

## No. II.

DESTITUTE  
CHILDREN.

An Act for the relief of Destitute Children.  
[12th September, 1866.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

*Public Industrial Schools.*

Public Industrial  
Schools may be  
established.

1. The Governor with the advice of the Executive Council may by proclamation in the *Government Gazette* declare any ship or vessel or any building or place together with any yards enclosures grounds or lands attached thereto to be a "Public Industrial School."

Superintendent  
chaplain teachers  
and officers may be  
appointed.

2. The Governor with the like advice may appoint a Superintendent and such chaplains teachers officers and servants as may be necessary for the management of every such school.

Regulations to be  
made.

3. The Governor with the like advice may from time to time as occasion may require make regulations for the conduct management and supervision of every such school and for the employment education correction and restraint of such children as may in manner hereinafter mentioned be ordered to be sent thereto and such regulations shall immediately after their publication in the *Government Gazette* be in force Provided that all such regulations shall be laid before Parliament if then sitting within one month after the publication thereof or if Parliament be not then sitting then within one month after the next meeting of Parliament.

Vagrant or destitute  
children may be  
taken before two  
Justices.

4. Every child whose age in the opinion of the person apprehending or ordering the apprehension as hereinafter mentioned shall not exceed sixteen years who shall be found lodging living residing or wandering about in company with reputed thieves or with persons who have no visible lawful means of support or with common prostitutes whether such reputed thieves persons or prostitutes be the parents or guardians of such child or not or who shall have no visible lawful means of support or who shall have no fixed place of abode or who shall be found begging about any street highway court passage or other public place or who shall be found habitually wandering or loitering about the streets highways or public places in no ostensible lawful occupation or who shall be found sleeping in the open air may be apprehended by any constable or peace officer or by any other person and taken before any two Justices of the Peace to be dealt with as hereinafter is directed.

Justice may issue  
warrant for apprehension of vagrant  
or destitute children.

5. It shall be lawful for any Justice of the Peace upon oath being made before him that any child believed by the person making such oath to be under the age of sixteen years is living in any of the conditions specified in the last preceding section of this Act to issue his warrant directing such child to be apprehended and brought before any two or more Justices of the Peace in Petty Sessions assembled to be dealt with as hereinafter is directed.

Justices may send  
vagrant or destitute  
children to Public  
Industrial School.

6. It shall be lawful for any two or more Justices of the Peace in Petty Sessions assembled before whom any such child shall be taken or brought as aforesaid summarily to inquire into the matter and for that purpose to examine on oath such witnesses as may be called for

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or against such child and if such child shall appear to such Justices to be under the age of sixteen years and it shall be proved on oath to the satisfaction of such Justices that such child is living or has been found in any of the conditions aforesaid it shall be lawful for such Justices to order and direct by warrant under their hands and seals in the form or to the effect set forth in the Schedule to this Act annexed marked A that such child shall be sent to any such Public Industrial School as aforesaid.

7. The Superintendent of any Public Industrial School to which any child may be sent as aforesaid shall have the custody and control of such child until such child shall attain the age of eighteen years or be discharged or apprenticed as hereinafter mentioned.

Superintendent of Public Industrial School to have custody of children.

8. If any child sent to any Public Industrial School shall before such discharge or apprenticeship be absent therefrom without the leave of the Superintendent thereof it shall be lawful for any constable to apprehend and convey such child to such school to be delivered into the custody of such Superintendent.

Constable may apprehend and take back children deserting.

9. It shall be lawful for any Justice of the Peace on oath made before him that any child has left any Public Industrial School without the leave of the Superintendent thereof to issue his warrant directing such child to be apprehended and taken back to such school and delivered into the custody of the Superintendent thereof.

Justices may issue warrant to apprehend and take back children deserting.

10. It shall be lawful for the Superintendent of any Public Industrial School to punish any child above the age of ten years who may leave the school without permission by placing such child in close confinement for any period not exceeding fourteen days.

Superintendent may punish children deserting.

11. After any child shall have been at any Public Industrial School for a period of not less than one year it shall be lawful for the Superintendent thereof provided such child shall then be not less than twelve years of age with the consent of the Colonial Secretary to apprentice such child to any person for any period not exceeding the period during which such Superintendent is hereby given the custody and control of such child and upon such terms and conditions as such Superintendent with such consent as aforesaid may think fit.

Children may be apprenticed.

12. Any child so apprenticed shall be liable to be proceeded against and punished for absconding or for other misconduct in the same way as any child apprenticed by his father with such child's consent.

Children apprenticed may be dealt with like other apprentices.

13. It shall be lawful for any Justice of the Peace on complaint made to him by any Superintendent of any Public Industrial School that any person to whom any such child may have been apprenticed is not performing the conditions on which the contract of apprenticeship was entered into or is unfit to have the further care or control of such apprentice to summon such person before him to answer such complaint and on proof thereof on oath to order such apprenticeship to be put an end to and direct the apprentice to be sent back to the Public Industrial School from which he was apprenticed and such child shall thereupon be subject to the like custody and control as under the original order sending him to such Public Industrial School.

Apprenticeship may be put an end to by Justices for misconduct of master.

14. It shall be lawful for the Colonial Secretary to order the removal of any child from any Public Industrial School to any other Public Industrial School when and as often as may appear to him expedient and every Superintendent of any Public Industrial School to which any child shall be so removed shall have the like custody and control of such child as if such child had been ordered to be sent to such school in the first instance.

Children may be removed from any Public Industrial School to another.

15. It shall be lawful for the Colonial Secretary on any order being made by two Justices as hereinbefore mentioned for the sending of any child to any Public Industrial School and before such child shall

Colonial Secretary may send children to a different Public Industrial School

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from the one mentioned in the order of the Justices.

Children may be discharged from Public Industrial School at any time.

Children not to be detained against their consent after they are the age of eighteen.

Provision for religious teaching.

Parents if able to contribute towards maintenance of children in Public Industrial Schools.

Male and female children not to be sent to same school. Public Industrial Schools maintained by such funds as Parliament may appropriate.

Private Industrial Schools may be established.

shall be so sent to direct by writing under his hand indorsed on such order that such child shall be sent to any other Public Industrial School than the one mentioned in such order and such indorsement shall have the same effect as if the order had directed the child to be sent to the Public Industrial School mentioned in such indorsement.

16. It shall be lawful for the Governor with the advice of the Executive Council to order any child sent to any Public Industrial School to be discharged therefrom at any time.

17. No child shall in pursuance of this Act be detained against his consent in any Public Industrial School after he has attained the age of eighteen years.

18. Every child sent to any Public Industrial School shall so far as religious teaching is concerned be placed under the guidance and control of clergymen of the persuasion to which the parents of such child shall belong or in which such child shall have been brought up and in the event of such parents not being known or of their religious persuasion not being known and of the child not having been brought up in any religious persuasion then such child shall if under the age of twelve years be placed under the guidance and control so far as religious teaching is concerned of the clergyman of such persuasion as the Colonial Secretary may direct. Provided that in such last mentioned case the child may on arriving at the age of twelve years select the persuasion in which he may desire to be educated. And provided also that whenever the religious persuasion of any child or of the parents of any child if not known in the first instance shall become known to the Colonial Secretary he shall at once order such child to be placed (if not then so placed) under the guidance and control of clergymen of such persuasion so far as religious teaching is concerned.

19. Whenever it shall be made to appear to the satisfaction of any two Justices of the Peace in Petty Sessions assembled before whom the father or the mother where the father is dead of any child sent to any Public Industrial School shall be summoned at the instance of the Superintendent of such school that such father or mother is able to contribute towards the maintenance of such child then it shall be lawful for such Justices to direct by order under their hands and seals that such father or mother shall contribute for such period as the Justices may direct such weekly or other sum as such Justices may find such father or mother able to pay not exceeding the rate of ten shillings per week towards the maintenance of such child such contribution to be paid into the Treasury and form part of the Consolidated Revenue Fund and in default of payment within twenty-four hours after the time when any such payment shall be directed to be made it shall be lawful for the Justices to direct the same to be levied by distress and sale of the goods and chattels of such father or mother as the case may be.

20. It shall not be lawful to send male and female children to the same Public Industrial School.

21. Public Industrial Schools shall be maintained by such funds as may be appropriated by Parliament to such purpose.

*Private Industrial Schools.*

22. The Colonial Secretary may upon the application of the Managers of any establishment in which industrial training is provided and in which children are clothed lodged and fed as well as taught appoint such person as he may think fit to examine into the condition of such establishment and to report to him thereon and if satisfied with such report he may by writing under his hand certify that such establishment

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establishment is fitted for the reception of such children and such establishment shall thereupon become and be a "Private Industrial School" within the meaning of this Act.

23. Every Private Industrial School shall from time to time and at least once in each year be inspected by a person to be appointed by the Colonial Secretary and it shall be lawful for the Colonial Secretary if dissatisfied with the condition of such school as reported to him by notice under his hand addressed to the Managers of such school to declare that the certificate is withdrawn from and after a day to be specified in such notice not less than two months after the date thereof.

Certificate of Private Industrial School may be withdrawn.

24. Such notice may be served on the Managers of such school by delivering the same personally to any one of them or by sending it by post to any one of them at the school.

Service of notice of withdrawal.

25. The Managers of any Private Industrial School may upon giving six months previous notice of their intention so to do in writing under the hand of one or more of them require the Colonial Secretary to withdraw the certificate given to such school and accordingly at the expiration of six months from the date of the notice such certificate shall be deemed to be withdrawn and from thenceforth it shall not be lawful to send or receive there any more children under this Act but the Manager of a Private Industrial School shall not except in manner provided by this section have power without the consent of the Colonial Secretary expressed in writing to withdraw from the obligation of educating clothing lodging and feeding any children that at the time of giving such notice may be in the school in pursuance of the provisions of this Act until the certificate be withdrawn or until such children be removed to some other Industrial School by an order of the Colonial Secretary and if such Managers make default in so doing they shall incur a penalty not exceeding five pounds for each default to be recovered in manner hereinafter mentioned.

Managers of Private Industrial Schools may give notice for the withdrawal of certificate.

26. It shall be lawful for the Colonial Secretary from time to time by writing under his hand to remove any child originally sent to a Public Industrial School in pursuance of this Act therefrom to a Private Industrial School and to remove the child so sent to such Private Industrial School from such school to another Private Industrial School or back to a Public Industrial School so that the whole period of detention of such child at Industrial Schools be not thereby increased. Provided that on sending a child to a Private Industrial School it shall be the duty of the Colonial Secretary to select if possible an Industrial School conducted in accordance with the religious persuasion to which the child or the parents of the child may appear to him to belong.

Children may be removed from Public to Private Industrial School or from one school to another.

27. It shall be lawful for the Colonial Secretary on any order being made by two Justices as hereinbefore mentioned for the sending of any child to any Public Industrial School and before such child shall be so sent to direct by writing under his hand indorsed on such order and subject to the direction as to religion contained in the last preceding section that such child shall be sent to any Private Industrial School and such indorsement as well as any other order made by the Colonial Secretary for sending any child to any Private Industrial School shall have the same effect as to placing the child named therein under the custody and control of the Manager of such Private Industrial School as the original order for placing such child in a Public Industrial School would give the Superintendent thereof.

Colonial Secretary may direct children ordered to be sent to a Public Industrial School to be sent to a Private Industrial School.

28. It shall be lawful for the Managers of any Private Industrial School to make all necessary rules orders and by-laws for the regulation and management of the school under their charge not repugnant

Managers of Private Industrial Schools may make regulations.

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to the provisions of this Act but no such rules orders or by-laws shall be enforced until they have been submitted to and approved by the Colonial Secretary.

Children absconding from Private Industrial School may be punished.

29. If any child absconds from a Private Industrial School he shall be liable to be apprehended sent back and punished at such school in the manner hereinbefore provided in the case of children absconding from a Public Industrial School.

Private Industrial Schools may be aided by sums appropriated by Parliament.

30. The Colonial Treasurer shall pay towards the maintenance of children in any Private Industrial School such sums as may be appropriated by Parliament for that purpose.

*Harbouring or assisting Absconders.*

Penalty for assisting absconders from Public or Private Industrial School.

31. Any person who directly or indirectly withdraws a child from any Public or Private Industrial School to which he has been sent previously to his attaining the age of eighteen years or to being duly discharged or who induces or aids him to abscond or who knowingly conceals or harbours him or in any way prevents his return shall for every such offence on conviction before any two Justices of the Peace in a summary way incur a penalty not exceeding five pounds or shall be liable at the discretion of the Justices to be imprisoned for any period not exceeding twenty days.

*Recovery of Penalties.*

Recovery of penalties.

32. All Penalties imposed by this Act may be recovered and all payments hereby directed to be made may be enforced under this Act in a summary way and in the manner provided by the Act of the Imperial Parliament eleventh and twelfth Victoria chapter forty-three as adopted in this Colony by the Act fourteenth Victoria number forty-three.

*Evidence.*

Grants or withdrawal of certificate of Private Industrial School.

33. Whenever the Colonial Secretary shall grant a certificate to or withdraw it from any Private Industrial School in pursuance of this Act he shall cause a notice of such grant or withdrawal to be published in the *Government Gazette* within one calendar month and such publication shall be sufficient evidence of the fact in all proceedings before Justices and other Courts.

Orders sending child to Public or Private Industrial School sufficient warrant to detain.

34. The order made by the Justices sending any child to a Public Industrial School or by the Colonial Secretary sending any child to a Private Industrial School shall be forwarded to the Superintendent or the Managers thereof respectively and shall be a sufficient warrant for the detention of the child.

Certain orders and copies to be evidence.

35. Whenever it is necessary to prove that any Private Industrial School is duly certified under this Act the production of an attested copy of the certificate or of the notice published in the *Government Gazette* shall be sufficient evidence thereof and the production of the order under which any child has been sent to or is detained in any Public or in any Private Industrial School or a copy of such order with a memorandum signed by the Superintendent of such Public Industrial School or by one of the Managers of such Private Industrial School or by the Superintendent or Master or Matron of any such school that the child named in such order was duly received into and is at the time of the signing thereof detained in such school or has been otherwise disposed of according to law and the production of any order made under this Act or a copy thereof certified by the Justices making the same or the Clerk of Petty Sessions at the Court at which the same was made to be a correct copy shall in all proceedings whatsoever be sufficient evidence of the due making and signing of all or any of such orders memorandum and certificate respectively and of the sending detention and identity of the child or parent named in such orders memorandum

or

