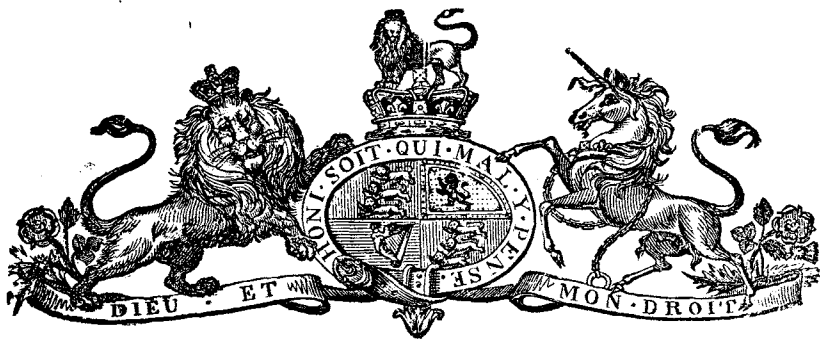


T A S M A N I A.



1867.

ANNO TRICESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 36.

AN ACT to encourage the Establishment of Training Schools. [11 October, 1867.]

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:—

- 1 This Act may be cited as “The Training Schools Act, 1867.” Short title.
- 2 “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.

- 3 The Colonial Secretary may, upon the application of the Managers of any Training School for the better training of youthful offenders, Mode of certifying Training Schools.

Training Schools.

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.

4 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and may, by notice under his hand addressed and sent to the Managers of such School, declare that the certificate is withdrawn as from a time specified in the notice, being not less than Six months after the date of the notice.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.

5 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.

6 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.

7 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.

8 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.

9 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*.

Training Schools.

10 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.

Power to make rules, &c.

11 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.

12 Whenever any offender who, in the judgment of the Court or Justices before whom he is charged, is under the age of Sixteen years, is convicted on an Information 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 or Justices may also sentence him to be sent at the expiration of his period of imprisonment to a certified Training School, and to be there detained for a period of not less than One year 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. 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. 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 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.

Offenders under 16 years of age may be sent to certified Training Schools.

13 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.

Training Schools.

Discharge or removal by order of the Colonial Secretary.

14 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.

Placing offenders out on Licence.

15 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.

Power to apprentice offenders with their consent.

16 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.

Power to apprentice offenders without their consent.

17 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.

18 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.

Training Schools.

19 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.

Escaping from School.

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

Penalty on persons inducing offenders to escape from certified Training Schools.

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.

21 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.

Order of Justices for contribution to maintenance of offenders in School.

22 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

Variation of order.

Training Schools.

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.

Power of Colonial Secretary to contract with Managers of Schools.

23 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.

Conditional Pardons.

Power to Colonial Secretary to send offenders to Training Schools on conditional pardon.

24 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.

Evidence.

Rules respecting evidence under this Act.

25 The following rules shall be enacted with respect to 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.
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.

Training Schools.

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.

26 *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. Recovery of penalties.

27 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. Service of notice on Managers of Schools.

Forms.

28 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. Use of Forms in Schedule.

29 When any offender is imprisoned in any Gaol for a term of 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. Power to apprentice offenders.

Repeal.

30 *The Industrial Schools Act* is hereby repealed. Repeal.

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.*
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 _____

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.

Training Schools.

(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*
 (TO WIT.) } *may 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 contribute.

E. F.

Exhibited before us,

J. S.
 L. M.

Training Schools.

(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
 undersigned, 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 us 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.

Training Schools.

(8.)

COMMITMENT IN DEFAULT OF DISTRESS.

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

WHEREAS [*&c., 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.