

A STATE OF PERPLEXITY

The Corporation Baby

For a full year in 1865-1866, the Perth Town Fathers found themselves, as the local newspaper described it, “*in a state of perplexity about the disposal of the town baby*”.¹

On the cold winter morning of Saturday, March 11, 1865, two local householders opened their front doors to the cries of newly born infants squalling on their doorsteps. One of those, Methodist Minister Reverend Amos Russ², seems to have quickly arranged for the baby’s care with a family of his congregation (or taken-in the child himself). After brief mention in March, that child, sex unknown, is seldom referred to in the *Perth Courier’s* long-running coverage of the scandal. The second child, a girl and very likely twin to the Methodist manse baby, was not so compassionately welcomed. Abandoned at the door of Blacksmith John Bell³, she was promptly sent to the Town Hall in the arms of Bell’s employee, Thomas Bourke, who dumped the unfortunate child on the desk of Market Clerk William Graham.



¹ *Perth Courier* – June 16, 1865.

² Reverend Amos Ezekiel Russ (1830-1917), Methodist Minister at Perth c1862-c1865, then at Pandora Street Church, Victoria, BC, where, according to an 1874 *Colonist* newspaper article, he opened a mission school for Chinese immigrants in 1868 “*in a disused barroom on the corner of Government and Herald Streets*”, then of New Westminster and Lower Fraser-River, BC. Married to Esther C. Bain (1839-1926).

³ Bell’s blacksmith’s forge was located at #8 Drummond Street West. Thomas Bourke was one of the blacksmiths employed by Bell.

In reporting the incident, *Perth Courier* editor George Lockhart Walker (1838-1883) wrote that, “the crime of child desertion is now becoming very common in this town and is greatly encouraged no doubt by the laxity displayed by Town Officials in ferreting out the offenders and bringing them to justice”.⁴ In fact, abandoned babies may have been so “common” that the *Courier* reported only those cases where the outcome was particularly tragic.

In May 1848 Ann Glascott, a maid in the employ of Roderick Matheson (1793-1873)⁵, was convicted of infanticide after the body of her baby was “found in the bottom of the privy”. In October 1851 “the body of a female infant was found floating in Adams’ Lake, Burgess Township, a stone of about two pounds tied very carefully in its clothes, but not sufficiently heavy to keep the body under water”. In June 1857 “an inquest was held in view of the body of an infant child which had been left at the door of Mr. Atkinson [and] died shortly after being taken in. It appeared from the evidence that the child’s mother’s name is Mary Thornton and the child was dropped by its grandmother.” In April 1866 mourners attending a funeral in the Roman Catholic section of the Old Burying Ground⁶ accidentally kicked over a small pile of leaves and stones and were shocked to discover “the body of an infant packed in a little flower box, the head and lower part of the body wrapped in cloths, which were pinned through the flesh. A female, it appeared to have been exposed for some two or three months”.



Lost Path, painting by Frederick Walker (1863)

An unmarried girl or woman who became pregnant at Perth in the Victorian era found herself, as a ‘fallen woman’, in a most desperate situation. If the child’s father failed to marry her, and she delivered an illegitimate child, her prospects for future marriage were slim to nil. In many cases she would be cast out by her own family, refused employment, ostracized by society at large, and soon too poor to find accommodation or to feed her baby or herself. The ‘purity’ of a woman was held in extremely high regard. Without sexual ‘purity’ – virginity or only post marital sex – a woman was viewed as an outcast. “When a woman falls from purity – there is no return for her – as well may one attempt to wash the stain from the sullied snow. Men sin and are forgiven; but the memory of a woman’s guilt cannot be removed on earth”.⁷ Too often the unwed mother had no choice but to take desperate measures, abandoning her child on a neighbor’s porch or even infanticide.

Apart from tracking down the mother (and the emphasis was always on the mother), so that she might be punished and, somehow, forced to do her duty, the

⁴ *Perth Courier*, March 17, 1865.

⁵ Merchant, Militia Colonel and Upper Canada Legislative Councillor.

⁶ Craig Street Cemetery.

⁷ *A Woman Against the World*, by William Gayer Starbuck (1864).

Courier editor went on to explain that Perth's Town Fathers, and society at large, were ill equipped to deal with abandoned children.

The crime is as inhuman on the part of the mother as it is annoying to the party who is the recipient of the helpless and tender infants, [but] there is something lacking in our statutes concerning the course to be pursued by those favoured with such gifts.

It appears that, as the law now stands, the Town Council have no power, or if they have it is not used, to provide for the sustenance of the foundling, the sole trouble, bother and expense falling upon the unfortunate individual whose house happens to be a convenient place for this kind of business. If the child be not taken into the house, the consequence of its exposure rests upon its occupants, but if once the child be taken into the domicile, the public have nothing to do with the expense of its keeping, the taker-in having to bear all.⁸

In the absence of modern social services, the rescue and care of abandoned children fell to those who found them, or to private or church affiliated charities functioning as the only semi-official welfare organizations of the day. In the nearby Nation's Capital, the Ottawa Protestant Orphans' Home⁹ was established in 1865, as Perth Council pondered what do with its youngest citizen, and the following year St. Patrick's Orphanage and Asylum¹⁰, established as a "*House of Refuge for Irish poor*", took in its first 10 orphaned children. Those nascent institutions struggled to meet the needs of their own city, however, and were not about to accept an orphan from Perth.

In the 1860s, Municipal Councils routinely took responsibility for the occasional destitute, homeless, aged and infirm citizen¹¹, who was without family support, by providing accommodation and sustenance at the County Jail; that did not, however, represent a viable option for child care. The *Perth Courier* observed that "... the establishment of County Poor-Houses¹² would be the fairest way" of dealing with abandoned children "... but in the meantime the Perth baby has to be provided for, and as there is not much probability of any person being found willing to adopt it, it is likely to become the permanent property of the Corporation".

On March 17th Town Council agreed that, as their first move, steps would be taken "to discover the mothers of the children, so that they might be punished" and a resolution was carried directing Mayor Richard Shaw (1822-1872) "to offer a reward of \$50 for the discovery and conviction of the mother or the mothers of the children deserted".¹³

⁸ Ibid.

⁹ The creation of the Ladies' Protestant Benevolent Association of Ottawa, located on the west side of Elgin Street between Lisgar and Cooper, Lady MacDonald, wife of Sir John A., was its first Directress.

¹⁰ Established and funded by the Association of Members of St. Patrick's Church and managed and operated by the Grey Sisters of the Cross.

¹¹ The insane were also accommodated at the County Jail.

¹² The Lanark County House of Industry (today's Lanark Lodge) would not be established until 1903.

¹³ *Perth Courier*, March 17, 1865.

At the same time, however, Mayor Shaw urged that “some action should be taken for the support of those infant children, as it is certainly not altogether right that the individuals at whose doors the children were laid, should be compelled to support them”.¹⁴ In response Councilor Robert Allan gave notice that, “he would introduce a By-law providing for the maintenance of orphans and foundling children, the proceeds to come out of the Town treasury”.¹⁵

Allan introduced his By-law when Council met again on March 31st, but it was laid over for second and third reading and never again mentioned. The reason Allan’s initiative so quickly stalled was suggested by the *Perth Courier* when editor Walker commented that “Councilor Allan’s favorite theories are unhappily liable to the disadvantage of having all the stray babies in the County laid to the charge of the Town authorities, which would be a deplorable state of affairs, considering the fact that most of those whom [the Councilors] represent have no particular desire to support public babies”.

Although the Mayor thought it “not altogether right” that those who had discovered the foundlings “should be compelled to support them”, in an apparent attempt to ensure just that, Council sent the Town Constable after John Bell and Thomas Bourke. They were charged with “assault and exposing an Infant Child”¹⁶ for having failed to take-in the foundling but rather transporting it from Bell’s front porch to the Market Clerk’s desk. At the spring Assizes on March 24th the Grand Jury returned True Bills for both men, but when they were tried in June both were acquitted, leaving, by default, the baby as a ward of the Town.

When council met a month later, it found itself considering “an application from John James for the reward offered to the person who would give such information as would lead to the apprehension and conviction of the party who left a child at the door of the Rev. Russ ...”¹⁷

Councilors John Doran and Charles H. Gamsby balked, tabling a motion to the effect that James should be told that “Council is of the opinion that the reward should be paid to [Town Constable] George Corry, he being the party who laid the information upon oath in the proper quarters, upon which the warrant was issued for the arrest of the person who was convicted [charged?] of the offense ...” The Darou-Gamsby motion failed, however, and after lengthy discussion it was decided to defer the matter of the reward to the next meeting. But during the intervening week, Constable Corry filed suit, asking the court to order the \$50.00 reward be paid to him. Council instructed the Mayor to defend the Corporation against Corry’s suit, but did agree to pay \$7.85 of the claim as it represented expenses Corry had incurred in connection with the case.



Rev. Amos E. Russ

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ *Perth Courier*, March 24, 1865.

¹⁷ *Perth Courier* – April 21, 1865

Like the Orphans and Foundlings By-law, the competing reward claims by James and Corry were never again mentioned in *Courier* accounts of Town Council deliberations. If an arrest had actually been made in the case of the Methodist Manse baby, James must have fingered, and Corry must have arrested, the wrong party. There is no report of a Grand Jury hearing any charges related to the Russ case when in sat in June, and no account of a True Bill, trial or conviction at either the June, September or December 1865 Quarterly Assizes. Municipal financial accounts as reported by the *Courier* also make no mention of the \$50 reward ever being paid to anyone.

Meanwhile, with Bell and Bourke pleading not guilty to the charges brought against them, and Bell refusing to take responsibility for the baby left at his door, that child remained 'in the lap' of Town Council, as it were.

At the same meeting where they debated whether the reward should be paid to James or Corry, Council adopted a resolution "*giving Mary Smith \$5 per month for the support of a foundling child placed in her charge, the grant to continue during the pleasure of the Council*".¹⁸

Market Clerk Graham had persuaded Smith to care for the infant until some more permanent arrangement could be devised. It may be surmised that Smith agreed to do so only partly because of the \$5.00 stipend, but more-so to stay in the good graces of Town Council. Through the 1860s she regularly appears in council minutes as "*the Widow Smith*", "*Mary Smith*" or "*Mrs. Jack Smith*" applying for and receiving relief from her municipal taxes due to her widowed status while "*having a large family to support*".¹⁹

When Widow Smith submitted her account at the end of May, however, Councilor John Doran "*objected to the grant and called for a division on the question*".²⁰ When the vote was called, his attempt to stop payment for the child's care lost by a single vote. Doran was supported by Councilors Robert Douglas, James Lafferty and John A. McLaren, while Councilors William O'Brien, Charles H. Gamsby, R. Elliott, Robert Allan and Francis Hall voted in favor²¹ of continuing to meet the baby's needs by paying Mary Smith.



Perth Town Hall, completed in 1864 the year before the Corporation Baby affair.

¹⁸ Ibid.

¹⁹ According to the 1871 census Mary Smith had been born in Ireland in 1834 and was a Roman Catholic.

²⁰ *Perth Courier* – June 2, 1865.

²¹ The Mayor only cast his vote on motions in the case of a tie, which could occur if a member of council was absent from a meeting, leaving an even number of councilors at the table.

Surprised, and perhaps a bit shocked by Doran's 'anti-baby' crusade and how close it came to carrying the day, the *Perth Courier* commented ...

*There are few in town, we think, who will begrudge Mrs. Smith the small pittance she receives for all her trouble and expense in taking care of the unfortunate infant, who by the inhumanity of those who gave it birth, was left to the cold charity of the public, to keep from being starved and frozen to death.*²²

At the end of June Widow Smith once again submitted her \$5.00 monthly claim and Councilor Allan moved that the Clerk pay it, "as remuneration for keeping the foundling child placed in her charge some time ago". However, "the introduction of this motion, as usual, raised a great hub bub amongst the Council".

*The Corporation Baby - Messrs. Doran and McLaren (bachelors respectively occupying the head and foot of the table), strongly opposed the motion, Mr. Doran stating it was his firm intention to oppose these grants at every stage and whenever they might be brought forward. Mr. Allan was just as strong on the other side of the question, and maintained that humanity demanded that the Corporation should provide for the maintenance of the unfortunate child. Mr. McLaren was in favour of sending the child away from town altogether, but on being questioned as to where he would send it, refused to say. After a good deal of discussion, the motion was finally carried.*²³

Led by John A. McLaren²⁴, Councilors opposing to the Town's role as foster parent did, however, manage to pass a resolution authorizing the Mayor "to endeavor to dispose of the infant child, now in possession of Widow Smith, to anybody who may be disposed to adopt it, and rear it until of age"²⁵. This debate prompted further (tongue-in-cheek) comment from the editor of the *Perth Courier*,

Most of the family men among them seem to think that the poor little lump of humanity should be provided for in some way, at the public expense, while the bachelors, whose organs of philoprogenitiveness²⁶ have been sadly neglected, grumble at the cost, and darkly hint at something that sounds like sending the youngster away.

The fairest way to settling the difficulty, we think, would be for the Council to levy a special tax on all the unmarried men in Perth over 25 years of age for the support of such children. That would meet the requirements of the case exactly and be by far the most just mode of distributing the burden of society that could be devised. Married men having to support

²² *Perth Courier* – June 2, 1865

²³ *Perth Courier* – June 16, 1865.

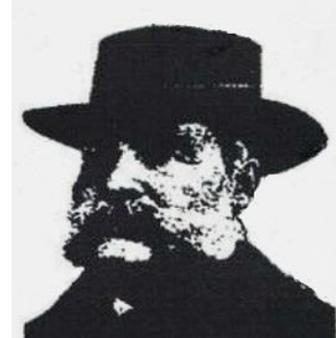
²⁴ John A. McLaren (1831-1901) was himself illegitimate, the son of Robert McLaren (1799-1848) and Elizabeth Alexander (1801-1877), who later married John Cameron (1788-1870). In 1866, at the time of the Corporation Baby debates, he owned a general store and was in the process of assuming control of the distillery founded by his father, an enterprise that would make him, according to the *Perth Courier*, the town's "largest individual taxpayer". He never married and in his obituary the *Courier* would say that although McLaren "possessed a hot temper and an iron will, he was one of the most generous men in Perth". That generosity did not, however, extend to the Corporation Baby.

²⁵ Ibid.

²⁶ Philoprogenitive = having many offspring or having love for offspring.

*their own children, it is manifestly unfair to tax them for the support of other people's children, but the bachelors having no children, it is but just and equitable that they should be obliged to assume a fair share of the responsibilities of life and provide for the little waifs and strays cast upon the charity of the community.*²⁷

Nearly a full year after it had been left on the Bell doorstep, the Corporation Baby was still living with Widow Smith when, in February 1866, Town Council passed another motion put forward by John A. McLaren and Robert Douglas *"that the Mayor be instructed to make arrangements with any person desirous of taking the female infant now in keeping of Widow Smith, and that any person who may take said infant will receive \$25"*²⁸. The child having, by that date, cost the Town \$60, McLaren and Douglas were prepared to ante-up another \$25 in bounty in the hope that it might, once and for all, end what they saw as an unreasonable and unjustified burden on local taxpayers.



John A. McLaren, (1831-1901)

It would be more than a quarter century before the Province of Ontario passed an 'Act for the Prevention of Cruelty to and Better Protection of Children' in 1893 that provided a framework for the creation of the first Children's Aid Societies. In their place, from 1799, town wardens were empowered to bind orphans to an apprenticeship. In 1827 local courts were authorized to appoint legal guardians for children without families, and by the middle of the century legislation provided that a town could bind, as an apprentice, any minor whose parents were in jail or dependent upon public charity. Six months earlier the *Courier* had pointed out that *"Council have the power to apprentice out the child till 21 years of age"* and in the end, that was the route followed.

The offer of \$25 to anyone who would take the Corporation Baby on terms of apprenticeship did the trick. At their meeting of February 16, 1866, Perth Town Council voted,

*\$5.00 for the last month's care of the Corporation Baby ... about the last sum that the Corporation will be asked to pay in this behalf, as Mr. Carr Thompson has now taken charge of the unfortunate infant, and has promised to keep it until of age, for the sum of \$25.00.*²⁹

While the offer of a \$25 bounty seems to have encouraged Thompson to provide a home for the foundling, as a Methodist he may have also been encouraged to do so by his pastor, Reverend Russ, who appears to have played a role in finding a home for the other foundling of March 1865.

²⁷ *Perth Courier* – June 16, 1865.

²⁸ *Perth Courier* – February 2, 1866.

²⁹ *Perth Courier* – February 16, 1866.

The tale of Perth's Corporation Baby ends, however, with an unsatisfactory whimper. *Perth Courier* reports of Town Council business clearly show that in February 1866 the 11-month-old child was taken, in the 'technical' capacity of an indentured servant, by Perth Shoemaker Carr Thompson (1812-1876)³⁰, to live with he and his wife, the former Hannah Kelly (1820-1920), and their eight children, until she reached the age of majority. As would be expected, therefore, in the 1871 census there is no six-year-old female child living with Widow Mary Smith; but neither is there such a child living in the Carr Thompson household³¹. What became of the foundling girl left on Blacksmith John Bell's doorstep that frosty night in March 1865 is a mystery?



As Carr Thompson had, under terms of an indenture, "*promised to keep*" the Corporation Baby "*until of age*", and received \$25 compensation for accepting that responsibility, it seems unlikely (though perhaps not impossible) that he could have passed the child along to third parties. She might, have gone to live with other Carr family members and, in the 1860-1870s, Thompson had a brother, William (1801-1884)³², and a dozen nieces and nephews (several of them married), living in the Perth area. However, none of those households included a six-year-old girl in the 1871 census either.



The most likely explanation for the Corporation Baby's disappearance from the documented record is that she died sometime between February 1866 and April 1871³³. In 1865 the mortality rate for children under five years of age in Ontario was about 8% for girls and 6% for boys. If she died, however, her date of death and place of burial are unknown. Any name she may have been given is never mentioned in press reports and, without a name, no search of death records is possible. She is not memorialized on any of the surviving gravestones on the Thompson family plot in Perth's Old Methodist Burying Ground, but as an infant and non-relative, perhaps such a memorial would be unlikely.

- Ron W. Shaw (2018)

³⁰ Carr Thompson's 'Boot and Shoe' workshop was located at the corner of Brock and Drummond Streets, south side, from 1859 into the 1860s.

³¹ Nor is there a 16-year-old girl enumerated in the Thompson household in the 1881 census. (As Carr Thompson had died in 1874, the household in 1881 was headed by his widow Hannah).

³² Married to Margaret Hannah Frost (1806-1902).

³³ The 1871 Canadian Federal Census was conducted on April 2, 1871.