elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission, and none of his or their Acts shall be questioned or avoided by reason of the same.

Not to restore Persons to any Office avoided by Judgment.

5. Provided always, That this Act or anything herein contained shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of Her Majesty's Courts of Record, or already legally filled up and enjoyed by any other Person, but such Office or Employment, Benefice, Matter, or Thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

General Issue.

6. In case any Action, Suit, Bill of Indictment, or Information shall after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

CAP. CXVII.

An Act to consolidate and amend the Acts relating to Reformatory 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.

Short Title.

1. This Act may be cited as The Reformatory Schools Act, 1866.

Application of Act.

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

Definition of Terms.

3. "Managers" shall include any Person or Persons having the Management or Control of any School to which this Act applies:

"Justice" shall apply to *England* only, and shall mean a Justice of the Peace having Jurisdiction in the Place where the Matter requiring the Cognizance of a Justice arises:

"Justices" shall apply to *England* only, and shall mean Two or more Justices in Petty Sessions, and shall include 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:

"Magistrate" shall apply to *Scotland* only, and shall include 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. 23 & 24 Vict. c. 105.

"Prison Authority" shall in *England* mean the same Persons as are defined to be Prison Authorities by The Prisons Act, 1865, and in *Scotland* shall mean the Administrators of a Prison, as defined by The Prisons (*Scotland*) Administration Act, 1860:

"Visiting Justice" shall in *Scotland* mean the Administrators of a Prison, defined as aforesaid.

Certified Reformatory Schools.

Mode of certifying Re-

4. One of Her Majesty's Principal Secretaries of State, herein-after referred to as the Secretary of State, may, upon the Application of the Managers of any Reformatory School for

for the better training of youthful Offenders, direct One of Her Majesty's Inspectors of Prisons, who shall be styled the Inspector of Reformatory Schools, to examine into the Condition and Regulations of the School, and to report to him thereon; and, if satisfied with such Report, the Secretary of State may, by Writing under his Hand, certify that such School is fitted for the Reception of such youthful Offenders as may be sent there in pursuance of this Act, and the same shall be deemed a Certified Reformatory School. formatory Schools.

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

5. Every Certified Reformatory School shall from Time to Time, and at least once in every Year, be visited by the Inspector of Reformatory Schools; and the Secretary of State, if dissatisfied with the Condition of such School as reported to him, may withdraw the Certificate, and may by Notice under his Hand, addressed and sent to the Managers of such School, declare that the Certificate is withdrawn as from a Time specified in the Notice, being not less than Six Months after the Date of the Notice. Inspection of School.

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

7. The Managers of any Certified Reformatory School may, upon giving Six Months, and the Executors or Administrators of a deceased Manager (if only One) of any Certified Reformatory School may, upon giving One Month's, previous Notice in Writing of their Intention so to do, resign the Certificate given to such School; and accordingly, at the Expiration of Six Months or One Month (as the Case may be) from the Date of the Notice (unless before that Time the Notice is withdrawn), the Certificate shall be deemed to be resigned. Resignation of Certificate by Managers.

8. The Managers of a Certified Reformatory School may decline to receive any youthful Offender proposed to be sent to them under this Act, but when they have once received him they shall be deemed to have undertaken to educate, 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 takes effect, or until the Contribution out of Money provided by Parliament towards the Custody and Maintenance of the Offenders detained in the School is discontinued, whichever shall first happen. Liabilities of Managers.

9. Whenever the Certificate is withdrawn from or resigned by the Managers of a Reformatory School no youthful Offender shall be received into such School after the Date of 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 educate, clothe, lodge, and feed any youthful Offenders in the School at the respective Dates aforesaid shall, excepting so far as the Secretary of State may otherwise direct, 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 Offenders detained in the School is discontinued, whichever shall first happen. Effect of Withdrawal of Certificate.

10. When the Withdrawal or Resignation of the Certificate of a Reformatory School takes effect, the youthful Offenders detained therein shall be, by the Order of the Secretary of State, either discharged or transferred to some other Certified Reformatory School. Disposal of Inmates on Withdrawal, &c. of Certificate.

11. A Notice of the Grant of any Certificate to a Reformatory School, or of the Withdrawal or Resignation of such a Certificate, shall within One Month be advertised by Order of the Secretary of State, as to a School in *England* in the *London Gazette*, and as to a School in *Scotland* in the *Edinburgh Gazette*. Publication of the Grant or Withdrawal of Certificate.

12. The Managers of any Certified Reformatory School may from Time to Time make all necessary Rules for the Management and Discipline of the School under their Charge, Power to make Rules, &c.

but such Rules shall not be contrary to the Provisions of this Act, and shall not be enforced until they have been submitted to and approved in Writing by the Secretary of State, and no Alteration shall be made without the Approval in Writing of the Secretary of State in any Rules so approved.

Officers to have Privileges, &c. of Constables.

13. Every Officer of a Certified Reformatory School authorized by the Managers of the School, in Writing under their Hands or the Hand of their Secretary, to take charge of any youthful Offender sentenced to Detention under this Act for the Purpose of conveying him to or from the School, or of bringing him back to the School in case of his Escape or Refusal to return, shall, for such Purpose and while engaged in such Duty, have all such Powers, Authorities, Protection, and Privileges for the Purpose of the Execution of his Duty as a Reformatory Officer as any Constable duly appointed has within his Constablewick by Common Law, Statute, or Custom.

Commitment of Offenders to and their Status at a Certified Reformatory School.

Offenders under 16 Years of Age may be sent to Certified Reformatory Schools.

14. Whenever any Offender who, in the Judgment of the Court, Justices, or Magistrate before whom he is charged, is under the Age of Sixteen Years, is convicted, on Indictment or in a summary Manner, of an Offence punishable with Penal Servitude or Imprisonment, and is sentenced to be imprisoned for the Term of Ten Days or a longer Term, the Court, Justices, or Magistrate may also sentence him to be sent, at the Expiration of his Period of Imprisonment, to a Certified Reformatory School, and to be there detained for a Period of not less than Two Years and not more than Five Years:

Provided always, that a youthful Offender under the Age of Ten Years shall not be so directed to be sent to a Reformatory School unless he has been previously charged with some Crime or Offence punishable with Penal Servitude or Imprisonment, or is sentenced in *England* by a Judge of Assize or Court of General or Quarter Sessions, or in *Scotland* by a Circuit Court of Justiciary or Sheriff.

The particular School to which the youthful Offender is to be sent may be named either at the Time of his Sentence being passed, or within Seven Days thereafter, by the Court, Justices, or Magistrate who sentenced him, or in default thereof at any Time before the Expiration of his Imprisonment by any Visiting Justice of the Prison to which he is committed.

In choosing a Certified Reformatory School, the Court, Justices, Magistrate, or Visiting Justice shall endeavour to ascertain the Religious Persuasion to which the youthful Offender belongs, and, so far as is possible, a Selection shall be made of a School conducted in accordance with the Religious Persuasion to which the youthful Offender appears to the Court, Justices, Magistrate, or Visiting Justice to belong, which Persuasion shall be specified by the Court, Justices, Magistrate, or Visiting Justice.

It shall be lawful, upon the Representation of the Parent, or in the Case of an Orphan then of the Guardian or nearest adult Relative, of any Offender detained in any such School, for a Minister of the Religious Persuasion of such Offender, at certain fixed Hours of the Day, which shall be fixed by the Secretary of State for the Purpose, to visit such School for the Purpose of affording Religious Assistance to such Offender, and also for the Purpose of instructing such Offender in the Principles of his Religion.

Removal of Offender to Certified Reformatory School.

15. The Gaoler of every Prison having in his Custody any youthful Offender sentenced to be sent to a Reformatory School shall at the appointed Time deliver such Offender into the Custody of the Superintendent or other Person in charge of the School in which he is to be detained, together with the Warrant or other Document in pursuance of which the Offender was imprisoned and is sent to such School.

The Possession of the Warrant or other Document in pursuance of which a youthful Offender is sent to a Certified Reformatory School shall be a sufficient Authority for his Detention in such School.

Power to Parent, &c. to apply to remove Offender to a School

16. 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 any youthful Offender sent or about to be sent to a Certified Reformatory School which is not conducted in accordance with the Religious Persuasion to which the Offender belongs, may apply to the Court by whom

whom such Offender was sentenced to be sent to a Reformatory School, or to the Visiting Justices of the Prison to which he was committed by that Court, or to the Justices or Magistrate by whom he was sentenced to be sent to a Reformatory School (or Justices or a Magistrate having the like Jurisdiction), to send or to remove such Offender to a Certified Reformatory School conducted in accordance with the Offender's Religious Persuasion, and the Court, Visiting Justices, Justices, or Magistrate (as the Case may be) shall, upon Proof of such Offender's Religious Persuasion, comply with the Request of the Applicant, provided,— conducted in accordance with Offender's Religious Persuasion.

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

Secondly, that the Applicant show to the Satisfaction of the Court, Visiting Justices, Justices, or Magistrate that the Managers of the School named by him are willing to receive the Offender.

17. The Secretary of State may at any Time order any Offender to be discharged from a Certified Reformatory School, or to be removed from one Certified Reformatory School to another, but so that the whole Period of Detention of the Offender in a Reformatory School shall not be increased by such Removal. Discharge or Removal by Order of Secretary of State.

The Secretary of State may also at any Time, after having given Ten Days Notice to the Managers, order a youthful Offender under Sentence of Detention in a Reformatory or 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 discharged from such School, or to be removed therefrom to any Certified Reformatory School, and in case of Removal the youthful Offender shall after such Removal be deemed to be subject in all respects to the Provisions of this Act, but so that the whole Period of Detention of the Offender under his Sentence shall not be increased by such Removal.

18. The Managers of a Certified Reformatory School may, at any Time after the Expiration of Eighteen Months of the Period of Detention allotted to a youthful Offender, by Licence under their Hands, permit him to live with any trustworthy and respectable Person named in the Licence willing to receive and take charge of him. Placing Offenders out on Licence.

Any Licence so granted shall not be in force for more than Three Months, but may at any Time before the Expiration of such 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 youthful Offender's Period of Detention is expired.

Any such Licence may also be revoked by the Managers of the School, by Writing under their Hands, at any Time before the Expiration of such Period of Three Months, and thereupon the youthful Offender to whom the Licence related may be required by the Managers, by Writing under their Hands, to return to the School.

The Time during which a youthful Offender is absent from a Certified Reformatory School in pursuance of a Licence under this Section 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 fixed by his Licence he shall be taken back to the School.

Any youthful Offender escaping from the Person with whom he is placed in pursuance of this Section, or refusing to return to the School at the Expiration of the Time fixed by his Licence, or any Renewal thereof, or when required to do so on the Revocation of his Licence, shall be liable to the same Penalty as if he had escaped from the School itself.

19. The Managers of a Certified Reformatory School may, at any Time after an Offender 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. Power to apprentice Offenders.

Offences

Offences in relation to Reformatory Schools.

Refusal to conform to Rules.

20. If any Offender detained in a Certified Reformatory School wilfully neglects or wilfully refuses to conform to the Rules thereof, he shall, upon summary Conviction before a Justice or Magistrate having Jurisdiction in the Place or District where the School is situate, be imprisoned, with or without Hard Labour, for any Term not exceeding Three Months; and at the Expiration of the Term of his Imprisonment he shall, by and at the Expense of the Managers of the School, be brought back to the School from which he was taken, there to be detained during a Period equal to so much of his Period of Detention as remained unexpired at the Time of his being sent to Prison.

Escaping from School.

21. If any Offender sentenced to be detained in a Certified Reformatory School escapes therefrom, he may, at any Time before the Expiration of his Period of Detention, be apprehended without Warrant, and, if the Managers of the School think fit, but not otherwise, 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 imprisoned, with or without Hard Labour, for any Term not exceeding Three Months; and at the Expiration of such Term he shall, by and at the Expense of the Managers of the School, be brought back to the School from which he escaped, there to be detained during a Period equal to so much of his Period of Detention as remained unexpired at the Time of his escaping.

Penalty on Persons inducing Offenders to escape from Certified Reformatory Schools.

22. Every Person who commits any of the following Offences, (that is to say,)—

First, knowingly assists directly or indirectly an Offender detained in a Certified Reformatory School to escape from the School;

Second, directly or indirectly induces such an Offender to escape from the School;

Third, knowingly harbours, conceals, or prevents from returning to the School, or assists in harbouring, concealing, or preventing from returning to the School, any Offender who has escaped from a Certified Reformatory School,—

shall, on summary Conviction 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 Reformatory Schools.

Expenses of Conveyance and Clothing.

23. The Expense of conveying to any Certified Reformatory School any youthful Offender who has been directed to be detained in such a School, and the Expense of proper Clothing for him requisite for his Admission to the School, shall be defrayed as a current Expense by the Prison Authority within whose District he has been last imprisoned.

Contribution by Treasury.

24. The Commissioners of Her Majesty's Treasury may contribute, out of Money provided by Parliament, such Sum as the Secretary of State may recommend towards the Expenses of the Custody and Maintenance of any Offender detained in a Certified Reformatory School, or in discharge of the Expenses of any Removal of an Offender which has been ordered under the Provisions of this Act.

Order of Justices for Contribution to Maintenance of Offenders in School.

25. The Parent or Step-parent or other Person legally liable to maintain any youthful Offender detained in a Certified Reformatory School shall, if of sufficient Ability, contribute to his Support and Maintenance therein a Sum not exceeding Five Shillings *per* Week.

On the Complaint of the Inspector of Reformatory Schools, or of any Agent of the Inspector, or of any Constable under the Directions of the Inspector (with which Directions the Constable is hereby required to comply), at any Time during the Continuance of the Offender in the School, any Justices or Magistrate having Jurisdiction at the Place where the Parent, Step-parent, or other Person liable as aforesaid resides, may, on Summons to the Parent or Step-parent or other Person liable as aforesaid, examine into his or her Ability, and may, if they or he think fit, make an Order or Decree on him or her for the Payment to the Inspector of Reformatory Schools, or to an Agent of the Inspector,

of

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 Period for which the Offender 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 be 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 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 shall go in relief of the Charges on Her Majesty's Treasury, and shall be accounted for as the Commissioners of Her Majesty's Treasury direct.

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

Variation of Order.

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

Power of Prison Authority to contract with Managers of Schools.

27. Any Prison Authority may contract with the Managers of any Certified Reformatory School for the Reception and Maintenance therein of Offenders whose Detention in a Certified Reformatory School is directed by a Court, or Justices, or a Magistrate, acting for or within the District of the contracting Prison Authority, in consideration of such Payments as may be from Time to Time agreed on.

Contribution to Establishment and Enlargement of Certified Reformatory Schools.

28. A Prison Authority in *England* may from Time to Time contribute such Sums of Money, and upon such Conditions as it may think fit, towards the Alteration, Enlargement, or rebuilding of a Certified Reformatory 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 Reformatory School,—or towards the Purchase of any Land required for the Use of an existing Certified Reformatory School, or for the Site of any School intended to be a Certified Reformatory 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 Prison Authority, and also in the Manner in which Notices relating to Business to be transacted by that Authority are usually given:

Secondly, that where the Council of a Borough is the Prison Authority, 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 Reformatory School with the Consent and in the Manner provided by The Prisons (*Scotland*) Administration Act, 1860.

Mode of obtaining Sanction of Secretary of State.

29. 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

fit to require; and the Secretary of State may approve of the Plan and Particulars 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.

Expenses of Prison Authorities and County Boards how defrayed.

30. 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 Prisons 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.

Houses of Refuge, &c. in Scotland.

Power for Local Reformatories in Scotland to receive Offenders.

31. 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 youthful Offenders, or any Reformatory School or other similar Institution, the Commissioners, Directors, or Managers thereof may receive and maintain therein, if willing so to do, all such young Persons 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 young Persons: Provided that such House of Refuge, School, or Institution is certified as a Reformatory School under this Act, and the Rules thereof, and all Alterations thereof from Time to Time, are approved by the Secretary of State.

Conditional Pardons.

Power to Secretary of State to send Offenders to Reformatory Schools on conditional Pardon.

32. Where before or after the passing of this Act a youthful Offender has been sentenced to Transportation, Penal Servitude, or Imprisonment, and has been pardoned by Her Majesty on condition of his placing himself under the Care of some charitable Institution for the Reception and Reformation of youthful Offenders, the Secretary of State may direct him, if under the Age of Sixteen Years, to be sent to a Certified Reformatory School, the Managers of which consent to receive him for a Period of not less than Two Years and not more than Five Years; and thereupon such Offender shall be deemed to be subject to all the Provisions of this Act, as if he had been originally sentenced to Detention in a Certified Reformatory School.

Evidence.

Rules respecting Evidence under this Act.

33. The following Rules shall be enacted with respect to Evidence under this Act:

(1.) The Production of the *London* or *Edinburgh* Gazette containing a Notice of the Grant or Withdrawal of a Certificate by the Secretary of State to or from a Reformatory School, or of the Resignation of any such Certificate, shall be sufficient Evidence of the Fact of the Publication of such Notice, and also of the Fact of a Certificate having been duly granted to or withdrawn from the School named in the Notice, or resigned by the Managers thereof.

(2.) The Grant of a Certificate to a certified School may also be proved by the Production of the Certificate itself, or of a Copy of the same, purporting to be signed by the Inspector of Reformatory Schools.

(3.) The Production of the Warrant or other Document in pursuance of which a youthful Offender is directed to be sent to a Certified Reformatory School, with a Statement indorsed thereon or annexed thereto, purporting to be signed by the Superintendent or other Person in charge of the School, to the Effect that the Offender therein named was duly received into and is at the Date of the signing thereof detained in the School, or has been otherwise dealt with according to Law, shall in all Proceedings relating to such Offender be Evidence of the Identity of and of the due Conviction and Imprisonment of and subsequent Detention of the Offender named in the Warrant or other Document.

(4.) A Copy of the Rules of a Certified Reformatory School, purporting to be signed by the Inspector of Reformatory Schools, shall be Evidence of such Rules in all legal Proceedings whatever.

(5.) A School to which any youthful Offender is directed to be sent in pursuance of this Act shall, until the contrary is proved, be deemed to be a Certified Reformatory School within the Meaning of this Act.

Legal Proceedings.

Recovery of Penalties.

34. The following Acts, that is to say,—

In *England*, the Act of the Session of the Eleventh and Twelfth Years of Her present Majesty, Chapter Forty-three, intituled *An Act 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 directed to be prosecuted, enforced, or made in a summary Manner or upon summary Conviction.

Service of Notice on Managers of Schools.

35. Any Notice may be served on the Managers of a Certified Reformatory 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 School, or at the usual or last known Place of Abode of any Manager, or of their Secretary.

Forms.

Use of Forms in Schedule.

36. 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.

Repeal of Enactments.

Enactments repealed.

37. There shall be repealed the Enactments herein-after mentioned, that is to say,—

Section Eleven of the Act of the Session of the First and Second Years of Her present Majesty, Chapter Eighty-two, intituled *An Act for establishing a Prison for young Offenders;* — Sect. 11 of 1 & 2 Vict. c. 82.

The Act of the Session of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Eighty-six, intituled *An Act for the better Care and Reformation of youthful Offenders in* Great Britain; — 17 & 18 Vict. c. 86.

The Act of the Session of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter Eighty-seven, intituled *An Act to amend the Act for the better Care and Reformation of youthful Offenders, and the Act to render Reformatory and Industrial Schools in* Scotland *more available for the Benefit of Vagrant Children;* — 18 & 19 Vict. c. 87.

The Act of the Session of the Nineteenth and Twentieth Years of Her present Majesty, Chapter One hundred and nine, intituled *An Act to amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools;* — 19 & 20 Vict. c. 109.

The Act of the Session of the Twentieth and Twenty-first Years of Her present Majesty, Chapter Fifty-five, intituled *An Act to promote the Establishment and Extension of Reformatory Schools in* England; — 20 & 21 Vict. c. 55.

Provided that such Repeal shall not affect—

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

Application of Act to existing Certified Schools.

38. This Act shall apply to all Reformatory Schools certified under the Acts hereby repealed, or any of them, and to all Offenders sent to any Reformatory School under the Acts hereby repealed or any of them, in the same Manner in all respects as if such Schools had been certified and such Offenders had been sent thereto under this Act, with this Qualification, that no youthful Offender shall be detained in any Reformatory School in pursuance of any Order made under the repealed Acts, or any of them, for a longer Period than he would have been liable to be detained therein if this Act had not been passed.

SCHEDULE.

FORMS.

(A.)

Conviction.

} Be it remembered, That on the Day of at
to wit. } in the said [*County*] of *A.B.*, under the Age of Sixteen Years, to wit, of the Age of [*Thirteen*] Years, is convicted before us, Two of Her Majesty's Justices of the Peace for the said [*County*], for that [*&c., state Offence in usual Manner*]; and we adjudge the said *A.B.* for his said Offence to be imprisoned in the [*Prison*] at in the said [*County*], [*and to be there kept to Hard Labour*] for the Space of :

And that, in pursuance of The Reformatory Schools Act, 1866, we also sentence the said *A.B.* (whose Religious Persuasion appears to us to be) to be sent, at the Expiration of the Term of Imprisonment aforesaid, to Reformatory School at in the County of (the Managers whereof are willing to receive him) [*or* to some Certified Reformatory School to be hereafter, and before the Expiration of the Term of Imprisonment aforesaid, named in this Behalf], and to be there detained for the Period of commencing from and after the Day of [*the Date of the Expiration of the Sentence*].

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.)

(B.)

Order of Detention.

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

Whereas *A.B.*, late of [*Labourer*], under the Age of Sixteen Years, to wit, of the Age of [*Thirteen*] Years, was this Day duly convicted before the undersigned, Two of Her Majesty's Justices of the Peace in and for the said [*County*] of , for that [*&c., stating the Offence as in the Conviction*], and it was thereby adjudged that the said *A.B.*, for his said Offence, should be imprisoned in the [*Prison*] at in the said [*County*], [*and be there kept to Hard Labour*] for the Space of ; and in pursuance of The Reformatory Schools Act, 1866, the said *A.B.* (whose Religious Persuasion appeared to us to be) was thereby sentenced to be sent, at the Expiration of the Term of Imprisonment aforesaid, to the Reformatory School at in the County of (the Managers whereof are willing to receive him therein), [*or* to some Certified Reformatory School to be before the Expiration of the said Term named in that Behalf,] and to be there detained for the Period of commencing from and after the Day of [*the Date of the Expiration of the Sentence*]:

These are therefore to command you, the said Constable of , to take the said *A.B.*, and him safely convey to the [*Prison*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept: And we do hereby command you, the said Keeper of the said [*Prison*], to receive the said *A.B.* into your Custody in the said [*Prison*], there to imprison him [*and keep him to Hard Labour*] for the Space of : [And we further command you, the said Keeper, to send the said *A.B.* at the Expiration of his Term of Imprisoment aforesaid as and in the Manner directed by The Reformatory Schools Act, 1866, to the Reformatory School at aforesaid [*or* to the Reformatory School named by an Order indorsed hereon under the Hands and Seals of us, or under the Hand and Seal of One other

other of Her Majesty's Justices of the Peace for the said *County*, being a Visiting Justice of the said Prison], together with this Order:] And for so doing this shall be your sufficient Warrant.

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

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

(C.)

Nomination of School endorsed on the Order of Detention.

In pursuance of The Reformatory Schools Act, 1866, I, the undersigned, One of Her Majesty's Justices of the Peace for the [*County*] of hereby name the Reformatory School at in the County of as the School to which the within-named *A.B.* (whose Religious Persuasion appears to me to be) is to be sent as within provided [*add where required* in lieu of the School within (*or* above) named].

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

E.F. (L.S.)

(D.)

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

} The Complaint of the Inspector of Reformatory Schools [*or as the Case may*
to wit. } *be*] 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 Reformatory School at in the County of , under The Reformatory 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.

(E.)

Summons to Parent, &c.

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

(F.)

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

} Be it remembered, That on this Day of
to wit. } at in the said [*County*] of a certain Complaint of the Inspector of Reformatory Schools [*or as the Case may be*], for that one *A.B.* of, *&c.* [*stating the Cause of Complaint, as in the Form* (D.) *between the Asterisks* (*) (*)], was duly heard by and before us, the undersigned, Two of Her Majesty's Justices of the Peace

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 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.)

(G.)

Distress Warrant for Amount in arrear.

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

WHEREAS on the Hearing of a Complaint made by the Inspector of Reformatory Schools, [*or as the Case may be,*] that *A.B.* of, *&c.* [*stating the Cause of Complaint as in the Form* (D.) *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.)

(H.

Commitment in default of Distress.

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

WHEREAS [*&c., as in the Form* (G.) *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

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.