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 Justice [*or* the undersigned One of Her Majesty's Justices of the Peace in and for the said [*County*] of], that no sufficient Goods of the said *C.B.* can be found:

These are therefore to command you, the said Constable of , to take the said *C.B.*, and him safely to convey to the [*Prison*] at 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 [*Prison*], to receive the said *C.D.* into your Custody in the said [*Prison*], 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.D.* to the said [*Prison*], 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 and Seal, this Day of in the Year of our Lord , at in the [*County*] aforesaid.

J.S. (L.S.)

(J.)

Order on Parent in Scotland, &c. for Contribution.

The Sheriff [*or as the Case may be*] having considered the Complaint of *E.F.*, the Inspector of Reformatory Schools, made under The Reformatory Schools Act, 1866, and having heard Parties thereon [*or*, in absence of *C.D.*, *designing him*, duly cited, but not appearing], pursuant to the said Act, decerns *C.D.* complained on, weekly and every Week from the Day of to pay to the said *E.F.*, or to his Agent from Time to Time authorized to receive the same, the Sum of Shillings for the Support and Maintenance of *A.B.*, Son [*or as the Case may be*] of the said *C.D.*, now detained in the Certified Reformatory School of under an Order by of Date until the said *A.B.* attains the Age of Years or is lawfully discharged from the said School, and grants Warrant of Arrestment to be executed by any Constable or Messenger at Arms.

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

[*Magistrate's Signature.*]

CAP. CXVIII.

An Act to consolidate and amend the Acts relating to Industrial Schools in *Great Britain*. [10th *August* 1866.]

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 as The Industrial Schools Act, 1866. Short Title.

2. This Act shall not extend to *Ireland*. Extent of Act.

3. The Acts described in the First Schedule to this Act are hereby repealed; but this Repeal shall not affect the past Operation of any such Act, or the Force or Operation of any Certificate, Order, Rule, or Sentence made or passed, or the Validity or Invalidity of anything done or suffered, or any Right, Title, Obligation, or Liability accrued before the passing Acts described in First Schedule repealed.

passing of this Act; nor shall this Act interfere with the Institution or Prosecution of any Proceeding in respect of any Offence committed against, or any Penalty or Forfeiture incurred under, any Act hereby repealed.

Interpretation of Terms.

4. In this Act—

The Term "Justice" applies to *England* only, and means a Justice of the Peace having Jurisdiction in the Place where the Matter requiring the Cognizance of a Justice arises:

The Term "Two Justices" applies to *England* only, and means Two or more Justices in Petty Sessions, or the Lord Mayor or an Alderman of the City of *London*, or a Police or Stipendiary Magistrate or other Justice having by Law Authority to act alone for any Purpose with the Powers of Two Justices:

The Term "Magistrate" applies to *Scotland* only, and includes Sheriff, Sheriff Substitute, Justice of the Peace of a County, Judge in a Police Court, and Provost or Baillie of a City or Burgh:

28 & 29 Vict. c. 126.

The Term "Prison Authority" with respect to *England* has the same Meaning as in The Prisons Act, 1865, and with respect to *Scotland* means the Administrators of a Prison, as defined by The Prisons (*Scotland*) Administration Act, 1860:

23 & 24 Vict. c. 105.

The Term "Parish" includes a Place separately maintaining its own Poor.

Industrial Schools.

Description of Industrial Schools and Managers.

5. A School in which Industrial Training is provided, and in which Children are lodged, clothed, and fed, as well as taught, shall exclusively be deemed an Industrial School within the Meaning of this Act.

The Persons for the Time being having the Management or Control of such a School shall be deemed the Managers thereof for the Purposes of this Act.

Inspector.

Inspector of Industrial Schools and Assistant.

6. Such One of Her Majesty's Inspectors of Prisons as One of Her Majesty's Principal Secretaries of State (in this Act referred to as the Secretary of State) from Time to Time thinks fit to appoint to be the Inspector of Reformatory Schools shall be also the Inspector of Industrial Schools.

The Secretary of State may from Time to Time appoint a fit Person to assist the Inspector; and every Person so appointed shall have such of the Powers and Duties of the Inspector of Industrial Schools as the Secretary of State from Time to Time prescribes, but shall act under the Direction of the Inspector.

Certified Industrial Schools.

Mode of certifying Industrial School.

7. The Secretary of State may, on the Application of the Managers of an 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 Act, and to report to him thereon, and the Inspector shall examine and report accordingly.

If satisfied with the Report of the Inspector the Secretary of State may, by Writing under his Hand, certify that the School is fit for the Reception of Children to be sent there under this Act, and thereupon the School shall be deemed a Certified Industrial School.

No School to be Industrial as well as Reformatory.

8. A School shall not be at the same Time a Certified Industrial School under this Act and a Certified Reformatory School under any other Act.

Notices of Certificate to be gazetted.

9. A Notice of the Grant of each Certificate shall within One Month be inserted by Order of the Secretary of State in the *London* or in the *Edinburgh Gazette*, according as the School to which it refers is in *England* or in *Scotland*.

Copy of Gazette to be Evidence.

A Copy of the Gazette containing the Notice shall be conclusive Evidence of the Grant, which may also be proved by the Certificate itself, or by an Instrument purporting to be a Copy of the Certificate, and to be attested as such by the Inspector of Industrial Schools.

10. Every

Inspection of School.

10. Every Certified Industrial School shall from Time to Time, and at least once in each Year, be inspected by the Inspector of Industrial Schools, or by a Person appointed to assist him as aforesaid.

Alterations, &c. of Buildings.

11. No substantial Addition or Alteration shall be made to or in the Buildings of any Certified Industrial School without the Approval in Writing of the Secretary of State.

Contribution by Counties and Boroughs to Establishment and Enlargement of Schools.

12. In *England* a Prison Authority may from Time to Time contribute such Sums of Money, and on such Conditions as they think fit, towards the Alteration, Enlargement, or rebuilding of a Certified Industrial School,—or towards the Support of the Inmates of such a School,—or towards the Management of such a School,—or towards the Establishment or building of a School intended to be a Certified Industrial School,—or towards the Purchase of Land required either for the Use of an existing Certified Industrial School, or for the Site of a School intended to be a Certified Industrial School; provided,—

First, that not less than Two Months previous Notice of the Intention of the Prison Authority to take into consideration the making of such Contribution, at a Time and Place to be mentioned in such Notice, be given by Advertisement in some One or more public Newspaper or Newspapers circulated within the District of the County or Borough, and also in the Manner in which Notices relating to Business to be transacted by the Prison Authority are usually given:

Secondly, that where the Prison Authority is the Council of a Borough, the Order for the Contribution be made at a Special Meeting of the Council:

Thirdly, that where the Contribution is for Alteration, Enlargement, rebuilding, Establishment, or building of a School or intended School, or for Purchase of Land, the Approval of the Secretary of State be previously given for that Alteration, Enlargement, rebuilding, Establishment, building, or Purchase.

In *Scotland* a County Board may contribute to any Certified Industrial School with the Consent and in the Manner provided by The Prisons (*Scotland*) Administration Act, 1860, respecting Contributions to Reformatories.

Mode of obtaining Approval of Secretary of State.

13. In order to obtain the Approval of the Secretary of State as aforesaid where required, the Managers of the School, or Promoters of the intended School, shall forward to the Secretary of State Particulars of the proposed Establishment or Purchase, and a Plan of the proposed Alteration, Enlargement, rebuilding or building, drawn on such Scale, and accompanied by such Particulars and Estimate of Cost, as the Secretary of State thinks fit to require; and the Secretary of State may approve of the Particulars and Plan submitted to him, with or without Modification, or may disapprove of the same, and his Approval or Disapproval shall be certified by Writing under his Hand.

Classes of Children to be detained in Certified Industrial Schools.

As to Children under 14 Years of Age found begging, &c.

14. Any Person may bring before Two Justices or a Magistrate any Child apparently under the Age of Fourteen Years that comes within any of the following Descriptions, namely,—

That is found begging or receiving Alms (whether actually or under the Pretext of selling or offering for Sale any Thing), or being in any Street or public Place for the Purpose of so begging or receiving Alms;

That is found wandering and not having any Home or settled Place of Abode, or proper Guardianship, or visible Means of Subsistence;

That is found destitute, either being an Orphan or having a surviving Parent who is undergoing Penal Servitude or Imprisonment;

That frequents the Company of reputed Thieves.

The Justices or Magistrate before whom a Child is brought as coming within One of those Descriptions, if satisfied on Inquiry of that Fact, and that it is expedient to deal with him under this Act, may order him to be sent to a Certified Industrial School.

As to Children under 12 Years of Age charged with Offences.

15. Where a Child apparently under the Age of Twelve Years is charged before Two Justices or a Magistrate with an Offence punishable by Imprisonment or a less Punishment, but has not been in *England* convicted of Felony, or in *Scotland* of Theft, and the Child ought,

ought, in the Opinion of the Justices or Magistrate, (regard being had to his Age and to the Circumstances of the Case,) to be dealt with under this Act, the Justices or Magistrate may order him to be sent to a Certified Industrial School.

As to refractory Children under 14 Years of Age in Charge of Parent, &c.

16. Where the Parent or Step-parent or Guardian of a Child apparently under the Age of Fourteen Years represents to Two Justices or a Magistrate that he is unable to control the Child, and that he desires that the Child be sent to an Industrial School under this Act, the Justices or Magistrate, if satisfied on Inquiry that it is expedient to deal with the Child under this Act, may order him to be sent to a Certified Industrial School.

As to refractory Children under 14 Years of Age in Workhouses, Pauper Schools, &c.

17. Where the Guardians of the Poor of a Union or of a Parish wherein Relief is administered by a Board of Guardians, or the Board of Management of a District Pauper School, or the Parochial Board of a Parish or Combination, represent to Two Justices or a Magistrate that any Child apparently under the Age of Fourteen Years, maintained in a Workhouse or Pauper School of a Union or Parish, or in a District Pauper School, or in the Poorshouse of a Parish or Combination, is refractory, or is the Child of Parents either of whom has been convicted of a Crime or Offence punishable with Penal Servitude or Imprisonment, and that it is desirable that he be sent to an Industrial School under this Act, the Justices or Magistrate may, if satisfied that it is expedient to deal with the Child under this Act, order him to be sent to a Certified Industrial School.

Order of Detention.

Form and Contents of Order sending Child to School.

18. The Order of Justices or a Magistrate sending a Child to a School (in this Act referred to as the Order of Detention in a School) shall be in Writing signed by the Justices or Magistrate, and shall specify the Name of the School.

The School shall be some Certified Industrial School (whether situate within the Jurisdiction of the Justices or Magistrate making the Order or not) the Managers of which are willing to receive the Child; and the Reception of the Child by the Managers of the School shall be deemed to be an Undertaking by them 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, or until the Contribution out of Money provided by Parliament towards the Custody and Maintenance of the Children detained in the School is discontinued, whichever shall first happen.

The School named in the Order shall be presumed to be a Certified Industrial School until the contrary is shown.

In determining on the School the Justices or Magistrate shall endeavour to ascertain the Religious Persuasion to which the Child belongs, and shall, if possible, select a School conducted in accordance with such Religious Persuasion, and the Order shall specify such Religious Persuasion.

The Order shall specify the Time for which the Child is to be detained in the School, being such Time as to the Justices or Magistrate seems 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.

Temporary Detention in Workhouse, &c.

19. Two Justices or a Magistrate, while Inquiry is being made respecting a Child or respecting a School to which he may be sent, may, by Order signed by them or him, order the Child to be taken to the Workhouse or Poorshouse of the Union, Parish, or Combination in which he is found or resident,—or where (in *Scotland*) there is no such Poorshouse, or the Poorshouse is at an inconvenient Distance, to such other Place, not being a Prison, as the Magistrate thinks fit, the Occupier whereof is willing to receive him,—and to be detained therein at the Cost of the Union, Parish, or Combination for any Time not exceeding Seven Days, or until an Order is sooner made for his Discharge or for his being sent to a Certified Industrial School; and the Guardians of the Poor for the Union or Parish, or the Keeper of the Poorshouse, or other Person to whom the Order is addressed, are and is hereby empowered and required to detain him accordingly.

Power to Parent, &c. to apply to

20. 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

sent to a Certified Industrial School, which is not conducted in accordance with the Religious Persuasion to which the Child belongs, states to the Justices or Magistrate by whom the Order of Detention has been or is about to be made (or to Two Justices or a Magistrate having the like Jurisdiction) 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 Certified Industrial School in *Great Britain* which is conducted in accordance with the Religious Persuasion to which the Child belongs, and signifies his Desire that the Child be sent thereto, then and in every such Case the Justices or Magistrate shall, upon Proof of such Child's Religious Persuasion, comply with the Request of the Applicant, provided,— remove Child to a School conducted in accordance with Child's Religious Persuasion.

First, that the Application be made before the Child has been sent to a Certified Industrial School, or within Thirty Days after his Arrival at such a School:

Secondly, that the Applicant show to the Satisfaction of the Justices or Magistrate that the Managers of the School named by him are willing to receive the Child:

Provided always, with respect to *Scotland*, that if any Child who has become chargeable to any Parish, and who is under this Section sent from *Scotland* to a School out of *Scotland*, might have been removed from *Scotland* (under any Act for the Time being in force relating to the Relief of the Poor in *Scotland*) at the Instance of the Inspector of the Poor of the Parish to which he has become chargeable, had he not been sent out of *Scotland* under this Section, then and in every such Case the Chargeability on such Parish for such Child shall cease on his being so sent out of *Scotland*.

21. In *Scotland* where a Magistrate is about to make or has made an Order for sending a Child to a Certified Industrial School, and the Child is chargeable at the Time to any Parish or has been so chargeable within Three Months then last past, and there is in that Parish a Certified Industrial School maintained by the Parochial Board thereof, and conducted in accordance with the Religious Persuasion to which the Child belongs, and the Inspector of the Poor of such Parish certifies to the Magistrate (or to a Magistrate having the like Jurisdiction) that he requires the Child to be sent to the Certified Industrial School in such Parish maintained by the Parochial Board thereof, and conducted in accordance with the Religious Persuasion to which the Child belongs, then and in every such Case the Magistrate shall direct the Child to be sent to the last-mentioned School accordingly, the Inspector of the Poor defraying the Expense of conveying the Child thither; provided that where the Order of Detention has been made, the Application of the Inspector to the Magistrate be made within Fourteen Days of the Day of the making of the Order. Where Order to be for Detention in School of Parochial Board.

22. The Order of Detention in a School 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. Order to be Warrant for Conveyance and Detention.

23. The Expense of conveying to a Certified Industrial School a Child ordered to be sent there shall be defrayed by the Police Authorities by whom he is conveyed, and shall be deemed Part of the current Expenses of those Police Authorities. Expenses of Conveyance to School

24. An Instrument purporting to be an Order of Detention in a School and to be signed by Two Justices or a Magistrate, or purporting to be a Copy of such an Order and to be certified as such a Copy by the Clerk to the Justices or Magistrate by whom the Order was made, shall be Evidence of the Order. Evidence of Order of Detention.

Management of School.

25. A Minister of the Religious Persuasion specified in the Order of Detention as that to which the Child appears to the Justices or Magistrate to belong may visit the Child at the School on such Days and at such Times as are from Time to Time fixed by Regulations made by the Secretary of State, for the Purpose of instructing him in Religion. Religious Instruction in School.

26. The Managers of a School may permit a Child sent there under this Act to lodge at the Dwelling of his Parent or of any trustworthy and respectable Person, so that the Managers teach, train, clothe, and feed the Child in the School as if he were lodging Lodging Child out of School.

in the School itself, and so that they report to the Secretary of State, in such Manner as he thinks fit to require, every Instance in which they exercise a Discretion under this Section.

Licence for living out of School.

27. The Managers of a School may, at any Time after the Expiration of Eighteen Months of the Period of Detention allotted to a Child, by Licence under their Hands, permit him to live with any trustworthy and respectable Person named in the Licence, and willing to receive and take charge of him.

Any Licence so granted shall not be in force for more than Three Months, but may at any Time before the Expiration of those Three Months be renewed for a further Period not exceeding Three Months, to commence from the Expiration of the previous Period of Three Months, and so from Time to Time until the Period of the Child's Detention is expired.

Any such Licence may also be revoked at any Time by the Managers of the School by Writing under their Hands; and thereupon the Child to whom the Licence related may be required by them, by Writing under their Hands, to return to the School.

The Time during which a Child is absent from a School in pursuance of a Licence shall, except where such Licence has been forfeited by his Misconduct, be deemed to be Part of the Time of his Detention in the School, and at the Expiration of the Time allowed by the Licence he shall be taken back to the School.

A Child escaping from the Person with whom he is placed under a Licence, or refusing to return to the School on the Revocation of his Licence, or at the Expiration of the Time allowed thereby, shall be deemed to have escaped from the School.

Power to apprentice Child.

28. The Managers of a School may, at any Time after a Child has been placed out on Licence as aforesaid, if he conducted himself well during his Absence from the School, bind him, with his own Consent, Apprentice to any Trade, Calling, or Service, notwithstanding that his Period of Detention has not expired, and every such Binding shall be valid and effectual to all Intents.

Rules of School to be approved by Secretary of State.

29. The Managers of a Certified Industrial School may from Time to Time make Rules for the Management and Discipline of the School, not being inconsistent with the Provisions of this Act; but those Rules shall not be enforced until they have been approved in Writing by the Secretary of State; and 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.

Evidence as to Reception in School, &c.

30. A Certificate purporting to be signed by One of the Managers of a Certified 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 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.

Liability to Removal not affected by Stay at School.

31. The Time during which a Child is detained in a School under this Act shall for all Purposes be excluded in the Computation of Time mentioned in Section One of the Act of the Session of the Ninth and Tenth Years of Her Majesty's Reign (Chapter Sixty-six), "to amend the Laws relating to the Removal of the Poor," as amended by any other Act.

Offences at School, &c.

Refusal to conform to Rules.

32. If a Child sent to a Certified Industrial School, and while liable to be detained there, being apparently above Ten Years of Age, and whether lodging in the School itself or not, wilfully neglects or wilfully refuses to conform to the Rules of the School, he shall be guilty of an Offence against this Act, and on summary Conviction thereof before Two Justices or a Magistrate shall be liable to be imprisoned, with or without Hard Labour, for any Term not less than Fourteen Days and not exceeding Three Months, and the Justices

or

or Magistrate before whom he is convicted may direct him to be sent at the Expiration of the Term of his Imprisonment to a Certified Reformatory School, and to be there detained subject and according to the Provisions of The Reformatory Schools Act, 1866. 29 & 30 Vict. c. 117.

33. If a Child sent to a Certified Industrial School, and while liable to be detained there, and whether lodging in the School itself or not, escapes from the School, or neglects to attend thereat, he shall be guilty of an Offence against this Act, and may at any Time before the Expiration of his Period of Detention be apprehended without Warrant, and may (any other Act to the contrary notwithstanding) be then brought before a Justice or Magistrate having Jurisdiction in the Place or District where he is found, or in the Place or District where the School from which he escaped is situate; and he shall thereupon be liable, on summary Conviction before such a Justice or Magistrate, to be, by and at the Expense of the Managers of the School, brought back to the same School, there to be detained during a Period equal to so much of his Period of Detention as remained unexpired at the Time of his committing the Offence. Penalty on Child escaping from School.

If the Child charged with such an Offence is apparently above Ten Years of Age, then on his summary Conviction of the Offence before Two such Justices or such a Magistrate, he shall be liable, at the Discretion of the Justices or Magistrate, instead of being sent back to the same School, to be imprisoned with or without Hard Labour for any Term not less than Fourteen Days and not exceeding Three Months, and the Justices or Magistrate before whom he is convicted may direct him to be sent at the Expiration of the Term of his Imprisonment to a Certified Reformatory School, and to be there detained subject and according to the Provisions of The Reformatory Schools Act, 1866. 29 & 30 Vict. c. 117.

34. If any Person does any of the following Things, (that is to say,)— Penalty on Persons inducing Offenders to escape from Certified Industrial Schools.

First, knowingly assists, directly or indirectly, a Child liable to be detained in a Certified Industrial School to escape from the School;

Second, directly or indirectly induces such a Child so to escape;

Third, 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 Act, and shall, on summary Conviction thereof before Two Justices or a Magistrate, be liable to a Penalty not exceeding Twenty Pounds, or, at the Discretion of the Justices, to be imprisoned for any Term not exceeding Two Months, with or without Hard Labour.

Expenses of Children in Schools.

35. The Commissioners of Her Majesty's Treasury may from Time to Time contribute, out of Money provided by Parliament for the Purpose, such Sums as the Secretary of State from Time to Time thinks fit to recommend, towards the Custody and Maintenance of Children detained in Certified Industrial Schools; provided that such Contributions shall not exceed Two Shillings *per* Head *per* Week for Children detained on the Application of their Parents, Step-parents, or Guardians. Power to Treasury to contribute towards Custody, &c. of Children detained.

36. In *England* a Prison Authority may contract with the Managers of a Certified Industrial School for the Reception and Maintenance therein of such Children as are from Time to Time ordered by Justices to be sent there from the District of the Prison Authority. Prison Authority may contract for Reception of Children.

37. The Guardians of the Poor of a Union or Parish, or the Board of Management of a District Pauper School, or the Parochial Board of a Parish or Combination, may from Time to Time, with the Consent in *England* of the Poor Law Board, and in *Scotland* of the Board of Supervision, contribute such Sums as they think fit towards the Maintenance of Children detained in a Certified Industrial School on their Application. Power to Guardians of Poor, &c. to contribute.

38. In *Scotland* where a Child sent to a Certified Industrial School under this Act is at the Time of his being so sent, or within Three Months then last past has been, chargeable to any Parish, the Parochial Board and Inspector of the Poor of the Parish of the Settlement of such Child, if the Settlement of the Child is in any Parish in *Scotland*, shall, as long as he continues so chargeable, be liable to repay to the Commissioners of Her Majesty's Recovery of Cost of Maintenance in Schools in Scotland, when Parishes, &c. are liable.

Majesty's Treasury all Expenses incurred in maintaining him at School under this Act to an Amount not exceeding Five Shillings *per* Week, and in default of Payment those Expenses may be recovered by the Inspector of Industrial Schools, or any Agent of the Inspector, in a summary Manner before a Magistrate having Jurisdiction in the Place where the Parish is situate.

Provided always, that nothing in this Act shall prevent any Parochial Board on whose Funds the Cost of Support of any such Child has become a Charge from adopting such Steps for the Recovery of any Sums which may have been paid by such Parochial Board for any such Child against the Parish of his Settlement, or for his Removal, as may be competent to them under any Act for the Time being in force relating to the Relief of the Poor in *Scotland*.

Contribution by Parent, &c.

39. The Parent, Step-parent, or other Person for the Time being legally liable to maintain a Child detained in a Certified Industrial School shall, if of sufficient Ability, contribute to his Maintenance and Training therein a Sum not exceeding Five Shillings *per* Week.

Order for Enforcement of Contribution by Parent, &c.

40. On the Complaint of the Inspector of Industrial Schools, or of any Agent of the Inspector, or of any Constable under the Directions of the Inspector (with which Directions every Constable is hereby required to comply), at any Time during the Detention of a Child in a Certified Industrial School, Two Justices or a Magistrate having Jurisdiction at the Place where the Parent, Step-parent, or other Person liable as aforesaid resides may, on Summons to the Parent, Step-parent, or other Person liable as aforesaid, examine into his Ability to maintain the Child, and may, if they or he think fit, make an Order or Decree on him for the Payment to the Inspector or his Agent of such weekly Sum, not exceeding Five Shillings *per* Week, as to them or him seems reasonable, during the whole or any Part of the Time for which the Child is liable to be detained in the School.

Every such Order or Decree may specify the Time during which the Payment is to be made, or may direct the Payment to be made until further Order.

In *Scotland* any such Order or Decree shall be held to be and to have the Effect of an Order or Decree in each and every Week for Payment of the Sum ordered or decreed to be paid for such Week; and under the Warrant for Arrestment therein contained (which the Magistrate is hereby authorized to grant if he sees fit), it shall be lawful to arrest weekly for Payment of such weekly Sum as aforesaid the Wages of the Defender due and current, and such Arrestment shall attach not only to the Wages due and payable to the Defender at the Date thereof, but also to the Wages current for the Week or other Term or Period in which such Arrestment is executed, any Law or Statute notwithstanding.

Every such Payment or a proper proportionate Part thereof shall go in relief of the Charges on Her Majesty's Treasury, and the same shall be accounted for as the Commissioners of Her Majesty's Treasury direct, and where the Amount of the Payment ordered in respect of any Child exceeds the Amount contributed by the Commissioners of Her Majesty's Treasury in respect of that Child, the Balance shall be accounted for and paid to the Managers of the School.

The Secretary of State may, in his Discretion, remit wholly or partially any Payment so ordered.

Two Justices or a Magistrate having Jurisdiction to make such an Order or Decree may from Time to Time vary any such Order or Decree as Circumstances require, on the Application either of the Person on whom such Order or Decree is made, or of the Inspector of Industrial Schools, or his Agent, on Fourteen Days Notice being first given of such Application to the Inspector or Agent, or to such Person respectively.

Discharge, &c. of Children from School.

Detention to cease on Child attaining Sixteen.

41. A Person who has attained the Age of Sixteen Years shall not be detained in a Certified Industrial School, except with his own Consent in Writing.

Transfer to another School by Secretary of State.

42. The Secretary of State may at any Time order a Child to be transferred from one Certified Industrial School to another, but so that the whole Period of his Detention be not thereby increased.

The

The Secretary of State may also at any Time order a Child being under Sentence of Detention in an Industrial School established under any other Act of Parliament, the General Rules for the Government whereof have been approved by the Secretary of State, to be transferred to a Certified Industrial School under this Act; and in that Case the Child shall after the Transfer be deemed to be subject in all respects to the Provisions of this Act, but so that the whole Period of his Detention be not by such Transfer increased.

The Commissioners of Her Majesty's Treasury may pay, out of Money provided by Parliament for the Purpose, such Sum as the Secretary of State thinks fit to recommend, in discharge of the Expenses of the Removal of any Child transferred under the Provisions of this Act.

Discharge by Secretary of State.

43. The Secretary of State may at any Time order any Child to be discharged from a Certified Industrial School or from any Industrial School established under any other Act of Parliament, the General Rules for the Government whereof have been approved by the Secretary of State, either absolutely or on such Condition as the Secretary of State approves, and the Child shall be discharged accordingly.

Withdrawal, &c. of Certificate of School.

Power for Secretary of State to withdraw Certificate.

44. The Secretary of State, if dissatisfied with the Condition of a Certified 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 a Certified Industrial School.

Resignation of Certificate by Managers.

45. The Managers or the Executors or Administrators of a deceased Manager (if only One) of a Certified Industrial School may give Notice in Writing to the Secretary of State of their Intention to resign the Certificate of that School, and at the Expiration in the Case of Managers of Six Months, and in the Case of Executors or Administrators of One Month, from the Receipt of that Notice by the Secretary of State (unless before that Time the Notice is withdrawn) the Certificate shall be deemed to be resigned accordingly, and the School shall thereupon cease to be a Certified Industrial School.

Gazetting and Evidence of Withdrawal, &c.

46. A Notice of the Withdrawal or Resignation of the Certificate of a Certified Industrial School shall within One Month be inserted by Order of the Secretary of State in the *London* or in the *Edinburgh Gazette*, according as the School is in *England* or *Scotland*.

A Copy of the Gazette containing such Notice shall be conclusive Evidence of such Withdrawal or Resignation.

A Certificate shall be presumed to be in force until the Withdrawal or Resignation thereof is proved.

Cesser of Reception of Children on Notice, &c.

47. Where Notice is given of the Withdrawal or Resignation of the Certificate of a Certified Industrial School no Child shall be received into the School for Detention under this Act after the Receipt by the Managers of the School of the Notice of Withdrawal, or after the Date of the Notice of Resignation, as the Case may be; but the Obligation of the Managers to teach, train, clothe, lodge, and feed any Children detained in the School at the Time of such Receipt or at the Date of such Notice shall, except as far as the Secretary of State otherwise directs, be deemed to continue until the Withdrawal or Resignation of the Certificate takes effect, or until the Contribution out of Money provided by Parliament towards the Custody and Maintenance of the Children detained in the School is discontinued, whichever shall first happen.

Discharge of Children detained, &c.

48. Where a School ceases to be a Certified Industrial School the Children detained therein shall be either discharged or transferred to some other Certified Industrial School by Order of the Secretary of State.

Houses

Houses of Refuge, &c. in Scotland.

In Scotland, Power for Industrial Schools under Local Acts, &c. to receive Children.

49. Where in any City, Town, or Place in *Scotland* there has been erected, under Local Act of Parliament or otherwise, any House of Refuge for destitute Children or any Industrial School, or other similar Institution, the Commissioners, Directors, or Managers thereof may receive and maintain therein, if willing to do so, all such Children as are sent thereto under this Act, and may pay such Portion of the Fund under their Control as they think proper for the training, Maintenance, and Disposal of such Children; provided that such House of Refuge, School, or Institution is certified as an Industrial School under this Act, and the Rules thereof and all Alterations thereof from Time to Time are approved by the Secretary of State.

Expenses of Prison Authorities, &c.

Expenses of Prison Authorities and County Boards how defrayed.

50. Expenses incurred by a Prison Authority in *England* in carrying into effect the Provisions of this Act shall be deemed Expenses incurred by that Authority in carrying into effect the Provisions of The Prison Act, 1865, and shall be defrayed accordingly.

Expenses incurred by a County Board in *Scotland* in carrying into effect the Provisions of this Act shall be a Charge on the Assessment for current Expenses incurred by that Board in carrying into effect the Provisions of The Prisons (*Scotland*) Administration Act, 1860.

Miscellaneous.

Acts regulating Procedure.

51. The following Acts—

In *England*, the Act of the Session of the Eleventh and Twelfth Years of Her Majesty's Reign (Chapter Forty-three), "to facilitate the Performance of the Duties of Justices "of the Peace out of Sessions, within *England* and *Wales*, with respect to summary "Convictions and Orders," and any Acts amending the same;

In *Scotland*, The Summary Procedure Act, 1864,—

Shall apply to all Offences, Payments, and Orders in respect of which Jurisdiction is given to Justices or a Magistrate by this Act, or which are by this Act directed to be prosecuted, enforced, or made in a summary Manner or on summary Conviction.

Use of Forms in Schedule.

52. 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 Forms in the Schedule to this Act annexed, or Forms to the like Effect, may be used in the Cases to which they refer, with such Variations as Circumstances require, and when used shall be deemed sufficient.

Service of Notices on Managers.

53. Any Notice may be served on the Managers of a Certified Industrial School by being delivered to any One of them personally, or by being sent by Post or otherwise in a Letter addressed to them or any of them at the School, or at the usual or last known Place of Abode of any of the Managers, or of their Secretary.

Application of Act to existing Certified Schools.

54. This Act shall apply to all Certified Industrial Schools being such at the passing of this Act, and to all Children sent thereto before the passing of this Act, but no Child shall be detained at any Industrial School, in pursuance of any Order made before the passing of this Act, for a longer Period than he would have been liable to be detained if this Act had not been passed.

The FIRST SCHEDULE.

Acts repealed

24 & 25 Vict. c. 113.	The Industrial Schools Act, 1861.
24 & 25 Vict. c. 132.	The Industrial Schools (Scotland) Act, 1861.
25 & 26 Vict. c. 10.	An Act for continuing for a further limited Time, and for extending the Operation of Orders made under the Industrial Schools Act, 1861, and The Industrial Schools (Scotland) Act, 1861.

The SECOND SCHEDULE.

FORMS.

(A.)

Order sending Child to Industrial School.

} BE it remembered, That on the Day of in pursuance
to wit. } of The Industrial Schools Act, 1866, we, Two of Her Majesty's Justices of the Peace for the said [*County*] of , do order that *A.B.* of (whose Religious Persuasion appears to us to be), being a Child subject to the Provisions of Section of the said Act, be sent to the Certified Industrial School at , and that he be detained there during .

(Signed) *L.M.*
N.O.

(C.)

Complaint for enforcing in England Contribution from Parent, &c.

} THE Complaint of the Inspector of Industrial Schools [*or as the Case may be*]
to wit. } made to us, the undersigned, Two of Her Majesty's Justices of the Peace for the said County of , this Day of at in the same County, who says, That one *A.B.* of (*) the Age of Years, or thereabouts, is now detained in the Industrial School at in the County of , under The Industrial Schools Act, 1866, and has been duly ordered and directed to be detained therein until the Day of : That one *C.B.*, dwelling in the Parish of in the County 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 summoned to show Cause why an Order should not be made on him so to contribute.

Exhibited before us, *C.D.*
J.S.
L.M.

(D.)

Summons to Parent, &c.

(*This will be in Form* (A.) *in Schedule to* 11 *&* 12 *Vict.* c. 43.)

(E.)

Order on Parent, &c. to contribute a Weekly Sum.

} BE it remembered, That on this Day of at
to wit. } in the said [*County*] of a certain Complaint of the Inspector of Industrial Schools [*or as the Case may be*], for that one *A.B.* of, *&c.* [*stating the Cause of Complainant, as in the Form* (C.) *between the Asterisks* (*) (*)], 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 (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 Ability of the said *C.B.* and on consideration of all the Circumstances of the Case, do order the said *C.B.* to pay to the said Inspector [*or* to an Agent of the said Inspector] the Sum of Shillings per Week from the Date of this

this Order until the Day of , the same to be paid at the Expiration of each [Fourteen, *or as the Case may be*, Days].

Given under our Hands and Seals, the Day and Year first above mentioned, at in the [*County*] aforesaid.

J.S. (L.S.)
L.M. (L.S.)

(F.)

Distress Warrant for Amount in arrear.

} To the Constable of , and to all other Peace Officers in the said
to wit. } [*County*] of .

WHEREAS on the Hearing of a Complaint made by the Inspector of Industrial Schools, [*or as the Case may be,*] that *A.B.* of, *&c.* [*stating the Cause of Complaint as in the Form* (C.) *between the Asterisks* (*) (*)], an Order was made on the Day of by us, the undersigned [*or* by *L.M.* and *J.H.*], Two of Her Majesty's Justices of the Peace in and for the said [*County*] of against the said *C.B.*, to pay to the said Inspector [*or as the Case may be*] the Sum of per Week from the Date of the said Order until the Day of , the same to be paid at the Expiration of each [*Twenty-eight*] Days [*or as the Case may be*] (*): And whereas there is due upon the said Order the Sum of being for [*Three*] Periods of [*Fourteen*] Days each, and Default has been made therein for the Space of Fourteen Days:

These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *C.B.*, and if within the Space of [*Five*] Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, is not paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to the Clerk of the Justices 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 us, to the end that such Proceedings may be had therein as the Law requires.

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

J.S. (L.S.)
L.M. (L.S.)

(G.)

Commitment in default of Distress.

} To the Constable of and to the Keeper of the [*Prison*] at
to wit. } in the said [*County*] of .

WHEREAS [*&c., as in the Form* (F.) *to the single Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of last, I, the undersigned, together with *L.M.*, Esquire, [*or J.S.* and *L.M.*, Esquires,] Two of Her Majesty's Justices of the Peace in and for the said [*County*] of , issued a Warrant to the Constable of aforesaid, commanding him to levy the Sum of due upon the said recited Order, 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 Justice [*or* the undersigned, One of Her Majesty's Justices of the Peace in and for the said [*County*] of], that no sufficient Goods of the said *C.B.* can be found:

These are therefore to command you, the said Constable of , to take the said *C.B.*, and him safely to convey to the [*Prison*] at 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 [*Prison*], to receive the said *C.D.* into your Custody

Custody in the said [*Prison*], 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.D.* to the said [*Prison*], 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 and Seal, this Day of in the Year of our Lord , at in the [*County*] aforesaid.

J.S. (L.S.)

(H.)

Order in Scotland on Parent for Payment towards Maintenance of Child.

THE Sheriff [*or as the Case may be*] having considered the Complaint of *E.F.*, the Inspector of Industrial Schools, made under The Industrial Schools Act, 1866, and having heard Parties thereon [*or*, in absence of *C.D.*, *designing him*, duly cited, but not appearing], pursuant to the said Act, decerns *C.D.* complained on, weekly and every Week from the Day of to pay to the said *E.F.*, or to his Agent from Time to Time authorized to receive the same, the Sum of Shillings for the Maintenance and Training of *A.B.*, Son [*or as the Case may be*] of the said *C.D.*, now detained in the Certified Industrial School of under an Order by of Date until the said Child attains the Age of Sixteen Years or is lawfully discharged from the said School, and grants Warrant of Arrestment to be executed by any Constable or Messenger at Arms.

Given under my Hand this Day of at in the County aforesaid.

[*Magistrate's Signature.*]

CAP. CXIX.

An Act to continue the Act of the Twenty-ninth Year of the Reign of Her present Majesty, Chapter One, intituled *An Act to empower the Lord Lieutenant or other Chief Governor or Governors of* Ireland *to apprehend and detain for a limited Time such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government.*

[10th *August* 1866.]

'WHEREAS the Act of the present Session of Parliament, Chapter One, intituled *An Act to empower the Lord Lieutenant or other Chief Governor or Governors of* Ireland *to apprehend and detain for a limited Time such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government*, expires on the First Day of *September* One thousand eight hundred and sixty-six, and it is expedient to continue the same for a further limited Period:' 29 & 30 Vict. c. 1.

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:

1. The said Act shall continue in force until the Expiration of Twenty-one Days after the Commencement of the Session of Parliament immediately succeeding the present Session; and the said Act shall be construed as if the Words "until the Expiration of Twenty-one "Days after the Commencement of the Session immediately succeeding the present Session" were throughout the said Act substituted for the Words "until the First of *September* One "thousand eight hundred and sixty-six." Continuation of 29 & 30 Vict. c. 1.
