ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

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C A P. XC.

An Act for the Care and Education of Infants who may be convicted of Felony. [10th *August* 1840.]

WHEREAS it is expedient that every Facility should be offered for the Improvement and better Education of Infants under the Age of Twenty-one who have been or may be convicted of Felony: Be it therefore 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, That in every Case in which any Person being under the Age of Twenty-one Years shall hereafter be convicted of Felony, it shall be lawful for Her Majesty's High Court of Chancery, upon the Application of any Person or Persons who may be willing to take charge of such Infant, and to provide for his or her Maintenance and Education, if such Court shall find that the same will be for the Benefit of such Infant, due regard being had to the Age of the Infant, and to the Circumstances, Habits, and Character of the Parents, testamentary or natural Guardian, of such Infant, to assign the Care and Custody of such Infant, during his or her Minority, or any Part thereof, to such Person or Persons, upon such Terms and Conditions, and subject to such Regulations respecting the Maintenance, Education, and Care of such Infant, as the said Court of Chancery shall think proper to prescribe and direct; and upon

Court of Chancery empowered to assign the Care of any Infant convicted of Felony to any Person other than the testamentary or natural Guardian.

any Order for that Purpose being made, and so long as the same shall remain in force, the same shall be binding and obligatory upon the Father, and upon every testamentary or natural Guardian of such Infant, and no Person or Persons shall be entitled to use or exercise any Power or Control over such Infant which may be inconsistent with such Order of the said Court of Chancery: Provided always, that the said Court may at any Time rescind such Assignment, or from Time to Time rescind, alter, or vary any such Terms or Conditions, or such Regulations, as to the said Court may seem fit; and provided also, that the said High Court of Chancery shall and may award such Costs as to it may seem fit, against any such Person or Persons who shall make such Application as aforesaid, if such Application shall not appear to the said Court well founded; and such Costs shall be payable to any Parent or other natural or testamentary Guardian of any such Child who shall oppose such Application.

Court may rescind or alter such Assignment; and award Costs in certain Cases.

II. And be it enacted, That in every Case it shall be a Part of the Terms and Conditions upon which such Care and Custody shall be assigned, that the Infant shall not, during the Period of such Care and Custody, be sent beyond the Seas or out of the Jurisdiction of the said Court of Chancery.

Infant not to be sent beyond the Seas, &c.

III. And be it enacted, That no Fee, Reward, Emolument, or Gratuity whatsoever shall be demanded, taken, or received by any Officer or Minister of the said Court of Chancery for any Matter or Thing done in the said Court in pursuance of this Act; and that upon the making or opposing of any such Application it shall be lawful for any Judge of the said Court to assign Counsel learned in the Law and to appoint a Clerk or Practitioner of the said Court to advise and carry on or to oppose such Application, who are hereby required to do their Duties therein without Fee or Reward.

No Fee to be taken by Officer of Court.

Counsel may be assigned.

IV. Provided always, and be it further enacted, That nothing in this Act contained shall affect or in any Manner interfere with the Execution of the Sentence which may have been passed upon such Infant upon his or her Conviction.

This Act not to interfere with Execution of the Sentence.

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