

of Trespass, or Trespass on the Case, and so much of the Twenty-second and Twenty-third of *Charles* the Second as relates to Costs in Personal Actions, be and they are hereby repealed.

3 & 4 V. c. 24.

II. And be it enacted, That if the Plaintiff in any Action of Trespass, or of Trespass on the Case, brought or to be brought in any of Her Majesty's Courts at *Westminster*, or in the Court of Common Pleas at *Lancaster*, or in the Court of Common Pleas at *Durham*, shall recover by the Verdict of a Jury less Damages than Forty Shillings, such Plaintiff shall not be entitled to recover or obtain from the Defendant, in respect of such Verdict, any Costs whatever, whether it shall be given upon any Issue or Issues tried, or Judgment shall have passed by Default, unless the Judge or presiding Officer before whom such Verdict shall be obtained shall immediately afterwards certify on the Back of the Record, or on the Writ of Trial or Writ of Inquiry, that the Action was really brought to try a Right besides the mere Right to recover Damages for the Trespass or Grievance for which the Action shall have been brought, or that the Trespass or Grievance in respect of which the Action was brought was wilful and malicious.

Costs not to be recovered in Action of Trespass, or of Trespass on the Case, where Damages recovered are less than 40s., unless upon Judge's Certificate, &c.

III. Provided always, and be it enacted, That nothing herein contained shall extend to or be construed to extend to deprive any Plaintiffs of Costs in any Action or Actions brought for a Trespass or Trespasses over any Lands, Commons, Wastes, Closes, Woods, Plantations, or Enclosures, or for entering into any Dwellings, Outbuildings, or Premises in respect of which any Notice not to trespass thereon or therein shall have been previously served, by or on behalf of the Owner or Occupier of the Land trespassed over, upon or left at the last reputed or known Place of Abode of the Defendant or Defendants in such Action or Actions.

Act not to extend to deprive Plaintiffs of Costs in Actions for Trespass.

CRIMINAL AND DESTITUTE CHILDREN.

31 VICTORIA, No. 36. *An Act to encourage the Establishment of Training Schools.* [11 October, 1867.]

[29 & 30 V. c. 117.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

I. This Act may be cited as “The Training Schools Act, 1867.”

Short title.

II. “Managers” shall include any person or persons having the management or control of any School to which this Act applies:

Definition of terms.

“Justice” shall mean a Justice of the Peace having jurisdiction in the place where the matter requiring the cognizance of a Justice arises:

“Justices” shall mean Two or more Justices in Petty Sessions, and shall include a Police or Stipendiary Magistrate or other Justice having by law authority to act alone for any purpose with the powers of Two Justices:

“Gaoler” shall mean the keeper of any Gaol or House of Correction:

“Gazette” shall mean “The Hobart Town Gazette.”

Certified Training Schools.

III. The Colonial Secretary may, upon the application of the Managers of any Training School for the better training of youthful

Mode of certifying Training Schools.

44 V. No. 5. 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 Training School unless he has been previously charged with some crime or offence punishable with penal servitude or imprisonment, or is sentenced by a Judge of the Supreme Court or by a Recorder.

Mode of naming school to which offender to be sent. IV. Where any offender shall under the preceding Section be sentenced to be imprisoned and to be sent at the expiration of his period of imprisonment to a certified Training School, 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 or Justices who sentenced him, or in default thereof, at any time before the expiration of his imprisonment, by any Visiting Justice of the gaol to which he is committed.

Religious instruction to such offender. V. 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 ordered or sentenced to be detained in any such school as aforesaid, for a minister of the religious persuasion of such offender, at certain fixed hours of the day, which shall be fixed by the Colonial Secretary 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.

Acts to be read together. VI. The said Act, as amended by this Act, and this Act shall be read and construed together as one Act.

[29 & 30 V. c. 118.] **31 VICTORIA, No. 37.** *An Act to provide for the Establishment in Tasmania of Institutions for the Industrial Training and Benefit of Vagrant Children and Youthful Offenders.* [11 October, 1867.]

PREAMBLE. WHEREAS it is expedient that provision should be made to facilitate the establishment in *Tasmania* of Institutions for the education and training of Vagrant and unprotected Children and youthful Offenders : Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

Interpretation. I. In the construction and for the purposes of this Act,—
 “School” shall mean any industrial school or institution in which children are lodged, clothed, and fed, as well as taught and trained in industrial occupation, which may be established within the Colony, and which may be approved and certified by the Colonial Secretary for the purposes of this Act :

“Governors” shall mean any person or persons having the management and control of any School to which this Act applies :

“Justice” shall mean a Justice of the Peace for the Territory :

“Justices” shall mean Two or more Justices in Petty Sessions :

“Gazette” shall mean *The Hobart Town Gazette*.

In whom the management vested. II. The management and control of any School under this Act may be vested in a Governor or body of Governors elected by the donors or subscribers thereto ; and the number of the said Governors, and the mode of their election, may be regulated by the constitution of the School as settled and determined by the said donors or subscribers.

School may be certified. III. The Colonial Secretary may, upon the application of the Governors of a School, examine into the condition and regulation of the School, and may, by writing under his hand, certify that such school is fitted for the reception of such children as may be sent there in pur-

suance of this Act; and thereupon the School shall be deemed a certified Industrial School.

IV. A notice of the grant of each certificate shall within One month be inserted, by order of the Colonial Secretary, in the *Gazette*: a copy of the *Gazette* containing the notice shall be conclusive evidence of the grant.

V. 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 anything), 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;

may be brought by any person before any Two Justices; and such Justices, if satisfied on enquiry of the fact that the child so brought before them comes within one of these descriptions, and that it is expedient to deal with him under this Act, may order him to be sent to a School, there to be detained under the provisions of this Act for any period that shall not extend beyond the time when the child shall be Sixteen years of age.

VI. Where a child apparently under the age of Twelve years is charged before Two Justices with an offence punishable by imprisonment or a less punishment, but has not been convicted of Felony, and the child ought in the opinion of the Justices (regard being had to his age and the circumstances of the case) to be dealt with under this Act, the Justices may order him to be sent to a School, there to be detained under the provisions of this Act for any period that shall not extend beyond the time when the child shall be Sixteen years of age.

VII. Where the parent or step-parent or guardian of a child apparently under the age of Fourteen years represents to two Justices that he or she is unable to control the child, and that he or she desires that the child be sent to a School under this Act, the Justices, if satisfied on enquiry that it is expedient to deal with the child under this Act, may order him to be sent to a School.

VIII. The father of any child may surrender it to any School, and the mother of any child may lawfully surrender it to any School where the father is from habits of drunkenness or conviction of Felony or long continued absence unable or unwilling to maintain such child, and the mother has in fact the sole charge and care of it; and on such surrender being made in the presence of Two Justices, they may, on due proof of the facts alleged, order the child to be sent to School, and to be there detained for a period of not less than One nor more than Seven years.

IX. Every child placed in any School in conformity with the provisions of this Act shall, during its continuance at such School, or during the period fixed at the judicial surrender of the said child, be in the custody of the Governors for the time being of such School, who shall have all the powers and privileges of a father over and in respect of such child; but nothing in this Act contained shall authorise the detention of any child in such School beyond the age of Eighteen years.

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Certificates to be gazetted.

Classes of children to be detained in certified Industrial Schools.

As to children under Twelve years of age charged with offences.

Justices, with consent of parent, may send child to school.

Child may be surrendered to School.

Governors to have power of parent.

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Order of Detention.

X. The order of Justices sending a child to a School (in this Act referred to as the "Order of Detention") shall be in writing, signed by the Justices, and shall specify the name of the School, and may be in the form in the Schedule (1). The School shall be some School, the Governors of which are willing to receive the child; and the reception of the child by the Governors shall be deemed to be an undertaking by them to teach, train, 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 payment of money promised from the Colonial Treasury (or judicially imposed on the parent or guardian) is discontinued. The order shall specify the time for which the child is to be detained in the School, being such time as to the Justices seems proper for its teaching and training.

Child may be detained in custody for 48 hours.

XI. It shall be lawful for any two Justices before whom any child falling within any of the descriptions contained in the fifth Section of this Act may be brought, when such Justices see fit, and also before the transmission of any such child to any School, to make an order in the form in the Schedule (2) authorising such child to be kept in custody for such period as he may deem necessary for further information and inquiry, but not exceeding in any case Forty-eight hours, in such place not being a Gaol or House of Correction as he may appoint, and to be brought before any Two Justices within such period in order that such child may be dealt with under the provisions of this Act; and any person so authorised shall be entitled, by virtue of such authority, to keep such child in custody for the period authorised and in the place so appointed.

Effect of Order of Detention.

XII. The Order of Detention shall be forwarded to the Governors of the School with the child, and shall be a sufficient warrant for the conveyance of the child thither and his detention there.

Parents to contribute to child's maintenance.

XIII. When it is made to appear to the satisfaction of any Two Justices before whom the father or step-father of any child placed in any School as aforesaid is summoned, that such father or step-father is able to contribute towards the maintenance of such child, it shall be lawful for such Justices, by order under their hands, to direct that he shall contribute such weekly sum, not exceeding Five shillings, as they may deem expedient in respect of the then past or future time of detention of such child, to be paid at such times as they may specify to the Governors or any officer by them appointed to receive the same; and in default of any such payment for the space of Fourteen days any Justice may on proof thereof cause the sum in arrear to be levied by distress warrant on the goods of such parent or step-parent, or compel the payment by warrant against his person. And the like order may be made and proceedings taken against the mother of any such child where the father is dead or absent and she is able to contribute to its maintenance.

Governor may remit contribution from parent.

XIV. The Governor, upon proof of the inability of the parent or step-parent so to contribute to the maintenance of any child, may remit all or any part of any weekly payment which may have been ordered under this Act; but the amount so remitted shall be made good to the Governors of the School affected by such remission by the Colonial Treasurer for the time being.

Child may be licensed to live out of School.

XV. The Governors 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 these 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 Governors of the School by writing under their hands, and thereupon the child to whom the licence related may be required 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 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.

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XVI. The Governors of a School may at any time after a child has been placed out at licence as aforesaid, if he have 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.

XVII. If a child sent to a School, and while liable to be detained there, being apparently above Ten years of age, and whether lodging in the School or not, be guilty of gross and repeated insubordination he shall be guilty of an offence against this Act, and on summary conviction thereof before Two Justices 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 before whom he is convicted may direct him to be sent, at the expiration of the term of his imprisonment, to a certified Training School, and to be there detained until the expiration of the period assigned for his original detention.

Punishment for misconduct.

XVIII. If any child sent to a School, and while liable to be detained there, escapes from the School he shall be guilty of an offence against this Act, and may be apprehended without warrant and brought before any Justice of the Peace on complaint of any Officer of any such School, and such Justice may punish such child by imprisonment for any term not exceeding Twenty-one days, and may direct him to be sent at the expiration of the term of his imprisonment to a certified Training School, and to be there detained until the expiration of the period assigned for his original detention.

Escape of children from Schools.

XIX. All Justices and Constables are hereby empowered and directed to apprehend and cause to be conveyed into the custody of the Governors of any School, or their proper Officer, every child who may escape or be unlawfully removed or enticed from any certified School.

Constables to apprehend children escaping.

XX. If any person does any of the following things; that is to say,—

Offences.

1. Knowingly assists, directly or indirectly, a child liable to be detained in a School to escape therefrom :
2. Directly or indirectly induces such a child to escape :
3. Knowingly harbours or conceals a child who has so escaped, or prevents him returning to School, or knowingly assists in so doing :

every such person shall be guilty of an offence against this Act, and

31 V. No. 37. shall, on summary conviction thereof before Two Justices, 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.

Removal of children. XXI. It shall be lawful for the Governor in Council, by writing under his hand, to authorise the removal of any child from any one School to any other School; and such writing shall have the like authority and effect, and shall subject the child named therein to the like detention and treatment, as the original Order of Detention; and the Governor may at any time order the discharge of any child from a School.

Governors not compelled to receive any child. XXII. Nothing in this Act contained shall be deemed to render it compulsory upon the Governors of any School to receive any child.

Enquiry into management. XXIII. If complaint be made to the Colonial Secretary that any School is mismanaged, the Governor in Council may appoint a Commission of not less than Three fit and competent persons to enquire into the management and condition of the School complained of, and on receiving from them a Report that the School is not so conducted as to be entitled to a continuance of its certificate, and specifying the defects complained of, then the Colonial Secretary shall, by writing under his hand, require the Governors of such School within One month from the date and service of such notice at the School premises to remedy all such defects; and failing this the Colonial Secretary may, by notice under his hand addressed to and served upon the Governors thereof, or left at the said School with the Director of or Superintendent 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 School within the meaning of this Act.

Certificate of School may be resigned. XXIV. The Governors, or the executors or administrators of a deceased Governor (if only one) of a School may give notice in writing to the Colonial Secretary of their intention to resign the certificate of that School, and at the expiration in the case of Governors of Six months, and in the case of executors or administrators of One month, from the receipt of that notice by the Colonial Secretary the certificate shall be deemed to be resigned accordingly, and the School shall thereupon cease to be a School within the meaning of this Act.

Notice of withdrawal of certificate. XXV. Notice of any such withdrawal or resignation of certificate shall within One month be inserted by order of the Colonial Secretary in the *Gazette*.

School to be inspected. XXVI. Every School shall from time to time, and at least once in every year, be visited by a person appointed by the Governor to be the Inspector of Industrial Schools, and the Colonial Secretary, if dissatisfied with the condition of any such School as reported to him, may take steps for the appointment of a Commission as hereinbefore provided.

Contribution from Treasury. XXVII. The Colonial Treasurer may from time to time contribute, out of money provided by the Parliament for the purpose, such sums as the Governor thinks fit from time to time to order towards the custody and maintenance of children detained in Schools certified under this Act: Provided that such contributions shall in no case exceed the sum of Five Shillings per head per week; and in the case of children detained on the application of their parents, step-parents, or guardians, shall in no case exceed Two Shillings and Sixpence per head per week.

XXVIII. All offences against this Act shall be heard and determined, and all orders shall be made, and all penalties recovered in a summary way by and before any Two or more Justices of the Peace, in the mode prescribed by *The Magistrates Summary Procedure Act*, upon the complaint of any Officer of any School, or any person duly authorised by the Governor for that purpose; and any person aggrieved by any summary conviction or order under this Act may appeal therefrom in the mode prescribed by *The Appeals Regulation Act*.

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Recovery of penalties, &c.

XXIX. This Act shall apply to children of either sex.

Act to apply to boys and girls.

XXX. This Act may be cited as "The Industrial Schools Act, 1867."

Short title.

SCHEDULE.

FORMS.

(1.)

Section 10.

ORDER SENDING CHILD TO INDUSTRIAL SCHOOL.

TASMANIA }
(TO WIT.) } BE it remembered that on the _____ day of _____ in pursuance of "The Industrial Schools Act, 1867," we, Two of Her Majesty's Justices of the Peace for *Tasmania*, do order that *A.B.*, of _____ 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) *C.D.*
E.F.
Justices of the Peace.

(2.)

Section 11.

WE, *G.H.* and *L.M.*, Two of Her Majesty's Justices of the Peace for *Tasmania*, do, under the powers of "The Industrial Schools Act, 1867," hereby order that *N.O.*, apparently of the age of _____ years, be kept in the custody of *P.Q.*, at _____ for the period of _____ hours.

Given under our hands at _____ this _____ day of _____ 1867.

(Signed) *G.H.*
L.M.
Justices of the Peace.

39 VICTORIA, No. 5. *An Act to amend the Law relating to Destitute Children.* [30 September, 1875.] 39 V. No. 5.

WHEREAS it is expedient to amend the Law relating to Destitute Children : PREAMBLE.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

I. In this Act

Interpretation.

"Governors" means the "Governors" of a certified Industrial School, and also the "Managers" of a Training School, or any three of such Governors or Managers :

"The said Acts" means and refers to "The Training Schools Act, 1867," and "The Industrial Schools Act, 1867 :"

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Ib., No. 37.

"School" means and includes Training and Industrial Schools, and any school of the like kind established under any Act relating to Training, Industrial, or Reformatory Schools.

31 V. No. 36. offenders, examine into the condition and regulation of the School, and 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 Training School. No substantial addition or alteration shall be made to or in the buildings of any certified Training School without the approval in writing of the Colonial Secretary.

Inspection of School.

IV. Every certified Training School shall, from time to time, and at least once in every year, be visited by a person appointed by the Governor to be the Inspector of Training Schools; and the Colonial Secretary, 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.

Resignation of certificate by Managers.

V. The Managers of any certified Training School may, upon giving Six months, and the executors or administrators of a deceased Manager (if only one) of any certified Training 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.

Liabilities of Managers.

VI. The Managers of a certified Training 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.

Effect of withdrawal of certificate.

VII. Whenever the certificate is withdrawn from or resigned by the Managers of a Training 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 Colonial Secretary 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.

Disposal of inmates on withdrawal of certificate.

VIII. When the withdrawal or resignation of the certificate of a Training School takes effect, the youthful offenders detained therein shall be, by order of the Colonial Secretary, either discharged or transferred to some other certified Training School.

Publication of the grant or withdrawal of certificate.

IX. A notice of the grant of any certificate to a Training School, or of the withdrawal or resignation of such a certificate, shall within One month be advertised in the *Gazette*.

Power to make rules, &c.

X. The Managers of any certified Training School may, from time to time, make all necessary rules for the management and discipline of the School under their charge, 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 Colonial Secretary, and no alteration shall be made without the approval in writing of the Colonial Secretary in any rule so approved.

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XI. Every Officer of a certified Training School authorised 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 Training Officer as any Constable duly appointed has within *Tasmania*.

Officers to have powers, &c. of Constables.

Commitment of Offenders to, and their Status at, a certified Training School.

XII. [Repealed by 44 Vict. No. 5.]

XIII. Every gaoler having in his custody any youthful offender sentenced to be sent to a Training 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 Training School shall be a sufficient authority for his detention in such School.

Removal of offenders to certified Training School.

XIV. The Colonial Secretary may at any time order any offender to be discharged from a certified Training School, or to be removed from one certified Training School to another, but so that the whole period of detention of the offender in a Training School shall not be increased by such removal.

Discharge or removal by order of the Colonial Secretary.

XV. The Managers of a certified Training 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. 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 Training 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.

Placing offenders out on Licence.

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Power to apprentice offenders with their consent.

Power to apprentice offenders without their consent.

XVI. The Managers of a certified Training 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.

XVII. The Colonial Secretary may at any time approve of any offender detained in a certified Training School being apprenticed by the Managers, and in such case the Managers may bind such offender apprentice to the sea, or to any trade, calling, or service, for any period not exceeding Five years, upon such terms as they see fit, and every such binding shall be valid and effectual to all intents.

Offences in relation to Training Schools.

Refusal to conform to rules.

XVIII. If any offender detained in a certified Training School wilfully neglects or wilfully refuses to conform to the rules thereof, he shall, upon summary conviction before a Justice, be imprisoned with or without hard labour for any term not exceeding Three months; and at the expiration of his term of 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.

XIX. If any offender sentenced to be detained in a certified Training 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 be then brought before a Justice 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 Justice, 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 Training Schools.

XX. Every person who commits any of the following offences, that is to say,—

1. Knowingly assists, directly or indirectly, an offender detained in a certified Training School to escape from the School;
2. Directly or indirectly induces such an offender to escape from the School;
3. 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 Training School,—

shall, on summary conviction before Two Justices, 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 Training Schools.

Order of Justices for contribution to

XXI. The parent or step-parent or other person legally liable to maintain any youthful offender detained in a certified Training School shall, if of sufficient ability, contribute to his support and maintenance

therein a sum not exceeding Ten Shillings per week. On the complaint of the Inspector of Training 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 may, on summons to the parent, step-parent, or other person legally liable as aforesaid, examine into his or her liability, and may, if they or he think fit, make an order on him or her for the payment to the Inspector of Training Schools, or to an agent of the Inspector, of such weekly sum not exceeding Ten 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. Every such payment shall go in relief of the charges on the Colonial Treasury, and shall be accounted for accordingly. The Colonial Secretary may, in his discretion, remit all or any part of any payment so ordered.

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maintenance
of offenders in
School.

XXII. Any Justices may, from time to time, vary any such order as circumstances require, on the application either of the person on whom the order is made, or of the Inspector of Training Schools, or of an agent of the Inspector, on Fourteen days notice being first given of such application to the Inspector or agent or to such person respectively.

Variation of
order.

XXIII. The Colonial Secretary may contract with the Managers of any certified Training School for the reception and maintenance therein of offenders whose detention in a certified Training School is directed by a Court or Justices, in consideration of such payment as may be from time to time agreed on; and the Colonial Treasurer is hereby empowered, out of any moneys which would be applicable to the maintenance of such offenders if they were committed to gaol, to pay the amount so agreed upon.

Power of
Colonial Sec-
retary to
contract with
Managers of
Schools.

Conditional Pardons.

XXIV. Where, after the passing of this Act, a youthful offender is sentenced to Penal Servitude or Imprisonment, and is pardoned on condition of his placing himself in some certified Training School, the Colonial Secretary may direct him, if under the age of Sixteen years, to be sent to a certified Training School the Managers of which consent to receive him for a period of not less than One year 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 Training School.

Power to
Colonial Sec-
retary to send
offenders to
Training
Schools on
conditional
pardon.

Evidence.

XXV. The following rules shall be enacted with respect to evidence under this Act:—

Rules respect-
ing evidence
under this Act.

1. The production of the *Gazette* containing a notice of the grant or withdrawal of a certificate by the Colonial Secretary to or from a Training 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 Training Schools.

31 V. No. 36.

3. The production of the warrant or other document in pursuance of which a youthful offender is sentenced to be sent to a certified Training School, with a statement endorsed 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 Training School, purporting to be signed by the Inspector of Training 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 a new certified Training School within the meaning of this Act.

Legal Proceedings.

Recovery of penalties.

XXVI. *The Magistrates Summary Procedure Act* shall apply to all offences, payments, and orders in respect of which jurisdiction is given to Justices 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.

XXVII. Any notice may be served on the Managers of a certified Training 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.

XXVIII. 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, 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.

Power to apprentice offenders.

XXIX. When any offender is imprisoned in any Gaol for a term not less than One year, he may, at any time during such term, with the consent of the Governor in Council, be apprenticed by the Colonial Secretary to any trade or calling to any person willing to receive him as an apprentice, for a term not exceeding Five years.

Repeal.

Repeal.

XXX. *The Industrial Schools Act* is hereby repealed.

SCHEDULE.

FORMS.

(1.)

CONVICTION.

TASMANIA }
 (TO WIT.) } Be it remembered that on the day of at
 in Tasmania, 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 that [§c.

CRIMINAL AND DESTITUTE CHILDREN. 347

state offence in usual manner]; and we adjudge the said *A. B.* for his said offence to be imprisoned in the Gaol at [and there to be kept to hard labour] for the space of

31 V. No. 26.

And that, in pursuance of "The Training Schools Act, 1867," we also sentence the said *A. B.* to be sent, at the expiration of the term of imprisonment aforesaid, to Training School, at , in *Tasmania* aforesaid, (the Managers whereof are willing to receive him) [or to some certified Training School to be hereafter, and before the expiration of the term of imprisonment aforesaid, named in this behalf] and there to be detained for the period of commencing from and after the day of [the date of the expiration of the sentence.]

Given under our hands the day and year first above mentioned at , in *Tasmania* aforesaid.

J. S.
L. M.

(2.)

ORDER OF DETENTION.

TASMANIA } To all Constables, and to the Keeper of the Gaol at
(TO WIT.) } in *Tasmania*.

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, 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 Gaol at in *Tasmania*, [and there to be kept to hard labour] for the space of ; and in pursuance of "The Training Schools Act, 1867," the said *A. B.* was thereby sentenced to be sent at the expiration of the term of imprisonment aforesaid to the Training School at , in *Tasmania* aforesaid, (the Managers whereof are willing to receive him therein) [or to some certified Training 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 and each of you to take the said *A. B.* and him safely to convey to the gaol 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 Gaol to receive the said *A. B.* into your custody into the said gaol, 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 imprisonment aforesaid, as and in the manner directed by "The Training Schools Act, 1867," to the Training School at aforesaid, [or to the Training School named by an order endorsed hereon under the hands of us or under the hand of one other of Her Majesty's Justices of the Peace being a Visiting Justice of the said Gaol,] together with this order.] And for so doing this shall be your sufficient warrant.

Given under our hands this day of , 186 at , in *Tasmania* aforesaid.

J. S.
L. M.

(3.)

NOMINATION OF SCHOOL ENDORSED ON THE ORDER OF DETENTION.

IN pursuance of "The Training Schools Act, 1867," I the undersigned, one of Her Majesty's Justices of the Peace hereby name the Training School at in *Tasmania*, as the School to which the within-named *A. B.* is to be sent as within provided (add where required in lieu of the School within (or above named).)

Given under my hand this day of 186 at , in *Tasmania*.
E. F.

(4.)

COMPLAINT FOR ENFORCING CONTRIBUTION FROM PARENT, &c.

TASMANIA } THE complaint of the Inspector of Training Schools (*or as the case may*
(TO WIT). { *be*) made to us, the undersigned Two of Her Majesty's Justices of the
Peace, this day of , at in Tasmania, who says that one
A. B. of (*) the age of years, or thereabouts, is now detained in the Training
School at in Tasmania aforesaid, under "The Training Schools
Act, 1867," and has been duly ordered and directed to be detained therein until the
day of That one C. D. dwelling at in Tasmania
aforesaid, 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 (*or as*
the case may be) (*) The said complainant therefore prays that the said C. D. may
be summoned to show cause why an order should not be made on him so to con-
tribute.

E. F.

Exhibited before us,

J. S.

L. M.

(5.)

SUMMONS TO PARENT, &c.

This will be in Form (A) in Schedule to *The Magistrates Summary Procedure Act.*

(6.)

ORDER ON PARENT, &c. TO CONTRIBUTE A WEEKLY SUM.

TASMANIA }
(TO WIT). { BE it remembered, that on this day of at
in Tasmania, a certain complaint of the Inspector of Training Schools [*or as*
the case may be] for that one A. B., of &c., [*stating the cause of complaint as in the*
form (4) between the asterisks () (*)*] was duly heard by and before us the under-
signed, Two of Her Majesty's Justices of the Peace, (in the presence and hearing of
the said C. D. *if so*, or the said C. D. not appearing to the summons duly issued and
served in this behalf), and we having duly examined into the ability of the said
C. D., and on consideration of all the circumstances of the case, do order the said
C. D. 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 days [*or as*
the case may be.]

Given under our hands the day and year first above mentioned, in Tasmania
aforesaid.

J. S.

L. M.

(7.)

DISTRESS WARRANT FOR AMOUNT IN ARREAR.

TASMANIA }
(TO WIT.) { To all Constables and to all other Peace Officers in Tasmania.

WHEREAS on the hearing of a complaint made by the Inspector of Training Schools
[*or as the case may be*] that A. B. of, &c. [*stating the cause of complaint as in the*
Form (4) between the asterisks () (*)*] an Order was made on the day
of by us the undersigned (*or by L. M. and J. S.*) Two of Her Majesty's
Justices of the Peace, against the said C. D., 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. D., 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 Petty Sessions at _____ 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.D.; and if no such Distress can be found, then that you certify the same to the end that such proceedings may be had therein as the law requires.

Given under our hands this _____ day of _____ at _____ in Tasmania aforesaid.

J. S.
L. M.

(8.)

COMMITMENT IN DEFAULT OF DISTRESS.

TASMANIA } To all Constables and to the Keeper of the Gaol at _____ in
(TO WIT). } Tasmania.

WHEREAS [i.e., as in Form (6) 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, 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.D.: 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] that no sufficient goods of the said C.D. can be found:

These are therefore to command you to take the said C.D., and him safely to convey to the Gaol 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 Gaol to receive the said C.D. into your custody in the said Gaol, 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 Gaol, 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 this _____ day of _____ 186 at _____ in Tasmania aforesaid.

J. S.

44 VICTORIA, No. 5. An Act to amend "The Training Schools Act, 1880." [20 October, 1880.] 44 V. No. 5.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

I. This Act may be cited as "The Training Schools Amendment Act, 1880." Short title.

II. The Twelfth Section of "The Training Schools Act, 1867," is hereby repealed; and the provisions hereinafter contained are hereby substituted for the provisions contained in the said Section. Repeal, 31 Vict. No. 30.

Such repeal shall not affect any act, matter, or thing duly done under the said Section before its repeal.

III. Whenever any offender who, in the judgment of the Court or Justices before whom he is charged, is under the age of Eighteen years, is convicted on an Information or in a summary manner of an offence punishable with penal servitude or imprisonment, such Court or Justices may either order such offender to be forthwith removed to and detained in a certified Training School for a period of not less than One year and not more than Five years, or else may sentence such offender to be imprisoned for the term of Ten days or a longer term, and to be sent at the expiration of his term of imprisonment to a certified Training School and to be there detained for a period of not less than One year. Offenders under 18 years of age may be sent to certified Training Schools.

The Acts of the Parliament of Tasmania [electronic resource]

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