

## No. 4.—1876.

June 1st.

## AN ORDINANCE for the Establishment and Regulation of Industrial Schools.

(L. S.) HENRY T. IRVING.

6th June, 1876.

**B**E it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

Short title.

1. This Ordinance may be cited for all purposes as “The Industrial Schools Ordinance, 1876.”

Interpretation.

2. In this Ordinance

The term “Government Industrial School” means an industrial school established by the Governor under this Ordinance; and

The term “Private Industrial School” means any industrial school within the meaning of this Ordinance not being a Government industrial school.

Government industrial schools.

3. It shall be lawful for the Governor to establish and maintain industrial schools for the reception of boys and girls respectively. Notice of the establishment of such schools shall be published in the *Royal Gazette*, and thereupon such schools shall be deemed to be industrial schools within the meaning of this Ordinance, and the master, matron, or other person having the management of any such school shall be deemed the manager thereof for the purposes of this Ordinance. All costs and charges incurred in the establishment and maintenance of such schools shall be paid by the Receiver General out of such funds as may by law be from time to time appropriated for that purpose.

Private industrial schools.

4. Schools not being Government industrial schools in which industrial training is provided, and children are lodged, clothed, and fed as well as taught shall provided that they be certified in the manner hereinafter mentioned be deemed to be private industrial schools within the meaning of this Ordinance, and the master, matron

or other person having the management of any such school shall be deemed the manager thereof for the purposes of this Ordinance.

5. No substantial addition or alteration shall be made to or in the buildings of any private industrial school without the approval in writing of the Governor.

Alteration of private industrial school.

6. It shall be lawful for the Governor from time to time to appoint an Inspector of Industrial Schools, and at any time to revoke any such appointment.

Inspector of industrial schools.

7. The Governor may, on the application of the managers of any private industrial school, direct the Inspector of Industrial Schools to examine into the condition of the school and its fitness for the reception of children to be sent there under this Ordinance and to report to him thereon, and the said Inspector shall examine and report accordingly.

Report on private industrial schools.

If satisfied with the report of the said Inspector the Governor may by writing under his hand, certify that the school is fit for the reception of children to be sent there under this Ordinance, and thereupon it shall be lawful to send children under this Ordinance to such school.

Notice of each certificate shall be published in the *Royal Gazette*, and a copy of the *Gazette* containing the notice shall be conclusive evidence of such certificate which may also be proved by a writing purporting to be a copy of the certificate, and to be attested as such by the Inspector of Industrial Schools.

8. Every industrial school shall be inspected by the Inspector of Industrial Schools at least four times in each year; and in the month of January of each year the said Inspector shall make a report to the Governor of the number of children received into or discharged from the school during the preceding year, the number remaining in the school, and the conduct of the children during the year.

Inspection.

9. The Inspector of Industrial Schools, the Inspector Commandant or any Inspector of Police, or any Warden, may bring before a Stipendiary Justice of the Peace any child apparently under the age of fourteen years,

Sending children to industrial school.

who comes under any of the following descriptions, namely:—

1. Who is found begging or receiving alms;
2. Who is found wandering and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence; or
3. Who frequents the company of reputed thieves.

The Stipendiary Justice before whom a child is brought under this section, if satisfied that the child is under the age of fourteen years, and within one of these descriptions, and that it is expedient to deal with him under this Ordinance, may order him to be sent to an industrial school, but such order shall have no effect unless and until it is approved by the Governor.

Order of  
detention.

10. The order of a Stipendiary Justice sending a child to an industrial school (in this Ordinance referred to as the order of detention) shall be in writing and signed by the Stipendiary Justice, and shall specify the name of the school. The school shall be either a Government industrial school, or a private industrial school, the managers of which are willing to receive the child; and the reception of the child by the managers of such last-mentioned school shall be deemed to be an undertaking by them, whilst paid, as hereinafter provided, to teach, train, clothe, lodge, and feed him during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school takes effect.

The school named in the order shall be presumed to be an industrial school until the contrary is shown. It need not be situate within the district of the Stipendiary Justice making the order.

The order shall specify the term for which the child is to be detained in the school, being such term as the Stipendiary Justice deems proper for the teaching and training of the child, but not in any case extending beyond the time when the child will attain the age of sixteen years.

In selecting an industrial school, regard shall be had as much as possible to the religious persuasion of the parents or guardians of the child, or when that is

unknown, to the religious persuasion in which the child has been baptized or to which he professes to belong.

11. The Governor may by order in writing under his hand direct any child to be transferred from one industrial school to another: Provided that where the school to which any child is directed to be transferred is a private industrial school the order shall have no effect unless the managers of such private industrial school signify their willingness to receive the child.

Transfer of child.

12. The Governor may by order in writing under his hand order any child sentenced to be detained in a reformatory school to be detained in any industrial school for the whole or such part as he thinks fit of the term during which such child is sentenced to be detained in a reformatory school: Provided that where the school to which any child is directed to be transferred is a private industrial school the Order shall have no effect unless the managers of such private industrial school signify their willingness to receive the child.

Substitution of industrial school for reformatory.

13. If the parent, step-parent or guardian, or if there be no parent, step-parent or guardian, then the god-parent or nearest adult relative of a child sent or about to be sent to an industrial school which is not conducted in accordance with the religious persuasion which the child professes, states to the Stipendiary Justice by whom the order of detention has been or is about to be made that he objects to the child being sent to or detained in the school specified or about to be specified in the order, and names another industrial school in the Colony certified under this Ordinance which is conducted in accordance with the religious persuasion which the child professes, and signifies his desire that the child be sent thereto, the Stipendiary Justice shall upon proof of such child's religious persuasion, comply with the request of the applicant: Provided—

Power to object to industrial school selected by Justice.

1. That the application be made before the child has been sent to an industrial school, or within thirty days after his arrival at such school; and
2. That the applicant show to the satisfaction of the Stipendiary Justice that the managers of the

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school named by him are willing to receive the child.

Effect of  
order of  
detention.

14. The order of detention shall be forwarded to the managers of the school with the child, and shall be a sufficient warrant for the conveyance of the child thither and his detention there.

Power to  
apprentice.

15. The managers of an industrial school may, if a child has conducted himself well for at least twelve months at the school, bind such child, provided he is over thirteen years of age and consents thereto, apprentice to any trade, calling, or service, for such term, in such form, and under such conditions as are approved of by the Governor, notwithstanding that the period of detention of such child has not expired, and every such binding shall be valid and effectual to all intents: Provided that no such term of apprenticeship shall continue beyond the day when the apprentice attains the age of eighteen years.

Rules.

16. The Managers of an Industrial School may, from time to time, make rules for the management and discipline of the school; but those rules shall not be enforced until they have been approved in writing by the Governor; and the rules so approved shall not be altered without the like approval. A printed copy of rules purporting to be the rules of a school so approved, and to be signed by the Inspector of Industrial Schools, shall be evidence of the rules of the school.

Effect of  
certificate of  
managers, &c.

17. A certificate purporting to be signed by one of the Managers of an Industrial School, or their Secretary, or by the Superintendent or other person in charge of the school, to the effect that the child therein named was duly received into and is at the time of the signing thereof detained in the school, or has been duly discharged or removed therefrom, or otherwise disposed of according to law, shall be evidence of the matters therein stated.

Disobedience  
to rules and  
escaping from  
school.

18. If a child sent to an industrial school, and while ordered to be detained there, wilfully neglects or wilfully refuses to conform to the rules of the school, or quits the school without leave, he shall, on summary convic-

tion thereof before a Stipendiary Justice be liable to be sent back to the same school, there to be detained during a period equal to so much of his term of detention as remained unexpired at the time of committing the offence, or the Stipendiary Justice may order him to be sent to a reformatory school, there to be detained during an equal period: Every child absent from an industrial school before the expiry of his period of detention may be arrested by any constable without a warrant.

19. If any person does any of the following things Aiding escape.  
(that is to say):—

1. Knowingly assists, directly or indirectly, a child liable to be detained in an industrial school to escape from the school; or
2. Directly or indirectly induces such a child so to escape; or
3. Knowingly harbours or conceals a child who has so escaped, or prevents him from returning to school, or knowingly assists in so doing;

every such person shall be guilty of an offence against this Ordinance, and shall, on summary conviction thereof before a Stipendiary Justice, be liable to a penalty not exceeding ten pounds, or, at the discretion of the Stipendiary Justice, to be imprisoned for any term not exceeding two months, with or without hard labour.

20. A person who has attained the age of sixteen Detention of person over sixteen. years shall not be detained in an industrial school, except with his own consent in writing, or except for the purpose of making up any period during which he is ordered to be detained after conviction for an offence against this Ordinance.

21. The Governor may, at any time, order any child Discharge from industrial school. to be discharged from an industrial school, either absolutely or on such conditions as the Governor approves.

22. The Governor, if dissatisfied with the condition Withdrawing certificate of school. of any private industrial school, may at any time, by notice under his hand addressed to and served on the managers thereof, declare that the certificate of the school is withdrawn as from a time specified in the

notice, not being less than six months after the date thereof, and at that time the certificate shall be deemed to be withdrawn accordingly, and the school shall thereupon cease to be an industrial school within the meaning of this Ordinance.

Resigning  
certificate

23. The managers of a private industrial school may give notice in writing to the Governor of their intention to resign the certificate of that school, and at the expiration of six months from the receipt of that notice the school shall cease to be an industrial school within the meaning of this Ordinance.

Notice of  
cesser of  
certificate.

24. Notice of the withdrawal or resignation of the certificate of an industrial school shall be published in the *Royal Gazette*, and a copy of the *Gazette* containing such notice shall be conclusive evidence of such withdrawal or resignation.

Disposal of  
children if  
certificate  
ceases.

25. When a school ceases to be an industrial school within the meaning of this Ordinance, the children detained therein shall be either discharged or transferred to some other industrial school by order of the Governor.

Payment to  
private indus-  
trial schools.

26. It shall be lawful for the Governor, by warrant under his hand, to order the payment to the managers of any private industrial school out of money provided by law for the purpose of such sums as he thinks fit, not exceeding in any case the sum of ten pounds per annum for each child sent to such school under the provisions of this Ordinance.

Payment by  
parents.

27. The parent or other person legally liable to maintain a child ordered to be detained in an industrial school under this Ordinance shall, if able, contribute for his maintenance and training therein a sum not exceeding four shillings per week, such contribution shall be paid to the Inspector of Industrial Schools.

On the complaint of the Inspector of Industrial Schools, or any person authorised by him, at any time during the detention of a child in an industrial school, any Stipendiary Justice may, after summoning the parent or other person liable as aforesaid, examine into his ability to maintain the child and may make an



persuasion appears to me to be \_\_\_\_\_), be sent to the  
 Industrial School at \_\_\_\_\_ and that he  
 be detained there during \_\_\_\_\_

(Signed) L. M.

“B.” COMPLAINT FOR ENFORCING CONTRIBUTION  
 FROM PARENT, &c.

To wit } The Complaint of the Inspector of Industrial  
 of the Peace for the said } Schools (*or as the case may be*) made to me, the  
 \_\_\_\_\_ of \_\_\_\_\_ this  
 day of \_\_\_\_\_ at \_\_\_\_\_ in the  
 same \_\_\_\_\_, who says, That one, A. B., of (\*) the age  
 of \_\_\_\_\_ years, or thereabouts is now detained in the  
 Industrial School at \_\_\_\_\_ in the  
 \_\_\_\_\_ of \_\_\_\_\_ under the Industrial  
 Schools Ordinance, 1876, and has been duly ordered and directed  
 to be detained therein until the \_\_\_\_\_ day of \_\_\_\_\_ :  
 That one, C. B., dwelling in the \_\_\_\_\_ of \_\_\_\_\_ in the  
 \_\_\_\_\_ of \_\_\_\_\_ is the parent (or step-parent,  
 &c.) of the said A. B., and is of sufficient ability to contribute to  
 the support and maintenance of the said A. B., his son : (\*) The  
 said complainant therefore prays that the said C. B. may be sum-  
 moned to show cause why an order should not be made on him so  
 to contribute.

C. D.

Exhibited before me

J. S.

“C.” SUMMONS TO PARENT, &c.

To wit } To A. B. of \_\_\_\_\_ labourer.

WHEREAS information hath this day been laid (*or complaint*  
 hath this day been made) before the undersigned, Her Majesty’s  
 Stipendiary Justice of the Peace in and for the said  
 of \_\_\_\_\_ for that you (*here state shortly the matter of the*  
*information or complaint*): These are therefore to command you,  
 in Her Majesty’s name, to be and appear on \_\_\_\_\_ at  
 \_\_\_\_\_ o’clock in the forenoon at \_\_\_\_\_ before  
 such Stipendiary Justice of the Peace for the said \_\_\_\_\_ to  
 answer to the said information (*or complaint*), and to be further  
 dealt with according to law.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_  
 in the year of our Lord one thousand eight hundred and  
 seventy \_\_\_\_\_ at \_\_\_\_\_ in the  
 aforesaid.

J. S.



distrained and do pay the money arising from such sale to the Clerk of the Peace for the of that he may pay and apply the same as by law directed, and may render the overplus (if any), on demand, to the said C. B.; and if no such distress can be found, then that you certify the same to me, to the end that such proceedings may be had therein as the law requires.

Given under my hand this day of at  
in the aforesaid.

J. S.

“F.” COMMITMENT IN DEFAULT OF DISTRESS.

To wit } To  
and to the keeper of the Royal Gaol

WHEREAS [&c., as in the form (E) to the single asterisk (\*), and then thus]: And whereas afterwards, on the day of last, I, the undersigned, Her Majesty's Stipendiary Justice of the Peace in and for the said of issued a warrant to

aforesaid commanding him to levy the sum of due upon the said recited orders being for [three] periods of [fourteen] days by distress and sale of the goods and chattels of the said C. B.: And whereas a return has this day been made to me the said Stipendiary Justice of the Peace in and for the said of that no sufficient goods of the said C. B. can be found:

These are therefore to command you the said to take the said C. B. and him safely to convey to the Royal Gaol aforesaid, and there deliver him to the keeper thereof, together with this precept: And I do hereby command you, the said keeper of the said Royal Gaol to receive the said C. B. into your custody in the said Royal Gaol there to imprison him for the term of , unless the said sum, and all costs and charges of the said distress, and of the commitment and conveying of the said C. B. to the said Royal Gaol, amounting to the further sum of shall be sooner paid unto you the said keeper; and for your so doing this shall be your sufficient warrant.

Given under my hand this day of  
in the year of our Lord at in  
the aforesaid.

J. S.