## CAP. CIX.

An Act to amend the Mode of committing Criminal and Vagrant Children to Reformatory and Industrial Schools. [29th *July* 1856.]

'WHEREAS it is expedient to amend the Provisions of Two Acts passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled, respectively, *An Act for the better Care and Reformation of Youthful Offenders in* Great Britain, and *An Act to render Reformatory and Industrial Schools in* Scotland *more available for the Benefit of Vagrant Children:*' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

17 & 18 Vict. c. 86.
17 & 18 Vict. c. 74.

School to which Youthful Offenders committed need not be named in the Sentence.

I. It shall not be necessary at the Time of passing Sentence for any Court, Judge, Sheriff, or Magistrate proceeding under the said first-recited Act to name the particular School to which any Youthful Offender is to be sent, but it shall be sufficient for such Court, Judge, Sheriff, or Magistrate to direct that such Youthful Offender be sent to such School (being a School duly certified under the said Act, and the Directors or Managers of which may be willing to receive him,) as may thereafter, and before the Expiration of the Term of Imprisonment to which he or she has been sentenced, be directed by the Chairman or Deputy Chairman of the said Court, or by the said Judge, Sheriff, or Magistrate.

Supplemental Orders may be made.

II. Any Court, Judge, Sheriff, or Magistrate, or the Chairman or Deputy Chairman of such Court, having made an Order under the Authority of either of the said recited Acts or of this Act for sending any young Person to any Reformatory or Industrial School, or in *Scotland* to any similar Institution, may, at his or their Discretion, make a Supplemental Order, in *England* at any Time before the Expiration of the Term of Imprisonment to which he or she has been sentenced, and in *Scotland* at any Time within Fourteen Days of the Date of the Order, exchanging the Name of such School or Institution for the Name of any other School or Institution to which he or she might in the first instance legally have been sent, provided the Managers thereof be willing to receive him or her, and such young Person shall be sent or transferred to such last-mentioned School or Institution accordingly.

Young Persons not to be sent to Schools to which Parents, &c. object.

III. If the Parent or Guardian or nearest surviving Relative of any young Person who may have been sent to or whom it may be intended to send to a School or Institution, under the Provisions of either of the said recited Acts or of this Act, certify to the Judge, Sheriff, Magistrate, or Court, or the Chairman or Deputy Chairman thereof, by whom the Order may have been or may be about to be made, within Fourteen Days from the Day of the making of such Order or Supplemental Order as aforesaid, that they object to such young Person being sent to or detained in the School or Institution named or about to be named in such Order or Supplemental Order, and shall name another School or Institution in *Great Britain*, duly certified as aforesaid, and shall signify their Desire that such young Person may be sent thereto, and shall prove that the Managers thereof are willing to receive such young Person, and shall pay or find sufficient Security to pay any additional Expense which his or her Removal may occasion, over and above that of sending him or her to the certified School on which the Order shall have been made, in case the Removal shall take place before the Expiration of his or her Imprisonment, and in case the Removal shall take place from one such School or Institution to another then to pay the whole Expense, such Court, Chairman, Deputy Chairman, Judge, Sheriff, or Magistrate shall direct such young Person to be sent to such last-mentioned School or Institution accordingly.

As to Settlement and Chargeability of young Persons sent from Scotland to any School out of Scotland.

IV. Provided always, That if any such young Person who shall, under the Provisions of this Act, be sent from *Scotland* to any School out of *Scotland*, shall not have Right to a Settlement in any Parish therein, and might have been removed from *Scotland* under the Provisions of the Eighth and Ninth of Queen *Victoria*, Chapter Eighty-three, at the Instance of the Inspector of the Poor of the Parish to which such young Person has become chargeable, had he or she not been sent out of *Scotland* under the Provisions of this Act, the Chargeability

ability on such Parish for such young Person shall, on his or her being so sent out of *Scotland*, cease and determine.

Nothing to diminish Power of Secretary of State to order Removals, &c.

V. Nothing in this Act contained shall be construed to take away or diminish the Power of the Secretary of State to direct the Removal or Discharge of young Persons from Reformatory and Industrial Schools, or in *Scotland* from other similar Institutions, as set forth in the said recited Acts.

Expenses of Conveyance, how to be met.

VI. The Expense of conveying any young Person sentenced in *England* under the first-recited Act or this Act to the Reformatory School to which he has been committed, under an original or Supplemental Order, except any extra or additional Expense incurred in conveying any young Person, at the Request of his or her Parents, Guardians, or Relatives, to any School or Institution other than the nearest duly certified School, shall be defrayed by the Treasurer of the County, City, or Borough in which such Sentence was in the first instance passed. The Expense of conveying any young Person sentenced in *Scotland* under either of the said recited Acts or this Act to the Reformatory or Industrial School or other similar Institution to which he or she has been ordered to be sent shall, except as aforesaid, be defrayed by the Parochial Board of the Parish on which such young Person, if a Pauper, would have been chargeable in the first instance. In case of the Secretary of State ordering the Removal of any young Person from one School or Institution to another, it shall be lawful for the Commissioners of Her Majesty's Treasury, on the Representation of such Secretary of State, to defray the Expense of such Removal out of any Funds which may be provided by Parliament for the Purpose.

Governor of Prison to send Duplicate of Warrant of Commitment, if it exists, with Child, to Reformatory; if not, then a Copy of Warrant.

VII. It shall be the Duty of the Governor or Keeper of every Gaol or House of Correction having the Custody under Sentence of any young Person who is ordered to be sent to any Reformatory or Industrial School, or in *Scotland* any other similar Institution, to forward with such young Person to such School or Institution, an original Duplicate, if any such Duplicate exists, of the Warrant of Commitment under which such young Person has been imprisoned, and if no such Duplicate exists to forward with such young Person a Copy of such Warrant, and at the Foot of such Duplicate or Copy to make a Memorandum stating that the young Person named therein and sent therewith is identical with the Person delivered with the Warrant of which the Instrument is a Duplicate or Copy to such Gaol or House of Correction, and the said Memorandum shall be signed by the Governor or Keeper aforesaid, and the Possession of such Warrant or Copy of a Warrant, with such Memorandum so signed, shall be a sufficient Authority for the Detention of such young Person in such School or Institution.

What is sufficient Evidence as to Certificate of School and Identity of Child.

VIII. Whenever it shall be necessary to prove that any Reformatory or Industrial School, or other similar Institution, is duly certified or sanctioned by the Secretary of State, the Production of an attested Copy of the Certificate shall be sufficient Evidence thereof; and the Production of an original Duplicate of the Warrant of Commitment, or a Copy of the Warrant of Commitment, with a Memorandum as aforesaid, signed or purporting to be signed by the Governor or Keeper of the Gaol or House of Correction from which the young Person in question was sent, as herein-before provided, accompanied by a Statement signed or purporting to be signed by the Manager or Superintendent or Master or Matron of any Reformatory or Industrial School or other similar Institution, that the young Person named in such Warrant or Copy was duly received into and is at the signing thereof detained in such School or Institution, or has been otherwise disposed of according to Law, shall in all Proceedings whatsoever be sufficient Evidence of the due Conviction and Imprisonment, and subsequent Detention and Identity, of the young Person named in such Warrant.

Penalty on Persons wilfully inducing young Persons to abscond from Reformatory.

IX. When any young Person has been sentenced under the first-recited Act to be detained in any Reformatory School, duly certified by the Secretary of State, any Person who shall directly or indirectly wilfully withdraw such young Person from such School or Institution, or induce him or her to abscond therefrom before he or she has been regularly discharged, shall be liable for every such Offence to a Penalty not exceeding Five Pounds, to be recovered on summary Complaint before any Justice of the Peace, Sheriff, or Magis-

trate, at the Instance of any Officer of such School or Institution, or other Person authorized by the Directors or Managers thereof, and failing Payment the Offender may be imprisoned for any Period not exceeding Sixty Days, and such Penalty shall be paid over to the Treasurer of the Institution in which such young Person was placed, for the general Purposes thereof.

Secretary of State to publish List of all Reformatory or Industrial Schools in London and Edinburgh Gazettes.

X. One of Her Majesty's Principal Secretaries of State shall, within One Calendar Month after the passing of this Act, cause to be published in the *London* and *Edinburgh* Gazettes a List of all Reformatory or Industrial Schools or other similar Institutions which have been already certified under the Provisions of either of the said recited Acts; and whenever such Secretary of State shall at any Time hereafter grant a Certificate to any new School or Institution, he shall, within One Calendar Month, cause a Notice thereof to be published in the said Gazettes, and such Publication shall be a sufficient Evidence of the Fact of such School or Institution having been certified to justify any Court, Judge, Sheriff, or Magistrate to commit any young Person thereto, subject to the Provisions of the said recited Acts and of this Act, and of any other Act or Acts relating to such Schools or Institutions; and whenever the Secretary of State shall withdraw or cancel the Certificate granted to any School or Institution, he shall give Notice of such Withdrawal in the said Gazettes within One Calendar Month of the Date thereof.

Justices may use the Forms set forth in the Schedule.

XI. It shall be lawful for any Justice or Justices of the Peace in *England* or *Wales*, proceeding under this Act, or under the said first-recited Act, or under the Act passed in the last Session of Parliament, Chapter Eighty-seven, for amending the same, to use the Forms of Conviction and Commitment, Complaints, Summonses, Orders, and Warrants, set forth in the Schedule to this Act annexed, so far as the same are applicable to each Case.

Recited Acts and 18 & 19 Vict. c. 87. to be read as Part of this Act.

XII. The said recited Acts of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, and the said Act of the Eighteenth and Nineteenth Years of Her Reign for amending the same, shall be read as Part of this Act.

Interpretation of the Word "Court."

XIII. The Word "Court" shall include all Persons having Authority under the said recited Acts or either of them, or any Act extending or amending the same, to commit young Persons to Reformatory or Industrial Schools or other similar Institutions.

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## SCHEDULE.

(A.)

*Conviction where the Reformatory School is named at the Time of Conviction.*
(17 & 18 Vict. c. 86. s. 2.)

to wit. } Be it remembered, That on the Day of in the Year of our Lord , at in the [*County*] of *A.B.*, under the Age of Sixteen Years, to wit, of the Age of [*Thirteen*] Years, is convicted before the undersigned, Two of Her Majesty's Justices of the Peace for the said [*County*], for that [*&c., stating the Offence in the usual Manner*]; and we adjudge the said *A.B.*, for his said Offence, to be imprisoned in the [*House of Correction*] at in the said [*County*], [*and there kept to Hard Labour*] for the Space of ; and we also direct, pursuant to the Acts for the better Care and Reformation of Youthful Offenders, the said *A.B.* to be sent, at the Expiration of his [*or* her] said Sentence (*), to the Reformatory School at in the County of , (the Directors *or* Managers thereof being willing to receive him [*or* her] therein), and there detained for the Period of , commencing from the Day of next [*the Date of the Expiration of the Sentence*].

Given under our Hands and Seals the Day and Year first above mentioned at in the [*County*] aforesaid.

*J.S.* (L.S.)
*I.M.* (L.S.)

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(B.)

(B.)

*Commitment upon the last Conviction.*

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

WHEREAS *A.B.*, late of [*Labourer*], under the Age of Sixteen Years, to wit, of the Age of [*Thirteen*] Years, was this Day duly convicted before the undersigned, Two of Her Majesty's Justices of the Peace in and for the said [*County*] of , for that [*&c., stating the Offence as in the Conviction*], and it was thereby adjudged that the said *A.B.*, for his said Offence, should be imprisoned in the [*House of Correction*] at in the said [*County*], [*and there kept to Hard Labour*] for the Space of ; and it was also thereby directed, pursuant to the Acts for the better Care and Reformation of Youthful Offenders, that the said *A.B.* should be sent, at the Expiration of his said Sentence (*), to the Reformatory School at in the County of (the Directors *or* Managers thereof being willing to receive him therein), there to be detained for the Period of commencing from the Day of next [*the Date of the Expiration of the Sentence*]:

These are therefore to command you, the said Constable of , to take the said *A.B.*, and him safely convey to the [*House of Correction*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept: And we do hereby command you, the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], 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 said Sentence to the said Reformatory School at aforesaid as and in the Manner directed by Section VI. of the Statute 19th & 20th Victoria, Chapter ]: And for so doing this shall be your sufficient Warrant.

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

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

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(C.)

*Conviction where School not named at the Time of Conviction* (19 & 20 Vict. c. s. 1.)

*Proceed to the Asterisk* (*) *in the Form* (A.), *and then say*, To some Reformatory School, duly certified under the said Acts, as we may hereafter, and before the Expiration of the said Term of Imprisonment, name, order, and direct in this Behalf, and there detained for the Period of Years, commencing from the Day of next [*the Date of the Expiration of the Sentence*].

Given, *&c.*

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(D.)

*Commitment under the last Conviction.*

*Proceed to the Asterisk* (*) *in the Form* (B.), *and then say*, To some Reformatory School, duly certified under the said Acts, as we might hereafter, and before the Expiration of the said Term of Imprisonment, name, order, and direct in that Behalf, there to be detained for the Period of Years, commencing from the Day of next [*the Date of the Expiration of the said Sentence*]; and of which Order and Direction you the said Keeper of the said [*House of Correction*] will have due Notice:

These are therefore [*&c., as in the Form* (B.), *omitting the Words* "And we further command you," *&c., between Brackets*].

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(E.)

*Order of Justices naming the Reformatory School, when not named at the Time of Committal* (19 & 20 Vict. c. s. 1.)

To the Keeper of the [*House of Correction*] at , and to all others whom it may concern.

to wit. } WHEREAS *A.B.* of, *&c.* was on the Day of committed by our Warrant to the Custody of you the said Keeper of the said [*House of Correction*] for the Space of , and he is now in your Custody therein; and by the Conviction and Warrant in that Behalf it was directed, pursuant to the Acts for the better Care and Reformation of Youthful Offenders, that the said *A.B.* should be sent, at the Expiration of his said Sentence (*), to some Reformatory School, as we might thereafter name, order, and direct, there to be detained for the Period of Years, commencing from the Day of next [*the Date of the Expiration of the said Sentence*]: And whereas the Directors [*or* Managers] of the Reformatory School at in the County of are willing to receive the said *A.B.* therein; now, therefore, we, the said Justices, do order and direct, pursuant to the Acts aforesaid, that the said *A.B.* shall be sent, at the Expiration of the said Term of Imprisonment to which he has been so sentenced, to the said Reformatory School at aforesaid, there to be detained for the Period of Years commencing from the said Day of ; and we do hereby command you the said Keeper to obey this our Order and Direction accordingly, and in the Manner directed by Section VI. of the Statute 19th & 20th Victoria, Cap. ; and for your so doing this shall be your sufficient Warrant.

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

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

[*N.B.*—A Copy or Duplicate of this Order should accompany the Commitment when the Offender is sent to the Reformatory School.]

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(F.)

*Supplemental Order of Justices changing the Reformatory School* (19 & 20 Vict. c. s. 2.)

*Proceed as in the Form* (E.) *to the Asterisk* (*) *and then say,* To the Reformatory School at in the County of , there to be detained for the Period of Years, commencing from the Day of : And whereas it appears to us desirable that the Name of the said Reformatory School should be exchanged for the Name of the Reformatory School at in the County of (the Directors *or* Managers of which said last-mentioned School being willing to receive the said *A.B.* therein): Now, therefore, we, the said Justices, do, by this our Supplemental Order, made pursuant to the Act in that behalf, exchange the Name of the said Reformatory School accordingly; and do hereby command you, the said Keeper of the said [*House of Correction*] at aforesaid, to send and transfer the said *A.B.* to the said last-mentioned Reformatory School at aforesaid instead of the School named and directed in our aforesaid Warrant of Commitment.

Given, &c. [*as in the Form* (E.)]

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(G.)

*Complaint for enforcing in England and Wales Contribution to the Maintenance of a Youthful Offender from the Parent* (18 & 19 Vict. c. 87. s. 2.)

to wit. } THE Complaint of *C.D.* of, *&c.*, who has been duly authorized by , One of Her Majesty's Principal Secretaries of State, to take Proceedings in this behalf, under the Statute 18th & 19th Victoria, Chapter 87, made to us, the undersigned,

signed, Two of Her Majesty's Justices of the Peace for the said County of , this Day of in the Year of our Lord at in the same County, who saith, That one *A.B.* of (*) the Age of Years, or thereabouts, is now detained in the Reformatory School at in the County of , under the Acts for the better Care and Reformation of Youthful Offenders, and has been duly ordered and directed to be detained therein until the Day of : That one *C.B.*, dwelling in the Parish of in the County of is the Parent [*or* Step-parent] of the said *A.B.*, and is of sufficient Ability to contribute to the Support and Maintenance of the said *A.B.*, his Son: (*) The said Complainant therefore prays that the said *C.B.* may be summoned to show Cause why an Order should not be made on him so to contribute.

Exhibited before us, *C.D.*

*J.S.*
*L.M.*

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(H.)

*Summons to the Parent.*

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

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(I.)

*Order on Parent to contribute a Weekly Sum.*

Be it remembered, That on this Day of in the Year of our Lord 185 , at in the [*County*] of a certain Complaint of *C.D.* of, &c., who was duly authorized by One of Her Majesty's Principal Secretaries of State to take Proceedings in this Behalf, under the Statute 18th & 19th Victoria, Cap. 87., for that one *A.B.* of, &c. [*stating the Cause of Complainant, as in the Form* (G.) *between the Asterisks* (*) (*)], was duly heard by and before us, the undersigned, Two of Her Majesty's Justices of the Peace in and for the said [*County*] of (in the Presence and Hearing of the said *C.B.*, *if so, or* the said *C.B.* not appearing to the Summons duly issued and served in this Behalf); and we, having duly examined into the Ability of the said *C.B.*, and on consideration of all the Circumstances of the Case, do order the said *C.B.* to pay to the said *C.D.*, or to such other Person as the said Secretary of State may from Time to Time appoint to receive the same, 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 [Twenty-eight, *or, as the Case may be,* Days].

Given under our Hands and Seals the Day and Year first above mentioned, at in the [*County*] aforesaid.

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

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(K.)

*Distress Warrant for Amount in arrear.*

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

Whereas upon the Hearing of a Complaint made by One of Her Majesty's Principal Secretaries of State under the Statute 18th & 19th Victoria, Chapter 87., that *A.B.*, of, &c. [*stating the Cause of Complaint as in the Form* (G.) *between the Asterisks* (*) (*)], an Order was made on the Day of in the Year of our Lord by us, the undersigned [*or* by *L.M.* and *J.H.*], Two of Her Majesty's Justices of the Peace

Peace in and for the said [*County*] of against the said *C.B.*, to pay to *C.D.* of, *&c.*, or to such other Person as the said Secretary of State might from Time to Time appoint to receive the same, 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 [*Twenty-eight*] Days each, and Default has been made therein for the Space of Fourteen Days:

These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *C.B.*, and if within the Space of [*Five*] Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to the Clerk of the Justices of the Peace for the of that he may pay and apply the same as by Law directed, and may render the Overplus (if any), on Demand, to the said *C.B.*; and if no such Distress can be found, then that you certify the same unto us, to the end that such Proceedings may be had therein as to the Law doth appertain.

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

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

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(L.)

*Commitment in default of Distress.*

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

WHEREAS [*&c., as in the last Form* (K.) *to the single Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of last, I, the undersigned, together with *L.M.*, Esquire, [*or J.S.* and *L.M.*, Esquires,] Two of Her Majesty's Justices of the Peace in and for the said [*County*] of , issued a Warrant to the Constable of aforesaid, commanding him to levy the Sum of due upon the said recited Order, being for [*Three*] Periods of [*Twenty-eight*] Days, by Distress and Sale of the Goods and Chattels of the said *C.B.*: And whereas a Return has this Day been made to me the said Justice [*or*, the undersigned, One of Her Majesty's Justices of the Peace in and for the said [*County*] of ], that no sufficient Goods of the said *C.B.* can be found: These are therefore to command you, the said Constable of , to take the said *C.B.*, and him safely to convey to the [*House of Correction*] 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 [*House of Correction*], to receive the said *C.D.* into your Custody in the said [*House of Correction*], 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 [*House of Correction*], amounting to the further Sum of , shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal, this Day of in the Year of our Lord , at in the [*County*] aforesaid.

*J.S.* (L.S.)