and feeble-minded child and that he would not be charged with a crime. A full investigation of a misdemeanor or felony would be instituted by the Magistrate for Juvenile Causes, and jurisdiction would be waived to another court at the discretion of the Magistrate.<sup>3</sup>

The Law states the specific penalty for any person responsible for a child who causes, encourages or contributes

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<sup>1</sup>Cumberland Times, March 14, 1945,

<sup>2</sup>Laws of Maryland, 1945, Chap. 976, Sec. 370

<sup>3</sup>Ibid., Sec. 370B.

towards the delinquency, dependency or neglect of that child. The penalty is defined in terms of a fine and imprisonment or both.<sup>1</sup>

A following section includes a statement directed to the wilful neglect of a child by an adult responsible for its care. Such neglect would be deemed a misdemeanor even though the neglecting adult is no longer a resident of Allegany County.<sup>2</sup> Persons charged with violations of this nature would have recourse to a trial by jury or freedom, by giving adequate surety to guarantee his appearance before the Circuit Court. If such surety is not given the Magistrate may commit such party to jail.<sup>3</sup>

A specific provision is made in the Law for the release of a child to his parent, guardian or custodian pending trial, to the custody of the parent, guardian or custodian. If the child is not released before trial in this manner he is to be taken immediately to the detention facility of Allegany County.<sup>4</sup> This facility is provided for in the Law, giving the Commissioners of Allegany County authority to rent, lease or build a suitable institution for the detention of children, coming to the attention of the Juvenile Court.<sup>5</sup>

The appointment of a probation officer who is to have the power and authority of a constable is to be made by the

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<sup>1</sup>Laws of Maryland, 1945, Chap. 976, Sec. 374.

<sup>2</sup>Ibid, Sec. 374A.

<sup>3</sup>Ibid, Sec. 374AA.

<sup>4</sup>Ibid, Sec. 370A.

<sup>5</sup>Ibid, Sec. 371.

Judges of the Fourth Judicial Circuit of Maryland. The Judges are to fix the salary of such an officer and to define his duties and supervise his work.

The fact that no child shall be deemed a criminal is reemphasized in Section 370 where it is stated that "no adjudication by the Magistrate for Juvenile Causes upon the status of any child, shall operate to impose any civil disabilities, nor shall any child be deemed a criminal by reason of such adjudication."<sup>1</sup> The same Section indicates that no material given in the proceedings shall be admissible as "evidence" against the child.<sup>2</sup>

The 1945 Law states that any child under eighteen years of age who comes under the jurisdiction of the Magistrate for Juvenile Causes shall remain under the custody of that Magistrate until the child reaches his twenty-first birthday.<sup>3</sup>

The categories of feeble-minded, neglected and the dependent child are fully defined under the Act. A delinquent child is designated as one "who violates any law or ordinance, or who commits any act which, if committed by an adult would be a crime not punishable by death or life imprisonment."<sup>4</sup> The Allegany County Law in this respect resembles the general 1945 State Juvenile Court Law.

The 1945 Allegany County Law raised the juvenile court age from sixteen, as designated by its earlier laws, to

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<sup>1</sup>Laws of Maryland, 1945, Chap. 976, Sec. 370 (9)

<sup>2</sup>Ibid.

<sup>3</sup>Ibid., Sec. 373.

<sup>4</sup>Ibid., Sec. 370.

eighteen years of age, and instituted a well defined non-support clause.<sup>1</sup>

In evaluating the community forces at work in Allegany County in regard to juvenile delinquency and the Juvenile Court, several major sources of activity were discerned. The Juvenile Court has worked closely with local social welfare agencies throughout the years. It has perhaps worked most with the Associated Charities, a private agency operating in Cumberland since 1910. It has also worked with the Salvation Army and more recently with the Allegany County Welfare Board. Because there were no facilities for children needing temporary custodial care, the Magistrate depended upon the social agencies for this service. The only known facility that housed children in Allegany County over a long period of time, according to the State's Attorney's office was "a Detention Home operated . . . just outside the City Limits of Cumberland. This home was in operation for some years and to the best of our knowledge and recollection went completely out of existence in 1942. During the time of its use many children were maintained in this home."<sup>2</sup> This Detention Home received financial support from the Allegany County Commissioners during the time of its existence.

As of 1948 Allegany County had no detention quarters, although plans for such a service were being considered.

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<sup>1</sup>Laws of Maryland, 1945, Chap. 976, Sec. 373A.

<sup>2</sup>Correspondence from Jr. Paul M. Fletcher, Asst. State's Attorney for Allegany County, 8-18-1948.

Early in 1947 the Board of County Commissioners was working out details, according to a press report, "to provide quarters for the children of 'delinquent parents' in part of a proposed new county home and infirmary."<sup>1</sup>

At the time of this study the Allegany County Juvenile Court was using the local public Welfare Board for service in making pre-hearing studies for the purpose of social histories; it asked the Welfare Board for protective service, adoption investigations and foster home care. The Welfare Board offered temporary shelter to children if such a home was available when it was requested.

The interest of the community as it related to the Juvenile Court and the general welfare of children centered in several organizations. Oldest of the groups promoting interest in Juvenile Court procedure, detention facilities and recreation was the Women's Civic Club. This organization had been very active and a strong directive force in Allegany County. Various members of the Women's Civic Club have been Board members in the County's public and private social agencies and have been active in many capacities. Another very active group in Cumberland has been the American Association of University Women. This group expressed its interest in the preventive aspects of juvenile delinquency and it has made much progress in sponsoring recreation.

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<sup>1</sup>Baltimore Sun, February 9th, 1947.

Stimulated by the Binford Report, a survey of Cumberland's recreational facilities, with proposed recommendations, the American Association of University Women in the Cumberland area was responsible for getting an ordinance passed relating to recreation. This ordinance implied that the City of Cumberland was taking some responsibility in providing a recreational outlet for children. As of 1948, however, there had apparently been nothing accomplished under the plan. The AAUW was responsible for showing the movie "Playtown, U.S.A." for which it sustained full expense. The organization booked showings of this movie in any county church, school or club that would show it.<sup>1</sup>

The working relationship between the Board of Education and the Allegany County Juvenile Court appeared to be excellent. The Superintendent of Schools stated: "I can advise you that we have a very close working relationship with the Juvenile Court. Our personnel workers discuss with the Judge what might be the best solution in cases that are brought before the Court by us, and what is agreed upon in conference usually becomes the disposition of the case before the Court."<sup>2</sup> To the question, "Does the Department of Education have any program of its own relative to delinquent children?" the superintendent remarked: "Our whole educational program

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<sup>1</sup>Interview with Mrs. John Hafer, Chairman, Women's Civic Club., AAUW.

<sup>2</sup>Correspondence from Charles L. Kopp, County Supt. of Schools, Cumberland, Maryland, 8-11-1948.

deals with proper education which takes into consideration the behavior of children, whether delinquent or, as we say, normal in behavior."<sup>1</sup>

The Cumberland press gave a full description and interpretation of the 1945 Juvenile Court Law.<sup>2</sup> Since Allegany County had never seriously considered adopting this Law, the press coverage is indicative of the County's interest in such movements, generally. Newspaper space was given to other items as related to juvenile delinquency and juvenile court legislation.

A Cumberland newspaper carried an article on the appointment of a probation officer. The article implied public concern for this particular situation. The candidate, a former janitor of a local school and sheriff and deputy was also Chairman of the Republican State Central Committee.<sup>3</sup>

Another article revealed that the Sheriff took two Cumberland boys, aged sixteen and seventeen years, to the House of Correction for violating parole. They were arrested for stealing a car and a truck. Both had been "convicted last year in Juvenile Court and given terms of eighteen months, but they appealed to the Circuit Court where they received suspended sentences. . . ."<sup>4</sup>

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<sup>1</sup>Correspondence from Charles L. Kopp, County Supt. of Schools, Cumberland, Md., 8-11-1948.

<sup>2</sup>Cumberland Times, April 28th, 1945.

<sup>3</sup>Ibid, June 1, 1945.

<sup>4</sup>Ibid, March 11, 1945.

In 1916 Allegany County enacted regulations in regard to children being hired in Billiard Halls. The statute prohibited the hiring of any child under the age of fourteen.<sup>1</sup> In the March 4th, 1945 edition of a Cumberland newspaper the Chief of Police is said to have been concerned about a matter paralleling the 1916 consideration. The Chief met with representatives of recreation clubs and bowling alleys to secure cooperation in a drive to curb juvenile delinquency. The managers were asked to keep children out of their establishments during school hours and to urge the children to go home early at night.<sup>2</sup>

Allegany County has maintained an interest in Juvenile Court legislation and in Juvenile Court practice. When the 1945 State-wide Juvenile Court Law was under consideration, Allegany County claimed exemption from it on the basis of having her own law. At that time Senator Robert B. Kimble was reported to have written a Bill that would give the Judges of the Fourth Judicial Circuit authority to appoint probation officers. These officers would act for the Circuit Court as well as the Juvenile Court.<sup>3</sup> Several weeks later Senate Bill 544 was introduced and it specified that the Sheriff designate one deputy for Juvenile Court work.<sup>4</sup>

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<sup>1</sup>Laws of Maryland, 1916, Chap. 140.

<sup>2</sup>Cumberland Times, March 4th, 1945.

<sup>3</sup>Ibid, March 14th, 1945.

<sup>4</sup>Ibid, March 29th, 1945.

BALTIMORE COUNTY

Baltimore County is located in the northern part of the State of Maryland. It is the most central of the counties which extend from East to West along the Pennsylvania boundary. Although there is no knowledge of the exact dates of the county's first settlement, it is believed to be long before its official establishment as a county in 1658. Baltimore County's first settlers came from Pennsylvania and Delaware.

The first Baltimore County Court was held in what is now Cecil County, and the first county seat was at Bush River in what is now Harford County.<sup>1</sup>

Baltimore County established its first almshouse in 1773.<sup>2</sup> It is seen that Baltimore County and Baltimore City jointly enacted much of their legislation in regard to dependent children and needy people. Both Baltimore County and Baltimore City created a local law giving the Trustees of the Poor and the Justices of the Orphan's Court the power to bind out female children who were being cared for in the almshouse. These children were to be bound out until the age of eighteen or until they married.<sup>3</sup>

As in Baltimore City, the County empowered its Justices of the Peace, its Trustees of the Poor and its Board of Managers to arrest and detain children who were "destitute,

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<sup>1</sup>Scharf, J. Thomas, History of Baltimore City and County, p. 1024.

<sup>2</sup>Laws of Maryland, 1773, Chap. 30.

<sup>3</sup>Ibid, Chap. 87.

lacking support, begging on the streets . . . or children of beggars . . . and send them to the poorhouse of Baltimore County, until they can be bound out."<sup>1</sup>

When the Mother's Aid Law was instituted in Maryland it was the first legislation in the State giving a grant of money to mothers who were unable to support their children because of death of the wage-earning father.<sup>2</sup> Enacted in 1916, five years after the Illinois legislation which pioneered the "Funds to Parents Act," the Maryland Law was adopted only by Baltimore City in 1916. In 1920, however, Baltimore County authorized its County Commissioners to draw mother's aid funds from tax assessed property.<sup>3</sup>

Baltimore County was the first in the State of Maryland to institute Juvenile Court legislation on the Circuit Court level. Enacted on April 4th, 1914 the Bill had been prepared by Judge Frank I. Duncan and Brother Paul, of St. Mary's Industrial School.

The Law stipulated that the Circuit Court for Baltimore County would sit as a Juvenile Court when hearing the cases of boys under the age of twenty and girls under the age of eighteen. This legislation was described as:

An act to confer additional powers upon the Courts of the Third Judicial Circuit of Maryland, relating to children living in Baltimore County, who are or may hereafter become delinquent, dependent or neglected, to define such terms, and to provide

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<sup>1</sup>Laws of Maryland, 1827, Chap. 161.

<sup>2</sup>Ibid, 1916, Chap. 670.

<sup>3</sup>Ibid, 1920, Chap. 313.

for the treatment, control, maintenance, protection, guardianship and care of the persons of such children.<sup>1</sup>

The terms relating to dependency, delinquency and neglect were outlined in the Law. A child seen begging for alms, destitute, homeless and abandoned as well as the child seen living in a home in which neglect, cruelty and depravity was present were considered in the Law as dependent and neglected children. The feeble-minded and mentally deficient child was also included under this section. The delinquent child was one considered to be guilty of incorrigibility, immorality or otherwise indecent conduct and one who violates any criminal law of the State. The delinquent's associational patterns was taken into consideration here. ". . . . who knowingly associates with thieves, vicious and depraved persons . . . . or knowingly frequents any gambling places, policy shops or patronizes and frequents liquor and beer saloons . . . ." <sup>2</sup>

One or more probation officers were to be hired under the Act, and they were to be paid a salary "not exceeding that paid to a patrolman on the Police Force in Baltimore County." Traveling expenses were to be allowed the probation officer.<sup>3</sup> If a child were placed by the Judge in a "family home," the Judge had the authority to appoint the probation officer as the child's guardian.<sup>4</sup>

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<sup>1</sup>Laws of Maryland, 1914, Chap. 171.

<sup>2</sup>Ibid, Sec. 1.

<sup>3</sup>Ibid, Sec. 6.

<sup>4</sup>Ibid, Sec. 8.

No child under fourteen years of age was to be placed in a Jail or police station. If the child could not give the required bail he was not to be detained in Jail but committed to the care of the probation officer or placed in a custodial institution.<sup>1</sup>

The 1914 Law included a comprehensive outline of the factors considered to be pertinent in the neglect of children and in encouraging delinquent behavior.<sup>2</sup> This section stated that an imprisonment term or a fine would be given to adults guilty of neglect as stipulated in the Act.

The Law indicated that a petition could be entered by "any person of respectable standing in his or her community and being a resident of the County, or an agent of any Society . . . ."<sup>3</sup> and that the resulting summons would be served by the constable, sheriff or probation officers. Failure to acknowledge the summons would result in jail sentence or a fine.<sup>4</sup>

The position of the Circuit Court was clarified:

And be it enacted, That the provisions of this Act shall be construed as conferring additional and supplementary powers and jurisdiction on said Court and not in substitute of or in conflict with any other powers possessed by the Circuit Court of Baltimore County, under any existing general or local laws.<sup>5</sup>

The Law stated that parents or custodians of children involved in Juvenile Court proceedings shall, when possible,

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<sup>1</sup>Laws of Maryland, 1914, Chap. 171, Sec. 10.

<sup>2</sup>Ibid, Sec. 11.

<sup>3</sup>Ibid, Sec. 3.

<sup>4</sup>Ibid, Sec. 4.

<sup>5</sup>Ibid, Sec. 14.

assume financial responsibility for the cost of such proceedings and be charged for the child's care and maintenance, if that child is required to live outside of his own home.<sup>1</sup>

The 1914 Baltimore County Juvenile Court then, was the first County Court of its kind established in Maryland on the Circuit Court level. When the 1945 State-wide Act was passed, Baltimore County was included in its provisions and the local act of 1914 was repealed. The incumbent Judge of the Juvenile Court stated:

The Juvenile Court of Baltimore County felt that the 1945 Act was more modern than the local law of 1914 and included a number of features that were felt to be desirable. However, it is a fact that the State-wide Act of 1945 was modelled very much<sup>2</sup> along the lines of the Baltimore County local law.

In evaluating the community forces behind the adoption of the 1945 law and interest in the Juvenile Court as it was being operated in 1948, it was seen that the Juvenile Court was a hub of activity in its own behalf. Aware of its growing community with a population in 1940 of 155,825 persons and an increase during the war years, the Court made every effort to interpret its services to the community and to point out other services needed as auxiliary to the Juvenile Court.

At the time of this study, the Juvenile Court Judge was Chairman of the Youth Commission for Baltimore County,

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<sup>1</sup>Laws of Maryland, 1914, Chap. 171, Sec. 12.

<sup>2</sup>Correspondence from Judge John B. Gontrum, Juvenile Court, Baltimore County, Towson, Md., 8-17-1948.

which concerned itself mainly with the problem of meeting recreational needs. In order to best understand what Baltimore County needed in terms of a program of this nature, studies were made of available facilities and a comprehensive survey was achieved.

In 1948 the Baltimore County Juvenile Court had a probation staff of four and was seeking to extend this number. It used the Baltimore County Welfare Board for such services as foster home placements, protective care and worked cooperatively with that agency.

There were no detention quarters for juveniles in Baltimore County at the time of this study. Children were detained in the State institutions offering detention service to the Counties. The 1948 report of the inspection of jails by the Board of Correction indicated that: "Except on rare occasions juveniles are not kept at the Towson Jail so no quarters are set aside for their use."<sup>1</sup> However, the same report stated: "Six of the forty-two prisoners at the jail were twenty-one years of age or under, as follows: one colored male aged 17, two colored males aged 18 and three colored males aged 19."<sup>2</sup>

The Judge appraised the Baltimore County citizenry as being "juvenile court conscious" and that the community supports the Court very adequately. In this County it was

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<sup>1</sup>Twenty-Second Report of the Inspection of the County Jails of Maryland, 1948, p. 17.

<sup>2</sup>Ibid, p. 18.

seen that the Judge himself is the spearhead of much community motivation to the Court, and it seemed that a great part of the social action in the County was vested in the Juvenile Court itself.

### HARFORD COUNTY

Harford County was established in 1773, almost a century and a quarter after Baltimore County was created. Its first courthouse was erected in 1782<sup>1</sup> and it authorized its first almshouse in 1787.<sup>2</sup>

Harford County was the second in Maryland to have a Juvenile Court on the Circuit Court level and the legislation giving the County a separate court for children's cases, followed the Baltimore County Juvenile Court Law by only six days on April 10, 1914. The Law for Harford County was written by Judge William H. Harlan.

The Harford County Law like the Baltimore County Law gave the Judges of the Third Judicial Circuit full power to deal with dependent, neglected and delinquent children.<sup>3</sup> Some of the sections of the Harford County Law are identical in wording as those of the 1914 Baltimore Law. The definitions of dependency, neglect and delinquency are similar<sup>4</sup> as is the section on the contributory phase of the Law.<sup>5</sup> There is similar stipulation in the Harford Law that no child under

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<sup>1</sup>Mason, Samuel, Jr., Historical Sketches of Harford County, Md., p. 28.

<sup>2</sup>Laws of Maryland, 1787, Chap. 16.

<sup>3</sup>Ibid, 1914, Chap. 367.

<sup>4</sup>Ibid, Sec. 1.

<sup>5</sup>Ibid, Sec. 11.

the age of fourteen shall be detained in Jail and like the Baltimore Law, there is no mention of the need to establish a detention home or other quarters for children.<sup>1</sup> The Sections outlining the procedures in filing the petition<sup>2</sup> and issuing the summons are similar to the Baltimore Law.<sup>3</sup>

There are actually only two outstanding differences in these two early laws. The Harford County Law gave the Judge the authority not only of obtaining probation officers but a psychologist as well. This person was ". . . to hold a degree in medicine and be authorized to practice in this State."<sup>4</sup> The other difference in the laws was in the way the probation officers were to be paid. Harford County indicated that these officers were to receive a salary as fixed by the Court.<sup>5</sup>

Thus, the second Juvenile Court in Maryland operating in the Circuit Court level was instituted in Harford County. Allegany County's first major amendment to its 1912 Law was approved on the same day that Harford County's Law became a reality.

Unlike Baltimore County's Juvenile Court, the Harford Court has been a part of the social agency structure of the community for many years. The Maryland Children's Aid Society made a sizable contribution toward the salary of the probation

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<sup>1</sup>Laws of Maryland, 1914, Chap. 367, Sec. 10.

<sup>2</sup>Ibid., Sec. 3.

<sup>3</sup>Ibid., Sec. 4.

<sup>4</sup>Ibid., Sec. 6.

<sup>5</sup>Ibid.

officer who, at the same time, represented the Children's Aid Society in Harford County. Consequently, the probation officer in her dual relationship to the community built up a rather dominant and autonomous position throughout the years, resembling very much the situation in Frederick County.

At the time of this study the probation officer did not hold the Children's Aid Society position, but rather Harford County was served by the Central Office senior case worker who also worked in Anne Arundel and Prince George's Counties.<sup>1</sup>

The probation officer was also the School Attendance Officer.

When Harford County came under the 1945 State-wide Juvenile Court Law there was some change in Court procedure. The inception of the Harford County Welfare Board also changed some of the categories coming to the older Juvenile Court.

There are three classifications of children in the Juvenile Court law, dependent, neglected and delinquent. The Court took care of all three classes until the State Department of Welfare was organized in 1933 . . . . then the Welfare units were given the privilege of caring for dependent children when housed in the home of a relative, later . . . . it was broadened to caring for dependent children in any home. Several years ago another interpretation was made . . . . whereby the Welfare unit is supposed to have a Court commitment on a dependent child. As it stands at the present time dependent children must be taken under the Court in all instances, and in some cases the children are committed to the Welfare Board for further care. In this County the Juvenile Court prefers to handle some dependent cases with its own staff.

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<sup>1</sup>Krieger, Anna C., Brief History of Maryland Children's Aid Society, 1947, p. 2.

Neglected children and delinquent children are direct responsibilities of the Juvenile Court. If conditions are such that a private boarding home is indicated, any of these last two cases may be committed to the Welfare . . . with the Court retaining jurisdiction. Again in this County the Juvenile Court cares for some such cases by its own staff.<sup>1</sup>

This division of labor does not operate in all counties. Whereas some of the Juvenile Courts are very dependent upon their local Welfare Boards, Harford apparently does not refer all of its cases to the Board for service.

In 1945 there was community concern and social action in regard to publicity in relation to children being kept in the Harford County Jail. In February of 1945 the Jail was inspected and the findings were given much press coverage in the matter of keeping children in jail, not merely for custodial purposes, but as a prescribed and demanded penalty. The report prepared by Edgar M. Gerlach, Federal Prison Inspector, revealed also the installation of a photographic record system usually used as a means of identifying adult criminals. Relating to the incarceration of children, the article stated:

At the Harford County jail in Bel Air, a Federal inspector found that it is the practice of the courts of that county to commit children as young as ten to the institution. On the day of his visit the inspector found a fifteen year old locked in a cell serving a sixty day sentence and another boy of the same age who had been in a cell there for six weeks awaiting action in his case . . . ."

As to the matter of the photographic records, the article relates, "Although no complete records are

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<sup>1</sup>Correspondence from Miss Estella Everett, Probation Officer of Harford County Juvenile Court, 8-31-1948.

kept at the Bel Air jail as to the age and sex of prisoners, the inspector said he found a picture file of juvenile prisoners, from the age of twelve years up, the subjects of which had been labeled and numbered before photographing full-face and profile, in the style generally used for criminal identification. This file was started in the Fall of 1943. <sup>1</sup>

In regard to detention the probation officer stated:

This Juvenile Court was organized in 1914, one of the first in the State, and has always had the policy of exhausting all county resources before committing children to State institutions. Some years ago we built a detention home where we could hold children, such as run-aways or supposedly incorrigibles overnight. The cases are always handled immediately and suitable disposition made of them. <sup>2</sup>

Among other social agencies working cooperatively with the Juvenile Court in Harford County, has been the Salvation Army at Havre de Grace. It sponsored the Red Shield Boy's Club, for the purpose of recreation and the "art of association." This agency gives case work service to families. <sup>3</sup>

The Havre de Grace Athletic Association, accommodating from eighty to one hundred children, is supported by local contributions and is a major leisure time organization.

The Board of Education reported in 1948 that it had three visiting teachers and attendance officers for 7,500 children. One of the attendance officers was employed half time, since the remainder was spent with the Juvenile Court. <sup>4</sup>

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<sup>1</sup> The Baltimore Sun, February 7th, 1945.

<sup>2</sup> Correspondence from Miss Estelle Everett.

<sup>3</sup> Questionnaire.

<sup>4</sup> Correspondence from Charles W. Willis, Superintendent of Schools, Harford County, 8-30-1948.

There was also report of active Parent-Teachers Groups in all of the Harford County schools and a county council of parents and teachers.

In evaluating the social movement in Harford County relative to the 1945 Juvenile Court Law or Juvenile Court activity, not much could be discerned. It appeared in talking with persons interested in the community and in the problems of children, that Harford County has had a Juvenile Court for so many years, that actually nothing new has been instituted. The Juvenile Court and the Probation Officer have seemingly been a part of the Harford County Juvenile Court and social work horizon for so long that they have become as one in the thinking of many persons. As in Frederick County, repeated referrals were made to the Probation Officer-School Attendance Officer, as the source from which to draw much of the pertinent information about the history of the Harford County Juvenile Court.

## CHAPTER VIII

### WASHINGTON COUNTY

Washington County was created on September 6th, 1776 by an Act of the Provincial Convention of Maryland. It was originally a part of Frederick County. With Howard, Frederick, Carroll and Montgomery Counties it forms one of Maryland's most valuable blocks of farm land.

Unlike some of the other Maryland counties, Washington seems to be rather dissociated from the past. There is little that seems to emulate tradition, either in the physical appearance of the County or in the attitudes of the people who live there.

The development of the Juvenile Court and its accompanying community action in Washington County could be more freely explored than in most other localities, since the authors of both the County's Juvenile Court laws were available for interview. These Judges were able too, to make more adequate referrals to individuals and organizations supporting the legislation.

The 1924 Juvenile Court Law grew out of a recognition that children should not be handled in the courts as adults were handled, and too, that nothing was really being done for these children who were coming to the attention of the Court. The real concern was that the courts had nothing to offer

these children that would make their behavior or their environment any better.<sup>1</sup>

The 1924 Law for Washington County was made along the lines of already existing legislation of this kind in the State.

The 1924 Law provided that the Governor should appoint, with the consent of the Senate, an additional Justice of the Peace, who would be known as the Magistrate for Juvenile Causes. This Magistrate was to be a member of the Bar of the Circuit Court for Washington County and be allowed in addition to his duties as Magistrate, to conduct a private law practice. His salary was to be two thousand dollars per annum, the cost to be shared by the County Commissioners of Washington County and the Mayor and Council of Hagerstown.<sup>2</sup>

As in the Allegany County Juvenile Court Law, the Magistrate for Juvenile Causes was to have the general powers of a Justice of the Peace and to have full power and jurisdiction over all delinquent, neglected and dependent minors under the age of sixteen, as well as adults contributing to such factors.<sup>3</sup> He was further empowered to have exclusive jurisdiction in all cases of trial or commitment to any Juvenile institution and have jurisdiction to hear, try and

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<sup>1</sup>Interview with Judge Leon T. Yourtee, author of the 1924 Juvenile Court Law for Washington County, Maryland.

<sup>2</sup>Laws of Maryland, 1924, Chap. 36, Sec. 272A.

<sup>3</sup>Ibid., Sec. 2.

determine all cases involving dependent, neglected or delinquent children and to plan for the custody and control of such children until they reach their majority.<sup>1</sup> The Washington County Law provided for the appointment of one or more probation officers by the County Commissioners, the Commissioners and the Magistrate fixing the salary for these officers.<sup>2</sup>

Unlike either Allegany County's 1913 or 1914 legislation, or any other up to this time, the Washington County Law stipulated that before qualifying as Magistrate for Juvenile cases, the Justice was to give a surety bond of one thousand dollars to be approved by the Clerk of the Circuit Court. This surety was to verify the Magistrate's intentions that he would "well and faithfully execute the duties and obligations of the office of Justice of Peace and to assure his accounting for, and paying over to the County Commissioners of Washington County, all fines and costs which he had collected in pursuit of his duties."<sup>3</sup>

The terms "dependent child", and "delinquent", and "neglected", child were fully defined in the law. These classifications, in effect, included any child under sixteen years of age who was destitute, homeless, abandoned or dependent upon the public for support or who lacked "fit and proper guardianship". Mentally deficient children, children who

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<sup>1</sup>Laws of Maryland, 1924, Chap. 36, Sec. 3.

<sup>2</sup>Ibid., Sec. 272D.

<sup>3</sup>Ibid., Sec. 6.

begged, who were being cruelly treated, as well as those found living with unsuitable parents, were included under these headings of dependency and neglect. A delinquent child was described as any child under the age of sixteen, who violated any criminal law in the State, and was adjudged immoral, indecent or incorrigible because of personal or associational habits.<sup>1</sup>

Children placed in independent and agency homes or institutions were to be under the supervision of the Magistrate or his probation officer, and progress reports were to be made regarding the adjustment of the child.<sup>2</sup> The Magistrate had the power to charge parents with the full cost of maintaining their children, if he deemed it best that the children be removed from their own home.<sup>3</sup>

The stipulation as to avoiding sending children to jail for detention purposes, was emphasized, as it had been in earlier laws throughout the State. The Magistrate for Washington County was not to commit any child to jail or to a station-house, if that child was under the age of fourteen years. One of the aspects of the law, which showed vestiges of its relationship to laws directed to adults was the Magistrate's expectation that the child should furnish bail for appearance in Court; if bail could not be acquired, the child was to be placed in the custody of the probation officer or institutionalized.<sup>4</sup>

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<sup>1</sup>Laws of Maryland, 1924, Chap. 36, Sec. 272B.

<sup>2</sup>Ibid., Sec. 272G

<sup>3</sup>Ibid., Sec. 272H

<sup>4</sup>Ibid., Sec. 272J

The need for segregated detention quarters, to be supervised by a matron, was also stressed in the Act.<sup>1</sup>

In reviewing the 1924 Washington County Juvenile Court Law, Judge Leon T. Yourtee, author of the Bill, indicated that he is aware that this law would not be an acceptable piece of legislation today, but that the law did fulfill its early purposes. The law was acceptable to the people of Washington County and there was no opposition to it, as far as the Judge was aware. The greatest block of resistance to any part of the law was in the matter of creating a detention home. The people of Washington County supported the idea of creating such a facility, but the County Commissioners continued to use the detention space given them by the Salvation Army and the Volunteers of America. The Washington County Press indicated Judge Yourtee's interest in detention quarters, twenty-five years ago. In his plea for a detention facility, the Judge had said: ". . . the solution to delinquency is a detention home for juveniles of the County, and a woman probation officer who can show girls who have erred the way back to a better life." In his desire for this service for the community, the jurist called upon the business men of Hagerstown to "persuade the County Commissioners of this need".<sup>2</sup> There was no detention home in Washington County as of August 1948. Children were still being temporarily housed by the Volunteers of America and in the County Jail.

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<sup>1</sup>Laws of Maryland, 1924, Chap. 36, Sec. 272G.

<sup>2</sup>Washington County Morning Herald, August 1, 1924.

In reviewing the past social welfare activities as they played a part in the community, it was seen that the King's Daughters was prominent in the days of Washington County's first Juvenile Court Law. A charitable organization, it appealed for support this way in 1921: "The community has never failed us in our solicitations for funds, which were gotten through individuals, subscriptions, annual dues and the annual tea. But the work has grown tremendously and we find that the management must be put on a more business-like basis. . . . It must be understood that our work now is not so much giving material aid, as it is constructive help to families."<sup>1</sup>

It was with this kind of philanthropic background that the new Magistrate for Juvenile Cases, who had authored the bill, began his new job in behalf of children. The Magistrate did a great deal of work with children in the first months following the establishment of the Court. According to a newspaper account, three hundred cases were heard from the day the Court was opened on May 1, 1924 to July 31, 1924.<sup>2</sup>

The greatest county movement around the Juvenile Court was centered in removal of the Magistrate who gave Washington County its law. The first Magistrate for Juvenile Cases was asked to resign from his position by the Governor because of unacceptable behavior which later proved to be the result of

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<sup>1</sup>Washington County Morning Herald, August 10, 1921.

<sup>2</sup>Washington County Globe, August 5, 1924.

physical impairment. One of the community factions most prominent in demanding the Magistrate's removal was the Civic League whose antipathy toward the Magistrate was based on ". . . what appeared to be a public disturbance and seemed to prove that he was unfit to have the responsibility of determining the fate of the children brought to him."<sup>1</sup> The day before the Civic League had issued its opinion the Democratic Central Committee asked the Magistrate to resign but he declined.<sup>2</sup> Community members then circulated petitions for his removal, and after refusing even the Governor's request for his resignation, the Judge finally did resign. Although this event took place a quarter of a century ago, many Washington Countians immediately recall it as a major political and juridicial event.

The 1924 legislation served the County for some years. There had been amendments along the way to meet certain situations, but the law remained basically unchanged throughout the years.

In 1939, when the present Magistrate took office, he immediately recognized the need for a revision of the local Juvenile Court Law. He described the old statute as having been "built on - and added to until it had become a very cumbersome piece of legislation, antiquated in both wording and structure."<sup>3</sup> Following the Standard Juvenile Act as

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<sup>1</sup>Washington County Globe, January 7th, 1926.

<sup>2</sup>The Mail, January 6th, 1926.

<sup>3</sup>Interview with Judge Harvey Miller, author of the 1941 Juvenile Court Law for Washington County, Maryland.

presented by the National Probation Association, the Magistrate modeled the 1941 legislation accordingly. The Juvenile Court would now have exclusive jurisdiction over children coming to the attention of the Court and the age limit of these children was now raised to eighteen years.

The 1941 legislation was an act to repeal Sections 558-578 of the Code of Public Local Laws of Maryland, and generally was legislation amending or revising previous laws. Eighteen new sections were added to the Law.

Washington County conferred upon its Magistrate in this revision, exclusive jurisdiction over all non-support cases, including providing for adequate means of payments of money ordered paid by the Juvenile and Circuit Courts, with view to more adequate protection for said dependents.<sup>1</sup> The terms "the Court", "Magistrate", "Child", and "Adult" are defined as well as the "neglected", "dependent", and "delinquent" categories.<sup>2</sup> The latter were more inclusive than in previous laws of many of the counties. The Magistrate would be appointed in the same manner as that stipulated in the 1924 Law; his salary was assigned as six hundred dollars more than the earlier law directed.<sup>3</sup> The 1941 law agreed to retain the surety bond as set up in the 1924 law, but increased the surety from one thousand to five thousand dollars.<sup>4</sup>

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<sup>1</sup>Laws of Maryland, 1941, Chap. 528, Sec. 558b.

<sup>2</sup>Ibid., Sec. 560a, b, c, d.

<sup>3</sup>Ibid., Sec. 562.

<sup>4</sup>Ibid., Sec. 566.

The kinds and limits of jurisdiction gave the Magistrate the general powers of the Justice of the Peace and Police Justice of Hagerstown but stated that he was not to have the power to try, hear, or determine any civil action cases.<sup>1</sup> He was further to have exclusive jurisdiction over adults contributing or encouraging the delinquency, neglect and dependency of any child. The new law describes the procedures to be followed in the pre-hearing investigation and follows somewhat the 1934 law as to petitions, summons and warrants.<sup>2</sup>

The kinds of dispositions of children's cases are outlined including as a kind of disposition, the payment of fines.<sup>3</sup> The hiring and removal and the duties of the probation officers is also outlined.<sup>4</sup>

In describing the 1941 law it was stated "That this Act is an emergency law and necessary for the immediate preservation of public health and safety." The act was approved on May 6, 1941 and became effective a day earlier.

Two Bills were presented and approved for Washington County in 1945 which were rather atypical of other measures passed elsewhere in Juvenile Court legislation.

One Bill gave the parent, legal custodian or next friend of any child found a delinquent, dependent or mentally incompetent child by the Judge, a chance to appeal within ten days after such a decision had been made should they feel that the child was "aggrieved".

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<sup>1</sup>Laws of Maryland, 1941, Chap. 526, Sec. 567b.

<sup>2</sup>Ibid., Sec. 568d.

<sup>3</sup>Ibid., Sec. 570.

Following somewhat in the pattern of Allegany County, yet having a much wider law in this respect, where the Juvenile Court Judge assumes responsibility for collecting support money, the Washington County Bill gives the Magistrate the following authority: It directs him to have the power and authority to channel the payments of support money, ordered through the Juvenile Court. Further, the Judges of the Circuit Court were authorized to direct payment of money in non-support, bastardy and alimony to the Juvenile Court for collection.<sup>1</sup>

The Bill stated that the Juvenile Court Judge would have the authority to deduct from three to five percent to compensate for the service of collection. The thinking behind this Bill is to give an authoritarian source from which the order is issued and to make the payment of these monies have more legal force.

Of all of the Maryland Counties, the agencies and the individuals contacted here were very responsive and willing to be interviewed. There seemed to be a great awareness that many services to children were lacking, and many persons were actively engaged in making this situation different.

As of 1949, the Hagerstown and Washington County Community Chest listed six Chest supported agencies directly interested in recreational programs for children. These were the YMCA, Boy Scouts, Boys' Club of Hagerstown, Girl Scouts,

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<sup>1</sup>1945 Washington County House Bill 191, Chap. 183, Sec. 572.

and the Salvation Army. The sixth, the Day Nursery, although not a recreational facility, gave care to children whose mothers had to work, and it had play and group activity. These agencies reached many children; the YMCA for example, which planned for both boys and girls, accommodated approximately 1,300 children, of all ages, nationalities and religions. A program of work was being planned for Negro children in 1948.

The Junior Chamber of Commerce of Hagerstown had been active in a recreational program very purposefully geared to a preventive approach to juvenile delinquency, as it relates to children under sixteen years of age. In correspondence received in 1948, the President of the Chamber stated: "Our contact with juvenile delinquency is that of a civic group with a positive approach. Our committee in this field is a very active one, whose activities consist of manning our local Boys' Club two nights a week in the winter season, providing free movies one of those nights, and assisting in the financing of the recreational activities of the club in any way possible. At present, the same committee is sponsoring a Junior League baseball team with the same purpose-prevention of juvenile delinquency."<sup>1</sup> Although the Junior Chamber of Commerce took no part in the promotion of Juvenile Court legislation in Washington County, it does hold occasional conferences with the Judge of this Court on "general aspects of juvenile delinquency."<sup>2</sup>

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<sup>1</sup>Correspondence from Allen Clopper, President of the Junior Chamber of Commerce, Hagerstown, Md., 7-5-1947.

<sup>2</sup>Ibid. by questionnaire.

One of the few recreational centers having a worker and performing a social welfare function in 1947 was St. Mary's Social Club in Hagerstown. It was maintained to afford social activities for high school students and it accommodated both boys and girls. It served Catholic children, predominantly, although some of the members were Protestants. The club's social welfare activities were described thus: "We have a parish worker who visits needy homes and where the situation requires it, buys food and clothing and fuel for children of all ages. An effort is made to correct situations that would lead to juvenile delinquency."<sup>1</sup>

The major social welfare agencies in Washington County, namely the American Red Cross, Salvation Army and Volunteers of America, Washington County Welfare Board, had no definite influence, as far as could be learned, on either the 1934 or 1941 laws, as they related to the handling of children in a specialized Court. These agencies do work closely with the Juvenile Court, however. The Executive Secretary of the American Red Cross stated: ". . . . We wish to advise you that our Chapter has not participated in any program fostering juvenile court legislation, but we believe the 1941 move a good one."<sup>2</sup> The Salvation Army and the Volunteers of America have had long association with the Juvenile Court because of their detention service to the Court.

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<sup>1</sup>Questionnaire reply.

<sup>2</sup>Correspondence from Mrs. Frances W. Zentmyer, Executive Secretary of the American Red Cross, Hagerstown, Md., 6-30-1947.

Washington County's churches mainly reported activities for young people; a Boys' Brotherhood, a Girls' Sisterhood, Christian Endeavor, teen-age activities of many kinds, but no actual participation in court activity.

In 1948, Washington County had seemingly a great interest in the preventive aspects of juvenile delinquency. It did not take that same interest apparently, in the child who had come to the attention of the Juvenile Court if its interest in creating a suitable detention home can be a criteria of concern for such children. One Washington County citizen felt that nothing was really being done about the problem of delinquency in her County. This person stated: "I am not connected in any way with any organization dealing with the problem of juvenile delinquency. Indeed, there isn't anyone in Washington County directly or exclusively interested in the problem.

"I am acquainted with the Judge and in a personal way youthful delinquents are very much my concern. I work with the Judge. . . . I endeavor to work with the youthful delinquent when he is committed to our County Jail. This is a most shameful procedure and I could say more about it."<sup>1</sup>

Washington County has been a pioneer in the field of Juvenile Court legislation. The 1924 law was adequate for its time and embodied all of the provisions that most early laws contained. The 1941 revision, which was not a new Juvenile Court law in itself, became a reality when it was

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<sup>1</sup>Questionnaire reply.

recognized that the older law was not wide enough in scope or modern enough in concept.

Replacing service by the King's Daughters and other groups used by the earlier Court, the Washington County Welfare Board has given service to the Court since the establishment of its children's program. It extends foster home placement and protective service to the Court. Inasmuch as the Washington County Juvenile Court had a probation staff, as of 1948, the Welfare Board was not called upon for the investigative service that is required by some Courts who do not have such staff. It was seen in the analysis of social forces relating to the Juvenile Court thinking in Washington County, that the Welfare Board does not play the prominent role in the community that it does in some of the other Maryland communities. This statement is not meant to minimize the Washington County Welfare Board in its importance as a functionary serving people in its jurisdiction, but is rather related to the fact that the Juvenile Court does not seem to be as dependent upon it, as Courts had been seen to be in other counties.

## CHAPTER IX

### FREDERICK COUNTY

Frederick County was erected by an Act of the Assembly in 1748, becoming effective on the 10th of December of that year. The new County was to comprise the whole State west of Baltimore and Prince George's Counties, including the present Counties of Frederick, Montgomery, Washington, Allegany, Garrett and portions of Howard and Carroll Counties. In 1776 Montgomery and Washington Counties were carved out of Frederick County.<sup>1</sup>

This County established its first Courthouse in 1735<sup>2</sup> and its first almshouse was authorized in 1768.<sup>3</sup>

Frederick County has perhaps done more than most counties to emulate its colonial past in terms of the physical appearance of the County and especially of its County seat at Frederick. A great interest in its history is seen in its preservation of historical landmarks which have come to be patriotic shrines which attract visitors from all over the Country. Frederick City advertises the Roger Taney Museum, the Barbara Fritchie Home, and many tourists visit the grave of Francis Scott Key who is buried in Frederick.

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<sup>1</sup> Williams, T. J. C., History of Frederick County, Maryland, p. 26.

<sup>2</sup> Ibid, p. 25.

<sup>3</sup> Laws of Maryland, 1768, Chap. 29.

Early Frederick County used its press as a moralizing agent. Some of the early editorials examined help one to glean invaluable insight into the attitudes of early Frederick and help, perhaps to explain some of its modern conservatism. "The Mirror of the Times" was described as "A Daily Newspaper - Devoted to Literature, Religion, and Temperance." It gives "Hints to Young Ladies - not to waste time on frivolous amusements. . . ."<sup>1</sup> The modest rigidity implied in that early Frederick County editorial seemed very much in evidence as this material was being gathered. It seemed in the Frederick County contacts that there was not only a willingness to hold to the Colonial past but too, an implied reluctance of the citizenry to change the status quo. It was also evident in interviewing persons in Frederick County that lines of authority should be followed. Whereas individuals in some of the Southern Counties made immediate referral to the Juvenile Court Judge as the best source of all information regarding the County and the Juvenile Court, Frederick Countians made immediate referral to the Maryland Children's Aid Society in the County.

The first branch of the Maryland Children's Aid Society was established in Frederick County in 1911, five years before the inception of the Juvenile Court in the County. In 1948 it was one of the three self-supporting County branches, and was financed by funds from the County Commissioners, City

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<sup>1</sup>The Mirror of the Times, Vol. 2, No. 19, April 1, 1847.

Aldermen, Community Chest, private contributions and the annual County appeal. There seemed to be a strong autonomy vested in the Children's Aid Society in this county. This was true, no doubt, since the Society had been responsible for foster home finding and placement of children, and its Executive Secretary had been a member of the Juvenile Court staff in her capacity as probation officer. At the time of this study the Director of the Frederick County Welfare Board stated:

The Frederick County Welfare Board does not ordinarily work with the Court in any way. The only way in which we would come in contact with the Court would be through a petition as specified in the Juvenile Court Law that a child is without proper care and guardianship.<sup>1</sup>

This fact then, had made the Children's Aid Society intensely strong in the community and had vested the Executive Secretary with responsibility for many of the county's children.

Frederick was one of the counties adopting the 1916 Juvenile Court Law. The juvenile court has been on the Circuit Court level and its Judges have been sitting as Judges in Juvenile Causes. Since Frederick County had readily accepted this first step to legislation on a State-wide level, to provide juvenile courts for all counties, its concern for this aspect of child welfare is prominent. Two interesting commentaries, involving the working attitudes of Frederick County's first Juvenile Court Judge are significantly documented

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<sup>1</sup>Correspondence from George H. Finck, Director of the Frederick County Welfare Board, 11-21-1946.

in the Proceedings of the Maryland State Conference of Social Work in 1924.

In discussing the Juvenile Court's policy regarding custody procedures the jurist stated:

We do not permit a child to be taken into custody at all, in the first place. Complaint must be made to the Probation Officer in this County, it is not made to the court, although they do make them to me, but I much prefer they would not come to me with with their troubles.<sup>1</sup>

Reflecting the philosophy of honorific traditionalism, the Judge typified the strong sentiment of Fredericktonians to emulate the historic aspects of their County. At the same meeting the Judge related:

At the present time I am resting from all of my duties, including those as Judge of the Juvenile Court. I have not undertaken to do much work at my desk, but I have been very much interested in the erection of a soldier's monument for Frederick County which is being erected in town here, in the Western part of town, which is to be unveiled November 11th. I hope some of you will have the pleasure of seeing it.<sup>2</sup>

In spite of the interest that was being shown throughout the State in regard to the 1945 Juvenile Court Law, the Frederick County Maryland Children's Aid Society did not embrace the new Bill in its entirety. It felt that too much authority would be invested in the local welfare boards and thus confusion would be created. Frederick County took exception to the Bill in this statement by the President of the Board of Managers:

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<sup>1</sup> Proceedings of the Maryland State Conference of Social Work, Frederick, Maryland, 1924. From Speech of Judge William Worthington, p. 18.

<sup>2</sup> Ibid, p.16.

In its twenty-six years of experience Frederick County found it most suitable to let the Judge handling the juvenile matters decide what was to be done with children brought before the Court, and the people of the County would object strenuously to having the Judge limited in effect, merely to a legal determination of whether a child was delinquent, dependent or neglected and upon such determination have jurisdiction taken from him and put into the hands of the Department of Welfare.<sup>1</sup>

The Children's Aid Society itself made public expression of its objections to the Bill.

Board members of the Frederick County Branch, of the Maryland Children's Aid Society, went on record Monday, as opposing that section of Maryland Senate Bill 27, which would restrict discretionary powers of disposition by Judges of State-wide Juvenile Courts.<sup>2</sup>

In discussion of the Bill which would establish Juvenile Courts in all Maryland Counties, instead of the five presently provided, the Frederick County Children's Aid Society contended that Section 48-L of the Bill would deprive it of its effectiveness. The Children's Aid Society was not alone in its ambition to write Section 48-L out of the proposed law, since the Juvenile Court Judges of both Baltimore and Wicomico Counties objected to that portion of the law.<sup>3</sup>

An analysis of community interest and activity in the field of juvenile delinquency legislation and control centered around several individuals who were mainly concerned with the recreational aspects of the County. Scouts, drama organizations, fellowship meetings, youth choirs and pageants were

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<sup>1</sup>The Frederick Post, Frederick, Md., 2-8-1945.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid.

given as church activities in relation to interest in the leisure time of children.

Two members of the Governor's Committee on Juvenile Delinquency were interviewed, but they had no information to offer. One member stated that the Committee tried to meet as was required, but that in her opinion, interest was not sustained very long by the group since it was not clear just what the objectives were.

There was some discussion with community members on the matter of detention of juveniles. Since there was no detention home as of 1948 and the Frederick County Jail had repeatedly been given local publicity because of its antiquated structure and lack of sanitation, real concern was voiced by some community people. However, there had been no real movement to obtain detention quarters although the Probation Officer has used a facility a short distance from the City.

The 1948 report on the inspection of jails in the State of Maryland bears examination especially as it relates to Frederick County.

The jail was found to be in a very dirty condition. The toilets and washbowls were filthy and the whole jail showed lack of a definite program. Mattress covers were in use but they were dirty. The Women's section was just as dirty as the male section . . . . There are no wash basins in the cells and the plumbing generally is in a state of repair. At the time of inspection it was found that in the Colored section the holes in the wooden floors were being used to sweep garbage and trash into. . . . A drain on the ground floor was stopped up and the odor was terrific. A garbage pail had not been emptied for four days and was found to be one-quarter full of food including soup that had turned bad. . . .<sup>1</sup>

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<sup>1</sup>Twenty-Second Report of the Inspection of the County Jails of Maryland, 1948, p. 35.

When this inspection was made three persons under twenty-one were housed there. There were no separate quarters for children in the Jail.

The Chief of Police, in his comments upon the Police Department-Juvenile Court relationship indicated that he felt these two agencies worked well together. The Chief of Police had this comment to make:

It is . . . . my opinion that the coordination between the Police and the Juvenile authorities should include the parents of the delinquent children. If more of the parents were brought to task, I feel things might take on quite a different aspect.<sup>1</sup>

In an analysis of the social forces at work in behalf of children and Juvenile Court legislation, it was seen that such activity was agency-centered rather than community-centered. There was a tendency on the part of the group to hold to patterns of established community life such as was considered characteristic of Frederick County. There was, on the other hand, an urgency on the part of those working directly with children to create better and more efficient ways of meeting the needs of those children. One pertinent example may be cited: Two dozen youths, fifteen to twenty-one years of age were found not guilty of blocking the sidewalks on a Saturday night in Frederick. The Magistrate stated that "the citizenry and not the boys were at fault, since

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<sup>1</sup>Correspondence from F. M. Straley, Chief of Police, Frederick, Md., 8-30-1948.

these boys are entitled to a place to meet their friends and the people of Frederick should provide such a meeting place."<sup>1</sup> In spite of the fact that these boys had violated a law as related to the City Code, the Magistrate placed full responsibility for the misdemeanor upon the people of Frederick.

Frederick County was a pioneer in the field of Juvenile Court procedure in the State of Maryland. In spite of this pioneering experience there appeared to be a lack of feeling for community action and spontaneity. Whatever social action was a part of Frederick County, emanates from her governmental structure rather than her social welfare structure and while there is evidence of an awareness of the need of good child welfare services, the agencies responsible for giving such services to the Juvenile Court and to the community do not appear to be too well coordinated with each other. There was an inertia that was identifiable by the community's willingness to use exclusively the one agency that was so closely related to the Court. Social Welfare services to children were consequently invested for the most part in a socio-legal agency, rather than an agency whose main function is serving all children. To most Frederick citizens interviewed, the Probation Officer, the Juvenile Court and the Frederick County Children's Aid Society were synonymous.

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<sup>1</sup>Frederick Post, Oct. 4, 1945.

## CHAPTER X

### MONTGOMERY COUNTY

Early in the year of 1777, the first seven Commissioners for Montgomery County were appointed. One of their assignments was to purchase a site, not to exceed four acres, for the purpose of erecting a courthouse and a county jail. By referendum vote, the Commissioners were directed to purchase the land at Hungerford Tavern, which four years later was named Rockville.

The first County Court, consisting of seven Justices and a Court Crier, was held in the home of a townsman on August 12th, 1777; meetings continued to be held there until the new courthouse was completed two years later.<sup>1</sup>

The first twelve cases presented to the new County Court were heard by sixteen Grand Jurors empanelled by the sheriff. These cases involved illegitimate mothers bearing "base-born children, contrary to an Act of the Assembly."<sup>2</sup> Disposition of these cases was made on the basis of the mother admitting the offense, promising better behavior in the future and paying a fine to the Court. By order of the Court, the child was immediately indentured for a period set by the Court and there is no evidence in these early records of any concern by the Court for either the child or the mother.

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<sup>1</sup> Scharf, J. Thomas, History of Western Maryland, Vol. I, p. 657.

<sup>2</sup> Montgomery County Court Record, 1777.

The August 1777 Court Record indicates that petitions for formal indenture were also heard since the Record states in detail that "an orphan, aged 11, was bound to two townsmen, until his majority, during which apprenticeship his masters were to learn him the cooper's trade, to read, to write and to cypher as far as the rule of three, and when free, to give him a set of cooper's tools and a decent suit of apparel."<sup>1</sup>

Montgomery County established its first almshouse in 1787.<sup>2</sup> Unlike some of the other Maryland Counties there was no available information of the extent to which almshouse care was given to children up to 1905. However, by 1906, the practice of placing children in the almshouse had become so general and the conditions so abhorrent that the Federation of Women's Clubs at their second annual meeting adopted resolutions urging the appointment of a matron for the almshouse as well as the appointment of a probation officer to attend sessions of the Circuit Court. Subsequent minutes of the Federation of Women's Clubs indicate, however, that recommended action was not taken at this time by the County Commissioners in accordance with these resolutions.<sup>3</sup>

By November 27, 1908, Montgomery County was engaged in its first social action in behalf of children. The conditions to which children were subjected at the almshouse had

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<sup>1</sup>Montgomery County Court Record, 1777.

<sup>2</sup>Acts of 1787, Chapter 16, November Session.

<sup>3</sup>Minutes of the Fifth District, Montgomery County, Federation of Women's Clubs.

aroused such community concern that a mass meeting was called in the town hall at Rockville, by a Sunday School class, to consider what could be done to remedy this situation. As a result of this meeting, the Montgomery County Social Service League was created. It was reported to be the first private social agency in the United States, established on a county-wide basis. The League was created, "for the purpose of securing the proper housing and care for the sick, of destitute children, and . . . to study the social and living conditions of the people, to educate public opinion as to the causes and the prevention of suffering and to arouse general interest in securing adequate provision for the proper care of the needy in their homes and by means of institutions."<sup>1</sup>

The formation of the Social Service League constitutes an important milestone in the history of child welfare in Montgomery County. After 1908 each forward step in improving conditions for dependent, neglected and delinquent children has come about as a result of leadership exerted by the League in identifying unmet needs, demonstrating needed services and educating public opinion. This has been particularly true with respect to the development of Court procedures affecting children and the type of care available to children coming before the Court.

Until 1910, the work of the Social Service League was carried on entirely by volunteers. As might be anticipated

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<sup>1</sup>History of the Social Service League, Montgomery County, Maryland.

from the initial interest of the group, their early concern for children, related to the improvement of conditions at the almshouse and the jail which the Committee on County Institutions visited with regularity. In September 1910, the first paid worker was employed and in that same year the Maryland Children's Aid Society began to give service to Montgomery County.

The early history of the juvenile court movement in the county centered around the Social Service League. The minutes of the 1919 report reflect the fact that the League's board was aware of the need for a Juvenile Court and for a county agency equipped to provide foster care for dependent children. In preparation for the initiation of this service, a formal request was sent to the Maryland Children's Aid Society asking that the Executive Secretary of the Social Service League be designated as agent for that organization. At the same meeting it was moved that the Social Service League request the Circuit Court to establish a Juvenile Court for the County. After a series of conferences with the Circuit Court Judges, the first Juvenile Court was established on May 4, 1922, with the Executive Secretary of the League being appointed Probation Officer to the Court.<sup>1</sup>

The first case heard by the new Juvenile Court, in which the Circuit Court Judge was sitting in Juvenile Causes,

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<sup>1</sup>History of the Social Service League, Montgomery County, Maryland.

involved five dependent and delinquent boys brought to the Court on petition of the Probation Officer. The boys had been arrested on a warrant charging them with "unlawfully and maliciously placing stones and obstructions on a railroad track." Disposition was made by a Court order for foster home placement with judicial stipulation that the Social Service League supervise the boys carefully and a written statement be sent to the Court each month indicating the progress of each boy. In these early proceedings no running records were kept and only the petition and correspondence appears in jackets in the files of the present Juvenile Court.<sup>1</sup>

Montgomery County's next step in the sequence of events relating to the welfare of children was the desire to invest the county and the State of Maryland with a modern, adequate and uniform Juvenile Court system that would operate on the Magistrate's level. The Montgomery County group of the Maryland League of Women Voters, drafted and sponsored enabling legislation for a Juvenile Court, in 1931.<sup>2</sup>

The 1931 law was enacted by the Legislature, on June 1st, 1931 and is outlined in Chapter VI of this study. Although the law specifically exempted Baltimore City, Allegany, Washington and Baltimore Counties, its sponsors had hoped that all of the other counties would use this opportunity to

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<sup>1</sup>Case Records from the Montgomery County Juvenile Court, 1922.

<sup>2</sup>Interview with Miss Lavinia M. Engle, First Chairman of the Montgomery Welfare Board and delegate introducing the 1931 Juvenile Court Bill to the Maryland Legislature.

establish a Juvenile Court. Actually, however, Montgomery County was the only one to avail itself of the statute.

The first Annual Report of the Juvenile Court of Montgomery County written by the Magistrate, indicated the intent of the new law under which the County would operate. The Magistrate declared, "The Juvenile Court Act of 1931 recognizes the well established principle that in much the same way in which a dependent or neglected child may be dealt with civilly as a ward of the State needing protection and care, so also may a delinquent child, who is in a sense a ward of the State, be dealt with civilly as one needing guidance and social readjustment rather than punishment."<sup>1</sup>

The work of the Court has been good and its judicial record was approved by several civic groups who were interested in the welfare of children.

There was strong community feeling, however, in 1939 when the newly appointed Judge removed the original probation officer and appointed another person to the position. County protest was voiced and three thousand letters and telegrams were sent to the Governor, in which he was urged to concern himself with the need for a trained social worker in the Montgomery County Juvenile Court.<sup>2</sup> The same day another local newspaper carried an article relating to the

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<sup>1</sup> Annual Report of the Montgomery County Juvenile Court, 1932, p. 2.

<sup>2</sup> Washington Post, May 17th, 1939.

situation entitled: "Judge is Asked to Outline Probation Officer's Record." The article went on to say: "The Montgomery County League of Women Voters and several other county organizations have urged the appointment of a probation officer who has had experience as a paid worker under professional supervision."<sup>1</sup>

The Judge defended the candidate and gave a public statement as to his power to appoint a person of his choice,<sup>2</sup> and although there was a public hearing at which the candidate and the opposing factions met with the County Commissioners, the Judge's decision was upheld and the new appointee became the Probation Officer to the Montgomery County Juvenile Court.

In 1934 several events transpired in Montgomery County which had subsequent effect on the functioning of the Juvenile Court. In that year the Social Service League joined the Washington Community Chest. The Chest was described as feeling that service to the Juvenile Court in the care of dependent and neglected children committed for foster care was a function that should be discharged by a public agency and not one dependent upon private funds for its support. The Social Service League then, divested itself of this responsibility but it was not until 1941 that the Executive Board of the Social Service League took formal action to set in motion machinery by which that agency would be relieved of

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<sup>1</sup>Washington Star, May 17th, 1939.

<sup>2</sup>Washington Post, May 31st, 1939.

the responsibility of providing placement service for children committed by the Juvenile Court or dependent upon public funds for foster care.<sup>1</sup>

It was with this move, that the Montgomery County Welfare Board began a relationship with the Juvenile Court that has appeared to make one seem like an appendage of the other. Careful observation, during the time of this study, revealed that seemingly no other County in the State of Maryland has a Juvenile Court that uses its Welfare Board as freely or is as dependent upon it for services to children and their parents.

As soon as the Social Service League officially withdrew from the placement field in the County, the Judge of the Juvenile Court approached the Welfare Board inquiring whether it would be possible for the staff of that agency to make case-work services available to the Court. In making this request for service, the Judge is also reported to have made clear his feeling that the Welfare Board was not a law-enforcing agency and, therefore, should not assume responsibility in the verification of delinquent acts committed by a child charged with delinquency, since such procedure might cause other clients of the agency to be reluctant to accept help offered in case-work service and public assistance.

The Welfare Board expressed a willingness to give the requested service to the Juvenile Court and after October 1,

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<sup>1</sup>Interview with Miss Ruth Bolton, Executive Secretary of the Social Service League, Rockville, Maryland.

1941, when a Children's Division had been inaugurated, the Board indicated it would assume responsibility for providing the Court with the service of investigation of the alleged facts and a social history of the child involved. A written report of findings would be submitted to the Judge of the Juvenile Court prior to the Court hearing.<sup>1</sup>

On April 9, 1941 the Montgomery County Welfare Board in compliance with the request of the Board of County Commissioners voted to accept responsibility for the placement of children committed by the Juvenile Court or dependent upon public funds and to begin such service on October 1, 1941. On that same day, the Juvenile Court revoked the previous commitments to the Social Service League of one hundred and forty-six children in foster care and made re-commitments to the Welfare Board.<sup>2</sup>

As previously stated, the Welfare Board had expected to assume responsibility for investigation of all cases involving dependent and neglected children after the responsibility for the placement and supervision of the committed children was accepted. The 1943 Annual Report of the Welfare Board states, however, "that a combination of circumstances has limited the number of pre-hearing investigations made by the Welfare Board, since the rising delinquency has limited the activity of the Juvenile Court to such an extent that frequently

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<sup>1</sup>Interview with Mrs. Dorothy M. Kurtz, Director of the Montgomery County Welfare Board, Rockville, Maryland.

<sup>2</sup>Annual Report of the Montgomery County Welfare Board, Rockville, Maryland, April, 1941, p. 11.

it has not been possible for the Probation Officer to find time to make referral of cases before a scheduled court hearing occurred. Limitation of staff in the Children's Division has in turn prevented the development of any procedure which would establish a system of referral to the Welfare Board prior to the initiation of a complaint in the Juvenile Court."<sup>1</sup>

As the Juvenile Court Judge continued to develop Court policy and inter-agency procedures, he became increasingly aware of the fact that much of the current practice of the Court was not specifically set forth in the 1931 law. As a consequence, he began to feel the need of a revision of the law which would legalize current procedure and correct some of the deficiencies in the law. In his Annual Report of 1943, considerable space was devoted to these reflections. Particular comment was made upon his belief that there should be a change in the status of jurisdiction of the delinquent under eighteen years of age who had committed a felony. It was pointed out that if a child steals something over twenty-five dollars in value, his case does not come within the jurisdiction of the Juvenile Court, but instead the boy is tried in another Court in the same way as an adult is tried. The Judge also felt that a section "should be added to our Criminal Code creating the crime of juvenile delinquency for a minor under sixteen years of age." Sixteen was seen as a pertinent age, "as it has been my observation that children over this age

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<sup>1</sup>Annual Report of the Montgomery County Welfare Board, April, 1943, Rockville, Maryland, p. 26.

require training and care entirely different from those under this age and we have no present institutional program to take care of the older age group."<sup>1</sup>

A further recommendation made in the Report calls for an amendment to the Juvenile Court Act giving the Court "more certain authority" for the placement of children in foster homes, when those are cases of neglected children without proper care and guardianship. In this connection, he commented upon the fact that under the present law, these children must, to all intents, be treated as delinquents, and placed on probation in order to be eligible for foster home placement.<sup>2</sup>

In 1944, the Juvenile Court directed much effort toward obtaining an acceptable Detention Home; there was also stress put upon the need for additional probation officers.<sup>3</sup>

The Welfare Board had attempted to offer shelter care to dependent and neglected children, but these facilities could not be made available to delinquent children. Finally, on request of the Juvenile Court Judge, the Board of County Commissioners, in August, 1944, appropriated \$40,000 with which to build a Receiving Home that was to be modeled on the pattern of a County-owned farm. Plans were drawn to provide this facility which was to solve the detention problem.

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<sup>1</sup>Annual Report of the Juvenile Court of Montgomery County, 1943, p. 6.

<sup>2</sup>Ibid., p. 7.

<sup>3</sup>Annual Report of the Juvenile Court of Montgomery County, 1944, p. 5.

However, there was adverse publicity given to the idea of a Receiving Home. This opposition was lead by the "Detention Home Committee" appointed by the Community Services and Social Planning Division of the Montgomery County Chest and Council. The Receiving Home consequently never developed.

Although it was known that a State-wide Juvenile Court Bill had been introduced in the Legislature as the result of recommendations made by the Governor's Commission on Juvenile Delinquency, there was considerable local opinion that some of the provisions of this Bill were not suitable to conditions in Montgomery County. Utilizing the accepted features of the original Senate Bill Number 27 (which, after much revision and amendment, became the State Juvenile Court Law), yet following the 1931 law, the Judge and the Director of the Montgomery County Welfare Board, prepared a draft of a new Montgomery County Juvenile Court Law which was presented to a county-wide mass meeting of the Post-War Planning Committee, composed of some seven hundred county residents. This group adopted a formal resolution setting forth the belief that the change of jurisdiction over children to the Circuit Court as Proposed in Senate Bill 27 would create disruption of the carefully planned procedures that had been developed in Montgomery County without presenting any real value. At this meeting Delegates and Senators were urged to oppose the application of the Bill to Montgomery County and to support the enactment of a Juvenile Court Bill, which would provide for continuation of the present Court. This view was held on the

basis that there had been a child-care program in the County since 1908, and that a Juvenile Court had been established in the County which "citizens and social agencies had learned to use as a point of referral for all children arousing concern to the community." There was also opposition to the new State law which would put the Juvenile Court on a Circuit Court level. There was feeling that the Circuit Court Judges were already over-worked and could not, under these circumstances, give adequate attention to the important issues involved in hearing children's cases.<sup>1</sup>

The 1945 local law was finally enacted after some revision by the Montgomery County delegates. The law retained the Court on the Magistrate's level and it followed through on the essential recommendations made by the Judge except for the request that the age of Juvenile Court jurisdiction be lowered to sixteen years of age. Change from the 1931 law appears in relation to the age and residence of the requirements for the Judge, the new law requiring that he be thirty years of age and that he had "engaged in the practice of law for at least five years next preceeding his appointment and shall have lived in Montgomery County for at least five years."<sup>2</sup>

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<sup>1</sup>Resolutions Adopted by the County Advisory Committee on Post-War and County Planning. February 3rd, 1945 number.

<sup>2</sup>Laws of Maryland, 1945, Chapter 1044, Sec. 547A

The Governor is also required to appoint the Judge from a list approved by the Board of County Commissioners; for the first time, a minimum salary of \$2,400 is mentioned in the law.<sup>1</sup>

Specific mention is also made in the 1945 law of the Magistrate's power to place any "child found to be delinquent, dependent or a child without proper care and guardianship with these terms defined in the law."<sup>2</sup> The law adds to the power of the Judge the right to determine paternity, to provide support of children removed from the custody of parents and to have original jurisdiction in proceedings involving adults responsible for bringing a child to the attention of the Juvenile Court.<sup>3</sup> When jurisdiction is obtained by the Court, a child "shall continue under the jurisdiction of the Court until he becomes twenty-one years of age unless discharged prior thereto."<sup>4</sup>

The 1945 law also differs from the former law in the size, composition and method of appointment of the Juvenile Court Committee. The Board of County Commissioners and not the Governor, is required to appoint thirteen members who shall hold their offices by virtue of their positions in public office or in local social agencies. Additional appointment of three members of the clergy, Protestant, Jewish and Catholic, is required and the duties for the Committee

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<sup>1</sup>Laws of Maryland, 1945, Chapter 1044, Sec. 547A

<sup>2</sup>Ibid, Sec. 547D

<sup>3</sup>Ibid, Sec. 547E

<sup>4</sup>Ibid, Sec. 547E(g)

are more specifically named than in the earlier law.<sup>1</sup> Appointment of personnel by the Magistrate from an eligible list of the Civil Service Commission of Montgomery County is required by law, and provision made explicitly for the employment of a Director of Social Work at a salary to be determined by the Board of County Commissioners. Probation officers, clerks and stenographers must be appointed in like manner.<sup>2</sup>

Authority for delegating investigation work to the Montgomery County Welfare Board is included in the law and specific mention is made of the right to commit a child to a "public or licensed private institution or agency or to the Montgomery County Welfare Board."<sup>3</sup>

Unlike the 1931 law, the 1945 statute provides for the right of appeal of any decree to the Circuit Court as in other Appeals for Trial Magistrates' findings and decrees. Provision is made, however, that the pendency of an appeal shall not suspend the order of the Magistrate.<sup>4</sup>

In the foregoing material it is seen that Montgomery County has been fortunate in having strong community cohesion which has welded together its major social institutions. In addition, it has enjoyed substantial wealth, its educational system has been good and in recent years recreation has been enthusiastically sponsored in some parts of the County.

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<sup>1</sup>Laws of Maryland, 1945, Chapter 1044, Sec. 547H.

<sup>2</sup>Ibid., Sec. 547I      <sup>3</sup>Ibid., Sec. 547M

<sup>4</sup>Ibid., Sec. 547-O

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<sup>1</sup>Laws of Maryland, 1945, Chapter 1044, Sec. 547H.

<sup>2</sup>Ibid, Sec. 547I

<sup>3</sup>Ibid, Sec. 547M

<sup>4</sup>Ibid, Sec. 547-O

## CHAPTER XI

### GARRETT COUNTY

Geographically, Garrett County is the most westerly and is the largest county in Maryland. Its territorial area comprises some six hundred and sixty-four square miles. Its location on the boundaries of Pennsylvania and West Virginia has important sociological significance, since the proximity to Pennsylvania cities in comparison with the distance to the Maryland capital and to Baltimore tends to create attitudes that are not conducive to participation in State-wide social and political movements. Its mountainous terrain and heavy winter snows create further difficulties of transportation which produce a degree of isolation existing in no other part of the State.

Because of these geographical factors, Garrett County was the last major area in Maryland to be settled and its history as a county did not begin until two hundred and thirty-six years after the establishment of the first Maryland County. Its size, the difficulties of transportation between settlements and the lack of wealth are also important factors which have affected the development of social institutions in Garrett County. The fact that this county still has no Juvenile Court can be traced directly to the effect of these historical and geographical factors.

Although there were early land grants made for this area in 1768 and 1773 and Maryland soldiers of the Revolutionary

War were given land in this territory after 1787, the ruggedness of the topography and the vulnerability to attack by the Indians caused little attraction to the area. The Braddock Road, which Washington and Braddock followed to Fort Duquesne ran through the northern part of the present county, and by 1816, the famous "National Pike" or "Cumberland Road," following the same route, became the main thoroughfare to the Ohio River.<sup>1</sup> This fact has real significance in the development of Garrett County, since many settlers came to the Grantsville area in these early days to establish a community in the north-eastern portion of the county, which even today seems quite far removed from the present county seat at Oakland, which is located in the southwestern section of the county.

The county erecting act of 1872 provided that the designation of the county seat would be determined by popular election, and the selection of Oakland was finally confirmed by the Assembly on March 10, 1875. The first Board of County Commissioners, elected on January 3rd, 1873, felt so little faith in the permanency of the decision concerning the designation of the county seat that they refused to build a courthouse until a writ from the Circuit Court on October 14th, 1876, compelled the erection of the courthouse and jail.<sup>2</sup> Although this legal action laid to rest the activities of

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<sup>1</sup>Seabright, Thomas B., The Old Pike, A History of the National Road, p. 21.

<sup>2</sup>Brown, Jacob, Brown's Miscellaneous Writings, pp.292-3.

Grantsville the surrounding area still bears little relationship to those settlements around Oakland, and this lack of cohesion in interest and community feeling, together with the natural difficulties of distance in a mountainous area, tend to prevent any unified planning as the social institutions have developed.

Garrett County, in comparison with other Maryland Counties, seems to have little entity as a county. Several explanations of this develop from an examination of its history. Until 1776, all of Western Maryland was included in Frederick County. From 1776 until 1789, the territory now known as Garrett County was included in the jurisdiction of Washington County and from 1789 until 1872, this area constituted approximately one-half of Allegany County.<sup>1</sup> With these successive territorial changes it seems safe to assume that this isolated mountainous area had little sense of communal "belonging" to any county government in the years preceding the establishment of the present political division. Further, there has been no development in Garrett County of any contiguous settlements which would tend to stimulate any real feeling of community ties. Instead, each small town was established by a particular group for its own specific interest and purpose with the result that there has been little homogeneity.

Garrett County's occupations have ranged from that of a flourishing tourist trade in the picturesque mountain areas

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<sup>1</sup>Brown, Jacob, Brown's Miscellaneous Writings, pp. 245-250.

to coal mining and lumbering in the Kitzmiller section. The latter with its narrow streets and soot stained houses and its Italian and Slavic population presents a marked difference in social and cultural climate from such resort places as Mountain Lake Park, New Germany and others.

Such localities as Oakland, Accident, and Friendsville have been trading places for neighboring farmers for many years. However, the fact that these towns are almost completely isolated by snow from October to May of each year breaks down their physical proximity to each other and creates a condition of separateness. The absence of any real sense of "county" is best realized when informed members of the local communities make evident their lack of knowledge of even the exact location of towns within reasonable distance of their own locality.

A description of the uniqueness of Garrett County should include mention of the Amish settlement near Grantsville. Since this religious group insulates itself from the surrounding culture and avoids participation in government, its presence in the county constitutes another obstacle to united social action and social planning. This group of Mennonite-Fundamentalists came to Maryland from Pennsylvania during the eighteenth century. They still operate successful farms in the Grantsville area and are a prominent part of Garrett County life. To all intents and purposes the Amish lead a life separate from the community. Apparently their only real contact with the life of their non-Amish

neighbors occurred during the existence of the Amish Mennonite Children's Home in Grantsville. Admission to the orphanage was available to any dependent child with the understanding that henceforth the child would remain a ward of the group.

As in Howard County, the Health Department was active for some years in fulfilling a child welfare function. Responsibility for public health was retained by the Board of County Commissioners in the early years of Garrett County history. The first full time public health officer was hired in 1931 although the County Health Law of 1922 authorized the appointment of such an officer. Despite the delay in appointing the public health officer, the county had its first public health nurse in 1920. In these early days, the public health nurse was the only public employee, with the exception of the school attendance officer affixed to the Board of Education, who possessed any professional experience in the field of child welfare, except those, of course, who were directly concerned with teaching. Because of this factor, the problems of school attendance and public health constituted the beginning step in the county's responsibility for the needs of children. Since there was no established social agency or department of public welfare in the County during this period, the attendance officer and the public health nurse worked cooperatively in behalf of the interests of children. They planned jointly to place dependent children in homes for foster care or adoption, to place feeble-minded or delinquent children in State institutions or to develop resources with

which to meet the financial need of the child's family. Since the Board of County Commissioners was the employer of the public health nurse, funds for necessary food or clothing were frequently authorized by the Board of County Commissioners on recommendation of the nurse, although the American Red Cross, which had been organized in the County during World War I, often accepted responsibility for making grants of clothing to needy families.

In addition to these extra duties, the public health nurse also carried on the accepted duties of her position. The County developed an early interest in crippled children and orthopedic records were kept after 1925 and clinical records after 1927, despite the fact that records of the nurse in those days were carried with her in a card-board box in her car.<sup>1</sup>

With respect to the care of dependent children, the material available is fragmentary. The first public health nurse for Garrett County stated that the County Commissioners occasionally paid board for the care of children she had placed in unrelated homes when no other resources could be developed for the child.

Mention has been made of the Amish Mennonite Children's Home in Grantville. This facility apparently constituted a useful resource to the County and according to the knowledge of local people was used by the courts as a means of providing

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<sup>1</sup>Interview with Mrs. Wilda Fahy, first Public Health Nurse of Garrett County.

care for dependent and neglected children even though acceptance by the institution meant permanent separation of the child from his family and relatives. Available records do not give the date of the institution's establishment but from the date of its incorporation on June 1, 1927 until the last child was removed in November 1937, many children were admitted there from Garrett and Allegany Counties. Since the institution made a practice of sending these children to Amish homes in other states, placement in the institution appeared to constitute an insurance that the child would never again become dependent upon Garrett County. In January, 1933, sixty-three children were receiving care in this orphanage, while seventy placed in private Amish homes in other States were still under the jurisdiction of the institution. The operation of the home was discontinued in 1937, when there was general agreement that it could not meet the licensing requirements of the State Department of Public Welfare.<sup>1</sup>

In 1931 the Garrett County Relief Association was created. When it was felt under this local plan that too many persons were being carried on relief, the Maryland Children's Aid Society entered into an agreement to give investigation service to the County Commissioners, and in 1932 it widened its scope of work relating to relief administration in the County.

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<sup>1</sup>Interview with Miss Elizabeth Smith, State Department of Public Welfare, Baltimore, Md.

These early local beginnings were basic to a more adequate program of social welfare in Garrett County. With the establishment of the Garrett County Welfare Board in 1933, the steps to the more contemporary welfare situation were taken.

The Garrett County Welfare Board has conducted a consolidated program of public assistance and related services since 1939. The Board of County Commissioners transferred some thirty children in foster care to the welfare board with the result that the Maryland Children's Aid Society ceased to operate in the county because there were no longer funds forthcoming from the County Commissioners.

With this background concerning the development of child welfare in Garrett County, the history of the juvenile court movement in the County can be traced.

When Garrett County was created in 1872, the present State Constitution, adopted in 1867, was already in effect and the Circuit Court had been functioning for some time. Under the provisions of the law, Garrett County was a part of the Fourth Judicial Circuit, which also served Allegany and Washington Counties.

The first Circuit Court session held in the County took place in May, 1873 and lasted only three days. It did not convene again until December of that year.<sup>1</sup> The infrequency of Circuit Court sessions in Garrett County has continued

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<sup>1</sup> Scharf, J. Thomas, History of Western Maryland, Vol. II, p. 152.

and has influenced the fact that as of 1948, there was no Juvenile Court in this County.

A careful review of the Circuit Court docket from 1896 through 1921 indicated that children became the concern of the Circuit Court only when writs of habeas corpus were filed by the parents seeking to secure custody of children, who had for some reason, become members of the family of a relative or unrelated people, or when the children had committed illegal offenses of a serious nature. In each of the equity cases reviewed, the petition of the parent was dismissed, with the relative, the unrelated couple or the Court retaining jurisdiction of the child. In every instance, however, the parent was given the right to visit the child under conditions carefully defined by the Court.

In Garrett County, there had been little evidence of any effort to treat children's cases any differently than those of adults, since the County did not accept the 1945 Juvenile Court Law nor any of the previous legislation. Cases involving theft or destruction of property having a value of more than twenty-five dollars were usually considered beyond the jurisdiction of the magistrates, and children were charged before the Circuit Court with the specific law violation with which an adult would be charged.

A further indication of Garrett County's unfamiliarity with modern concepts of child welfare and considerations as related to children coming to the attention of the authorities was seen in its publicity given to children involved in juvenile

offenses. Headlines prominently gave accounts of acts committed by children, sixteen to eighteen years of age, giving the name of the child, and the full details concerning his commitment to jail or training school. The following accounts are typical: an Oakland paper carried the account of a charge of arson against a Garrett County boy. It stated that the boy was "convicted" and "sentenced" to the Maryland Training School for Boys.<sup>1</sup> Another Oakland paper relates that a seventeen year old boy who was sentenced to one year in the Garrett County Jail was incarcerated because of being in default of a three hundred dollar fine.<sup>2</sup> The same newspaper under another date, relates the fact that two boys, whose names were given, "entered pleas of guilty and were sentenced to the Maryland Training School for Boys until twenty-one years of age."<sup>3</sup>

There was considerable evidence that some residents of the County were not satisfied with the present method of handling the cases of juveniles. It would appear, however, that their efforts to arouse community interest would have to continue for a much longer time in order to change the existing attitudes in regard to the need for giving children coming to the attention of the law, a kind of differential treatment. The former Executive Secretary of the Maryland Children's Aid

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<sup>1</sup>The Mountain Democrat, Oakland, Maryland, May 18, 1939.

<sup>2</sup>Garrett County Republican, Oakland, Maryland, Dec. 19, 1946.

<sup>3</sup>Ibid, March 27, 1945.

Society had made much effort to interpret to clubs, civic organizations and churches, the need for more effective recreational programs for youth as a preventative of juvenile delinquency, and the need for a juvenile court and the necessity of having a social worker or probation officer to assist the Judge in the handling of juvenile cases. Detailed newspaper accounts of these addresses before local groups indicated the activity of the former Executive. Thus far, however, the only tangible gains have been in the field of recreation; the need for the juvenile court structure advocated was not recognized as of 1948.

As one step in the program to encourage community interest in the problems of children, a civic club was urged to organize a Coordinating Council which would be composed of members of the School Board, Welfare Board, the Clergy, and other service clubs. These organizations were to function as a unit in the consideration of juvenile delinquency, the Juvenile Court and other matters pertaining to children. In 1947 such a group was called together by the elementary school principal of Oakland for the purpose of a panel discussion in which it was planned to evaluate how these various agencies could better coordinate their services to deal with families and children. It was hoped by members of this group that the program would develop some community interest and that it would eventuate in some of the much needed measures that Garrett County should be considering.<sup>1</sup>

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<sup>1</sup>Interview with Mrs. E. Z. Tower, former Executive Secretary of the Maryland Children's Aid Society.

At the time of this study it appeared that until the Circuit Court would assume responsibility for changing its own handling of juvenile delinquents there would be little hope for Garrett County as far as correcting the current procedures in regard to children coming before the Court. It would seem too, that until the Circuit Court Judges show a greater willingness to make themselves available to Garrett County there is little to be derived from local efforts to have Garrett County included under the provisions of the 1945 State law as it relates to the Juvenile Court.

A Bill was introduced to the legislature in 1945 by a Garrett County Senator which proposed that the Trial Magistrate of Oakland be given jurisdiction of all juvenile matters for the County and that increased compensation be given for the assumption of these additional duties. The Bill also authorized the Board of County Commissioners to provide for detention quarters for minors under the age of eighteen years and to provide for the trial and disposition of dependent, delinquent, and neglected, as well as feeble-minded children under the age of eighteen years. The Trial Magistrate would further have jurisdiction over persons contributing to the delinquency of minors under the age of eighteen years, and the Bill provided generally for a Juvenile Court in Garrett County.

The Bill when introduced was opposed, by two groups. The Bar Association, while offering no specific objections apparently, wanted time to think the issue over. It appeared

that in the opinion of the Association the structure proposed would be costly in view of the number of juvenile cases heard. The other source of opposition developed because the Bill did not include a probation officer in its provisions. The author of the Bill stated that he purposely omitted the provision for a probation officer because he felt that the Welfare Board would do the investigations and would give other services to the Juvenile Court. This stipulation ultimately led to the Bill's defeat since the former Executive Secretary of Maryland Children's Aid Society, saw the best service to the community coming from a probation officer who would be a part of the Juvenile Court itself and whose salary would be paid by the Board of County Commissioners. With this opposition the Bill was defeated, but it gave Garrett County its first real interest in such legislation and it paved the way, the Senator believed, to the establishment in the near future of another local law.<sup>1</sup>

To this point, no mention has been made of the attitude of Garrett County toward the permissive 1931 Juvenile Court law which set forth the machinery for a Magistrate of Juvenile Causes similar to the structure envisioned by the Garrett County Senator.

Although a Juvenile Court Committee was appointed in Garrett County by the Governor, it seems probable that the financial plight of Garrett County residents in this and

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<sup>1</sup>Interview with Senator Bernard Gonder, author of the Garrett County Juvenile Court Bill.

immediate successive years caused the development of the Juvenile Court to seem of rather minor importance. Regardless of the recommendations of the Committee it appears obvious that the Board of County Commissioners, desperate over the cost of out-pensions and relief, would not have considered an appropriation for a Magistrate of Juvenile Causes or a probation officer. It must be remembered too, that in 1932 the services of the Maryland Children's Aid Society became available to the County and that with the initiation of this service the needs of children seemed adequately met. By 1938, however, the Juvenile Court Committee, became sufficiently concerned about the lack of a Juvenile Court Judge. It met with the Board of County Commissioners, outlining the dire need for such a Judge because of the amount of work now needing to be done with children. As a result of this session, the Commissioners levied six hundred dollars to be used for the salary and expenses of a Juvenile Court for the first year. The Committee decided at this meeting to meet again to make a decision as to whether to recommend an attorney to the governor for the position of Magistrate for Juvenile Causes.<sup>1</sup> At the time of this study no definite person had been named.

In conclusion it may be stated that the problem of juvenile delinquency and its prevention and control has been actively before the people of Garrett County since 1945. The American Red Cross, the Lion's Club, the Rotary, the Business

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<sup>1</sup>Interview with Mrs. E. Z. Tower, Oakland, Maryland.

and Professional Women's Club, the churches and many civic organizations have accepted responsibility for mobilizing funds and effort to provide recreational facilities. The press revealed the decision of the Oakland Lion's Club and the local branch of the Red Cross to "start a county-wide project for the rehabilitation of delinquent children, and to pledge members of similar organizations in Kitzmiller and Friendsville to help develop a recreation program in their own communities and to support all local activities for the benefit of under-privileged and delinquent children."<sup>1</sup>

Although the efforts to obtain a Juvenile Court on either a Circuit Court or a Magistrate's level have not materialized there would seem to be no real doubt that such a Court will be developed before too long. Since all of those counties in the Fourth Judicial Circuit are exempt from the 1945 Juvenile Court Law, it is probable that Garrett County will not pioneer with a Juvenile Court on a Circuit level. In view of the inaccessibility of the County seat, the infrequency of Circuit Court sessions and the general geographic structure of the County, there is doubt that this would be the best immediate procedure. It does not seem possible, however, that contemporary community groups as actively interested in the problems of children as those in Garrett County will want to continue the present method of handling juvenile cases.

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<sup>1</sup>The Mountain Democrat, June 13, 1946.

## CHAPTER XII

### ANNE ARUNDEL COUNTY

Anne Arundel County is bounded on the north by Baltimore City and on the east by Chesapeake Bay. It has shown a continuing appreciation for tradition which it highly and proudly emulated throughout the history of the County.

Anne Arundel County, the third oldest county in the State of Maryland, was established by an Act of the General Assembly on April 29th, 1650.<sup>1</sup> The County was settled originally in 1649 by English Puritans who found the stringent laws of Virginia too limiting, and were attracted to Maryland after the Toleration Act was passed.<sup>2</sup> Their first settlement was successively called Providence, Town at Proctors, and Anne Arundel Town.<sup>3</sup> In 1655 after the Puritan rebellion in England, the Puritans from Providence siezed control of the colony and of its government. In 1694, the Governor moved the seat of Maryland government from the Catholic strong-hold of St. Mary's to the more central and predominately Protestant Anne Arundel Town. Anne Arundel Town became Annapolis in the following year.

During this time, the colony enjoyed long years of prosperity and Annapolis became a city of beauty and a center of

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<sup>1</sup> Archives of Maryland, Vol. I, p. 292.

<sup>2</sup> Perkins, S. W., Perkins, S. O., and Winant, H. B., Soil Survey of Anne Arundel County, Maryland, p. 4.

<sup>3</sup> Ibid.

culture in the East. It was during these early years that the Maryland Gazette was first printed and circulated. The early editions of this paper describe the beauty and influence of Annapolis.

It is against the background of this historical detail that the structure of the judiciary must be studied since this is the important social instrument through which Anne Arundel County has discharged its responsibility for children.

On July 20th, 1650, three months after the founding of the County, the Governor issued a commission naming for the County a commander and seven commissioners.<sup>1</sup> In effect, these appointments established the first judicial system in Anne Arundel County, since the commander and the commissioners had, among other of their powers, the authority for "granting warrants and summons and for all matters of judicature . . . and to call and appoint Courts to be held within and for Anne Arundel County." In the Governor's Commission, this first County Court, composed of the commander and seven commissioners, was given the right to try all criminal cases "which may be heard by any Justices of the Peace in any county of England in their Courts of Sessions not extending to life or number." Further reference was made to the power to "execute all manner of jurisdiction and authority whatsoever for the conservation of peace . . . as any Justice of Peace in England may or ought to do by virtue of his Commission."<sup>2</sup>

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<sup>1</sup>Maryland Archives, Vol. III, pp. 257-258.

<sup>2</sup>Ibid.

Inherent in this designation of power equivalent to that of the English Justice, was the right of a single Justice of the Peace to try minor offenses. In bringing to trial persons charged with such offenses, the Justices could issue warrants for the appearance of the offenders, take recognizances, impose fines and commit persons to prison.

The first location of the County Court is not known, although there was a building used for this purpose in 1694.<sup>1</sup> In 1697 the County Court for Anne Arundel County met in the new State House, which was later rebuilt, after the original was destroyed by fire. After a third State House was built, in accordance with the law of 1769, the small detached building adjacent to the State House was given to the Justices of the Anne Arundel County Court, and thus a separation of the physical location of the county and provincial governmental facilities was initiated.<sup>2</sup> A new Courthouse was built in 1821.<sup>3</sup>

The County Courts were not reorganized in Maryland until 1790, when for the first time a definite number of Justices were designated to hold Court. In that year, the State established judicial districts for the first time and provision was made for the appointment of a Chief Judge of "integrity and experience and sound legal knowledge" and two Associate Judges without any specific training. Either the Chief Judge

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<sup>1</sup> Archives of Maryland, Volume XIX, p. 127.

<sup>2</sup> Laws of Maryland 1769, Chapter 14, Sec. 46.

<sup>3</sup> Laws of Maryland 1820, Chapter 87.

alone or the two Associate Judges had the power to try cases.<sup>1</sup> when a sixth judicial district was added in 1805, the qualifications of the Associate Judges were required to equal those of the Chief Judge, and any of those Judges then had the equal power to trial. In 1851, the new constitution provided for the first time for the election of Judges and designated the term of office as ten years. However, only one Judge was to hold Court in each of the eight judicial districts. Thereafter, the Court was to be known as the Circuit Court. Qualifications of the Judge established at that time were, the admission to practice law, state residence of five years, a minimum age of thirty years, and five years of residence in the Circuit.<sup>2</sup> These qualifications have changed little since that time except that the Circuits now number thirteen, provide that one court must be held in each County, and that the term of the Judge shall be fifteen years, and that the Judge be not over seventy years of age at the time of his election.<sup>3</sup> In 1867, the Constitution now in effect reduced the number of Circuits to eight and provided again for a Chief Judge and two Associates in five of the Circuits, including the fifth circuit to which Anne Arundel County was assigned.<sup>4</sup>

Although the original County Court of Anne Arundel County

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<sup>1</sup> Laws of Maryland 1790, Chapter 33.

<sup>2</sup> Maryland Constitution 1851, Article IV, Secs. 8,9.

<sup>3</sup> Maryland Constitution 1864, Article IV, Secs. 1-5; 24-28.

<sup>4</sup> Maryland Constitution, 1867, Article IV, Secs. 1-5; 19-24.

was composed of Justices of the Peace, and the number of Justices to be appointed by the Governor was not stipulated until 1851, it apparently became the custom after 1790 for the Governor to appoint an increasing number of Justices who were not designated as members of the County Court, but continued to have considerable latitude in summary jurisdiction relating to minor offenses. In 1840, about one hundred Justices were appointed for Anne Arundel County. In 1870, general criminal jurisdiction was granted to single Justices of the Peace, and in Anne Arundel County, they held authority to try cases of assault and battery when there was no evidence of intent to kill.<sup>1</sup> Between 1830 and 1939, the Justices for Anne Arundel County held concurrent jurisdiction with the Circuit Court in all cases of assault without intent of felony.<sup>2</sup>

The foregoing material briefly tracing the development of the judiciary is of real significance with respect to the development of the Juvenile Court in the County. In examining the history of Anne Arundel County, it seems evident that the extensive and conglomerate powers given to the colonial commissioners were wide and that the Justice of the Peace traditionally held a position of importance to the County and that these officers were expected by their judicial function to

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<sup>1</sup>Laws of Maryland, 1870, Chap. 434.

<sup>2</sup>Ibid, 1880, Chap. 325.

"be all things to all people." Not only were the Justices endowed with all of the traditional authority of the English Justices of the Peace, but in addition they were responsible for the levying of taxes, the safeguarding of public monies, and the development of public services required for the general welfare of the people. With these multiple functions, it seems clear that there would be little need to define clearly their judicial jurisdiction from their administrative functions. Since the position of Justice of the Peace originally carried in the persons of the Commissioners such all-extensive powers, it seems probable that the same concept of power was inherent in the functioning of the additional Justices of the Peace, later appointed by the Colonial Governor without responsibility to sit on the County Court. The fact that for more than two hundred years the original jurisdiction of Justices of the Peace was not defined by law and, until 1939, jurisdiction in the majority of minor criminal cases remained concurrent with the Circuit Court, gives somewhat clear evidence that in Anne Arundel County there was no recognized need for any differentiation of function with respect to Justices of the Peace and the higher Courts. In view, then, of this traditional acceptance of such broad authority by the Justices of the Peace, it would not be expected that Anne Arundel County would develop an early conviction that the welfare of children required any kind of specialized Court, or that there would be in the County any clear-cut demand for a definition of which Court was responsible for hearing children's cases. Instead,

children's cases like those of adults continued until 1945 to receive attention from whatever Court first had contact with the child.

Prior to 1777, it seems evident that the Justices comprising the County Court held responsibility for all cases including those of children. One of the first cases in which there is detailed description involving a mother and child coming before a Justice of the Peace is listed on the September 22nd, 1656 docket. The mother was ordered to the Court by the authority of the Commissioners of Cromwell on the charge of suspicion of having murdered her infant child by cutting its throat. The mother denied not only guilt of the murder, but denied having ever given birth to a child. The Court then ordered an all-woman jury to be impanelled and to give their verdict to the best of their judgment whether the defendant "hath ever had a child or not." The jury agreed that the "mother" had never had a child and she was, therefore, acquitted.

When the early copies of the Maryland Gazette were searched for press notices relating to the welfare of children in the Colonial days, it was found that these issues contained only notices of rewards for runaway indentured children and advertisements for child labor. One edition of the paper describes a runaway child as an "English convict servant."<sup>1</sup> Another edition advertises that a townsman "gives

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<sup>1</sup>Maryland Gazette, January 17th, 1745.

good encouragement to men, women and children that can be aiding and assisting in the business of making duck and osnaboigs, especially spinners."<sup>1</sup>

Reference to the laws involving the indenture of children illustrates well the diffused and concurrent authority of the various courts in Anne Arundel County. After its establishment in 1777, the Orphan's Court had jurisdiction in all matters pertaining to masters and apprentices and it could bind out orphans and supervise their education and maintenance.<sup>2</sup> In the recess of the Orphan's Court, a single Justice could indenture orphans. The Justice could also prevent removal of apprentices from the State and take steps to prevent their mistreatment.

The first formal application of a guardian for the care of a child was found in Entries 112, in the Book for 1798. The Court, indicating concern for the future welfare of the child, described the plan for guardianship as "of mutual benefit to all parties, that such decree may be made in this cause as may be consistent with equity and good conscience, hoping that as he is an infant, this honorable Court will regard his interests."

Previous to 1831, there was no difference in the treatment of a child and an adult coming before the Courts. At that time, however, the Judge was authorized at his discretion

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<sup>1</sup>Maryland Gazette, March 9th, 1747.

<sup>2</sup>Laws of Maryland, 1793, Chap. 45.

to bind out children or to procure employment for them either in or out of the State when they were found guilty of any crime, except mayhem, murder in the second degree, manslaughter, attempt to murder or mayhem, or setting fire to property. However, if the Court did not wish to use this special concession granted to children from twelve to fifteen years of age, they were to be "sentenced to the penitentiary for the same crime, in the same manner as if they were of full age."<sup>1</sup> The law relating to binding out was finally repealed in 1927 and the concessions relating to employment have now been extended to girls less than eighteen years of age and to boys not more than twenty-one years of age. The Judge may now under the same circumstances at his discretion confine the child in one of the State Training Schools or in St. Mary's Industrial School.<sup>2</sup> In 1892, the Court was authorized to send children under sixteen years of age, when convicted of any crime punishable by imprisonment in the penitentiary to the "House of Refuge or like institution."<sup>3</sup>

It is not surprising that Anne Arundel County made no attempt to utilize the permissive Juvenile Court legislation of 1916. The County apparently felt no need to remove the handling of children's cases from the Justices of the Peace and consequently the new legislation was not used.

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<sup>1</sup>Laws of Maryland, 1831, Chap. 115, Secs. 1 and 2.

<sup>2</sup>Annotated Code of Maryland, 1939, Vol. Art. 27, Sec. 671.

<sup>3</sup>Ibid, Sec. 680.

When the original Juvenile Court law was repealed in 1931, and new permissive legislation adopted providing for the appointment of Magistrates for Juvenile Courts in each County, Anne Arundel again saw no need to change her method of jurisdiction as it related to children. In this instance the establishment of the Juvenile Court depended upon the willingness of the Board of County Commissioners to provide money for the salaries of the Magistrate and Probation Officers and for the general expenses of the Court. In Anne Arundel County, as in all others, a Juvenile Court Committee was appointed by the Governor as provided in the new law, but the Committee apparently felt no conviction about desirability of a separate Court for children's cases and no formal request for the establishment of a Juvenile Court was ever made to the Board of County Commissioners.

In 1945, when the Legislature for the first time in Maryland history enacted Juvenile Court legislation for all the counties, except for those specifically exempted, Anne Arundel County was faced with the necessity of revising its judicial procedure in respect to children.

Before reviewing the use of the 1945 law in Anne Arundel County it would be well to review some earlier considerations of the County, as related to child welfare. Up to this time only the judicial history has been taken into account; Anne Arundel's social agencies have played a great part in her contemporary attitudes toward children.

The Maryland Children's Aid Society, established in 1911, had attempted to develop an interest in child welfare in the various counties during the succeeding four years and had given such services to certain of the counties from 1915 to 1928. It was not until 1929, however, that Anne Arundel County showed any interest in the program. In that year the Anne Arundel Children's Aid Society was organized, utilizing volunteer service and being financed by local contributions, though dependent upon the state subsidy granted to the parent body, the Maryland Children's Aid Society. There was apparently in Anne Arundel County at that time acceptance of the fact that there was need for public responsibility for children requiring care away from their own homes. The County Commissioners assumed responsibility for the payment of board for children placed in boarding homes by the Children's Aid Society. Although the Board of County Commissioners had made payment for board of children placed in foster care, however, there was no adequate public welfare program in Anne Arundel County until the Welfare Board was established in 1933. With the exception of the Salvation Army which gives assistance to non-family transients, the Anne Arundel County Welfare Board still remains the only organized social agency in the County.

Anne Arundel County became one of the first ones in the State to develop a probation service to courts having jurisdiction over minors. This service was designated in the state-public welfare law that was passed in 1935, which read in part: ". . . that the Welfare Boards shall have authority

to administer to . . . . the neglected, dependent and delinquent children, which care shall include the rendering of probation service to the Juvenile Courts or other Courts having jurisdiction over minors."<sup>1</sup>

Although the Juvenile Court Committee, appointed in 1931, seemingly had felt that the number of children's cases coming before the Magistrates did not justify the expense of a Juvenile Court and the County Commissioners at the beginning of the depression "were not inclined to use tax money for anything but the essentials of County government,"<sup>2</sup> the community and the courts had become increasingly aware of the problems presented by children coming before the courts. Particular concern was apparently felt over the fact that, although the Maryland Children's Aid Society could give limited service by placing dependent children in a state-aided institution or a foster home, there were no facilities to give a child service in his own home when removal was not indicated, or facilities for placement not available. After the establishment of the Welfare Board, Trial Magistrates are reported to have made telephone calls to that agency requesting information which would allow them to make intelligent decisions about the dispositions of cases involving children. The Welfare Board developed a closer working relationship with

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<sup>1</sup>Laws of Maryland, 1935, Chap. 586, Sec. 8D.

<sup>2</sup>Willman, Clara, Child Welfare Services of the County Welfare Board of Anne Arundel County, Maryland, with Special Reference to Cooperation with the Courts, p. 67.

the courts, and consultation with parents and the court became a frequent procedure resulting often in the development of plans other than commitment to training schools.

During this early period of Welfare Board history, the Magistrates also discovered that through inter-agency correspondence the social conditions in the homes of out-of-state relatives could be determined by the Welfare Board. After several informal discussions, the Judge of the Circuit Court requested that the Welfare Board consider the possibility of supplying the courts with probation service as authorized by the 1935 Public Welfare Law. After careful discussion, the Board, in July 1936, agreed to initiate the services requested and to request the State Department of Public Welfare to allocate Federal Child Welfare Funds for the salary of a trained child welfare worker, who would be assigned to court work.<sup>1</sup>

The presiding Judge of the Circuit Court of Anne Arundel County, subsequently invited to a conference held at his home in August 1936, the fourteen Magistrates, the State's Attorney, the members of the Juvenile Court Committee, the Chairman of the Board of County Commissioners, the Director of the Maryland State School for Boys, the Chairman and the Executive Secretary of the County Welfare Board. At this meeting the Judge reviewed the fact that a Juvenile Court had not been established for Anne Arundel County under the 1931 law, because the Board of County Commissioners had not provided funds

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<sup>1</sup>Minutes of the County Welfare Board, July 1936.

for such a court and announced that he now found "child and parental delinquency a big problem in Anne Arundel County" since he "found it necessary to have prior investigation into the mentality, disposition and habits of the child and its home surroundings before the court could take intelligent action." He added that "an investigation of the type of institution or home to which a child should be committed to enable it to realize itself to the highest possible degree and thus be saved to society was necessary." He then explained that the court had had no facilities of investigation until he had conferred with the Executive Secretary of the Welfare Board asking that she furnish the court with these factual investigations and placement recommendations. The newspaper article reporting this conference concludes by stating that "Anne Arundel County has been spared the expense of naming Juvenile Court officials and probation officers, yet has an efficient set-up."<sup>1</sup>

With the establishment of a children's program in the Welfare Board in 1936, the Board of County Commissioners requested that the public agency take over responsibility for the foster home program previously handled by the Children's Aid Society. At that time there were thirteen Anne Arundel children in foster homes and only four were actually placed in the County. Through an agreement with the private agency, the nine children placed outside of the County remained in the custody of the Children's Aid Society, pending replacement.

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<sup>1</sup>Evening Capitol, August 1st, 1936.

In January 1937, the County Welfare Board adopted a policy setting forth its willingness to accept all cases of children under the age of sixteen years and to make a case study for the court which would include recommendations for care and would carry out the social planning if the court requested that it be done. In the same policy, it was stipulated that a study would also be made when the child was between the ages of sixteen and eighteen, but that if it appeared that the agency had no service to offer this child, this would be explained to the Magistrate and the court would then deal with the child as it would with any adult offender.

In the first annual report of the new child welfare program developed by the Anne Arundel County Welfare Board, reference is made to the fact that forty-three children were referred to the agency during the first six months of 1937, by the Magistrates. Of this number, twenty-six children received continued supervision in their own homes and nine were placed in foster homes. The report comments upon the fact that "the unfavorable situation found in the industrial areas bordering on Baltimore County" contributes to juvenile delinquency, although the lack of public playgrounds in Annapolis is also an important element since "in many parts of the city, children are crowded off the streets and with no vacant lots available, youthful energy is inevitably turned toward delinquency." The Child Welfare Worker is quoted as stating that the lack of playgrounds "is responsible for the existence of many gangs and embryonic gangs among the youthful element of the city, primarily devoted to petty thievery and

other forms of lawlessness." Comment is made upon the fact that the existence of several gangs was known, but that the local police were unable to trace their whereabouts.<sup>1</sup>

It seems evident that the child welfare service provided by the Anne Arundel County Welfare Board proved most satisfactory in the courts of the County. In March 1939, the Judge of the Circuit Court addressed the Parent-Teacher's Association of the Annapolis High School on "Character Education Through the Courts," stressing the fact that "the basic theory of all Juvenile Court legislation is that its function is to cure rather than to punish delinquency, and to rehabilitate rather than to discard human material." It is interesting to note that, although Anne Arundel County never availed itself of the 1931 Juvenile Court law, the Judge making this speech paid tribute to it as "one of the most enlightening pieces of legislation in the history of Maryland," although he did state erroneously that the law vested "in the Circuit Court power and authority for dealing with dependent and delinquent children." The Judge then stated that the Courts alone cannot adequately cope with the task of "salvaging and rehabilitating" children and that auxiliary services have been provided through government authority. The "most distinctly helpful of there in Anne Arundel County," he stated, "is the County Welfare Board, which renders 'really noble service' to the Court, not only in cases of dependent

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<sup>1</sup>Evening Capitol, July 25th, 1937.

and delinquent children, but in domestic relations cases as well."<sup>1</sup>

Throughout the history of Anne Arundel County considerable difficulty had been experienced in obtaining sufficient local funds for social welfare services. The failure of the County Commissioners to make funds available for a Juvenile Court appeared typical of their reluctance to provide adequately for other types of service and assistance for people. Although the Court had been eager to avail itself of the service of a Child Welfare Worker, whose salary was paid in full from Federal funds, and to utilize the services of other staff members of the Welfare Board, much of the satisfaction seemed to arise from the fact that an efficient set-up had been developed for the Court without any expense to the County.

With the resignation of the Welfare Board Executive who had developed the plan of providing probation and other child welfare services to the courts, rapid change took place in the Welfare Board-Court relationship. There was further, the enactment of the 1945 Juvenile Court law and a rapid succession of Executive Secretaries that helped to change that relationship.

As has been stated, it was formerly the accepted procedure for Trial Magistrates to hear all juvenile cases and when indicated, to contact the Welfare Board requesting an investigation of the child and his home, together with

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<sup>1</sup>Evening Capitol, March 16th, 1939.

recommendations for the disposition of the case. Thus, the volume of juvenile cases heard by the Circuit Court was relatively small and the exploratory and investigative service normally given by a probation officer attached to the Court, was given by the Magistrate and the Welfare Board.

Section 48T of the new Juvenile Court Law, however, stated that any case pending before any Magistrate for Juvenile Causes in any of the counties on June 1st, 1945, was to be transferred to the Circuit Court. Therefore, in Anne Arundel County, cases were heard by the Circuit Court, with the Welfare Board coming into the situation after the initial hearing, instead of before the hearing was was the previous pattern. The former Executive Secretary of the Welfare Board saw the agency as an appendage to the Court; with the passing of the new Juvenile Court Law however, this relationship ceased.

The first Judge appointed to hear cases of children under the new law, evaluated the total juvenile delinquency situation in Anne Arundel County. The Judge seemingly had two convictions as to the main factors deterring a real program of prevention. The Judge did not view the Anne Arundel County delinquency rate as abnormally high, yet there was an implied concern that it was increasing. This he attributed to the transitory population of Annapolis, which was described as having a complete turn-over in population every five years. As of 1947, there was no long term planning by interested groups especially since Annapolis is occupied by Naval groups who are rather

removed from the significance of the problems of youthful delinquency. The other concern of the Court was the fact that Annapolis had no playgrounds nor much of any planned and directed recreation for its youth.<sup>1</sup>

Anne Arundel County seemed to pay much homage to tradition, but such ties with the past were not supported by the younger groups of Annapolis who had brought about interest in a recreational program. Community apathy, however, and resistance to change gave their efforts such opposition that they obtained only meager results. At one time thirty-seven community organizations indicated their willingness to pay dues to finance such a program, but to 1947 nothing had actually been done. The City Council agreed to pledge twenty percent of all receipts earned by the parking meters in the City of Annapolis, after these meters were paid for. The Council had also allocated the use of a tract of city-owned land to be used as a playground. However, since this plot of ground lies immediately outside the Annapolis city limits, the Council appeared unwilling to appropriate tax funds to improve the ground or to provide equipment. The County Commissioners, by the same token seemed to feel that they could not tax the entire county for a playground which would be used only by Annapolis children.<sup>2</sup>

The Recreation Association became enthusiastic in creating a program of recreation after some of its members attended

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<sup>1</sup>Interview with Judge Wm. McWilliams, Juvenile Court of Anne Arundel County, Md.

<sup>2</sup>Interview with Mrs. Bernard Legum, Secretary, Greater Annapolis Recreation Association.

the National Conference on Prevention and Control of Juvenile Delinquency, held in Washington, D. C., in November 1946. Following closely the suggestions discussed in the panel on recreation they hoped to bring about interest and support in leisure time programs for children in the County. The activities of the Association however, received little support and accomplished little.

It can be seen in summary, that the Anne Arundel County Welfare Board has played a very great part in the earlier work of the Court as it related to children's cases. When the 1945 law was enacted, the Welfare Board and the new court structure had to reevaluate its relationship and there was consequently less Court dependency upon the Welfare Board staff, and the Juvenile Court developed its own probation department. Other social movement relating to support of the present or earlier Juvenile Court practices and philosophy was not as readily discerned.

## CHAPTER XIII

### HOWARD COUNTY

Howard County is the second smallest county in Maryland, its history dating back to 1608 when English settlers were attracted to the territory made so fertile by the Patapsco and Patuxent Rivers. The early residence of the people settling in this territory was somewhat uncertain since officially they were a part of Baltimore County, while their homes were actually in Anne Arundel County.

Howard County's history centers around two factors. First, its close identity with Anne Arundel County, and second, the two prominent families, the Carrolls and the Ellicotts who contributed greatly to its welfare and progress.

The boundaries of this new territory was designated by an Act of the Assembly in 1835, and it was named Howard District of Anne Arundel County, in honor of a former Maryland Governor, John Eager Howard.<sup>1</sup> In 1851, Howard District was renamed Howard County.<sup>2</sup> Before this it had no legislation apart from that of Anne Arundel County; after 1851, however, it enjoyed its own representation in the Legislature.

Charles Carroll, for whom Carroll County was named, is depicted by historians as one of Howard County's most prominent citizens. He received great parcels of land as gifts from the Proprietary and was considered one of the largest

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<sup>1</sup> Acts of 1838, Chap. 22.

<sup>2</sup> Maryland Constitution 1851, Art. VIII, Sec. 1.

landowners in the area. Carroll had been one of the signers of the Declaration of Independence, had been an Attorney General of Maryland and a member of the House of Representatives and the Senate of the United States. His prestige and influence were strongly felt in that early community, according to historians. Famed for his pretentious manor, the Dougheregan House, a mansion three hundred feet long, Carroll and his family contributed much to the colonial culture of Howard County.<sup>1</sup>

Ellicott City, now the County seat, was formerly known as Ellicott's Mills and was founded and named for three brothers, Joseph, Andrew and John Ellicott. These men were mill operators at the time of the American Revolution and their activity in the community touched upon almost every phase of communal living.<sup>2</sup> They operated sawmills, rolling mills and greatly influenced the future of Howard County agriculture by converting tobacco growing land to the raising of wheat. They were active in opening roads to Baltimore and to Frederick; the most famous of which was the Fredericktown Turnpike.<sup>3</sup> The Ellicotts, who were Quakers, built a Friends Meeting House<sup>4</sup> and established the first school in the community.<sup>5</sup>

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<sup>1</sup>Richardson, Hester, D., Sidelights of Maryland History, Vol. II, pp. 54-55

<sup>2</sup>Lantz, Emily E., The Spirit of Maryland Revealed in her Twenty-three Counties from Provincial Days until 1929, p.148.

<sup>3</sup>Seabright, Thomas B., The Old Pike, A History of the National Road, pp. 193-194.

<sup>4</sup>Tyson, Martha E., Brief Account of the Settlement of Ellicott's Mills, Fund Publication, No. 4, p. 13.

<sup>5</sup>Lantz, op. cit., p. 158.

The Howard District Court first met at Ellicott's Mills in 1840. Howard District had been in the Third Judicial Circuit until 1851 when Howard County was created.<sup>1</sup> It then went into the Second Judicial Circuit, but since 1867 it has been in the Fifth with Carroll and Anne Arundel Counties.<sup>2</sup> The first Orphen's Court was also established in 1840.<sup>3</sup>

When Howard District was created in 1838 and thus became a separate municipality from Anne Arundel County, it was governed by three County Commissioners.<sup>4</sup> Howard County still has three Commissioners who are elected officials.

As in all Maryland Counties, the care of dependent children and indigent adults, was vested in these officials. Howard County, like Garrett, did not build an almshouse. Instead it used the Baltimore County almshouse on a fee basis.

Two functionaries besides the County Commissioners have been concerned with the welfare of children in this County. The Maryland Children's Aid Society did not begin service to Howard County until 1928. Even then there was actually no resident worker made available, but rather all services were given by a worker from the Baltimore office. There has been a resident worker assigned, however, since 1945. Prior to 1928, all of the relief work was the responsibility of the County Commissioners and from 1929 to 1933 the Howard County

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<sup>1</sup>Maryland Constitution, 1851, Art. IV, Sec. 8.

<sup>2</sup>Maryland Constitution, 1867, Art. IV, Sec. 19.

<sup>3</sup>Acts of 1838, Chap. 22, Sec. 2.

<sup>4</sup>Acts of 1839, Chap. 98.

Public Health Association engaged in emergency relief work. The public health nurses carried on a program of social work much like that done in Garrett County. The work of the Health Association was supported by private sources, horse show proceeds and some funds given by the County Commissioners. This emergency program was undertaken primarily in the depression years before the creation of the Howard County Welfare Board in 1933. Since then, the public health nurses no longer perform this function and the Children's Aid Society and the Howard County Welfare Board have worked out a reciprocal arrangement in regard to the care of children needing help in the County.

There had been no special court facilities for children in Howard County until the time of the 1945 State-wide Juvenile Court law. As in many of the other counties having no separate children's courts, cases were heard by the Trial Magistrates. Insofar as could be discerned, little action was evident in regard to opposition or support of the new legislation. Immediately prior to the inception of the 1945 law, however, the press gave some indication of the attitudes of at least one of Howard County's Trial Magistrates in regard to adult criminals and the juvenile delinquent. "The Magistrate of Ellicott City, declared today that Howard County's Jail was described by inspectors as the 'worst in the State' . . . and that it was antiquated and dirty . . . So, its just what some of these criminals need . . ." The Magistrate added that he sent no children to Jail, however.<sup>1</sup>

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<sup>1</sup>Ellicott City Times, February 9th, 1945.

At the time of this study, it was seen that the Juvenile Court had a place in the community and that there was awareness of its existence. The Court met every Friday morning. There was a probation officer attached to the Court who gave one quarter of his time to Howard County and the remainder to Anne Arundel County. The School Attendance Officer worked cooperatively with the Court. One of the County's lacks has been detention facilities; there were no private quarters for children, even in the Jail.

In reviewing the socio-legal history of Howard County, there was evidence that few laws had been passed to protect or to effect the social well-being of children. Perhaps indicative of this lack has been the law enforcement pattern itself. Although Howard County has existed for ninety-three years, it has had a Police Force for only forty-four. After its first policeman was appointed in 1904 the Mayor and Council of Ellicott City made legal provisions in the City Government for the inclusion of police protection.<sup>1</sup> Previous to this time, the sheriff was the law enforcement agent for the County.

The incumbent Chief of Police of Howard County was very cooperative in giving his impressions of the working relationship between the police and the Juvenile Court. Unlike most of the responses received from Police Departments, the Howard County Chief did not take a totally positive point of view. He stated: "I feel free to say that the police and the Juvenile Court have a mediocre working relationship." The process of

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<sup>1</sup> Ordinance Book 1867-1934, Entry 402.

police-court work in relation to the child was summed up by the Chief in this way: "When a minor is apprehended for a misdemeanor, he is placed in custody of the Court and his punishment is determined by the Judge of the Juvenile Court."<sup>1</sup>

The Ellicott City newspapers did more reporting on matters of Juvenile Court activity and the 1945 Juvenile Court law, than did many papers in much larger communities. One of the newspapers ran an account of the interpretation of the 1945 law as given by the Juvenile Court Judge to the local and State Police at Waterloo Barracks.<sup>2</sup> This same paper carried a full article on the appointment of the Governor's Youth Commission,<sup>3</sup> and ran numerous reports of cases coming to the attention of the new Juvenile Court.

In evaluating social impact and action behind the current Juvenile Court law and other interest in the welfare of children, it appeared that Howard County was more passive than it was disinterested in the problems of youth. There was no evidence of social movement in relation to recreation or other leisure time programs for children. The persons contacted recognized the need for these things but there was no apparent action to make such services available to children or even to discuss them in very certain terms.

One of the most forceful replies came from a clergyman, who, in evaluating the problem of juvenile delinquency stated:

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<sup>1</sup>Correspondence from Raymond R. Wells, Chief of Police, Howard County, Maryland.

<sup>2</sup>The Ellicott City Times, October 11, 1945.

<sup>3</sup>Ibid.

"The churches in Ellicott City have really done nothing about the problem. It seemed to me that the Youth Canteen there caused more trouble than it cured."<sup>1</sup>

A reality factor that cannot be discounted in appraising passivity in Howard County in regard to child welfare and preventive services to children is the fact that the County has not experienced the growth of population that other counties have. An examination of three census counts indicates that in 1860 the population of the county was 13,338 while in 1930 it was 16,169. The 1940 census indicates a population of 17,175 or an increase in inhabitants of less than four thousand persons in a span of eighty years.

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<sup>1</sup> Questionnaire, the Reverend Clarence L. Beard, Ellicott City, Md.

## CHAPTER XIV

### CARROLL COUNTY

Carroll County grew out of territory that was of a sprawling over-lapping nature resembling in some ways the beginnings of Garrett County. The present Carroll County is made up of territory that once was divided between Baltimore and Prince George's Counties. Baltimore held the eastern portion while Prince George's section spread to include parts of four contiguous counties.<sup>1</sup> Of these, Frederick County was created in 1748. When there was movement for the creation of a new county which was to be developed out of parts of Frederick and Baltimore Counties, there was much opposition to such a plan by Frederick County. The need to create a new county came out of the continued complaint by the people of upper Baltimore County and lower Frederick County that the County seat and the courts were too far removed from them. Much litigation followed and finally in 1836 the proposed County became a reality by an Act of the Assembly.<sup>2</sup> Carroll County was thus created and named in honor of Charles Carroll, one of the signers of the Declaration of Independence.<sup>3</sup>

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<sup>1</sup>Mathews, Edward B. The Counties of Maryland, p. 480.

<sup>2</sup>Laws of Maryland, 1836, Chap. 19.

<sup>3</sup>Scharf, J. T., History of Western Maryland, Vol. II, p. 927.

Westminster, the County seat, was founded and planned by a prominent County Englishman, William Winchester, in the year 1764. The area was originally named in his honor, but was changed by a later Act of the Assembly.<sup>1</sup>

Carroll County has had, with the exception of the difficulty in creating the County itself, a rather steady and uneventful history. It has been described as having a history of "steady conservatism unbroken by stirring events."<sup>2</sup> Its population has increased steadily throughout the years as has its wealth. Carroll County ranks ninth among Maryland Counties in both of these attributes.<sup>3</sup> It devotes a large portion of its area to farming and it has some industry. It has long had the advantage of railroad facilities and has as one of its historical events the institution of the first rural mail service in the United States, this service beginning in 1899.<sup>4</sup>

Carroll County's first court convened on April 3rd, 1837, and soon the political organization of the County was in effect. Carroll County's administration was invested in the "Commissioners of the Tax."<sup>5</sup> Later their function was taken over by the County Commissioners.<sup>6</sup> Welfare activities and

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<sup>1</sup>Scharf, J. T., History of Western Maryland, Vol. II, p. 927.

<sup>2</sup>*ibid*, p. 801.

<sup>3</sup>Fairbanks, W. L. & Hamill, W. S., A Statistical Analysis of the Population of Maryland, p. 10.

<sup>4</sup>Lantz, Emily E., The Spirit of Maryland, p. 65.

<sup>5</sup>Laws of Maryland, 1836, Chap. 62, Sec. 1.

<sup>6</sup>Maryland Constitution, 1851, Art. VII, Sec. 8.

services as they related to children came to be the responsibility of the Board of County Commissioners in Carroll County, as in all other Maryland counties.

Need for an almshouse was directed to the early Commissioners of the Tax, but they did not establish such an institution.<sup>1</sup> Twelve years later, in 1852, under the County Commissioners the almshouse was erected a short distance from the County seat.<sup>2</sup> Following the Maryland welfare pattern the Commissioners had responsibility for the almshouse in both its financial and admission policies. Since no records were required to be preserved little is now available as historical detail. The welfare responsibility lay with the County Commissioners throughout the years until the establishment of county welfare boards.<sup>3</sup> The County Commissioners had another major welfare function under their jurisdiction and that fell in the realm of public health. Their authority in this dated back to 1886.<sup>4</sup> Other responsibilities were in the area of public education,<sup>5</sup> recreation,<sup>6</sup> and crime detection.<sup>7</sup>

Carroll County's pattern of civil, equity, criminal and

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<sup>1</sup>Laws of Maryland, 1839, Chap. 80.

<sup>2</sup>Ibid, 1852, Chap. 248.

<sup>3</sup>Ibid, 1935, Chap. 586.

<sup>4</sup>Ibid, 1886, Chap. 22, Sec. 2.

<sup>5</sup>Ibid, 1916, Chap. 506.

<sup>6</sup>Ibid, 1937, Chap. 155.

<sup>7</sup>Ibid, 1939, Chap. 694.

probate jurisdiction followed the general pattern of the State of Maryland's statutes. The County Court and Circuit Court of the County had original jurisdiction to hear and determine all legal actions under the laws of 1785. As in other counties there was no special handling of children's cases as they came before the Court during the early history of the County. Children were heard by the Magistrate and law enforcement was instituted as if an adult were responsible for the offense. Until the 1945 Law, cases involving children were handled in the Magistrate's Court, and all policies in regard to delinquency, dependency and neglect of children, as well as parents contributing to these conditions, was a purely individualistic and locally determined process.

The Magistrates had the service of the Maryland Children's Aid Society after 1929. The Society began to function in Carroll County when the relief load of the depression period demanded emergency relief work in the County. When its emergency function was deleted with the creation of the Carroll County Welfare Board in 1935, the Society took on work with the Court in the placement and interests of delinquent, neglected and dependent children.

At the time of this study all services such as protective care, case work to children and their parents and other efforts in behalf of people needing help in the community, except for purely public assistance functions, was shared by the Children's Aid Society and the Welfare Board. For some time then, the Magistrates had used the Carroll County Children's Aid Society for placement of and care of children

coming before it. Just prior to the establishment of the Carroll County Welfare Board and in the midst of the national depression, the Maryland Children's Aid Society outlined its position in the community in terms of help to the needy and those children who were, because of poverty and deprivation, potential delinquents. In a statement made in April 1934 the Society reported:

The effects of the prolonged period of unemployment have begun to overtake us as a children's agency. At this moment, we must face the fact that resources for the care of neglected children who should be removed from their present environment and cared for under friendly supervision are exhausted. The neglected child very readily turns into the delinquent child and then the county pays for it at an excessive rate in correctional schools. The physical harm that arises from neglect means broken and diseased bodies for the attention of the hospital and clinic facilities for which the County must pay.<sup>1</sup>

Carroll County did then, as other Maryland counties, depend greatly upon the Children's Aid Society to handle problems that arose in the community as they pertained to family dependency, child neglect and delinquency.

When Carroll County accepted the newly created 1945 Juvenile Court Law it had an advantage over its prior situation as related to Trial Magistrates and community services available to them, since it now had at its disposal the Welfare Board and the Children's Aid Society.

Carroll County had had an interested but rather inactive Juvenile Court Committee, according to members of that group.

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<sup>1</sup>Report of Maryland Children's Aid Society, April 3, 1934.

Carroll County, in its ready acceptance of the new law was, however, something of a paradox. It was the one county whose press gave full coverage to the text of the proposed Juvenile Court Law, with explanatory background so that community persons could understand the legislation in terms of its service to the locality. Its newly appointed Judge was aware of what the new court was expected to accomplish and how it would function. The paradox lies in all of the facts that have become evident in the study of the juvenile court in Carroll County. In spite of ready acceptance of the new law and of good community press, in nature and in practice the new juvenile court was being conducted in 1948 by the Circuit Court Judge in much the same way as it was conducted under the Magistrates. While the juvenile court functions legally as something singularly apart from the earlier Magistrate's Courts, it is little different in how it handles children's cases, according to the information that was available for this study. While it was not stated in the law that the Circuit Court Judges avail themselves to or work with their local welfare boards for placement service, protective care or other help to children, it was generally assumed that the Judges would use whatever services were available in behalf of children. This would seem especially true in a county such as Carroll since at the time of

this study there was no probation officer employed to assist the Court. In requesting information as to the relationship of the Juvenile Court with the Carroll County Welfare Board, the agency Director stated:

We have done the preliminary work in making the service available, but thus far the Court has not used our agency. The Judge has been handling the work, with the idea of using our agency and the Children's Aid Society as the need arises. He has handled a volume of juvenile work but he has not called upon either agency for service.<sup>1</sup>

Placement was often made directly by the Court since many times there was need for immediate custodial care which the Welfare Board was not able to give. No permanent foster homes as such had been developed by the Court, but the Judge depended upon interested community persons with whom he was personally acquainted to help him in making emergency placements in their homes. There was no probation officer connected with the Court as has been stated, because the number of children on probation in the County did not seemingly warrant having such an officer. The Judge had, however, invested the duties of probation officer in the School Attendance Officer who performed both functions.<sup>2</sup>

The need for a detention home had not escaped the interest of Carroll Countians, but at the time of this

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<sup>1</sup>Correspondence from Miss Katherine L. Thomas, Director of the Carroll County Welfare Board, March 18th, 1947.

<sup>2</sup>Interview with Judge James E. Boyland, Jr., Juvenile Court Judge, Westminster, Md.

study there were no active steps taken in the establishment of such a facility. Several institutions had been established, most notably, the Strawbridge Home for Boys, which opened in October of 1927. Named for Robert Strawbridge, who is said to have been the first Methodist minister in this country, the Home was to be for "orphan boys and other charitable purposes."<sup>1</sup> Nothing, however, has been developed throughout the years to take the place of jail detention for children. During the prison inspection visit by representatives of the Maryland Board of Corrections, in 1948 one boy sixteen years of age was found in the jail; he was in segregated quarters.<sup>2</sup>

A review of community interest indicated real concern for the satisfactory workings of the new Juvenile Court and interest in the legislation that brought it about.

The Superintendent of Schools stated:

We have found the law of 1945 helpful since our local Circuit Judge has been very cooperative and understanding in handling the problems of youth. I do feel that there should be quite a lot of work done to make the public in general acquainted with this law. I feel that the provisions of the new law are not too well known and that there is a larger area of work that could be done profitably in this field of making the public aware of the law and its implications.<sup>3</sup>

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<sup>1</sup> Lynch, Branford, Gist, One Hundred Years of Carroll County, p. 49.

<sup>2</sup> Twenty-second Report of the Inspection of the County Jails of Maryland, 1948, p. 25.

<sup>3</sup> Correspondence from Samuel M. Jenness, Supt. of Schools, Board of Education of Carroll County, August 9, 1948.

The Board of Education of Carroll County has a special interest in the delinquent child. The organization of special classes in some of the schools were pointed to the handling of the delinquent and under-privileged child, special consideration being given those with low I.Q.'s.

Another cooperating functionary, the Westminster Police, described adequate working relationships with the Juvenile Court and the Police authorities of this County felt that the two agencies worked harmoniously together. The Chief of Police wrote:

We are fortunate in that our Juvenile Court is administered by the Chief Judge of the Circuit Court who has an excellent understanding of the problems of youth. The efforts of the Police, as well as the Juvenile Court are directed to benefit the children rather than to penalize them. In my opinion, there is nothing that needs to be done to improve the coordination of the Police and the Juvenile Court in behalf of children and the community.<sup>1</sup>

An exploration of other community resources and awareness of Juvenile Court activity indicated that the Under-privileged Child Committee of the Kiwanis Club had contacted the Juvenile Court Judge and "offered him our services to serve as big brothers to delinquents."<sup>2</sup>

The churches of Carroll County, although not active in advocating Juvenile Court legislation had many youth

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<sup>1</sup>  
Correspondence from Chief of Police Charles L. Seipp, Westminster, Md., August 30th, 1948.

<sup>2</sup>  
Questionnaire.

groups among them. One community member stated: "Each church is trying to do something."<sup>1</sup> Another activity in the area was the Carroll County Extension Service. Although not an agency in one sense of the word, its 4-H program was carried out to give training and recreation to children in the community.

As was stated in the opening comments, Carroll County has experienced no serious threats or challenges either economically, socially, geographically or historically. There were no persons available who could give any extensive background information on such phases of Carroll County history as to its development of social welfare structure and its relationship to juvenile court practice throughout the years.

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<sup>1</sup> Correspondence from Rev. William R. Ridington, Westminster, Md., August 22nd, 1948.

## CHAPTER XV

### THE EASTERN SHORE COUNTIES OF MARYLAND

These nine counties are presented in one chapter since they are similar in community, regional and historical pattern. They are presented as a "section" of Maryland as well as individual counties.

Although no appreciable movement came from these counties, with the exception of Wicomico, local legislation enacted throughout the years shows concern for the welfare of children. Because of the proximity of the counties to each other, they shared mutual problems and philosophy in handling issues involving children, and often legislation enacted would pertain to several counties in like manner.

#### KENT COUNTY

The oldest county in the group, in point of time, is Kent County which was established in 1650. Originally called Kent Island, it was created in a controversial relationship between Lord Baltimore and an agent of the London Mercantile Company named Claiborne.<sup>1</sup> Claiborne would not recognize nor acknowledge the authority of Lord Baltimore and remained squatting on the island which was under a Virginia Charter. The situation was cleared up by 1637 by

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<sup>1</sup>Usilton, Fred C., History of Kent County, p. 17.

Lord Calvert, although Claiborne resisted the Baltimores for some ten years and Kent Island became a part of the State of Maryland.<sup>1</sup>

Kent Island and Kent County have much romanticism and historical lore connected with them. History books, written for the most part by Marylanders, depict early Kent Isle and Kent County life with a strong sentimentalism that implies a great tie with the past.

One of the most interesting descriptions comes from Usilton, who wrote: "The Isle of Kent, the proud but beautiful Virgin Queen of the Chesapeake, now joined in the bonds of holy wedlock with Maryland; changing her state she now changed her name, and together with all possessions, will hereafter be known as Kent County . . . ." <sup>2</sup>

Kent County, as well as the other counties in this area, have as part of their past social and economic history, the institution of slavery. One of the earliest laws in relation to children was directed to the free Negro from four to twelve years of age. The legislation stated that Kent, Worcester, Talbot, and Queen Anne's Counties would empower their respective County Commissioners to bind out free Negroes of these specified ages, to citizens in the various communities. Males were to be bound until the age of twenty-one years and females until the age of thirty years. Persons

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<sup>1</sup>Usilton, Fred C., History of Kent County, p. 24.

<sup>2</sup>Ibid, p. 29.

accepting these children were to give bond insuring good treatment of the child. The child's mother was to have some right in choosing the persons to whom the child was bound. If, however, a Negro refused to conform to the binding stipulation, he would, by virtue of this law cause the child to be sold as a slave for life at public sale.<sup>1</sup>

Kent County established its first Courthouse in 1859,<sup>2</sup> and authorized the erection of its first almshouse in 1787.<sup>3</sup> Its past history in regard to social welfare measures as they pertained to children and indigent persons is rather narrow in scope. A statement made at the third annual session of the Maryland State Conference of Social Work revealed that there was no social agency in Kent County in 1925 and that all of the community's social problems fell to the Public Health Nurse.<sup>4</sup> It is seen that even in more contemporary times the limited resources to persons needing help is very pronounced. This condition existed until 1935 when the Maryland Children's Aid Society was organized in the community. The Kent County Branch began its service in the County with a case load of four children and one foster home in initiating its child care program. The Kent County Branch was officially organized in January, 1938 when a case supervisor

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<sup>1</sup>Laws of Maryland, 1860, Chap. 332.

<sup>2</sup>Harrison, Samuel A., History of Talbot County, Md., p. 201.

<sup>3</sup>Laws of Maryland, 1787, Chap. 11.

<sup>4</sup>Proceedings of the Third Annual Session of the Maryland State Conference of Social Work, 1925, p. 26

was added to the Central Office staff in Baltimore, thus making available increased service to the newly established branches.<sup>1</sup>

The statement made to the 1925 Conference of Social Work is indicative of the attitudes that Kent and other counties in this area had toward the poor, for more than a century. The statutes are sprinkled with laws indicating a desire to put limitations and ceilings on funds that would be expended for the needy. In 1836 the County Commissioners were given the full power to accept or reject any application that the County received from a person seeking a pension. The law further stated that no pension should exceed thirty dollars a year, for one person.<sup>2</sup> With Cecil, Montgomery, Talbot, Caroline, Anne Arundel Counties, Kent had some twenty years before, turned its attention to the education of poor children. These counties agreed to educate each indigent child with an annual expenditure of twelve dollars. The child was not to receive such free education for more than three years.<sup>3</sup>

Although there was no activity to be noted on the contemporary scene regarding interest in the Juvenile Court movement, some Kent County laws relating to children had been enacted. It passed a law which stated that children

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<sup>1</sup>Krieger, Anna C., Brief History of the Maryland Children's Aid Society, p. 3.

<sup>2</sup>Laws of Maryland, 1836, Chap. 307.

<sup>3</sup>Laws of Maryland, 1816, Chap. 244.

under the age of twenty-one were not to join clubs or fraternal organizations if liquor were sold on the premises of such places.<sup>1</sup> It later instituted a curfew law in which it was indicated that no minor under the age of fifteen years would be allowed to be on the streets unaccompanied by a "parent, guardian or adult friend" after nine o'clock at night. Failure to observe this curfew would result in a fine of from one to five dollars.<sup>2</sup>

Kent County is in the Second Judicial District and shares its Judiciary with Caroline, Talbot, Queen Anne's and Cecil Counties. Prior to its adoption of the 1945 Juvenile Court law the cases of juveniles were heard by the Police Magistrate.

At the time of this study the Maryland Children's Aid Society, operating for both Kent and Queen Anne's County had a very close working relationship with the Juvenile Court. It gave protective care, made investigations when requested to do so by the Court, investigated in disputes over custody of children and made investigations in adoptions. The Children's Aid Society gave custodial care at the request of the Court.

The County Executive stated:

Our counties are quite aware of the 1945 Juvenile Court law. The Juvenile Court here has been most effective and I would say successful and helpful. As

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<sup>1</sup>Laws of Maryland, 1890, Chap. 385.

<sup>2</sup>Laws of Maryland, 1916, Chap. 2.

far as I know there was no opposition to the adoption of the Juvenile Court law.<sup>1</sup>

It was apparent in Kent and Queen Anne's Counties that the community was aware of their Juvenile Courts, and every person contacted immediately made referral to the Circuit Court Judge who hears the children's cases, as being the most logical point of reference. Individuals seemed reluctant to give information that they felt should be given by the Judge. On explanation that the Judge had already been interviewed, the matter more or less seemed to be closed as far as the interviewee was concerned.

Nothing could be ascertained as to community feeling on the need of a detention home or of a probation officer who would be attached to the Juvenile Court.

### SOMERSET COUNTY

Somerset County was founded in August 1666 and was created a County by Cecil Lord Baltimore.<sup>2</sup> The almshouse was authorized in 1785 and eight years later both Somerset and Dorchester Counties enacted legislation in regard to almshouse practice which indicated concern for the very young child. The law was instituted to require removal of all children from the almshouse who were under three years of age; those over three however, were permitted to stay.<sup>3</sup>

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<sup>1</sup>Correspondence from Helen J. Snouffer, County Executive, Kent-Queen Anne's Branches, Maryland Children's Aid Society, 9-9-49.

<sup>2</sup>Torrence, Clayton, Old Somerset on the Eastern Shore, p. 81.

<sup>3</sup>Laws of Maryland, 1793, Chap. 34.

In regard to legislation relating directly to the hearing of juvenile cases, Somerset County made provision for two kinds of disposition of cases in a 1914 provision. The Judge was given the power to commit children to institutions or to put them on probation as he saw fit.<sup>1</sup>

Somerset County has some of the oldest and most complete Court records in the State. These documents clearly reflect the typical response of the early courts to cases involving children. The 1670-1671 Judicial Record of Somerset County revealed the indenture of an orphaned brother and sister;<sup>2</sup> the 1671 document reports that a certain planter "having by importunate persuasions defiled a servant woman . . . and hath gotten her with child" was involved in a bastardy case. The issue in the case as it was presented to the Court was not in terms of the future welfare of either the child or its mother, but rather the need to prove which principal was the aggressor! In this case, the woman based her plea on the fact that "she could not rest night or day for his troubling and interfering of her."<sup>3</sup> Another early case involved a step-father who fraudulently acquired the property of his step-children. This case was settled by requiring that restitution be made and a trust fund be established for the children. To insure this edict being carried out, the defendant was to

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<sup>1</sup>Laws of Maryland, 1914, Chap. 672.

<sup>2</sup>Judicial Record of Somerset County, August 11, 1670.

<sup>3</sup>Judicial Record of Somerset County, February 23, 1671.

remain in the custody of the sheriff.<sup>1</sup> A typical indenture petition was filed in 1718 when a Somerset Countian brought a twelve-year-old orphan boy to the Court asking for legal indenture of the child. The paper read: ". . . if this (name of master) shall maintain the (name of child) in sufficient meat, drink and clothes and shall learn him to read and write, and give him a hiefer not under three years old, when he shall come to the age of eighteen years, then this recognizance is to be void else to stand in full force of the law."<sup>2</sup>

Somerset County besides having a wealth of historical material relating to early Court procedures had some contemporary literature which helped to evaluate the present Court and community relationship. A recent study, which develops very conclusively the policies and relationship of the Juvenile Court to the Somerset County Welfare Board, was of great help in evaluating the County in its concern for children.<sup>3</sup> This was especially true since there were few contacts with individuals made available here.

The center of community activity as it related to child welfare was invested in the Somerset County Welfare Board in Princess Anne, the County Seat. A reason for its prominence had been that it did not share function with any other agency,

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<sup>1</sup>Judicial Record of Somerset County, May 1, 1671.

<sup>2</sup>Judicial Record for Somerset County, March 7, 1718.

<sup>3</sup>Hall, Elizabeth Watson, The Use of Basic Case Work Practice in Probation Service, 1944.

since the Maryland Children's Aid Society's services to the County ceased in 1939.

In the case of Somerset County, it was not the activity of individuals or groups, as far as could be discerned, that changed the County's thinking about the welfare of dependent and delinquent children, but was rather the condition of having no agency in the County offering children's services from 1939 to 1943. The Director of the Somerset County Welfare Board stated: "During that period there was a change in community feeling about neglected children. . . . There was an awakening that neglected children were the responsibility of the community."<sup>1</sup>

Community action and awareness to the need for children's services, came in large measure through complaints coming to the attention of the Somerset County Welfare Board. Because the Welfare Board was giving service to this rural community, complaints were investigated by the case work staff of this agency. A partial explanation of this function of investigation was given by the Welfare Board Director, who formerly as "home-finder and child-placing person", was the one delegated to make these investigative studies. The Director stated: "Until recently, the community's complaints about the care of a child would not have been brought to the agency. It would, in most cases, have been taken to the local Magistrate, who would probably have committed the children to an institution. The institutions available for child placement were one

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<sup>1</sup>Ibid. p. 3.

State-owned and one Church-owned institution each for delinquent boys and delinquent girls, and a State-owned institution for the feeble-minded. It would have been a very serious case indeed for a person to take responsibility for bringing the child and his family to the Magistrate's Court because of parental neglect."<sup>1</sup>

The attitudes of the community then, lay, not in passivity toward what was happening to children, but in a reluctance to bring matters of neglect and delinquency to the attention of the Magistrate because of the kinds of disposition that were made of the cases. Further, State-owned institutions and the Church-owned institution, sometimes showed an unwillingness to totally cooperate with the County Magistrate. Miss Hall gives an example of the Welfare Board receiving a request from the State's Attorney to interview a fifteen-year-old delinquent girl who was being held in jail. The girl's father had asked commitment of the child to an institution and had refused to allow her to return home. The girl was consequently taken to the county jail and detained there. Several weeks passed and neither the State's Attorney nor the Magistrate could find an institutional vacancy for her. The State's Attorney requested that the agency prepare a social history on the case so that the institution might be more accepting of commitment. Here, Miss Hall comments, was "recognition that an agency did have something to offer that law could use."<sup>2</sup>

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<sup>1</sup>Ibid., p. 8.

<sup>2</sup>Ibid., p. 47.

Miss Hall gives her viewpoints as to the development of the change in attitudes by the community and the events that brought these attitudes about. The increased interest in the welfare of children came about directly with the coming of the Aid to Dependent Children's program, under the Social Security Act in 1935. The taxpayers had a sense of participation in this program, and since the public agency was to deal with cases of dependent children under the ADC program, they felt the agency should handle the dependency cases too.

Since the adoption of the 1945 Juvenile Court law which was highly acceptable to the community, the Welfare Board and the Court have shared a mutual and adequate working relationship. The rotating system of Judges was seen as detrimental to good Juvenile Court practice by some citizens. A different Judge on the Circuit sits to hear children's cases one day a week, therefore, in order to have one Judge follow through on a case, a month would need to go by in order to have the services of that particular Judge again. This, it was felt, ruined the continuity of the case for the child and his family. At the time of this study the Judges had a regular schedule of Court days; formerly they would appear only when requested.

In 1948, Somerset County had no detention quarters, but used a separate room in the jail for custodial purposes. As far as could be ascertained, there had been no community movement for such a facility.

The Director of Pupil Personnel and the School Attendance Officer were the major functionaries of the Board of Education

as it related to the problems of the delinquent child. The County Superintendent of Schools stated: "A full time Director of Pupil Personnel has been appointed. . . . In the mind of the superintendent she is a social worker who will seek cooperation with the agencies enumerated above. (Public Health, Public Welfare, and the City Governments of Princess Anne and Crisfield.) As to the delinquent child I can only say that the recommendation in each case made by the attendance officer has been with a view to correct the causes of delinquency."<sup>1</sup> The Superintendent gave no information on special classes or otherwise specialized curricula for delinquent and retarded children.

Somerset County's greatest nucleus of activity in relation to child welfare services and interpretation was invested in the County Welfare Board. The activity of the Welfare Board as an agency of social welfare and social control was seen as equalled only by the very strong influence of the Montgomery County Welfare Board on its community, as the appraisal of such activity was made.

### QUEEN ANNE'S COUNTY

Queen Anne's County organized a Branch of the Maryland Children's Aid Society in 1938 and at the time of this study was grouped with Kent County under one County Executive, the counties sharing administrative expenses.<sup>2</sup> The Queen Anne's

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<sup>1</sup>Correspondence from C. Allen Carlson, Board of Education, Somerset County, 8-14-1948.

<sup>2</sup>Krieger, Anna C., Brief History of Maryland Children's Aid Society, p. 3.

County Welfare Board did not have a children's program, but did some investigative work for the Juvenile Court.

Queen Anne's County had developed within its Board of Education a seemingly vital source of help to children. Traditionally, it had vested child welfare responsibility in its School Commissioners. In 1837 it directed these Commissioners to appropriate ten dollars a year for each of its children in the almshouse, stating that these children were to be educated in a local district school.<sup>1</sup> Queen Anne's was the first County in which it was seen that an educational system was concerned directly with delinquent and pre-delinquent children. Some of the other counties indicated that they conducted special classes for such children, but there was no indication of active measures taken as in this County. The Supervisor of Pupil Personnel stated: "A delinquent child in elementary school is visited by his teacher and by the Supervisor of Pupil Personnel in his home." Another phase of activity that was mentioned was that of observation; "particular notice is taken of boys and girls who enter first grade to see if they mix with the group or at least have a buddy."<sup>2</sup>

The Board of Education conducted a three-year study on "Helping Teachers Understand Children". This work embodied

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<sup>1</sup>Laws of Maryland, 1837, Chap. 205.

<sup>2</sup>Correspondence from Miss Lola P. Brown, Supervisor of Pupil Personnel, Board of Education, Centreville, Maryland, 8-25-1945.

an attempt to gain an understanding of the child's abilities and his interests.

The Board of Education then, had a program of its own in relation to delinquency and worked cooperatively with the Juvenile Court, the Children's Aid Society and the Welfare Board.

Nothing could be seen in terms of active groups working in the interest of the Juvenile Court or of previous legislation. It was interesting to note, that in Queen Anne's County as in Kent County, even persons who were familiar with the past movement in regard to children's cases and the need for detention quarters, made ready referral to the Juvenile Court Judge as a source of information. The community had a great awareness of the importance of the Juvenile Court Judge.

#### WORCESTER COUNTY

Worcester County was established in 1742. The great need to perpetuate the traditions of the County can be seen in a publication entitled, "Heads of Families in Worcester County, 1790 Census". This roster of Worcester County family names was reconstructed in 1931.<sup>1</sup>

Worcester County erected its almshouse in 1822 and its laws which followed in relation to indigent persons again evidences the conservatism so characteristic of this section. In 1768, Worcester County together with Anne Arundel, Prince George's, Frederick and Charles County empowered the Justice

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<sup>1</sup>Hudson, Mallard F., Heads of Families in Worcester County, Maryland.

of the Courts to levy taxes for the support of almshouses. These counties then instituted a settlement law which would restrain poor people from moving from county to county.<sup>1</sup> In 1837 Worcester passed a law in which it directed the Levy Court to investigate all persons who were dependent upon the County for support.<sup>2</sup>

In 1948, the Worcester County Welfare Board worked with the Juvenile Court as the Judge requested. A probation officer was attached to the First Judicial Circuit and he gave service to Wicomico, Princess Anne, Dorchester and Worcester Counties.

Outside of the recreational aspects of the locality, there was relatively little information on child welfare considerations in the community.

An attempt was made in this County, as in the others, to learn something about the detention quarters allotted for the use of children who are detained for Court hearings or other reasons, and what the community's attitude was toward jail detention of children. Several persons interviewed expressed the feeling the jail detention in Worcester County does not have the same significance to the child as such detention has in other Counties since the quarters allowed for children are very adequate. The 1948 Report of the Inspection of the County Jails in Maryland, would substantiate that opinion since it

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<sup>1</sup>Laws of Maryland, 1768, Chap. 29.

<sup>2</sup>Ibid., Chap. 342.

indicates that the quarters for youthful offenders are in good condition and they are described as "excellent facilities".<sup>1</sup>

### CAROLINE COUNTY

Caroline County, established in 1773, was made up of Dorchester and Queen Anne's County until 1773, when it became a legal entity of its own. Almost from the time of its inception as a County, its population and trade increased, with tobacco playing a major part in its early history. Caroline County held Court sessions long before it had established its first Courthouse. The first session of Court took place at Melvill's Warehouse on March 15, 1774. The first Courthouse was erected at Eden-Town, more affectionately known to Caroline Countians as "Pig Point". Caroline County's first almshouse was authorized in 1788 and had with it, in the English tradition, a workhouse.<sup>2</sup>

Many of Caroline County's early laws relating to the poor and to children have been related as the other counties in this section were discussed. As in Somerset County, the Welfare Board plays an important part in the community and in relation to the Juvenile Court.

The Juvenile Court procedure in Caroline County does not follow the same procedure as most Maryland counties. At the

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<sup>1</sup>Twenty-Second Report of the Inspection of the County Jails of Maryland, p. 65.

<sup>2</sup>History of Caroline County, Maryland, By the teachers and children of the County, Denton, Maryland, p. 4.

time of this study hearings were open to the public and the State's Attorney was present at each Court hearing. The Juvenile Court Judge used the Welfare Board for investigations and for social histories. There was no probation officer connected with the Juvenile Court but rather the Maryland Parole Officer was used.

In evaluating the community action behind the Juvenile Court Movement in Caroline County, the County Superintendent of Schools stated: "Just what community forces were instrumental in the enactment of the Juvenile Court Law I am unable to say. It just seemed that everybody realized that something ought to be done." The Supervisor of Pupil Personnel in Caroline County works closely with the Juvenile Court, as does the officer in the other counties.

As in the other communities, there were several persons who indicated that local interest had been prominent from time to time for detention quarters. In 1948, however, nothing had been done to make these quarters available.

### DORCHESTER COUNTY

Dorchester County was established in 1689. Its first Court convened the same year and its first almshouse was authorized in 1785.<sup>1</sup> Dorchester County is also steeped in the traditions of its past and a modern writer describes a part of the County's early law enforcement pattern: "Commissioners who failed to attend Court on the days named were fined one hundred

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<sup>1</sup>Jones, Elias, Revised History of Dorchester County, p. 50.

pounds of tobacco, which was applied to a fund to be used for the erection of whipping-posts, stocks and pillories. Once those barbarous implements of torture stood near the Cambridge Court House, where criminal, even white women, had their bare backs lashed until the blood ran down, drawn by the rawhide's cruel blows. Men had their ears cropped, and hot iron-brands were applied that burned their flesh to publicly mark them as criminals, for larceny and other petty crimes; and tongue-boring was done for graver offenses.<sup>1</sup>

It is the largest of the Southern Maryland Counties with a population of some twenty-eight thousand persons, according to the 1940 census. Cambridge, the County seat, was incorporated in 1745.

Some of the legislation enacted by Dorchester County has already been mentioned; and it was seen that the same historical conservatism that was characteristic of other of these Counties was likewise true of Dorchester. In 1893 the County stipulated by law that indigent pensioners would be required to repair the almshouse.<sup>2</sup>

In 1948 Dorchester County had a children's program in conjunction with the Welfare Board and there was an active working relationship between the Board and the Juvenile Court. The Director of the Dorchester County Welfare Board stated:

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<sup>1</sup>Ibid., p. 34.

<sup>2</sup>Laws of Maryland, 1893, Chap. 332.

The existing relationship between the Court and our agency is good. More definition of the service the Court expects would be helpful, but in a rural setting we can always get together and discuss any particular case and iron out details. I might say we do not stick to technicalities of function and responsibility too closely because the Court, the Probation Officer and we are primarily concerned with the child's best interests and therefore can overlook slight encroachments into each other's function on occasion. We are however seeking more definition.<sup>1</sup>

As in Kent Count, there was no evidence of community activity in behalf of the 1945 Juvenile Court law or any such legislation in the past. There was little evidence of community concern for the detention of children, and there were no separate detention quarters available for children even in the jail at the time of this study. When a child was brought in, he was merely segregated in one part of the building, but there was no designated place provided.

A search of the Dorchester County press indicated that there had been no local interpretation of the 1945 Juvenile Court law. The press indicated that it did not hold to the concept of confidentiality of names when reporting children's cases. One headline of February 16, 1945, stated: "Negroes Trial Set for February 26 in Cambridge". The names of the two boys involved were given. These boys 15 and 18 years of age were reported as indicted for robbery, murder and intent to kill.<sup>2</sup>

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<sup>1</sup>Correspondence from James Hampton, Director, Dorchester County Welfare Board, Cambridge, Maryland, 8-20-1948.

<sup>2</sup>The Daily Banner, Cambridge, Maryland.

As far as could be ascertained the community was satisfied with its Juvenile Court and the cooperating agencies working with it, such as the Board of Education and the Dorchester County Welfare Board, which had specified working relationships with it.

### WICOMICO COUNTY

The early development of Wicomico County is one of the most interesting phases in the history of the State of Maryland.

Wicomico County was created from parts of Somerset and Worcester Counties in 1867. For many years, Salisbury, the County seat, lay in two counties and the citizens paid their taxes in Snow Hill or in Princess Anne, depending upon the location of their property.<sup>1</sup> In 1833, Salisbury came near being part of a new State, for there had been a movement to combine all the counties on the peninsula into one State. The Eastern Shore had been concerned and at odds with representatives in the State's legislature, and Delaware wanted to place three of its existing counties into a new political entity. Delaware made overtures to the idea of one government and annexation.

The legislature suggested appointment of commissioners, with the concurrence of the General Assembly of Maryland, to discuss the advisability of the proposed merger and to arrange the preliminary details, the final union to be ratified by the Congress of the United States.

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<sup>1</sup>Footner, Hulbert, Maryland Main and the Eastern Shore, p. 193.

This resolution was passed by the House, but was rejected by the Senate by one vote.<sup>1</sup>

The Wicomico County Court was in the first Judicial Circuit and the first Court was held on October 5, 1867. The Town Hall, used for dances and social functions, was rented for the first session. Wicomico County did not build a Courthouse until after 1878. In 1879 a jail was erected; previous to this prisoners were sent to Princess Anne for detention.<sup>2</sup>

In the history of its political institutions, Wicomico County is perhaps more closely related to Garrett County than to any other political jurisdiction in the State of Maryland. This is true because these counties alone share the common element of having had no political entity prior to the adoption of the Constitution of 1857. They differ from the other counties of Maryland too, in the fact that few changes have occurred in the administrative and judicial functions of local government since these counties were erected. The interesting factor is that these historical accidents have not made for similarity in the machinations of social institutions in the two counties. The topography, the climate, and the wealth of the two counties are other factors which have influenced the differential.

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<sup>1</sup>Swepeon, Earle, The Chesapeake Bay Country, p. 51.

<sup>2</sup>Ibid., p. 98.

In the field of public welfare, Wicomico County has had somewhat a typical history common to most of the other Maryland counties, although there are some interesting variations. When the County was created in 1867, the erecting Act specifically vested the Board of County Commissioners with the responsibility and control of the almshouse and with the care of the poor. There was specific emphasis that the County Commissioners were to have such responsibility and power without interference of the Trustees of the Poor.<sup>1</sup> Although the County Commissioners apparently had considered an almshouse so necessary at one time that a farm was purchased as a site for a proposed structure, no almshouse was ever built. General welfare activities and the granting of pensions have always been the consideration of the County Commissioners in Wicomico County,<sup>2</sup> as well as giving care to the mentally ill and granting burial for paupers.<sup>3</sup> This system of aiding the needy on recommendation of an individual Commissioner familiar with the family in his own district apparently proved satisfactory until 1929 when the increase in needy families made it seem wise to delegate to the nurses employed by the newly established Wicomico County Welfare Association, the task of investigation of relief applications.

The Wicomico Welfare Association played a pertinent part in the County's welfare history. By 1925 there was considerable

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<sup>1</sup>Laws of Maryland, 1868, Chap. 50, Sec. 1.

<sup>2</sup>Laws of Maryland, 1853, Chap. 239.

<sup>3</sup>Laws of Maryland, 1867, Chap. 239, Sec. 2.

concern for the welfare of the underprivileged, and various interested individuals and groups pooled their resources to meet the rising community needs. By 1929 the group established an agency which was meant to act as an instrument for the total community in meeting its social responsibility to children and needy adults.<sup>1</sup> In an article in the "Salisbury Advertiser", the function of the Wicomico Welfare Association, in addition to the other services described, was reported to be representing the Maryland Children's Aid Society. It made investigations and placed children in boarding homes and in free homes, for the Children's Aid Society. The article also commented upon the fact that the Welfare Association had maintained a social worker, who was one of the two nurses employed, to do Juvenile Court work and to have responsibility for twenty cases.<sup>2</sup>

There was much participation in this agency on the part of other agency groups; the Red Cross and the Maryland Tuberculosis Association paid a part of the salary of the two nurses employed by the agency. The Welfare Association also received a subsidy from the Board of County Commissioners.

Despite the degree of community participation and financial support of the Welfare Association, its existence was brief. In May 1933, the Wicomico County Welfare Board was established as a part of the unemployment relief program initiated by the Board of State Aid and Charities. Three members of the Board of the

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<sup>1</sup>Interview with Miss Bernice Pryor, Director of the Wicomico County Welfare Board, formerly with the Wicomico County Welfare Association.

<sup>2</sup>Salisbury Advertiser, July 17, 1935.

Welfare Association were named to constitute the nucleus for the new seven-member Welfare Board, and one of the nurses previously employed by the Welfare Association was appointed the Executive Secretary of the new public agency. For a time the Welfare Association continued to receive county funds for the care of children placed in foster homes. It was dissolved as a social agency in March 1938 when the Welfare Board assumed responsibility for many of its functions with respect to children.

In reviewing the historical handling of children who came to the attention of the Courts, there is little evidence that Wicomico County has made any real distinction in the treatment of law-violating children and adults. Although a Juvenile Court was established in the County in 1916, under the State-wide law of that year, it seems doubtful that this step marked any real change in the treatment of children, beyond the fact that one Judge had been designated to hear children's cases. This assumption is supported by the fact that cases of children not involving minor law infractions have continued to be heard by the Circuit Court continuously since that date, despite the fact that the law of 1916 was repealed by the Juvenile Court Act of 1931. There was no effort made to put the Wicomico County Juvenile Court under the 1931 Juvenile Court Law which would place the Court on a Magistrate's level.

Mention should be made here of the fact that a "People's Court" was established in Wicomico County in 1927,<sup>1</sup> and under

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<sup>1</sup>Laws of Maryland, 1927, Chap. 339, Sec. 54.

the law provided for the appointment of Trial Magistrates in 1939.<sup>1</sup> That it was customary for many cases of minor law infractions to be handled by this Court prior to 1934 seems evident from the fact that all traffic cases are still handled here regardless of the age of the offender.

The operation of the Juvenile Court prior to 1939 is somewhat obscured both in the memory of Wicomico Countians and in the unavailability of any material relative to it. Some persons remember that a probation officer served the Court some years ago, but it would not be determined whether this person worked on a purely voluntary basis or how her salary was paid, if she did receive one. The County Commissioners had no data on the employment of such an officer.

The Executive Secretary of the Wicomico County Welfare Board stated that after the child welfare program of the Welfare Association was transferred to the Welfare Board, the Juvenile Court Judge seemed anxious to have one of the staff members of the Welfare Board, be designated as probation officer for the Court. The Executive implied that she felt that this type of arrangement, in which the worker would be responsible to both the Court and the agency, could not be successfully sustained by the worker, and consequently an arrangement was finally developed whereby the Executive Secretary of the Welfare Board was appointed Chief Probation Officer to the Court. In this capacity she assumed direct responsibility to the Court for

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<sup>1</sup>Laws of Maryland, 1939, Chap. 720, Sec. 98.

the handling of cases assigned to various staff members. This arrangement continued until the 1945 Juvenile Court Law became effective.<sup>1</sup>

It is interesting to note the point of view held by the Wicomico County executive, who seemingly felt that there was need to differentiate between court cases in a worker's case load and regular agency service cases. In her thinking a worker could not adequately carry such a mixed load. This is an outstanding contrast to the position taken by other public and private agency personnel throughout the State. The appointment of social agency executives as probation officers to the Juvenile Court was not an unusual procedure since the Executive Secretary of Montgomery County's Social Welfare League served in that capacity as well as the Executives of the Harford County and Frederick County Children's Aid Societies.

In appraising the movement of opposition or acceptance of the 1945 Juvenile Court Law in Wicomico County, it was seen that some members of the community felt that children's cases should be heard on the Circuit Court level, since that Court "has the final and highest authority in the County". The County had never heard children's cases in the Magistrate's Courts and there had never been any movement in that direction. Actually the only change in procedure or practice that could be seen in 1948, under the newly established Juvenile

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Interview with Miss M. Beatrice Pryor.

Court Law was the acquisition of a probation officer who was employed by the Juvenile Court. The Welfare Board made no investigations for the Juvenile Court at that time, but instead this work was done by a probation officer who also gave service to Somerset, Dorchester, and Worcester Counties.

At the time of this study there were no detention facilities in Wicomico County other than the jail for this purpose, but segregated quarters were provided for children. The 1948 Report on the Inspection of County Jails in Maryland, indicates that at the time of the inspection there were four prisoners twenty-one years or under in the jail.<sup>1</sup>

In regard to custodial facilities in Wicomico County mention should be made of the Children's Home. This was a private institution for children. In 1945 it provided care for twenty-one children and it was then supported by the Community and War Memorial Fund of Wicomico County. In prior years the Children's Home Auxiliary, the Elks Club, the Rotary and the Lions Clubs supported the institution. The Children's Home offered no case work service as such to children, but did maintain certain health services. During the time of the Welfare Association permanent homes were found for some of these children.

There was seen to be very pronounced social movement in Wicomico County in relation to recreational activities. A local newspaper outlined the member agencies of the Community and War

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<sup>1</sup>Twenty-Second Report of the Inspection of the County Jails of Maryland, p. 64.

Fund Memorial of Wicomico County in 1945. The Boy Scouts, with 404 boys and 126 adult leaders and the Girl Scouts with 200 members were indicated in the article. The Salvation Army, maintaining a library, craft classes, music clubs, athletics and summer camps was mentioned with other groups such as the Free Library and Recreation Fund.<sup>1</sup>

Another press account revealed that the Board of County Commissioners had appointed a County Recreation Committee to plan a War Memorial which would be a County Recreation Center. The article stated that this program "would be a part of the county program of recreation reaching into every section of the County, which the community plans to inaugurate rapidly".<sup>2</sup> It was hoped that the Community Chest and War Memorial Fund would reach \$400,000 in the drive proposed.

It is interesting in passing, to note that although the Wicomico County Board of County Commissioners was authorized by law in 1937 to establish or maintain facilities for public recreation, the press in the years between 1937 and 1945 indicated that the County paid little attention to recreational services to its communities until 1945, when there was an apparently growing concern about juvenile delinquency in the County. The Judge of the Juvenile Court in several speeches stressed the community's responsibility for delinquency problems, although he placed prior responsibility upon parents, the church

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<sup>1</sup>Salisbury Advertiser, October 18, 1945.

<sup>2</sup>Ibid., October 25, 1945.

and the school. The Judge stated: the present recreation programs failed to reach the boys who came into the Juvenile Court and that (we must) carry recreational facilities to those sections where there are real juvenile delinquents".<sup>1</sup>

At another meeting on juvenile delinquency, a member of the FBI, a police captain, and a city motorcycle patrolman placed the blame for youthful delinquency on parents, blaming particularly those who left children unsupervised at night. This group added that a recreation hall would be a way of meeting the child's need in many cases.

Out of this interest of the community in recreational leadership apparently arose the plan to develop a county program of recreation which received the support of the County Commissioners and of other community groups. Within ten months the Memorial was instituted and services to children were directed through it, as a tribute to Wicomico County's war dead.

The Board of Education of Wicomico County summarized its working relationship with the Juvenile Court in the following way:

The Supervisor of Pupil Personnel has been working over a period of several years on the prevention and control of juvenile delinquency by home visits, social work and guidance. The Department of Attendance has had the cooperation of the Juvenile Court and the Welfare Agencies. The new Juvenile Court Law seems to operate slowly in some cases, because the Parole Officer must make an investigation to find out what the Supervisor of Attendance already knows, and then

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<sup>1</sup>Salisbury Times, February 1, 1945.

the Welfare Board has to take some action on each case that goes before it.<sup>1</sup>

Besides the Supervisor of Pupil Personnel, a Visiting Teacher was also employed.

The Chief of Police gave his viewpoints in the following:

We are of the opinion that in this county we have the ultimate in cooperation between the juvenile court and the police department. . . . We also have a probation officer who is in direct contact and keeps close surveillance on delinquent minors.

. . . . It has been my experience and conviction that the parents are more to blame than children, not only in their neglect of them but in their attitude. . . . when a child is apprehended in a wrongdoing. In many cases they refuse to accept their responsibility in directing a child's environment and activities, but assume the police are overzealous or prejudiced against them when an arrest has been made.<sup>2</sup>

In an appraisal of Wicomico County's social action as it related to public welfare, child welfare and Juvenile Court work, there was seen to be a reserve about the County, which rather excluded "outside" influences in the movement of the County. The Maryland Children's Aid Society, a social force in so many of the other counties, seemingly lasted a very short time and Wicomico County was using its own Welfare Association to meet its welfare needs.

There was strong community cohesion in terms of child welfare; newspaper accounts bore this out in the expansive coverage that had been given various movements in the County. Salisbury

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<sup>1</sup>Correspondence from James M. Bennett, County Superintendent of Schools, Wicomico County, 9-9-1948.

<sup>2</sup>Correspondence from W. J. Chatham, Chief of Police, City of Salisbury, 8-27-1948.

particularly had been the leader in this type of social action. In January 1945, the press carried a headline on "School for Parents Proposed to Solve Delinquency Problems". This was a joint meeting of the Rotary, the Kiwanis and the Lions Clubs. The speakers were the School Attendance Officer, the Juvenile Court Judge, a Public Health Nurse, a parent, a teacher, a minister, and a member of the Parent-Teachers Association.<sup>1</sup> The following day another article followed in which the recreation problem was discussed.<sup>2</sup> In February another article appeared stating that "Adult Education is Seen Needed to Help Youth Solve Problems". This was the subject of a panel discussion presented to the North Salisbury Parent-Teachers Association.<sup>3</sup>

Thus it is seen that Wicomico County mobilized its efforts in terms of services to children and to adults when the problem seemed to demand the interest of the group. There was a strong tendency to want to accomplish these welfare objectives on a purely local level.

The Juvenile Court Law itself does not seem to have attracted the attention that other phases of delinquency control had. The problem of detention quarters for children, at the time of this study had not met with the community's concern to the point of establishing such an institution.

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<sup>1</sup>Salisbury Times, January 9, 1945.

<sup>2</sup>Ibid., January 10, 1945.

<sup>3</sup>Ibid., February 15, 1945.

It was seen that the Wicomico press had given very adequate coverage to all meetings and news relating to child welfare and Juvenile Court activities. This County's newspaper space devoted to child welfare problems far exceeded that of many other counties. With its great emphasis on keeping the community informed on programs and plans in behalf of children, it seemed somewhat strange that it would include in its coverage a rather punitive presentation of children's cases as they actually come before the Juvenile Court. Full account was carried of a boy eighteen years of age who was sentenced to death by hanging. The boy's brother had received a life sentence by the Wicomico Circuit Court. The slaying involved robbery, assault and the attempted rape of two women. The paper stated: "No motive was found except a desire to rob and burglarize." The Judge's Court pronouncement on the boy receiving the death penalty was given in full, sensational detail. "It is the judgment of this Court that, (his name) suffer death by hanging by the neck. . . . and may God have mercy upon your soul."<sup>1</sup> In reviewing this case the paper stated: "The Eastern Shore has demonstrated that a fair trial can be held here for any person of any race, on any charge."<sup>2</sup>

Wicomico was one of the few that had a public and child welfare history that was definable and easy to trace. There

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<sup>1</sup>Salisbury Times, March 24, 1945, p. 1.

<sup>2</sup>Ibid., p. 2.

would seem to have always been concern for children in the county and social forces to bring programs into reality and action.

### TALBOT COUNTY

Talbot County was created out of a portion of Kent County in 1661. Actually, originally, it was more than three times its original size and embraced all of Queen Anne's County, all of Caroline and the Southeast portion of Kent.<sup>1</sup> One of Talbot County's national historical attributes is the fact that it is thought to be the first center of Quakerism in the United States.<sup>2</sup>

Talbot County authorized its first almshouse in 1765.<sup>3</sup> The first Court convened early in 1663 and its first courthouse was built in 1679.<sup>4</sup> It had one of the first branches of the Maryland Children's Aid Society in the State. Talbot County's Children's Aid Society followed the establishment of the Baltimore County Branch in 1915. In 1948 it was one of the three self-supporting branches of this agency with Carroll and Frederick Counties being the other two. In these counties funds came from the County Commissioners as well as from the Community Fund. Since Talbot County did not have a Children's Program in its Welfare Board services, the Children's Aid Society assumed

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<sup>1</sup>Harrison, Samuel A., History of Talbot County, Maryland, p. 208.

<sup>2</sup>Harrison, Samuel A., Wenlock Christison and the Early Friends in Talbot County, Maryland, p. 14.

<sup>3</sup>Laws of Maryland, 1785, Chap. 15.

<sup>4</sup>Harrison, Samuel A., History of Talbot County, Maryland, p. 208.

responsibility for the child welfare services in the community.<sup>1</sup>

Talbot County has had some local legislation throughout the years relative to children and it adopted the 1916 Juvenile Court Law. A law was enacted in 1920 to confer upon the other Judges of the Second Judicial Circuit the same power to hear Juvenile cases as that conferred upon the Circuit Court Judges by the law of 1916. The 1920 law gave concurrent jurisdiction to the Police Justice of the Easton District with the Circuit Court Judges, in the absence of such Judge from the County. The Police Justices further, were to have the same jurisdiction as if the case were being tried on the Circuit Court level.<sup>2</sup> This law put Talbot County's Juvenile Court on the anomolous basis of being a Circuit Court-Magistrate Court, and it was the only court to follow such a pattern in Maryland.

Earlier in its history Talbot County had the benefits of The Charity Working School, which was established in 1750. This organization provided poor children with elementary and vocational training and was supported by private subscription.<sup>3</sup>

In 1894 Talbot County enacted a law making it illegal to misrepresent age in order to purchase liquor. A fine from five to twenty-five dollars was assessed or a sentence of from ten to sixty days could be instituted.<sup>4</sup>

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<sup>1</sup>Krieger, Anna C., Brief History of Maryland Children's Aid Society, p. 4.

<sup>2</sup>Laws of Maryland, 1920, Chap. 438.

<sup>3</sup>Steiner, Bernard C., History of Education in Maryland, p. 36.

<sup>4</sup>Laws of Maryland, 1894, Chap. 585.

The 1945 Juvenile Court law was favorably received in this county, although there was no expression from individuals or social movement behind the acceptance. The Supervisor of Pupil Personnel stated, in reference to knowledge of social action in terms of Juvenile Court interest and the 1945 law: "Before the 1945 law, such cases (of juveniles) were heard by the Police Magistrate in his office at the Courthouse, and I know of no special pressure exerted here to bring about a change. . . ." <sup>1</sup>

This officer of the Board of Education attended most of the Juvenile Court hearings that related to truancy and was responsible for bringing the child with his parents into the Court. Working very closely with the Maryland Children's Aid Worker, the school officer planned jointly with her in behalf of the child.

A statement from the Chief of Police in Talbot County indicated that he felt the Police Department and the Juvenile Court were having a very good working relationship. He stated: "I feel that in our County the Juvenile Court and the Police have an adequate working relationship. Our Juvenile Judge is a man who is greatly interested in children and he cooperates with the Police to the fullest extent." <sup>2</sup>

Talbot County, then, had been active in some legislation of its own in regard to the hearing of children's cases and it

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<sup>1</sup>Correspondence from Miss Virginia S. G. Darrow, Supervisor of Pupil Personnel, Board of Education, Talbot County, Maryland, 8-15-1948.

<sup>2</sup>Correspondence from Walter B. Wood, Chief of Police, Easton, Maryland, 8-31-1948.

was one of the counties to adopt the 1916 Juvenile Court law. It is now operating under the 1945 law.

### CECIL COUNTY

Cecil County was established in 1674, and was the tenth County to be established in the State of Maryland, in point of time.

Cecil County showed some concern throughout the years for needy adults and dependent children. Like Garrett County, however, it enacted legislation which prohibited services to some children. While Garrett County had made it unlawful to bring indigents into the County,<sup>1</sup> Cecil County enacted a law prohibiting the entrance of delinquent, mentally ill and crippled children into the community. A person violating this law would be fined up to two thousand dollars. The same law, however, stated that residents of Cecil County could bring children into the County for the purposes of indenture or adoption, if consent was obtained, in writing, from the Orphans Court.<sup>2</sup> The reason for such a law was that facilities for housing such children were costly for the community to maintain.

Cecil County authorized its first almshouse in 1787<sup>3</sup> and it was erected from money in the free school fund which was transferred to the Trustees of the Poor. In order to maintain

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<sup>1</sup>Laws of Maryland, 1904, Chap. 286.

<sup>2</sup>Laws of Maryland, 1910, Chap. 448.

<sup>3</sup>Laws of Maryland, 1787, Chap. 18.

the almshouse, all estates belonging to persons dying without making a will or otherwise designation of estate, reverted to the Trustees of the Poor.<sup>1</sup>

Cecil County's interest in contemporary community welfare problems dates back to 1938 when the Cecil County Welfare Association, affiliated with the Cecil County Children's Aid Society began operating. This agency was financed by private contributions and race track funds. This agency handled the entire relief situation for some time. In the Spring of 1935, when the State set up the welfare machinery in the county, the Cecil County Welfare Association was absorbed by the new organization and the Children's Aid Society had to re-evaluate its function in the community. It was decided then that it would handle the placing of children and the supervision of neglected and delinquent children through the channels of the Court. At the time of this study, the Cecil County Welfare Board had no children's program, the Children's Aid Society was doing all work related to children's cases.

The Children's Aid Society, then, received custody of the child who was placed in foster care, although the Juvenile Court made some independent placements of its own. The Children's Aid Society in answering the question, "Do you have a working relationship with the Juvenile Court," stated: "We

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<sup>1</sup>Ibid.

receive children on commitment from the Court, but we do not do probation work. Our case loads are too big. Also we feel the Juvenile Court should be urged to get and support its own probation officer."<sup>1</sup> At the time this statement was issued the Children's Aid Society had one full time staff member.

Confusion in purpose and direction apparently existed when the Cecil County Juvenile Delinquency Committee functioned in 1935. One committee member interviewed stated: "Almost nothing was done by the Committee and although we met two or three times, we had no idea how to start."<sup>2</sup> The Committee, it appeared, felt that their efforts were being hampered by an uncooperative attitude on the part of the police. Out of the group's reaction to this, was a stimulated interest, not in juvenile delinquency as such, but in eliminating jail detention for children. A general jail clean-up resulted and some of the former practices in relation to children's detention were corrected. The 1948 Report on the Inspection of County Jails in Maryland bears this out. The Report states: "In past years this jail has been justly criticized for lack of proper cleanliness and its unsanitary conditions. . . . considerable improvement has been noted. . . ." At the time of the Inspector's visit, however, two of the nine prisoners were twenty-one years or under, one being a girl of eighteen.<sup>3</sup>

<sup>1</sup>Questionnaire, Maryland Children's Aid Society, Cecil County Branch.

<sup>2</sup>Interview with Mrs. Wallace Williams, 1935, Committee on Juvenile Delinquency.

<sup>3</sup>Twenty-second Report of the Inspection of the County Jails of Maryland, 1948, p. 37.

In appraisal of community activity in support of the 1945 Juvenile Court Law, the Children's Aid Society held a meeting in the County to "acquaint community persons with the law and gain its support".<sup>1</sup> There were no other sources of information. The Cecil County press gave nothing on the law as far as could be seen and there was no newspaper coverage on any community interpretation that was made by the Judge. Operating on the Magistrate's Court level until the establishment of the new Juvenile Court in 1945, the methods of handling children in those intervening years, was apparently of little public interest as far as the local newspapers were concerned.

Elkton, the County seat, is the center of recreational activity in Cecil. There was a Youth Council, sponsored by volunteer citizens which made available to the children a summer playground and recreation that included the teen-age group. The churches reported recreational programs, but there was nothing seen as a County-wide endorsement of publicly supported recreational facilities.

One pastor reported the "I myself have become a kind of Probation Officer for one of our children who was brought before the Juvenile Court as a delinquent".<sup>2</sup>

At the time of this study the Cecil County Juvenile Court was known to the community since it was an open court and spectators were allowed as in the Court for adults. As far as community movement behind the 1945 law, nothing could be discerned.

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<sup>1</sup>Questionnaire, Maryland Children's Aid Society, Cecil County Branch.

<sup>2</sup>Questionnaire.

## CHAPTER XVI

### THE SOUTHERN MARYLAND COUNTIES

These three counties constituting the southern portion of the State share similarly in its traditions, contemporary attitudes and practices in the field of child care and juvenile court legislation.

#### ST. MARY'S

St. Mary's County, the oldest in Maryland was established in 1634. The historian, Matthew Page Andrews, wrote: "It may be said that the founding of Maryland represents the fruition of an idea; and that the plan of settlement offered a solution for the most difficult political and social problem of the Christian era."<sup>1</sup>

When the Maryland Charter was prepared by George Calvert and passed to his son, Cecil in April 1632, Cecil became Lord Proprietor and in complete authority of the American Palatin-ate. The charter was "imperial, aristocratic and feudal in its terms, except in one small particular -- in the clause that admitted the calling of a colonial parliament."<sup>2</sup> Calvert died before the historic sailing of the Ark and the Dove, but Cecil directed his brother Leonard to bring the craft to America to discover the State of Maryland. On the 27th of

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<sup>1</sup> Andrews, Matthew Page, History of Maryland, p. 1.

<sup>2</sup> Ibid, p. 19.

March, 1634 the voyagers settled on a site on the St. Mary's River which was called St. Mary's City. This Catholic stronghold was affectionately called the "Mother of Maryland" and until February, 1695 it was the capital of Maryland. St. Mary's County is rich in historical antiquity. It has the oldest English-speaking Roman Catholic Church in America, which was founded by the St. Francis Xavier group in 1650.<sup>1</sup> Maryland's first medical college was established here in 1839.<sup>2</sup>

St. Mary's County established its first almshouse in 1773; in this same year Anne Arundel and Baltimore Counties also enacted legislation for almshouses.<sup>3</sup> St. Mary's County shared legislation with other counties in regard to out-pension programs and the binding out of free Negro children.

At the time of this Study the child welfare program of this county was in its infancy as far as the St. Mary's County Welfare Board was concerned. Children's cases had been handled frequently by the Baltimore County Catholic Charities although the Welfare Board has been steadily building its children's services. The agency was being asked to make foster home placements by the Juvenile Court, the agency getting commitment of such placed children. In 1946 the Welfare Board had six children in foster care.<sup>4</sup>

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<sup>1</sup>Knight, George M., Intimate Glimpses of Old Saint Mary's County, p. 25.

<sup>2</sup>Ibid, p. 25.

<sup>3</sup>Laws of Maryland 1773, Chap. 18.

<sup>4</sup>Interview with Miss Sarah E. Yoder, Director, St. Mary's County Welfare Board, Leonardtown, Maryland.

The Juvenile Court, operating under the 1945 law, did not have a probation officer in 1948 but used the services of the Division of Parole and Probation.

There was no detention home, but segregated jail quarters were available for children at the time of this study.

The School Attendance Officer worked closely with the Juvenile Court.

There were no sources of information on the acceptance or opposition to the 1945 law, although the Juvenile Court seemingly had a prominent place in the community. There were no replies from any of the sources contacted by letter.

#### CHARLES COUNTY

Charles County in contrast, had a more active background in terms of the child welfare services and its support and expectations of the 1945 Juvenile Court law and the procedures implied in that law.

Charles County, established in 1658 has much the same geographical, economic, and political background of St. Mary's and Calvert Counties. There was no outstanding historical legislation in regard to child welfare in this county, but the contemporary views held on child care and juvenile court legislation were somewhat well defined.

The activity around the institution of the 1945 Juvenile Court Law was largely centered in the Charles County Maryland Children's Aid Society. The Charles County Branch was established in 1936 and a resident worker was provided in 1942.

Charles County was one of the few contacted whose Juvenile Court Committee functioned, perhaps beyond the limits of the Governor's intentions. The chairman of this committee often went to the Juvenile Court to hear children's cases and sometimes cases involving children were actually referred to the Juvenile Court Committee and consequently the committee assumed the position of being closely related to the Court. According to the chairman, the committee served much longer than it should have; interest had been well sustained and none of the members realized that the Governor's stipulated period of service had terminated.<sup>1</sup>

Charles County supported the 1945 Juvenile Court Law. As one Charles' Countian expressed it: "The law was a boon to Charles County." Differing greatly with its sister-agency in Frederick County as to the full implication of the law as it would effect public-private agency functions, the Charles County Maryland Children's Aid Society's main reason for supporting the law was its resistance to the Magistrates and its desire to have a change in the procedures involved in hearing children's cases.

There was no separate detention facility for children in 1948 and children were housed when necessary in the women's quarters of the jail. Since the Spring of 1948 children had

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<sup>1</sup>Interview with Mrs. F. L. Lloyd, Chairman, Juvenile Court Committee, August 23, 1948.

been taken to St. Mary's or Prince George's County for detention.

At the time of this study the Juvenile Court had no probation officer of its own but used the services of the State Division of Probation and Parole.

#### CALVERT COUNTY

Calvert County is geographically the smallest of all of the Maryland counties. It was established in 1654 and it enacted no discernible laws in relation to child care or procedure in the hearing of children's cases.

The Maryland Children's Aid Society established an agency in Calvert County in 1933 and it shared its worker with Anne Arundel, Harford and Prince George's Counties.

There was no information available on the social movement behind the 1945 Juvenile Court Law except that there was an expressed community admiration for the three judges who share this Circuit. The emphasis upon the value of the new court, operating on the Circuit Court level rather than on the Magistrate's level, seemed to be invested in Calvert County in its jurists, rather than in the law itself.<sup>1</sup>

Calvert County had no separate detention facility in 1948 and the segregation of children would take place only if there were no women prisoners. There was no local expression in either Charles or Calvert Counties relating to

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<sup>1</sup>Interview with Mrs. Mary McElroy, former Director, Maryland Children's Aid Society of Calvert County, Prince Frederick, Maryland.

the lack of detention facilities.

There were no responses to contacts made by letter to various public functionaries. A search of the press for St. Mary's, Charles and Calvert Counties revealed no information as to the 1945 Juvenile Court Law.

## CHAPTER XVII

### PRINCE GEORGE'S COUNTY

Prince George's County was established in 1695. Its early legislative history in behalf of children and of the indigent is similar to that of other counties since much of the legislation was passed in block form. In 1768 its County Court Justice was authorized to levy taxes for the establishment and support of an almshouse; this institution was to be administered by the Trustees of the Poor.<sup>1</sup>

In 1860, Prince George's County, with ten others, directed its County Commissioners to bind out free Negroes, who were between the ages of four and twenty years old. These individuals were to be for all purposes indentured to citizens in the County; boys were to stay in such servitude until twenty-one years of age and girls until their thirteenth birthday.<sup>2</sup> Another piece of child care legislation was enacted in 1834 when it was decreed that the County Commissioners pay twenty dollars a month to the guardian of the totally dependent child.<sup>3</sup>

The Report of The Social Survey for Prince George's County describes the contemporary community in the following manner:

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<sup>1</sup>Laws of Maryland, 1768, Chap. 29, Sec. 18.

<sup>2</sup>Laws of Maryland, 1860, Chap. 232.

<sup>3</sup>Laws of Maryland, 1834, Chap. 224.

Prince George's is not a community of great wealth such as Montgomery County. However, in its suburban section, it is a community of persons with low but reasonably secure incomes with only a fair level of education. The factors of home ownership and stable employment probably will mean a population interested in its civic and political affairs who will continue to live in the county and take an active part in its affairs.<sup>1</sup>

The population growing from 29,898 persons in 1900 to 89,490 in 1940 supports the position that the county has attracted residents who continue to stay on. As the population of Prince George's County has increased, its welfare efforts and its need for more adequate juvenile court services have come to the attention of professional and lay groups.

As in the past, the more contemporary history of child welfare services in the county is typical of that of other counties in Maryland. Until 1939, the Maryland Children's Aid Society was active in foster home placement of dependent children. The local welfare board then assumed responsibility for this program and the Maryland Children's Aid Society consequently withdrew its services to the county.

The Social Service League of Prince George's County was organized in 1936 by a representative of the Federation of Citizen's Associations of Prince George's County. At first, however, the new agency was only a loose federation of 27 local welfare associations. Its first meeting was held in June 1936, and in November of that year, the League became

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<sup>1</sup>  
Social survey for Prince George's County, p. 2.

a member of the new Council of Suburban Agencies. As a result, the League was able to secure funds from the Community Chest of Washington, D. C. in 1937. In 1940, the League was reorganized as a county-wide private welfare agency, and became an individual member of the Chest. This step was due to the fact that the Washington Chest refused further funds unless assistance was administered by professional social workers through a central office. Since many agencies were members of the League, it thus became necessary to standardize "their practises and reports of the use of League funds and the determination of their geographical divisions, in order to meet the requirements of the Community Chest".<sup>1</sup> All cases were then handled directly by the League through its Social Worker, and the twenty-seven local welfare agencies became referral agencies and advisory groups to the Social Worker.

Catholic Charities, an independent branch of the Baltimore Catholic Charities, was incorporated in 1938 taking over the work of the Ladies of Charity, a volunteer agency giving service to Catholic families. Catholic Charities also derived its funds from the Washington Community Chest. The American Red Cross and its Home Service Department is another prominent county agency.

With this sketch of county activity in behalf of children and their families it is pertinent to outline the role of the Prince George's County Welfare Board and its relationship to

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<sup>1</sup>Wise, Bert S., Historical Sketch, The Social Service League of Prince George's County, p. 1.

the community and to the Juvenile Court. At the time of this study the Board administered public assistance and gave child welfare services to the County. It sustained a foster home program and placed children committed by the Trial Magistrates or dependent on public funds for their care. It also gave protective service to the Court and subsequent supervision of the child in his own home if the Court so ordered. In a few cases probation supervision had been given by the Welfare Board but this service was extended only on request of the Judge, and these cases were accepted on a selective basis. Because the Juvenile Court was without a probation staff, the Welfare Board maintained a child welfare worker in the Court until 1941. When that worker resigned and was not replaced, the magistrates asked the Social Service League for help in the investigation of children's cases. The League refused this responsibility, however, since this function was not considered a part of the League's service to the community.

As implied above, juvenile cases were heard by the two Trial Magistrates (or their substitute) appointed by the Governor for a two-year term. Sessions of the Magistrate's Court were held at four locations in the county on different days of the week with "juvenile sessions" held after the adult cases had been disposed of. No probation service was provided for these magistrates.

In 1941 House Bill 648 was introduced in the legislature. This bill provided that the Justices of Peace at Large for Prince George's County be designated as Trial Magistrates

until a Magistrate for Juvenile Causes was appointed for the County. The proposed law stated that the Trial Magistrates "shall have the jurisdiction and powers of Magistrates for Juvenile Causes and may act as such for Prince George's County".<sup>1</sup> The proposed law was vetoed by the Governor.

In 1945 the Magistrates were therefore without a probation staff (except in serious cases where the State Probation and Parole Service was made available to the Circuit Court), and they had lost, because of staff shortage, the pre-hearing investigation service that the public agency had previously provided. This is the social welfare background behind which the 1947 Prince George's County Juvenile Court law is projected.

It is interesting that Prince George's County, the last to initiate Juvenile Court legislation, was the County primarily responsible for the State's uniform Juvenile Court law. Two social action groups predominated the movement for juvenile court legislation in the county. The College Park League of Women Voters was anxious to stimulate interest in a county juvenile court law. It was by this interest that the College Park League of Women Voters and the American Association of University Women (whose memberships overlap) became active in the 1945 State-wide Juvenile Court law.

In June of 1944 the Prince George's County League of Women Voters requested Dr. Peter P. Lejuis of the Sociology Department

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<sup>1</sup>Laws of Maryland, 1941, Chap. 612.

of the University of Maryland to present a memorandum to them in which the "arguments for and against a juvenile court for Prince George's County would be outlined.

In this memorandum, Dr. Lejins pointed out the value of the establishment of a juvenile court on the Circuit Court level and that such a tribunal would be "an indispensable link in a planned system of juvenile delinquency prevention and control."<sup>1</sup> The memorandum supported the philosophy of the 1941 Report of the Juvenile Delinquency Commission in outlining the relationship of the social welfare agencies and the juvenile court and in emphasizing the importance of the need for trained case work staff as a part of the juvenile court personnel.

Inquiries to the Legislative Reference in Baltimore, made by the Social Welfare Chairman of both the County and State League of Women Voters in connection with the possibility of a county juvenile court bill later resulted in the drafting of the 1945 Juvenile Court Law, after a hearing before Legislative Council. The Legislative Reference drew up the 1945 Juvenile Court Bill which was introduced to the Maryland Assembly and referred to the Judicial Proceedings Committee of the Senate. The Bill was heard before the Joint Judiciary Committees on February 7th, 1945 and became a State law soon after.<sup>2</sup> Paradoxically, Prince George's County, the chief

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<sup>1</sup> Lejins, Peter P., Memorandum on the Organization of a Juvenile Court in Prince George's County, p. 1.

<sup>2</sup> Correspondence from Mrs. Nora M. Lejins (Mrs. P.), February 7th, 1950.

source of stimulation to the Bill, found its delegation in the legislature asking to be exempted from the law which its citizen groups had so forcefully and successfully advocated. The authority for the hearing of juvenile cases therefore remained with the Trial Magistrates, with the more serious cases going to the Circuit Court.

The 1947 Prince George's Juvenile Court Law did not apparently have the same strong support of the League of Women Voters or of the American Association of University Women. Activity in sponsoring and supporting new county legislation of this nature came from residual interest created by the earlier effort of these groups, by previous county juvenile court committees, by other interested lay and professional persons, and from recommendations made by the Survey Committee responsible for the 1947 Social Survey for Prince George's County.

The opinion expressed by some of the persons interviewed in regard to the exemption of the County from the 1945 law revealed the feeling that a county law is much more adequately supported and much more generally acceptable to the community, than one enacted on a State-wide level. The county's attitude toward incorporating itself in State level legislation was evidenced again in its refusal to accept and participate in the proposed State adoption law.

House Bill 589 establishing a Juvenile Court for Prince George's County, resulted in one of the most elaborate and lengthy of any of the Juvenile Court laws in the Maryland

statutes. In this law, enacted on May 7, 1947, the Justices of the Peace at large for the county, designated as Trial Magistrates, were given jurisdiction and the authority to hear and dispose of the cases of children less than eighteen years of age.

The new law also provided that the County Commissioners of Prince George's County shall have the power to appoint one or more probation officers to serve under the supervision of the State Division of Parole and Probation, on a two year basis. These officers, who would enter into employment under oath within the limits of Prince George's County would serve the "several courts". They would be paid for their services by the Board of County Commissioners.<sup>1</sup>

The act further provides for an Advisory Committee to be composed of sixteen members "who shall serve without pay, and who shall hold membership by virtue of the following positions or designations:

State's Attorney, Chief of Police, Public Health Officer, Superintendent of Schools, Supervisor of Colored Schools, The County Commissioner member of the Prince George's County Welfare Board, Executive Secretary of the Prince George's County Welfare Board, Executive Secretary of Prince George's County Social Service League, Executive Secretary of Prince George's County Community Chest and Planning Council, President of the Prince George's County Boys' Clubs, a member of the Department of Psychology of the University of Maryland, to be designated by the head of that Department, one Protestant, one Roman Catholic, and one Jewish clergyman, to be designated by the County Commissioners, Executive Secretary of the Catholic

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<sup>1</sup>Laws of Maryland, 1947, Chap. 913, Sec. 832.

Charities of Prince George's County, and a member of the Planning Council of Prince George's County, to be designated by the Chairman of the Planning Council."<sup>1</sup>

The members of the Advisory Committee would meet four times a year to consider problems in the prevention of delinquency among children, to propose to the Judge policies and procedures for improving the work of the Juvenile Court, to recommend regulations for detention facilities and to develop plans and procedures for the coordination of local and governmental social services, thus making such services available to the Court.

Jurisdiction concerning the Prince George's County child extends to the care, custody and supervision of children who are without proper supervision; to the child who deserts his home or is habitually disobedient or wilfully truants from school or "who violates any law, or ordinance or who commits any act which, if committed by an adult, would be a crime not punishable by death or life imprisonment".<sup>2</sup> This section also sets forth the right of the Trial Magistrate to try, subject to the right of trial by jury, unless waived, the parent or other adult responsible for the supervision and guidance of the child, when that person contributes or encourages the delinquency of a child.<sup>3</sup> All such cases shall be initiated by warrant and record made on a separate docket.<sup>4</sup>

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<sup>1</sup>Laws of Maryland, 1947, Chap. 913, Sec. 833.

<sup>2</sup>Ibid., Sec. 834a.

<sup>3</sup>Ibid., Sec. 834b.

<sup>4</sup>Ibid., Sec. 838.

The child taken into custody shall be released to his parents upon written agreement to produce the child at the designated time of the court hearing. This section further states that "No child shall be confined in any police station, jail or lock-up, unless in a room entirely separate from adults, nor be transported in association with criminal, vicious or dissolute persons."<sup>1</sup>

The law gives the Division of Probation and Parole the power and authority to make any investigation directed by the Court.<sup>2</sup>

Cases were to be heard separately from those of adults and in an informal atmosphere.<sup>3</sup> The Judge has the power to place the child in the custody of an individual, agency or institution according to his discretion and in the best interests of the child. The Act stipulates that a quarterly interim progress report shall be made to the judge in terms of the child's welfare.<sup>4</sup>

In the section on "Declaration of Intent" there is real evidence of a concern for children for whom removal from their own homes is indicated or contemplated. This section is supported by contemporary social work practice.

849. (Declaration of Intent) The purpose of this sub-title is to secure for each child coming within the jurisdiction of the Judge such care, guidance, and control, preferably in his own home, as will

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<sup>1</sup>Laws of Maryland, 1947, Chap. 913, Sec. 840.

<sup>2</sup>Ibid., Sec. 841.

<sup>3</sup>Ibid., Sec. 843.

<sup>4</sup>Ibid.

best serve the child's welfare and the interests of the State; to conserve and strengthen the child's family ties whenever possible, removing him from the custody of his parents only when his welfare or the safety and protection of the public cannot otherwise adequately be safeguarded. This sub-title shall be liberally construed to accomplish these purposes.<sup>1</sup>

The Prince George's County Juvenile Court Law includes an Appeal section in which it is indicated that any interested or aggrieved party who feels the need to appeal the Judge's disposition or orders may do so within thirty days after entry of the disputed order. Such cases would be heard de novo by the Circuit Court sitting as a jury or such material may be submitted to a jury for examination and determination.<sup>2</sup>

The Juvenile Court law sets up a working relationship between the Court and the law enforcement functionaries of the community. It gives authority to any police or peace officer to take a child into custody "who is found violating any law or ordinance or who is believed to be a fugitive from his parents or from justice, or whose surroundings are such as to endanger his health, morals, or safety unless immediate action is taken."<sup>3</sup> The arresting officer must file a petition as a formal charge against the child.<sup>4</sup>

In July of 1948 the Prince George's County Juvenile Court was given national press coverage in an article entitled "Making the Parents Pay".<sup>5</sup> This article gave publicity to

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<sup>1</sup>Laws of Maryland, 1947, Chap. 913, Sec. 849.

<sup>2</sup>Ibid., Sec. 846.

<sup>3</sup>Ibid., Sec. 839.

<sup>4</sup>Ibid., Sec. 840.

<sup>5</sup>Johnson, Irmis, "Making the Parents Pay", The American Weekly, July 25, 1948.

Section 844 of the County Law in which it is stated in part,  
 ". . . . whenever the Judge places a child in custody of some-  
 one other than the child's parent, or in the custody of an  
 agency or institution, the Judge may, after giving the parent  
 a reasonable opportunity to be heard, order that such parent  
 pay, in such manner as the Judge may direct, such sum as will  
 cover in whole or in part, the support of such child. . . ." <sup>1</sup>

The article stated:

'It is the aim of the Maryland make-the-parents-pay plan to impress mothers and fathers with the fact that their child is their own and not the county's,' Judge Owens explained.

The Maryland magistrates have discovered that a nick in the pocketbook makes the most lasting impression.

'The plan is wrecking the Juvenile Court business,' Judge Owens said, with a happy grin. 'Where we used to have six cases a week, we now have an average of only two.' <sup>2</sup>

In 1949, the relationship of the Juvenile Court to other agencies in the county was evaluated in the following manner:

The Juvenile Court seems to be functioning satisfactorily. Although Social Service League does not function by assuming the initiative in taking cases into the court as does the public agency, we have found the court as well as the parole and probation officer quite helpful regarding interpretive information, procedures, etc. The court in turn has access to the Social Service League on a consultation basis regarding possible referrals of situations for planning and care (referrals are rare); if the occasion arises they may request the agency's assistance regarding social and home investigations. It is our impression, however, that the parole and probation officer is expected and probably always makes any investigations required by the court.

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<sup>1</sup>Laws of Maryland, Chap. 913, Sec. 844.

<sup>2</sup>Johnson, Irnis, "Making the Parents Pay", The American Weekly, July 25, 1948.

Occasionally, before a case is heard, the court worker will confer with us to share and utilize material, impressions, etc., of clients who are or have been known to our agency. This does not occur as frequently as we would expect, however, and has usually come about at our initiation. I am under the impression the court worker does not use the Social Service Exchange and perhaps it is not always known that a person or his family has been known to social agencies in the Community.<sup>1</sup>

Like many of the other Maryland Counties, Prince George's had no detention home in 1948 and children were detained, when necessary, in a segregated section of the county jail.

The consideration of a program of juvenile delinquency prevention and control is not complete without mention of the County's efforts to provide recreation for children. The Report of the Social Survey for Prince George's County indicated that considerable emphasis had been put upon the need for recreation, with the Board of Education participating in such programs. The Report stated: "The attitude of the County Board of Education toward the need and value of recreation for all ages is significant. The Prince George's Superintendent of Education and others who work with schools stated they feel that a year-round recreation program is needed greatly, especially for the teen age."<sup>2</sup>

At the time of this study the county had a number of privately initiated programs, as Girl Scouts and Boy Scouts program, Campfire Girls, YMCA, YWCA, a County Youth Guidance

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<sup>1</sup>Correspondence from Evelyn H. Conway, Executive Secretary, Social Service League of Prince George's County, Hyattsville, Maryland, November 16, 1949.

<sup>2</sup>Report of the Social Survey, Prince George's County, p. 99.

Committee sponsored by the Kiwanis Club, a Police Boys' Club of Prince George's County, 4-H Clubs under the supervision of the Extension Service of the County; during the war years youth canteens were developed and sponsored by various private organization.

The County recreation program consisted mainly of play-ground activities for the summer months, with emphasis on giving service to the child under fifteen years of age, indicating need for the development of a year-round schedule to include the upper teen-age group.

There was evidence of community action in terms of social legislation within the various organizations in Prince George's County. The League of Women Voters and the American Association of University Women had been seemingly the most active of such groups, and although entirely separate in their affiliations, these two groups have worked closely together in sponsoring various projects. The League had conducted, for example, several "Know Your County" study groups, before 1947. In at least one case a League member who was also affiliated with the American Association of University Women worked jointly with the two groups. Cooperatively sponsored by both organizations, the 1947-1948 study group emerged with a valuable, informative booklet, Know Your County Government.<sup>1</sup>

Since Prince George's County houses the University of Maryland at College Park, it is fortunate in having professionally trained persons to encourage and stimulate social action

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<sup>1</sup>Correspondence from Georgia K. (Mrs. Harold) Benjamin, Prince George's County League of Women Voters, Hyattsville, Md., October 3rd, 1949.

and thinking. In spite of this leadership, however, the county has had a recent history of rejecting some of the proposed legislation which was acceptable to neighboring counties. There seemed to be a "home rule" philosophy which emanated from a belief that local laws are by nature of their authorship and planned purpose, more acceptable and useful to the community. Prince George's County does not apparently embrace the "belongingness" concept as it refers to "State" -- but prefers to enact its own legislation, to meet its own individual needs.

## CHAPTER XVIII

### Maryland's Social Welfare Structure and its Relationship to the Development of the Juvenile Court

The Juvenile Court legislation enacted throughout the years in Maryland had its roots in the social welfare structure of the State. There is a positive relationship between the introduction and advance of social welfare machinery and the developmental phases of law as it related to children's courts.

From earlier patterns of crude custodial care, indenture and punishment for wrong-doing, the dependent, neglected and delinquent child was slowly moved to a tribunal that was created to protect him and to treat the symptoms of his maladjustment. This movement could only be in relation to the changing attitudes toward all persons who deviated, and were in need of help by some source outside of their own immediate sphere. As the "worthiness" or "unworthiness" concept was no longer an accepted tenet in terms of the public relief recipient so the concept of "good" and "bad" was no longer acceptable when applied to the disturbed or dependent child. Because the movement of change in attitudes the field of social work is highly concomitant with that in the field of juvenile court legislation it is well to review the highlights in the welfare structure in Maryland, throughout its history.

In the seventeenth and eighteenth century the authority for all county expenditures in behalf of the indigent and dependent child and adult was invested in the Levy Courts of the several counties. The Levy Courts gave up this function to the contemporary County Commissioners who are still in command of county appropriations of this nature.<sup>1</sup> The Maryland counties remained highly autonomous throughout the years and it was not until 1900 that a State centralized regulatory and policy-making agency was proposed. In that year the Board of State Aid and Charities was established.<sup>2</sup> The Board was made up of seven unpaid members who were appointed by the Governor. The function of this Board was advisory only, except in matters of State aid given public institutions, and had no authority to exert its policies on the local governmental units until it was invested with such authority in 1916.<sup>3</sup>

In 1922 a Department of Charities<sup>4</sup> was created as well as a Board of Welfare<sup>5</sup> but until 1930 Maryland had left her social welfare obligations purely to the machinations of private agencies and its welfare program was of a public institution nature. The implications of the State's resistance to a non-institutional welfare program is seen in the 1930 survey made of services

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<sup>1</sup>Laws of Maryland 1838, Chapter 67.

<sup>2</sup>Laws of Maryland 1900, Chapter 679.

<sup>3</sup>Laws of Maryland 1916, Chapter 705.

<sup>4</sup>Ibid 1922, Chapter 29 No. 8.

<sup>5</sup>Ibid, No. 7.

to people in Maryland. The Social Welfare Commission reported:

Seven counties had branches of the Maryland Children's Aid Society.

One county was in the process of organizing a branch of the Society.

Three counties had family welfare agencies with paid workers, privately supported.

One county engaged a worker paid by the county commissioners to administer relief.

One county had a probation office whose work included family adjustment.

Ten counties had no paid social workers.<sup>1</sup>

In 1933 the Board of State Aid and Charities was reorganized and its powers widened<sup>2</sup> and in 1935 it was given the authority to create a County Welfare Board for each county in the State.<sup>3</sup> The State Board, although given much control over the agencies by law "in practise (its) relationship with the local boards was chiefly advisory and it extended such service to almost every function of the County Welfare Boards. Its service varied from recommending technical procedures to helping develop points of view and philosophy."<sup>4</sup>

The implications of the creation of the County Welfare Board as it was directed to child care and the Juvenile Court are seen in the following material:

The law of June 1, 1935 provided for a single county-wide public agency, namely the County Welfare

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<sup>1</sup>Organization and Procedures of the Maryland Board of State Aid and Charities, Works Progress Administration, Research Bulletin, July 1936, p. 1.

<sup>2</sup>Laws of Maryland 1933, Chapter 22.

<sup>3</sup>Laws of Maryland 1935, Chapter 586.

<sup>4</sup>Organization and Procedures of the Maryland Board of State Aid and Charities, Works Progress Administration, Research Bulletin, July 1936, p. 5.

Board, in each local government unit. The County Boards were to be selected by joint action of the Board of State Aid and Charities and the County commissioners. The law conferred upon these County Boards authority "to administer public assistance and general outdoor relief and service to families and individuals in need, including the administration of relief under the mother's assistance law, the administration of old age pension relief, the administration of relief to the blind and other handicapped and needy, and the care of neglected, dependent, and delinquent children, which care shall include the rendering of probation service to juvenile courts or other courts having jurisdiction over minors."<sup>1</sup>

The Board of State Aid and Charities was abolished with the creation of the Maryland State Department of Public Welfare in 1939.<sup>2</sup> Nine years before its termination as a social welfare functionary it had been attacked as "a system. . . . one hundred and thirty-two years old. . . .(which had) grown up haphazardly without central plan or reason."<sup>3</sup> The newly established Department of Public Welfare was to be invested with the supervision of the local county welfare boards, to license private agencies and institutions and to supervise State controlled and operated institutions. It was to develop a manual of policy relating to fiscal, professional and personnel practises and was to be officiated by a Director of Public Welfare.

The State Department of Public Welfare has been active in

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<sup>1</sup>Organization and Procedures of the Maryland Board of State Aid and Charities, Works Progress Administration, Research Bulletin, July 1936, p. 16.

<sup>2</sup>Laws of Maryland 1939, Chapter 240.

<sup>3</sup>Report to the Social Welfare Survey Commission of the State of Maryland, December 20, 1930 Daily Record. P. 9.

Juvenile Court legislation as it related to the County Welfare Boards. On January 12th, 1945 the Director of the Department issued a memorandum to all Executive Secretaries of the County Welfare Boards regarding the proposed State-wide Juvenile Court Bill. The memorandum read in part:

At the 1943 session of the Legislature, a bill was enacted to carry out this recommendation with respect to Baltimore City. Now, at the 1945 session, Senate Bill No. 27 has been introduced to extend the same procedures to the rest of the State. This Bill involves the county welfare boards in the same manner as the Baltimore City Juvenile Court Law involves the Department of Public Welfare of Baltimore City.

I am sending you herewith a copy of Senate Bill No. 27 for discussion with the Chairman and other members of your Board, and with other interested people; and I am sure that...(the) Chairman of the Senate Judicial Committee, would like very much to hear what interested people throughout the State think of the bill.

The State Board believes there should be a uniform procedure throughout the State, instead of the present system, and that this is the trend throughout the nation. <sup>1</sup>

The County Welfare Boards in all of the Maryland Counties now have some relationship with their local juvenile court, although the degree of such relationship is relative throughout the State. It was seen on page 159 that the Anne Arundel County Welfare Board worked so closely with its juvenile court for a time, that it was described by its Executive Secretary as "an arm of the court," while the Carroll County Welfare Board on the other hand, had not been asked to give any service to the court in the year of 1947. The Montgomery County Welfare Board not only had a

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<sup>1</sup> State Department of Public Welfare Memorandum to Executive Secretaries, County Welfare Boards, January 12, 1945.

close working relationship with its Juvenile Court but the Executive Secretary worked with the Magistrate on drafting juvenile court legislation for the county.<sup>1</sup> Other comparisons in County Welfare Board-Juvenile Court relationships are outlined in the study and it is seen that the differential in this relationship was as varied as the use and interpretation of the 1945 Juvenile Court Law itself.

The City of Baltimore Department of Public Welfare works closely with its juvenile court and has a well-defined program of children's services. Existing under the authority of a charter amendment approved in the November, 1934 election, the Department of Public Welfare was established.<sup>2</sup>

Emphasizing the need for a more adequate juvenile system the Fifth Annual Report of the Department of Public Welfare gave considerable attention to the need for a uniform juvenile court plan.

It is suggested that there should be a Mandatory Juvenile Court system for the entire State which would make these courts available to children from any part of the State. These Courts should be Courts of Record or Constitutional Courts. At the present time, the four existing Juvenile Courts are Magistrates' Courts. It is certainly accepted in Maryland that Juvenile Courts are equally important as the Criminal Courts for adults and should have the same prestige, jurisdiction and powers. As a matter of fact, it might even be argued that the Juvenile Courts are the most important Courts in the entire State. Youth is certainly the State's most important asset and Courts that deal with youth are of tremendous importance. It may

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<sup>1</sup> Interview with Mrs. Dorothy M. Kurtz, Executive Secretary, Montgomery County Welfare Board, Rockville, Maryland.

<sup>2</sup> Fifth Annual Report, Department of Public Welfare, City of Baltimore, 1939. p. 5.

be argued that the Juvenile Courts should be abolished and replaced by a properly integrated system of child-guidance clinics. This may be true, but as long as we are going to have children brought into Courts, it is certainly desirable that those Courts be given full and complete prestige and authority.

The jurisdiction of the Courts should be increased to cover all crimes. Under the present law which governs the Juvenile Court of Baltimore City, it has been contended that the Magistrate for Juvenile Causes does not have the authority to try children accused of felonies. Felonies, of course, include larcenies which represent the greatest percentage of charges made against children in the City. It would be well to clarify and enlarge the jurisdiction of the Court.

The present age limit for the Juvenile Courts of the State is fixed at 16. In other words, children 16 years and over are treated as adults. This, again, should be changed so that the age limit is 18 and not 16.

At the present time, the Juvenile Court may commit to a State or to a State-sided institution or agency, but that organization has no responsibility to accept children committed if they desire to reject them. The institutions reject children on two grounds; first, because they are already over-crowded and, secondly, because the child does not represent the type of individual the institution thinks it can benefit.<sup>1</sup>

These recommendations for the most part, were carried through in the Baltimore City Juvenile Court law of 1943.

The Baltimore City Department of Public Welfare established two outstanding agencies in the preventive field in October, 1943.

Protective Service for Children was instituted as a part of the Family Division within the Welfare Department.

The Protective Service for Children in their own homes is set up with the right and responsibility to give this protection; a right which carries the authority of the law through commitment, and a responsibility which extends not only to the child but to the parent with whom he is living and to whom he rightfully belongs.

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<sup>1</sup>Fifth Annual Report, Department of Public Welfare, City of Baltimore, 1939, P. 207.

The Department of Public Welfare accepts commitment of children brought before the Court for Juvenile Causes and determined by the Court to be dependent, neglected, or delinquent, and provides for their treatment and care. The child who because of dependency or gross neglect needs care outside of his own home is accepted by the Children's Division of the Agency. But when a child coming before the court is committed because of neglect and when it seems that he could remain in his own home if some things in his home could be changed, then the Protective Service for Children receives the commitment and carries responsibility for service to the child and parent.<sup>1</sup>

This department was established to help keep family structure intact and to avoid removal of a child from his own home. Protective Service for Children is actually designed to work with the parent in order to help him to change the environment for the child. Originally the only children served by this agency were those committed by the Court; the service is now being given to some families by court referral as well as by commitment.

In June of the same year "The Division of Protective Service" was inaugurated. This agency gives service to the venereally infected prostitute and pre-prostitute and offers medical case work to the girl or woman involved. The agency was set up by "pressure" which came from the Baltimore Venereal Disease Council which was faced with the need to suppress and arrest prostitutes and to locate and treat the infected girl or woman. The service was also directed to treat the patient in a social sense and to help her to

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<sup>1</sup>Eleventh Annual Report, Department of Public Welfare, City of Baltimore, 1945, P. 107.

become emotionally rehabilitated.

The Protective Service saw three important aspects in its purpose. First, direct case work service to the girl, second, location of venereally infected girls who would come as referrals from other agencies and third, the development and specific resources for helping the girls to make the behavioral adjustments necessary to live adequately in the community.

From the first, however, it was recognized as important that the function of the welfare agency not be confused with that of the police and health agencies whose responsibilities are to apprehend prostitutes and treat venereal disease respectively. The Department of Public Welfare is indeed interested in the reduction of prostitution and venereal disease which are so closely related to each other, but the role of the Department of Public Welfare is to help the girl learn to take responsibility for her own behavior by learning a more satisfactory way of living. The Department of Public Welfare could well have gotten caught in treating prostitution as a symptom of a bewildered, confused, or decadent society. What it saw clearly was that while the forces responsible for prostitution could not be overlooked, the Department of Public Welfare could not take on for itself to either explore them fully as to cause or nature, or combat those forces alone. It must be aware of these and help sharpen up the forces in the community that are helping to further prostitution and work closely with the agencies responsible for the suppression and reduction of prostitution, but its specific contribution is in the area of helping people in trouble. Hence, it recognized from the first that prostitution is a way of life and help was offered to girls to find a more satisfactory way of life.<sup>1</sup>

An examination of the welfare structure must include the Maryland Children's Aid Society. Its influence on the welfare of children and its interest in Juvenile Court legislation is seen in the preceding chapters. The agency,

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<sup>1</sup>Tenth Annual Report, Department of Public Welfare, City of Baltimore, 1944, P. 100.

working closely with and having the same executive secretary, as the Henry Watson Children's Aid Society was set up by a charter on February 8, 1911, and its purpose was: "to improve the conditions of poor and destitute children in the State of Maryland and especially by procuring them homes in private families."<sup>1</sup> On April 4th, 1921 the charter was amended to authorize the agency to receive commitments on minors without proper care and guardianship upon written surrender of the parent or guardian.

In 1925 the Maryland Children's Aid Society severed its close relationship with the Henry Watson Children's Aid Society; at that time only the Executive Secretary and one caseworker gave service to all of the counties. The first Branch of the Society was established in Frederick in 1911, followed by the Baltimore County Branch one year later. Talbot County followed with a Branch in 1915 and in 1922 the Social Service League of Montgomery County joined as a Branch. Its interest in the delinquent child was evidenced when the Central Office of Baltimore made a contribution toward the salary of the Juvenile Probation Officer of Harford County. This officer represented the Maryland Children's Aid Society in that county.

Other Branches were formed throughout the State although several of them became so depleted in funds during the depression period that the Central Office was forced to take

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<sup>1</sup>Krieger, Anna C., A Brief History of the Maryland Children's Aid Society, 1947, P. 1.

over the salary of the worker and the expense of care given to children in those respective areas.

In 1931 during this depression interval the Children's Aid Society asked that the Board of State Aid and Charities "appoint a trained person to ascertain facts respecting social service conditions in the State. It asked too, that the Johns Hopkins Institute of Law undertake the same kind of study."<sup>1</sup>

In 1939 the Children's Aid Society was to have its services evaluated by the Rules and Regulations of the State Department of Public Welfare.

Woven into the fabric of the social welfare background of Maryland there are many other agencies whose imprint has been historically imprinted on the total process of services to children and adults.

These earlier services emanated chiefly from agencies in Baltimore City and were based largely on the then current philosophy of extending aid for the purpose of "helping the poor to help themselves." Such organizations as the "Association to Carry on the Manufacture and Sale of Cotton Jeans and Velvets on a Small Scale," founded in 1789-90,<sup>2</sup> and the Impartial Humane Society established in 1802 were examples of such agencies.<sup>3</sup>

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<sup>1</sup>Krieger, Anna C., Brief History of the Maryland Children's Aid Society, May, 1947, p. 3.

<sup>2</sup>Culver, L. Margareta, A History of the Baltimore Association for the Improvement of the Condition of the Poor, p. 9.

<sup>3</sup>Scharf, John Thomas, Chronicles of Baltimore, p. 260.

The Dorcas Benevolent Society (1840) was perhaps the first agency to give assistance without discrimination as to nationality or denomination. The Society's methods were advanced, homes were visited, and records were kept. The only requirements of eligibility were "the circumstances of distress and moral character."<sup>1</sup>

The Baltimore Association for the Improvement of the Condition of the Poor was established in 1849.<sup>2</sup> This organization grew out of public protest of the pauperizing methods of relief-giving as they were being practised in Baltimore City. The concern for the welfare of children was outlined in the local press. It was stated: "The fearful increase in crime, as shown by our police reports, the thousands of little vagrants that are growing up amongst us, who are fast becoming thieves, incendiaries and rioters call loudly for some effectual means for the prevention and cure of these ills. If it is desirably that street begging should be suppressed, that our kitchens should be freed from the intrusion of swarms of little beggars, that employment should be provided for them, and moral instruction be imparted to them, then we ought to give liberally to set this scheme going."<sup>3</sup>

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<sup>1</sup>Annual Reports, Dorcas Benevolent Society, p. 10 (as reported by Culver).

<sup>2</sup>Watson, Frank Dekker, The Charity Organization Movement in the United States, p. 79.

<sup>3</sup>The American, December 31, 1849.

The Baltimore Association for the Improvement of the Condition of the Poor which had its origins in the New York Association for the Improvement of the Condition of the Poor operated on the premise that the client was basically inadequate and improvident.

The next step in Baltimore City's wide social welfare history was the establishment of the Charity Organization Society of Baltimore. The Charity Organization Society later (1896) joined the Association for the Improvement of the Condition of the Poor for purposes of a more coordinated effort of services to the growing population. Developing into a working federation, the two agencies actually became the Federated Charities of Baltimore, Inc.

Riding the economic waves of depression, unemployment and industrial crises, the Federation had to sustain its activities with ardent fund-raising.

By 1915 it was one of twelve non-sectarian agencies forming the Baltimore Alliance, (predecessor of the Community Chest), so that funds could be secured for all of these member agencies through one joint appeal.

In November, 1919, the Federated Charities changed its name to Family Welfare Association. Another landmark in the history of the Family Service Association was its merger in July, 1941, with the Henry Watson's Children's Aid Society. The latter agency had been in operation since 1860. When the new agency was incorporated on May 2, 1942, it

became legally the Family Welfare and Henry Watson's Children's Aid Society of Baltimore or the Family and Children's Society. Another merger with the Society for the Protection of Children took place shortly after this on April 29, 1943, and the staff of that agency became the staff of the Department of Legal Protection.

The history of the social welfare and charity organization movement in Maryland could be covered much more extensively, outlining the participation by sectarian and fraternal groups. It was felt, however, that the material as presented can in part give a picture of the State's demonstrated services to meet social and medical needs.

## CONCLUSION

Maryland's early concern for the welfare of children is reflected in its indenture laws and in the establishment of its institutions for dependent, neglected and delinquent children. Maryland's concern for children during the present century is reflected in legislation which established juvenile courts, first on a city and then on a county and State level, with Baltimore City creating the first juvenile court on April 11th, 1902.

The 1902 law did not actually create a new court, but provided for an additional Justice of the Peace to hear children's cases. This officer was to be known as the "Magistrate for Juvenile Causes" and was to be a member of the Bar of the Supreme Bench of Baltimore City. This first Maryland law related to "Vagrant, Dependent and Vicious Children" under the age of sixteen years. The Baltimore City law had no contributory provisions.

The first Maryland law creating a juvenile court on the county level is accredited to Allegany County with legislation approved on April 8th, 1912. This law, like that of Baltimore City, authorized the Governor to appoint an additional Justice of the Peace who would be known as the "Magistrate for Juvenile Cases". This officer was to hear cases involving delinquent, neglected and dependent minors under the age of sixteen, and adults contributing to these factors. The Allegany law did not provide for a probation staff, while the Baltimore City law stated that probation officers would be appointed by

the Supreme Bench of Baltimore City, but would serve without pay. Allegany County and Baltimore City did provide for a paid probation officer in subsequent legislation.

Baltimore County was the second to enact local legislation on April 4th, 1914. This was the first juvenile court on the Circuit Court level, and the law directed that additional powers be given the Courts of the Third Judicial Circuit of Maryland, to hear cases involving dependent, neglected and delinquent children. The age level related to boys under the age of twenty and girls under eighteen.

The Baltimore County law was more elaborate in detail than the other early laws and had sixteen sections of content while Baltimore City's initial law contained only six sections and Allegany County's law, five.

Baltimore County's law was the first to stipulate in its initial law that probation officers to be made available to the Court for investigative service would be paid by the County Commissioners.

Harford County's juvenile court law was enacted six days after that of Baltimore County and was modeled after that law. The judge designated by the Third Judicial Circuit was to hear the cases of delinquent, neglected and dependent children and such a court would be designated as the "Circuit Court for Harford County, sitting as a Juvenile Court". The age levels heard were the same as those of Baltimore County.

Harford County's legislation departed from Baltimore County's in that it provided for a psychologist who would hold

a degree in medicine. Probation officers were provided for in the Act.

Maryland's first State-wide juvenile court law was authorized on April 4th, 1916. This was permissive legislation authorizing the Judges of each of the Judicial Circuits to designate one Judge in each of the Circuits to hear, try and determine cases of child dependency, neglect and delinquency. The courts set up under this law would be known as "The County Circuit Court, sitting for Juvenile Causes."

This bore similarity to the Baltimore County law in that it set the same age limit of under twenty years for the male child and under eighteen years for the female and contained similar wording. It further prohibited the commitment of the child to jail if that child were under the age of fourteen years. The law further authorized the appointment of one or more probation officers and other court personnel. The judge was empowered to institutionalize children falling within the designated categories of the law; such care was to be in effect until a child reached the age of twenty-one. As in the Baltimore County law, provision was made that parents, guardians and other persons contributing to the delinquency, dependency or neglect of a child would be heard by the juvenile court judge.

This effort to provide juvenile courts for all of the counties on the basis of a State-wide law did not appeal to most of the counties. Because the law was permissive, the counties already having their own juvenile court laws ignored the new enactment. Others apparently were not ready to accept this uniform pattern of

legislation and they too made no changes in their traditional method of handling children's cases.

Only Frederick, Wicomico and Talbot Counties utilized the 1916 law, and in 1920, Talbot County departed from the intent of the 1916 law. In that year Talbot County enacted local legislation authorizing its Circuit Court Judges, and in their absence, the Justices of the Peace for the Easton district, to exercise the powers conferred by the 1916 law upon the judge designated to sit for juvenile causes.

Washington County instituted its first juvenile court by legal authority on April 4th, 1924. Like the laws of Baltimore City and Allegany County, this legislation authorized the Governor, by and with the consent of the Senate, to appoint an additional Justice of the Peace who would be known as the "Magistrate for Juvenile Causes". The Magistrate was to be a member of the Bar of the Circuit Court for Washington County, and would have full power and jurisdiction with respect to all delinquent, neglected and dependent minors under the age of sixteen and of all adults contributing to these factors. This law was the first to state that the hearing of children's cases shall be conducted informally.

The second State-wide juvenile court law was instituted on April 17th, 1931 and established this court on the magistrate's level. The 1931 law further authorized the Governor to appoint an additional Justice of the Peace for each county. This officer was to be known as the "Magistrate for Juvenile Causes".

Whereas the 1916 law was a protest action to remove from the

Justices of the Peace the authority to hear children's cases, the 1931 law again provided for a juvenile court that would be administered by a Justice of the Peace. The powers of the magistrate were broadly defined in this law. The powers of the Justices of the Peace in terms of hearing children's and adult's cases extended to "exclusive jurisdiction where jurisdiction is given by law to any justice of the peace or magistrate for criminal causes in all cases of trial or commitment to trial, or commitment to any institution of any minor under the age of sixteen years".

Probation officers were to be hired by the local Magistrate. The 1931 Maryland juvenile court law is the first to specify that the probation officer shall have had at least one year's experience in the field of social work.

The 1931 law provided for first time a "Juvenile Court Committee" for each county, the membership to consist of five persons to be appointed by the Governor. The Committee was to serve without pay and the duty of the membership was to act in an advisory capacity to the Governor and to the Magistrate for Juvenile Causes.

The law stated that Baltimore City, Allegany County, Washington County and Baltimore County would be exempt from the provisions of this Act. It was further stated that this law would repeal the 1916 legislation.

Although only three counties and Baltimore City claimed exemption from this law, only the County Commissioners of Montgomery County appropriated the necessary funds for the salary of either

the Magistrate or a probation officer. Consequently, a juvenile court, as set up in this law, could not exist in other counties.

Washington County revised its 1924 juvenile court law in 1941. This law, written by the present (as of 1948) Magistrate for Juvenile Causes, was modeled after the Standard Juvenile Court Act. Elaborate in content, the law contains a well-defined philosophy of hearing, handling and disposing of cases involving delinquent, dependent and neglected children under the age of eighteen years. Procedure in cases of adults involved in children's cases is also fully outlined.

Baltimore City revised its law in 1943. Approved on May 6th of that year, the law directed that the Supreme Bench of Baltimore City assign a judge to that bench to hear children's cases. Cases heard on the Circuit Court level involve dependent, delinquent, neglected or feeble-minded children under the age of sixteen. The establishment of this court abolished the offices of the Magistrate and Assistant Magistrate for Juvenile Causes in Baltimore City.

The Baltimore City law provided for a Master whose duties were to be similar to that of a juvenile court referee. As of 1948, this was the only juvenile court law in Maryland providing for such an officer.

The 1943 law gives much latitude in the disposition of cases and the Judge's powers. The State Department of Public Welfare is given broad power to decide the type of care or treatment to be given to a child who is found to be neglected or dependent by the Court. In such a case the child would be committed to this agency, and the agency in turn would be responsible for a semi-annual progress

report on each child so committed.

The Baltimore City juvenile court law lists and describes seven conditions under which a minor male sixteen years and under, and a minor female, eighteen years and under, may be committed to a juvenile institution for care and guardianship if such "a minor is deemed to be a minor without proper care and guardianship". This law outlines the change in procedure which was actually the stimulus for the new juvenile court law for Baltimore City; this was in setting up the new tribunal as a court of record.

The 1943 law for Baltimore City resembled the 1916 State law in several ways, although the former is more specific in defining the function of the probation officer and in the filing of the petition.

The juvenile court law, under which the majority of the counties in the State of Maryland now operates, was instituted on June 1st, 1945. This legislation was mandatory except for the five counties specifically exempted.

The law indicated that the Circuit Court for each county would have jurisdiction in juvenile causes, and would be known as "The Circuit Court, sitting as a Juvenile Court". The Judge of the Circuit Court then would exercise jurisdiction in juvenile cases involving neglected, delinquent, dependent, and feeble-minded children, under the age of eighteen. The Judge would further hear cases involving original jurisdiction in determination of paternity and he had the power to try the case of any adult contributing to the delinquency, dependency or neglect of a child.

The 1945 law provides that if there is no detention home for

children in a jurisdiction, the Judge will arrange for the care and custody of such children temporarily through the "County Welfare Board, or other institution, agency or person".

Disposition of cases permitted in the law includes dismissal, probation, and placement in custody of a private or public agency or institution or a person selected by the Judge. The law states that no adjudication by the Judge upon the status of any child will operate to impose any civil disabilities, and no child shall consequently "be deemed a criminal by reason of such adjudication. . . .".

That the influence of the 1943 Baltimore City law provided the impetus for the 1945 State-wide juvenile court law is indicated by the similarity of the two laws. In the latter however, more specific directives are pointed up in the matter of preliminary investigations, findings and recommendations.

The 1945 juvenile court law added twenty-one new sections to the 1939 Annotated Code of Maryland, and repealed any previous legislation of this kind heretofore enacted. The law did not apply to Allegany, Garrett, Prince George's, Montgomery or Washington Counties.

Simultaneously with the institution of the 1945 State law, Allegany County repealed and re-enacted with amendments, the local juvenile court law under which it was operating. The additions and deletions to former legislation created in essence, a broader law.

The Magistrate was to have original jurisdiction to hear cases involving dependent, neglected, delinquent and feeble-

minded children under the age of eighteen. The act provides in much detail the penalty for adults contributing to the child's situation.

A departure in terms of local juvenile court administration is seen in the matter of selection of probation officers. The Judges of the Fourth Judicial Circuit of Maryland were given the power to appoint a probation officer who would serve the Circuit Court for Allegany County and the Juvenile Court as well. The Circuit Court Judges were to fix the salary of the officer and he was to be under the supervision of the appointing judges. Probation officers were to have the privileges and authority of constables.

Montgomery County, formerly operating under the 1931 State juvenile court law, also secured its own legislation on May 4th, 1945. The county, satisfied with its juvenile court on the Magistrate's level, chose to promulgate its own law rather than to place its juvenile court on the Circuit level, as the 1945 general law stipulated. The Montgomery County law contains many of the provisions of the 1945 State law and of the Standard Juvenile Court Act but it does retain the general framework of the 1931 law.

The Magistrate for Juvenile Causes is to be appointed by the Governor with the advice and consent of the Senate from a list approved by the Board of County Commissioners. The Magistrate must be a member of the Court of Appeals of Maryland and a resident of Montgomery County for at least five years preceding his appointment. The law also states that the Magistrate "shall

have a knowledge of child psychology".

The 1945 Montgomery County juvenile court law provided authorization for the care and custody of dependent, neglected and delinquent children under eighteen years of age. The Magistrate also has power to determine paternity of any child "alleged to have been born out of wedlock and to provide for his support", as well as original jurisdiction in proceedings against adults contributing to the neglect, dependency or delinquency of a child.

The County Commissioners were to appoint a Juvenile Court Committee of thirteen members who would serve without pay. Membership in this Committee was invested in individuals representing named community health, education, law enforcement and social agencies. The Committee was to work with the Magistrate in establishing policies and procedures conducive to more adequate court functioning.

The Montgomery County law provided for a Director of Social Work; it is the only county to have such a provision in its law. The Director of Social Work is to be in charge of all of the social work of the court and to "study sources and causes of delinquency and assist in developing and correlating community-wide plans for the prevention and treatment of delinquency". The Director of Social Work had further responsibility to act in the capacity of administrative assistant to the Magistrate according to the duties designated in the Act.

Disposition of children's cases were designated as placement on probation, or supervision of the child in his own home, or in the custody of relatives or other fit persons, commitment to

a public or licensed private institution or agency or to the Montgomery County Welfare Board. The parent may be ordered to pay for the support of a child committed by the Court, "to custody other than of its parent", as the Magistrate might direct. Failure to comply with such order to pay constitutes "desertion" or failure to provide subsistence.

The last local county juvenile court law in Maryland was that of Prince George's County. Instituted to take effect on July 1st, 1947, the law gave the Justices of the Peace at large for Prince George's County, jurisdiction over cases involving children under the age of eighteen years and over contributing adults. Deviating from other established juvenile court laws, the Prince George's County law does not define dependency, delinquency and neglect as such, as had been the custom in other laws. The law indicates that probation and parole officers would serve the several courts and Magistrates under the direction of the State Division of Parole and Probation, and would be paid by the Board of County Commissioners. These officers would meet the requirements and qualifications of a probation officer of the Division of Parole and Probation.

The establishment of a Juvenile Court Advisory Committee was set forth in the law. Providing for sixteen members, who would serve without pay, the membership was to include representatives of social welfare, educational and law enforcement agencies, similar to those named in the Montgomery County law. The major duties of this Committee were to propose policies, plans and procedures to the Magistrate as those issues related to

improving the work of the court and the general planning motivated to the prevention and control of juvenile delinquency.

In the foregoing pages of this chapter, the content of juvenile court legislation in Maryland has been summarized in chronological order of enactment. Reference has been made to similarity of specific laws in order to clarify the fact that the three State-wide laws did not produce a uniform method of handling cases involving children and brief mention has been made of the reasons why these statutes were not utilized in all counties.

To support the hypothesis that the juvenile court in Maryland is a social institution it is necessary to examine some of the factors which have facilitated or mitigated against the development of a children's court in specific counties and in the State as a whole.

In this summary examination, it becomes evident that prior to 1945, juvenile courts were established only in those counties in which a need for such courts was felt by a legally effective segment of the community. In general, the following factors seem to have determined whether or not a given locality felt it necessary or desirable to establish a special children's court and, to some extent, the nature of the court to be established.

1. The presence or absence of a concentrated population and attendant urban problems and resources.
2. The extent to which a locality was related to and influenced by the problems and activities of an

adjacent community during a particular era.

3. The pattern of cohesion as it related to a given political unit; more specifically, the presence or absence of a sense of county entity in the development of social institutions.
4. The presence or absence of effective local leadership interested in the welfare of children.
5. The political climate or "the temper of the people" existing when local leadership sought to develop a juvenile court.
6. The presence of negative factors which mitigated against the development of a juvenile court:
  - a. An insufficient number of children's cases to warrant the establishment of a separate court.
  - b. Geographic and climatic conditions, which seemed to make impractical any attempt to handle children's cases in a single court setting.
  - c. Lack of sufficient wealth within a political unit to permit the expenditure of funds for additional court personnel.
  - d. A pattern of political economy which does not include the appropriation of sufficient funds for social welfare purposes.

When the chronological history of the juvenile court movement in Maryland is analyzed in relation to these factors it seems apparent that the presence of urban problems and resources assumed primary importance in determining the location of the early juvenile courts. It would seem that as early as 1827, the numbers of vagrant children in Baltimore had become a community problem of such degree that it could not be handled adequately with the current indenture system. By 1881, the police and the community felt great concern about the numbers of children in inadequate non-segregated jails. It is therefore logical to assume that by 1902, the

example set by Chicago in establishing a juvenile court (in 1899) seemed to offer to Baltimore, a solution to a deepening urban problem.

There would seem to be equally valid basis for assuming that by 1912, similar reasons existed for the creation of a juvenile court in the second largest city in Maryland-Cumberland. With the revised Baltimore City juvenile court law as its model, Allegany County sought to meet the problems faced by its county seat in a manner similar to that which had proved successful in the larger cities.

Although the full detail around the enactment of the Baltimore County juvenile court law is not known, several assumptions can be made. In 1911, the Maryland Children's Aid Society had been established and the current interest of the people of Baltimore County in the welfare of children had resulted in the establishment of a self-supporting branch of that organization by 1912. Although Baltimore County contained no urban concentration of population, its proximity to Baltimore City probably created a desire to emulate its neighbor. The fact that this court was established on the Circuit Court level, undoubtedly reflects the community's strong sense of "county" and its accustomed use of the Circuit Court in all matters of equity.

The simultaneous enactment of a similar law in Harford County was undoubtedly the influence of the promulgators of the Baltimore County law since these laws for adjacent counties were written by fellow Judges of the Third Judicial

Circuit Court.

The 1916 State-wide juvenile court law appears to represent chiefly the interest of the Board of State Aid and Charities in obtaining for all counties, the values represented by the Baltimore and Harford County laws. It is pertinent to note that this law was utilized on a continuing basis only by Frederick and Wicomico Counties which contained the fourth and fifth largest cities in Maryland-Frederick and Salisbury. An assumption can be made that the urban implications faced by the county seats of these counties were sufficient to warrant the establishment of a children's court and that the strong sense of county identity existing in both of these localities caused the 1916 law to be acceptable to them. The fact that the first self-supporting Maryland Children's Aid Society Branch was established in Frederick County in 1911 indicates citizen interest in the problems of children and it no doubt played some part in the decision to create a juvenile tribunal under the 1916 law.

Since Talbot County had also established a branch of the Maryland Children's Aid Society in 1915, the influence of its sponsors is perhaps reflected in that county's decision to use the 1916 law. It seems likely however, that the lack of any serious change in the composition of the population was influential in this county's decision to enact its own hybrid juvenile court law in 1920.

The typical desire of a county with urban problems and

resources to enact its own legislation is perhaps best illustrated by the decision of Washington County to depart from the recent examples of counties which had established juvenile courts on a Circuit Court level, by enacting a local law on the Magistrate's level in 1924. Since Hagerstown, the county seat, was the third largest city in Maryland, and since the county seemed to have no need to adhere to any traditional pattern, it is logical that Washington County elected to follow the example of its Northern neighbor which also had an industrial city in it.

In cause and effect, the 1931 State-wide law could well be considered legislation by and for Montgomery County despite the hope of its sponsors that the law would establish a uniform procedure in serving children throughout the State. Its content was derived chiefly from current law and rules of court existing in Baltimore City at the time.

The enactment of this law appeared to have resulted almost entirely from the political acumen of community leadership interested in the matters of social welfare. The court established by this law was of necessity on the Magistrate's level since its sponsors felt it was essential that the Judge be selected solely for his interest in children and that these qualifications could not be assured by the popular election of a Circuit Court Judge.

By 1940, two new factors appeared to turn aside again the movement toward the establishment of additional juvenile courts on the Magistrate's level. By that time it became

apparent that Baltimore City's juvenile court was no longer meeting the needs of children since its orders were frequently challenged on the basis of their constitutionality. Simultaneously with the local effort to develop, by some means, a court of record for children's cases in Baltimore City, came the efforts of the Governor's Commission on Juvenile Delinquency to secure more adequate and effective services for children throughout the State. Out of these efforts to effect change in the existing statutes and services, emerged the Baltimore City law of 1943 and the 1945 State-wide law. It seems safe to assume also that this desire for a State pattern of juvenile courts on a Circuit Court level encouraged the Governor's veto of the 1941 local law designed to provide Prince George's County with a Magistrate's court.

The fact that the three counties which had successful juvenile courts on the Magistrate's level succeeded in obtaining exemption from the 1945 law and that Prince George's and Garrett County also demanded exemption appears to bear a close relationship to the factors which produced the earlier pattern of juvenile court legislation. Allegany and Washington Counties whose county seats faced most urbanization still demanded the right to meet those problems as they saw best. To this desire was added the reluctance of the legal and political leadership to accept the power allotted to the county welfare boards by the 1945 law. Similar antipathy to the role assigned the welfare board also existed in other counties, but the result seems to have been

determined by the presence of other factors. For Baltimore and Frederick Counties the 1945 law provided only slight changes since the Circuit Court had long handled children's cases there. In Garrett County the antipathy to the role played by the welfare board constituted only one more factor to the list of negative elements which mitigated against the creation of a juvenile court of any kind.

In Montgomery and Prince George's Counties the desire to have a juvenile court controlled by and responsible to local leadership resulted in the rejection of the 1945 law by these jurisdictions. In 1947 Prince George's County succeeded in obtaining a court of this type, patterning the law on that of Montgomery County with variations to meet its own needs.

It has been seen that the development of juvenile court legislation in Maryland supported a continuum from 1902 to the present time and that the primary change made by the 1945 law was the initiation of a separate juvenile court for the thirteen counties having had no prior courts of this kind. Within the framework of this continuum the concepts of political, economic, social and ecological influences are couched and the essence of community leadership and organization were seen as being highly significant in the child welfare movement as it related to the juvenile court.

## APPENDIX I

### BALTIMORE CITY LAWS

#### 1902 - Chapter 611

An Act to amend Article 4 of the Code of Public Local Laws, title, "City of Baltimore," by changing a sub-title thereof, and by adding thereto three Sections relating to the trial and commitment of minors, the appointment of probation officers for the protection of such minors, and the powers and duties of such probation officers.

Sec. 1. Be it enacted by the General Assembly of Maryland, that the following sections be added to Article 4 of the Code of Public Laws, title "City of Baltimore," sub-title "Justices of the Peace and Constables," to follow section 623 as now enacted, and to be known and numbered as 623A of the said Article.

Sec. 623A. In addition to the justices of the peace mentioned in Sec. 623 of this Article, the Governor, by and with the advice and consent of the Senate, and if the Senate shall not be in session then by the Governor, shall appoint from the City of Baltimore at large an additional justice of the peace, who shall be appointed from such ward as the Governor may elect, shall be known as "The Magistrate for Juvenile Causes," who shall be a member of the bar of the Supreme Bench of Baltimore City, and shall receive from the Mayor and City Council of Baltimore a salary of two thousand one hundred dollars per annum, payable monthly, and the additional justice provided for in this section of this Article shall have exclusive jurisdiction of all cases of trial, or commitment for trial, or of commitment to any reformatory or other institution, of all minors under sixteen years of age in all cases where jurisdiction thereof is given by law to any justice of the peace in Baltimore City, and such shall hear and dispose of all such cases at such place and as shall be designated by the Board of Police Commissioners of Baltimore City, and he shall sit during the same hours as the police magistrates of said city. Whenever any such child shall be arrested it may be taken to such place other than one of the station houses, as may be designated by the Board of Police Commissioners, but in the absence of such designation such child may be held at a station house as heretofore until he shall be brought before the magistrate. When such justice shall commit any such child for the action of the grand jury, such commitment may be to any suitable reformatory institution, having due regard to the sex of the said child and the wishes of its parents or guardian, if it have any, instead of to the Baltimore City jail. In the absence of the additional justice provided for in this section, either from sickness or other cause, the

Board of Police Commissioners shall designate one of the police justices to act in his place.

Sec. 2. And be it enacted, That the sub-title before section 881 of Article 4 be amended, so as to read, "Vagrant, Dependent, and Vicious Children."

Sec. 3. And be it enacted, That the following new sections be added to said Article, to follow after section 886 thereof, and to be numbered and known as sections 886A and 886B of the said article, respectively:

Section 886A. The Supreme Bench of Baltimore City shall have authority to appoint, and at pleasure remove, in such number as the said Supreme Bench shall from time to time deem advisable, persons of either sex of good character, to serve during its pleasure, but without compensation from the city or State, as probation officers for minors as hereinafter provided, whenever any child under, or apparently under, the age of sixteen years, shall have been arrested or shall be charged with a crime of incorrigible or vicious conduct, or whenever application is made under the provisions of the laws of this State for the commitment of any such child to any reformatory or other institution it shall be the duty of one or more of the said probation officers designated by the Court or magistrate hereinafter next mentioned to make such investigation as may be required by the Court or magistrate having jurisdiction of the case, to be present at the hearings of the case in order to represent the interests of the child and to furnish to the Court or magistrate such information and assistance as may be required, and before and after trial, in the discretion of the Court or magistrate, to have control or custody of the child, subject to the order of the Court or magistrate.

Sec. 886B. At the trial of any such child charged with crime or with incorrigible or vicious conduct, whether before a Court or a magistrate, due investigation shall be made into the circumstances of the case and the surroundings of the child, with special reference to its future welfare. The Court or magistrate, either before trial, with the consent of the child, or its parent or guardian, or after conviction, may in its discretion suspend further proceedings during the good behavior of the child, and place it in the care of any of the probation officers for minors appointed under the preceding section for such time and upon such conditions as may seem proper. Such probation officers shall have the power to bring such child before the Court or magistrate at any time during the period for which it was committed to his care.

Approved April 11, 1902.

1943 - Chapter 818

An Act to amend the laws pertaining to juvenile and related causes in Baltimore City, to confer jurisdiction in such cases upon the Circuit Court of Baltimore City, to provide for the care and treatment of children found by said Court to be dependent, delinquent, neglected or feeble-minded, and to abolish the offices of Magistrate and Assistant Magistrate for Juvenile Causes in Baltimore City.

Sec. 1. Be it enacted by the General Assembly of Maryland, That Article Four of the Code of Public Local Laws of Maryland and Baltimore City Charter (1938) title "Courts," be and the same is hereby amended by adding a new sub-title "Juvenile Causes" and nineteen new sections following Section 420 of said Article Four; said new sections to be known as Sections 420A.-420S, and to read as follows:

420 (A) In addition to the jurisdiction now possessed and exercised by the Circuit Court of Baltimore City, said Court shall have jurisdiction in juvenile causes as hereinafter defined. The Supreme Bench of Baltimore City shall assign a judge of said Bench to exercise such jurisdiction. It is considered basic to the operation of this sub-title that the Judge so assigned need not be subject to rotation.

420(B) When used in this sub-title, unless the context otherwise requires:

(a) Judge means the judge assigned by the Supreme Bench of Baltimore City to exercise the jurisdiction in juvenile causes herein conferred.

(b) "Child" means a person under the age of sixteen years and subject to the jurisdiction of the Court.

(c) "Dependent Child" means a child who has been deprived of support or care by reason of the death, continued absence from the home, physical or mental incapacity, or poverty of his parent or guardian.

(d) "Delinquent Child" means a child (1) who violates any law or ordinance, or who commits any act which, if committed by an adult, would be a crime not punishable by death or life imprisonment; (2) who is incorrigible or ungovernable or habitually disobedient or who is beyond the control of his parents, guardian, custodian or other lawful authority; (3) who is habitually a truant; (4) who without just cause and without the consent of his parents, guardian or other custodian, repeatedly deserts his home or place of abode; (5) who is engaged in any occupation which is in violation of law, or who associates with immoral or vicious persons; or (6) who so deports himself as to injure wilfully or endanger the morals of himself or others.

(e) "Neglected Child" means a child (1) who is without proper guardianship; (2) whose parent, guardian or person with whom the child lives, by reason of cruelty, mental incapacity, immorality or depravity is unfit to care properly for such a child; (3) who is under unlawful or improper care, supervision, custody or restraint, by any person, corporation, agency, association, institution or other organization, or who is unlawfully kept out of school; (4) whose parent, guardian or custodian neglects or refuses when able to do so, to provide necessary medical, surgical, institutional or hospital care for such child; or (5) who is in such condition of want or suffering, or is under such improper guardianship or control, or is engaged in such occupation as to injure or endanger the morals or health of himself or others.

420(C) Except as otherwise provided herein the Judge shall have (a) original, exclusive jurisdiction concerning any child who is dependent, delinquent, neglected, or feeble-minded; (b) original jurisdiction to determine paternity of such child in disputed cases; (c) original, exclusive jurisdiction to try, subject to the right of trial by jury unless waived, as hereinafter provided; any parent, guardian or other adult for any wilful act or omission contributing to, encouraging or tending to cause any condition bringing the child within the jurisdiction of the Court. Nothing herein contained shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of cases pending in such other courts.

420(D) Any child brought before the Judge in the exercise of the aforesaid jurisdiction shall be charged only as a dependent child, a delinquent child, a neglected child, a feeble-minded child, or as a child coming within two or more of these terms, and shall not be charged with the commission of any crime. The Judge shall then determine whether or not such child comes within any of the aforesaid terms, and is, by reason thereof, in need of care or treatment within the provisions and intent of this sub-title. If any such child is charged with the commission of an act or acts which would amount to a misdemeanor or felony if committed by an adult, the Judge, after full investigation, may in his discretion waive jurisdiction and order such child held for action under the regular procedure that would follow if such act or acts had been committed by an adult.

420(E) Any adult over whom the Judge may have jurisdiction under Section 420(C), if found guilty of any act or omission as therein defined, shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisoned not exceeding two years, or by both such fine and imprisonment. Upon any such conviction, the Judge shall have power to impose sentence as aforesaid, or may suspend sentence and place such

adult on probation and by order impose upon such adult during such period of probation such duty as shall be deemed to be for the best interests of the child or other persons concerned. In any such case, such adult shall be tried before the Judge without a jury unless such adult shall, within the time prescribed by the rules established by the Court, elect to have the case tried before a jury. The Judge may, however, in his discretion waive jurisdiction so that such adult may be otherwise dealt with according to law. If such adult demands trial according to the usual criminal procedure, the Judge shall waive jurisdiction and the case of such adult shall thereupon be dealt with according to such usual criminal procedure.

420(F) The Supreme Bench of Baltimore City may appoint, upon recommendation of the Judge, a suitable person to act as Master, who shall receive a salary of four thousand dollars (\$4,000) per annum. The Judge may direct that any case shall be heard in the first instance by such Master in the manner provided for hearing of cases by the Court. Upon the conclusion of such hearing, the Master shall transmit to the Judge all papers relating to the case, together with his findings and recommendations in writing, notice of which shall be given to the parent, guardian or custodian of the child, and, in the Master's discretion to any other person concerned with the case, and a hearing by the Judge with respect to the Master's findings and recommendations shall be allowed provided any such person requests the same within such time and in such manner as the rules established for the court may provide. In the event that no such hearing is requested, the findings and recommendations of the Master, if and when confirmed by an order of the Judge, shall become the judgment of the Court.

420(G) Upon the effective date of this sub-title, the court shall have such staff as may be assigned to it by the Supreme Bench of Baltimore City, and thereafter such staff as may be provided in the Annual Ordinance of estimates of the Mayor and City Council of Baltimore City. No member of such staff shall be considered a deputy or employee of the Clerk of the Circuit Court of Baltimore City. Pending other action by the Supreme Bench of Baltimore City, the employees of the Magistrates for Juvenile Causes in Baltimore City at the time this sub-title becomes effective shall forthwith be transferred to positions of equal rank and compensation under the Court.

420(H) Whenever a child is brought before the Court the Judge shall, unless in his opinion it is impracticable or inadvisable, release the child pending trial to the custody of the parent, guardian or custodian of such child, upon the written promise of such parent, guardian or custodian, to bring the child before the court at a time to be fixed by the Judge. If not so released, such child shall be taken

immediately to a place of detention designated by the Judge. No such child shall be confined in any police station, prison, jail or lock-up, unless in a room or ward entirely separate from adults, or to be transported or detained in association with criminal, vicious or dissolute persons.

420(I) Unless and until provision shall be made for a temporary detention home for children coming under the jurisdiction of the court, the Judge may arrange for the care and custody of such children temporarily by the Department of Public Welfare of Baltimore City, which, in its discretion, may place such children in private homes or may arrange with any public or private institution or agency to receive such children for temporary care and custody.

420(J) All cases under this sub-title concerning children shall be heard separately from cases concerning adults. Hearings shall be conducted in an informal manner and may be adjourned from time to time. Stenographic notes or other transcript of hearings shall not be required unless the Judge so orders. The general public shall be excluded and only such persons admitted as have a direct interest in the case.

420(K) In any case concerning a child, if the Judge determines that the child is not within the jurisdiction of the court or that the child is not in need of care or treatment within the provisions of intent of this sub-title, the Judge shall dismiss the case. If the Judge determines that the child is within the jurisdiction of the court and is in need of care or treatment within the provisions and intent of this sub-title by reason of dependency or neglect, the Judge shall commit the child to the State Department of Public Welfare. The State Department of Public Welfare shall have sole power to decide the type of care or treatment to be given such child, including placing such child in a home of relatives, in a boarding home, or in a private or public institution or agency shall meet the standards adopted by the State Department of Public Welfare. In all other cases in which the Judge determines that the child is within the Jurisdiction of the Court and is in need of care or treatment within the provisions or intent of this Sub-title the Judge shall have the right to place the child for such period of time as the Judge in his own discretion shall determine, but not beyond the minority of the child..(1) on probation, or (2) in a public or private institution or agency, or (3) commit the child to the State Department of Public Welfare for such placement as said Department believes to be for the best interest of the child; provided, however, that after such placement or commitment as aforesaid the State Department of Public Welfare shall have the right to transfer the child to another public or private institution or agency, or to reduce the term of any such placement or commitment, or to return the child to its parent or guardian, if said

Department deems such to be for the best interest of the child and so certifies in writing to the Judge. Placement in a private or public institution of any child committed to the State Department of Public Welfare shall be made only where the State Department of Public Welfare is unable otherwise to insure the proper care of the child. The State Department of Public Welfare shall have the sole power to determine the length of time during the minority of the child, during which commitment to it by the Judge shall continue. The State Department of Public Welfare shall submit semi-annually to the Judge a report on each child committed to said Department by the Judge. Said report shall set forth particulars as to the type and length of care and treatment already given, and contemplated, with respect to such child, with reasons therefor.

No adjudication by the Judge upon the status of any child shall operate to impose any civil disabilities, nor shall any child be deemed a criminal by reason of such adjudication. The proceedings with reference to a child or any evidence given before the Judge shall not be admissible as evidence against the child in any case or proceedings in any other Court.

420(L) In placing a child committed to the custody of an individual, private agency or institution, the State Department of Public Welfare or the Judge, under Section 420(K) whenever practicable, shall select a person, agency or institution governed by persons of like religious faith as that of the parents of such child or in the case of a difference in the religious faith of the parents, then of the religious faith of the child, or if the religious faith of the child is not ascertainable, then the faith of either of the parents.

420(M) Whenever the State Department of Public Welfare, or the Judge, under Section 420(K), places a child in the custody of someone other than the child's parents or in the custody of an agency or institution, the Judge may, upon application, after giving the parent a reasonable opportunity to be heard, order that such parent shall pay in such manner as the court may direct, such sum as will cover in whole or in part the support of such child and if such parent shall wilfully fail or refuse to pay such sum, the Judge may proceed against as for contempt.

420(N) The Judge may cause any person within the jurisdiction of the Court, under Section 420(C) of this Sub-title to be examined by a physician, psychiatrist or psychologist as designated by him.

420(O) The Supreme Bench of Baltimore City is hereby authorized to make such rules, consistent with the provisions of this sub-title, with respect to summons, process or notice,

pleading and practise before the court, as it may from time to time determine to be necessary.

420(P) All cases pending before the Magistrates for Juvenile Causes in Baltimore City at the effective date of this Sub-title shall be transferred to the Circuit Court of Baltimore City and disposed of by the Judge assigned to exercise jurisdiction in juvenile causes in accordance with the provision of this sub-title.

420(Q) Any interested part aggrieved by any order or decree of the Judge, may, within thirty days after the entry of such order or decree, appeal therefrom to the Court of Appeals. Such appeal, the character and extent of the hearing and all procedure in connection therewith shall be in such form and manner as the Court of Appeals shall, by rule, determine.

The pendency of any such appeal or application therefor with respect to a child shall not suspend the order of the Judge regarding such child, nor shall it discharge such child from the custody of the State Department of Public Welfare or of the person, institution, or agency to whose care such child shall have been committed by that Department, or by the Judge, under Section 420(K), unless the Court of Appeals shall so order.

420(R) This sub-title shall be liberally construed to the end that each child coming within the jurisdiction of the Judge shall receive such care, guidance and control, preferably in his own home, as will be conducive to the child's welfare and the best interests of the State, and that when such child is removed from the control of his parents the State Department of Public Welfare, or the Judge, under Section 420(K), shall secure for him care as nearly as possible equivalent to that which should have been given him by them.

420(S) If any section, sub-division or clause of this sub-title shall be held to be unconstitutional or invalid, such shall not affect the validity of the remaining portions of this sub-title.

Sec. 2. And be it further enacted, That the offices of Magistrates and Assistant Magistrates, for Juvenile Causes in Baltimore City are hereby abolished and all the records, documents, papers, supplies, furniture, office equipment and other property of every kind whatsoever of said Magistrates, are hereby transferred to the Circuit Court of Baltimore City, for such use and disposition as the Judge assigned to exercise jurisdiction in juvenile causes, under the provisions of this Act, may, in his discretion determine. Any unexpended portion of any appropriation for salaries or expenses of said Magistrates shall be transferred to this account of the Circuit Court of Baltimore City and may be

used by it in payment of any salaries, compensation or expenses authorized by this Act, or otherwise.

Sec. 3. And be it further enacted, That Sections, 713, 714, 715, 932, 933, 934, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178 and 1179 of Article Four of the Code of Public Local Laws of Maryland and the Baltimore City Charter (1938 Ed.), be, and they are hereby repealed and that said Sections 932, 933, 934, 1169, 1170, 1171, 1172, 1173, 1174, and 1177 be and they are hereby re-enacted with amendments to read as follows:

932. The Police Commissioner for the City of Baltimore shall appoint and commission biennially two men and two women physicians of integrity and capacity, residents of Baltimore City, and who shall have practised medicine therein for at least three years next preceding the date of their commissions, whose duties shall be to attend at the various station-houses in the City of Baltimore and at the office of the State's Attorney of Baltimore City, from time to time, when required by the magistrates sitting at the said several station-houses or by the State's Attorney of Baltimore City, to examine all women, and female minors sixteen years of age or older, brought to the said several station-houses, or before the State's Attorney for Baltimore City, when in the opinion of the police magistrate sitting at the said several station-houses or the State's Attorney of Baltimore City, an examination requiring the exposure of the person of such woman, or female minor sixteen years of age or older, may be required.

933. The said Magistrate sitting at the said several police stations and the State's Attorney of Baltimore City, shall whenever an examination requiring the exposure of the person of any woman, or female minor sixteen years of age or older, brought before them is necessary for the proper hearing or disposition of the case, notify the Police Commissioner for Baltimore City, who shall designate alternately one of the men and one of the women physicians of the physicians provided for under Section 932 herein, to attend and to make the said examination.

934. Each physician making said examination required under the previous sections shall receive therefore a fee of five dollars for each such case, to be paid by the Mayor and the City Council of Baltimore; provided, however, that no such fee shall be paid unless the bill rendered therefor shall be certified to by the police magistrate ordering such examination or by the State's Attorney for Baltimore City, in case the said examination was made on his order. Said sum of five dollars (\$5.00) hereinbefore mentioned shall include any testimony, given before such magistrate, but if said physician shall be required to appear and testify before the Criminal Court of Baltimore City in reference to such examination he or she shall be allowed an additional sum of ten

dollars (\$10.00) for so appearing and testifying; providing however, that the total allowance in any case examined by such physician for all services rendered by him or her shall not exceed fifteen dollars (\$15.00).

1169. The Supreme Bench of Baltimore City shall appoint seven persons of either sex to serve during its pleasure, who shall be known as probation officers. Five of said officers shall receive a salary of twelve hundred dollars per annum (\$1,200), and two shall receive a salary of eighteen hundred dollars per annum (\$1,800). The said probation officers herein provided for shall be officers of the various courts presided over by the judges of the Supreme Bench of Baltimore City and when acting or performing functions for such courts are subject to their orders and directions. In the execution of their office they are vested with all the privileges and authority of conservators of the peace.

1170. In any proceeding before any of the courts of the Supreme Bench of Baltimore City involving a hearing, trial, detention, custody or commitment of any minor sixteen years or older, one or more of the probation officers provided for by Section 1169 of this Article and designated by the Court before whom such proceedings are had, shall make such investigation and make return thereof as may be required by said court and shall execute such further orders and directions as said court may from time to time require. At any stage of the proceedings in the case of a minor sixteen years of age or older, who is charged with the commission of any crime or whose care, commitment or custody is involved before said courts, said courts may suspend sentence, final judgment or further proceedings for such period of time or for an indefinite period of time as may be deemed necessary, and place said minor on probation in the care of and under the supervision and direction of one of the probation officers herein provided for; and at the time of suspension of sentence or further proceedings, or subsequent thereto, the said Court may impose such terms and conditions as may be deemed proper and necessary. Any such minor placed on probation is deemed a probationer. In any proceedings before a Judge assigned by the Supreme Bench of Baltimore City to exercise jurisdiction in juvenile causes, one of the probation officers provided for by Section 1169 and designated by said Supreme Bench of Baltimore City, shall make such investigation and return thereto as may be required by the said Judge and shall execute such further orders and directions as said Judge may from time to time require; and in any cause concerning a child under sixteen years of age where said Judge assigned to exercise jurisdiction in juvenile causes shall have waived jurisdiction in such cause and shall have ordered such child to be held for action under the regular procedure that would follow if the act or acts committed by such child had been committed by an adult, the court having jurisdiction of such

cause upon such waiver may suspend final sentence or final judgment for such period of time, as such court may deem necessary, and may place such child on probation, under the care, supervision and direction of one or more of the probation officers herein provided for, and may impose such terms and such conditions with respect to such probation as such court may deem proper and necessary.

1171. The courts aforesaid are hereby authorized and empowered to place any minor sixteen years of age or older, who may be on probation as herein provided for in the custody of such person or persons for such period of time as may be deemed for the best interest and welfare of said minor if it shall appear that the present custodian or parent is not a fit person to have the custody of such minor, or that it would be conducive to the best interests of such minor to have a change in custodian. Any person or persons who may in any manner whatsoever interfere with any probation officer for delinquent and dependent children in the proper discharge of his or her duties, or who may interfere with any person or persons in whose custody any such minor may be placed as aforesaid or who may interfere with or attempt in any manner to entice any such minor from such custody, shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.

1172. The probation officers herein provided for shall have the power to bring any minor or minors who may be on probation as aforesaid before the Court ordering such probation by a process of warrant duly sworn to charging him or them with violation of the terms or conditions of their probation, or by subpoena directed to them, for further proceedings and when such action is taken the Court may reopen or continue proceedings and finally dispose of the same as fully as could have been done had there been no suspension of sentence and proceedings in the first place; provided, however, that in any case where a full trial or hearing has not been had and the charge or crime has not been fully shown, sustained or determined before suspension of sentence or further proceedings, the Court shall hear the case de novo before sentence is passed or final disposition is made.

1173. The Court shall have the authority to extend the term of probation at any time for such additional period as may be deemed proper and may attach thereto the same or additional terms and conditions as were originally attached and may at any time dismiss the probationer and the proceedings in which sentence or further proceedings were originally suspended.

1174. The Supreme Bench of Baltimore City is hereby authorized to appoint three persons as stenographers and typists to serve during the pleasure who shall receive from the Mayor and City

Council of Baltimore, such salaries as may be appropriated in the annual Ordinance of Estimates. Said persons shall be members of the staff of the Judge assigned by the Supreme Bench of Baltimore City to exercise jurisdiction in juvenile causes and shall perform such duties as he may require.

1177. The Supreme Bench of Baltimore City is hereby authorized to appoint a physician, duly licensed as such by the State of Maryland, to serve during its pleasure, a psychiatrist duly licensed as a physician by the State of Maryland, and a stenographer to aid the said physician. Said physician and said stenographer shall be members of the staff of the Judge assigned by the Supreme Bench of Baltimore City to exercise jurisdiction in juvenile causes and shall perform such duties as he may require, and receive from the Mayor and the City Council of Baltimore such salaries as may be appropriated in the annual Ordinance of Estimates.

Sec. 4. And be it further enacted, That Sections 50 and 58 of Article 26, title "Courts," sub-title "Minors Without Proper Care and Guardianship," of the Annotated Code of the Public General Laws of Maryland, (1939 Edition), be and they are hereby repealed and re-enacted, with amendments to read as follows:

Any reputable person having a residence in the State of Maryland, having knowledge of a child in any county of said State who appears to be a minor without proper care and guardianship, or in the City of Baltimore who appears to be a minor sixteen years of age or older without proper care or guardianship, and who is not an inmate of a State institution, or any institution incorporated under the laws of the State of Maryland for the care and correction of children, or of any reform school or industrial school for juvenile offenders, and having knowledge of the person or persons responsible for or contributing to the condition of such child, may file with the Clerk of the Circuit Court for the county, or of the Criminal Court of Baltimore City, or with the Magistrate for Juvenile Causes in any county, a petition in writing, setting forth the facts verified by affidavit; or the judge or the Circuit Court for the county in which the child resides or of the Criminal Court of Baltimore City, or the Magistrate for Juvenile Causes for any of the respective counties on his personal knowledge, or on information given him may direct such petition to be filed by a duly appointed probation officer, or by the State's Attorney for the county. The petition shall set forth the name and residence of the child, and of its parents or guardians, or other such persons having the custody, control or supervision of such child, and of the person or persons responsible for or contributing to the condition of such child; and that child is a minor without proper care and guardianship, and it shall be sufficient that the affidavit to the facts set forth in the petition is on information and belief.

Upon the filing of the petition a summons shall be issued requiring all persons named in the petition to appear at a place and time stated in the summons which time shall not be less than twenty-four hours after service. Such summons may be served by the sheriff or constable, or police officer or a probation officer. If the person summoned shall fail to appear, the court may issue an attachment for such person's personal attendance in court at the time to be stated therein, and upon the execution of the attachment such person may give bond for his appearance at the time stated therein in such sum as the court may direct. If it shall be made to appear by affidavit, that there are good reasons to believe that any person proceeded against under this subtitle will leave the jurisdiction of the court before the day set for the trial of the proceedings herein, the court may cause a warrant to be issued direct to the sheriff or an officer authorized by law to serve a warrant commanding such officer to take the person named therein, and bring him forthwith before the court, or the judge thereof, and the court or judge thereof, may thereupon require such person to give bond for his appearance at the time named for trial, or may make such interlocutory orders as are proper in the premises.

58. The Magistrate for Juvenile Causes in any county, shall have jurisdiction in all cases of preliminary hearing of persons charged with offenses under the preceding sections of this sub-title, and concurrent jurisdiction with the courts upon waiver of a jury trial by the accused to hear, try, and determine the case. Upon conviction or submission for sentence, the magistrate may pass sentence or make an order or orders to take a bond as provided in the preceding sections. If the magistrate is satisfied, by information and due proof under oath, at any time during the year and the defendant has violated the terms of the order, he may issue his warrant for the apprehension of the defendant and forthwith proceed to sentence. In the event of violation of the recognizance, it may be forfeited and transmitted with a memorandum of the forfeiture to the Court of Criminal Jurisdiction to be filed among its records and enforced as recognizance therein taken and forfeited, the court being also empowered to apply the proceeds upon collection as provided in the preceding sections. Upon the imposition of a fine by the magistrate he may also dispose thereof for the benefit of wife and child or children as in the preceding sections provided. After vacation of office by death, removal, expiration of term, or otherwise, of the magistrate who has passed an order upon conviction or submission if there be a violation thereof, the succeeding Magistrate for Juvenile Causes in any county, may issue process and proceed in all respects in regard to the defendant as the Magistrate who heard the case might do.

Sec. 5. And be it further enacted, That Section 460 of Article 27, title "Crimes and Punishments," sub-title

"Minors-Convict," of the Annotated Code of Public General Laws of Maryland (1939 Edition), be and it is hereby repealed and re-enacted with amendments to read as follows:

460. Minors sixteen years of age and under eighteen years of age in Baltimore City and minors under the age of eighteen years elsewhere in the State, upon conviction of an offense punishable by imprisonment, may, in the discretion of the court or Justice of the Peace, instead of imprisonment in the place provided for in the case of offenders generally, be committed to any public or private institution or agency, as now or hereafter provided by law.

Sec. 6. And be it further enacted, That Section 19 of Article 42, title "Habeas Corpus," sub-title "Procedure in Relation to Minors" of the Annotated Code of the Public General Laws of Maryland (1939 Edition), be and it is hereby repealed and re-enacted, with amendments, to read as follows:

19. A minor (male or female) sixteen years of age and under eighteen years of age in Baltimore City, and under the age of eighteen years elsewhere in the State, may be committed to a juvenile institution for care and guardianship, if such minor be a minor without proper care and guardianship. Such minor is deemed to be a minor without proper care and guardianship: (1) if it is without a proper or permanent place of abode or without proper care and guardianship; (2) or is neglected or ill-treated by its parent, guardian or custodian; (3) or such parent, guardian or custodian is unable or unwilling to care for or control such minor; (4) or such parent, guardian or custodian is morally depraved, dissipated, addicted to the use of intoxicating drinks or drugs, or is leading an immoral or disorderly life, and it appears that because of such conditions on the part of the parent, guardian or custodian such minor is not receiving necessary or reasonable good care and training; (5) or a minor under or apparently under the age of sixteen years who may be found habitually walking aimlessly along or being on any street or public highway at an unreasonable hour of the night or early morning, or who is found loitering around any theatre or other place of amusement at any unreasonable hour without good reason for doing so, or who may be seen around or found in, around or about questionable hotels or furnished rooming houses or houses of ill fame and repute; (6) or if in the discretion of the officer or judge having jurisdiction in such cases it appears by reference to any criminal record or records of any arrests of such minor that such minor is developing such vicious and evil tendencies that there is apparent danger of such minor leading a life of crime and disorder and becoming morally depraved or degenerated, and that because of such conditions it appears to be for the welfare of such minor as well as for the peace and good order of society that it be committed; (7) or if it appears that such minor is of such character and surrounded by such conditions that he or

she is likely to become or is in danger of becoming vicious, depraved or immoral. A court of record, a judge thereof or a justice of the peace having criminal jurisdiction may commit such minors falling within this description to a juvenile institution, incorporated under the laws of this State, to be kept until twenty-one years of age, unless sooner discharged by such institution or by due process of law, and such judge or justice at the trial of any such minor shall take into consideration all the conditions and circumstances surrounding or records relating to such minors and that of the State and community at large. The court or justice may require such minor to be brought before him upon a warrant or order, or commit without such warrant or order, if such minor can be brought or is present without it or the circumstances are such that a warrant should be dispensed with, but in all cases where a minor is charged with being a minor without proper care and guardianship under this section, the parent or custodian should be duly notified to appear before the person trying such minor at the time and at the place of trial, if such parent, guardian or custodian can be located, and all courts or Justices of the Peace acting under the provisions of this section are vested with all the incidental powers necessary to the effectual execution of the powers herein enumerated.

Sec. 7. And be it further enacted, That this Act shall take effect June 1, 1943.

Approved May 6th, 1943.

## APPENDIX II

### STATE WIDE JUVENILE COURT LAWS

1916 - Chapter 326.

An Act to confer additional powers upon the Circuit Courts for the several counties of Maryland relating to children who are now, or hereafter become dependent, neglected or delinquents; to define such terms and to provide for the treatment, protection, guardianship and care of such children, and to prescribe the procedure in such cases, to provide for the appointment of a Probation Officer and for the payment of their salaries and expenses; to restrict and under certain circumstances take away the jurisdiction of the Justice of the Peace for the several counties, in such cases, and to prescribe the punishment of persons encouraging the dependency or delinquency, or neglecting the support of minors or advising any minor to leave the custody to which he or she may have been committed.

Sec. 1. Be it enacted by the General Assembly of Maryland, That for purposes of this Act, the words "dependent child" and "neglected child" shall be construed as meaning any male child under the age of twenty years, or any female child under the age of eighteen years, for any cause is destitute, homeless or abandoned, or dependent upon the public for support, or has not fit and proper parental care or guardianship, or who is feeble-minded or otherwise mentally deficient, or who habitually begs for alms, or who is found living with vicious or depraved persons, or has a home, which, by reason of neglect, cruelty or depravity on the part of the parent, parents, guardian or other person having charge of it, is an unfit place for such a child, or who is habitually absent from school contrary to the public general or public local laws of Maryland in each case made and provided. The term "delinquent child" shall be construed as meaning any male or female child under the ages above specified, and who, while under such age, may violate any criminal law of the State, or is incorrigible, or knowingly associates with thieves, vicious or depraved persons, or is growing up in idleness or crime, or knowingly frequents any gambling places, policy shops or patronizes or frequents liquor or beer saloons unaccompanied by a parent or guardian, or is guilty of indecent, immoral or lascivious conduct.

Sec. 2. And be it further enacted, that the judges of each of the several Judicial Circuits of the State, now or hereafter created, shall have power to designate if all of the judges in said circuit, in their discretion, shall deem it

necessary or expedient for each of the Circuit Courts of their said Judicial Circuit, a judge of said Judicial Circuit to hear, try and determine the cases of dependent, neglected or delinquent children found within the said county; and said Circuit Court Judge when designated shall be known as the Circuit Court for said County, sitting in Juvenile Causes, and when so designated shall have jurisdiction exclusive of any and all Justices of the Peace in and for said County in all cases of trial or commitment to any juvenile institution of any such dependent, neglected or delinquent child; and the said Circuit Court for said County sitting in Juvenile Causes shall have plenary jurisdiction to hear, try and determine all cases of any such dependent, neglected or delinquent children and to provide for the custody, control and maintenance of such child until it shall attain the age of twenty-one, and shall have all other jurisdiction by this Act hereinafter expressly conferred.

And the said Circuit Court for said County sitting in Juvenile Causes shall have and exercise to the fullest extent all the powers of equity to make or enforce by injunction, attachment for contempt, or otherwise, and all orders or decrees that may be necessary or appropriate in the exercise of the jurisdiction conferred by this Act, and shall have and exercise all the powers now or hereafter conferred upon the Circuit Court for said County in the hearing, trial and determination of causes wherein a minor may be brought before said County by habeas corpus and shall have and express all other powers of this Act hereinafter expressly conferred.

And the hearing, trial and determination of all cases of dependent, neglected or delinquent children by the Circuit Court for said County sitting in Juvenile Causes shall be had without regard to technicalities or procedure or the rules of evidence, and without regard to any technical claim of any party to said cause, and the Circuit Court for said County sitting in Juvenile Causes may control and conduct the hearing of such cases, in the same manner as are now controlled and conducted the hearing of cases of minors brought before said Circuit Court by habeas corpus.

Sec. 3. And be it further enacted, That, whenever the Judges of any Judicial Circuit shall designate one of their number to try, hear and determine the cases of such children as aforesaid in any County of their said Circuit, then and thereafter any resident of said County or the agent of any society incorporated under the laws of this State for the care and protection of children, may file with the Clerk of the Circuit Court for said County, a petition in writing, and under oath, setting forth that a certain child, or children, naming the same, if the name or names were known to the petitioner, and the place or places of residence of such child or children, their parents or other custodian, where known to the petitioner, is or are delinquent, dependent or neglected, as defined in

Section 1 of this Act, and that it is for the interest of such child or children, and the State of Maryland, that it or they be taken from its or their parent or parents, guardian or custodian, and placed under the jurisdiction of the Circuit Court for said County, sitting in Juvenile Causes, together with such other pertinent facts, if any, as the petitioner may think proper to state. The Clerk of the Circuit Court for said County shall file and preserve such petition and all papers relating to such petition, and docket such petition and all papers relating to such petition, and docket each case, wherein the petitioner shall be named as plaintiff, and the child or children, its or their parent or parents, guardian or custodian, when named, shall be made defendants in such case. It shall be the duty of the said Clerk to provide a suitable book or docket, to be styled the "Juvenile Docket", which shall be completely kept in his office and in which shall be entered all such cases and the proceedings therein briefly as in the ordinary Docket of his office.

Sec. 4. And be it further enacted, that the said Clerk shall immediately upon the filing of the petition and making the proper docket entries as provided in the preceding Section, call the same to the attention of the Circuit Court for said County, sitting in Juvenile Causes, and it shall be the duty of said Court, to pass an order requiring the Sheriff or some constable of said County, or the Probation Officer hereinafter named, to serve a summons upon all parties named in said proceedings as defendants, to be and appear before said Court at the hour and upon the day therein named, and the Court may, in its or his discretion, adopt all necessary means to have the body of the child named in the proceedings brought before said Court any designated time. It shall be the duty of the Clerk to issue summons for any and all witnesses required by any petitioner to appear at the hearing of his or her petition.

Sec. 5. And be it further enacted, That the Circuit Court for any of the several Counties sitting in Juvenile Causes may select some one of the Deputy Clerks (other than the recording clerk) employed in the office of the Clerk of the Circuit Court of said County, to act as Clerk of said Circuit Court sitting in juvenile causes in the exercise of the powers conferred upon said Court by this Act, which clerk so selected shall have charge of the docket hereinbefore provided for, shall be present whenever said Court may sit for hearing cases under the provisions of this Act, and make all proper entries in said Docket. That said Court shall have the power to direct the Clerk of the Circuit Court for said County to have printed such forms or petitions, orders or papers as the Court may deem requisite for the proper and convenient discharge of its duties under this Act, the cost of such printing to be paid by the County Commissioners of said County and to be charged to the item of Court Expenses.

Sec. 6. And be it further enacted, that the Circuit Court for any of the several Counties, sitting in Juvenile Causes, shall appoint one or more Probation Officers, who may be either male or female who shall be paid in monthly installments by the County Commissioners of said County a salary to be fixed by said Court. It shall be the duty of such officer or officers to inform himself or themselves when any child is to be brought into said Court, and to make investigations of all such cases, to be present in Court to represent the interest of the child when the case is heard, and to furnish said Court such information and assistance as said Court may require, to take charge of such child before and after the trial as said Court may direct, or whenever such Probation Officer shall have knowledge of any dependent, neglected, or delinquent child, it shall be the duty of such officer to bring the same to the attention of said Court by petition, as hereinbefore provided. In addition to the salary above provided for such Probation Officer, he, or she, shall be allowed for all actual and reasonable travelling expenses when in the discharge of duties imposed by order of said Court, to be paid by the County Commissioners upon the approval and order of said Court. Two or more adjacent counties may, with the consent of the judges of the Judicial Circuit or Circuits wherein they are situated, arrange for the appointment of a joint probation officer to serve the counties so arranging; and the County Commissioners of each such Counties shall have power to make all necessary levies and appropriations to pay the salary and expenses of such Probation Officer in such proportion as shall be mutually agreed by the County Commissioners.

Sec. 7. And be it further enacted, That in the event that any minor, charged by petition filed under this Act with a criminal offense for which a jury trial may be legally demandable, may pray a jury trial when brought before the Circuit Court for any County sitting in Juvenile Causes, then said Court shall direct said charge against said minor to be tried in like manner as other criminal cases are now or may hereafter be tried; and the said Court shall have and exercise in such case all its ordinary powers over the person of said minor pending information, indictment or trial.

Sec. 8. And be it further enacted, That if upon hearing and investigation, the Circuit Court of any of the several counties sitting in Juvenile Causes, shall find any male child under twenty years of age, or any female child under the age of eighteen, to be dependent, neglected or delinquent within the meaning of this Act said Court may allow such child to remain in its home, subject to the supervision of the Probation Officer, and may require such child to report to said Court or Probation Officer at such times as said Court shall order. Or if said Court shall then or thereafter find the parent, parents, guardian or custodian of such child an unfit or improper person or persons, or unable or unwilling to care for,

protect, train, educate or discipline such child, and shall further find it to be the interest of such child or the people of said County that such child be taken from the custody of such parent, parents, guardian or custodian, said Court may pass an order committing the child to the custody of some agency, or to some more suitable institution, state or otherwise organized for the care of children, until it becomes twenty-one years of age; and said agency or institution may place such children in the home of some suitable family. Said Court, however, shall retain the right to remove such child from such family, home, agency, or institution for such reasons as the Court may determine sufficient.

Sec. 9. And be it further enacted, That whenever any such child is so committed to any agency or institution, and the said child is placed, by such agency or institution, in a family home, as hereinbefore authorized, it shall be the duty of such agency or institution to cause its responsible representatives to visit each child at least once every three months, unless otherwise ordered by the said Court, and to report to said Court the condition and progress of such child; and such guardian shall exercise proper care for the schooling and training of such child, and make report to said Court as often as directed by the order of appointment; and if any child so placed in a home or institution, or in any custody whatsoever, shall leave or quit the same before attaining adult age, and without leave of said Court, he or she shall be apprehended and brought before said Court, and said Court shall award the custody of said child as said Court shall determine to be best for the interest of said child and the community. All orders of the Court shall be noted fully in the docket provided for in this Act, and the originals carefully preserved in the Clerk's Office, and a duplicate copy made and presented to the custodian so appointed.

Sec. 10. And be it further enacted, That in any proceeding begun by petition under this Act, wherein the parent or parents or other person charged by law with the support of any dependent, neglected or delinquent child shall be made defendant or defendants, the said Court shall have full power and authority to require such parent or parents or other person so charged to pay in full or in part the cost of maintaining such child, and said Court shall have full power and authority to assess the costs of such proceeding against such parent or parents or other person so charged. Costs in such cases shall be taxed in the customary amount, but in no case shall the appearance fee be allowed and fees to witnesses shall be allowed only in the discretion of the Court.

In no case shall any person filing a petition under this Act be held liable for any costs of the case unless the Court shall be satisfied that the case was instituted without reasonable grounds or through prejudice, upon which finding, all costs of the proceeding may be assessed against the petitioner in the discretion of the Court.

Sec. 11. And be it further enacted, That, except as hereinbefore provided, all costs incurred in the prosecution of cases under this Act shall be paid by the County Commissioners of the County wherein said cases shall be prosecuted, and it shall be the duty of the County Commissioners of each of the several counties to make all levies and appropriations necessary to provide for the payment of salaries, fees, expenses and costs made by this Act, payable to the County Commissioners of such County.

Sec. 12. And be it further enacted, That no Justice of the Peace in and for any of the several Counties shall commit for any reason a child under fourteen years of age to a jail or police station to be confined with other prisoners. If any such child shall be unable to give bail for his or her appearance as and where demanded, he or she shall be committed to the care of a Probation Officer of the Circuit Court for said County, or to the custody of some society or juvenile institution organized for the care of children.

Sec. 13. And be it further enacted, That any person who shall wilfully contribute to or encourage delinquency or dependency of any minor as hereinbefore defined, or any person charged by law with the care and support of any minor who shall wilfully neglect to care for or support such child, or any person who shall advise or encourage any child to leave the home, school or institution to which such child shall have been committed by any Court of competent jurisdiction, shall be guilty of a misdemeanor and shall be fined or imprisoned or both in the discretion of the Court trying such offense or the Justice in the cases where the justice has jurisdiction.

Sec. 14. And be it further enacted: That nothing in this Act shall be construed to affect, modify or abridge the jurisdiction of the Justices of the Peace in and for any County for which no judge has been assigned for the hearing, trial and determination of the cases of dependent, neglected or delinquent children as provided in Sec. 3 of this Act, or in any County where such assignment when once made has been annulled, revoked or remains no longer in force for any cause whatsoever; and in any such County the forms of commitments by Justices of the Peace shall not be affected by anything in this Act contained, but all such commitments in such counties as would have been good and valid before the passage of this Act shall be taken and held good and valid, anything in this Act to the contrary notwithstanding.

Sec. 15. And be it further enacted, That no provisions of this Act shall be construed as conferring additional and supplementary powers and jurisdiction on the Circuit Court for the several Counties, and not in substitution of or in conflict with any other powers possessed by any of said Circuit Courts under any existing general or local laws.

Sec. 16. And be it further enacted, That all laws or parts of laws now in force in the State of Maryland, in conflict with the provisions of this Act, are hereby repealed to the extent of such conflict, but no further.

Sec. 17. And be it further enacted, That this Act shall not apply to Baltimore City.

Sec. 18. And be it further enacted, That this Act shall take effect from the first day of June, 1916.

Approved April 4th, 1916.

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1931 - Chapter 323

81. In addition to the Justices of the Peace already authorized by law, there shall be appointed by the Governor, by and with the advice and consent of the Senate, and if the Senate shall not be in session by the Governor, from each county in the State of Maryland, an additional justice of the peace for each county to be known as the magistrate for juvenile causes for the particular county in which he is appointed, who shall be at least twenty-five years of age, a member of the bar of the Court of Appeals of Maryland, and shall receive such salary, payable by the County Commissioners of the county for which he is appointed, as such County Commissioners shall determine, provided, however, that no such appointment shall be made in any county until the County Commissioners shall have provided a salary for such Justice, and shall have notified the Governor that such provision has been made until the appointment of a Magistrate for Juvenile Causes for any county as herein provided, the Courts and Justices of the Peace of the several counties shall continue to exercise jurisdiction in juvenile causes as authorized by law prior to the passage of this Act. When such Justices are appointed, each shall have the following jurisdiction and powers: (1) He shall possess the same powers as a justice of the peace or magistrate for criminal causes and have criminal jurisdiction as the same is now or may hereafter be defined by law. (2) He shall have exclusive jurisdiction where jurisdiction is given by law to any justice of the peace or magistrate for criminal causes in all cases of trial, or commitment for trial, or commitment to any juvenile institution of any minor under the age of sixteen years. (3) He shall sit at such times as may be necessary for the proper discharge of his duties at such proper places as may be provided by the County Commissioners of the county in which he is appointed. (4) He shall have the power and authority to enforce obedience to his orders and judgments by attachment and to inflict summary punishment

for contempt of court by a fine not exceeding in any one case the sum of twenty dollars and make such rules and orders from time to time for the well-governing and regulating his court and the officers and suitors thereof and under such fines and forfeitures as he shall think fit, not exceeding twenty dollars for any one offense; all of which fines shall go to the State; provided, however, that the power aforesaid to punish for contempt shall not be construed to extend to any case arising in the court of any of said magistrates for juvenile causes except the cases specifically set forth and provided for in Section 4 of Article 26 of the Code of General Laws of Maryland, as within the power of the several courts of the State to inflict summary punishment for contempt of court.

(5) He shall have power at any stage of the proceedings in the case of a minor who is charged with the commission of any crime or whose care, commitment or custody is involved before said courts or magistrates to suspend sentence, final judgment or further proceedings for such period or time or for an indefinite period of time as may be deemed necessary, and place said minor on probation in the care of and under

the supervision and direction of one or more of the probation officers hereinafter provided for; and at the time of suspension of sentence or further proceedings, or subsequent thereto, the said court or magistrate may impose such terms and conditions as may be deemed proper and necessary. Any minor placed on probation is deemed a probationer. (6) He

shall have power to place any minor who may be on probation as herein provided for in the custody of such person or persons for such period of time as may be deemed for the best interest and welfare of said minor if it shall appear that the present custodian or parent is not a fit person to have the custody of such minor, or that it would be conducive to the best interests of such minor to have a change of custodian. (7) He may cause any person under the age of sixteen, coming under his jurisdiction to be examined by a physician, psychiatrist or psychologist selected by him. (8) He

shall maintain complete records of the cases brought before him. All such records having to do with minors under the age of sixteen shall be exempt from indiscriminate public inspection but shall be open to inspection by the parents or other authorized representative of the person concerned and in the discretion of the court by any other person having a legitimate interest therein.

82. Whenever any minor under sixteen years of age is arrested he or she shall be taken to such place other than a county jail as may be designated by the respective magistrates for juvenile causes for each county, until brought before the magistrate for hearing; and when such magistrates shall commit any minor for trial or for hearing he shall commit such minor to a suitable juvenile institution or other suitable place of detention instead of the county jail.

83. Any resident of each of the several counties or the agent of any society incorporated under the laws of the State for

the care and protection of children may file with the juvenile magistrate of said county, a petition in writing and under oath, setting forth that a certain child or children, naming the same, if the name or names be known, and also naming the parent or parents of said child or children if there be parent or parents known to the petitioner, or the name of the custodian of said child or children if there be such custodian known to the petitioner, and the place or places of residence of each child or children, their parents or other custodians where known to the petitioner, is or are delinquent, dependent or neglected and that it is for the interest of said child or children and the State of Maryland that it or they be taken from its or their parent or parents, guardian or custodian or place of residence and placed under the jurisdiction of the magistrate sitting in juvenile causes together with such other pertinent facts, if any, as the petitioner may think proper to state. The magistrate shall file and preserve such petitions and all papers relating to such petition and docket such case, wherein the petitioner shall be named the plaintiff and the child or children, its or their parent or parents, guardian or custodian when named shall be made defendant in such case. It shall be the duty of said magistrate to pass an order requiring the sheriff or some constable of said county, or one of the probation officers hereinafter named, to serve a summons upon all parties named in said proceedings as defendants, to be and appear before said magistrate, at the hour and upon the day therein named, and the magistrate may, in his discretion, adopt all necessary means to have the body of the child named in the proceedings brought before said magistrate at any designated time.

84. The magistrates for juvenile causes of the several counties shall each conduct their hearings in an informal manner and may adjourn the hearings from time to time. Each hearing shall be held in private with only interested parties and such other persons who may have a legitimate interest in the proceedings present, in the discretion of the presiding magistrate for juvenile causes.

85. Promptly after the effective date of this Act there shall be appointed by the Governor a committee, to be known as the "Juvenile Court Committee," in each of the several counties of the State of Maryland. Each committee shall be composed of five persons, and shall serve without pay. Two of the members first appointed under this Act shall serve until June 1, 1933, and three of said members shall serve until June 1, 1935. Upon the expiration of the terms of the respective members of the committee, their successors shall be appointed for terms of four years. All vacancies in such committees shall be filled by the Governor for the unexpired term. The duties of such committee shall be as follows: (1) They shall recommend to the Governor qualified persons to be appointed as magistrates for juvenile causes of their respective counties. (2) Each committee shall meet with the respective magistrate

in their county at least four times annually and all confer with and make recommendations to such magistrate as to the appointment of probation officers as may be hereafter provided for. (3) They shall confer with the magistrates for juvenile causes of their respective counties and render such service as the magistrates may require in their discretion.

86. The magistrates for juvenile causes for each of the several counties of the State shall appoint a probation officer or officers who shall receive such compensation as shall be provided by the County Commissioners of the several counties. The magistrates for juvenile causes of the several counties may also appoint, from time to time, additional probation officers, upon recommendation of the respective juvenile court committees, to serve without pay during the pleasure of the said magistrates. Such additional probation officers are subject to the same orders and directions, are under the same supervision and are vested with the same authority as are the regularly appointed paid probational officers herein provided for. All such probation officers receiving or not receiving compensation for their services shall have had at least one year's experience in the field of social work. Any person appointed as probation officer in any county may also be appointed probation officer for one or more additional counties.

87. Said probation officers shall be known as "Probation Officers for Delinquent and Dependent Children." They shall be at all times subject to the order and directions and shall be under the supervision of the appointing magistrate. In the execution of their office they shall be vested with all the privileges and authority of constables. In any proceedings before any magistrate for juvenile causes involving a hearing, trial, detention, the custody or commitment of any minor, one or more of the probation officers provided for aforesaid county shall make such investigation and make return thereof as may be required by said magistrate and shall execute such further orders or directions as such magistrate may from time to time require. The probation officers herein provided for shall have the power to bring any minor or minors who may be on probation as aforesaid before the juvenile court by a process of warrant duly sworn to, charging him or them with violation of the terms or conditions of their probation, or by subpoena directed to them for further proceedings, and when such action is taken the magistrate aforesaid may continue the proceeding and finally dispose of the same as fully as could have been done had there been no suspension of sentence or proceedings in the first place; provided, however, that in any case where full trial or hearing has not been held and the charge of crime has not been fully shown, sustained or determined before suspension of sentence or further proceedings the magistrate shall hold the case under consideration before sentence is passed or a final disposition of the case made. The magistrate aforesaid shall have

the authority to extend the term of probation for any time and such additional period as may be deemed proper and may attach hereto the same or additional terms and conditions as were originally attached or may at any time dismiss the probationer and the proceedings in which sentence or further proceedings were originally suspended.

88. Any person or persons who may in any manner whatsoever interfere with any probation officer for delinquent and dependent children in the proper discharge of his or her duties, or may interfere with any person or persons in whose custody any minor may be placed as aforesaid or who may interfere with or attempt in any manner to entice any minor from such custody shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than five, nor more than fifty dollars for each offense.

89. The County Commissioners of each of the several counties of Maryland shall have power to make all necessary levies and appropriations to pay the salaries and expenses of the respective magistrates for juvenile causes provided for in this Act, to pay the salaries and expenses of the respective probation officers provided for in this Act in their discretion and to pay all expenses necessary and reasonable in giving full force and effect to the purpose of this Act.

90. The provisions of Sections 81 to 89 of this Article shall not apply to Baltimore City, Allegany County, Washington County, or Baltimore County.

Sec. 4. And be it further enacted, That all laws or parts of laws in the State of Maryland, general or local, inconsistent with the provisions of this Act be and the same are hereby repealed to the extent of such inconsistency.

Sec. 5. And be it further enacted, That this Act shall take effect on June 1st, 1931.

Approved April 17th, 1931.

Laws of Maryland, 1941, Chap. 87.

An Act to repeal and re-enact with amendments, Secs. 83 and 84 of Art. 52 of the Annotated Code of Maryland (1939 Edition), title "Justices of the Peace," sub-title "Magistrates for Juvenile Causes", relating to the jurisdiction of such magistrates.

Sec. 1. Be it enacted by the General Assembly of Maryland, That Sections 83 and 84 of Article 52 of the Annotated Code of Maryland (1939 Edition), title "Justices of the Peace," sub-title "Magistrates for Juvenile Causes", be and they are

hereby repealed and re-enacted, with amendments to read as follows:

83. In addition to the Justices of the Peace already authorized by law, there shall be appointed by the Governor, by and with the advice and consent of the Senate, and if the Senate shall not be in session, by the Governor, from each county in the State of Maryland, an additional justice of the peace for each county, to be known as the magistrate for juvenile causes for the particular county in which he is appointed, who shall be at least twenty-five years of age, a member of the bar of the Court of Appeals of Maryland, and shall receive such salary, payable by the County Commissioners of the county for which he is appointed, as such County Commissioners shall determine, provided, however, that no such appointment shall be made in any county until the County Commissioners shall have provided a salary for such Justice, and shall have notified the Governor that such provision has been made until the appointment of a Magistrate for Juvenile Causes for any County as herein provided, the Courts and Justices of the Peace of the several Counties shall continue to exercise jurisdiction in juvenile causes as authorized by law prior to the passage of this sub-title. When such Justices are appointed, each shall have the following jurisdiction and powers: (1) He shall possess the same powers as a justice of the peace or magistrate for criminal causes and have criminal jurisdiction as the same is now or may hereafter be defined by law. (2) He shall have exclusive jurisdiction where jurisdiction is given by law to any Justice of the Peace or Magistrate for Criminal Causes in all cases of trial, or commitment for trial, or commitment to any juvenile institution of any minor under the age of eighteen (18) years, and he shall have concurrent jurisdiction in such cases with the Circuit Courts for the several counties where the minor is eighteen (18) years of age but under the age of twenty-one (21). (3) He shall sit at such times as may be necessary for the proper discharge of his duties, at such proper places as may be provided by the County Commissioners of the County in which he is appointed. (4) He shall have the power and authority to enforce obedience to his orders and judgments by attachment and to inflict summary punishment for contempt of court by a fine not exceeding in any one case the sum of twenty dollars (\$20) and make such rules and orders from time to time for the well-governing and regulating his court and the officers and suitors thereof and under such fines and forfeitures as he shall think fit, not exceeding twenty dollars (\$20) for any one offense; all of which fines shall go to the State; provided, however, that the power aforesaid to punish for contempt shall not be construed to extend to any case arising in the court of any of said magistrates for juvenile causes except the cases specifically set forth and provided for in section 4 of Article 26 of the Code of General Laws of Maryland, as within the power of the several courts of the State to inflict summary punishment.

for contempt of court. (5) He shall have the power at any stage of the proceedings in the case of a minor who is charged with the commission of any crime or whose care, commitment or custody is involved before said courts or magistrates to suspend sentence, final judgment or further proceedings for such period of time or for an indefinite period of time as may be deemed necessary, and place said minor on probation in the care of and under the supervision and direction of one or more of the probation officers hereinafter provided for; and at the time of suspension of sentence or further proceedings, or subsequent thereto, the said courts or magistrate may impose such terms and conditions as may be deemed proper and necessary. Any minor placed on probation is deemed a probationer.

(6) He shall have power to place any minor who may be on probation as herein provided for in the custody of such person or persons for such period of time as may be deemed for the best interest and welfare of said minor if it shall appear that the present custodian or parent is not a fit person to have the custody of such minor, or that it would be conducive to the best interests of such minor to have a change of custodian.

(7) He may cause any person under the age of eighteen (18) coming under his jurisdiction to be examined by a physician, psychiatrist or psychologist selected by him. (8) He shall maintain complete records of the cases brought before him.

All such records having to do with minors under the age of eighteen (18) shall be exempt from indiscriminate public inspection but shall be open to inspection by the parents or other authorized representatives of the person concerned and in the discretion of the court by any other person having a legitimate interest therein.

84. Whenever any minor under eighteen (18) years of age is arrested, he or she shall be taken to such place other than a county jail as may be designated by the respective magistrates for juvenile causes for each county, until brought before the magistrate for hearing; and when such magistrates shall commit any minor for trial or for hearing he shall commit such minor to a suitable juvenile institution or other suitable place of detention instead of the county jail.

Sec. 3. And be it further enacted, That this Act shall take effect June 1, 1941.

Approved May 5, 1941.

Laws of Maryland, 1945, Chapter 797.

An Act to add 21 new sections to Article 26 of the Annotated Code of Maryland (1939 Edition), title "Courts" said new sections to be known as Sections 48A to 48U, inclusive, to follow immediately after Section 48 of said Article, and to be under a new sub-title, "Juvenile Causes"; to repeal and re-enact, with amendments, Sections 50 and 58 of Article 26 of said Code (1943 Supplement), title "Courts", sub-title "Minors Without Proper Care of Guardianship", to repeal and re-enact, with amendments, Section 460 of Article 27 of said Code (1943 Supplement) title "Crimes and Punishments", sub-title "Minors-Convict"; to repeal and re-enact with amendments Section 19 of Article 42 of said Code (1943 Supplement), and to repeal Sections 20 and 21 of said Article, title "Habeas Corpus", sub-title, "Procedure in Relation to Minors", relating to the judicial status of juvenile causes, providing that the Circuit Court in each county shall have exclusive jurisdiction in such matters, defining the organization and procedure of said Court while sitting in equity for juvenile causes, amending the law as to the imprisonment of minors and as to habeas corpus procedure, and abolishing the offices of Magistrates for Juvenile Causes, to repeal Sections 83 to 92, inclusive, of Article 52 of said Code (1939 Edition and 1943 Supplement), title "Justices of the Peace", sub-title "Magistrates for Juvenile Causes; to repeal Chapter 171 of the Acts of 1914 (Appendix to Article 3 of the Code of Public Local Laws of Maryland, 1930 Edition, title "Baltimore County"), relating to the Juvenile Court for said county; to repeal Sections 178 to 192, inclusive, of Article 13 of the Code of Public Local Laws of Maryland (1930 Edition), title "Harford County", sub-title "Circuit Court", sub-heading "Juvenile Court"; to repeal Sections 292 to 296, inclusive, of Article 21 of the Code of Public Laws of Maryland (1930 Edition), title "Talbot County, sub-title "Justices of the Peace and Constables", sub-heading "Juvenile Court"; to repeal all other laws inconsistent with the provisions of this Act.

Section 1. Be it enacted by the General Assembly of Maryland, that 21 new sections be and they are hereby added to Article 26 of the Annotated Code of Maryland (1939 Edition) title "Courts", said new sections to be known as Sections 48A to 48U, inclusive, to follow immediately after Section 48 of said Article, to be under the new sub-title "Juvenile Causes", and to read as follows:

Juvenile Causes

48A. The Circuit Court for each county shall have jurisdiction in juvenile causes, as hereinafter defined. When so engaged, it shall be known as "The Circuit Court for \_\_\_\_\_ County, sitting as a Juvenile Court."

48B. When used in this sub-title, unless the context clearly requires otherwise: (a) "Court" means the Circuit Court of the County, sitting for juvenile causes. (b) "Judge" means a Judge of the Circuit Court exercising the jurisdiction in juvenile causes herein conferred. (c) "Child" means a person under the age of eighteen (18) years who is within the jurisdiction of the Court. (d) "Dependent child" means a child who has been deprived of support or care by reason of the death, continued absence from the home, physical or mental incapacity, or poverty of his parent or guardian. (e) "Delinquent child" means a child (1) who violates any law or ordinance, or who commits any act which, if committed by an adult, would be a crime not punishable by death or life imprisonment; (2) who is incorrigible or ungovernable or habitually disobedient or who is beyond the control of his parents, guardian, custodian or other lawful authority; (3) who is habitually a truant; (4) who without just cause and without the consent of his parents, guardian or other custodian, repeatedly deserts his home or place of abode; (5) who is engaged in any occupation which is in violation of law, or who associates with immoral or vicious persons; or (6) who so deports himself as to injure wilfully or endanger the morals of himself or others. (f) "Neglected child" means a child (1) who is without proper guardianship; (2) whose parent, guardian or person with whom the child lives, by reason of cruelty, mental incapacity, immorality or depravity, is unfit to care properly for such a child; (3) who is under unlawful or improper care, supervision, custody or restraint, by any person, corporation, agency, association, institution or other organization or who is unlawfully kept out of school; (4) whose parent, guardian or custodian neglects or refuses, when able to do so, to provide necessary medical, surgical, institutional or hospital care for such child; (5) who is in such condition of want or suffering, or is under such improper guardianship or control, or is engaged in such occupation as to injure or endanger the morals or health of himself or others. (g) "Feeble-minded child" means a child who has a level of intelligence sufficiently low that he is unable to compete with his fellows on equal terms or to manage his affairs with ordinary prudence.

48C. Except as otherwise provided herein the Judge shall have (a) original, exclusive jurisdiction concerning any child who is dependent, delinquent, neglected or feeble-minded; (b) original jurisdiction to determine paternity of such a child in disputed cases; (c) original, exclusive jurisdiction to try, subject to the right of trial by jury unless waived, as hereinafter provided, any parent, guardian or other adult for any wilful act or omission contributing to, encouraging or tending to cause any condition bringing a child within the jurisdiction of the court. Nothing herein contained shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus or to determine the custody of guardianship

of children when such custody or guardianship is incidental to the determination of cases pending in such other courts.

48D. Any child brought before the Judge in the exercise of the aforesaid jurisdiction shall be charged only as a dependent child, a delinquent child, a neglected child, a feeble-minded child, or as a child coming within two or more of these terms, and shall not be charged with the commission of any crime. The Judge shall then determine whether or not such child comes within any of the aforesaid terms and is, by reason thereof, in need of care or treatment within the provisions and intent of this sub-title. If any such child is charged with the commission of an act or acts which would amount to a misdemeanor or felony if committed by an adult, the Judge, after full investigation, may in his discretion waive jurisdiction and order such child held for action under the regular procedure that would follow if such act or acts had been committed by an adult.

If the Judge retains jurisdiction in such a case, the hearing on the charge shall be before the Judge without a Jury, unless the parent or guardian of such child shall elect to have the case tried before a jury.

48E. Any adult over whom the Judge may have jurisdiction under Section 48C, if found guilty of any act or omission as therein defined, shall be punishable by a fine not exceeding five hundred dollars (\$500) or imprisoned not exceeding two (2) years, or by both such fine and imprisonment. Upon such conviction, the Judge shall have power to impose sentence as aforesaid, or may suspend sentence and place such adult on probation and by order impose upon such adult during such period of probation such duty as shall be deemed to be for the best interests of the child or other persons concerned. In any such case, such adult shall be tried before the Judge without a jury unless such adult shall elect to have the case tried before a jury. The Judge may, however, in his discretion waive jurisdiction, so that such adult may be otherwise dealt with according to the law. If such adult demands trial according to the usual criminal procedure, the Judge shall waive jurisdiction and the case of such adult shall thereupon be dealt with according to such usual criminal procedure.

48F. The Judge may appoint a suitable person to act as probation officer, who shall receive such salary or compensation as may be fixed by the County Commissioners and such actual traveling expenses as may be approved by the County Commissioners of two or more counties of either one or more judicial circuits, may extend the work of any such probation officer to two or more counties of either one or more judicial circuits whenever by reason of the volume of work to be handled or from

another cause such arrangement is deemed best. Nothing in this sub-title shall be construed adversely to effect the status, either as to compensation or as to tenure of employment, of any probation officer employed by any Circuit Court immediately prior to June 1, 1945.

48G. The probation officer shall make such preliminary investigation of any child subject to the jurisdiction of the Court as may be directed by the Judge. Upon the conclusion of such investigation the probation officer in his discretion may, and at the direction of the Judge shall, transmit to the Judge all papers relating to the case, together with his findings and recommendations in writing. The Probation officer shall give such assistance as the Judge may require of him during the progress of the case, including investigations of the subsequent conduct of any child once subject to the jurisdiction of the Court. The Judge in his discretion may make use of the findings and recommendations of any other person or agency, either private or public, in the disposition of any such child.

48H. Whenever a child is brought before the Court the Judge shall, unless in his opinion it is impracticable or inadvisable, release the child pending trial to the custody of the parent, guardian or custodian of such child. If not so released, such child shall be taken immediately to a place of detention designated by the Judge. No such child shall be confined in any police station, prison, jail or lock-up, unless in a room or ward entirely separate from adults, or be transported or detained in association with criminal, vicious or dissolute persons. Nothing in this sub-title shall be construed as forbidding any peace officer from immediately taking into custody any child who is found violating any law or ordinance. In every case the officer taking the child into custody shall immediately report the fact to the Court and the case shall then be proceeded with as provided in this sub-title.

48I. Unless and until provision shall be made for a temporary detention home for children coming under the jurisdiction of the Court, the Judge may arrange for the care and custody of such children temporarily by the County Welfare Board, or other institution, agency or person.

48J. All cases under this sub-title concerning children shall be heard separately from cases concerning adults. Hearings shall be conducted in an informal manner and may be adjourned from time to time. Stenographic notes or other transcript of the hearings shall not be required unless the Judge so orders.

48K. In any case concerning a child, if the Judge determines that the child is not within the jurisdiction of the Court or that the child is not in need of care or treatment within the provisions or intent of this sub-title, the Judge shall dismiss

the case. In all cases in which the Judge determines that the child is within the jurisdiction of the Court and is in need of care or treatment within the provisions or intent of this sub-title the Judge shall have the right to place the child for such period of time as the Judge in his own discretion shall determine, but not beyond the minority of the child: (1) on probation, or (2) In the custody of a public or private institution or agency or in the custody of a person selected by said Judge; provided, however, that after such placement as aforesaid the Judge shall have the right to transfer the child to another public or private institution or agency or to another person, or to reduce the term of any such placement or to return the child to its parent or guardian, if said Judge deems such to be for the best interest of the child. The agency, institution or person having custody shall submit semi-annually to the Judge a report on each child so committed by the Judge. Said report shall set forth particulars as to the type and length of care and treatment already given, and contemplated, with respect to such child, with reasons therefor.

No adjudication by the Judge upon the status of any child shall operate to impose any civil disabilities, nor shall any child be deemed a criminal by reason of such adjudication. The proceedings with reference to a child or any evidence given before the Judge shall not be admissible as evidence against the child in any case or proceedings in any other court.

48L. Whenever the Judge, under Section 48K, places a child in the custody of someone other than the child's parents or in the custody of an agency or institution, the Judge may after giving the parent a reasonable opportunity to be heard, order that such parent shall pay in such manner as the Court may direct, such sum as will cover in whole or in part the support of such child and if such parent shall wilfully fail or refuse to pay such sum, the Judge may proceed against him as for contempt.

48M. The Judge may cause any person within the jurisdiction of the Court, under Section 48C, of this sub-title, to be examined by a physician, psychiatrist or psychologist as designated by him.

48N. The Court is hereby authorized to make such rules, consistent with the provisions of this sub-title, with respect to summons, process or notice, pleading and practice before the Court, as it may from time to time determine to be necessary.

48O. Any interested person aggrieved by any order or decree of the Judge, may, within thirty days after the entry of such order or decree, appeal therefrom to the Court of Appeals. Such appeal, the character and extent of the hearing and all procedure in connection therewith shall be in such form and manner as the Court of Appeals shall, by rule, determine.

48P. This sub-title shall be liberally construed to the end that each child coming within the jurisdiction of the Judge shall receive such care, guidance and control, preferably in his own home, as will be conducive to the child's welfare and the best interests of the State.

48Q. The Clerk of the Circuit Court in each county shall act also as Clerk of said Court for all cases arising under this sub-title, in all appropriate respects as said Clerk serves the Circuit Court in its other capacities, including the keeping of a separate docket book.

48R. Whenever the Judge shall determine that a parent or custodian of any child coming before the Court under the provisions of this sub-title is able to pay the costs of the proceedings against such child, and that it is proper that he should pay such costs, he or they may be required to do so. Except as otherwise provided, all costs incurred by the prosecution of cases under this sub-title shall be paid by the County Commissioners.

48S. The County Commissioners of each county shall make all levies and appropriations necessary to provide for the payment of the salaries, fees, expenses and costs properly incurred under this sub-title. The salary and expenses of any probation officer whose work shall extend to two or more counties shall be paid by such counties in equal shares, unless otherwise provided by agreement by the County Commissioners of the respective counties. Whenever a child is placed by the Court in the custody of any person, agency or institution and no provision is otherwise made for the support of such child, compensation for the care of such child, when approved by order of the Court, shall be a charge upon and paid by the County to the extent funds for this purpose are not provided by the State, and the County Commissioners are directed to levy to the extent necessary to provide funds for the purposes hereinabove specified.

48T. All cases pending before any magistrate or any magistrate for juvenile causes, in any county, on June 1, 1945, shall be transferred to the Circuit Court of that county, sitting in equity for juvenile causes. All such cases shall be disposed of by the Judge according to the provisions of this sub-title.

48U. The provisions of this sub-title shall not apply to the City of Baltimore or Washington, Allegany or Montgomery Counties.

Sec. 2. And be it further enacted, That Sections 50 and 58 of Article 26 of the Annotated Code of Maryland (1943 Supplement), title "Courts", sub-title "Minors Without Proper Care or Guardianship", be and they are hereby repealed and re-enacted with amendments, to read as follows:

50. Any reputable person being a resident of the State of Maryland, having knowledge of a child in any county of said State who appears to be a minor without proper care or guardianship, if in the City of Baltimore said child appears to be a minor sixteen years of age or older or if in any county said child appears to be a minor eighteen years of age or older, said child not being an inmate of a State institution, or of any institution incorporated under the laws of the State of Maryland for the care and correction of children, or of any reform school or industrial school for juvenile offenders and having knowledge of the person or persons responsible for or contributing to the condition of said child, may file with the Clerk of the Circuit Court for the county, or of the Criminal Court of Baltimore City, a petition in writing, setting forth the facts verified by affidavit; or the Judge of the Circuit Court for the county in which the child resides or of the Criminal Court of Baltimore City, on his personal knowledge, or on information given him may direct such petition to be filed by a duly appointed probation officer, or by the State's Attorney for the county. The petition shall set forth the name and residence of the child, and of its parents or guardians, or other persons having the custody, control or supervision of such child, and of the person or persons responsible for or contributing to the condition of such child; and that the child is a minor without proper care or guardianship, and it shall be sufficient that the affidavit to the facts set forth in the petition is on information and belief.

Upon the filing of the petition a summons shall issue requiring all persons named in the petition to appear at a place and time stated in the summons which time shall not be less than twenty-four hours after service. Such summons may be served by the sheriff or constable, or police officer, or a probation officer. If the person summoned shall fail to appear, the Court may issue an attachment for such person's personal attendance in court at the time to be stated therein, and upon the execution of the attachment such person may give bond for his appearance at the time stated therein in such sum as the court may direct. If it shall be made to appear by affidavit, that there are good reasons to believe, that any person proceeded against under this sub-title will leave the jurisdiction of the court before the day set for trial of the proceedings herein, the court may cause a warrant to issue directed to the sheriff or an officer authorized by law to serve a warrant commanding such officer to take the person named therein, and bring him forthwith before the court, or the judge thereof, and the court or judge thereof, may thereupon require such person to give bond for his appearance at the time named for trial, or may make such interlocutory orders as are proper in the premises.

58. The Circuit Court of any county, sitting in equity for juvenile causes, shall have jurisdiction in all cases of preliminary hearing of persons charged with offenses under the preceding sections of this sub-title, and upon waiver of a jury trial by the accused may proceed to hear, try and determine the case. Upon conviction or submission for sentence, the Judge may pass sentence or make an order or orders to take a bond as provided in the preceding sections. If the Judge is satisfied, by information and due proof under oath, at any time during the year that the defendant has violated the terms of the order, he may issue his warrant for the apprehension of the defendant and forthwith proceed to sentence. In the event of violation of the recognizance, it may be forfeited and transmitted with a memorandum of the forfeiture to the Court of Criminal Jurisdiction to be filed among its records and be enforced as recognizances therein taken and forfeited, the court being also empowered to apply the proceeds upon collection as provided in preceding sections. Upon the imposition of a fine by the Judge he may also dispose thereof for the benefit of wife or child or children as in the preceding sections provided. After vacation of office by death, removal, expiration of term, or otherwise, of the Judge who has passed an order upon conviction or submission, if there be a violation thereof, the succeeding Judge in any county, may issue process and proceed in all respects in regard to the defendant as the Judge who heard the case might do.

Sec. 3. And be it further enacted, That Section 460 of Article 27 of the Annotated Code of Maryland (1943 Supplement), title "Crimes and Punishments", sub-title "Minors - Convict", be and it is hereby repealed and re-enacted, with amendments, to read as follows:

460. Minors sixteen years of age and under eighteen years of age in Baltimore City, upon conviction of any offense punishable by imprisonment may, in the discretion of the court of justice of the peace, instead of imprisonment in the place provided for in the case of offenders generally, be committed to any public or private institution or agency, as now or hereafter provided by law.

Sec. 4. And be it further enacted, That Section 19 of Article 42 of the Annotated Code of Maryland (1943 Supplement), title "Habeas Corpus", sub-title "Procedure in Relation to Minors", be and it is hereby repealed and re-enacted, with amendments, to read as follows:

19. A minor (male or female) sixteen years of age and under eighteen years of age in Baltimore City, may be committed to a juvenile institution for care and guardianship, if such minor be a minor without proper care and guardianship. Such minor is deemed to be a "minor without proper care and guardianship" if it is (1) without a proper or permanent place of abode or

is without proper care and guardianship; (2) or is neglected or ill-treated by its parent, guardian or custodian; (3) or such parent, guardian or custodian is unable or unwilling to care for or control such minor; (4) or such parent, guardian or custodian is morally depraved, dissipated, addicted to the use of intoxicating drinks or drugs, or is leading an immoral or disorderly life, and it appears that because of such conditions on the part of the parent, guardian or custodian such minor is not receiving necessary or reasonable good care and training; (5) or a minor under or apparently under the age of sixteen years who may be found habitually walking aimlessly along or being on any street or public highway at an unreasonable hour of the night or early morning, or who is found loitering around any theater or other place of amusement at an unreasonable hour without good reason for doing so, or who may be seen around or found in, around or about questionable resorts or places of amusements, questionable hotels or furnished room houses or houses of ill fame and repute; (6) or if in the discretion of the officer or judge having jurisdiction in such cases it appears by reference to any criminal record or records of any arrests of such minor that such minor is developing such vicious and evil tendencies that there is apparent danger of such minor leading a life of crime and disorder and becoming morally depraved and degenerated, and that because of such conditions it appears to be for the welfare of such minor as well as for the peace and good order of society that it be committed; (7) or if it appears that such minor is of such character and surrounded by such conditions that he or she is likely to become or is in danger of becoming vicious, depraved or immoral. A court of record, a judge thereof or a justice of the peace having criminal jurisdiction may commit such minors falling within this description to a juvenile institution incorporated under the laws of this State, to be kept until twenty-one years of age, unless sooner discharged by such institution or by due process of law, and such judge or justice, at the trial of any such minor, shall take into consideration all the conditions and circumstances surroundings or records relating to such minors as well as the best interests and welfare of such minors and that of the State and the community at large. The court or justice may require such minor to be brought before him upon a warrant or order, or commit without such warrant or order, if such minor can be brought or is present without it or the circumstances are such that a warrant should be dispensed with; but in all cases where a minor is charged with being a minor without proper care and guardianship under this section, the parent or custodian should be duly notified to appear before the person trying such minor at the time and at the place of the trial, if such parent, guardian or custodian can be located, and all courts or justices of the peace acting under the provisions of this section are vested with all the incidental powers necessary to the effectual execution of the powers herein enumerated.

Sec. 4A. And be it further enacted, That the provisions of this Act shall not apply to Allegany, Garrett, Prince George's, Montgomery and Washington Counties.

Sec. 5. And be it further enacted, That Sections 20 and 21 of Article 42 of the Annotated Code of Maryland (1939 Edition), title "Habeas Corpus", sub-title "Procedure in Relation to Minors", be and they are hereby repealed.

Sec. 6. And be it further enacted, That Sections 83 to 92, inclusive, of Article 52 of the Annotated Code of Maryland (1939 Edition and 1943 Supplement), title "Justices of the Peace", sub-title "Magistrates for Juvenile Causes", be and they are hereby repealed.

Sec. 7. And be it further enacted, That Chapter 171 of the Acts of 1914 (Appendix of Article 3 of the Code of Public Local Laws of Maryland, 1930 Edition, title "Baltimore County"), be and it is hereby repealed.

Sec. 8. And be it further enacted, That Sections 178 to 192, inclusive, of Article 13 of the Code of Public Local Laws of Maryland (1930 Edition), title "Harford County", sub-title "Circuit Court", sub-heading "Juvenile Court", be and they are hereby repealed.

Sec. 9. And be it further enacted, That Sections 292 to 296, inclusive, of Article 21 of the Code of Public Local Laws of Maryland (1939 Edition), titled "Talbot County", sub-title "Justices of the Peace and Constables", sub-heading "Juvenile Court", be and they are hereby repealed.

Sec. 10. And be it further enacted, That if any provision of this Act, or the applicability thereof to any person or circumstances, is held invalid, the remainder of this Act and the applicability thereof to other persons or circumstances shall not be effected thereby.

Sec. 11. And be it further enacted, That all laws and parts of laws inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

Sec. 12. And be it further enacted, That this Act shall take effect on June 1, 1945.

## APPENDIX III

### MARYLAND COUNTY LAWS

#### Allegheny County, 1912, Chapter 471.

An Act to amend Article I of the Public Local Laws of the State of Maryland, title, "Allegheny County", subtitle "Justices of the Peace," be and the same are hereby amended by adding thereto the following sections:

Sec. 184a. In addition to the justices of the peace hereinbefore mentioned there shall be appointed by the Governor, by and with the consent of the Senate, and if the Senate shall not be in session, by the Governor, for Allegheny County at large, an additional justice of the peace, to be known as the Magistrate for juvenile cases, who shall be a member of the bar of the Circuit Court for Allegheny County, and shall receive a salary of twelve hundred dollars (\$1,200) per annum payable monthly, one-half by the County Commissioners for said County, and the other half by the mayor and City Council of Cumberland, and the jurisdiction and powers of such justice shall be as follows: (1) He shall possess the general powers of justice of the peace and of justice of the peace selected to sit at the station-house in the City of Cumberland, as the same are now or may hereafter be defined; (2) he shall have full power and jurisdiction over and with respect to delinquent, neglected and dependent minors under the age of sixteen years, and of any person causing, encouraging or contributing toward delinquency, neglect or dependency of any such minor; (3) he shall have exclusive jurisdiction in all cases of trial or commitment for trial, or commitment to any juvenile institution of any minor under the age of sixteen years, where jurisdiction is given by law of any justice of the peace, and such magistrate shall sit at times as may be necessary for the proper discharge of his duties; (4) such magistrate is empowered to appoint a suitable person to act as his Clerk, who may be a woman and shall receive one-half from the County Commissioners of said County and the other half from the Mayor and City Council of Cumberland, a salary of six hundred dollars (\$600) per annum, payable monthly, and who shall attend at such times and such places and perform such duties as may be directed by said magistrate and who shall be removable by said magistrate at his discretion. Whenever any minor is arrested he may be taken to such place, other than a station-house or jail, as may be designated by said magistrate, but in the absence of such designation, such minor may be held at a station-house until brought before said magistrate, and when said magistrate shall commit any minor for trial or for hearing, he may commit such minor

to a suitable institution instead of the jail. The Board of County Commissioners for said county shall designate one or more constables, and the Mayor and City Council of Cumberland shall designate one or more members of the police force to attend such magistrate and execute his process, orders and directions.

Sec. 184b. Any minor shall be considered dependent or delinquent who violates State, County or Municipal law or whose associations, habits and surroundings are such as to expose the minor to physical injury or to immorality or vice or who is destitute, abandoned or homeless, or whose home, by reason of cruelty or vice on the part of the parents, guardian or other custodian of such minor, is an unfit place for such minor, or whose environment is such as to warrant the State in the interest of the child and society in assuming or directing the guardianship of such minor. When the minor under the age of sixteen comes under the cognizance of said magistrate such minor shall continue for necessary purposes of discipline and protection a ward of the Court until said minor attains the age of twenty-one years.

Sec. 184c. Any person causing, encouraging or contributing towards the delinquency or dependency of any minor as herein defined, and any person charged by law with the care, support or maintenance of any such minor and who wilfully fails, neglects or refuses to care for, support or maintain said minor and who abandons such minor shall be deemed guilty of a misdemeanor, and on conviction or pleading guilty thereof, may be fined not less than ten dollars (\$10) nor more than five hundred dollars or imprisoned in the House of Correction not exceeding two years or both fined and imprisoned, and each day of such failure, neglect or refusal shall constitute a separate offense, and the accused may demand a jury trial and be committed or bailed pending the same. Any person pleading guilty, or tried, convicted and sentenced under this act for the abandonment of, or for the neglect of, or failure to maintain or support a minor, may be sentenced as hereinbefore stated, or may in lieu therefore, be paroled on such terms as said magistrate (or as Circuit Court for said County, if the case be before said Court), may deem proper, the performance of said terms to be secured by the detention of the offender or by recognizance entered into by or on his or her behalf, as said magistrate of said Court may adjudge.

Sec. 2. And be it enacted, That all acts and parts of acts inconsistent with this act be and they are hereby repealed.

Sec. 3. And be it enacted, That this act shall take effect on and after the first day of May, A.D., 1912.

Approved, April 8th, 1912

Allegheny County, 1914, Chapter 701.

An Act to amend Article One of the Public Local Laws of the State of Maryland, title, "Allegheny County", sub-title "Justices of the Peace," repealing Sections 184A, 184B and 184C as enacted by Chapter 471 of the Acts of the Assembly of 1912, and to re-enact the same with amendments to be known and designated as Sections 184A, 184B, 184C, 184D, 184E and 184F."

Sec. 1. Be it enacted by the General Assembly of Maryland, that Sections 184A, 184B and 184C of Article I of the Public Local Laws of the State of Maryland, title, "Allegheny County," sub-title "Justices of the Peace," be enacted by Chapter 471 of the Acts of the General Assembly of Maryland of 1912 and be and the same are hereby repealed and re-enacted with amendments to be known and designated as Sections 184A, 184B, 184C, 184D, 184E, and 184F to read as follows:

Sec. 184A. In addition to the Justices of the Peace hereinbefore mentioned there shall be appointed by the Governor, by and with the consent of the Senate, and if the Senate shall not be in session, by the Governor, for Allegheny County at large, an additional Justice of the Peace to be known as the Magistrate for Juvenile Cases, who shall receive a salary of twelve hundred (\$1,200) dollars per annum, payable monthly, two-thirds by the County Commissioners, and the other third by the Mayor and City Council of Cumberland and the jurisdiction and powers of such Justice shall be as follows: (1) He shall possess the general powers of a Justice of Peace and of the Justice of Peace selected to sit at the station-house in the City of Cumberland as the same are now or may hereafter be defined: (2) He shall have full power and jurisdiction over and respect to delinquent, neglected and dependent minors under the age of sixteen years, and of any person causing, encouraging, or contributing towards delinquency, neglect or dependency of such minor: (3) he shall have exclusive jurisdiction in all cases of trial or commitment for trial or commitment to any juvenile institution of any minor under the age of sixteen years, where jurisdiction is given by law to any Justice of the Peace and such Magistrate shall sit at such times as may be necessary for the proper discharge of his duties: (4) such Magistrate is empowered to appoint a suitable person to act as his clerk, who may be a woman, and who shall receive two-thirds from the County Commissioners of said County and the other one-third from the Mayor and City Council of Cumberland, a salary of \$600 per annum, payable monthly, and who shall attend at such times and places and perform such duties as may be directed by said Magistrate, and who shall be removable by said Magistrate at his discretion.

Sec. 184B. Whenever any minor is arrested he may be taken to such place, other than a station house or jail, or may be

designated by said Magistrate, but in the absence of such designation such minor may be held at a station-house until brought before said Magistrate, and when said Magistrate shall commit any minor for trial or for hearing he may commit such minor to a suitable institution instead of jail. The Board of County Commissioners for said County may in its discretion rent, lease or build a suitable building as a house of detention for minors under the age of sixteen years who may be held to await trial or hearing, and to which such minor may be committed by said Juvenile Magistrate as to other reformatories or schools. Said building to contain separate wards for male and female inmates, and to be under the supervision and control of a matron who shall reside in said House of Detention, and who shall be appointed by said Juvenile Magistrate, the cost of the maintenance of the same to be paid by the County Commissioners, all food, clothing and supplies to be subject to the approval of the said Juvenile Magistrate and the Clerk of the County Commissioners. The Juvenile Magistrate shall have the right to release on probation all minors during good behavior, when suitable homes can be provided for them, and during probation said minors shall be under control of said Juvenile Magistrate.

184C. All process, orders and directions issued by said Magistrate shall be directed to the Sheriff of Allegany County, and the Sheriff is thereby authorized to appoint one deputy in addition to the number now authorized, at a salary of one thousand (\$1,000) dollars per year, whose duty it shall be to attend such Magistrate and execute his process, orders and directions. The said deputy sheriff, when not engaged by the said Magistrate, to perform such other duties as may be required by him of the sheriff. The Mayor and City Council of Cumberland shall designate one or more members of the police force to attend such Magistrate and execute his process, orders and directions within the corporate limits of the City of Cumberland.

Sec. 184D. Same as Sec. 184B, Chap. 471.

Sec. 184E. Same as Sec. 184E, Chap. 471

Sec. 184F. In the case of the absence, illness, disability or disqualification of the Juvenile Magistrate, it shall be the duty of the City Magistrate of Cumberland, Maryland, to perform the duties required by this Act of the said Magistrate for Juvenile Cases pending such absence, illness or disqualification.

Sec. 2 and 3, Same as Chapter 471.

Approved April 10th, 1914.

Allegany County, 1945, Chapter 976.

An Act to repeal and re-enact, with amendments Sections 370, 371, 373, 374 and 375 of Article 1 of the Code of Public Local Laws (1930 Edition), title "Allegany County," subtitle "Juvenile Court," and to add 7 new sections to said Article, to be known as Sections 370A, 370B, 373A, 374A, 374AA, 374AAA, and 374B, and to follow immediately after Sections 370, 373 and 374, respectively, revising generally the entire sub-title.

Sec. 1. Be it enacted by the General Assembly of Maryland, That Sections 370, 371, 373, 374, and 375 of Article 1 of the Code of Public Local Laws of Maryland (1930 Edition), title "Allegany County," sub-title "Juvenile Court," be and they are hereby repealed and re-enacted, with amendments, and that seven new sections be and they are hereby added to the said Article, said new section to be known as Sections 370A, 370B, 373A, 374A, 374AA, 374AAA and 374B, to follow immediately after Sections 370, 373, and 374, respectively, and all to read as follows:

370. In addition to the Justices of the Peace hereinbefore mentioned, there shall be appointed by the Governor, by and with the consent of the Senate, and if the Senate shall not be in session, by the Governor, for Allegany County at large an additional Justice of the Peace to be known as the Magistrate for Juvenile Causes, who shall receive a salary of two thousand and sixty dollars per year, (\$2,060.00), payable monthly, two-thirds by the County Commissioners for Allegany County and the other one-third by the Mayor and City Council of Cumberland, Maryland, and the jurisdiction and powers of such Justice shall be as follows: (1) He shall possess the general powers of a Justice of the Peace and also of the Justice of the Peace who is selected to sit at the Police Court in the City of Cumberland as the same are now or may hereafter be defined: (2) He shall have full power and jurisdiction over and with respect to delinquent, neglected, dependent and feeble-minded children under the age of eighteen years, and of any person causing, encouraging or contributing towards delinquency, neglect or dependency of any such child; he shall have exclusive jurisdiction in all cases of trial or commitment for trials or commitment to any juvenile institutions of any minor under eighteen years of age, where jurisdiction is given to any Justice of the Peace: (3) He shall sit each weekday for the discharge of his duties from nine o'clock A.M., to 3:30 P.M., with the exception of Saturday when he shall sit from nine o'clock A.M. to 12 o'clock noon; and such proper places as may be provided by the Board of County Commissioners for Allegany County; (4) He shall have power at any stage of the proceedings in the case of a child who is charged with the commission of any crime or whose care, commitment or custody is involved before said Magistrate for Juvenile Causes, to suspend sentence, to suspend final judgment proceedings for such period of time or for an indefinite period

of time as may be deemed necessary, and place such child on probation in the care of and under the supervision and direction of the Probation Officer hereinafter provided for, and at the time of suspension of certain or further proceedings or subsequent thereto, the said Magistrate for Juvenile Causes may impose such terms and conditions as may be deemed proper and necessary. Any child on probation is deemed a probationer: (5) He shall have power to place any child who may be on probation as herein provided for in the custody of such person or persons for such period of time as may be deemed for the best interest and welfare of said child, if it shall appear that the present custodian or parent is not a fit person to have the custody of such child or that it would be conducive to the best interest of such child to have a change of custodian. The State's Attorney for Allegany County, the parent or legally appointed guardian or, if there be no such parent or guardian, the nearest relative within the third degree, of such child (a) may appeal to the Circuit Court for Allegany County from any order of said Magistrate designating the custodian, and the Circuit Court shall hear the case de novo and may affirm the order or remand the case to the Magistrate for placement of the child in the custody of the person other than the person named in the order appealed from, and (b) at any time during the period of custody, may petition the magistrate for change of custodian of the child, and may appeal from the order on such petition to the Circuit Court as provided above: (6) He may cause the child or adult coming under his jurisdiction, to be examined by a physician, psychiatrist or psychologist selected by him, and may compel such a child or adult to receive and take such treatment as may be recommended therein; (7) Such Magistrate for Juvenile Causes is empowered to appoint a suitable person to act as his clerk, who may be a woman, and who shall receive an annual salary of fifteen hundred dollars, payable monthly, two-thirds by the County Commissioners of Allegany County, and one-third by the Mayor and City Council of Cumberland, Maryland, and such clerk shall attend at such times and places and perform such duties as may be directed by said Magistrate, and who shall be removable by said Magistrate for Juvenile Causes at his discretion, and in assessing the costs in such cases as may come before him, said Magistrate shall allow the same rate per diem for attendance of witnesses and mileage outside the City of Cumberland as is allowed in the Circuit Court of Allegany County, which shall be paid by the Board of County Commissioners for Allegany County in the same way as is paid to witnesses before the Circuit Court; provided, however, that no witnesses shall be paid either per diem or mileage who shall not have been regularly summoned by said Magistrate: (8) He shall maintain, through his clerk, complete records of the cases brought before him and all such records having to do with children under the age of eighteen shall be exempt from indiscriminate public inspection but shall be open to inspection by the parent or other authorized representative of the person concerned and in the discretion of the Court by

any other person having a legitimate interest therein. Stenographic notes or other transcript of the hearings shall not be required unless the Magistrate for Juvenile Causes so requires. The general public shall be excluded and only such persons admitted as have a direct interest in the case:

(9) No adjudication by the Magistrate for Juvenile Causes upon the status of any child shall operate to impose any civil disabilities, nor shall any child be deemed a criminal by reason of such adjudication. The proceedings with reference to a child or any evidence given before the Magistrate for Juvenile Causes shall not be admissible as evidence against the child in any case or proceedings in any other court, unless it be upon an appeal from the Magistrate for Juvenile Causes: (10) He shall have original jurisdiction concerning any child who is dependent, delinquent, neglected or feeble-minded: (11) He shall have original jurisdiction to try, subject to the right of trial by jury unless waived, any parent, guardian, adult or other person causing, encouraging or contributing towards the dependency, delinquency or neglect of any as hereinafter defined.

370A. When used in this sub-title: (1) "Child" means a person under the age of eighteen who is subject to the jurisdiction of the court: (2) "Dependent child" means a child who has been deprived of support or care by reason of the death, continued absence from the home, physical or mental incapacity, or poverty of his parent or guardian: (3) "Delinquent child" means a child (a) who violates any law or ordinance, or who commits any act which, if committed by an adult would be a crime not punishable by death or life imprisonment; (b) who is incorrigible or ungovernable or habitually disobedient, or who is beyond the control of his parents, guardian, custodian or other lawful authority; (c) who is habitually a truant; (d) who without just cause, and without the consent of his parents, guardian or other custodian, repeatedly deserts his home or place of abode; (e) who is engaged in any occupation which is in violation of law, or who associates with immoral or vicious persons, or (f) who so deports himself as to injure wilfully or endanger the morals of himself or others: (4) "Neglected child" means a child (a) who is without proper guardianship; (b) whose parent, guardian or person with whom the child lives, by reason of cruelty, mental incapacity, immorality or depravity is unfit to care for properly, such a child; (c) who is under unlawful or improper care, supervision, custody or restraint by a person, corporation, agency, association, institution or other organization or who is unlawfully kept out of school; (d) whose parent, guardian, or custodian neglects or refuses, when able to do so, to provide necessary medical, surgical, institutional or hospital care for such child; or (e) who is in such condition of want or suffering or is engaged in such occupation as to injure or endanger the morals or health of himself or others: (5) "Feeble-minded Child" means a child

who by reason of conditions existing from the time of his birth has a level of intelligence sufficiently low that he is unable to compete with his fellows on equal terms or to manage his affairs with ordinary prudence.

370B. Any child brought before the Magistrate of Juvenile Causes shall be charged only as a dependent child, or delinquent child, or neglected child, or a feeble-minded child, or as a child coming within two or more of these terms, and shall not be charged with the commission of any crime. If any such child is charged with the commission of an act, or acts which would amount to a misdemeanor or felony if committed by an adult, the Magistrate for Juvenile Causes after full investigation, may in his discretion waive jurisdiction and order such child held for action under the regular procedure that would follow if such act or acts had been committed by an adult. If the offense with which said child is charged results from a violation of any provision of the Motor Vehicle Laws, the Magistrate for Juvenile Causes shall not proceed with a hearing or trial but shall transfer said case to a Trial Magistrate having jurisdiction in the premises, provided, however, that if the offense arises from the unauthorized occupancy or unauthorized use of a motor vehicle while under the influence of intoxicating liquors or drugs said Magistrate for Juvenile Causes may hear and determine said case or, in his discretion, may waive jurisdiction in favor of a Trial Magistrate.

371. Whenever any child under eighteen years of age is arrested he shall be taken to such place of detention as may be designated by said Magistrate for Juvenile Causes until brought before the Magistrate for trial or hearing. The Board of County Commissioners for said County may in its discretion rent, lease, or build a suitable building as a house of detention for children under the age of eighteen years who may be held to await trial or hearing, and to which such children may be committed by said Magistrate for Juvenile Causes or to other reformatories, institutions or schools. Such building shall contain separate wards for male and female inmates.

373. When a child under the age of eighteen years comes under the cognizance or jurisdiction of said Magistrate for Juvenile Causes as herein defined, such child shall continue for necessary purposes of discipline and protection as a ward of the Magistrate for Juvenile Causes or his successor until such child attains the age of twenty-one years. Whenever a child is brought before the Magistrate for Juvenile Causes he shall, unless in his opinion it is impractical or inadvisable, release the child pending trial to the custody of the parent, guardian or custodian of such child, upon the written promise of such parent, guardian or custodian to bring the child before the Magistrate for Juvenile Causes at a time to be fixed

by him. If not so released such child shall be taken immediately to the place of detention designated by the Magistrate for Juvenile Causes as hereinbefore provided.

373A. Whenever the Magistrate for Juvenile Causes places a child in the custody of someone other than the child's parents or other custodian or any agency or institution, the Magistrate for Juvenile Causes may upon application, after giving the parents a reasonable opportunity to be heard, order that such parents shall pay in such manner as he may direct, such sum as will cover in whole or in part the support of such child, and if such parent shall wilfully fail or refuse to pay such sum, such parent shall be deemed guilty of a misdemeanor, and on conviction, or pleading guilty thereof may be fined not more than Fifty dollars (\$50.00) or imprisoned in the Allegany County jail not exceeding thirty (30) days, or both fined and imprisoned. Whenever the Magistrate for Juvenile Causes shall determine that a parent or custodian of any child coming before him under the provisions of this subtitle is able to pay the costs of the proceedings against such child, and that it is proper that he should pay such costs, he or they may be required to do so.

374. Any person causing, encouraging or contributing towards the delinquency, dependency or neglect of any child as herein defined, and any person charged by law with the care, support or maintenance of any such child and who wilfully fails, neglects or refuses to care for, support or maintain such child shall be deemed guilty of a misdemeanor and on conviction or pleading guilty thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisoned not exceeding two years, or both fined and imprisoned upon any such conviction the Magistrate for Juvenile Causes shall have the power to impose sentence as aforesaid or may suspend sentence and place such adult during such period of probation such duty as shall be deemed to be for the best interest of the child or other person convicted; and each day of such failure, neglect or refusal shall constitute a separate offense. Any person pleading guilty, or tried, convicted and sentenced under this subtitle for the abandonment of, or for the neglect of, or failure to maintain or support a child as herein defined shall be sentenced as hereinbefore stated, or may, in lieu thereof, be paroled on such terms to be secured by the detention of the offender or by recognizance entered into by or on his or her behalf, as said Magistrate for Juvenile Causes may adjudge.

374A. Any person charged by law with the care, support or maintenance of any such child and who wilfully fails or neglects, or refuses to care for, support or maintain said child, or who abandons such child, while such child is a resident of Allegany County, Maryland, or is temporarily residing therein with the knowledge of such person charged by law with its care, support or maintenance, shall be deemed guilty of a misdemeanor

as provided for in the preceding section and each day of such failure, neglect or refusal shall constitute a separate offense, even though the person charged by law with the care, support or maintenance of such child has left Allegany County and has not been physically present therein.

374AA. Any person charged with the violation of any of the three preceding Sections shall have a right to trial by jury and if a jury trial is not freely waived, the Magistrate for Juvenile Causes shall release the accused upon his giving bond with sufficient surety, conditioned upon his personal appearance before the Circuit Court to answer such charge. If such bond is not given, said Magistrate may commit such party to jail.

374AAA. Any person aggrieved by any order passed under the provisions of this sub-title, may within ten (10) days thereafter, appeal to the Circuit Court for Allegany County where the case shall be tried de novo, and the appellant shall have the right to a jury trial.

374B. The Judges of the Fourth Judicial Circuit of Maryland shall appoint a suitable person to act as Probation Officer for the Circuit Court for Allegany County, Maryland, and for the Magistrate of Juvenile Causes, who shall receive such salary or compensation as may be fixed by such judges, and such additional traveling expenses as may be approved by the judges. The Probation Officer shall at all times submit to the orders and directions, and shall be under the supervision of the appointing judges. In the execution of his office he shall be vested with all privileges and authority of constables. He shall have the power to bring any child or children or any adults who may be on probation before the Circuit Court for Allegany County or the Magistrate for Juvenile Causes by a process or warrant duly sworn to charging him or them with violation of terms or conditions of their probation, or by subpoena directed to them for further proceedings, and when such action is taken the Court or Magistrate for Juvenile Causes aforesaid may continue the proceedings and finally dispose of the same as fully as could have been done had there been no suspension of sentence or proceedings in the first place; provided, however, that in any case where a full trial or hearing has not been held and the charge has not been fully shown, sustained, or determined before suspension of sentence or further proceedings, the Court or Magistrate shall hold the case under consideration before sentence is passed or a final disposition of the case is made. The Court or Magistrate aforesaid shall have the authority to extend the term of probation for any time and such additional period as may be deemed proper, and may attach thereto the same, or additional terms and conditions, as were originally attached, or may at any time dismiss the probationer and the proceedings in which sentence or further proceedings were originally suspended.

The County Commissioners of Allegany County shall and are hereby directed to make all necessary levies and appropriations to pay the salary and expenses of the Probation Officer provided for in this section.

375. In the case of the absence, illness, disability or disqualification of the Magistrate for Juvenile Causes, it shall be the duty of the City Magistrate of Cumberland to perform the duties required by this sub-title of the said Magistrate for Juvenile Causes pending such absence, illness, disability or disqualification.

Sec. 2. And be it further enacted, That if any Section or provision of this sub-title is held to be invalid, such invalidity shall not affect the validity or applicability of the other sections or provisions thereof.

Sec. 3. And be it further enacted, that this Act shall take effect June 1, 1945.

Approved May 4th, 1945.

Baltimore County, 1914, Chapter 171.

An act to confer additional powers upon the Courts of the Third Judicial Circuit of Maryland, relating to children living in Baltimore County, who are now or may hereafter become dependent, neglected or delinquent, to define such terms, and to provide for the treatment, control, maintenance, protection, guardianship, and care of the persons of such children.

Section 1. Be it enacted by the General Assembly of Maryland, That for the purposes of this Act, the words "dependent child" and "neglected child" shall be construed as meaning any male child living in Baltimore County and being under the age of twenty years, or any female child living in said County, being under the age of eighteen years, who for any cause is destitute, homeless, or abandoned or dependent upon the public for support, or has not fit and proper parental care or guardianship, or is feeble-minded or otherwise mentally deficient, or who habitually begs for alms, or is found living with any vicious or depraved person, or has a home which, by reason of neglect, cruelty, or depravity on the part of its parent or parents, guardian or other persons having charge of it, is an unfit place for such a child.

The term "delinquent child" shall be construed as meaning any male or female child living in Baltimore County under the ages above specified, and who, while under such age, may violate any criminal law of the State, or is incorrigible, or knowingly

associates with thieves, vicious and depraved persons, or is growing up in idleness or crime, or knowingly frequents any gambling places, policy shops or patronizes and frequents liquor or beer saloons unaccompanied by a parent or guardian, or is guilty of indecent, immoral or lascivious conduct.

Sec. 2. And be it enacted, That all such children described in the foregoing Section, and residing in Baltimore County, are declared to be wards of the State, and the Judges of the Courts of the Third Judicial Circuit of Maryland, sitting as a Court of Equity, shall have full power to deal with such children when brought before such Court, and full jurisdiction over the disposition of such child or children. And the said Court shall have the power to designate one of its Judges to hear, determine and dispose of all such cases, and to adopt such rules and regulations for the trial and disposition of such cases as said Court may deem reasonable and proper.

Sec. 3. And be it enacted, That any person of respectable standing in his or her community, and being a resident of said County, or the agent of any society incorporated under the laws of this State for the care and protection of children, may file with the Clerk of the Circuit Court for Baltimore County on the equity side thereof, a petition in writing, setting forth that a certain child or children naming the same if the names be known, and also naming the parent or parents, or the name of the custodian of such child or children, if there be such custodian, and the place or places of residence of such child or children, their parents or other custodian, is or are delinquent, dependent or neglected, as defined in Section I of this Act, and that it is for the interests of such child or children, and the State of Maryland, that it or they be taken from its or their parent or parents, guardian or custodian, and placed under the jurisdiction of the Equity Court for Baltimore County, together with such other pertinent facts, if any, as the petitioner may think proper to state. The Clerk of the Circuit Court for Baltimore County shall file and preserve such petition and all papers relating to such petition, and docket such case, wherein the petitioner shall be named as plaintiff, and the child or children, its or their parent or parents, guardians or custodian, when named shall be made defendants in such case. It shall be the duty of the said Clerk to provide a suitable book or docket, to be styled the "Juvenile Docket," which shall be carefully kept in his office, and in which shall be entered all such cases and the proceedings therein briefly as in the Equity Docket of his office.

Sec. 4. And be it enacted, That the said clerk shall immediately upon the filing of the petition and making the proper docket entries as provided in the preceding Section, call the attention of the Court to the same, and it shall be the duty of the Court, or in the event of the designation of one of

the Judges of said Court to investigate and pass on such cases, it shall be the duty of such Judge to make an order requiring the Sheriff of Baltimore County, or some constable of the County, or the Probation Officer hereinafter named, to serve a summons upon the parties named in said proceedings as defendants, to be and appear before such Court, at the hour and upon the day therein named, and the Court, or such designated Judge thereof, may in its or his discretion adopt all necessary means to have the body of the child named in the proceedings, brought before the Judge or Court at any designated time. It shall be the duty of the clerk to issue summons for any and all witnesses required by any petitioner to appear at the hearing of his or her petition. And any person failing to obey such summons, shall, in the absence of sufficient excuse, be subject to a fine not exceeding fifty dollars (\$50.00), or confinement, in the County Jail not exceeding thirty days.

Sec. 5. And be it enacted, That the Circuit Court for Baltimore County, or such Judge as may be designated by said Court to hear and determine the cases provided for in this Act, may become one of the Deputy Clerks, (other than a recording clerk) employed in the office of the Clerk of said Court, to act as Clerk of the Court in the exercise of the powers conferred upon said Court by this Act, which Clerk so selected shall have charge of the docket hereinbefore provided for, and shall be present whenever the Court or Judge may sit for hearing cases under the provisions of this Act, and make all proper entries in said docket. That said Court or Judge shall have the power to direct the Clerk to have printed such forms of petitions, orders and papers as the Court may deem requisite for the proper and convenient discharge of its duties under this Act, the cost of such printing to be paid for by the County Commissioners of Baltimore County, and to be charged to the item of Court expenses.

Sec. 6. And be it enacted, That the Circuit Court for Baltimore County, or the Judge designated by the Court for the purpose of hearing cases under the provisions of this Act, shall appoint one or more probation officers, who may be either male or female, who shall be paid a salary not exceeding that paid to a patrolman on the Police Force of Baltimore County, in monthly installments by the County Commissioners of Baltimore County. It shall be the duty of such probation officer or officers to inform himself or themselves when any child is to be brought into court, and to make investigations of all such cases, to be present in court to represent the interest of the child when the case is heard, and to furnish the Clerk such information and assistance as the Court or Judge may require, and to take charge of such child before or after the trial as the Court may direct, and whenever such probation officer shall have knowledge of any dependent, neglected, or delinquent child, it shall be the duty of such officer to bring the same to the attention of the Court or

the Judge by petition, as hereinbefore provided. In addition to the salary above provided for such probation officer, he or she, shall be allowed for all actual traveling expenses when in the discharge of duties imposed by order of the Court or Judge, to be paid by the County Commissioners upon the approval and order of such Court or Judge.

Sec. 7. And be it enacted, That if upon a hearing and investigation, the Court or Judges shall find any male child under twenty years of age, or any female child under the age of eighteen, to be dependent, neglected or delinquent within the meaning of this Act, liberally construed, the Court or Judge, may allow such child to remain at the home, subject to the supervision of the probation officer, and may require such child to report to the Court or probation officer at such times as the Court or Judge shall order. Or if the Court shall then or thereafter find the parent, parents, guardian, or custodian of such child an unfit or improper person or persons, or unable or unwilling to care for, protect, train, educate and discipline such child, and shall further find it to be for the interest of such child or the people of the County that such child be taken from the custody of such parent, parents, guardian or custodian, the Court may make an order committing such child to the custody of the probation officer or other agency, or to some suitable institution, State or otherwise, organized for the care of children, approved by the Court, until it becomes twenty-one years of age; and said probation officer, agency or institution may place such child in the home of some suitable family. The Court, however, shall retain the right to remove such child from such family, home, agency or institution, for such reasons as the Court may determine sufficient.

Sec. 8. And be it further enacted, That whenever any such child is so committed to a probation officer, and the said child is placed in a family home, the Court or Judge shall appoint the probation officer guardian of such child; and whenever any such child is so committed to any agency or institution, and placed in a family home, some responsible representative of such agency or institution shall be appointed guardian of such child by the Court or Judge. And it shall be the duty of such guardian to visit each child committed to his or her custody and placed in a family home, at least once in every three months, unless otherwise ordered by the Court or Judge, the condition and progress of such child; and such guardian shall exercise proper care for the schooling and training of such child, and make report to the Court as often as directed by the order of appointment; and if any child so placed in such a home or institution shall leave or quit the same before attaining adult age, and without leave of the Court or Judge, he or she shall be apprehended and brought before the Court or Judge, and dealt with as the Court or Judge shall determine to be best for the interest of the child and the community. All orders of the

Court or Judge shall be noted fully in the docket provided for by this Act, and the originals carefully preserved in the Clerk's office and a duplicate copy made and presented to the guardian so appointed.

Sec. 9. And be it enacted, That the said Circuit Court for Baltimore County, or the Judge designated as hereinbefore provided, shall when sitting for the discharge of the duties imposed by this Act, be known as the "Circuit Court for Baltimore County, sitting as a Juvenile Court," and shall have exclusive jurisdiction, where jurisdiction is given by law to any Justice of the Peace in and for Baltimore County, in all cases of trial or commitment to any juvenile institution of any minor specified in this act.

Sec. 10. And be it enacted, That no Justice of the Peace shall commit for any reason a child under fourteen years of age to a jail or police station to be confined with other prisoners. If any such child shall be unable to give bail for his or her appearance before the said Circuit Court for Baltimore County, he or she shall be committed to the care of a probation officer of said Court or to the custody of some society or juvenile institution organized for the care of children.

Sec. 11. And be it enacted, That any person who shall contribute to or encourage delinquency or dependency of any minor as hereinbefore defined; or any person charged by law with the care and support of any minor who shall wilfully neglect to perform his or her duty to such child, or any person who shall advise or encourage any child to leave the home, school or institution to which such child shall have been committed by the Court or Judge, any person who shall interfere in any way with the execution of any order made or passed by the Court or Judge in the exercise of the powers conferred by this Act, may be cited before such Court or Judge, and upon conviction of the offense charged against him by such Court or Judge, shall be fined not exceeding fifty dollars, or may be committed to the County Jail for a term not to exceed sixty days, but if the person so charged with the offense shall pray a jury trial, such case shall be referred to the Circuit Court, and there be tried before a Jury, as other criminal cases are tried. Provided, however, that nothing contained herein shall be construed to deprive the Judge or Court sitting as a Juvenile Court of the powers now conferred upon the Judge or Court to punish for contempt.

Sec. 12. And be it enacted, That all fines imposed by the Court or Judge under this Act, shall be collected as fines are now collected by the Circuit Court of Baltimore County in the exercise of its criminal jurisdiction, and when so collected shall be paid over to the County Commissioners of Baltimore County. Whenever the said Court may determine

that a parent or custodian of any child coming within the provisions of this Act, is able to pay the cost of the proceeding against such child, and it is proper that he should pay the said costs, or to pay in full or in part the cost of maintaining such child, he or they may be required to do so, and the Court shall have full power and jurisdiction to pass such order or decree as may seem just and proper, and to enforce obedience to such order as the Courts of the State of Maryland now have or may hereafter have conferred upon them.

Sec. 13. And be it enacted, That all costs incurred by the prosecution of cases under this Act, shall be paid by the County Commissioners of Baltimore County, except as hereinbefore provided, but in no case shall any attorney's appearance fee, or any clerk's or sheriff's fee, be taxed as part of the costs of such proceedings, but all costs incurred by the clerk of the Court for the purchase of books shall be charged as a part of the expense of his office. In no case shall any petitioner be held liable for any costs of the case he or she may institute unless the Court shall be satisfied that the case was instituted without justification or through prejudice, upon which finding all costs of the proceedings shall be paid by the petitioner. When any constable may serve any summons or notice of the Court, there shall be taxed as part of the costs of the case the usual fee for such services.

Sec. 14. And be it enacted, That the provisions of this Act shall be construed as conferring additional and supplementary powers and jurisdiction on said Court and not in substitution of or in conflict with any other powers possessed by the Circuit Court for Baltimore County under any existing general or local laws.

Sec. 15. And be it enacted, That all laws or parts of laws now in force in the State of Maryland, in conflict with the provisions of this Act, are hereby repealed to the extent of such conflict, but no further.

Sec. 16. And be it enacted, That this Act shall take effect from the date of its passage.

Approved April 4th, 1914.

Harford County, 1914, Chapter 367.

An Act to confer additional powers upon the Courts of the Third Judicial Circuit of Maryland, relating to children living in Harford County, who are now or may hereafter become dependent, neglected or delinquent, to define such terms, and to provide for the treatment, control, maintenance, protection, guardianship and care of the persons of such children.

Sec. 1. Be it enacted by the General Assembly of Maryland, That for the Purposes of this Act, the word "dependent child" and "neglected child" shall be construed as meaning any male child living in Harford County, and being under the age of twenty-years, or any female child living in said County, being under the age of eighteen years, who for any cause is destitute, homeless or abandoned or dependent upon the public for support, or has not fit and proper parental care or guardianship, or is feeble-minded or otherwise mentally deficient, or who habitually begs for alms, or is found living with any vicious or depraved person, or has a home, which, by reason of neglect, cruelty, or depravity on the part of its parent or parents, guardian or other persons having charge of it, is an unfit place for such a child.

The term "delinquent child" shall be construed as meaning any male or female child living in Harford County under the ages above specified, and who, while under such age, may violate any criminal law of the State, or is incorrigible, or knowingly associates with thieves, vicious and depraved persons, or is growing up in idleness or crime, or knowingly frequents liquor or beer saloons unaccompanied by a parent or guardian, or is guilty of indecent, immoral or lascivious conduct.

Sec. 2. And be it further enacted, That all such children described in the foregoing Section, and residing in Harford County, are declared to be wards of the State, and the Judges of the Courts of the Third Judicial Circuit of Maryland, sitting as a Court of Equity, shall have full power to deal with such children when brought before such Court and full jurisdiction over the disposition of such children. And said Court shall have the power to designate one of its Judges to hear, determine and dispose of all such cases, and to adopt such rules and regulations for the trial and disposition of such cases as to said Court, may seem reasonable and proper.

Sec. 3. And be it further enacted, That any person of respectable standing in his or her community, and being a resident of said County, or the agent of any society incorporated under the laws of this State for the care and protection of children, may file with the Clerk of the Circuit Court for Harford County on the equity side thereof, a petition in writing setting forth that a certain child or children, naming the same, if the name or names be known, and also naming the parent or parents of such child, if there be parent or parents, or the name of the custodian of such child or children, if there be such custodian, and the place or places of residence of such child or children, their parents or other custodian, is or are delinquent, dependent or neglected, as defined in Section One of this Act and that it is for the interests of such child or children, and the State of Maryland, that it or they be taken from its or their parent or parents, guardian or custodian, and placed under the jurisdiction of the Equity Court for

Harford County, together with such other pertinent facts, if any, as the petitioner may think proper to state. The Clerk of the Circuit Court for Harford County shall file and preserve such petition and all papers relating to such petition, and docket such case, wherein the petitioner shall be named as plaintiff, and the child or children, its or their parent or parents, guardian or custodian, when named, shall be made defendants in such case. It shall be the duty of the said Clerk to provide a suitable book or docket, to be styled the "Juvenile Docket," which shall be carefully kept in his office and in which shall be entered all such cases and the proceedings therein briefly as in the Equity Docket of his office.

Sec. 4. And be it further enacted, That the said Clerk shall immediately upon the filing of the petition and making the proper docket entries as provided in the preceding Section, call the attention of the Court to the same, and it shall be the duty of the Court, or in the event of the designation of one of the Judges of said Court to investigate and pass on such cases; it shall be the duty of such Judge to make an order requiring the Sheriff of Harford County, or some constable of the County, or the probation officer hereinafter named, to serve a summons upon all parties named in said proceedings as defendants, to be and appear before such Court at the hour and upon the day therein named, and the Court, or such designated Judge thereof, may in its or his discretion adopt all necessary means to have the body of the child named in the proceedings brought before the Judge or Court at any designated time. And it shall be the duty of the Clerk to issue summons for any and all witnesses required by any petitioner to appear at the hearing of his or her petitioner. And any person failing to obey such summons, shall, in the absence of sufficient excuse be subject to a fine not exceeding fifty dollars (\$50.00) or confinement in the County Jail not exceeding thirty days.

Section 5. And be it further enacted, That the Circuit Court for Harford County or such Judge as may be designated by said Court to hear and determine the cases provided for in this Act, may select some one of the Deputy Clerks (other than a recording clerk) employed in the office of the Clerk of said Court to act as Clerk of the Court in the exercise of powers conferred upon said Court by this Act, which Clerk so selected shall have charge of the docket hereinbefore provided for, and shall be present whenever the Court or Judge may sit for hearing cases under the provisions of this Act, and make all proper entries in said docket. That said Court or Judge shall have the power to direct the Clerk to have printed such forms of petitions, orders and papers as the Court may deem requisite for the proper and convenient discharge of its duties under this Act, the cost of such printing to be paid for by the County Commissioners of Harford County, and to be charged to the item of Court Expenses.

Sec. 6. And be it further enacted, That the Circuit Court for Harford County, or the Judge designated by the Court for the purpose of hearing cases under the provisions of this Act, shall appoint one or more probation officers, who may be either male or female, who shall be paid a salary to be fixed by the Court in monthly installments by the County Commissioners of Harford County. It shall be the duty of such probation officer or officers to inform himself or themselves when any child is to be brought into Court, and to make investigations of all such cases, to be present in Court to represent the interest of the child when the case is heard, and to furnish the Court such information as the Court or Judge may require, and to take charge of such child before or after the trial as the Court may direct, and whenever such probation officer shall have knowledge of any dependent, neglected or delinquent child, it shall be the duty of such officer to bring the same to the attention of the Court or the Judge by petition, as hereinbefore provided.

In addition to the salary above provided for such probation officer, he or she, shall be allowed for all actual traveling expenses when in the discharge of duties imposed by order of the Court or Judge, to be paid by the County Commissioners upon the approval and order of such Court or Judge. And the said Court or Judge shall have authority to retain or employ a Psychologist who holds a degree of Medicine and authorized to practice in this State, for the examination, when necessary, of said delinquents, the costs of the same to be paid by the County Commissioners of said County and to be charged to the item of Court Expenses.

Sec. 7. And be it further enacted, That if upon a hearing and investigation the Court or Judge shall find any male child under twenty years of age, or any female child under the age of eighteen, to be dependent, neglected or delinquent within the meaning of this Act, liberally construed, the Court or Judge, may allow such child to remain at its home, subject to the supervision of the probation officer, and may require such child to report to the Court or probation officer at such times as the Court or Judge shall order. Or if the Court shall then or thereafter find the parent, parents, guardian or custodian of such child an unfit or improper person or persons, or unable or unwilling to care for, protect, train, educate and discipline such child, and shall further find it to be for the interest of such child or the people of the County that such child be taken from the custody of such parent, parents, guardian or custodian, the Court may make an order committing such child to the custody of the probation officer or other agency, or to some suitable institution, State or otherwise, organized for the care of children, approved by the Court until it becomes twenty-one years of age; and said probation officer, agency or institution may place such child in the home of some suitable family. The

Court, however, shall retain the right to remove such child from such family, home, agency or institution, for such reasons as the Court may determine sufficient.

Sec. 8. And be it further enacted, That whenever any such child is so committed to a probation officer, and the said child is placed in a family home, the Court or Judge shall appoint the probation officer guardian of such child; and whenever any such child is so committed to any agency or institution, and placed in a family home, some responsible representative of such agency or institution shall be appointed guardian of such child by the Court or Judge. And it shall be the duty of such guardian to visit each child committed to his or her custody and placed in a family home, at least once in every three months, unless otherwise ordered by the Court or Judge, and to report to the Court or Judge the condition and progress of such child; and such guardian shall exercise proper care for the schooling and training of such child, and make report to the Court as often as directed by the order of appointment; and if any child so placed in a home or institution shall leave or quit the same before attaining adult age, and without leave of the Court or Judge, he or she shall be apprehended and brought before the Court or Judge, and dealt with as the Court or Judge shall determine to be best for the interest of the child and the community. All orders of the Court or Judge shall be noted fully in the docket provided for by this Act, and the originals carefully preserved in the Clerk's office, and a duplicate copy made and presented to the guardian so appointed.

Sec. 9. And be it further enacted, That the said Circuit Court for Harford County, or the Judge designated as hereinbefore provided, shall when sitting for the discharge of the duties imposed by this Act, be known as the "Circuit Court for Harford County, sitting as a Juvenile Court," and shall have exclusive jurisdiction, where jurisdiction is given by law to any Justice of the Peace in and for Harford County, in all cases of trial or commitment to any juvenile institution of any minor specified in this act.

Sec. 10. And be it further enacted, That no Justice of the Peace shall commit for any reason a child under fourteen years of age to a jail or police station to be confined with other prisoners. If any such child shall be unable to give bail for his or her appearance before the said Circuit Court for Harford County, he or she shall be committed to the care of a probation officer of said Court or to the custody of some society or juvenile institution organized for the care of children.

Sec. 11. And be it further enacted, That any person who shall contribute to or encourage delinquency or dependency of any minor as hereinbefore defined or any person charged by law

with the care and support of any minor who shall wilfully neglect to perform his or her duty to such child or any person who shall advise or encourage any child to leave the home, school, or institution to which such child shall have been committed by the Court or Judge, and any person who shall interfere in any way with the execution of any order made or passed by the Court or Judge in the exercise of the powers conferred by this Act, may be cited before such Court or Judge, and upon conviction of the offense charged against him by such Court or Judge, shall be fined not exceeding fifty dollars (\$50.00), or may be committed to County Jail for a term not exceeding sixty days, but if the person so charged with the offense shall pray a jury trial, such case shall be referred to the Circuit Court, and there be tried before a Jury as other criminal cases are tried. Provided, however, that nothing contained herein shall be construed to deprive the Judge or Court sitting as a Juvenile Court of the powers now conferred upon the Judge or Court to punish for contempt.

Sec. 12. And be it further enacted, That all fines imposed by the Court or Judge under this Act, shall be collected as fines are now collected by the Circuit Court of Harford County in the exercise of its criminal jurisdiction, and when so collected shall be paid over to the County Commissioners of Harford County. Whenever the said Court may determine that a parent or custodian of any child coming within the provisions of this Act, is able to pay the cost of the proceeding against such child, and it is proper that he should pay said costs, or to pay in full or in part the cost of maintaining such child, he or they may be required to do so, and the Court shall have full power and jurisdiction to pass such order or decree as may seem just and proper, and to enforce obedience to such order as the Courts of the State of Maryland now have or may hereafter have conferred upon them.

Sec. 13. And be it further enacted, That all costs incurred by the prosecution of cases under this Act, shall be paid by the County Commissioners of Harford County, except as hereinbefore provided, but in no case shall any attorney's appearance fee be taxed as part of the costs of such proceedings, but all costs incurred by the Clerk of the Court for the purchase of books shall be charged as a part of the expense of his office. In no case shall any petitioner be held liable for any costs of the case, he or she may institute unless the Court shall be satisfied that the case was instituted without justification or through prejudice, upon which finding all costs of the proceedings shall be paid by the petitioner. When any constable may serve any summons or notice of the Court, there shall be taxed as part of the costs of the case the usual fee for such services.

Sec. 14. And be it further enacted, That the provisions of this Act shall be construed as conferring additional and supplementary powers and jurisdiction on said Court and not in substitution of conflict with any other powers possessed by the Circuit Court for Harford County under any existing general or local laws.

Sec. 15. And be it further enacted, That all laws or parts of laws now in force in the State of Maryland, in conflict with the provisions of this Act, are hereby repealed to the extent of such conflict, but no further.

Sec. 16. And be it further enacted, That this Act shall take effect from the date of its passage.

Approved April 10th, 1914.

Washington County, 1924, Chapter 36.

An Act to amend Article 22 of the Code of Public Local Laws of Maryland, title "Washington County," sub-title "Justices of the Peace."

272A. In addition to the Justices of the Peace hereinbefore provided for in this Article, shall be appointed by the Governor, by and with the Consent of the Senate, and if the Senate is not in session, by the Governor, from Washington County at large, and additional Justice of the Peace, to be known as the Magistrate for Juvenile Causes whose term of office shall begin on the 1st Monday of May 1924, and who shall thereafter be appointed in conformity with the Constitution of this State, and who shall be a member of the Bar of the Circuit Court for Washington County, and who shall not by reason of such appointment be barred from practicing law in any of the Courts of this State, who shall receive a salary of \$2,000 per annum, payable monthly, two-thirds by the County Commissioners of Washington County and the other one-third by the Mayor and Council of Hagerstown, and the jurisdictions and powers of such Justices shall be as follows: (1) He shall possess the general powers of a Justice of the Peace, and also the powers of a Justice of the Peace of Hagerstown, as the same are now or may hereafter be defined by law. (2) He shall have full power and jurisdiction over and with respect to all delinquent, neglected and dependent minors under the age of sixteen years, and of any and all persons causing, encouraging or contributing towards the delinquency, neglect or dependency of any such minor. (3) He shall have exclusive jurisdiction in all cases of trial or commitment to any Juvenile Institution of any minor under sixteen years of age, and shall have plenary jurisdiction to hear, try and determine all cases of

any such dependent, neglected or delinquent children and to provide for the custody, control and maintenance of such child or children until it or they shall attain the age of twenty-one years, and shall have all other jurisdiction by this Act expressly conferred, and such Magistrate shall sit at such times and places as may be necessary for the proper discharge of his duties. (4) Such Justice is empowered to appoint a suitable person to act as his clerk, who may be a woman, who shall receive two-thirds from the County Commissioners of said Washington County and the other one-third from the Mayor and Council of Hagerstown, a salary of \$750.00 per annum, payable monthly, and who shall attend at such times and places and perform such duties as may be directed by said Justice, and who shall be removable by the said Justice at his discretion. (5) The hearing, trial and determination of all cases of dependent, neglected or delinquent children by said Justice, sitting as the Magistrate for Juvenile Causes, shall be had without regard to technicalities of procedure or rules of evidence. (6) The Justice herein provided for, before qualifying as such, shall give bond to the State of Maryland in a penalty of one thousand dollars, with a surety or sureties to be approved by the Clerk of the Circuit Court for Washington County, conditioned that he will well and faithfully perform and execute the duties and obligations of the office of Justice of the Peace and that he will account for and pay over to the County Commissioners of Washington County all fines, penalties, forfeitures and costs imposed by him, and which he shall receive for or on account of criminal offenses tried before him, under the provisions of the Code of Public General Laws and Code of Public Local Laws, and that he will account for and pay over to the Tax Collector of Hagerstown all fines, penalties, forfeitures and costs imposed by him and which he shall receive for or on account of offenses against the ordinances of Hagerstown, and that he will well and truly account for and pay over to the person, persons, corporation or corporations entitled to the same, all money coming into his hands for or on account of any business pertaining to or connected with his office. And the bond of the said Justice of the Peace shall be liable at the suit of the State of Maryland for the use of the County Commissioners of Washington County and the Mayor and Council of Hagerstown. And of any other person, persons or corporations entitled under any default of said condition.

272B. That for the purposes of this Act, the words "dependent child" and "neglected child" shall be construed as meaning any child under the age of sixteen years, who for any cause is destitute, homeless or abandoned, or dependent upon the public for support, or has not fit and proper parental care or guardianship, or who is feeble-minded or otherwise mentally deficient, or who habitually begs for alms, or is found living with vicious or depraved persons, or has a home which, by reason of neglect, cruelty or depravity on the part of its

parent or parents, guardian or other person having charge of it, is an unfit place for such a child or who is habitually absent from school contrary to the Public General or Public Local Laws of Maryland and in such case made and provided.

The term "delinquent child" shall be construed as meaning any child under the age above specified, and who, while under such age, may violate any criminal law of the State, or is incorrigible, or knowingly associates with thieves, vicious or depraved persons, or is growing up in idleness or crime, or knowingly frequents any gambling place, pool parlor or saloon unaccompanied by a parent or guardian, or is guilty of indecent, immoral or lascivious conduct.

272C. That at any time after the qualification of the Justice herein provided for, any resident of Washington County or agent of any society incorporated under the laws of this State for the care and protection of children, may file with the Clerk to said Magistrate for Juvenile Causes a petition in writing and under oath, setting forth that a certain child or children, naming the same if the name or names be known, and also naming the parent or parents of such child, if there be parent or parents known to the petitioner, and the place or places of such resident of the child or children, their parents or other custodian, where known to the petitioner, is or are delinquent, dependent or neglected, as defined in Section 272B of this Act, and that it is for the interest of such child or children, and the State of Maryland, that it or they be taken from its or their parent or parents, guardian or custodian, and placed under the jurisdiction of the said Magistrate for Juvenile Cases, together with such other pertinent facts, if any, as the petitioner may think proper to state. The Clerk to said Magistrate for Juvenile Cases shall file and preserve such petition and all papers relating to such petition, and docket such case, wherein the petitioner shall be named as plaintiff, and the child or children, its or their parent or parents, guardian or custodian, when named, shall be made defendants in such case. The said Clerk shall immediately upon the filing of the petition and making the proper docket entries, call the same to the attention of said Magistrate for Juvenile Cases, and it shall be the duty of the said Magistrate to pass an order requiring the Sheriff of said County, or policeman of the City of Hagerstown, or the Probation Officer hereinafter provided for, to serve a summons upon all parties named in said proceedings as defendants, to be and appear before said Magistrate for Juvenile Cases, at the hour and upon the day therein named. It shall be the duty of said Magistrate for Juvenile Cases or his clerk, to issue summons for any and all witnesses required by any petitioner to appear at the hearing of his, her or its petition.

272D. The County Commissioners of Washington County may appoint one or more probation officers, who may be either male or female, who shall be paid in monthly installments by the Magistrate for Juvenile Cases and said County Commissioners. It shall be the duty of such officer to inform himself or themselves when any child is to be brought before said Magistrate for Juvenile Cases, to make investigation of all such cases to be present before said Magistrate to represent the interest of the child when the case is heard, to furnish said Magistrate such information and assistance as said Magistrate may require, to take charge of such child before and after trial if the said Magistrate shall so direct; and whenever such probation officer shall have knowledge of any dependent, neglected or delinquent child, it shall be the duty of such officer to bring the same to the attention of said Magistrate by petition, as hereinbefore provided. In addition, to the salary above provided for such probation officer, he or she, shall be allowed for all actual and reasonable travelling expenses when in the discharge of duties imposed by order of said Magistrate, to be paid by the County Commissioners upon the approval and order of said Magistrate; and the County Commissioners of Washington County shall and they are hereby vested with full power and authority to make all necessary levies and appropriations to pay the salary and expenses of such probation officer, as well as all other salaries and expense provided to be paid by this Act.

272E. In the event that any minor, charged by petition, filed under this Act with a criminal offense for which a jury trial may be legally demanded, may pray a jury trial when brought before the said Magistrate for Juvenile Cases, then said Magistrate shall proceed in like manner as Justice of the Peace may now or hereafter be authorized to proceed in like criminal cases where the defendant is an adult.

272F. If upon hearing and investigation, the said Magistrate for Juvenile Cases shall find any child under the above specified age to be dependent, neglected or delinquent within the meaning of this Act, such Magistrate may allow such child to remain at its home, subject to the supervision of the said Magistrate, or the probation officer hereinbefore provided for, and may require such child to report to said Magistrate or probation officer at such times as said Magistrate shall order. Or if said Magistrate then or thereafter find the parent, parents, guardian or custodian or such child an unfit or improper person or persons, or unable or unwilling to care for, protect, train, educate or discipline such child, and shall further find it to be to the interest of such child or the people of said County that such child be taken from the custody of such parent, parents, guardian or custodian, to the custody of some responsible citizen of Washington County or some agency or suitable institution, State or otherwise, organized for the care of children,

until it becomes twenty-one years of age. Said Magistrate, however, shall retain the right to remove such child from such person, home, agency, or institution for such reasons as he may determine sufficient.

272G. Whenever any child is so committed to any person, home, agency, or institution, it shall be the duty of such person, home, agency or institution to report to said Magistrate the condition and progress of such child; and such guardian shall exercise proper care for the schooling and training of such child, and make report to said Magistrate as often as directed by the order of appointment, and if any child so placed with any person, home, agency or institution shall leave or quit the same before attaining adult age, and without leave of said Magistrate, he or she shall be apprehended and brought before said Magistrate, and said Magistrate shall award the custody of said child as said Magistrate may determine to be best for the interest of said child and the community.

272H. In any proceeding begun by petition under this Act, wherein the Parent or parents or other person charged by law with the support of any dependent, neglected or delinquent child shall be made defendant or defendants, the said Magistrate shall have full power and authority to require such parent or parents or other person so charged to pay full or in part the cost of maintaining such child, and said Magistrate shall have full power and authority to assess the costs of such proceedings against such parent or parents or other people so charged. Costs of such cases shall be taxed in the customary amount.

272I. Costs in prosecution of cases under this Act..... shall be paid by the County Commissioners.

272J. The said Magistrate shall not commit for any reason a child under fourteen years of age to a jail or police station to be confined with other prisoners. If any such child shall be unable to give bail for his or her appearance as and where demanded, he or she shall be committed to the care of a probation officer of said County, or to the custody of some person, home or society or juvenile institution organized for the care of children.

272K. Whenever any minor is arrested he may be taken to such Place, other than a station house or jail, as may be designated by said Magistrate, but in the absence of such designation such minor may be held at a station house until brought before said Justice, and when said Magistrate shall commit any minor for trial or for hearing he may commit such minor to a suitable institution or into the custody of some responsible citizen of Washington County instead of jail. The Board of County Commissioners for said County may in its discretion rent, lease, or

build a suitable building as a house of detention for minors under the age of sixteen years who may be held to await trial or hearing, and to which such minor may be committed by said Magistrate as to other reforms or schools. Said Building to contain separate wards for male and female inmates, and to be under the supervision and control of a matron. . . .

272L. All process orders and directions issued by said Justice while sitting as the Magistrate for Juvenile Cases may be directed to the Sheriff of Washington County, and he shall receive the same fees for serving such process, orders and directions as he now receives for serving papers of similar character. The Mayor and Council of Hagerstown shall designate one or more members of the police force of said Hagerstown to attend such Magistrate and execute his process, orders and directions within the corporate limits of the City of Hagerstown. The probation officer provided for by this Act may also execute such process, orders and directions within the corporate limits of Hagerstown or elsewhere, and shall do so when directed by said Magistrate.

272M. Any person causing, encouraging, or contributing towards the delinquency or dependency of any minor as hereinbefore defined, or any person charged by law with the care and support or maintenance of any such minor and who wilfully fails, neglects or refuses to care for, support or maintain such minor, or who abandons said minor, or any person who shall advise or encourage any child to leave the person, home, school or institution to which such child shall have been committed by said Magistrate, shall be deemed guilty of misdemeanor, and on conviction of pleading guilty thereof, shall be fined not more than five hundred dollars (\$500) or imprisoned in the Maryland House of Correction for a term not exceeding two (2) years or be both fined and imprisoned in the discretion of the said Magistrate or Court trying such offense; and each day of such failure, neglect or refusal shall constitute a separate offense; provided, however, that the accused may demand a jury trial and be committed or bailed pending the same. Any person pleading guilty, or tried, convicted and sentenced under this Act for the abandonment of, or for the neglect of, or failure to maintain or support a minor, may be sentenced as hereinbefore stated, or may, in lieu thereof, be paroled on such terms as said Magistrate (or as the Circuit Court for said County, if the case be before said Court) may deem proper, the performance of said terms to be secured by the detention of the offender or by recognizance entered into by or on his or her behalf, as said Magistrate or said Court may adjudge.

272N. The salary provided for said Magistrate in Section 272 of this Act, shall be the only salary or fee to be paid to said Magistrate or Justice in criminal cases, whether for violations of State or County Laws or for violations of the ordinances of the City of Hagerstown, or for his services as Magistrate for

Juvenile Cases; provided, however, that in addition to said salary therein provided he shall be allowed for all actual and reasonable travelling expenses incurred by him when in the discharge of his official duties, the same to be paid to him by the County Commissioners of Washington County, Maryland, upon the filing with them by said Magistrate or Justice, of an itemized list of such expenses duly sworn to before some officer legally authorized to administer oaths in said Washington County.

2720. The County Commissioners of Washington County shall provide a suitable room or rooms in the Court House in Hagerstown, Maryland, for the use of such Justice; and shall provide such Justice with a suitable book or docket to be styled the "Juvenile Docket"; and with such other suitable books or dockets for criminal cases, forms and petitions, orders and papers and such other stationery and office equipment, including a telephone, as may be necessary for the proper conduct of said office and which the said Justice may deem requisite for the proper and convenient discharge of his duties under this Act, the cost of such to be paid by the said County Commissioners of said Washington County, and to be charged to the item of Court Expenses.

272P. In the case of the absence, illness, disability or disqualification of the Magistrate for Juvenile Cases, it shall be the duty of a Judge of the Circuit Court for Washington County to perform the duties required by this Act of the said Magistrate for Juvenile Cases, pending such absence, illness, disability or disqualification.

272Q. The said Justice to be appointed under this Act shall have the right to issue a summons for the attendance of any witness in any case which may be brought before him and upon the failure of any person to attend in response to said summons at the time and place therein mentioned, he shall be liable, in the discretion of the said Justice to a fine not exceeding five (\$5) dollars for his non-attendance in response to the said summons, which fine shall be collected as other fines are collected; provided, however, the proof shows that a legal written or printed summons were duly served on the said witness in person by some one duly authorized under the law to summon witnesses in such case.

272R. The said Justices to be appointed under this Act shall have the right to preserve order and decorum when sitting in the discharge of his duty, and shall have the right to punish any breach of order or decorum committed in his presence, by a fine not exceeding twenty-five (\$25) dollars, to be collected as other fines are collected, and in default of the payment of said fine imposed by said Justice, the said Justice shall have the power to commit the person on whom said fine is imposed to the Washington County jail for a period not exceeding one day for each one dollar of fine so imposed. Provided, that in all cases where a fine is imposed under this section, the party on

whom the said fine is imposed, if he feels aggrieved thereby, may within three days, appeal to the Circuit Court for Washington County, from the action of the said Justice; and pending the hearing of said appeal, shall give surety for his appearance in the Circuit Court for Washington County, in a sum to be fixed by the said Justice, which sum shall not be in excess of twice the amount of said fine imposed; and the person on whom said fine is imposed under this Section shall at his option instead of furnishing surety for his appearance have the right, pending his appeal, to deposit with the Justice a sum in cash double the amount of the fine imposed, as collateral security, for his appearance in the Circuit Court for Washington County on said appeal. Provided, no appeal shall be allowed under this Section after payment of the fine, but deposit of cash as such collateral security in double the amount of the fine, shall not be construed to be a payment of said fine.

272S. The Mayor and Council of Hagerstown, immediately after the qualification of said Justice, shall furnish him with a copy of the charter and ordinances of Hagerstown, and shall supply him with copies of all new ordinances of said Hagerstown within one day after the adoption thereof, and shall notify him of the repeal of any ordinance within one day thereafter; and the said Mayor and Council of Hagerstown shall supply said Justice with all dockets for Corporation cases and with all necessary stationery and office equipment used by him in the business of the said town. The said Justice shall record in the corporation docket his proceedings in all such cases; setting forth the fine or imprisonment imposed and the amount of costs, and he shall submit said docket to the inspection of any person who may request to see the same. It shall be the duty of the said Justice to make out a summarized statement of all corporation cases tried before him, with the fines and costs therein collected, which statement shall be sworn to and submitted monthly to the Mayor and Council. Upon the request of the Mayor and Council, the said Justice shall produce his docket and may be placed under oath and interrogated as to the entries therein. The said Justice shall pay over to the Tax Collector of Hagerstown quarterly all fines collected by him which may belong to said town. The Mayor and Council of Hagerstown are hereby authorized to make all levies and appropriations necessary to provide for the payment of the salaries, fees, expenses and costs made by this Act payable by the said Mayor and Council of Hagerstown.

272T. The Justice of the Peace herein provided for, shall at the first regular meeting of the County Commissioners of Washington County, held in each month, make a report in writing verified under oath, of all criminal and Juvenile Cases heard or tried before him during the preceding month except corporation cases, of the City of Hagerstown, which report shall state in each case the name of the defendant, the offense charged, the name of the person upon whose complaint the warrant was issued, the number of witnesses summoned, the name of the

officer serving the warrant and summons, the judgment rendered, the amount of the fine or penalty imposed, the amount of costs taxed, the amount of fine, penalty and costs collected by him; and all such fines, penalties and costs, including constable's fees, which said Justice is hereby required to collect, shall at the time of his making such report, be paid to the order of said County Commissioners.

272U. The provisions of this Act shall be construed as conferring additional and supplementary powers and jurisdiction on the Justice of the Peace provided for, and not in substitute of or in conflict with any other powers possessed by any Justice of the Peace under any existing General or Local Laws.

272V. Sec. 1. And be it enacted, That all laws or parts of laws now in force in the State of Maryland, in conflict with the provisions of this Act, are hereby repealed to the extent of such conflict, but no further.

Sec. 2. And be it further enacted, That this Act is hereby declared to be an emergency law and necessary for the immediate preservation of public safety, and being passed upon a "yea" or "nay" vote supported by 3/5 of all members elected to each of the two Houses of the General Assembly the same shall take effect from the date of its passage.

Approved March 5, 1924.

Washington County, 1941, Chapter 526.

An Act to repeal Sections 558 to 578, inclusive of Article 22 of the Code of Public Local Laws of Maryland. (1930 Edition), title, "Washington County," sub-title, "Justices of the Peace and Constables," sub-heading, "Juvenile Court." (Sections 558, 570, 575 and 576 having been amended by Chapter 645 of the Acts of 1939), and to enact in lieu thereof 18 new sections, to be known as Sections 558, 559, 560, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75 respectively, amending and revising the laws relating to the jurisdiction, powers, duties and compensation of the Magistrate for Juvenile Causes.

Sec. 1. Be it enacted by the General Assembly of Maryland, that Sections 558 to 578 inclusive of Article 22 of the Code of Public Local Laws of Maryland (1930 Edition) title "Washington County," sub-title "Justice of the Peace and Constables," sub-heading "Juvenile Court", and the amendments thereto, (Sections 558, 570, 575 and 576 having been amended by Chapter 645 of the Acts of 1939), be and the same are hereby repealed.

Sec. 2. And be it further enacted, That 18 new sections be, and the same are hereby added to Article 22 of the Code of Public Local Laws of Maryland (1930 Edition), title "Washington County" sub-title "Justices of the Peace and Constables," sub-heading "Juvenile Court" in place and stead of the repealed

sections, to follow immediately after Section 557 of said Article, and to be known as Sections 558 to 575 respectively, said new sections to read as follows:

Chapter 558, Purposes of the Act: (a.) To secure for each child under its jurisdiction such care, guidance and control, preferably in his own home, as will serve the child's welfare and the best interests of the state; and when such child is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents.

The principle is hereby recognized that children under the jurisdiction of the Court are wards of the State, subject to the discipline and entitled to the protection of the State, which may intervene to safeguard them from neglect or injury and to enforce the legal obligations due to them and from them. (b.) To confer upon the Juvenile Court special and exclusive jurisdiction, as among the several Magistrate's Courts in Washington County, over and concerning cases involving non-support of dependents, including children, wives, and parents, and to provide adequate means of payment over to such dependents support money ordered to be paid by said Court and the Circuit Court for Washington County, with view of more adequate protection for said dependents.

559. Construction of the Act. This act shall be literally construed to accomplish the purposes herein sought.

560. The following words, as used in this act, are hereby defined as follows: (a.) When the words "the Court" are used in this act, they mean the Juvenile Court established by this act. (b) The word "Magistrate" means Magistrate for Juvenile Cases. (c.) The word "Child" means a person less than 18 years of age. (d.) The word "Adult" means a person 18 years of age or older. (e.) The words "Delinquent Child" include: A child who has violated any criminal law of this State or any ordinance or regulation of a subdivision of the State; or who is incorrigible, habitually disobedient or beyond the control of his parents, guardian or other lawful authorities; or who is growing up in idleness or crime, or who knowingly frequents gambling places, pool parlors, taverns or places selling alcoholic beverages unaccompanied by parent or guardian; or who conducts himself in a manner injurious to the morals, health or general well-being of himself or others, and who is habitually absent from home or school contrary to the Public General Laws or Public Local Laws of Maryland. (f.) The words "Neglected Child" include: A child who has been abandoned by his parent, guardian or custodian; and who lacks proper parental care by reason of the fault of habits of the parent, guardian or custodian; or whose parent, guardian or custodian neglects or refuses to provide necessary food, clothing, shelter, medical, surgical or other care necessary for the health, morals or well-being of the child; or whose parent, guardian or custodian

neglects or refuses to provide the special care made necessary for his mental condition; or who frequents any disreputable place or associates with vagrant, vicious or immoral persons; or who engages in any occupation or in any situation dangerous to life or limb or injurious to the health or morals of himself or others. (g.) The words "Dependent Child" include: A child who is homeless or is destitute or without proper support or care, or who is feeble-minded or otherwise mentally deficient, or who habitually begs for alms, or who is without a parent, guardian or custodian able to provide properly for his support, training and education. (h.) The singular shall be construed to include the plural, the plural the singular, and the masculine the feminine, when consistent with the intent of the act.

561. Establishment of Juvenile Court. There is hereby established in Washington County a Court known as the Juvenile Court, said Court to have such jurisdiction as hereinafter prescribed and to be presided over by a Justice of the Peace at large to be known as "The Magistrate for Juvenile Cases. . . .

562. Appointment of Magistrate. In addition to the Justice of the Peace otherwise provided for by law applicable to Washington County, there shall be appointed by the Governor, by and with the consent of the Senate, and if the Senate shall not be in session, by the Governor, from Washington County at large, an additional Justice of the Peace, to fill the aforesaid office of "Magistrate for Juvenile Cases," whose term of office shall begin on the first Monday of May, 1941, and who shall thereafter be appointed in conformity with the Constitution of this State, as in the case of other Justices of the Peace. The said Magistrate shall be a member of the Bar of the Circuit Court for Washington County and shall not by reason of such appointment be debarred from practising law in any of the Courts of this State. The Salary of said Magistrate shall be \$2,600.00 per annum, payable monthly, two-thirds by the County Commissioners of Washington County and the other one-third by the Mayor and Council of Hagerstown.

563. The salary provided for said Magistrate in the foregoing Section shall be the only salary or fee to be paid to said Magistrate or Justice of the Peace in any criminal cases, whether for violations of the ordinances of the City of Hagerstown, or for his services as Magistrate of Juvenile Cases, provided, however, that in addition to said salary therein provided, he shall be allowed for all actual and reasonable traveling expenses incurred by him when in the discharge of his official duties, the same to be paid to him by the County Commissioners of Washington County, upon the filing with them by the said Mayor or Justice of the Peace an itemized list of such expenses duly sworn to before some officer legally authorized to administer oaths in said Washington County.

564. In the absence, illness, disability or disqualification of the Magistrate for Juvenile Cases, it shall be the duty of the Judge of the Circuit Court for Washington County to perform the duties required by this Act of the said Magistrate, pending such absences, illness, disability or disqualification.

566. The magistrate herein provided for, before qualifying as such, shall give bond to the State of Maryland, in the penalty of \$5,000 with surety or sureties to be approved by the Clerk of the Circuit Court for Washington County, conditioned that he will well and faithfully perform and execute the duties and obligations of the office of Magistrate for Juvenile Cases or Justice of the Peace and that he will account for and pay over to the Circuit Court of Washington County, all fines, penalties, forfeitures and costs imposed by him and which he shall receive for or on account of criminal offenses tried by him under the provisions of the Code of Public General Laws and that he will account for and pay over to the Tax Collector of Hagerstown, all fines, penalties, forfeitures and costs imposed by him and which he shall receive for or on account of offenses against the ordinances of Hagerstown, and that he will well and truly act for and pay over to the person, persons or corporations entitled to the same, all money coming into his hands for or on account of any business pertaining to or connected with his office. And the bond of the said Justice of the Peace or Magistrate for Juvenile Cases shall be liable at the suit of the State of Maryland, for the use of the County Commissioners of Washington County and the Mayor and Council of Hagerstown, and of any person, persons, corporation or corporations entitled under any default of said condition.

567. Jurisdiction. The authority, powers and jurisdiction of the Magistrate appointed under this act shall be as follows: (a) He shall possess the general powers of Justice of the Peace at large and also the powers of a Police Justice of Hagerstown as the same are now or may hereafter be prescribed or defined by law, except as modified or restricted by this act, provided, however, that he shall not be required, assume and shall have the right to waive jurisdiction in criminal cases where adults are defendants where the conduct alleged does not directly affect the welfare of a child or children as defined by this act. (b) He shall not have the power or jurisdiction to try, hear or determine civil actions of any kind. (c) He shall have jurisdiction as conferred upon Justices of the Peace under the provisions of Article 12, of the Annotated Code of Maryland, 1939 Edition, and all amendments thereto now in force or hereafter passed, which shall be exclusive as among the several Justices of the Peace or Trial Magistrates of Washington County, over and with respect to bastardy cases. (d) He shall have jurisdiction as conferred upon Justices of the Peace under the provisions of Article 27, Sections 89 to 104 inclusive, of the Annotated Code of Maryland, 1939 Edition, and all amendments

thereto now in force or hereafter passed, which shall be inclusive as among the several Justices of the Peace or Trial Magistrates of Washington County, over and with respect to desertion and non-support cases. (e) He shall have jurisdiction, which shall be exclusive as among the several Justices of the Peace or Trial Magistrates of Washington County, over and respect to any child under the age of 18 years, residing within Washington County, who is delinquent, neglected, dependent or mentally defective, or any such child who shall have violated any law of the State or ordinance of a sub-division thereof prior to becoming 18 years of age, provided, however, that, whenever a child over the age of 14 years is brought before said Magistrate upon a petition alleging delinquency, and the conduct alleged in the petition would constitute a felony or any crime the maximum penalty of which is confinement in a penal institution for more than three years, the Magistrate, after full investigation, may waive jurisdiction and then proceed in the manner as Justices of the Peace may now or hereafter be authorized to proceed in like criminal cases when the defendant is an adult if such action shall appear to be in the public interest or for the welfare of the child, and provided further, that whenever a child 16 years or over is brought before said magistrate on any criminal charge, the said Magistrate may waive jurisdiction and refer the case to some other Justice of the Peace or Trial Magistrate of Washington County for hearing or may proceed in like manner as Justices of the Peace may now or hereafter be authorized to proceed in like criminal cases when the defendant is an adult. (f) He shall have jurisdiction which shall be exclusive as among the several Justices of the Peace or Trial Magistrates of Washington County, to determine the custody of any child residing within the County, provided, however, that nothing contained herein shall deprive other courts of competent jurisdiction to determine the custody of children upon writs of habeas corpus or when such custody is incidental to the determination of causes pending in such Courts. (g) When any child shall be found by said Magistrate to be delinquent, dependent, neglected or mentally incompetent, such child shall continue under the jurisdiction of the Juvenile Court until he becomes twenty-one years of age, unless discharged, prior thereto. (h) He shall have jurisdiction, which shall be exclusive as among the several Justices of the Peace or Trial Magistrates of Washington County, to hear, try and determine all cases of adults charged with contributing to, encouraging, causing or tending to cause by any act or omission, the delinquency, neglect or dependency of any child.

568. Procedure in Children's Cases: (a) Information, investigation, petition: Any person, individually or as the Agent of any society incorporated under the laws of this or any other state for the care and protection of children, may, and any Police Officer shall, give to the Magistrate any information in his possession relative to any child that is intended to come within the provisions and is in need of the protection of this act. Thereupon the Magistrate shall make preliminary

inquiry to determine whether the interests of the public or of any child require that further action be so taken. Whenever practicable, such inquiry shall include a preliminary investigation of the home and environmental situation of the child, his previous history and the circumstances of the conduct or conditions alleged. If the Magistrate shall determine that formal jurisdiction should be acquired, he shall then authorize a petition to be filed with the Clerk of said Magistrate.

Said petition shall be in writing, under oath or affirmation and shall allege in substance as follows: That a certain child or children, naming the same, if the name or names be known, and also naming the parent or parents of such child, if there be parent or parents known to the petitioner, or the name of the custodian of such child or children, if there be such custodian known to the petitioner, and the place or places of residence of such child or children, their parents or other custodian, where known to the petitioner, is or are delinquent, dependent or neglected as defined in Section 560 of the subtitle, and that it is for the interest of such child or children, and the State of Maryland that it or they be taken from its or their parent or parents, guardian or custodian, and placed under the jurisdiction of said Magistrate for Juvenile Cases, together with such other pertinent facts if any, as the petitioner may think proper to state. The Clerk of said Magistrate for Juvenile Cases shall file and preserve such petition and all cases relating to such petition, and docket such case, wherein the petitioner shall be named as plaintiff, and the child or children, its or their parent or parents, guardian or custodian, when named, shall be made defendants in such case. The said Clerk shall immediately upon the filing of the petition and making the proper docket entries, call the same to the attention of the said Magistrate for Juvenile Cases. (b) Summons, Notice, Custody of the child. After a petition shall have been filed and after such further investigation as the Magistrate shall direct, unless the parties hereinafter named shall voluntarily appear, the Magistrate shall issue a summons reciting briefly the substance of the petition, and requiring the person or persons who have the custody or control of the child to appear personally and bring the child before the Magistrate at a time and place stated. If the person so summoned shall be other than the parent or guardian of the child, then the parent or guardian or both shall be notified of the pendency of the case and of the time and place appointed, by personal service before the hearing, except as hereinafter provided. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the Magistrate is necessary.

If it appears that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the Court, the Magistrate may cause to be endorsed

upon the summons an order that the officer serving the same shall at once take the child into custody. (c) Service of Summons, traveling expenses. Service of summons shall be made personally by the delivery of attested copies thereof to the person summoned; provided, that if the Magistrate is satisfied that it is impractical to personally serve such summons or the notice provided for in the preceding section, he may order service by registered mail addressed to their last known addresses, or by publication thereof, or both as he may direct. It shall be sufficient to confer jurisdiction if service is effected at least 24 hours before the time fixed in the summons for the return thereof.

Service of summons, process or notice required by this act be made by the Sheriff or any Constable of Washington County, any Police officer of any municipality of Washington County, the Probation Officer or any other suitable person under the direction of the Court. The Magistrate may authorize the payment of necessary traveling expenses incurred by any person summoned or otherwise required to appear at the hearing of any case coming within the provisions of this act, and such expenses when approved by the Magistrate shall be a charge upon the County. (d) Failure to obey summons, warrant. If any person summoned as herein provided shall, without reasonable cause, fail to appear, he may be proceeded against for contempt of Court. In case the summons cannot be served, or the parties served fail to obey the same, or in any case when it shall be made to appear to the Magistrate that the service will be ineffectual or the welfare of the child requires that he shall be brought forthwith into the custody of the court, a warrant may be issued against the parent or guardian or against the child himself.

Whenever any officer takes a child into custody, he shall, unless it is impracticable or has been otherwise ordered by the Magistrate, accept the written promise of the parent, guardian or custodian to bring the child to the court at the time fixed. Thereupon such child may be released in the custody of a parent, guardian or custodian. If not so released, such child shall be placed in custody of the Probation Officer or any other person designated by the Magistrate, or taken immediately to the court or to the place of detention designated by the Magistrate, and the officer taking him shall immediately notify the Magistrate and shall file a petition when directed to do so by the Magistrate. The Magistrate may make a general order designating such a place of detention.

In the case of any child whose custody has been assumed by the Court and pending final disposition of the case, the child may be released in the custody of a parent, guardian or custodian, or of the Probation Officer or other person appointed by the Magistrate, to be brought before the Magistrate at the time designated. When not released as herein provided, such child,

pending the hearing of the case, shall be detained in such place of detention as shall be designated by the Magistrate, subject to further order.

Nothing in this act shall be construed as forbidding any peace officer, police officer or Probation Officer from immediately taking into custody any child who is found to be violating any law or ordinance, or who is reasonably believed to be a fugitive from his parents or from justice, or whose immediate surroundings are such as to endanger his health, morals or welfare, unless immediate action is taken. In every such case the officer taking the child into custody shall immediately report the fact to the court and the case shall then be proceeded with as provided in this act. (f) Transfer from other courts. If during the pendency of a criminal charge against any person in any other court of Washington County, it shall be ascertained that said person was under the age of 18 years at the time of committing the alleged offense, the said Court may, and if the said person was under the age of 16 years such court shall transfer such case immediately, together with all papers, documents and testimony connected therewith to the Juvenile Court, excepting those cases where the Circuit Court of Washington County has the right to retain jurisdiction under the Provisions of Section 587, Sub-section "e" of this Article. The Court making such transfer shall order the child to be taken forthwith to the place of detention designated by the Juvenile Court or to that Court itself or release such child in the custody of some suitable person to appear before the Juvenile Court at a time designated. The Juvenile Court shall thereupon proceed to hear and dispose of such cases in the same manner as if it had been instituted in that court in the first instance. (g) Hearing, judgment. (1) The court may conduct hearings in cases involving children in an informal manner, and may adjourn the hearing from time to time. In the hearing of any case the general public shall be excluded and only such persons admitted as have a direct interest in the case. All cases involving children shall be heard separately and apart from the trial of cases against adults. The court shall hear and determine all cases of children without regard to technicalities of procedure or rules of evidence. (2) If the Court shall find the child is delinquent, neglected, dependent or otherwise within the provisions of this act, it may by order duly entered proceed as follows: (a) Suspend sentence. (b) Place the child on probation for a period discretionary with said Magistrate for Juvenile Cases, in his own home or in the custody of a relative or other fit person, subject however, to the supervision of the Probation Officer, or other person or agency designated by him, upon such terms as the Magistrate shall determine and subject to the further orders of said Magistrate. (c) Commit the child to the care and custody of some responsible citizen of Washington County, maintaining a suitable private home, or some agency, society or suitable institution, maintained by the State or otherwise organized or established for the care of children, provided

said home, agency, society or institution is approved by the Board of State Aid and Charities and is authorized to care for children until said child becomes 21 years of age. Said Magistrate however, shall retain the right and power to remove such child from such person, home, agency, society, or institution at such time as he may see fit and for such reasons as he may determine sufficient.

Whenever any child is so committed to any person, home, agency or institution, it shall be the duty of such person, home, agency or institution, to report to said Magistrate the conditions and progress of such child; and such custodian shall exercise proper care for the schooling and training of such child, and make report to said Magistrate as often as directed by the order of Commitment; and if any child so placed with any person, home, agency or institution, shall leave or quit the same before attaining adult age, and without leave of said Magistrate, he, or she shall be apprehended and brought before said Magistrate, and said Magistrate shall award the custody of said child as said Magistrate may determine to be best for the interests of said child and the community. All orders of the Magistrate shall be noted in the docket provided for by this act, and the originals carefully preserved by the clerk in said Magistrate's office, and a duplicate copy of such orders shall be made and presented to the custodian so appointed.

The said Magistrate shall not commit for any reason a child under 16 years of age to a jail or police station to be confined with other prisoners. If any such child shall be unable to give bail for his or her appearance as and where demanded, he or she shall be committed to the care of the Probation Officer of the said county, or to the custody of some person, home or society, or juvenile institution organized for the care of children, provided, however, that a child fourteen years of age or older whose habits or conduct are deemed such as to constitute a menace to other children, may, with the consent of the Magistrate, be placed in a jail, Police Station or other place of detention for adults but in a room or ward separate from adults. (d) Impose a legal fine and in default of payment, commit or place such child on probation as herein provided. (e) Continue the proceeding and place the child in its own home or in the custody of a relative or other suitable person, association, agency, society or institution, approved by the Board of State Aid and Charities, as aforesaid, for a designated period subject to the further orders of the said Magistrate. (f) Render such other and further judgment as said Magistrate may deem to be for the best interests of said child. (h) No adjudication upon the status of any child under the age of 16 in the jurisdiction of any court shall operate to impose any of the civil disabilities ordinarily imposed by conviction, nor shall any child be deemed a criminal by reason of such adjudication nor shall such adjudication be deemed a conviction. The disposition of such child or any evidence given in the court shall not be admissible as evidence against

the child in any case or proceeding in any other court, nor shall such disposition or evidence operate to disqualify such child in any future civil service examination, appointment or application. (i) Whenever the Magistrate shall commit a child to any individual, institution or agency, he shall transmit with the order of commitment a summary of the information concerning such child. (j) Modification of judgment, return of child to Parents. An order of commitment made by the Magistrate in the case of a child shall be subject to modification, or revocation from time to time. (k) Support of child committed to a custodial agency. Whenever a child is committed by the Magistrate to the custody of any institution, or person other than its parent, and no provision is made by law for the support of such child, compensation for the care of such child, when approved by order of the Magistrate, shall be a charge upon the county. But the Magistrate may, after giving the parent a reasonable opportunity to be heard, adjudge that such parent shall pay in such manner as the Magistrate may direct such sum as will cover in whole or in part the support of such child, and if such parent shall wilfully fail or refuse to pay such sum, he may be proceeded against as provided by law for cases of desertion or failure to provide support for such child. (l) If it shall appear that any child concerning whom a petition has been filed is mentally deficient or mentally disordered, the Magistrate, before committing him to an institution, shall cause such child to be examined by two qualified physicians and on their written statement that such child is mentally defective or mentally disordered, the Magistrate may commit such child to an appropriate institution authorized by law to receive and care for such children. The parent, guardian, or custodian shall be given due notice of any proceedings hereunder.

269. Procedure in Adult Cases. (a) All provisions of this act relative to procedure in cases of children, so far as practicable shall be construed as applying to cases against adults also, with the consent of the defendant or when not consistent with other provisions of law relating to the conduct of adult cases. Proceedings may be instituted by an interested party or upon the Magistrate's own motion, and a reasonable opportunity to appear shall be afforded the defendant. The Magistrate may issue a summons, a warrant or arrest or other process in order to secure or to compel the attendance of any necessary person. Upon the trial of such cases the Magistrate shall have power to impose such sentence as the law provides, or may suspend sentence and place on probation, and by order impose upon such adult such duty as shall be deemed to be for the best interests of the child or other persons concerned. If an adult is charged with an offense for which he is entitled to a trial by jury, and if he shall so demand, he shall be committed or bailed pending the same. (b) Any person contributing toward, encouraging, causing or committing any act or

omission tending to cause the delinquency, dependency or neglect of any child as hereinbefore defined, or any person charged by law with the care and support or maintenance of any such child and who wilfully fails, neglects or refuses to care for, support or maintain such child or abandons such child, or any person who shall advise, encourage or cause by forcefully taking, inducing, or otherwise, any child to leave the person, home, school or institution to which such child shall have been committed by said Magistrate, shall be deemed guilty of a misdemeanor, and on conviction or pleading guilty thereof, shall be fined not more than \$500.00 or imprisoned in the Maryland House of Correction for a period not exceeding 2 years or be both fined and imprisoned in the discretion of the Magistrate, or Court trying the offense, and each day of such failure, neglect or refusal shall constitute a separate offense; provided, however, that the accused may demand a jury trial and be committed or bailed pending the same. Any person pleading guilty, tried, convicted and sentenced under this act for the abandonment of, or for the neglect of, or failure to maintain or support a child, may be sentenced as hereinbefore stated, or may, in lieu thereof, be paroled on such terms as said Magistrate (or Court) may deem proper, the performance of said terms to be secured by the detention of the offender or by a recognizance entered into by or on his or her behalf, as said Magistrate or said Court may adjudge.

570. Appointment and Removal of Probation Officer. The Magistrate for Juvenile Cases shall appoint a Probation Officer, who may be either male or female, who shall be paid in monthly installments, two-thirds by the County Commissioners of Washington County and one-third by the Mayor or City Council of Hagerstown, a salary to be fixed by said Magistrate of Juvenile Cases, not exceeding \$1,500 per annum and said Probation Officer may be removed by said Magistrate at his discretion. It shall be the duty of the Probation Officer to himself or herself when any child is to be brought before said Magistrate, to make investigations of all such cases, as the Court may direct, keep a written record of such investigations and submit the same to the Magistrate or deal with them as he may direct, to be present before said Magistrate, to represent the interest of the child when the case is heard, to furnish said Magistrate with such information and assistance as said Magistrate may require, to take charge of such child before and after the trial if the said Magistrate shall so direct, to keep informed concerning the conduct and condition of each child under his supervision and to report thereon to the Magistrate as he may direct, to use all suitable methods to aid children on probation and to bring about improvement in their conduct and condition, or whenever such Probation Officer shall have knowledge of any dependent, neglected or delinquent child, it shall be the duty of said Officer to bring the same to the attention of the said Magistrate by Petition as hereinbefore provided.

Before qualifying as such, said Probation Officer shall give bond to the State of Maryland in a penalty of \$2,000 with a surety or sureties to be approved by the clerk of the Circuit Court for Washington County, conditioned that he will well and faithfully perform and execute the duties of his office and that he will account for and pay over to the Magistrate for Juvenile Cases all money coming into his hands for or on account of any business, pertaining to or connected with the Juvenile Court. And the bond of said Probation Officer shall be liable at the suit of the State of Maryland for the use of the Magistrate for Juvenile Cases, the County Commissioners of Washington County and the Mayor and Council of Hagerstown, and of any person, persons, corporation or corporations entitled under any default of said conditions.

In addition to the salary above provided for, such Probation Officer, he or she shall be all actual and reasonable traveling expenses when in the discharge of duties imposed by the order or said Magistrate, to be paid two-thirds by the County Commissioners of Washington County and one-third by the Mayor and City Council of Hagerstown, upon the approval and order of said Magistrate, and the County Commissioners of Washington County and the Mayor and City Council of Hagerstown, shall and they are hereby vested with full powers and authority to make all necessary levies and appropriations to pay the salary and expenses of such Probation Officer as well as other salaries and expenses provided to be paid by this act.

Said Probation Officer for the purposes of this act shall have the power of Police Officers.

571. Appointment and duties of clerk. The Magistrate for Juvenile Cases shall appoint a suitable person to act as clerk, who may be a woman, who shall be paid in monthly installments, two-thirds by the County Commissioners of Washington County and one-third by the Mayor and City Council of Hagerstown, a salary to be fixed by said Magistrate for Juvenile Cases, not exceeding \$1,200 per annum, and who shall attend at such times and places and perform such duties as may be directed by said Magistrate and who shall be removable by said Magistrate at his discretion.

Before qualifying as such, said clerk shall give bond to the State of Maryland in a penalty of \$2,000, with a surety or sureties to be approved by the Clerk of the Circuit Court for Washington County, conditioned that she will well and faithfully perform and execute the duties of her office and she will account for and pay over to the Magistrate for Juvenile Cases all money coming into her hands for or on account of any business pertaining to or connected with the Juvenile Court. And the bond of said Clerk shall be liable at the suit of the State of Maryland, for the use of the Magistrate for Juvenile

Cases, the County Commissioners of Washington County, and the Mayor and City Council of Hagerstown, and of any person, persons, corporation or corporations entitled under default of said conditions.

573. Miscellaneous. (a) The said Magistrate shall have the power and authority to direct that payments of support money ordered to be paid by him shall be paid through the Juvenile Court and the said Magistrate is authorized to receive and disburse payments ordered to be paid through said Court, by the Circuit Court for Washington County, in non-support and bastardy cases. (b) Costs. The said Magistrate shall have full power and authority to assess the costs in any proceeding instituted under the provisions of this Act, against any adult defendant. Costs in such cases shall be taxed in the customary amount, but in no case shall any appearance fee be allowed, and fees to witnesses shall be allowed only in the discretion of said Magistrate, but when allowed, such witness fees and mileage shall be the same as now allowed by the Circuit Court for Washington County. (2) In no case shall any person filing a petition under this act be held liable for any costs of the case unless the Magistrate shall be satisfied that the case was instituted without reasonable grounds or through prejudice, upon which finding all costs of the proceeding may be assessed against the petitioner in the discretion of the Magistrate. (3) All costs incurred in the prosecution of cases under this act, except as hereinbefore provided, and except in corporation cases of the City of Hagerstown, shall be paid by the County Commissioners of said County, and it shall be the duty of the County Commissioners of said County and they are hereby authorized to make all levies and appropriations necessary to provide for the payment of the salaries, fees, expenses and costs made by this act, payable by the County Commissioners of said County. (c) All process, orders and directions issued by said Magistrate may be directed to the Probation Officer, Sheriff or any Constable of Washington County or to any Police Officer of any Incorporated town in Washington County, and he shall receive the same fees for serving such process, orders and direction as he now receives for serving papers of similar character, excepting the Probation Officer who shall receive only actual expenses for serving process, orders or directions.

The Mayor and City Council of Hagerstown shall designate one or more members of the Police Force of said Hagerstown to attend said Magistrate and execute such process, orders and directions within the corporate limits of Hagerstown. (d) The said Magistrate shall have the right to preserve order and decorum when sitting in the discharge of his duties, and shall have the right to punish any person who commits any breach of decorum in his presence or any person who wilfully violates, neglects, or refuses to obey or perform any order of said Magistrate by a

fine not exceeding \$25.00 to be collected as other fines are collected, and in default of payment of said fine imposed by said Magistrate, the said Magistrate shall have the power to commit the person on whom said fine is imposed to Washington County Jail for a period not exceeding one day for each One Dollar of fine so imposed, provided, that, in all cases when a fine is imposed under this sub-section, the party on whom said fine is imposed, if he feels aggrieved thereby, may within 3 days, appeal to the Circuit Court for Washington County from the action of said Magistrate, and pending the hearing of said appeal, shall give surety for his appearance in the Circuit Court for Washington County, in a sum to be fixed by the said Magistrate, which sum shall not be in excess of twice the amount of fine imposed; and the person on whom said fine is imposed under this sub-division shall at his option, instead of furnishing surety for his appearance, have the right, pending his appeal, to deposit with the Magistrate a sum in cash double the amount imposed as collateral security for his appearance in the Circuit Court for Washington County on said appeal. Provided, that, no appeal shall be allowed under this section after payment of fine, but deposit of cash as such collateral surety in double the amount of the fine, shall not be construed to be a payment of the fine. (e) The County Commissioners of Washington County shall provide a suitable room or rooms in the Courthouse in Hagerstown, Maryland, for the use of said Magistrate, and shall provide said Magistrate with a suitable book or docket to be styled the "Juvenile Docket", and with such other suitable books or dockets for criminal cases, forms and petitions, orders and papers and such other stationery and office equipment, including a telephone, as may be necessary for the proper conduct of said office and which the said Magistrate may deem requisite for the proper and convenient discharge of his duties under this Act, the cost of such to be paid by the County Commissioners of said Washington County, and to be charged to the item of Court expenses. (f) The Mayor and City Council of Hagerstown shall furnish said Magistrate with a copy of the charter and ordinance of Hagerstown, and shall supply him with copies of all new ordinances of said Hagerstown within one day after the adoption thereof and shall notify him of the repeal of any ordinance within one day thereafter; and the said Mayor and Council of Hagerstown shall supply said Magistrate with all dockets for corporation cases and with the necessary stationery and office equipment used by him in the business of said town. The said Magistrate shall record in the corporation docket his proceedings in all such cases, setting forth the fines or imprisonment imposed and the amount of the costs, and he shall submit said docket to the inspection of any person who may request to see the same. It shall be the duty of the said Magistrate to make out a summarized statement of all corporation cases tried before him with the fines and costs therein collected, which statement shall be sworn to and submitted monthly to the Mayor and Council. Upon the request of the Mayor and Council, the

said Magistrate shall produce his docket and may be placed under oath and interrogated as to the entries therein. The said Magistrate shall pay over to the Tax Collector of Hagerstown quarterly, all fines collected by him which may belong to said town.

The Mayor and Council of Hagerstown are hereby authorized to make all levies and appropriations necessary to provide for the payment of the salaries, fees, expenses and costs made by this Act payable by the said Mayor and Council of Hagerstown.

(g) The Magistrate herein provided for, shall at the 1st regular meeting of the County Commissioners of Washington County held in each month, make a report in writing, verified under oath, of all criminal and Juvenile Cases heard and tried before him during the preceding month, except corporation cases of the City of Hagerstown, which report shall state in each case the name of the Dependent, the offense charged, the name of the person upon whose complaint the warrant was issued, the number of witnesses summoned, the name of the officer serving the warrants and summons, the judgment rendered, the amount of the fine or penalty imposed, the amount of costs taxed and the amount of fine, penalty and costs collected by him; and all such fines, penalties and costs including constables fees, which said Justice is hereby required to collect, shall at the time of his making such report, be paid to the order of said County Commissioners. (h) Records, forms. The Court shall maintain records of all cases brought before it. Such records shall be open only by order of the Court to persons having a legitimate interest. The Court shall devise and cause to be printed such forms for records and such other papers as may be required.

573. Constitutionality. If any section, sub-division, or clause of this act shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the Act.

574. And be it further enacted, That nothing in this act shall be construed to affect the compensation of the present Magistrate for Juvenile Cases, Probation Officer or Clerk during their present terms of office, ending 5-5-41.

575. And be it further enacted, That all General or Local Laws or parts of such laws now in force inconsistent with, be and the same are hereby repealed to the extent of such inconsistency.

Sec. 3. And be it further enacted, That this Act is an emergency law and necessary for the immediate preservation of public health and safety and having been passed by a yea and nay vote of three-fifths of all of the members elected to each of the two Houses of the General Assembly, the same shall take effect on 5-5-1941.

Approved 5-6-41.

Montgomery County, 1945, Chapter 1044.

An Act to add 19 new sections to the Code of Montgomery County (1939 Edition, being Article 16 of the Code of Public Local Laws of Maryland), title "Montgomery County", sub-title "Justices of the Peace and Constables", said new sections to be known as Sections 547A to 547S, inclusive, to be under the new sub-heading "Magistrate for Juvenile Causes", and to follow immediately after Section 547 of said Code; providing for the establishment of a Magistrate's Court for Juvenile Causes in Montgomery County, defining its powers and duties, and relating generally to the jurisdiction over, care and handling of certain juvenile offenders in Montgomery County.

Sec. 1. Be it enacted by the General Assembly of Maryland, that 19 new sections be added to the Code of Montgomery County (1939 Edition, being Article 16 of the Code of Public Local Laws of Maryland), title "Montgomery County", sub-title "Justices of the Peace and Constables", said new sections to be known as Sections 547A to 547S, inclusive, to be under the new sub-heading "Magistrate for Juvenile Causes", and to follow immediately after Section 547 of said Code, and to read as follows: Magistrate for Juvenile Causes.

547A. There shall be established in Montgomery County, a Magistrate Court to be known as "The Magistrate Court for Montgomery County for Juvenile Causes."

547B. In addition to the Justices of the Peace already authorized by law, there shall be appointed by the Governor, by and with the advice and consent of the Senate, and if the Senate shall not be in session, by the Governor, from Montgomery in the State of Maryland, an additional justice of the peace for Montgomery County to be known as the Magistrate for Juvenile Causes for Montgomery County, who shall be at least thirty years of age, a member of the Bar of the Court of Appeals of Maryland who has engaged in the practice of law for at least five years next preceding his appointment, who shall have resided in Montgomery County for at least five years preceding his appointment and who shall be selected from a list approved by the Board of County Commissioners, Montgomery County, Maryland, who shall have a knowledge of Child Psychology, and who shall receive such salary as the Board of County Commissioners shall designate, which salary, however, shall not be less than \$2,400.00 per annum. The Magistrate shall sit at such times as may be necessary for the proper discharge of his duties, at such places as may be provided by the County Commissioners for Montgomery County.

547C. The purpose of this sub-heading is to secure for each child under its jurisdiction such care and guidance, preferably in his own home, as will serve the child's welfare and the best interest of the state; to conserve and strengthen the child's family ties whenever possible, removing him from the custody of his parents only when his welfare or the safety and protection of the public cannot be adequately safeguarded without such removal; and, when such child is removed from his own family, to secure for him custody, care, and discipline as nearly as possible equivalent to that which should be given him by his parents.

This provision shall be liberally construed to accomplish the purposes herein sought.

547D. When used in this sub-heading, unless the content clearly requires otherwise: (a) "Court" means the Court presided over by the Magistrate for Juvenile Causes for Montgomery County. (b) "Magistrate" means the person appointed as Magistrate for Juvenile Causes for Montgomery County. (c) "Child" means a minor under the age of 18 years who is subject to the jurisdiction of the Court. (d) "Adult" means a person 18 years of age or over.

547E. Except as otherwise provided, the Magistrate for Juvenile Causes for Montgomery County shall have the following jurisdiction and powers: (a) He shall possess the same powers as a justice of the peace or magistrate for the criminal causes now has or may hereafter have as defined by law. (b) He shall have exclusive jurisdiction over other justices of the peace or trial magistrates in proceedings concerning any child within Montgomery County, who is dependent, delinquent, neglected or is a minor without proper care and guardianship. (c) He shall have power to place any child found to be delinquent, dependent or neglected, or a child without proper care and guardianship in the custody of such person or persons, juvenile institution or juvenile agency, for such period of time as may be deemed for the best interest and welfare of said child, if it shall appear that the present custodian or parent is not a fit person to have the custody of such child, or that it would be conducive to the best interest of such child to have a change of custodian. (d) He shall have power at any stage of the proceedings in the case of a child who is charged with delinquency, or whose care, commitment or custody is involved before the court, to suspend sentence, final judgment or further proceedings for such period of time or for an indefinite period of time, as may be deemed necessary, and at the time of suspension of sentence, final judgment or further proceedings, or subsequent thereto, he may impose such terms and conditions as may be deemed proper and necessary. (e) He shall have power to determine the paternity of any child alleged to have been born out of wedlock and to provide for his support; in which cases the defendant shall be entitled to jury trial unless he shall

voluntarily waive such right and request trial by the court. (f) He shall have original jurisdiction in proceedings against adults charged with wilfully contributing to, encouraging, or tending to cause by any act or omission any condition which would bring a child within the provisions of this chapter.

The court shall have jurisdiction to try cases of non-support of children coming before the court the same as other justices of the peace or trial magistrates now have in non-support cases, or may hereafter have. He shall have power and authority to enforce obedience to his orders, writs and judgments by attachment and to inflict summary punishment for contempt by a fine not exceeding in any one case the sum of twenty dollars (\$20.00); and make such rules and orders from time to time for the well governing and regulating his court and the employees and suitors thereof and under such fines and forfeitures as he shall think fit, not exceeding twenty dollars (\$20.00) for any one offense, all of which fine shall go to the State. (g) When jurisdiction shall have been obtained by the court in the case of any child, such child shall continue under the jurisdiction of the court until he becomes 21 years of age unless discharged prior thereto; provided, however, that nothing herein contained shall affect the jurisdiction of other courts over offenses committed by such child after he reaches the age of 18.

547F. "Dependent", "neglected" and "delinquent" child defined. The terms "dependent" or "neglected" child as used in this sub-heading shall be held to mean and include any child who is destitute or homeless or abandoned or dependent upon the public for support or is without proper care and guardianship, or is unlawfully kept out of school, or mentally deficient, or is found living with vicious or depraved person.

The term "delinquent" child or children as used in this sub-heading shall be held to mean and include any child who violates any law or ordinance of the State or county, or who commits any act which, if committed by an adult would be a crime not punishable by death, or by life imprisonment; who is incorrigible or is beyond the control of his parents, guardian or custodian, or is habitually a truant, or who without just cause or consent deserts his home or place of abode, who knowingly associates with thieves, vicious or depraved persons, or is growing up in idleness or crime, or knowingly frequents any gambling places, places where beer or intoxicating beverages are sold, or who is guilty of indecent, immoral or lascivious conduct.

547G. Any adult over whom the Magistrate may have jurisdiction under Section 547E for any wilful act, or omission contributing to, encouraging or tending to cause any condition bringing a child within the jurisdiction of the court, if found guilty of any act or omission as therein defined, shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00) or by

both such fine and imprisonment. Upon any such conviction, the Magistrate shall have power to impose sentence as aforesaid, or may suspend sentence and place such adult on probation and by order impose such adult during such period of probation such duty as shall be deemed to be for the best interests of the child or other persons concerned. The Magistrate may, however, in his discretion waive jurisdiction, and refer the case to the State's Attorney for appropriate action.

547H. Promptly after June 1, 1945, there shall be appointed by the County Commissioners of Montgomery County a Committee, to be known as the "Juvenile Court Advisory Committee", in Montgomery County. Such Committee shall be composed of thirteen (13) members, who shall serve without pay, and who shall hold membership on the Committee by virtue of the following positions or designations: (1) The State's Attorney of Montgomery County, (2) the Chief of Police of Montgomery County, (3) The Public Health Officer, (4) The Superintendent of Schools, (5) The County Commissioner member of the Montgomery County Welfare Board, (6) The Executive Secretary of the Montgomery County Welfare Board, (7) The Executive Secretary of the Montgomery County Social Service League, (8) The Executive Director of the Montgomery County Community Chest and Council, (9) The Psychologist, (10) Psychiatrist of the Montgomery County Mental Hygiene Society, (11) a member of the Clergy of the Protestant Church, (12) a member of the Clergy of the Roman Catholic Church, and (13) a member of the Clergy of the Jewish Church.

The duties of the Juvenile Court Advisory Committee shall be as follows: (1) To promulgate and establish, with the consent of the Magistrate, such policies, rules and regulations as may be deemed advisable for improving the work of the court and care of the children coming before the court, to recommend measures to the local authorities for prevention of delinquency, to establish rules and regulations for the operation of any receiving house or homes in Montgomery County where children are committed pending trial or after trial while awaiting final disposition of any child so committed; (2) To develop and establish plans and procedures whereby the social service agencies and governmental agencies of Montgomery County represented by the members may be made available to the court and to children coming before the court; (3) To consult with the Magistrate in the appointment of personnel of any receiving home in the county and to establish qualifications for said personnel; (4) To review the annual budget for the Juvenile Court before the submission to the Board of County Commissioners for the operation of the Receiving Home and to confer with the Magistrate and render such services as the Magistrate may require in their discretion. The members of the Juvenile Court Advisory Committee shall serve two year terms to run with the term of the Magistrate. The Committee shall meet at least four times annually.

547I. The Magistrate shall appoint from an eligible list of the Civil Service Commissioner of Montgomery County a Director of Social Work at a salary and traveling expenses, designated by the Board of County Commissioners.

Under the direction of the Magistrate, the Director of Social Work shall be in charge of all the social work of the court; and shall, in association with other social agencies of Montgomery County and the Juvenile Court Advisory Committee, study sources and causes of delinquency and assist in developing and correlating community-wide plans for the prevention and treatment of delinquency.

The Director of Social Work may request the Montgomery County Welfare Board to direct and develop the investigation work of the court and shall make such reports as the Magistrate shall direct. The Magistrate shall also appoint from an eligible list of the Civil Service Commissioner of Montgomery County the clerks, probation officers and stenographers necessary for the work of his office of salaries and expenses designated by the Board of County Commissioners. Said probation officers shall be vested with the privileges and authority of constables and shall perform such duties and be governed by such regulations as may be prescribed by the Magistrate, and the Magistrate is authorized to remove such officers for cause.

547J. Whenever any officer takes a child into custody, he shall, unless it is impracticable or has been otherwise ordered by the court, accept the written promise of the parent, guardian or custodian to bring the child to the court at the time fixed. Thereupon such child may be released in the custody of a parent, guardian or custodian. If not so released, such child shall be placed in the custody of a probation officer or other person designated by the court, or taken immediately to the court or to a place of detention provided by the court on the advice of the Juvenile Court Advisory Committee and the Montgomery County Welfare Board, and the officer taking him shall immediately notify the court and shall file a petition when directed to do so by the court.

In the case of any child whose custody has been assumed by the court and pending the final disposition of the case, the child may be released in the custody of a parent, guardian, or custodian, or of a probation officer or other person appointed by the court, to be brought before the court at the time designated. When not released as herein provided, such child, pending the hearing of the case, shall be detained in such place of detention as provided above, subject to further order of the court, but no child shall be confined in any police station, prison, jail or lock-up, unless in a room or ward entirely separate from adults, or be transported or detained in association with criminal, vicious or dissolute persons.

Nothing in this sub-heading shall be construed as forbidding any peace officer, police officer, or probation officer from immediately taking into custody any child who is found violating any law or ordinance, or who is reasonably believed to be a fugitive from his parents or from justice, or whose surroundings are such as to endanger his health, morals, or safety unless immediate action is taken. In every such case the officer taking the child into custody shall immediately report the fact to the court and the case shall then be proceeded with as provided in this sub-heading.

547K. The court shall conduct all hearings in an informal manner, and may adjourn the hearings from time to time. In the hearing of any case the general public shall be excluded and only such persons as have a direct interest in the case and their representative admitted. All cases involving children may be heard separately and apart from the trial of cases against adults. The court shall hear and determine all cases of children without a jury unless a jury be demanded by the child, his parent, or guardian or the court.

If the court shall find that the child comes within the provisions of this sub-heading, it may by order duly entered proceed as follows: (a) Place the child on probation or under supervision in his own home or in the custody of a relative or other fit person, upon such terms as the court shall determine. (b) Commit the child in a public or licensed private institution or agency; or to the Montgomery County Welfare Board. (c) Make such further disposition of the child as may be provided by law and as the court may deem to be for the best interests of the child.

Whenever a child is committed by the court to custody other than that of its parent, the court may, after giving the parent a reasonable opportunity to be heard, adjudge that such parent shall pay in such manner as the court may direct such sum as will cover in whole or part the support of such child, and if such parent shall willfully fail or refuse to pay such sum, he may be proceeded against as provided by law for cases of desertion or failure to provide subsistence.

Whenever the court shall commit a child to any institution or agency, it shall transmit with the order of commitment a summary of its information concerning such child.

No adjudication upon the status of any child in the jurisdiction of the court shall operate to impose any of the civil disabilities ordinarily imposed by conviction, nor shall any child be deemed a criminal by reason of such adjudication nor shall such adjudication be deemed a conviction of a crime, nor shall any child be charged with or convicted of a crime in any court, except that in the case when a child 16 years

of age or over is charged with an offense which would amount to a felony in the case of an adult, the judge, after full investigation, may waive jurisdiction and order such child held for trial under the regular procedure of the court which would have jurisdiction of such offenses if committed by an adult; or such other court may exercise the powers conferred upon the juvenile court in this sub-heading in conducting and disposing of such case. The disposition of a child or any evidence given in the court shall not be admissible as evidence against the child in any case or proceeding in any other court, nor shall such disposition, or evidence or adjudication operate to disqualify a child in any future civil service examination, appointment or application for public service, under either the Government of the State of Maryland or of Montgomery County.

547L. Any person or persons who may in any manner whatsoever interfere with any officer of the court in the proper discharge of his duties, or may interfere with any person or persons in whose custody any minor may be placed as aforesaid, or who may interfere with or attempt to in any manner entice such child from such custody shall be guilty of a misdemeanor and on conviction thereof, shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.

547M. In placing a child committed to the custody of an individual, private agency or institution, the Magistrate, or the Director of Social Work, or the County Welfare Board, whenever practicable shall select a person, agency or institution governed by persons of like religious faiths as that of the parents of such child or in the case of a difference in religious faith of the parents, then of the religious faith of the child, or, if the religious faith of the child is not ascertainable, then the faith of either of the parents.

547N. Any person may inform the court that a child is within the purview of this Act, and if the court is so informed, the Magistrate shall make or order to be made a preliminary inquiry to determine whether the interests of the public or of the child require that further action be taken. Thereupon the court may make such informal adjustment as is practicable without a petition, or may authorize a petition to be filed by any person, or, any person may file with the Magistrate or with the Director of Social Work of the Court a petition in writing and under oath setting forth that a certain child or children, naming same, if the names be known, and also naming the parent or parents of said child or children, if there be parent or parents known to the petitioner, or the name of the custodian of said child or children if there be such custodian known to the petitioner, and the place or places of residence of such child or children, their parents or other custodian, if known to the petitioner, is or are delinquent, dependent or neglected and that it is for the best interest of said child

or children and the State of Maryland that it or they be taken from its or their parent or parents, guardian or custodian or place of residence and placed under the jurisdiction of the Magistrate for juvenile causes, together with such other pertinent facts as the petitioner may think proper to state. The Magistrate shall file and preserve such petitions and all papers relating to the petition and docket the case, wherein the petitioner shall be named the plaintiff and the child or children, its or their parent or parents, guardian or custodian when named shall be made defendants in such case.

The Magistrate, if a formal hearing is to be had, shall order the Director of Social Work to issue a writ or writs of summons for all parties named in the proceedings as defendants, and for all witnesses in the case, in which shall be stated the purpose for which he or they have been summoned, and ordering the said parties or witnesses to appear before said Magistrate at the hour and upon the day named therein, and the Magistrate may, in his discretion, if it appears that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the court, order, by endorsement upon the summons, that the officer serving the same shall at once take the child into custody. Service of writs and process shall be by any officer who by law is authorized to serve and return such writs and process, as for criminal and civil proceedings in other cases provided.

In those cases, for wilful act or omission of persons contributing to any condition bringing a child within the jurisdiction of the court, any person may file with the Magistrate for Juvenile Causes for Montgomery County, a petition in writing, setting forth the name and residence of any parent, guardian, or other person or persons having custody of a child, naming the child and of any person or persons responsible for or contributing to the delinquency, dependency or neglect of said child, and it shall be sufficient that the affidavit to the facts set forth in the petition is on information and belief. Upon filing of the petitions a summons shall issue requiring all persons named in the petition to appear at a place and time stated in the summons. Such summons may be served by the Sheriff or Constable, or police officer or other officer authorized by law to serve writ or process. If the person summoned shall fail to appear, the Court may issue an attachment for such person's personal attendance in court at the time stated therein. On request of the Court, the State's Attorney shall prepare and prosecute any case within the purview of this section.

547-0. Any interested party aggrieved by any order or decree of the Magistrate, may, within thirty days after the entry of such order or decree, appeal therefrom to the Circuit Court of

Montgomery County, where the case shall be tried de novo as in other appeals from Trial Magistrates findings and decrees.

The pendency of any such appeal or application therefor with respect to a child shall not suspend the order of the Magistrate regarding such child nor shall it discharge such child from the custody of the County Welfare Board or of the person, institution or agency to whose care such child shall have been committed by that Board, or by the Magistrate.

547P. The Court may cause any child coming under its jurisdiction to be examined by a physician, psychiatrist or psychologist appointed by the court.

547Q. In the event of the temporary absence or inability of the Magistrate for Juvenile Causes, the substitute trial magistrate appointed by the Governor for Montgomery County, for the trial of causes before the other trial magistrates of Montgomery County, shall serve in his place and stead during the period of his absence or inability, and shall have the same power and authority and be subject to the same duties and responsibilities as the said trial magistrate for juvenile causes. He shall receive from the County Commissioners the same pro rata amount for his compensation and the same expenses as would have been received by the trial magistrate for juvenile causes.

547R. The County Commissioners of Montgomery County shall make all appropriations necessary to provide for the payment of the salaries, fees, expenses and all other costs properly incurred under this sub-heading.

547S. If any section of this sub-heading shall be held to be invalid, such fact shall not affect any other section of this sub-heading; it being the intention of the General Assembly in enacting this sub-heading to enact each section separately; and if any proviso or exception contained in any section of this sub-heading shall be held to be invalid, such fact shall not affect the remaining portion of such section; it being the intention of the General Assembly to enact each section of this sub-heading, and each proviso and exception thereto separately.

Sec. 3. And be it further enacted, That this Act shall take effect June 1, 1945.

Approved May 4th, 1945.

Prince George's County, 1947, Chapter 913.

An Act to add twenty-three new sections to the Code of Public Local Laws of Prince George's County (1943 Edition.), being article 17 of the Code of Public Local Laws of Maryland, said new sections to be known as Sections 828 to 850, inclusive, to be under the new sub-title "Juvenile Court", and to follow immediately after Section 827 of said Code; providing for the establishment of a Juvenile Court for Prince George's County, defining its powers and duties and relating generally to the jurisdiction over, care and handling of certain children and certain adults in Prince George's County.

Sec. 1. Be it enacted by the General Assembly of Maryland, that 23 new sections be added to the Code of Public Local Laws of Prince George's County (1943 Edition), being Article 17 of the Code of Public Local Laws of Maryland, said new sections to be known as Sections 828 to 850 inclusive, to be under the new sub-title "Juvenile Court", and to follow immediately after section 827 of said Code, and to read as follows:  
Juvenile Court

828. (Establishment) There is hereby established in Prince George's County a Juvenile Court, with powers and jurisdiction as herein defined, to be known as "The Juvenile Court for Prince George's County."

829. The Justices of the Peace at large for Prince George's County, designated as Trial Magistrates, shall have and exercise all the jurisdiction and powers herein set forth. In the exercise of such jurisdiction and powers, they shall sit especially at such times and places within Prince George's County as may be necessary for the proper discharge of such duties, but no additional compensation shall be allowed therefor.

830. The Justices of the Peace at Large for Prince George's County, designated as Substitute Trial Magistrates, while serving in the place of one of the Trial Magistrates, shall have and exercise all the jurisdiction and powers herein set forth.

831. (Definitions) When used in this sub-title unless the context clearly requires otherwise: (a) "Court" means the Juvenile Court for Prince George's County. (b) "Judge" means any of the Justices of the Peace at large for Prince George's County, designated as Trial Magistrate or as Substitute Trial Magistrate, or the successor of any of them, in the exercise of the special jurisdiction and powers herein set forth. (c) "Child" means any minor under the age of 18 who is subject to the jurisdiction of the Court. (d) "Adult" means a person 18 years of age or over.

832. The County Commissioners of Prince George's County shall, in the month of July, 1947, and every two years thereafter, appoint one or more Probation Officer and Parole Officers, to serve within the geographical limits of Prince George's County, under the direction of the State Division of Parole and Probation, for parole and probation purposes of the several Courts and Trial Magistrates of the County authorized to grant suspension of sentence. Before entering upon their duties, the parole and probation officers shall take oath before the Clerk of the Circuit Court of the County that they will diligently, or without partiality or prejudice, discharge the duties of office and such officers shall receive as compensation from the Board of County Commissioners the same annual remuneration as applies, in like classification of employment within the State.

**Merit System:** The Board of County Commissioners are also authorized and empowered to pay operating expenses of such officers in such amounts as may be approved by the Board from time to time.

Such Parole Officer shall meet the requirements and qualifications of a Probation Officer of the Division of Parole and Probation, and before any person shall be appointed probation officer as aforesaid he must be certified to the Board of County Commissioners by the said Division of Parole and Probation as meeting its requirements and qualifications as a Probation Officer, and the said Division of Parole and Probation shall be required to make examinations of persons considered by appointment as Probation Officers when requested by the Board of County Commissioners and make report upon their qualifications. And said Division of Parole and Probation shall have supervision of the work of the Probation Officer appointed as aforesaid under the direction of the said Trial Magistrates. The County Commissioners shall appoint such number of clerical employees as may be needed.

833. (Advisory Committee) There is hereby established a Juvenile Court Advisory Committee in Prince George's County to be composed of sixteen members, who shall serve without pay, and who shall hold membership by virtue of the following positions or designations: (1) State's Attorney, (2) Chief of Police, (3) Public Health Officer, (4) Superintendent of Schools, (5) Supervisor of Colored Schools, (6) The County Commissioner member of the Prince George's County Welfare Board, (7) Executive Secretary of the Prince George's County Welfare Board, (8) Executive Secretary of the Prince George's County Social Service League, (9) Executive Secretary of Prince George's Community Chest and Planning Council, (10) President of the Prince George's Boys Clubs, (11) A member of the Department of Psychology of the University of Maryland, to be designated by the head of that department, (12) One Protestant, one Roman Catholic and one Jewish clergyman, to be designated by the

County Commissioners. (13) Executive Secretary of the Catholic Charities of Prince George's County. (14) A member of the Planning Council of Prince George's County, to be designated by the Chairman of the Planning Council.

The duties of the Juvenile Court Advisory Committee, which shall meet at least four times annually, shall be: (a) To recommend measures to local authorities for the prevention of delinquency among children. (b) To propose to the Judge such policies and procedures as may be deemed advisable for governing and improving the work of the Court. (c) To recommend regulations for the operation of receiving homes and places of detention where children may be kept either before or after hearing. (d) To develop plans and procedures under which the services of governmental and social services agencies represented on the Committee may be available to the Court and to children coming before the Court.

Members of the Committee shall serve during their tenure in the designated office, except for the psychologist, the member of the Planning Council, and the Clergymen. These members shall serve for terms of two years, commencing on the first Monday of May of each odd numbered year.

834. (Jurisdiction) Except as otherwise provided, while sitting under the provisions of this sub-title, the Trial Magistrate for Prince George's County shall have jurisdiction, to the exclusion of all other Justices of the Peace in Prince George's County, in proceedings, (a) Concerning any child in the County: (1) Who is without proper supervision, care or custody. (2) Whose occupation, behavior, environment, or associations are injurious to his welfare. (3) Who deserts his home or who is habitually disobedient or beyond the control of his parent or other custodian. (4) Who wilfully and unlawfully absents himself from school. (5) Who violates any law or ordinance or who commits any act which, if committed by an adult, would be a crime, not punishable by death or life imprisonment. This section shall not be deemed to include violations of the Motor Vehicle laws, except manslaughter by automobile, unauthorized use or occupancy of a motor vehicle, or operating a motor vehicle while under the influence of intoxicating liquors or drugs, which offenses shall be within the jurisdiction of the Juvenile Court. (b) Concerning any minor eighteen years of age or older charged with having violated in the County, any law or ordinance before becoming eighteen years of age. Such a minor shall be dealt with under the provisions hereof relating to children. (c) To try, subject to the right of trial by jury unless waived, any parent, guardian, or other adult for any wilful act or omission contributing to, encouraging, or tending to cause any condition bringing a child within the jurisdiction of the Court. (d) For the Commitment of a mentally defective child.

836. While sitting under the provisions of this sub-title, the Trial Magistrates may exercise any of their general Criminal jurisdiction.

836. Any adult over whom the Judge may have jurisdiction under Section 834C, if found guilty of any act or omission as therein defined, shall be deemed guilty of a misdemeanor and shall be punishable by a fine not exceeding Five Hundred Dollars (\$500.00), or by imprisonment not exceeding two years, or both such fine and imprisonment. Upon such conviction, the Judge shall have power to impose sentence as aforesaid, or may suspend sentence and place such adult on probation and by order impose upon such adult during such period of probation such duty as shall be deemed to be for the best interests of the child concerned.

837. In any case pending before him, and at any stage of such case, the Judge may waive jurisdiction and order the person before him held for action under regular criminal procedure.

838. (Initiation of Proceedings) All cases against adults shall be initiated by warrant in the usual form in the name of the State of Maryland, and a separate docket of such cases shall be kept.

839. Any person may inform the Court that a child is within the purview of this sub-title, and thereupon the Judge may order or the Division of Parole and Probation may make a preliminary investigation to determine whether the interests of the child or of the public require further action taken. The Judge, or the Division of Parole and Probation may make such formal adjustment as is practicable without petition. The Department of Parole and Probation or any other person may file in writing under oath, a petition for a hearing regarding any child. Such petition shall set forth the name and address of such child and his parent or other custodian, and shall clearly state the ground upon which the hearing is sought.

840. Whenever any officer takes a child into custody because of violation of any law or ordinance he shall, if he deems it practicable, release said child in the custody of and upon the written promise of the parent, guardian, or other custodian of the child to bring the child to court at a time fixed. If not so released, the child shall be placed in the custody of some person designated by the Judge, or shall be held in such place of detention as may be provided. No child shall be confined in any police station, jail or lock-up, unless in a room entirely separate from adults, nor be transported in association with criminal, vicious or dissolute persons. Within a reasonable time after arresting a child as provided in this section, and before the child is confined in any place of detention, the arresting officer shall file a petition under oath as described herein.

Nothing in this sub-title shall be construed as forbidding any peace officer, police officer, or other authorized person from immediately taking into custody any child who is found violating any law or ordinance, or who is reasonably believed to be a fugitive from his parents or from justice, or whose surroundings are such as to endanger his health, morals, or safety unless immediate action is taken. In every such case, the officer taking the child into custody shall proceed as provided in this section.

841. Upon the filing of any petition as herein provided, the Division of Probation and Parole shall make such investigation as may be directed by the Court to supplement information already available. Such report and recommendations, together with the petition and all other papers in the case, shall be transmitted to the Judge.

842. If a hearing is to be held, the Judge may issue writs of summons for all parties whose appearance is necessary, ordering them to appear before him at a time and place named therein. Service of writs and process issued by the Judge may be made by any police officer, peace officer or by members of the Division of Parole and Probation. In the performance of any of their duties under this sub-title, the Division of Parole and Probation shall have the authority of constables.

843. (Hearing-Disposition) All cases under this sub-title concerning children shall be heard separately from cases against adults. Hearings shall be conducted in an informal manner, and may be adjourned from time to time. The Judge may exclude from the hearing room any persons who have no direct interest in the case. Hearings shall be conducted so as to do substantial justice according to the rules of substantive law, and without regard to technical rules of practice, procedure, pleading, or evidence, except such provisions as relate to privileged communications.

844. Upon Hearing of any petition, if the Judge determines that the child is not within his jurisdiction, and is not in need of care or treatment within the provisions or intent of this sub-title, he shall dismiss the case. If he determines that the child is within his jurisdiction, he may place the child for such a period of time as he shall determine, but not beyond the minority of the child, on probation, or in the custody of a public or private institution or agency or in the custody of a person designated by the Judge; provided that after any such placement the Judge or his successor in office shall have the right to modify the original order, and make any other order concerning such child which he has power to make. In placing a child committed to the custody of a person, agency or institution, the placement shall be made, whenever practicable, with a person, agency, or institution of or

governed by persons of the same religious faith as that of the parents of the child, or if the parents are of different religious faiths, then of the religious faith of the child, or if that is not ascertainable, then to the religious faith of either of the parents. The agency, institution, or person having custody shall submit quarterly to the Judge a report on each child so committed to the Judge. Said report shall set forth particulars as to the type and length of care and treatment already given and contemplated with respect to such child, with reasons thereof.

No adjudication by the Judge upon the status of any child shall operate to impose any civil disabilities, nor shall be considered as a finding of guilt, nor shall any child be deemed a criminal by reason of such adjudication. The proceedings with reference to any child or any evidence given before the Judge shall not be admissible as evidence against the child in any case or proceedings in any other court. Records of the Court shall not be open to inspection by the general public. At any stage of any proceedings before him, the Judge may suspend sentence, final judgment, or further proceedings for such period of time as he may deem proper, and pending final disposition, may impose such terms and conditions within his jurisdiction as he may deem proper. Whenever the Judge obtains jurisdiction over a child under the age of eighteen years, that jurisdiction shall continue until the child reaches the age of twenty-one years, unless sooner discharged, provided that nothing herein shall affect the jurisdiction of other courts over offenses committed by such child after he reaches the age of eighteen.

In any case pending before him, the Judge may cause any person within his jurisdiction to be examined by a physician, psychiatrist, or psychologist designated by him.

Whenever the Judge places a child in custody of some other than the child's parent, or in the custody of any agency or institution, the Judge may, after giving the parent a reasonable opportunity to be heard, order that such parent pay, in such manner as the Judge may direct, such sum as will cover in whole or in part the support of such child, and wilful failure or refusal to pay such sum shall be deemed a misdemeanor, and the said parent, upon conviction thereof, may be fined not more than Fifty Dollars (\$50.00), or imprisoned in the Prince George's County jail not exceeding thirty days, or both. The Judge of the Juvenile Court shall have jurisdiction to try cases arising hereunder.

The Division of Parole and Probation shall have supervision over all persons, children and adults, placed on probation by the Judge, and shall keep the Court informed of the status and progress of all children subject to the jurisdiction of either the Trial Magistrates sitting under the provisions of this sub-title. The Division of Parole and Probation shall have

supervision over all persons, children and adults, placed on probation by the Judge, and shall keep the Court informed of the status and progress of all children subject to the jurisdiction of either the Trial Magistrates sitting under the provisions of this sub-title. The Division of Parole and Probation in performing these functions shall work with and through the person, agency, or institution which has custody of the child. They shall submit to the Judge a report of any substantial violation of probation.

845. (Jury Trial) Any adult defendant in any case under this sub-title shall have the right to trial by jury, and the Judge shall proceed with the trial until he has informed the defendant of his right to trial by jury, and such right has been freely waived by the defendant. If a jury trial is prayed, the Judge shall release the defendant upon his giving bond, with sufficient surety, conditioned upon his personal appearance before the Circuit Court of Prince George's County to answer the charge against him. In default of bond, the defendant shall be committed to jail.

846. (Appeal) Any interested party, aggrieved by any order of the Judge may, within thirty days after the entry of such order, appeal therefrom to the Circuit Court of Prince George's County. At the hearing on such appeal, the case shall be heard de novo, and any issue of fact may be submitted to a jury for determination, or may be determined by the Circuit Court sitting as a jury. The Circuit Court shall enter such order or judgment, within the jurisdiction of the Trial Magistrate sitting below as it may find proper.

The pendency of any such appeal or application therefor with respect to a child shall not suspend the order of the Judge regarding such child, nor shall it discharge such child from the custody of the person, institution or agency to whose care such child shall have been committed.

847. (Rules) The judge shall have power to make such rules and orders for the conduct of the Court as he may think proper; and shall have power and authority to enforce obedience to his orders, writs, and judgments by attachment, and to inflict summary punishment for contempt by a fine not exceeding in any case the sum of twenty dollars.

848. (Payment of Expenses) The County Commissioners of Prince George's County shall make all levies and appropriations necessary to provide for the payment of the salaries, fees, expenses, and costs properly incurred under this sub-title. Whenever a child is placed by the Court in the custody of any person, agency, or institution and no provision is otherwise made for the support of such child, compensation for the care

of the child, when approved by order of the Court, shall be a charge upon and paid by the County to the extent funds for this purpose are not provided by the State. The County Commissioners are directed to levy to the extent necessary to provide funds for the purposes herein above specified.

849. (Declaration of Intent) The purpose of this sub-title is to secure for each child coming within the jurisdiction of the Judge such care, guidance, and control, preferably in his own home, as will best serve the child's welfare and the interests of the State; to conserve and strengthen the child's family ties whenever possible, removing him from the custody of his parents only when his welfare or safety and protection of the public cannot otherwise adequately be safeguarded. This sub-title shall be liberally construed to accomplish these purposes.

850. (Separability Clause) If any section or sub-section of this sub-title shall be held invalid, such holding shall not affect any other section or sub-section of this sub-title; it being the intention of the General Assembly in enacting this sub-title to enact each section and each sub-section separately; and if any proviso or exception contained in any section or sub-section of this sub-title shall be held to be invalid, such holding shall not affect the remaining portion of such section or sub-section; it being the intention of the General Assembly to enact each section and sub-section of this sub-title, and each proviso and exception thereto separately.

Sec. 2. And be it further enacted, that this Act shall take effect July 1, 1949.

Approved May 7, 1947.

## APPENDIX IV.

UNIVERSITY OF MARYLAND  
College Park, Maryland

Dear Executive:

The information which you are being asked for in this questionnaire will be used in my doctor's dissertation here at the University of Maryland.

The study which I am doing concerns the development of the Juvenile Court in Maryland as a social institution. I am hoping to identify all of the social forces in the counties that have in any way touched upon the lives of the children and have acted, as it were, as agencies participating in the prevention of youthful delinquency.

I am also interested in knowing if your agency has in any way, directly or indirectly, been active and responsible for fostering juvenile court legislation or if your organization has worked with any other group in furthering the juvenile court movement.

Besides gathering data by this questionnaire, it is hoped that it will be possible to get a state-wide picture of the juvenile delinquency situation confronting the newly-organized juvenile courts throughout the State, thus having for the first time, an adequate document on the subject of the child, his community and his court.

Would you be so good as to return the questionnaire to me, at the University at your earliest convenience?

Yours very truly,



Dorothy Zietz  
Department of Sociology  
University of Maryland  
College Park, Maryland.

Please return to: Dorothy Zietz, Sociology Department, University of Maryland, College Park, Maryland.

Name of your organization: \_\_\_\_\_

Address: \_\_\_\_\_ Place: \_\_\_\_\_

Functions of the organization: \_\_\_\_\_

Number of children accommodated: \_\_\_\_\_

Age groups accommodated: _____	No. of Boys: _____	No. of Girls: _____
	White: _____	White: _____
	Negro: _____	Negro: _____

Nationalities Served: _____	Religions Served: _____
_____	_____
_____	_____

How is your organization financed? \_\_\_\_\_

Number of trained staff members: \_\_\_\_\_

Do you have a volunteer staff? \_\_\_\_\_ How many members: \_\_\_\_\_

Does your agency have a working relationship with the parents of the children served? \_\_\_\_\_

Is individual case-work service available to children? \_\_\_\_\_ To Parents?

Are grants of any kind made to the families of these children? \_\_\_\_\_

Do you make referrals to other agencies? \_\_\_\_\_

Which agencies do you use most frequently? \_\_\_\_\_

Has your agency been actively or indirectly responsible for any aspect of the 1945 Juvenile Court Law? \_\_\_\_\_ For any juvenile court legislation?

How? \_\_\_\_\_

Do you have a working relationship with the Court? \_\_\_\_\_

If there are any other considerations concerning your agency in regard to the youth in your community, receiving your services, would you kindly submit that information?

## APPENDIX V

### INTERVIEWS

- Bailey, Levin C., Associate Judge, First Judicial Circuit,  
Salisbury, Md.
- Bolton, Ruth, Executive Secretary of the Social Service  
League, Montgomery County, Rockville, Md.
- Bonig, Jeanette, Executive Secretary, Associated Charities,  
Cumberland, Md.
- Boylan, James E., Jr., Judge of the Fifth Judicial Circuit,  
Westminster, Md.
- Bowie, Alan, Magistrate, Prince George's County, Upper  
Marlboro, Md.
- Broome, Edwin W., Superintendent of Schools, Montgomery  
County, Rockville, Md.
- Brown, Gene, Corporal, Juvenile Officer, Montgomery County  
Juvenile Court, Rockville, Md.
- Clark, James A., Associate Judge, Fifth Judicial Circuit,  
Ellicott City, Md.
- Clements, A. J. (Mrs.), State President, Parent-Teachers  
Association, Annapolis, Md.
- Clopper, Beulah, Director, Caroline County Welfare Board,  
Denton, Md.
- Coburn, Frederick L., Associate Judge, Third Judicial Circuit,  
Bel Air, Md.
- Cockey, Grace (Mrs.), Director, Baltimore County Welfare Board,  
Towson, Md.
- Coles, Elsie (Mrs.), Director, Cecil County Welfare Board,  
Elkton, Md.
- Custenborder, Bonnie M., Director, Children's Aid Society of  
Carroll County, Westminster, Md.
- Dawson, Walter, State's Attorney, Rockville, Md.
- Day, Mary Louise, Former Executive Secretary, Harford County  
Welfare Board, Bel Air, Md.
- Dowell, Arthur W., State's Attorney, Calvert County, Prince  
Frederick, Md.
- Engle, Lavinia M., First Chairman of the Montgomery County  
Welfare Board and former Delegate to the Assembly, Forest  
Glen, Maryland.
- Everett, Estelle, Probation Officer, Harford County Juvenile  
Court, Bel Air, Md.
- Fahy, Wilda (Mrs.), First Public Health Nurse, Garrett County,  
Grantsville, Md.
- Fennell, Madeline (Mrs.), Probation Officer, Montgomery County  
Juvenile Court, Rockville, Md.
- Fitzwater, John, School Attendance Officer, Garrett County,  
Oakland, Md.

- Gonder, Bernard, State Senator, Garrett County, Oakland, Md.
- Gontrum, John B., Associate Judge, Third Judicial Circuit,  
Towson, Md.
- Gray, John B., Jr., Associate Judge, Seventh Judicial Circuit,  
Prince Frederick, Md.
- Hafer, John (Mrs.), Chairman, Women's Civic Club, Cumberland,  
Md.
- Haines, Elsie (Mrs.), Editor, Montgomery County Sentinel,  
Rockville, Md.
- Hall, Elizabeth W., Director, Somerset County Welfare Board,  
Princess Anne, Md.
- Hall, Thomas John, Member of Anne Arundel County Welfare Board,  
Tracy's Landing, Md.
- Horney, Wm. R., Associate Judge, Second Judicial Circuit,  
Easton, Md.
- Hostetler, Alice (Mrs.), Member of the 1941 Governor's Commission  
on Juvenile Delinquency, Rockville, Md.
- Hotchkiss, Hugh A., Probation Officer, Allegany County, Juvenile  
Court, Cumberland, Md.
- Huster, Wm. A., Chief Judge, Fourth Judicial Circuit, Cumber-  
land, Md.
- Johnson, Mildred (Mrs.), Director, Anne Arundel County Welfare  
Board, Annapolis, Md.
- Kaylor, Greta (Mrs.), Member, League of Women Voters, Annapolis,  
Md.
- Keller, Mary (Mrs.), Board Member, American Red Cross, Hagers-  
town, Md.
- Keller, Ruth, Case Worker, Garrett County Welfare Board,  
Oakland, Md.
- Kimble, Robert B., State Senator, Cumberland, Md.
- Kintner, Lloyd J., Associate Judge, Second Judicial Circuit,  
Elkton, Md.
- Knight, Owen, Supervisor of Pupil Personnel, Montgomery  
County, Rockville, Md.
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- Proctor, Frank M., former Magistrate, Montgomery County  
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- Shipley, Catherine, Director, Washington County Welfare Board,  
Hagerstown, Md.
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Yoder, Sarah, former case worker, Anne Arundel County Welfare Board, Annapolis, Md., former Director, St. Marys County Welfare Board, Leonardtown, Md., and former Director, Charles County Welfare Board, La Plata, Md.

Yourtee, Leon T., former Magistrate, Washington County Juvenile Court, Hagerstown, Md.

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Md.
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Md. and Frederick County Welfare Board, Frederick, Md.,  
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