

secretary-treasurers shall send semi-annual returns on the first of January and on the first of July to the minister of public instruction, or the superintendent of education, as the case may be, of all the receipts and expenses of the said boards; they shall act, under the commissioners, as managers and visitors of schools, shall superintend the construction of all school houses built by the said boards, take steps to supply the schools with proper school furniture and apparatus, and render any service that may be required from them by the school commissioners in relation to the same; and a percentage not exceeding three per cent on the sums received by them shall be allowed, not to exceed in all the annual sum of six hundred dollars, as their remuneration; the whole subject to the approval of the minister of public instruction.

Certain duties assigned to them.

Their remuneration.

Said commissioners may hold property to any amount.

Interpretation of "religious majority" and "religious minority."

Annual aid to poor municipalities to be in future \$8000.

37. The said school commissioners of the cities of Quebec and Montreal shall have a right to hold real estate to any amount, notwithstanding any provisions of any law to the contrary.

38. The words "religious majority" and "religious minority" in this and in any other statute in force concerning public instruction shall mean the Roman catholic or protestant majority or minority as the case may be.

39. The sum appropriated annually by the fifteenth chapter of the consolidated statutes for lower canada to poor municipalities shall in future be eight thousand instead of four thousand dollars, and for that object a sum of four thousand dollars shall be added and remain added to the common school grant permanent and additional, as also a sum equal to the increase which will take place by virtue of this act in the share of the said grant coming to the cities of Quebec and of Montreal.

CAP XVII.

An Act respecting Industrial Schools.

[Assented to 5th April, 1869.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

PRELIMINARY.

Short title. 1. This act may be cited as "The Industrial School Act, 1869."

Interpretation. 2. The word "justices," in this act means "justices of the peace;" the word "magistrate" means judge of the sessions of the peace, recorder, or district magistrate; and the

word "managers" means and includes any persons or persons having the management or control of any school to which the act applies.

INDUSTRIAL SCHOOLS.

3. A school in which industrial training is provided, and in which children are lodged, clothed and fed, as well as taught, shall exclusively be deemed an industrial school within the meaning of this act. Industrial school defined.

INSPECTOR.

4. Such one of the inspectors of prisons, hospitals and other institutions of this province, as the lieutenant-governor in council from time to time thinks fit to appoint, shall be the inspector of industrial schools. Inspector of such schools.

The lieutenant-governor in council may, from time to time, appoint a fit person to assist the inspector; and every person so appointed shall have such of the powers and duties of the inspector of industrial schools as the lieutenant-governor from time to time prescribes, but shall act under the direction of the inspector. His assistant.

CERTIFIED INDUSTRIAL SCHOOLS.

5. The lieutenant-governor may, on the application of the managers of an industrial school, direct the inspector of industrial schools to examine into the conditions of the school, and its fitness for the reception of children to be sent there under this act, and to report to him thereon, and the inspector shall examine and report accordingly. Inspector shall examine schools and report.

6. If the lieutenant-governor be satisfied with the report of the inspector, the secretary of the province shall, by writing under his hand, certify that the school is fit for the reception of children to be sent there under this act, and thereupon the school shall be deemed a certified industrial school. Lieut.-gov. on satisfactory report may allow a certificate.

7. A notice of the grant of each certificate shall within one month be inserted in the *Quebec Official Gazette*. Notice of grant of certificate.

A copy of the gazette containing the notice shall be conclusive evidence of the grant, which may also be proved by the certificate itself, or by an instrument purporting to be a copy of the certificate, and to be attested as such by the inspector of industrial schools. Gazette to be evidence of certificate.

8. Every certified industrial school shall from time to time, and at least once in each year, be inspected by the inspector of industrial schools, or by a person appointed to assist him as aforesaid. Certified industrial schools to be visited annually.

9. No substantial addition or alteration shall be made to Buildings not

to be altered
without sanc-
tion of lieut.-
gov.

Municipal
councils may
contribute to
such schools.

Conditions
under which
they may con-
tribute.

Approval of
the lieut.-gov.
how obtained.

Certain chil-
dren may be
brought before
justices.

or in the buildings of any certified industrial school without the approval of the lieutenant-governor.

10. Any municipal council may from time to time contribute such sums of money, and on such conditions as they think fit, towards the alteration, enlargement or rebuilding of a certified industrial school,—or towards the support of the inmates of such a school,—or towards the management of such a school,—or towards the establishment or building of a school, or towards the purchase of land required either for the use of an existing certified industrial school, or for the site of a school intended to be a certified industrial school; provided,—

First.—That not less than two months previous notice of the intention of such municipal council to take into consideration the making of such contribution, at a time and place to be mentioned in such notice, be given by advertisement in some one or more newspaper, or newspapers, circulated within the district, and also in the manner in which notices relating to business to be transacted by the said council are usually given;

Secondly.—That the order for the contribution be made at a special meeting of the council;

Thirdly.—That where the contribution is for the alteration, enlargement, rebuilding, establishment, or building of a school or intended school, or for purchase of land, the approval of the lieutenant-governor be previously given, for such alteration, enlargement, rebuilding, establishment, building, or purchase.

11. In order to obtain the approval of the lieutenant-governor as aforesaid where required, the managers of the school, or promoters of the intended school, shall forward to the secretary of the province particulars of the proposed establishment or purchase, and a plan of a proposed alteration, enlargement, rebuilding or building, drawn on such scale, and accompanied by such particulars and estimate of cost, as may be required; and the lieutenant-governor may approve of the particulars and plan submitted to him, with or without modification, or may disapprove of the same, and his approval or disapproval shall be certified by the provincial secretary.

CLASSES OF CHILDREN TO BE DETAINED IN CERTIFIED INDUSTRIAL SCHOOLS.

12. Any person may bring before two justices, or a magistrate, any child apparently under the age of fourteen years that comes within any of the following descriptions, namely:

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.

13. The justices or magistrate before whom a child is brought as coming within one of the descriptions mentioned in the preceding articles, if satisfied on inquiry of the fact, and that it is expedient to deal with him under this act, may order him to be sent to a certified industrial school.

Justices may send the child to an industrial school.

14 Where the parent or step-parent or guardian of a child apparently under the age of fourteen years represents to two justices or a magistrate that he is unable to control the child, and that he desires that the child be sent to an industrial school under this act, the justices or magistrate if satisfied, on inquiring, that it is expedient to deal with the child under this act, may order him to be sent to a certified industrial school.

Parents in certain cases may send children to such schools.

15. Where managers of any charitable institution duly incorporated, represent to two justices or a magistrate that any child apparently under the age of fourteen years maintained by such charitable institution, is refractory, or is the child of parents either of whom has been convicted of a crime or offence punishable with penal servitude or imprisonment, and that it is desirable that he be sent to an industrial school under this act, the justices or magistrate may, if satisfied that it is expedient to deal with the child under this act, order him to be sent to a certified industrial school.

Institutions in certain cases may send children to such schools.

ORDER OF DETENTION.

16. The order of justices or of a magistrate sending a child to a school (in this act referred to as the order of detention in a school) shall be in writing signed by the justices or magistrate, and shall specify the name of the school.

Requisites of order of detention.

The school shall be some certified industrial school (whether situated within the jurisdiction of the justices or magistrate making the order or not) the managers of which are willing to receive the child; and the reception of the child by the managers of the school shall be deemed to be an undertaking by them to teach, train, 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 of the school takes effect, or until the contribution out of money provided by the legislature towards the custody and maintenance of the children detained in the school is discontinued, whichever shall first happen.

Obligations resulting from reception of a child into a school.

The school named in the order shall be presumed to be a certified industrial school until the contrary is shown.

The school shall be of the religious creed of the child.

In determining on the school the justices or magistrate shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a school conducted in accordance with such religious persuasion, and the order shall specify such religious persuasion.

Period for which child is to be detained.

The order shall specify the time for which the child is to be detained in the school, being such time as to the justices or magistrate seems proper for the teaching and training of the child, but not in any case extending beyond the time when the child will attain the age of sixteen years.

Remedy of parents &c. if school be not of proper religious creed.

17. If the parent, step-parent or guardian, or if there be no parent, step-parent, or guardian, then the God-parent or nearest adult relative, of a child sent or about to be sent to a certified industrial school which is not conducted in accordance with the religious persuasion to which the child belongs, states to the justices or magistrate by whom the order of detention has been or is about to be made (or to two justices or a magistrate having the like jurisdiction) that he objects to the child being sent to or detained in the school specified or about to be specified in the order, and names another certified industrial school in the province of Quebec, which is conducted in accordance with the religious persuasion to which the child belongs, and signifies his desire that the child be sent thereto, then and in every such case the justices or magistrate shall, upon proof of such child's religious persuasion comply with the request of the applicant, provided that the applicant show to the satisfaction of the justices or magistrate that the managers of the school named by him are willing to receive the child.

The order shall warrant the detention.

18. The order of detention in a school shall be forwarded to the managers of the school with the child, and shall be a sufficient warrant for the conveyance of the child thither and his detention there.

Expense of conveying child how paid.

19. The expense of conveying to a certified industrial school a child ordered to be sent there shall be defrayed in the same manner as the expense of conveying prisoners to jail.

The order shall prove itself.

20. An instrument purporting to be an order of detention in a school and to be signed by two justices or a magistrate, or purporting to be a copy of such an order and to be certified as such a copy by the clerk of the justices or magistrate by whom the order was made, shall be the evidence of the order.

MANAGEMENT OF SCHOOL.

Religious in-

21. A minister of the religious persuasion specified in the

order of detention as that to which the child appears to the justices or magistrate to belong, may visit the child at the school on such days and at such times as are from time to time fixed by regulations made by the lieutenant-governor for the purpose of instructing him in religion.

struction of children.

22. The managers of a school may permit a child sent there under this act, to lodge at the dwelling of his parent or of any trustworthy and respectable person, so that the managers teach, train, clothe and feed the child in the school as if he were lodging in the school itself, and so that they report to the lieutenant-governor in such manner as he thinks fit to require, every instance in which they exercise a discretion under this section.

Children in certain cases may lodge out of the school.

23. The managers of a school may at any time after the expiration of eighteen months of the period of detention allotted to a child, by license under their hands, permit him to live with any trustworthy and respectable person named in the license, and willing to receive and take charge of him.

After 18 months child may be licensed to live with some proper person.

Any license so granted shall not be in force for more than three months, but may at any time before the expiration of those 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.

License to be renewable every three months.

Any such license may also be revoked at any time by the managers of the school by writing under their hands, and thereupon the child to whom the license related may be required by them, by writing under their hands, to return to the school.

License may always be revoked.

The time during which a child is absent from a school in pursuance of a license shall, except where such license 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 license, he shall be taken back to the school.

Time under license to count as time of detention.

A child escaping from the person with whom he is placed under a license, or refusing to return to the school on the revocation of his license, or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school.

Escape from the person in charge deemed escape from school.

24. The managers of a school may, at any time after a child has been placed out on license 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.

How children may be placed under apprenticeship.

25. The managers of a certified industrial school may,

Managers may make rules.

from time to time, make rules for the management and discipline of the school, not being inconsistent with the provisions of this act; but those rules shall not be enforced until they have been approved by the lieutenant-governor through the provincial secretary; and rules so approved shall not be altered without the like approval.

Evidence of such rules.

A printed copy of rules purporting to be the rules of a school so approved, and to be signed by the inspector of industrial schools, shall be evidence of the rules of the school.

Certificates of directors to be evidence of their contents.

26. A certificate purporting to be signed by one of the managers of a certified industrial school or their secretary, or by the superintendent or other person in charge of the school, to the effect that the child therein named was duly received into and is at the signing thereof detained in the school, or has been duly discharged or removed therefrom or otherwise disposed of according to law, shall be evidence of the matters therein stated.

OFFENCES AT SCHOOL, &c.

Punishment of children for breach of rules

27. If a child sent to a certified industrial school, and, while liable to be detained there being apparently above ten years of age, and whether lodging in the school itself or not, wilfully neglects or wilfully refuses to conform to the rules of the school, he shall be guilty of an offence against this act, and on summary conviction thereof before two justices or a magistrate, shall be liable to be imprisoned, for any time not less than fourteen days and not exceeding three months, and the justices or magistrate before whom he is convicted may direct him to be sent at the expiration of the term of his imprisonment to a certified reformatory school, and to be there detained subject and according to the provisions of the reformatory school act of 1869.

Punishment for escape from school.

28. If a child sent to a certified industrial school, and, while liable to be detained there, and whether lodging in the school itself or not, escapes from the school, or neglects to attend thereat, he shall be guilty of an offence against this act, and may at any time before the expiration of his period of detention be apprehended without warrant, and may, (any other act to the contrary notwithstanding) be then brought before a justice or magistrate having jurisdiction in the place or district where he is found, or in the place or district where the school from which he escaped is situate; and he shall thereupon be liable, on summary conviction before such a justice or magistrate, to be, by and at the expense of the managers of the school, brought back to the same school, there to be detained during a period equal to so much of his period of deten-

tion as remained unexpired at the time of his committing the offence.

If the child charged with such an offence is apparently above ten years of age, then, on his summary conviction of the offence before two such justices or such a magistrate, he shall be liable at the discretion of the justices or magistrate instead of being sent back to the same school to be imprisoned for any term no less than fourteen days and not exceeding three months, and the justices or magistrate before whom he is convicted may direct him to be sent at the expiration of the term of his imprisonment to a certified reformatory school, and to be there detained subject and according to the provisions of the reformatory school act of 1869.

In certain cases child may be imprisoned.

29. If any person does any of the following things, that is to say :—

Punishment of persons favoring escape of children.

First,—Knowingly assists, directly or indirectly, a child liable to be detained in a certified industrial school, to escape from the school ;

Second,—Directly or indirectly induces such a child so to escape ;

Third,—Knowingly harbours or conceals a child who has so escaped, or prevents him from returning to school, or knowingly assists in so doing,—

Every such person shall be guilty of an offence against this act, and shall, on summary conviction thereof before two justices or a magistrate, be liable to a penalty not exceeding eighty dollars, or, at the discretion of the justices, to be imprisoned for any term not exceeding two months.

EXPENSES OF CHILDREN IN SCHOOLS

30. The treasurer of the province may from time to time contribute out of money provided by the legislature for the purpose, such sums as the lieutenant-governor from time to time thinks fit to recommend towards the custody and maintenance of children detained in certified industrial schools ; provided that such contributions shall not exceed one half dollar per head per week for children detained on the application of their parents, step-parents, or guardians.

Treasurer of the province may contribute funds to support of children in schools.

31. Any municipal council may contract with the managers of a certified industrial school for the reception and maintenance therein of such children as are from time to time ordered by justices to be sent there from the municipality to which such council belongs.

Municipal councils may contract with managers.

32. The managers of any municipal institution duly incorporated may, from time to time, contribute such sums as they think fit towards the maintenance of children detained in a certified industrial school on their application.

Certain institutions may contribute to support of children.

Parents in certain cases to contribute.

33. The parent, step-parent, or other person for the time being, legally liable to maintain a child detained in a certified industrial school shall, if of sufficient ability, contribute to his maintenance and training therein a sum not exceeding one dollar and twenty-five cents per week.

How such parents may be compelled to contribute.

34. On the complaint of the inspector of industrial schools, or of any agent of the inspector, or of any constable under the directions of the inspector (with which directions every constable is hereby required to comply), at any time during the detention of a child in a certified industrial school, two justices or a magistrate having jurisdiction at the place where the parent, step-parent, or other person liable as aforesaid resides may, on summons to the parent, step-parent, or other person liable as aforesaid, examine into his ability to maintain the child, and may, if they or he think fit, make an order or decree on him for the payment to the inspector or his agent of such weekly sum, not exceeding five shillings per week, as to them or him seems reasonable during the whole or any part of the time for which the child is liable to be detained in the school.

Nature of decree.

35. Every such order or decree may specify the time during which the payment is to be made, or may direct the payment to be made until further order.

Amounts contributed to be accounted for.

Every such payment or proper proportionate part thereof shall go in relief of the charges on the treasury of the province, and the same shall be accounted for as the treasurer of the province shall direct, and where the amount of the payment ordered in respect of any child exceeds the amount contributed by the treasurer in respect of that child, the balance shall be accounted for and paid to the managers of the school.

The lieutenant-governor may, in his discretion, remit wholly or partially any payment so ordered.

The decree may be modified.

Two justices or a magistrate having jurisdiction to make such an order or decree may from time to time vary any such order or decree as circumstances require, on the application either of the person on whom such order or decree is made, or of the inspector of industrial schools, or his agent, on fourteen days notice being first given of such application to the inspector or agent, or to such person respectively.

DISCHARGE, &c., OF CHILDREN FROM SCHOOL.

No detention of children over 16 unless etc.

36. A person who has attained the age of sixteen years shall not be detained in a certified industrial school, except with his own consent in writing.

Removal of children from

37. The lieutenant-governor may at any time order a child to be transferred from one certified industrial school

to another, but so that the whole period of his detention be not thereby increased. one school to another.

The treasurer of the province may pay, out of money provided by the legislature for the purpose, such sum as the lieutenant-governor thinks fit to recommend, in discharge of the expenses of the removal of any child transferred under the provisions of this act. Cost of removal.

38. The lieutenant-governor may at any time order any child to be discharged from a certified industrial school, either absolutely or on such condition as the secretary of the province approves, and the child shall be discharged accordingly. Discharge of children.

WITHDRAWAL, &c., OF CERTIFICATE OF SCHOOL.

39. If at any time the lieutenant-governor is dissatisfied with the condition of a certified industrial school, the secretary of the province shall, by notice under his hand addressed to and served on the managers 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 certified industrial school. Lieut.-gov. may withdraw the certificate of a school.

40. The managers or the executors or administrators of a deceased manager (if only one) of a certified industrial school may give notice in writing to the secretary of the province of their intention to resign the certificate of that school, and at the expiration, in the case of managers, of six months, and in the case of executors or administrators, of one month, from the receipt of that notice by the secretary of the province (unless before that time the notice is withdrawn), the certificate shall be deemed to be resigned accordingly, and the school shall thereupon cease to be a certified industrial school. Managers may resign the certificate.

41. A notice of the withdrawal or resignation of the certificate of a certified industrial school shall within one month be inserted by order of the secretary of the province in the *Quebec Official Gazette*. Notice of withdrawal or resignation of certificate.

A copy of the gazette containing such notice shall be conclusive evidence of such withdrawal or resignation.

A certificate shall be presumed to be in force until the withdrawal or resignation thereof is proved.

42. Where notice is given of the withdrawal or resignation of the certificate of a certified industrial school no child shall be received into the school for detention under this act after 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 teach, train, clothe, lodge, and feed any children Obligations of managers after notice of withdrawal or resignation.

detained in the school at the time of such receipt or at the date of such notice shall, except as far as the lieutenant-governor otherwise directs, be deemed to continue until the withdrawal or resignation of the certificate takes effect, or until the contribution out of money provided by the legislature towards the custody and maintenance of the child detained in the school is discontinued, which ever shall first happen.

Children to be thereupon discharged or removed.

43. When a school ceases to be a certified industrial school the children detained therein shall be either discharged or transferred to some other certified industrial school by order of the secretary of the province.

Want of form not to invalidate proceedings. Forms of schedule to be sufficient.

44. No summons or notice for the purpose of carrying into effect the provisions of this act shall be invalidated for want of form only; and the forms in the schedule to this act annexed, or forms to the like effect, may be used in the cases to which they refer, with such variations as circumstances require and when used shall be deemed sufficient.

Service of notices.

45. Any notice may be served on the managers of a certified industrial school by being delivered to any one of them personally, or by being sent 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 of the managers, or of their secretary.

Commence-
ment of act.

46. This act shall come into force on such day as shall be appointed for that purpose by proclamation of the lieutenant-governor.

SCHEDULE.

FORMS.

A

ORDER SENDING CHILD TO INDUSTRIAL SCHOOL.

To wit: } Be it remembered, that on the _____ day of _____
in pursuance of the industrial school
act, 1869, we, two of her majesty's justices of the peace
for the said [district] of _____, do order that A. B., of _____
(whose religious persuasion appears to us to be _____), being a child subject to the provisions of sec-
tion _____ of the said act, be sent to the _____ certified
industrial school at _____, and that he be detained there
during _____

(Signed)

L. M.
N. O.

B

COMPLAINT FOR ENFORCING CONTRIBUTION FROM
PARENT, &c.

TO WIT: } The complaint of the inspector of industrial
 } schools [or as the case may be] made to us,
 the undersigned, two of her majesty's justices of the
 peace for the said district of , this day of
 , at in the said district, who says, that
 one A. B. of (*) the age of years, or thereabouts, is
 now detained in the industrial school at in
 the district of , under the industrial school act,
 1869, 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 district of is
 the parent [or step-parent, &c.,] of the said A. B., and is
 of sufficient ability to contribute to the support and main-
 tenance of the said A. B., his son; (*) The said complain-
 ant 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,

J. S.
L. M.

C. D.

C

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

TO WIT: } Be it remembered, that on this day of
 } at in the said [district] of a certain com-
 plaint of the inspector of industrial schools [or as the case
 may be], for that one A. B. of, &c. [Stating the cause of com-
 plaint as in the form (B) 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 [district]
 of (in the presence and hearing of the said
 C. B., if so, or the said C. B. not appearing to the said sum-
 mons 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 the said inspector [or to an agent
 of the said inspector] the sum of shillings per week
 from the date of this order until the day of
 the same to be paid at the expiration of each [fourteen,
 or as the case may be,] days.

Given under our hands and seals, the day and year first
 above mentioned, at in [district] aforesaid.

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