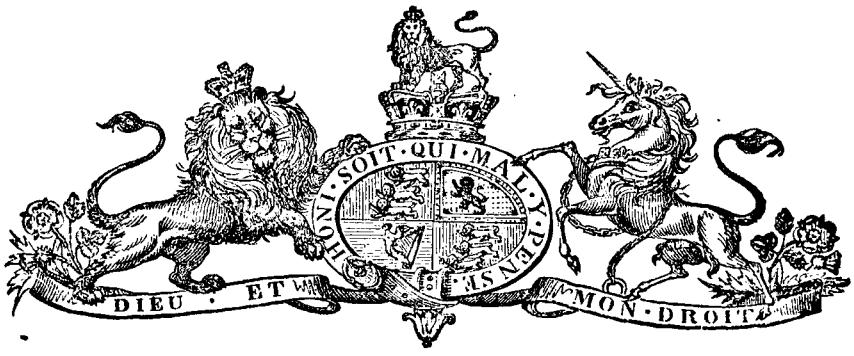


ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. CXIII.

An Act for amending and consolidating the Law relating to Industrial Schools.

[6th *August* 1861.]

WHEREAS it is expedient to make further Provision for the Education and Control in Industrial Schools of destitute and refractory Children: 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:

Preliminary.

1. This Act may be cited for all Purposes as "The Industrial Schools Act, 1861." Short Title.

2. This Act shall not extend to *Scotland* or *Ireland*. Limits of Act.

3. 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: Interpretation of Terms.

"Justices" shall mean any Two or more Justices of the Peace acting together in Petty Sessions, also the Lord Mayor or any Alderman of the City of *London*, or any other Magistrate

 authorized

authorized by Statute to do alone whatsoever is authorized by the Act of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, to be done by any Two or more Justices of the Peace:

"Managers" shall include the Directors, Managers, or other Persons who have the Management or Control of any such Industrial School as is herein-after mentioned:

"Parent" shall include any Person legally liable to maintain a Child, except the putative Father of a Bastard Child on whom an Order of Affiliation has been made:

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

"Parish" shall include any Place maintaining its own Poor.

Certified Industrial Schools.

Mode of certifying Industrial School.

4. Her Majesty's Secretary of State for the Home Department, herein-after referred to as the Secretary of State, may, upon the Application of the Managers of any School in which industrial Training is provided, and in which Children are clothed, lodged, and fed, as well as taught, appoint such Person as he may think fit to examine into the Condition of the School, and to report to him thereon, and if satisfied with such Report he may by Writing under his Hand certify that such School is fitted for the Reception of such Children as may be sent there in pursuance of this Act, and shall cause a Copy of the Certificate to be sent to the Clerk of the Peace of the County in which the School is situate, and to the Town Clerk of every Borough within such County; but no School shall be certified under this Act and also under the Act of the Session of the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-six, intituled *An Act for the better Care and Reformation of youthful Offenders in* Great Britain.

Withdrawal of Certificate by Secretary of State.

5. Every Industrial School that has been certified under this Act, herein-after referred to as "a certified Industrial School," shall from Time to Time, and at least once in each Year, be inspected by a Person to be appointed by the Secretary of State; and it shall be lawful for the Secretary of State, if dissatisfied with the Condition of such School as reported to him, by Notice under his Hand, addressed to the Managers of such School, to declare that the Certificate is withdrawn, from and after a Day to be specified in such Notice, not less than Two Months after the Date thereof.

6. Any

Notice of Withdrawal.

6. Any such Notice as aforesaid may be served on the Managers of such School by delivering the same personally to any One of them, or by sending it, by Post or otherwise, in a Letter addressed to them or any of them at the said School, or at the usual or last known Place of Abode of any Manager, or of the authorized Secretary, and shall cause a Copy of the Notice to be sent to the Clerk of the Peace of the County in which the School is situate, and to the Town Clerk of every Borough within such County; and any School on the Managers of which such Notice has been served shall from and after the Day therein specified cease to be a certified Industrial School within the Meaning of this Act.

Resignation of Certificate by Managers.

7. The Managers of any certified Industrial School may, upon giving Six Months previous Notice of their Intention so to do, in Writing under the Hand of One or more of them, or of the authorized Secretary, require the Secretary of State to withdraw the Certificate given to such School; and accordingly, at the Expiration of Six Months from the Date of the Notice, such Certificate shall be deemed to be withdrawn, and from thenceforth it shall not be lawful to send or receive there any more Children under this Act; but the Managers of a certified Industrial School shall not, except in manner provided by this Section, have Power, without the Consent of the Secretary of State, expressed in Writing, to withdraw from the Obligation of educating, clothing, lodging, and feeding any Children that at the Time of the giving such Notice may be in the School, in pursuance of the Provisions of this Act, until the Certificate be withdrawn, or until such Children be removed to some other Industrial School by an Order of the Secretary of State; and if such Managers make default in so doing they shall incur a Penalty not exceeding Five Pounds for each Default, to be recovered in manner herein-after mentioned.

Guardians may contract with Managers.

8. 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.

Admission of Children to and their Status at School.

Description of Children liable to be sent to School.

9. Children of the Descriptions herein-after mentioned may be sent to certified Industrial Schools in pursuance of the Provisions of this Act; that is to say,

1. Any Child apparently under the Age of Fourteen Years found begging or receiving Alms, or being in any Street or public Place for the Purpose of begging or receiving Alms:

2. Any

2. Any Child apparently under the Age of Fourteen Years that is found wandering, and not having any Home or settled Place of Abode, or any visible Means of Subsistence, or frequents the Company of reputed Thieves:

3. Any Child apparently under the Age of Twelve Years who, having committed an Offence punishable by Imprisonment or some less Punishment, ought nevertheless, in the Opinion of the Justices, regard being had to his Age and to the Circumstances of the Case, to be sent to an Industrial School:

4. Any Child under the Age of Fourteen Years whose Parent represents that he is unable to control him, and that he desires such Child to be sent to an Industrial School, in pursuance of this Act, and who at the same Time gives such Undertaking or other Security as may be approved by the Justices before whom he is brought, in pursuance of this Act, to pay all Expenses incurred for the Maintenance of such Child at School:

Provided that no Child who, on being brought before the Justices, is proved to have been previously convicted of Felony, shall be deemed to be within the Provisions of this Act.

Justices may send Child to School.

10. Any Person may bring before Justices any Child that is herein-before declared to be liable to be sent to an Industrial School; and the Justices shall make full Inquiry into all the Facts of the Case, and if satisfied, on the Result of such Inquiry that this Act applies to such Child, and that it is expedient to deal with him under its Provisions, may, by Writing under their Hands and Seals, order the Child to be sent, for such Period as they may think necessary for his Education and Training, to any certified Industrial School, whether situate within their Jurisdiction or not, the Managers of which are willing to receive such Child; subject to this Qualification, that it shall be the Duty of the Justices to select, if possible, an Industrial School conducted in accordance with the Religious Persuasion to which the Parent of the Child appears to them to belong: Provided also, that the Justices shall have Power, while Inquiry is being made respecting such Child, or respecting a School to which he may be sent, to order him to be taken to the Workhouse belonging to the Parish in which such Child has been found, and to be detained therein, at the Cost of the Union to which the Parish belongs, for any Time not exceeding Seven Days, or until an Order be made, previous to the Expiration thereof, for the Discharge of such Child, or for his being sent to an Industrial School,

School, as herein-before provided, and such Child shall be so detained accordingly: Provided that the Order of the Justices sending the Child to School shall specify the Religious Persuasion to which the Child appears to the Justices to belong, and it shall be lawful for a Minister of that Religious Persuasion to visit the Child at the School on such Days and at such Times of the Day as may from Time to Time be fixed by Regulations to be made by the Secretary of State, for the Purpose of instructing him in Religion.

Lodging Child at School.

11. The Managers of any certified Industrial School may, at their Discretion, permit any Child sent there in pursuance of this Act to sleep or lodge at the Dwelling of his Parent, or of any trustworthy and respectable Person, so that they educate, feed, and clothe the Child in all respects as if he were lodging in the School itself, and that they report to the Secretary of State, in such Manner as he may require, every Instance in which they exercise a Discretion under this Section.

Settlement not acquired by Stay at School.

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

Power to make Rules, &c.

13. It shall be lawful for the Managers of any certified Industrial School to make all necessary Rules, Orders, and Byelaws for the Regulation and Management of the School under their Charge, not repugnant to the Provisions of this Act; but no such Rules, Orders, or Byelaws shall be enforced until they have been submitted to and approved by the Secretary of State.

Limitation of Stay at School.

14. No Child shall in pursuance of this Act be detained against his Consent in any certified Industrial School after he has attained the Age of Fifteen Years.

Discharge of Child from School.

15. The Secretary of State may from Time to Time, by Writing under his Hand, remove any Child sent to an Industrial School in pursuance of this Act from one certified Industrial School to another, so that the whole Period of the Detention of such Child at Industrial Schools be not thereby increased: He may also, in like Manner, discharge any Child from an Industrial School, either absolutely or upon Condition of the Parent of such Child or any near Relation undertaking to educate, clothe, and feed him, or entering into such other Undertaking as the Secretary of State may require.

Power in certain Cases to discharge Child from School before Expiration of Period for which he has been sent there.

16. On the Application of the Parent, or of the Managers, or of the Guardians who may be liable to make any Repayment as aforesaid on account of any Child, any Justices of the County in which the School is situate, if satisfied that a suitable Employment has been provided for the Child, or that there is otherwise sufficient Cause, may discharge the Child from the School before the full Expiration of the Period for which he has been sent there.

Maintenance of Children at School.

Maintenance of Child at School.

17. The Commissioners of Her Majesty's Treasury, upon the Representation of the Secretary of State, may, out of Monies provided by Parliament, contribute towards the Maintenance of any Children sent to School in pursuance of this Act, except such Children as are sent to School, in pursuance of this Act, at the Desire of their Parents, and on their Representation that they are unable to control them, at such Rate *per* Head as may be determined by him, or such Portion of the Cost as may not be recovered from the Parent of the Child in manner herein provided, or such other Portion as the Secretary of State may recommend.

Order for Payment of Maintenance.

18. The Justices by whom any Child is sent to School in pursuance of this Act, or Justices having Jurisdiction within the District where the School is situate to which any Child is sent in pursuance of this Act, or in which the Parent of such Child shall reside, upon an Application made by any Person appointed by the Secretary of State for that Purpose, or by any Agent of such Person, shall have Authority to make an Order on the Parent of such Child for the Payment, either at the Time of the Child being first sent to School, or at any Time during his Continuance at School, of the Expenses of his Maintenance at School to an Amount not exceeding Five Shillings for every Week during which the Child remains at such School.

Variation of Order.

19. The Order made by the Justices may specify the Time during which the Parent is to pay the Sums thereby directed to be paid, or it may be indefinite, and until further Order; and any Justices of the Peace having Jurisdiction to make such Order may from Time to Time vary the same whenever Circumstances require it, on the Application either of the Parent or of any Person appointed by the Secretary of State to receive the Money, or by the Agent of such Person, on Fourteen Days Notice being first given of such Application to such Person or his Agent, or to such Parent, respectively.

Absconding

Absconding from School.

Penalty on Child absconding.

20. If any Child, whether lodging in the School or elsewhere, before attaining the Age of Fifteen Years, or before being duly discharged, wilfully absconds from the School to which he is sent in pursuance of this Act, or neglects to attend thereat, or wilfully refuses to conform to the Regulations thereof, any Justices having Jurisdiction in the Place in which the School is situate or in which the Child is retaken may, by Writing under their Hands and Seals, 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, or, instead of sending him back to such last-mentioned School, the Justices may commit him, under the Provisions of the Act of the Session of the Seventeenth and Eighteenth Years of *Victoria*, Chapter Eighty-six, to any Reformatory School certified under the said Act.

Penalty on inducing Child to abscond.

21. Any Person who directly or indirectly withdraws a Child from the certified Industrial School to which he has been sent, previously to his attaining the Age of Fifteen Years or to being duly discharged, or who induces or aids him to abscond, or who knowingly conceals or harbours him, or in any way prevents his Return, shall for every such Offence incur a Penalty not exceeding Five Pounds, or shall be liable, at the Discretion of the Justices, to be imprisoned for any Period not exceeding Twenty Days.

Recovery of Penalties.

Mode of recovering Penalties.

22. Penalties may be recovered and Payments may be enforced under this Act in manner provided by the Act of the Session of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three, and any Act amending the same.

Evidence.

Evidence of School being certified.

23. Whenever the Secretary of State grants a Certificate to or withdraws it from any Industrial School, in pursuance of this Act, he shall cause a Notice of such Grant or Withdrawal to be published in the *London Gazette* within One Calendar Month, and such Publication shall be sufficient Evidence of the Fact in all Proceedings before Justices and other Courts.

Evidence of Order of Justices.

24. The Order made by the Justices sending any Child to a certified Industrial School shall be forwarded to the Managers thereof, and shall be a sufficient Warrant for the Detention of the Child.

Evidence of Certificate of School,

25. Whenever it is necessary to prove that any Industrial School is duly certified under this Act, the Production of an attested Copy

Identity of Child, and making of Orders.

Copy of the Certificate or of the Notice published in the *London Gazette* shall be sufficient Evidence thereof; and the Production 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 One of the Managers or their authorized Secretary, or by the Superintendent or Master or Matron of any such School, that the Child 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 any Order made 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 of the Justices or other Persons appearing to have signed the same respectively.

Forms.

Use of Form in Schedule.

26. No Summons, Notice, or Order made for the Purpose of carrying into effect the Provisions of this Act shall be invalidated for Want of Form only; and the Form in the Schedule to this Act annexed, or any Form to the like Effect, may be used in the Case to which it refers, and when used shall be deemed sufficient.

Repeal of Acts.

Repeal of Acts herein named.

27. There shall be repealed the Acts herein-after mentioned; that is to say,

1. An Act passed in the Session holden in the Twentieth and Twenty-first Years of Her Majesty, Chapter Forty-eight, intituled *An Act to make better Provision for the Care and Education of vagrant, destitute, and disorderly Children, and for the Extension of Industrial Schools:*
2. An Act passed in the Session holden in the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and eight, intituled *An Act to amend the Industrial Schools Act*, 1857:

Provided that such Repeal shall not affect—

1. Any Certificate given or anything duly done under any Act hereby repealed:
2. Any Order made under any Act hereby repealed:
3. Any Penalty, Forfeiture, or other Punishment incurred under any Act hereby repealed, or any Remedy for recovering or enforcing the same.

28. This

Application of Act to existing certified Schools.

28. This Act shall apply to all Schools certified under the Acts hereby repealed or either of them, and to all Children sent to any Industrial School, under the Acts hereby repealed or either of them, in the same Manner in all respects as if such Certificate had been given or Children been sent under the Provisions of this Act, with this Qualification, that no Child shall be detained at any Industrial School, in pursuance of any Order made under the repealed Acts, for a longer Period than he would have been detained if this Act had not passed.

Duration of Act.

29. This Act shall remain in force until the First Day of *January* One thousand eight hundred and sixty-four.

SCHEDULE.

FORM.

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.* was this Day brought before us, Her Majesty's Justices of the Peace for the in Petty Sessions assembled, under the Provisions of the Industrial Schools Act, 1861: Now therefore we, the said Justices, being satisfied that the said Act applies to such Child, and that it is expedient to deal with him [*or* her] under its Provisions, order you the said Constable in pursuance of the said Act to take the said Child, and him [*or* her] safely convey to the certified Industrial School at aforesaid, and there to deliver him [*or* her], together with this Order; and we do hereby command you the said Managers to receive the said Child into your Charge in the said School, and there to detain, educate, clothe, and feed him [*or* her] 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.*]

LONDON:
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