

ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

****

CAP. XLVIII.

An Act to make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools. [17th *August* 1857.]

WHEREAS Industrial Schools for the better training of Vagrant Children have been and may be established in various Parts of *England*, and it is expedient that more extensive Use should be made of such Institutions, and that the Responsibility of Parents to provide for the proper Care of their Children should be enforced: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited as the "Industrial Schools Act, 1857."

Interpretation of Terms.

II. The following Words and Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction:

"Police" shall include every Policeman, Police Constable, Parish Constable, Tythingman, or Headborough:

"Justices" shall include any Two or more Justices of the Peace acting together, and also any Person who by the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, Sections Thirty-three and Thirty-four, is authorized to do alone whatsoever is authorized by that Act to be done by any Two or more Justices of the Peace:

"Child" shall include any Boy or Girl who in the Opinion of the Justices is above the Age of Seven and under the Age of Fourteen:

"Certified Industrial School" shall mean any School or Institution certified under this Act:

"Managers" shall include the Directors, Managers, or other Persons who shall have the Management or Control of any Certified Industrial School:

"Parent" shall include any Person legally liable to maintain a Child, and also any Person upon whom an Order for Affiliation has been made and not quashed:

"County" shall include any City, Borough, Riding, or Division of a County having a separate Commission of the Peace.

Committee of Privy Council on Education may certify any Industrial School under this Act, but not under this Act, and 17 & 18 Vict. c. 86.

III. The Committee of Her Majesty's Privy Council on Education may, upon the Application of the Managers of any School in which Industrial Training is provided, and in which Children are fed as well as taught, direct such Person as they may appoint to examine and report to them upon its Condition and Regulations, and, if satisfied therewith, may grant a Certificate under the Hand of the President of Her Majesty's Privy Council or of the Vice-President of the said Committee thereof, and thenceforth the School shall be a Certified Industrial School within the Meaning of this Act; provided always, that no School shall be certified both under this Act and under the Act of the Seventeenth and Eighteenth *Victoria*, Chapter Eighty-six.

Inspector to report annually.

IV. The said Committee shall direct a Report of the Condition and Regulations of every Certified Industrial School to be made to them at least once in each Year by such Person as they may appoint; and if upon his Report the Committee is dissatisfied with the Condition or Regulations of the School, they may withdraw their Certificate, and, upon Notice in Writing of such Withdrawal having been given to the Managers thereof, the School shall cease to be a Certified Industrial School from such Time as shall be specified in the Notice.

Certificate may be withdrawn.

Children taken into Custody for Vagrancy may be sent to School while Inquiries are made.

V. When any Child is taken into Custody on a Charge of Vagrancy under any Local or General Act, the Justices, on receiving satisfactory Proof in support of such Charge, may, if the Parent, or in case of an Orphan, if the Guardian or nearest adult Relative, of the Child cannot at once be found, and provided there be any Certified Industrial School, the Managers of which are willing to receive him, order the Child to be sent to such Industrial School for any Period not exceeding One Week, and shall direct due Inquiries to be made, and Notice (Form A.) to be given to the Parent or Guardian or nearest adult Relative of the Child, if any can be found, or to the Persons with whom the Child is or was last known to have been residing, of the Circumstances under which the Child has been taken into Custody, and that the Matter will be inquired into at the Time and Place mentioned in the Notice.

VI. At

Justice may order Child to be discharged or sent to a Certified Industrial School or make Parent responsible.

VI. At the Time and Place mentioned in the Notice, any Justices may make full Inquiry into the Matter, and may, if they shall think fit, order the Child to be discharged altogether, or if the Parent, (or where the Child is an Orphan, then the Guardian or nearest adult Relative,) be found, may, on Conviction of such Child on such Charge as aforesaid, deliver him up to his Parent, (or where the Child is an Orphan, to the Guardian or nearest adult Relative as aforesaid,) on his giving an Assurance in Writing (Form B.) that he will be responsible for the good Behaviour of the Child for any Period not exceeding Twelve Months, and in default of such Assurance being given may, by Writing under their Hands and Seals (Form C.), order the Child to be sent for such Period as they may think necessary for his Education and Training to any Certified Industrial School, the Managers of which are willing to receive him: Provided, however, if within the County where the Child was taken into Custody, or any adjoining County, there shall be any Certified Industrial School conducted on the Principles of the religious Persuasion to which the Parent of the Child in the Opinion of the Justices shall belong, and the Managers of such School shall be willing to receive him, such Child shall be sent to such last-mentioned School, and not to any other.

Parent liable to Penalty for Neglect during Responsibility.

VII. If the Child, after such Assurance as aforesaid being given, be brought up again on a similar Charge within the Period for which the Parent, or in case of an Orphan, the Guardian or nearest adult Relative, has become responsible for his good Behaviour, the Justices may inflict a Fine upon the Parent or Guardian or nearest adult Relative as aforesaid, not exceeding Forty Shillings, should it be proved, to the Satisfaction of the Justices, that the last-mentioned Act of Vagrancy has taken place through the Neglect of the Parent.

Time passed in Industrial School to be excluded in Computation of Time under 9 & 10 Vict. c. 66.

VIII. The Time during which any Child shall be lodged in any Certified Industrial School under this Act shall, for all the Purposes of the Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Sixty-six, and of every Act incorporated therewith, be excluded in the Computation of the Time therein mentioned.

Parent may (under Conditions) have Child sent to a School which he approves.

IX. If the Parent, or in case of an Orphan, if the Guardian or nearest adult Relative, objects to the Certified Industrial School to which the Child has been sent or ordered to be sent, and proposes some other Certified Industrial School, and proves that the Managers of it are willing to receive the Child, and, if on any other than Religious Ground, pays or finds good Security to pay any Expenses which may be incurred in consequence of his Objection, any Justice of the County where the Child was taken into Custody shall order (Form D.) the Child to be sent to the Certified Industrial School proposed by the Parent or Guardian or nearest adult Relative as aforesaid.

X. In

Book to be kept in which Religious Denomination of Children to be entered; Certain Hours to be fixed for Visits of Clergymen.

X. In every Industrial School a Book shall be kept by the Managers, to which Access shall be had at all reasonable Hours, in which the Religious Denomination of the Child when admitted to the Industrial School shall be entered; and it shall be lawful, upon the Representation of the Parent, or in case of an Orphan, then of the Guardian or nearest adult Relative, of any Inmate placed in such Industrial School under the Provisions of this Act, for a Minister of the Religious Persuasion of the Inmate of such Industrial School, at certain fixed Hours of the Day, which shall be fixed by the Managers for the Purpose, to visit such Schools for the Purpose of affording Religious Assistance to such Inmate, and also for the Purpose of instructing such Inmate in the Principles of his Religion.

Duplicate of Order to be given to Managers, to be sufficient for Detention of Child.

XI. A Duplicate of the Order under which any Child is in pursuance of this Act ordered to be sent to a Certified Industrial School shall be sent to the Managers thereof, and shall be a sufficient Warrant for the Detention of the Child.

On Application of Parent, &c., Child may be discharged from School.

XII. On the Application of the Parent, or in case of an Orphan, then of the Guardian or nearest adult Relative, or of the Managers, any Justices of the County in which the School is situate, or of the County where such Parent resides, if satisfied that a suitable Employment in Life has been provided for the Child, or that there is otherwise sufficient Cause, may discharge (Form E.) the Child from the Certified Industrial School before the full Expiration of the Period for which he has been sent there, or may order his Removal from one Certified Industrial School to another (Form F.), or may order him to be discharged altogether.

Child may be discharged on good Security being found.

XIII. On good Security being at any Time found by the Parent or by any other Person, any Justices of the County in which the Certified Industrial School to which the Child has been sent is situate or of the County where such Parent resides shall order (Form G.) the Child to be discharged therefrom; provided always, that the Security shall be in such Amount as the Justices determine, or may be rejected by them altogether, on its being proved to their Satisfaction that Security for the Child has at any Time and under any Circumstances been previously rejected or forfeited.

Child not to be detained beyond the Age of Fifteen.

XIV. No Person shall be detained in any Certified Industrial School under this Act beyond the Age of Fifteen Years against his Consent.

On Application of Manager, the Parent may be summoned, and ordered to pay according to his Ability.

XV. Any Justices of the County in which the Certified Industrial School to which the Child has been sent is situate, or in which the Parent is residing, may, upon the Complaint of the Managers, summon the Parent, and examine into his Circumstances, and in their Discretion may order him (Form H.) to pay to such Managers, or to any Person authorized by them from Time to Time to receive it, a weekly Sum not

not exceeding Three Shillings, until the Child attains the Age of Fifteen Years, or is lawfully discharged; and on default of Payment for the Space of Fourteen Days the like Proceedings may be taken for enforcing and recovering the same as are herein-after provided for the enforcing and recovering of any Penalty or Forfeiture imposed by this Act.

Parents Payment may be diminished or increased.

XVI. The Parent or the Managers may at any Time apply to any Justices of the County in which the Certified Industrial School is situate, or in which the Parent is residing, for an Order to diminish the Amount of the weekly Sum payable by the Parent, or to increase it to an Amount not exceeding Three Shillings *per* Week; and the Justices, on Proof that the Parent or the Managers have given to each other (as the Case may be) not less than One Week's Notice in Writing of the intended Application, and of the Time and Place of hearing the same, shall make full Inquiry into the Matter, and may diminish or increase the Amount of the weekly Sum payable by the Parent, as they think fit, or may release him from such Payment altogether (Forms I. and K.)

Power to Managers to permit Children to sleep out of School.

XVII. The Managers may, at their Discretion, permit any Child to sleep or lodge at the Dwelling of his Parent, or of any trustworthy and respectable Person, and may also, at their Discretion, revoke such Permission; provided always, that they shall continue to board and feed the Child in all respects as if he were lodging in the Certified Industrial School.

Children absconding, &c. may be sent back to the School.

XVIII. If any Child, whether lodging in the School or elsewhere, before attaining the Age of Fifteen Years, or being duly discharged, wilfully absconds from the School, or neglects his Attendance thereat, any Justice of the County in which the Certified Industrial School is situate, or in which the Child is re-taken, may, by Writing under his Hand and Seal, order him to be sent back to the School, and to be detained there until he attains the Age of Fifteen Years, or for such shorter Period as the Justices think fit.

Penalties on Persons inducing Children to abscond, &c. or harbouring them.

XIX. Any Person who directly or indirectly withdraws a Child from the Certified Industrial School to which he has been sent, or induces him to abscond therefrom, previous to his attaining the Age of Fifteen Years, or being duly discharged, or who knowingly conceals or harbours him, or in any way prevents his Return, shall for every such Offence be liable in a Penalty not exceeding Two Pounds, to be recovered by summary Proceedings before Two Justices in or near the Place where the Offence is committed, or where the Offender may at the Time being happen to be, in manner provided by the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three.

Service of Notices.

XX. The leaving of any Summons or Notice or Order authorized to be issued or made by any Justices under this Act at the usual

or last known Place of Abode of the Party to whom the same respectively is directed shall in every Case be deemed a good and sufficient Service thereof.

Guardians may contract with Managers.

XXI. The Guardians of any Union or any Parish wherein the Relief to the Poor is administered by a Board of Guardians may, if they deem proper, with Consent of the Poor Law Board, contract with the Managers of any Certified Industrial School for the Maintenance and Education of any Pauper Child.

What is sufficient Evidence as to Certificate of School, Identity of Child, and making of Orders.

XXII. Whenever it shall be necessary to prove that any Industrial School is duly certified or sanctioned under this Act, the Production of an attested Copy of the Certificate shall be sufficient Evidence thereof; and the Production of an original Duplicate of the Order under which any Child has been sent to or is detained in any Certified Industrial School under this Act, or a Copy of such Order with a Memorandum signed by the Manager or Superintendent, or Master or Matron of any such School, that the young Person named in such Order was duly received into and is at the signing thereof detained in such School, or has been otherwise disposed of according to Law, and the Production of an original Duplicate of any Order made upon the Parent under this Act, or a Copy thereof certified by the Clerk to the Justices making the same to be a correct Copy, shall in all Proceedings whatsoever be sufficient Evidence of the due making and signing of all or any of such Orders, Memorandum, and Certificate respectively, and of the sending, Detention, and Identity of the Child or Parent named in such Orders respectively, without Proof of the Signatures or official Characters of the Justices or other Persons appearing to have signed the same respectively.

Committee of Education to give Notice of certified Schools.

XXIII. Whenever the Committee of Her Majesty's Privy Council on Education shall at any Time grant a Certificate under this Act to any Industrial School, they shall within One Calendar Month cause a Notice thereof to be published in the *London Gazette*, and such Publication shall be a sufficient Evidence of the Fact of such Industrial School having been certified to justify any Justices to commit any Child thereto, subject to the Provisions of this Act; and whenever the Committee shall withdraw the Certificate granted to any Industrial School, they shall within One Calendar Month give Notice of such Withdrawal in the said Gazette.

Forms in Schedule may be used.

XXIV. The several Forms in the Schedule to this Act annexed, or any Forms to the like Effect, shall in all Cases be sufficient; provided always, that any Summons, Notice, or Order shall not be invalidated for Want of Form only.

Extent of Act.

XXV. This Act shall not extend to *Ireland* or *Scotland*.

SCHE-

SCHEDULES.

(A.)

Notice by Police to Parent, &c. of Child being in Custody, &c.

To *C.B.* of the Parish of in the County of :

I HEREBY give you Notice, pursuant to Section 5 of the "Industrial Schools Act, 1857," that a Child named *A.B.*, apparently about Years of Age, the Son of [*or* who has been residing with] you the said *C.B.*, has been taken into Custody for having been on the Day of in the Parish of in the said *County* of found [*in the Words of the Local or General Act*], and that the Matter will be inquired into on the Day of , at o'Clock in the Forenoon, at , before such Justices of the Peace for the said *County* as may then be there, who may make such Order on you the said *C.B.*, to be dealt with according to the said Act, as they may think fit; the said *A.B.* is in the meantime detained in the at , by the Order of a Justice of the Peace.

Dated this Day of 185 .

M.N. { Constable, Inspector, *or* Superintendent of Police of .

(B.)

Form of Assurance of Parent for good Behaviour of Child.

Whereas a Child named *A.B.*, the Son of *C.D.*, has been proved a Vagrant; I *C.D.* hereby undertake to be responsible for the good Behaviour of the said Child for the Period of Months from the Day of the Date thereof.

(C.)

Order sending Child to Industrial School.

to wit. } To the Constable of and to the Managers of the Certified Industrial School at :

WHEREAS a certain Child named *A.B.*, about Years of Age, was this Day brought before us, Two of Her Majesty's Justices of the Peace for the County of , for that he, on the Day of , at , was found in the Act of Vagrancy [*or, as the Case may be in Section* 5.]: And whereas we have made full Inquiry into the Matter, pursuant to the "Industrial Schools Act, 1857," and no satisfactory Assurance has been given for the future proper Care and good Behaviour of the said Child: Now therefore we, the said Justices, do, pursuant to Section 6. of the said Act, order you, the said Constable, to take the said Child, and him safely convey to the Certified Industrial School at aforesaid, and there to deliver him, together with this Order; and we do hereby command you the said Managers (it appearing to us that you are willing to receive him therein) to receive the said Child into your Charge in the said School, and there to detain, educate, and train him for the Period of from the Date hereof.

Given under our Hands and Seals this Day of at in the *County* aforesaid.

[*Signatures and Seals of Justices.*]

(D.)

Second Order changing School.

To the Managers of the Certified Industrial School at and to the Managers of the Certified Industrial School at :

WHEREAS a certain Child named *A.B.*, about Years of Age, was on the Day of , by the Order of , Two of Her Majesty's Justices of the Peace for the *County* of , pursuant to the "Industrial Schools Act, 1857," taken to the Certified Industrial School at , there to be detained for the Period of from the said Day of , and he is now detained therein [*if so*]: And whereas *C.B.*, according to the Provisions of the said Act

Act entitled to object has objected to the said School, and has proposed the Certified Industrial School at , and proved to me the undersigned, One of Her Majesty's Justices of the Peace for the *County* of , where the Child was taken into Custody, that the Managers of the Certified Industrial School at are willing to receive the said Child, and the said *C.D.* has also complied with the other Conditions of Section 9. of the said Act: These are therefore, pursuant to Section 9. of the said Act, to order you the said Managers of the Certified Industrial School at to deliver up the said Child forthwith to the Certified Industrial School at ; and you the said Managers of the said last-mentioned School are hereby required to receive the said Child into your Charge in the said School, and there to detain, educate, and train him for the Period of from the Day of .

Given under my Hand and Seal this Day of , at in the *County* aforesaid.

J.S. (L.S.)

(E.)

Order for Discharge of Child on Employment being found for him.

To the Managers of the Certified Industrial School at :

WHEREAS a certain Child named *A.B.*, about Years of Age, was on the Day of , by the Order of Two of Her Majesty's Justices of the Peace for the County of , made pursuant to the "Industrial Schools Act, 1857," taken to the Certified Industrial School at , there to be detained for the Period of from the said Day of and he is now detained therein:* And whereas it appears to us, Two of Her Majesty's Justices of the Peace for the *County* of in which the School is situate [*or* in which the Parent or Guardian or nearest adult Relative of the said Child resides], that suitable Employment in Life has been provided for the said Child [*or* there appears to us, &c. sufficient Cause for the Discharge of the said Child]: These are therefore, pursuant to Section 12. of the said Act, to command you, the said Managers, forthwith to discharge the said Child and to deliver him into the Charge of , who brings this Order.

Given under our Hands and Seals this Day of , at in the *County* aforesaid.

[*Signatures and Seals of Justices.*]

(F.)

Order changing School on Assurance being given for future good Behaviour.

To the Managers of the Certified Industrial School at , and to the Managers of the Certified Industrial School at .

[*Proceed to the Asterisk * in the Form* (E.), *and then say*]: And whereas it appears to us desirable that the said Child should be removed from the said Certified Industrial School to the said Certified Industrial School (the Managers of which said last-mentioned School being willing to receive the said Child therein): These are therefore, pursuant to Section 12. of the said Act, to order you the said Managers of the Certified Industrial School at to deliver up the said Child forthwith to the Certified Industrial School, or to any Person authorized by them to receive the Child, at ; and you the said Managers of the said last-mentioned School are hereby required to receive the said Child into your Charge in the said School, and there to detain, educate, and train him for the Period of from the Day of .

Given under our Hands and Seals this Day of , at in the *County* aforesaid.

[*Justices Signatures and Seals.*]

(G.)

Order for Discharge of Child on Security given for future good Behaviour.

[*Proceed to the Asterisk * in the Form* (E.), *and then say*]: And whereas good Security has been found before us, Two of Her Majesty's Justices of the Peace for the *County* of , in which the School is situate [*or* in which the Parent or Guardian or nearest adult Relative of the said Child resides], for the future good Behaviour of the said Child*: These are therefore, pursuant to Section 13. of the said Act, to command you, the said Managers, forthwith to discharge the said Child, and to deliver him into the Charge of , who brings this Order.

Given under our Hands and Seals this Day of , at in the *County* aforesaid.

[*Signatures and Seals of Justices.*]

(H.)

Order on Parent to pay weekly Sum to Managers of School.

To *C.B.* of in the *County* of , *Carpenter:*

BE it remembered, That on this Day of in the Year of our Lord 185 , at in the *County* of a certain Complaint of *E.F.*, One of the Managers of the Certified Industrial School at , made under Section 14. of the "Industrial Schools Act, 1857," for that by a certain Order of Justices bearing Date the Day of , a certain Child named *A.B.*, of the Age of Years, was sent to and is now detained in the said Certified Industrial School pursuant to the said Act, and that the said Child is the Son of the said *C.B.* [*or* was, at the Time of his Removal to the said School, residing with the said *C.B.*], was duly heard by and before us, the undersigned, Two of Her Majesty's Justices of the Peace in and for the said *County* of , (wherein the said School is situate, *or* wherein the said *C.B.* is residing,) in the Presence and Hearing of the said *C.B.* [*if so, or* the said *C.B.* not appearing to the Summons duly issued and served in this Behalf]; and we, having duly examined into the Circumstances of the said *C.B.*, do, pursuant to Section 14. of the said Act, order the said *C.B.*, weekly and every Week from the Day of , to pay to the Managers of the said Certified Industrial School, or to such Person as the said Managers may from Time to Time authorize to receive the same, the Sum of Shillings for the Maintenance, Clothing, Education, Care, and Training of the said Child, until the said Child shall attain the Age of Fifteen Years, or shall be lawfully discharged from the said School.

Given under our Hands and Seals this Day of , at in the *County* aforesaid.

[*Justices Signatures and Seals.*]

(I.)

Order diminishing or increasing weekly Payment by Parent.

To *C.B.* of , and to the Managers of the Certified Industrial School at :

WHEREAS by a certain Order of [us, the undersigned, *if so,*] Two of Her Majesty's Justices of the Peace for the *County* of , made on the Day of , pursuant to Section 14. of

of the "Industrial Schools Act, 1857," [we,] the said Justices, ordered that you, the said *C.B.*, should weekly and every Week pay to the Managers of the said School the Sum of for the Maintenance, Clothing, Education, Care, and Training of a certain Child named *A.B.* (who is the Son of [*or* who had been residing with] you, the said *C.B.*) and who had been theretofore duly sent to and was then and now is detained in the said Certified Industrial School for the Period therein mentioned*: Now therefore we, the said Justices, seeing Cause to diminish [*or* increase] the Amount of the said weekly Payment, do order, pursuant to Section 15. of the said Act, that the said weekly Payment to be made by you the said *C.B.* to you the said Managers shall, from the Day of , be the Sum of per Week, and no more.

Given under our Hands and Seals this Day of , at in the *County* aforesaid.

[*Justices Signatures and Seals.*]

(K.)

Order releasing Parent from Payment altogether.

[*Proceed as in Form (I.) to the Asterisk*, and then say*:] Now therefore we, the said Justices, seeing Cause to release the said *C.B.* from the said weekly Payment altogether, do order, pursuant to Section 15. of the said Act, that you, the said *C.B.*, shall be released altogether from the Payment of the aforesaid weekly Sum to the said Managers from the Day of

Given under our Hands and Seals this Day of at in the *County* aforesaid.

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