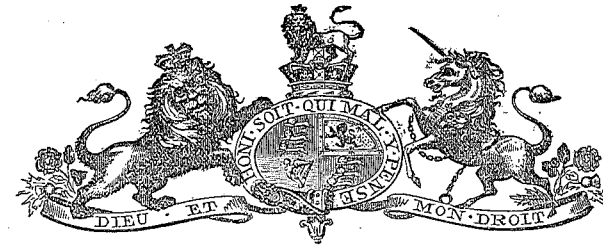


VICTORIA.



ANNO QUINQUAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. DCCCCLI.

An Act to amend the Law relating to Juvenile Offenders and for other purposes.

[17th December 1887.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may for all purposes be cited as "*The Juvenile Offenders Act 1887*," and shall commence on the first day of January in the year of our Lord One thousand eight hundred and eighty-eight.

Short title and commencement.

2. The Acts mentioned in the First Schedule hereto shall be and the same are hereby repealed, except as follows:—

Repeal. First Schedule.

As to inmates of any reformatory school at the commencement of this Act until their respective terms of detention or any extensions thereof made or to be made expire or such inmates are discharged:

As to the liability past and future of any parent of any child who is an inmate of an industrial or reformatory school at the commencement of this Act under any order with respect to the maintenance of such child then in force, and as to the variation and enforcement of the liability under such order:

As to appointments orders and regulations made offences committed schools established or approved and other matters and things made or done.

3. In

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Interpretation of terms.

3. In this Act, unless inconsistent with the subject-matter or context, the following words shall have the meanings hereinafter respectively assigned to them (that is to say):—

- “The Minister” shall mean the responsible Minister of the Crown administering this Act:
 “The Secretary” shall mean the Secretary of the Department for Reformatory Schools:
 “The Inspector” shall mean the Inspector of Reformatory Schools:
 “Inmate” shall mean inmate within the meaning of the Acts hereby repealed:
 “Ward of the Department for Reformatory Schools” shall include any one of whose person the superintendent or matron of any reformatory school is guardian under the provisions of this Act.

Division of this Act into Parts.

4. The sections of this Act are arranged in Parts, as follows:—
 Part I.—Establishment of Reformatory Schools.
 Part II.—Officers.
 Part III.—Committal to Reformatory Schools.
 Part IV.—Management of Wards of the Department for Reformatory Schools.
 Part V.—Visitors to Schools and Religious Instruction.
 Part VI.—Committal to the care of Private Persons.
 Part VII.—Release on Probation.
 Part VIII.—Offences Penalties and Legal Proceedings.
 Part IX.—Regulations of the Governor in Council.

PART I.—ESTABLISHMENT OF REFORMATORY SCHOOLS.

Reformatory schools.
No. 216 s. 4.

5. The Governor in Council may from time to time for the purposes of this Act establish and abolish reformatory schools, and every such school shall be occupied by and used for males or females exclusively as the Governor in Council may direct, and any such reformatory school for males if the Governor in Council think fit may be established upon a training ship, and all existing reformatory schools established under any Act hereby repealed shall for the purposes of this Act be deemed to have been established under this Act.

Reformatory schools established by private persons.

6. Any school established by private contributions and approved by the Governor in Council as a reformatory school shall unless and until such approval be withdrawn be deemed a reformatory school within the meaning of this Act, and any person for the time being approved by the Governor in Council for that purpose shall be deemed the superintendent or matron of such school. And in case any such school is established for any religious denomination or denominations exclusively, the Governor in Council may approve of the same for such denomination or denominations, and in such case no child shall be sent or committed to such school who is not a member of the denomination or of one of the denominations for which the school is approved. Any

Any school approved by the Governor in Council under section nine of the Act No. CCXVI. hereby repealed as a reformatory school shall unless and until such approval be withdrawn be deemed to have been appointed as a reformatory school within the meaning of this Act for the denomination or denominations (if any) for which the school is stated to be supported in the order approving the same.

7. The managers of every school established by private contributions and approved by the Governor in Council as aforesaid as a reformatory school shall be entitled to receive out of any moneys which may be appropriated by Parliament for that purpose for every ward of the Department for Reformatory Schools or inmate under the provisions of this Act or any Act hereby repealed maintained in such school during the preceding year or any part thereof a sum calculated at the rate of not more than five shillings a week, or in case such ward be a cripple or invalid or of unsound mind at such greater rate as the Minister may approve.

State aid to private reformatory schools.
No. 693 s. 1.

8. If at any time upon the report of the Inspector the Governor in Council is dissatisfied with the condition management or regulations of any reformatory school established by private contributions he may withdraw his approval from such school, and from and after publication of such withdrawal in the *Government Gazette* the school shall cease to be a reformatory school within the meaning of this Act and to be entitled to receive aid from the consolidated revenue. Provided nevertheless that the Governor in Council shall not withdraw his approval of any school as aforesaid until after the lapse of two months from the transmission of a duplicate of the report aforesaid to the superintendent matron or managers of such school.

Approval of private reformatory school how withdrawn.
No. 216 s. 11.

PART II.—OFFICERS.

9. The person holding the office of Secretary for the Department of Industrial and Reformatory Schools at the commencement of this Act shall unless and until removed in accordance with the provisions of “*The Public Service Act 1883*” or any amendment thereof by the Governor in Council be the first Secretary of the Department for Reformatory Schools under this Act as if appointed hereunder, and the Governor in Council may subject to the provisions of “*The Public Service Act 1883*” or any amendment thereof from time to time appoint some fit and proper person to be Secretary of the Department for Reformatory Schools and remove every such Secretary. It shall be the duty of the Secretary under the direction of the Minister to carry into operation the provisions of this Act so far as the execution thereof is not expressly committed to any other person.

Secretary.

10. The Secretary shall on or before the thirtieth of June in each year submit to the Minister a report of his proceedings and accounts of the receipts and expenditure under the powers or for the purposes of this Act during the past year, with returns showing the number of children received and discharged their ages religion parentage birth-place location and

Report of the Secretary.

and cost of maintenance and the sums contributed by relatives towards their support, together with any general remarks he may think fit to make, and there shall be annexed to such report reports by the superintendent matron or manager of every reformatory school upon the state and requirements of such school, which such superintendents matrons and managers are hereby required to furnish to the Secretary on or before the thirty-first day of March in every year for that purpose. And the Minister shall lay such report of the Secretary with the reports annexed to it before both Houses of Parliament within three weeks after the presentation thereof if Parliament be then sitting, or if not then sitting within three weeks from the next assembling of Parliament.

11. The person holding the office of Inspector of Industrial and Reformatory Schools and Public Charities at the commencement of this Act shall unless and until removed in accordance with the provisions of "The Public Service Act 1883" or any amendment thereof by the Governor in Council be the first Inspector of Reformatory Schools under this Act as if appointed hereunder, and the Governor in Council may subject to the provisions of "The Public Service Act 1883" or any amendment thereof from time to time appoint some fit and proper person to be Inspector of Reformatory Schools and remove every such inspector.

12. It shall be the duty of the Inspector to visit and inspect every reformatory school as often as occasion may require and not less often than the Governor in Council may by regulation direct, and to report to the Minister thereon and upon all matters connected therewith.

13. Subject to the provisions of "The Public Service Act 1883" or any amendment thereof, the Governor in Council may from time to time appoint for every reformatory school for males a superintendent and for every reformatory school for females a matron, and may remove every such superintendent and matron; and it shall be the duty of the superintendent and matron of every such school to carry into execution all the provisions of this Act and the regulations in force thereunder so far as the same relate to such school and the children for the time being detained there.

14. Every person holding the office of superintendent or matron of any reformatory school at the commencement of this Act shall, unless and until removed by the Governor in Council, continue superintendent or matron as the case may be of such school under this Act as if appointed hereunder.

15. It shall be the duty of the teachers officers and servants of every reformatory school to obey all lawful and reasonable orders and directions of the superintendent or matron as the case may be in the execution of this Act.

16. The Inspector and every superintendent and matron deemed to be appointed under this Act shall be deemed to be so appointed with the same classification salaries and emoluments subject to be altered in the

The Inspector.
Compare No. 495
s. 4.

Duties of Inspector.
Compare No. 495
s. 4.

Superintendents and
matrons.
No. 216 s. 7.

Existing superin-
tendents and
matrons to
continue.

Teachers officers
and servants.
Ib. s. 8.

Application of "The
Public Service Act
1883."

the same manner and no other as would have been the case if this Act had not passed, and save as aforesaid nothing in this Act shall be deemed to alter or repeal "The Public Service Act 1883," and all appointments and removals to be made by the Governor in Council under the powers contained in this Act shall be made subject to the provisions of "The Public Service Act 1883" or any other Act for the time being in force relating to the Public Service.

17. In case of the absence on leave or temporary incapacity of any officer appointed under the provisions of this Act the Governor in Council may appoint some fit and proper person to act in his stead, and every such person when so acting may exercise all the powers and duties of the officer in whose place such person is appointed.

18. All courts judges and persons acting judicially shall take judicial notice of the signature of the Minister the Secretary the Inspector and of any superintendent matron or clerk of a court or of any person acting in any of such offices to every document required to be signed for the purposes of this Act.

PART III.—COMMITTAL TO REFORMATORY SCHOOLS.

19. Whenever any child apparently under the age of seventeen years is convicted of any offence for which a sentence of imprisonment may be awarded, whether such offence is an indictable offence or punishable on summary conviction, the judge or chairman of the court before which or any two or more justices by whom such child is so convicted may in lieu of any sentence of imprisonment order such child to be committed if apparently over the age of twelve years or having in the opinion of such judge chairman or justices been leading an immoral or depraved life to a reformatory school, and if apparently under the age of twelve years and not having in the opinion of such judge chairman or justices been leading an immoral or depraved life to the care of the Department for Neglected Children. Provided always that such judge chairman or justices may under the special circumstances of any case order any such child apparently over the age of twelve years and not having in the opinion of such judge chairman or justices been leading an immoral or depraved life to be committed to the care of the Department for Neglected Children instead of to a reformatory school.

20. When any child convicted of any offence is committed to a reformatory school or to the care of the Department for Neglected Children, such child shall not suffer any forfeiture or disability of any kind in consequence of such conviction other than is provided by this Act or any law for the time being in force relating to neglected children.

21. Every order committing a child to a reformatory school shall specify the particular school to which the child is committed, which must be some one of the schools established or approved by the Governor in Council as aforesaid to which such child may be lawfully committed. Provided always that no order shall be bad or liable to be quashed

Power to appoint
temporary officers.

Judicial notice to be
taken of signatures.

Convicted child may
be sent to a
reformatory, or if
under twelve
committed to the
care of the Depart-
ment, in lieu of
imprisonment.
Compare No. 216
s. 16.
No. 495 ss. 8, 9.

Committal to a
reformatory &c.
not to entail other
disability.

Committal to be to
particular
reformatory
school, which may
be changed.
Compare No. 626
s. 3.

quashed for specifying a school to which the child cannot be lawfully committed, but it shall be the duty of the Secretary in any such case to take the proper steps to procure the transfer of such child to some school to which such child might have been lawfully committed.

Form of order committing a child to a reformatory or the care of the Department.
Compare No. 216 ss. 18 to 21.
Second Schedule.

22. Every order committing a child to a reformatory school or to the care of the Department for Neglected Children may be in such one of the forms in the Second Schedule hereto as may be applicable or in any form which may be substituted therefor by the regulations of the Governor in Council for the time being in force or to the like effect, and such order or an office copy thereof without any warrant shall be sufficient authority for any constable to take such child to the reformatory school named therein, or in case of a child committed to the care of the Department for Neglected Children to the place to which the Secretary may direct such child to be taken, or in default of any such direction to such receiving house for children of the same age and sex as may be nearest or most convenient.

Power to transfer child from gaol to reformatory.
Compare No. 216 s. 17.

23. When at or after the commencement of this Act any child apparently under the age of eighteen years is confined in any gaol under sentence of imprisonment it shall be the duty of the Inspector-General of Penal Establishments to consult with the Secretary and consider whether such child could be properly transferred to a reformatory school; and if the Inspector-General and Secretary concur that such child should be transferred to a reformatory school, they may jointly report to the Minister to that effect naming the school to which in their opinion such child could be properly transferred, and accompanying such report by a full record of such child, and the Minister shall transmit such report and record to the superintendent or matron of such school, who shall make such remarks thereon as to such superintendent or matron may seem fit and return the same to the Minister, who shall lay such report and record together with the remarks of such superintendent or matron before the Governor in Council, who may if it seem fit upon the consideration thereof order that such child be transferred to such reformatory school, and such order shall have the same effect as and be deemed an order committing such child to such reformatory school under the provisions of this Act and shall unless such child be transferred back to such gaol under the powers herein contained in that behalf operate as a remission of the residue of the sentence of imprisonment of such child. Provided always that in case of a child in gaol at the commencement of this Act no such order shall have effect unless such child if over fourteen years of age, or the natural or other guardians (if any) of such child if under fourteen years of age assent thereto in writing.

Power to send child transferred from gaol to reformatory back to gaol.

24. In case the behaviour of any person transferred from a gaol to a reformatory under the power contained in the last preceding section be in the opinion of the matron or superintendent of such reformatory so bad as to be injurious to the discipline of the said reformatory and to the other wards of the Department for Reformatory Schools

Schools or inmates therein, such matron or superintendent may report to the Minister to that effect, who may lay such report before the Governor in Council, who may if it seem fit upon the consideration thereof order such person to be transferred back to such gaol, and thereupon such person shall be removed to such gaol and shall serve the residue of his sentence which was unexpired at the time of the order for his transfer to the reformatory, and the time spent in the reformatory shall not be reckoned as part thereof.

PART IV.—MANAGEMENT OF WARDS OF THE DEPARTMENT FOR REFORMATORY SCHOOLS.

25. Whenever any child is committed or transferred to a reformatory school under the provisions of this or any other Act for the time being in force authorizing such committal or transfer, the superintendent or matron of such school shall become guardian of the person of such child to the exclusion respectively of the father and every other guardian until such child attains the age of eighteen years or such greater age not exceeding twenty years as the Governor in Council may direct, unless such child is sooner discharged; and such superintendent or matron shall as such guardian have the sole right to the custody of such child and shall deal with such child as directed by this Act and the regulations of the Governor in Council in force hereunder.

Superintendent or matron to be guardian of the person of a child committed to a reformatory.

26. Whenever any ward of the Department for Reformatory Schools is desired to be transferred from one reformatory school to another, the Secretary may write or cause to be written on the order committing such ward to such reformatory school or an office copy thereof a memorandum to the following effect:—"I recommend that A.B. within-named be transferred to the reformatory school at (describing the school)," and may sign such memorandum, and the Minister may write or cause to be written after such memorandum the word "approved" together with the date and may sign the same, and thereupon such ward shall be deemed to be transferred to such reformatory school.

Method of transferring child from one reformatory to another.
Compare No. 625 s. 3.

27. Whenever any ward of the Department for Reformatory Schools is desired to be transferred from a reformatory school to the care of the Department for Neglected Children, the superintendent or matron of such school may write or cause to be written on the order committing such ward to such school, or if such ward has been transferred from the care of the Department for Neglected Children the order committing such ward to the care of such Department or an office copy thereof respectively, a memorandum to the following effect:—"I recommend that A. B. within-named be transferred to the care of the Department for Neglected Children," and may sign such memorandum, and the Secretary may write or cause to be written after such memorandum the words "I concur" and may sign the same, and the Minister may thereupon

Method of transferring a child from a reformatory to the care of the department.
Compare No. 626 s. 3.

thereupon write or cause to be written the word "approved" together with the date and sign the same, and thereupon such ward shall be deemed to be transferred to the care of the Department for Neglected Children.

Warrant not to be necessary to detain child.
Compare No. 216 ss. 19 to 21.

28. No warrant shall be necessary to authorize the detention of any ward of the Department for Reformatory Schools, but if the right to the custody of such ward be called in question by *habeas corpus* or otherwise it shall be sufficient to give in evidence the order committing such ward to a reformatory school, and in case such ward has been transferred from one reformatory school to another, the order or orders transferring such ward, or in case such ward has been transferred from the care of the Department for Neglected Children to a reformatory school the order committing such ward to the care of the Department for Neglected Children together with the order or orders transferring such ward, and to show that such ward is detained by the authority of the superintendent or matron as the case may be as guardian of the person of such ward.

Power to the Governor in Council to discharge any ward of the Department.
No. 626 s. 3.

29. The Governor in Council may at any time order any ward of the Department for Reformatory Schools to be discharged, and thereupon the superintendent or matron as the case may be shall cease to be guardian of the person of such ward.

Wards of the Department for Reformatory Schools how dealt with.

30. Subject to the regulations of the Governor in Council every ward of the Department for Reformatory Schools may from time to time be dealt with by the superintendent or matron in one or other of the following ways:—

Compare No. 626 ss. 2, 3, 4.

- (1.) Detained in the reformatory school:
- (2.) Transferred with the approval of the Minister to some other reformatory school to which such ward might be lawfully committed:
- (3.) Transferred with the approval of the Minister to the care of the Department for Neglected Children:
- (4.) Placed at service with some suitable person:
- (5.) Apprenticed to some trade either on land or at sea:
- (6.) Placed in the custody of some suitable person who has given a bond with or without sureties in the form prescribed by the regulations of the Governor in Council conditioned for the good behaviour of such ward.

The last mentioned power shall apply to inmates of reformatory schools at the commencement of this Act, who for that purpose shall be deemed wards of the Department for Reformatory Schools.

Provided always that no ward of the Department for Reformatory Schools who has been leading an immoral or depraved life shall be transferred to the care of the Department for Neglected Children until the superintendent or matron has certified to the Minister that such ward can be safely and properly so transferred.

31. Every

31. Every person with whom any ward of the Department for Reformatory Schools may be placed shall from time to time permit such ward to be visited and any place where such ward may be or reside to be inspected by the Inspector or any person authorized by or under the regulations of the Governor in Council for the time being in force in that behalf.

Power to visit and inspect wards placed at service &c.

32. It shall be the duty of the matron of every reformatory school for females to keep all wards of the Department for Reformatory Schools committed to a reformatory school on the ground that they have been living an immoral or depraved life or who she has reason to believe have in fact been leading an immoral or depraved life so far as possible separate from all others.

Female children in reformatories who have been leading an immoral or depraved life to be kept separate from the rest.

33. The superintendent or matron of every reformatory school shall be deemed a person having the control of a public institution of an eleemosynary nature, and all wards of the Department for Reformatory Schools in such school shall be deemed children under his or her care or control within the meaning of "*The Master and Apprentice Statute 1864*" or any Act amending the same.

Power of apprenticing wards of the Department.
No. 495 s. 17.

34. All constables and peace officers shall assist every superintendent or matron of a reformatory school in retaining or recovering the custody of any ward of the Department for Reformatory Schools or inmate who may abscond or attempt to abscond.

Constables to assist in retaining custody of wards.

PART V.—VISITORS TO SCHOOLS AND RELIGIOUS INSTRUCTION.

35. The Governor in Council may appoint for every reformatory school so many fit and proper persons as may be determined by the regulations hereunder in that behalf, and in default of any such determination as may seem desirable, a majority of whom reside in the locality, to be a visiting committee, and the members of such visiting committee shall from time to time visit such school as occasion may require and may report to the Minister as to them may seem fit.

Visiting committee.

36. Subject to the regulations of the Governor in Council, all ministers of religion or any person being duly authorized by the recognized head of any religious denomination shall have admission to every reformatory school maintained at the sole expense of the State, and access to such of the persons placed or detained therein as may be members of their respective denominations, and may give instruction to them on the days and at the times allotted by such regulations for the religious education of such persons of their respective denominations.

Religious instruction.
No. 216 s. 36.

37. Subject to the regulations of the Governor in Council, all persons authorized in that behalf by the Minister all Executive Councillors all Members of either House of Parliament all judges of courts (whether of record or otherwise) and all justices shall be entitled to visit every reformatory school, and shall have admission to the same accordingly.

Other visitors.
Id. s. 35.

38. Every

Visitors' book.
No. 216 s. 37.

38. Every person who by virtue of the provisions hereinbefore contained is entitled to visit any such school as aforesaid and every minister of religion may inscribe in a book (to be for that purpose provided and kept in such house or school by the superintendent or matron thereof) any remarks or observations which he may think fit to make touching or concerning such house or school and the superintendent matron teachers officers or servants or the persons placed or detained therein or any of them, and such book shall be produced to the Inspector whenever he visits such house or school.

PART VI.—COMMITTAL TO THE CARE OF PRIVATE PERSONS.

Power to release on
bail child committed
to reformatory.

39. When any child has been committed to any reformatory school under this Act or any law for the time being in force relating to Neglected Children, if any person who is in the opinion of the judge chairman or justices committing such a child a proper person to have the custody of such child appear and apply for the custody of such child and offer to enter into such security as such judge chairman or justices may think sufficient for the good behaviour of such child and for the appearance of such child at the reformatory school to which such child has been committed when such child may be called upon by the Minister, such judge chairman or justices may take the recognizance of such person for the appearance of such child at such reformatory school at any time such child may be called upon by the Minister before such child attain the age of eighteen years and for the good behaviour of such child in the meantime, and may thereupon commit such child to bail of such person without such child being taken to the reformatory school. Provided always that no such child shall be educated in any religion different from that in which it would be the duty of any guardian of such child appointed by the Supreme Court to direct such child to be educated.

Such child may be
surrendered by his
bail.

40. Any child so released on bail may at any time be surrendered by the person to whose bail such child has been committed to the custody of the superintendent or matron of the reformatory school to which such child has been committed, and such bail shall thereupon be discharged from his recognizance as regards any liability thereafter to be incurred.

Such child refusing
to go to reformatory
when called on
to be deemed an
absconder.

41. If any child so released on bail refuse or neglect to go to the reformatory school to which such child is committed when called upon by the Minister or the person to whose bail such child has been committed so to do, such child shall be deemed to abscond from such school within the meaning of this Act.

Guardianship of any
child released on
bail.

42. When any child who has been committed to any reformatory school is released on bail, so long as such child remains on bail the person to whose bail such child has been committed shall exercise the powers of guardian of the person of such child, and unless the Secretary intervenes

intervenes any person who would have been guardian of the estate of such child if such child had not been committed to a reformatory school shall continue to act as such guardian of the estate. But the Secretary shall have power to intervene at any time, and thereupon the powers of any such person as guardian of the estate of such child shall cease.

PART VII.—RELEASE ON PROBATION.

43. When any person under the age of twenty-one years not having been previously convicted of any offence, whether an indictable offence or punishable upon summary conviction, for which such person was sentenced or adjudged to be imprisoned not in default of payment of a fine merely, is convicted of any indictable offence or any offence punishable upon summary conviction and sentenced or adjudged to be imprisoned for any term not exceeding three years, the judge or chairman of the court before which or any two or more justices by whom such person is so convicted may if it seem fit suspend the execution of the sentence upon such person entering into a recognizance as hereinafter mentioned.

Power to suspend
the execution of
sentences for first
offences by persons
under twenty-one
on their recogni-
zance.

44. It shall be lawful for the Governor in all cases in which he is or shall be authorized on behalf of Her Majesty to extend mercy to any offender under sentence of imprisonment pronounced when such offender was under the age of twenty-five years not being an offender who has been at any time previously released from custody on entering into recognizances under the provisions of this Part of this Act to extend mercy on condition of such offender entering into a recognizance as hereinafter mentioned. Provided always that nothing herein shall in any manner affect Her Majesty's Royal prerogative of mercy.

Power to the Gover-
nor to extend mercy
to juvenile offen-
ders on their recog-
nizances.

45. Every such recognizance shall be in such amount and without sureties or with one or more sureties as such judge chairman or justices or the Governor as the case may be may direct, and shall be conditioned that the offender be of good behaviour for a period to be fixed by such judge chairman or justices or by the Governor as the case may be, not being less than twelve months from the date thereof or such longer period as may be equal to the term of the sentence, or in case of an offender to whom the Governor may extend mercy the term of the sentence then unexpired.

Form of recogni-
zance.

46. When such recognizance is entered into the offender shall be released from custody but shall be liable to be committed to prison to undergo his sentence or the residue thereof under the circumstances hereinafter mentioned.

Release of offender.

47. If during the period specified in the recognizance—

(1.) On any offender so released being brought before any two justices charged by any constable or peace officer with getting his livelihood by dishonest means it appears to such justices that there are reasonable grounds for believing that he is getting his livelihood by dishonest means; or

Circumstances under
which such offen-
ders are to be
re-committed to
prison or finally
discharged from
their sentences.

(2.) If

- (2.) If on his being brought before any justice charged with any offence and being required by such justice to give his name and address he does not do so, or gives a false name and address; or
- (3.) If he is convicted of any indictable offence or of any offence punishable on summary conviction for which he is sentenced or adjudged to be imprisoned for any period—

then and in any of such cases the offender shall be deemed guilty of misbehaviour for which the recognizance shall be forfeited, and any two justices may direct that such offender shall be committed to prison to undergo the sentence execution of which was suspended and may sign any warrant that may be necessary for that purpose, and thereupon such sentence or the residue thereof as the case may be shall begin to run as from the day on which such offender is so committed to prison.

But if during the period aforesaid none of the aforesaid events happens, such offender shall be discharged from the sentence.

PART VIII.—OFFENCES PENALTIES AND LEGAL PROCEEDINGS.

48. If any person without lawful authority or excuse—

- (1.) Holds or attempts to hold any communication with any ward of the Department for Reformatory Schools in any reformatory school; or
- (2.) Enters any reformatory school or any building yard or ground belonging thereto and does not depart therefrom when required to do so by the superintendent matron or other officer or servant of such house or school;

every person so offending on conviction of any such offence before any two justices shall be liable to a penalty not exceeding Twenty pounds.

49. If the superintendent or matron of any reformatory school or any teacher officer or servant thereof negligently or voluntarily permits any ward of the Department to escape, every person so offending shall on conviction of any such offence before any two justices be liable to a penalty not exceeding Twenty pounds.

50. If any person directly or indirectly—

- (1.) Withdraws unlawfully any ward of the Department for Reformatory Schools or counsels or induces any such ward to abscond from any reformatory school or from any person to or with whom such ward is licensed or placed under the provisions of this Act; or
- (2.) Knowing any such ward to have been so withdrawn or to have so absconded harbours or conceals or assists in harbouring or concealing such ward or prevents such ward from returning to the school from which or the person from whom such ward has been so withdrawn or has so absconded; or

(3.) Being

Penalty for entering schools &c. or holding communication with wards of the Department.
No. 216 s. 41.

Penalty for allowing ward of the Department to escape.
Ib. s. 38.

Penalty for inducing any ward of the Department to abscond &c. or ill-treating any such ward.
Ib. s. 40.
No 495 ss. 15, 16.

- (3.) Being the person to or with whom any such ward is licensed or placed ill-treats or neglects to discharge his duty to such ward;

every person so offending on conviction of any such offence before any two justices shall be liable to a penalty not exceeding Ten pounds or to be imprisoned for any time not exceeding fourteen days.

51. If any person—

- (1.) For the purpose of prostitution or defilement inveigles or entices any unmarried female ward of the Department for Reformatory Schools apparently under the age of eighteen years from any reformatory school or from the house or other place where or from any person to or with whom she may be licensed placed or apprenticed under the provisions of this Act; or
- (2.) Carnally knows any such female who is apparently under the age of fifteen years in any such school house or place as aforesaid; or
- (3.) Being the person to or with whom such female is licensed placed or apprenticed carnally knows any such female who is apparently under the age of eighteen years; or
- (4.) Aids or assists any person in any of the foregoing offences;

every person so offending shall be guilty of a misdemeanour, and being convicted thereof shall be liable to be imprisoned for any term not exceeding three years. Provided that no conviction shall be had under the provisions of this section on the unsupported testimony of any one witness nor unless proceedings be taken within six months after the commission of the offence. Provided also that nothing in this section shall exempt any person from prosecution under any other law so that no person be punished for the same offence both under this section and any other law.

52. If any ward of the Department for Reformatory Schools is guilty of any misbehaviour, of which the Minister shall be the sole judge—

- (1.) The Minister may order the whole or any part of any moneys to which such ward is entitled invested on deposit with the Postmaster-General under any law now or hereafter to be in force relating to post-office deposit for savings to be applied in making good to Her Majesty or any other person any loss or expense occasioned by the misbehaviour of such ward. And for the purpose of carrying out the powers contained in this section the Minister may sign an order on the Postmaster-General directing payment to the Secretary or his order of the whole or any part of such money, and the Postmaster-General shall pay the same accordingly.

(2.) The

Penalty for seducing ward of the Department.
Compare No. 626 s. 7.

Power to forfeit earnings of ward for misbehaviour.
Compare No. 495 s. 19.

(2.) The Minister may direct the whole of such moneys to be withheld from such ward notwithstanding such ward may have come of age until proof of the good conduct of such ward for a period of twelve months be given to the satisfaction of the Minister.

53. Any inmate of a reformatory school under any of the Acts hereby repealed shall be deemed a ward of the Department for Reformatory Schools within the meaning of this Part of this Act.

54. For the more effectual prosecution of all offences against this Act, any person found committing any such offence may be immediately apprehended without a warrant by any constable and forthwith taken before some neighbouring justice to be dealt with according to law.

55. The two hundred and ninety-fifth section of "The Criminal Law and Practice Statute 1864" shall be amended by inserting the words "or in lieu of" after words "in addition to."

56. Whenever imprisonment may by law be awarded for any offence punishable on summary conviction involving violence threats indecent or insulting behaviour or wilful and malicious injury to property, the justices may in their discretion direct that the offender being sixteen years of age or upwards be kept in solitary confinement for any portion or portions of his imprisonment or imprisonment with hard labour not exceeding seven days at any one time and not exceeding twenty-one days in the whole, with intervals of not less than twenty-eight days between every term of solitary confinement. Provided always that no such offender shall by reason of any such direction be kept in solitary confinement without being previously examined by the medical officer of the gaol or for any longer time if at all than in the opinion of such medical officer such offender can be kept in solitary confinement without permanent injury to his health.

57. When any boy apparently under the age of sixteen years is convicted of any offence punishable on summary conviction for which imprisonment may be awarded, the justices may in addition to or in lieu of any other punishment which may be lawfully awarded for such offence order such boy to be privately whipped with a cane or a birch rod by a constable in the presence of an inspector or other officer of police of higher rank than a constable, and also in the presence if he desires to be present of the parent or guardian of the child or by any other person not being a public official who may be duly authorized for such purpose by the Governor in Council. Provided that the order shall specify the number of strokes to be inflicted and that no such punishment shall exceed in degree or severity such as may be lawfully inflicted by schoolmasters.

58. When for the purpose of exercising any of the powers conferred by this Act it is necessary to determine the age of any person, the court or justices dealing with the case shall determine such age as they may be best able having regard to the evidence before them, or if there is

no

This Part to extend to persons committed under the repealed Acts.

Constable to apprehend offenders without warrant. No. 216 s. 42.

Imprisonment not to be necessary where the power in the 295th section of the Act No 233 is acted on.

Power to justices to award solitary confinement in certain cases.

Whipping for boys under sixteen on summary conviction.

Determination of age by the court to be conclusive.

no other sufficient evidence to the appearance of such person; and every order directing any person to be committed to a reformatory school or to the care of the Department for Neglected Children shall state the age of the person so committed as determined by the court or justices making such order, and the statement of the age of any such person contained in any such order shall be conclusive for the purposes of this Act.

PART IX.—REGULATIONS OF THE GOVERNOR IN COUNCIL.

59. The Governor in Council may from time to time by Order, to be published in the *Government Gazette*, make alter and repeal regulations for the following purposes:—

- (1.) The conduct management inspection and supervision of reformatory schools: No. 216 s. 5.
- (2.) The employment education supervision and correction of wards of the Department for Reformatory Schools. Provided that no such regulation shall permit any corporal punishment except such as may be lawfully inflicted by schoolmasters: Ib.
- (3.) The placing out at service or apprenticing of wards of the Department for Reformatory Schools either on land or at sea: No. 495 s. 10.
- (4.) Prescribing the forms of orders warrants bonds and other instruments to be used by courts judges justices the various officers mentioned in this Act and others in carrying into execution this Act:
- (5.) The collection and investment either with the Postmaster-General under any law now or hereafter to be in force relating to post-office deposit for savings or otherwise of any earnings of any ward of the Department for Reformatory Schools and the application thereof or any part thereof: Compare No. 495 s. 19.
- (6.) Prescribing the method of keeping accounts of payments and moneys payable under the provisions of this Act:
- (7.) For prescribing the manner of carrying out the whipping provided for boys under sixteen and limiting directing and regulating the same.
- (8.) For the various purposes mentioned in this Act and generally for carrying this Act into effect.

60. All regulations of the Governor in Council made hereunder shall be laid before both Houses of Parliament within ten days after the publication thereof if Parliament is then sitting, or if not then sitting then within ten days from the next assembling of Parliament.

61. The regulations of the Governor in Council in force at the commencement of this Act under any of the Acts hereby repealed so far as the same relate to juvenile offenders or reformatory schools shall until repealed or altered have the same force and effect as if made under this Act.

Regulations to be laid before Parliament. No. 216 s. 6.

Continuation of regulations under repealed Act.

SCHEDULES.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

No. of Act.	Title of Act.	Extent of Repeal.
Act No. 216 ...	"An Act for the amendment of the Law relating to Neglected and Criminal Children"	The whole.
Act No. 495 ...	"An Act to amend the Law relating to Neglected and Criminal Children"	The whole.
Act No. 626 ...	"An Act to further amend the Law relating to Neglected and Criminal Children"	The whole.
Act No. 693 ...	"An Act for the further amendment of the Law relating to Neglected and Criminal Children"	The whole.

Section 22.

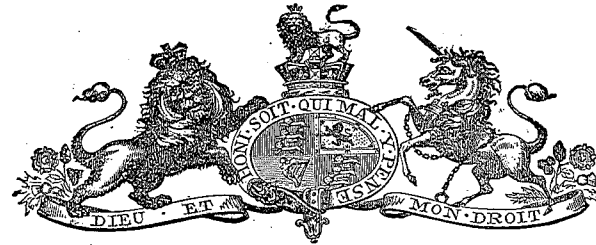
SECOND SCHEDULE.

To Wit. }
 Be it remembered that on the _____ day of _____ in the said colony A.B. of _____ in the said colony a boy [or girl] of the age of _____ years [on the _____ day of _____ last past (these words to be inserted only if the age can be exactly determined)] is convicted before _____ for that the said A.B. [state offence and time and place where committed] and _____ adjudge the said A.B. to be committed to the reformatory school at _____; and _____ adjudge that [C.B., the father of the said A.B. or as the case may be] pay the sum of _____ shillings every week for or towards the maintenance of the said A.B., the first payment to be made on _____ day next; and such payments are to be made to _____, collector of imposts at _____, or such other person as may be for the time being appointed by the Governor in Council to receive the same.

To Wit. }
 Be it remembered that on the _____ day of _____ in the said colony A.B. of _____ in the said colony a boy [or girl] of the age of _____ years [on the _____ day of _____ last past (these words to be inserted only if the age can be exactly determined)] is proved to the satisfaction of us the undersigned justices of the peace for _____ to have been [state description of the charge], and we adjudge the said A.B. to be committed to the care of the Department for Neglected Children; and we further adjudge that [C.B., the father of the said A.B., or as the case may be] pay the sum of _____ shillings every week for or towards the maintenance of the said A.B., the first payment to be made on _____ day next; and such payments are to be made to _____, collector of imposts at _____, or such other person as may be for the time being appointed by the Governor in Council to receive the same.

MELBOURNE:

By Authority: ROBT. S. BRAIN, Government Printer.



ANNO QUINQUAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. DCCCCLII.

An Act to alter and extend the Powers of the Melbourne Tramways Trust and for other purposes. [17th December 1887.]

WHEREAS Acts were passed in the forty-seventh forty-eighth and Preamble. forty-ninth years of the reign of Her present Majesty the short titles of which are respectively:—"The Melbourne Tramway and Omnibus Company's Act 1883," "The Melbourne Tramway and Omnibus Company's Branches Act 1883," "The Melbourne Tramways Trust Act 1884," "The Melbourne Tramway and Omnibus Company's Additional Branches and Amendment Act 1884," and "The Melbourne Tramways Trust Amendment Act 1885:" And whereas since the passing of the last-named Act the Borough of Hawthorn has become the Town of Hawthorn: And whereas the Town of Hotham mentioned in the said Acts is now called and known as the Town of North Melbourne: And whereas it is expedient to extend the borrowing powers of the Melbourne Tramways Trust: And whereas the making of the tramways hereinafter particularly described with their conveniences appliances and other works connected therewith would be of great public and local advantage: And whereas the said Trust is willing and it is expedient that it should be authorized to construct the said tramways with such conveniences appliances and other works as aforesaid: And whereas it is expedient and advisable for the convenience of the travelling public that the routes of certain of the tramways already authorized to be constructed should be altered or extended: Be it

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