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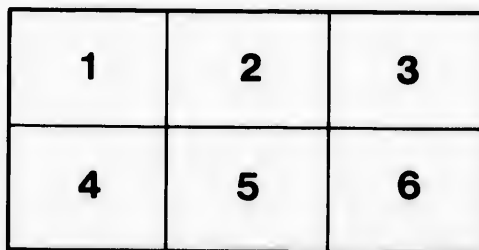
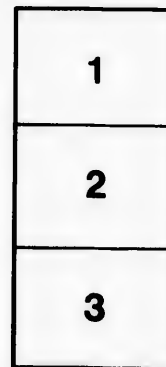
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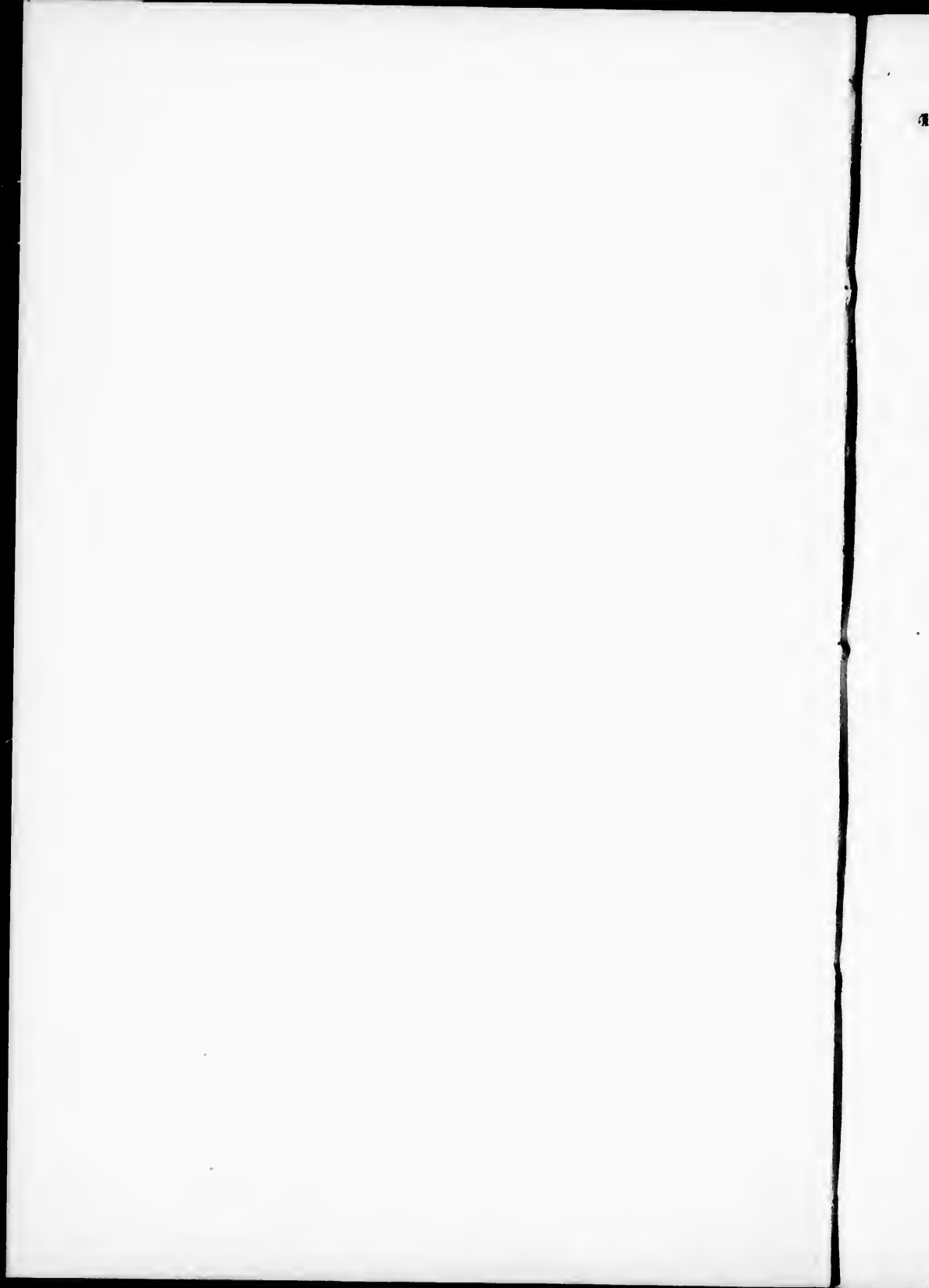
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# LAWS OF ONTARIO

DEALING WITH

## Neglected and Dependent Children

REVISED AND CONSOLIDATED

1897.



NOTE.—In the revision and consolidation of the Ontario Statutes during 1897, so many changes were made, especially in the insertion of amendments and the re-numbering of sections, that all former publications were rendered useless, and this pamphlet is issued for the information and guidance of Children's Aid Societies.

J. J. KELSO,

Superintendent.

PARLIAMENT BUILDINGS,

TORONTO, February 5th, 1898.

1898  
(40)

## CHAPTER 259.

### An Act for the Protection and Reformation of Neglected Children :

OR

### Children's Protection Act of Ontario.

- SHORT TITLE, s. 1.**  
**INTERPRETATION, s. 2, 26 (3).**  
**SUPERINTENDENCE OF NEGLECTED CHILDREN—**  
Superintendent of neglected children, s. 3  
Refuges and Homes for children, s. 4.  
Children's visiting committees, s. 5.  
Maintenance of children in temporary homes, s. 6.  
**INVESTIGATIONS—**  
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Apprehension of children in evil surroundings, s. 7.  
Proceedings thereon, s. 8.  
Inquiries to prevent spread of disease, s. 9.  
Duties of Children's Aid Societies as Guardians, s. 10.  
Term of Guardianship, s. 11.  
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Visiting committees, s. 15.  
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Other visitors *ex officio*, s. 17.  
The visitors' book, s. 18.  
Transferring of children from orphanages, homes, etc., to Children's Aid Societies, s. 19.  
Discharge by Lieut.-Governor of children in any custody, s. 20.  
**"CURFEW" By-LAWS—**  
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**OFFENCES AND PENALTIES—**  
Neglecting or ill treating children, ss. 22 and 23.  
Causing children to beg in streets or sing in public places, s. 24.  
Power of search to investigate neglect or ill treatment, s. 25.  
Arrest by constables without warrant, s. 26.  
Custody of children against whom offence is committed, s. 27.  
Inducing children to leave charitable institutions, s. 28.  
**JUVENILE OFFENDERS—**  
Custody of juvenile offenders pending trial, s. 29.  
Investigation of surroundings of offenders and committal to Industrial School, etc., s. 30.  
Adoption or apprenticeship of juvenile offenders, s. 31.  
Not to be committed to gaol, s. 32.  
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Expense of maintaining in an institution to which a child committed, s. 36.  
**EVIDENCE—**  
Evidence by children, s. 34.  
Presumption of age of child, s. 35.  
**GENERAL PROVISIONS—**  
Punishment for offences against this Act when otherwise punishable, s. 37.  
Committal of children to institutions of the religion of child, s. 38.  
Right of parents, etc., to inflict punishment not affected, s. 39.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—



- Short title.     **1.** This Act may be cited as "*The Children's Protection Act of Ontario.*"
- Interpretation:     **2.—(1)** In this Act,  
     (a) "Children's Aid Society" shall mean any duly incorporated and organized society having among its objects the protection of children from cruelty and the care and control of neglected and dependent children, such society having been approved by the Lieutenant-Governor in Council for the purposes of this Act;
- "Court of summary jurisdiction."     (b) "Court of Summary Jurisdiction" shall mean and include any Police or Stipendiary Magistrate or two Justices of the Peace acting together;
- "Inspector."     (c) "Inspector" shall mean The Inspector of Prisons and Public Charities;
- Judge."     (d) "Judge" shall mean a Judge of the High Court of Justice, or a Judge of the County Court, or a retired Judge of the High Court or County or District Court, or a Stipendiary or a Police Magistrate, or a Justice of the Peace specially appointed as a commissioner for the trial of juvenile offenders, or two Justices of the Peace acting together: 51 V. c. 40, s. 1, *part*; 56 V. c. 45, s. 1, *part*; 58 V. c. 52, s. 2;
- "Minister."     (e) "Minister" shall mean the Provincial Secretary or such other member of the Executive Council as may from time to time, by order of the Lieutenant-Governor, have control over the administration of the provisions of this Act: 56 V. c. 45, s. 1, *part*;
- (f) "Municipality" shall mean a county, city or town separated from the county: 60 V. c. 15 (*Sched. B*) (20);
- "Parent."     (g) "Parent," when used in relation to a child, shall include guardian and every person who is by law liable to maintain the child;
- "Place of safety."     (h) "Place of safety" shall include any industrial school or house of industry for boys or girls, or any shelter or temporary home established by any children's aid society or society for the protection of children, approved of by the Lieutenant-Governor in Council for the purposes of this Act, or any other institution subject to the inspection of the Inspector of Prisons and Public Charities, or any suitable charitable society authorized to exercise the powers conferred by *The Act respecting Apprentices and Minors*, but not a gaol, prison or police cell;
- Rev. Stat. c. 161.     (i) "Street" shall include any highway or public place, whether a thoroughfare or not;
- "Superintendent."     (j) "Superintendent" shall mean the Provincial officer appointed under the provisions of this Act. 56 V. c. 45, s. 1, *part*.
- Jurisdiction of a Judge.     (2) A Judge or retired Judge of the High Court shall have jurisdiction under this Act in any part of the Province. Any

other Judge, Stipendiary Magistrate, Police Magistrate, or Justice of the Peace specially appointed as aforesaid, shall have jurisdiction in the county or other locality for which he holds his office. A retired Judge shall have jurisdiction in the Province, county or district for which he was Judge at the time of his retirement. 51 V. c. 40, s. 1, *part.*

#### SUPERINTENDENCE OF NEGLECTED CHILDREN.

3. The Lieutenant-Governor in Council may appoint an officer who shall be known as the Superintendent of Neglected and Dependent Children, and whose salary shall be paid out of such moneys as may be from time to time set apart for the purpose by the Legislative Assembly of the Province; and it shall be the duty of such officer,

- (a) To encourage and assist in the organization and establishment in various parts of the Province of children's aid societies for the protection of children from cruelty, and for the due care of neglected and dependent children in temporary homes or shelters, and the placing of such children in properly selected foster homes, and to have and exercise by virtue of his office the powers conferred upon children's aid societies in municipalities where no such society exists, with power from time to time to appoint, subject to the approval of the Minister, any person or committee to act for him as occasion may require; 56 V. c. 45, s. 9 (a); 58 V. c. 52, s. 4;
- (b) To visit and inspect industrial schools and temporary homes or shelters as often as occasion may require, and not less often than may be directed by Order in Council or departmental regulation in that behalf; Inspection of industrial schools, shelters, etc.
- (c) When specially directed, to visit any home or place where any child is boarded out or placed pursuant to the provisions of this Act; Special inspections.
- (d) To advise children's visiting committees and to instruct them as to the manner in which their duties are to be performed; Advising visiting committees.
- (e) To see that a record of all committals is kept by the various children's aid societies, and of all children placed out in foster homes under this Act, and of all particulars connected with each case; Records of committals.
- (f) To inspect houses registered for the reception of children under Part I of *The Act to regulate Maternity Boarding Houses and for the Protection of Infant Children*, and to instruct local children's aid societies and visiting committees as to the proper supervision of such houses; Inspection of houses registered under Rev. Stat. c. 258.

- Annual report.** (g) To prepare and submit an annual report on the various matters dealt with by him under the provisions of this Act ;
- Other duties.** (h) To perform such other duties as may be prescribed by the Lieutenant-Governor in Council. 56 V. c. 45, s. 9 (h-h).

**Shelters for young children in cities and towns**      **4.**—(1) For the better protection of neglected children, there shall be provided in every city or town having a population of over 10,000 one or more places of refuge for such children, only to be known as temporary homes or shelters. Such homes shall be entirely distinct and separate from any penal or pauper institution, and no pauper or convict shall be permitted to live or labour therein, and they shall not be used as a permanent provision or residence for any child, but for its temporary protection for so long a time only as shall be absolutely necessary for the placing of the child in a well selected foster home. Children demented, idiotic or suffering from incurable or contagious diseases shall not be taken into such temporary homes. 56 V. c. 45, s. 10 (1); 58 V. c. 52, s. 5.

**Existing asylums may be used as shelters.**      (2) Orphan asylums or other children's homes now in operation in any municipality may, with the consent of the trustees or governing bodies thereof, be used as temporary homes or shelters under this section; and when desirable for economical reasons, not being inconsistent with the welfare of the children to be provided for, such temporary homes or shelters may be established in desirable private families; but in no instance shall such home or shelter be under the same care or management as a poor house or any penal institution.

**Powers of children's aid societies.**      (3) When in any municipality a children's aid society has been duly organized and has been approved by the Lieutenant-Governor in Council, such children's aid society shall have the supervision and management of any such children in the temporary home or shelter provided by or at the expense of such municipality; but this provision shall not apply to any orphan asylum or other children's home mentioned in subsection 2 of this section without the consent of the trustees or governing bodies thereof. 56 V. c. 45, s. 10 (2-3).

**Appointment and duties children's visiting committee.**      **5**—(1) For each electoral district within the Province of Ontario there shall be appointed a committee consisting of six persons or more, not less than half of whom shall be women, who shall be known as the "Children's Visiting Committee" for such electoral district. The said committee shall co-operate with the children's aid societies, and shall serve without compensation. They shall have the right at all times to visit any temporary home or shelter in the electoral district, and to suggest from time to time such provisions, changes or additions as they may think desirable. They shall also assist, under the direction and advice of the superintendent, in the careful

selection of foster homes for the children in the temporary homes or shelters, and in the visitation of children when placed in selected families, and such visitation shall be made for each child at least once in every three months; and the said committee shall have power to remove any child from the family in which it may be placed to a temporary home or to another family at their discretion, subject to any rules or regulations in that behalf to be approved by the Lieutenant-Governor in Council. The said committee shall also have the right at any time to visit and inspect any house registered under Part I of *The Act to regulate Maternity Boarding Houses and for the Protection of Infant Children* and to exercise the powers given by section 9 of said Act. 56 V. c. 45, s. 11 (1); 58 V. c. 52, s. 6. Rev. Stat. c. 258.

(2) The said children's visiting committee for each electoral district shall be appointed by the County Judge, the Sheriff and the Warden of the county of which such electoral district forms a part, and in the case of a city forming a separate electoral district, by the County Judge, the Sheriff and the Mayor of such city, and such committee shall hold office for a period of three years. The member of the Legislative Assembly for each electoral district shall be one of the said visiting committee for such electoral district. Who to appoint.

(3) The said committee shall, in the selection of homes, endeavour to secure homes where children may be received to be cared for without remuneration, and shall aim at promoting and encouraging a philanthropic sentiment on behalf of neglected, abandoned and destitute children, and adopt such methods as they may think best for securing voluntary subscriptions of money to be devoted to the effective carrying out of the objects of this Act. Selection of homes by committee.

(4) The said committee shall from time to time report to the superintendent the homes which they select and recommend for the care of children, with full particulars in each case; and shall also annually report to the superintendent as to their visitations and as to each child placed out in their district, and as to all other matters coming within their sphere of duty as such committee. They shall also from time to time report to children's aid societies with reference to children placed out by such societies respectively, to the end that such societies may at all times have accurate knowledge regarding the care, oversight, education and general welfare of such children. 56 V. c. 45, s. 11 (2-4). Reports to be made by committee.

6.—(1) A Judge may, upon the application of any society to whose custody or control a child is committed, make an order for the payment, by the municipality to which the child belongs, of a reasonable sum, not being less than \$1 weekly, for the expense of supporting the child by the society, or in any temporary home, or in any foster home where such child- Maintenance of children in homes.

ren are not cared for without compensation, in which the child may be placed by the society, until the child reaches the age of twelve years in the case of a girl and fourteen years in the case of a boy. The placing of children with the lowest bidder is hereby prohibited. 60 V. c. 15, *Sched. B (24), part.*

When child deemed to belong to a municipality.

(2) For the purposes of this section any child shall be deemed to belong to the municipality in which such child has last resided for the period of one year; but in the absence of evidence to the contrary, residence for one year in the municipality in which such child was taken into custody, shall be presumed.

Recovery by one municipality of expenses from another municipality.

(3) A municipality having made any payment under this section for the maintenance of a child in respect of whom some other municipality is liable to make such payment, shall be entitled to recover the amount so paid from such other municipality.

Recovery of expenses by municipalities from parents.

(4) Every municipality incurring expenditure hereunder may recover the amount of such expenditure from the parent of the child in respect of whom such expenditure is made. 56 V. c. 45, s. 12 (2-4).

Order of committal may direct weekly payment.

(5) The order of committal of any child under this Act may direct payment by the municipality to which the child belongs to any society or person to whose custody or control the child is committed, of a reasonable sum not being less than \$1 weekly for the expense of supporting such child, and any such order may also direct payment to the municipality by the parent of the child of the amount so directed to be paid by the municipality. 60 V. c. 15, *Sched. B (24), part.*

Application for order for maintenance.

(6) At any time after committal of a child the municipality or the children's aid society may apply to the Judge of the Division Court of the division in which the parent resides, according to the form in the manner and with the force and effect provided by section 27 of *The Industrial Schools Act* for such order for payment of maintenance or of additional maintenance as the circumstances may justify, and any parent may also make application to the Judge of the Division Court in like manner for an order reducing the amount payable under any order, or revoking such order, or varying or suspending in whole or in part the operation of the same. 56 V. c. 45, s. 12 (6).

Rev. Stat. c. 304.

(7) Any order made under this section may be enforced in the same manner as an order made by a County Court Judge may be enforced under *The Act respecting the enforcement of Judges' Orders in matters not in Court.* 60 V. c. 15, *Sched. B (24).*

Rev. Stat. c. 76.

When officers of children's aid societies may act as constables and apprehend children.

7.—(1) Officers of any children's aid society duly approved by the inspector or superintendent may, in cities and towns, be authorized by the Board of Commissioners of Police and in towns having no Board of Commissioners of Police and in other muni-

icipalities may be authorized by the County Judge to act as constables for the purpose of enforcing the provisions of this Act and of *The Industrial Schools Act*. 60 V. c. 15, *Sched. B* 304. Rev. Stat. c. (25).

(2) Any constable so appointed or any chief constable or inspector of police may apprehend without warrant and bring before the Judge as neglected any child apparently under the age of fourteen years if a boy, or sixteen years if a girl, who comes within any of the following descriptions, namely: Apprehension of neglected children in evil surroundings.

(a) Who is found begging or receiving alms or thieving in any street, thoroughfare, tavern or place of public resort, or sleeping at night in the open air;

(b) Who is found wandering about at late hours and not having any home or settled place of abode, or proper guardianship;

(c) Who is found associating or dwelling with a thief, drunkard or vagrant, or who by reason of the neglect or drunkenness or other vices of its parents or guardians is suffered to be growing up without salutary parental control and education, or in circumstances exposing such child to an idle and dissolute life;

(d) Who is found in any house of ill-fame, or in company of a reputed prostitute;

(e) Who is found destitute, being an orphan or deserted by its parents or having a surviving parent who is undergoing imprisonment for crime. 56 V. c. 45, s. 13; 58 V. c. 52, s. 7; 60 V. c. 15, *Sched. B* (25).

**S.**—(1) Any child apprehended under the next preceding section of this Act shall be brought before the Judge for examination within one week after such apprehension, and it shall thereupon be the duty of the Judge to investigate the facts of the case and ascertain whether such child is dependent and neglected, its age, and the name and residence of parents, and the said Judge shall have power to compel the attendance of witnesses, and may, in his discretion, request the attendance of the Crown Attorney for such examination, and if requested it shall be the duty of the Crown Attorney to attend accordingly. The parents or person having the actual custody of such child shall be duly notified of such examination, and any friend may appear in behalf of any child, and in his discretion the Judge may request the duly authorized representative of the local children's aid society to appear in behalf of any child; and if on such examination the Judge finds that any child is dependent or neglected within the meaning of the next preceding section or so as to be in a state of habitual vagrancy or mendicancy, or ill treated so as to be in peril of life, health or morality by continued personal injury or by grave misconduct or habitual intemperance of the parents or guardian, he shall Powers and duty of Judge on apprehension of child.

enter such finding by a proper order in that behalf, and may order delivery of such child to the children's aid society, and the children's aid society may send such child to their temporary home or shelter to be kept until placed in an approved foster home pursuant to the provisions of this Act. The Judge shall deliver to the children's aid society procuring such examination a certified copy of the order made in the case, which shall contain, besides the said finding, a statement of the facts so far as ascertained as to the age of such child, name, nationality and residence, and occupation of parents or either of them, and whether either of them is dead or has abandoned the child, and in the case of the examination of two or more children at the same time only one order need be made. 56 V. c. 45, s. 14 (1); 58 V. c. 52, s. 8.

Committal of children on proof of vicious or immoral conduct.

(2) If, in the opinion of the Judge, a child apprehended in pursuance of the provisions of this section has been leading an immoral or depraved life, or is not a fit subject to be dealt with under the next preceding subsection, the Judge may order such child to be committed to any industrial school or refuge for boys or girls or other institution subject to the inspection of the Inspector of Prisons and Public Charities or to any suitable charitable society authorized to exercise the powers conferred by *The Act respecting Apprentices and Minors*, and willing to receive such child to be there kept, cared for and educated for a period not extending beyond the period at which such child shall attain the age of eighteen years, or for any period not exceeding two years, and thereafter to be delivered to the children's aid society for the purpose of being placed in an approved foster home until such child arrives at the age of eighteen years. 56 V. c. 45, s. 14 (2).

Rev. Stat. c. 161.

Inquiry as to health of children received by societies.

9. Every society or institution receiving the care or control of a child under the provisions of this Act shall make inquiry into the condition of health of the child so received, and if it be found to be suffering from any disease or bodily infirmity, due provision shall be made for the temporary care or disposal of the child with a view to guarding against its continued ill-health or the spread of any infectious or contagious malady. 58 V. c. 52 s. 9.

Duties children's societies as guardians.

10—(1) The children's aid society to the care of which any child may be committed under the provisions of this Act, shall, subject to the provisions of sections 11 and 12 of this Act, be the legal guardian of such child, and it shall be the duty of such society to use special diligence in providing suitable homes for such children as may in the said manner be committed to their care; and such society is hereby authorized to place such children in such families on a written contract during minority, or until 18 years of age, in the discretion of such society, providing for their education in the public schools (or in the case of Roman Catholic children in the separate

schools) where they may reside, for teaching them some useful occupation, for kind and proper treatment as members of the family where placed, and for payment on the termination of such contract to the said society for the use of the child of any sum of money that may be provided for in said instrument. All such contracts shall contain a clause reserving the right to withdraw the child from any person having the custody of such child when in the opinion of the society placing out such child the welfare of the child requires it.

(2) The children's aid society to which any child is committed may at any time during the period of their control or guardianship of such child exercise all the powers conferred by sections 2 and 6 of *The Act respecting Apprentices and Minors* upon the charitable societies therein mentioned. 56 V. c. 45, s. 15. Powers as to guardianship.  
Rev. Stat. c. 161.

11.—(1) Where a child is maintained by any children's aid society, or in any foster home, having been placed out by proper authority in that behalf, and the child was deserted by its parents, the children's aid society may at any time resolve that the child shall be under the control of such society until it reaches the age of twenty-one years or such earlier age as may be thought sufficient, and thereupon until the child reaches that age all the powers and rights of the parent in respect of that child shall, subject as in this Act mentioned, vest in the said society; Term of guardianship.

(2) The society may rescind such resolution if they think that it will be for the benefit of the child that it should be rescinded, or may permit the child to be either permanently or temporarily under the control of its parent, or of any other relative or of any friend. 56 V. c. 45, s. 17 (1).

(3) A Judge, or retired Judge of the High Court of Justice or a Judge of the County Court or the superintendent with the Minister's approval, if satisfied on complaint made by a parent of the child, that the child has not been maintained by the society, or was not deserted by such parent, or that it is for the benefit of the child that it should be either permanently or temporarily under the control of such parent, or that the resolution of the society should be determined, may make an order accordingly, and any such order shall be complied with by the society, and if the order determines the resolution, the resolution shall be thereby determined as from the date of the order, and the society shall cease to have the rights and powers of the parent as respects such child. 56 V. c. 45, s. 17 (2); 58 V. c. 52, s. 10; 60 V. c. 15, *Sched. B* (26). Order for return of child to parent.

(4) For the purposes of this Act a child shall be deemed to be maintained by a children's aid society if it is wholly or partly maintained by them, either in any shelter or temporary home or other institution conducted by such society, or is What to be deemed maintenance by children's aid societies.



boarded out under the provisions of this or any other Act in that behalf.

**Imprisonment of parent to be deemed desertion.** (5) Where the parent is imprisoned on a criminal charge, or in respect of an offence committed against a child, this section shall apply as if the child had been deserted by that parent.

**Persons not relieved from liability for maintenance.** (6) Nothing in this section shall relieve any person from any liability to contribute to the maintenance of a child, but the fact of such contribution being made shall not deprive any society of any of the powers and rights conferred on them by this section. 56 V. c. 45, s. 17 (3-5).

**When court may refuse writ for production of child.** **12.—**(1) Where the parent of a child applies to any court having jurisdiction in that behalf, for a writ or order for the production of the child, and the court is of opinion that the parent has abandoned or deserted the child, or that he has otherwise so conducted himself that the court should refuse to enforce his right to the custody of the child, the court may, in its discretion, decline to issue the writ or make the order.

**Liability of parent on return of child.** (2) If at the time of the application for a writ or order for the production of the child, the child is being brought up by another person, or is boarded out by a children's aid society duly authorized in that behalf, the court may, in its discretion, if it orders the child to be given up to the parent, further order that the parent shall pay to such person or such society the whole of the costs properly incurred in bringing up the child, or such portion thereof as may seem to the court to be just and reasonable, having regard to all the circumstances of the case.

**When parent must show fitness to exercise parental duties.** (3) Where a parent has—  
 (a) Abandoned or deserted his child, or  
 (b) Allowed his child to be brought up by another person at that person's expense, or by any children's aid society, for such time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties,

the court shall not make an order for the delivery of the child to the parent unless the parent satisfies the court that having regard to the welfare of the child he is a fit person to have the custody of the child.

**Order as to religious training of child.** (4) Upon any application by the parent for the production or custody of a child, if the court is of opinion that the parent ought not to have the custody of the child and that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child shall be brought up, the court shall have power to make such order as it may think fit to secure that the child be brought up in the religion in which the parent has a legal right to require that the child shall be brought up. Nothing in this section con-

tained shall interfere with or affect the power of the court to consult the wishes of the child in considering what order ought to be made, or diminish the right which any child now possesses to exercise of its own free choice. 56 V. c. 45, s. 18.

**13.** No parent or guardian or other person, who by instrument in writing surrenders or has heretofore surrendered the custody of a child to any children's aid society, incorporated boys' or girls' home, orphans' home or asylum, or children's or infants' home inspected by the Inspector of Prisons and Public Charities and in respect of which aid is paid out of the funds of the Province under the provisions of *The Charity Aid Act*, shall thereafter, contrary to the terms of such instrument, be entitled to the custody of or any control or authority over or any right to interfere with any such child. 58 V. c. 52, s. 13 (2).

Parents  
surrendering  
custody of  
children to  
charitable  
institutions.

**14.** Any parent or guardian claiming that a child is improperly or unjustly detained by any of the charitable institutions in section 13 referred to, or any other person believing that in the case of any child in any of the said institutions a real grievance or just cause of complaint exists, may make complaint to the Judge or superintendent, and the Judge or, with the Minister's approval, the superintendent may make such order as to the disposition of the child as, having regard to the welfare of the child, may under all the circumstances of the case appear to be just and reasonable. 58 V. c. 52, s. 13 (3).

Complaints by  
parents as to  
treatment of  
children by  
societies.

**15.** Every society or person to whose care any child is committed under the provisions of this Act, and every person intrusted with the care of any such child by any such person or institution shall from time to time permit such child to be visited, and any place where such child may be, or reside, to be inspected by the superintendent or any of the members of the local children's visiting committee, or any person authorized by or under regulations approved by Order of the Lieutenant-Governor in Council for the time being in force in that behalf. 56 V. c. 45, s. 19.

Societies or  
persons  
having  
custody of  
children to be  
liable to  
inspection.

**16.** Subject to such regulations as may be hereafter provided and approved of as aforesaid, all ministers of religion or any person being duly authorized by the recognized head of any religious denomination, shall have admission to every temporary home or shelter and access to such of the children placed or detained therein as belong to 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 children of their respective denominations. 56 V. c. 45, s. 21.

Right of  
ministers of  
religion to  
visit children  
in homes  
and shelters.

**17.** All members of the Parliament of Canada and of the Legislative Assembly of Ontario, all heads of municipal

Visitors, who  
may be.

councils, and all Judges and Justices of the Peace shall be entitled to visit every temporary home or shelter, and shall have admission to the same accordingly. 56 V. c. 45, s. 22.

Visitors'  
Book.

18. Every person entitled to visit any such temporary home or shelter as aforesaid, and every minister of religion may inscribe in a book (to be for that purpose provided, and kept in such temporary home or shelter by the superintendent or matron thereof) any remarks or observations which he may think fit to make touching or concerning such temporary home or shelter, and the superintendent, matron, teachers, officers or servants, or the children placed or detained therein, or any of them, and such book shall be produced to the inspector or superintendent whenever he visits such temporary home or shelter. 56 V. c. 45, s. 23.

Transferring  
children from  
care of certain  
institutions to  
children's aid  
societies

19. Notwithstanding the provisions of any by-laws, rules or regulations for the government or control of any duly incorporated orphanage, children's home, infants' home or industrial school, it shall be lawful for the trustees or governing body of such orphanage or children's home or infants' home or industrial school to take advantage of the provisions of section 10 of this Act by transferring from time to time, children under their care to the Superintendent or to the children's aid society in the locality of such orphanage or home, to be placed out by the Superintendent or by such children's aid society in pursuance of the provisions of this Act, and in such case it shall be the duty of the visiting committee to visit any child so placed out, as by this Act provided, and in all respects such child shall be treated as having been placed out and shall continue subject to the provisions of this Act. 58 V. c. 52, s. 1.

Discharge of  
child by  
Lieutenant-  
Governor or  
Minister.

20. The Lieutenant-Governor in Council or the Minister may at any time discharge a child from the custody of any person or society to whom it is committed under this Act, either absolutely, or on such conditions as may be approved of and may from time to time make, alter, or revoke rules in relation to the procedure of societies operating under the provisions of this Act. 56 V. c. 45, s. 6(3); 58 V. c. 52, s. 3 60 V. c. 15 *Sched. B* (22).

#### CURFEW BELL.

By-laws to  
prevent child-  
ren being on  
the streets  
after night-  
fall.

21.—(1) Municipal councils in cities, towns, and incorporated villages shall have power to pass by-laws for the regulation of the time after which children shall not be in the streets at night-fall without proper guardianship and the age or apparent age, of boys and girls respectively, under which they shall be required to be in their homes at the hour appointed, and such municipal council shall in such case cause a bell or bells to be rung at or near the time appointed as a warning, to be called the "curfew bell," after which the children so required

to be in their homes or off the streets shall not be upon the public streets except under proper control or guardianship or for some unavoidable cause.

(2) Any child so found after the time appointed shall be liable to be warned by any constable or peace officer to go home, and if after such warning the child is found loitering on the streets such child may be taken by such constable to its home. Children after warning may be taken home.

(3) Any parent or guardian may be summoned for permitting his child to habitually break said by-law after having been warned in writing, and may be fined for the first offence \$1, without costs, and for the second offence \$2, and for a third, or any subsequent offence, \$5. 56 V. c. 45, s. 31. Summoning parents, etc., permitting children to break the law.

#### OFFENCES AND PENALTIES.

22. Any person over sixteen years of age who, having the care, custody, control or charge of a child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, wilfully ill-treats, neglects, abandons, or exposes such child, or causes or procures such child to be ill-treated, neglected, abandoned, or exposed, in a manner likely to cause such child unnecessary suffering, or serious injury to its health, shall be guilty of an offence under this Act, and, on conviction thereof by a court of summary jurisdiction, shall be liable, at the discretion of the court, to a fine not exceeding \$100, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months. 56 V. c. 45, s. 2. Penalty for neglecting or ill-treating children.

23. If upon the trial of any person under the preceding section it is proved that such person was interested in any sum of money accruing or payable in the event of the death of the child, and had knowledge that such sum of money was accruing or becoming payable, the court may, in its discretion, increase the amount of the said fine so that the fine shall not exceed \$250, or increase the imprisonment, with or without hard labour to any term not exceeding nine months. 56 V. c. 45, s. 3. Increased penalty on proof of interest in death of child.

24.—(1) Any person who—

(a) Causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, to be in any street for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or Causing children to beg in streets,

or to sing,  
etc., in streets  
or taverns  
between 10  
p. m. and 6  
a. m.;

(b) Causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, to be in any street, or in any premises licensed for the sale of any intoxicating liquor for the purpose of singing, playing, or performing for profit, or offering anything for sale, between ten p. m. and six a. m.; or

or to sing or  
perform in  
public places  
when under  
ten years of  
age.

(c) Subject to the provisions of subsection 2 of this section, causes or procures any boy under the age of 14 years or any girl under the age of 16 years to be at any time in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or offering anything for sale;

Penalty.

shall, on conviction thereof by a court of summary jurisdiction, be liable, at the discretion of the court, to a fine not exceeding \$100, or alternatively, or in default of payment of the said fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months. 56 V. e. 45, s. 4 (1); 60 V. e. 15 *Sched. B* (21.)

License for  
employment  
of child over  
seven years of  
age in  
circuses, etc.,  
in certain  
cases.

(2) But in the case of any entertainment, or series of entertainments, to take place in premises used for public entertainment, or in any circus or other place of public amusement as aforesaid, where it is satisfactorily shown that proper provision has been made to secure the health and kind treatment of any children proposed to be employed thereat, it shall be lawful for the Police Magistrate or the head of the municipality, anything in this Act notwithstanding, to grant a license for such time, and during such hours of the day, and subject to such restrictions and conditions as he may think fit, for any child exceeding seven years of age of whose fitness to take part in such entertainment or series of entertainments without injury the said Police Magistrate or municipal officer aforesaid is satisfied; and such license may at any time be varied, added to, or rescinded by the same authority upon sufficient cause being shewn; and such license shall be sufficient protection to all persons acting under or in accordance with the same.

Municipal  
officers to see  
to compliance  
with con-  
ditions of  
license.

(3) The municipal council shall assign to some officer of the municipality, or other person, the duty of seeing whether the restrictions and conditions of any license under this section are duly complied with, and such officer or person shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section, as an inspector has to enter, inspect, and examine a factory or workshop under *The Ontario Factories Act*. This duty shall be discharged by the chief constable of the municipality until some

Rev. Stat.,  
c. 256.

other officer or person is appointed by the municipal council as aforesaid. 56 V. c. 45, s. 4 (2-3.)

**25.**—(1) If it appears to any Police Magistrate, or to any two Justices of the Peace, on information made before him or them on oath by any person who, in the opinion of the Magistrate or Justices, is *bona fide* acting in the interest of any child, that there is reasonable cause to suspect that such child, being a boy under the age of fourteen years, or a girl under the age of sixteen years, has been or is being ill-treated or neglected in any place within the jurisdiction of such Magistrate or Justices in a manner likely to cause the child unnecessary suffering, or to be injurious to its health, such Magistrate or Justices may issue a warrant authorizing any person named therein to search for such child, and if it is found to have been or to be ill-treated or neglected in manner aforesaid, to take it to and detain it in a place of safety until it can be brought before a Judge, and the Judge before whom the child is brought may cause it to be dealt with in the manner provided by section 27;

Power of search.

(2) The powers hereinbefore conferred on any two Justices may be exercised, by any one Justice, if upon the information the case appears to him to be one of urgency.

(3) The Magistrate or Justices or Justice issuing such warrant may by the same warrant cause any person accused of any offence in respect of the child to be apprehended and brought before a Judge, and proceedings to be taken for punishing such person according to law.

Issuing warrant for arrest in addition to said warrant.

(4) Any person authorized by warrant under this section to search for any child, and to take it to and detain it in a place of safety may enter (if need be, by force) any house, building or other place specified in the warrant, and may remove the child therefrom.

Power to enter and remove child.

(5) Where there is no superior officer of police, the warrant may be addressed to and executed by any policeman or constable approved of for that purpose by the head of the municipality or by any such society as mentioned in the first section of this Act.

Warrants, who may execute.

(6) It shall not be necessary in any information or warrant for the purpose of this section to specify any particular child. 56 V. c. 45, s. 7.

Not necessary to specify child.

**26.**—(1) Any constable may take into custody without warrant any person who, within view of such constable, commits an offence under section 22 of this Act, where the name and residence of such person are unknown to and cannot be ascertained by such constable; and any constable may take to a place of safety any child in respect of whom an offence under section 22 or clause (a) of subsection 1 of section 24 of

Powers of constable as to arresting without warrant or removing child.

this Act has been committed, and the child may there be detained until it can be brought before a court of summary jurisdiction, and such court may cause the child to be dealt with as circumstances may admit and require until the charge made against any person in respect of the said offence has been determined by the committal for trial, or conviction, or discharge of such person.

Release of person arrested without warrant, on bail being given.

(2) Where a constable arrests any person without warrant in pursuance of this section the officer or constable in charge of the station to which such person is conveyed shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognizance, with or without sureties, as may in his judgment be required to secure the attendance of such person upon the hearing of the charge. 56 V. c. 45, s. 5.

"Constable."

(3) The word "Constable," in this section shall include the agent or officer of any children's aid society, or any other society for the protection of children from cruelty, approved by the Lieutenant-Governor in Council for the purposes of this Act, such agent or officer having been duly commissioned by the mayor of any city or town, or other chief officer of any municipality, to act as a police officer within the limits of such city or town or other municipality, whether with or without salary, payable by such city, town or other municipality. 56 V. c. 45, s. 1, *part*.

Disposal of child by order of court.

27.—(1) Where a person having the custody or control of a child, being a boy under the age of fourteen, or a girl under the age of sixteen years, has been

- (a) Convicted of committing in respect of such child an offence under section 22 of this Act,
- (b) Committed for trial for any such offence, or
- (c) Bound over to keep the peace towards such child,

any person may bring such child before a Judge, and the Judge, if satisfied on inquiry that it is expedient so to deal with the child, may order that the child be taken out of the custody of such person and committed to the charge of a relative of the child, or some other fit person named by the Judge, such relation or other person being willing to undertake such charge until it attains the age of fourteen years, or in the case of a girl sixteen years, or in either case for any shorter period, or to the charge of any duly authorized children's aid society, and may of his own motion, or on the application of any person, from time to time renew, vary, and revoke any such order; but no order shall be made under this section unless a parent of the child is under committal for trial for having been, or has been proved to have been, party or

privity to the offence, or has been bound over to keep the peace towards such child.

(2) Any person or society to whom a child is so committed shall, whilst the order is in force, have the like control over the child as if such person or society were its parent, and shall be responsible for its maintenance, and the child shall continue under the control of such person or society, notwithstanding that it is claimed by its parent; and any Judge having power so to commit a child shall have power to make the like orders on the parent of the child to contribute to its maintenance during such period as aforesaid as if the child were detained under *The Industrial Schools Act*, and as a Division Court Judge might make under section 27 of the said Act, and such orders may be made on the complaint or application of the person or society to whom the child is for the time being committed, and the sums contributed by the parent shall be paid to such person or society as the Judge may name, and be applied for the maintenance of the child. In determining on the person or society to whom the child shall be so committed, the Judge shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a person or society of the same religious persuasion, and such religious persuasion shall be specified in the order; and in any case where the child has been placed pursuant to such order with a person or society not of the same religious persuasion as that to which the child belongs, the Judge shall, on the application of any person in that behalf, and on its appearing that a fit person or society of the same religious persuasion is willing to undertake the charge, make an order to secure his being placed with a person or society of the same religious persuasion.

Power and duties of person or societies having custody of child.

Rev. Stat. c. 304.

Provided that if the order to commit the child to the charge of some relation or other person is made in respect of any person having been committed for trial for an offence, as specified in subsection (1) (b) of this section, the Judge shall not be empowered to order the parent of the child to contribute to its maintenance prior to the trial of such person; and if he is acquitted of such charge, or if such charge is dismissed for want of prosecution, then any order that may have been made under this section shall forthwith be void, except with regard to anything which may have been lawfully done under it. 56 V. c. 45, s 6 (1-2).

Proviso.

28. It shall be unlawful for any person to induce any child to leave the building or premises or custody or control of any children's aid society or of any duly incorporated boys' or girls' home or orphans' home or asylum or children's or infants' home inspected by the Inspector of Prisons and Public Charities, and in respect of which aid is paid out of the funds of the Province under the provisions of *The Charity Aid Act*, or to induce or to attempt to induce a child to leave or quit any

Taking children out of custody of charitable institutions.

Rev. Stat. c. 320.



service or apprenticeship or any place in which or where the child has been or may be lawfully placed for the purpose of being nursed, supported, educated or adopted, or to induce, or attempt to induce any child to break any articles of apprenticeship or agreement lawfully entered into by or with the authority of the trustees or directors or governing body of any such home, children's aid society or asylum respecting any such child, or to detain or harbour any such child after demand made by or on behalf of any officer of any such institutions for delivery up of such child; and any person who violates the provisions of this section shall be liable, upon summary conviction before a Justice of the Peace, to a fine not exceeding \$20 and costs, and, in default of payment thereof, to imprisonment not exceeding thirty days. 58 V. c. 52, s. 13 (1); 60 V. c. 15, *Sched. B* (30).

Penalty.

#### JUVENILE OFFENDERS.

Custody of children pending trial.

29.—(1) In cities and towns with a population of more than ten thousand, children under the age of sixteen years who are charged with offences against the laws of this Province, or who are brought before a Judge for examination under any of the provisions of this Act shall not before trial or examination be confined in the lock-ups or police cells used for ordinary criminals or persons charged with crime, nor, save as herein-after mentioned, shall such children be tried or have their cases disposed of in the police court rooms ordinarily used as such. It shall be the duty of such municipalities to make separate provision for the custody and detention of such children prior to their trial or examination, whether by arrangement with some member of the police force or other person or society who may be willing to undertake the responsibility of such temporary custody or detention, on such terms as may be agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-ups or police cells; and it shall be the duty of the Judge to try all such children or examine into their cases and dispose thereof, where practicable, in premises other than the ordinary police court premises, or, where this is not practicable, in the private office of the Judge, if he have one, or in some other room in the municipal buildings, or, if this be not practicable, then in the ordinary police court room, but only in such last mentioned case when an interval of two hours shall have elapsed after the other trials or examinations for the day have been disposed of.

Place of trial.

Temporary charge of children until trial by Judge.

(2) Where any children's aid society possesses premises affording the necessary facilities and accommodation, children, apparently under the age of twelve years, may, after apprehension under the provisions of this Act, be temporarily taken charge of by such society until their cases are disposed of; and the Judge may hold the examination into the case of such children in the premises of the said society.

(3) The Judge may, if he thinks fit, hold the preliminary examination or the trial of any case against any parent for any offence in respect of a child under this Act or for any alleged neglect of or cruelty to a child in the house where the parent resides, but only at the request of such parent. Preliminary examination into charge of cruelty may be held in house.

(4) The Judge shall exclude from the room or place where any child under sixteen years of age, or any parent charged with any offence in respect of a child under this Act or otherwise with neglect of or cruelty to his child, is being tried or examined, all persons other than the counsel and witnesses in the case, officers of the law or of any children's aid society and the immediate friends or relatives of the child or parent. Private trial of children.  
56 V. c. 45, s. 30 : 60 V. c. 15, *Sched. B* (28).

**30.** Wherever a complaint is made or pending against any boy under the age of 12 years or girl under the age of 13 years for the commission of any offence against the laws of this Province, before any Court or Magistrate of competent jurisdiction, it shall be the duty of such Court or Magistrate at once and before any proceedings are had in the case to give notice in writing to the executive officer of the children's aid society, if there be one in the county, who shall have opportunity allowed him to investigate the charge or charges, and upon receiving such notice the officer may proceed to inquire into and make full examination as to the parentage and surroundings of the child and of all the facts and circumstances of the case and report the same to the Court or Magistrate, who may advise and counsel with the said officer of the said society; and if upon consultation after full investigation and proof of the offence charged it appears to the Court that the public interest and the interest of the child will be best served thereby, an order may be made for the return of such child to his or her parents, guardian or friends, or the Court may authorize the said officer to take such child and bind him or her out to some suitable person until he or she attains the age of 21 years, or for any less time, or impose a fine, or suspend sentence for a definite or indefinite period, or if the child is found guilty of the offence charged, or is wilfully wayward and unmanageable, the Court may cause him or her to be sent to an industrial school, and in such cases the report of the officers of the society shall be attached to the warrant of commitment. 56 V. c. 45, s. 24; 60 V. c. 15, *Sched. B* (27). Trial of children for offences against Provincial laws.

**31.** Any Court or Magistrate in lieu of committing to prison any child under the age of 14 years convicted before him of any offence against the laws of this Province may hand over such child to the charge of any home for destitute and neglected children or industrial school or children's aid society and the managers of such home or school or society may permit its adoption by a suitable person, and may apprentice it to any Adoption of or apprenticing children on conviction.

suitable, trade, calling or service, and the transfer shall be as valid as if the managers were parents of such child. The parents of such child shall have no right to remove or interfere with the said child so adopted or apprenticed except by the express permission in writing of the Minister. 56 V. c. 45, s. 28.

Children not to be committed to gaols.

**32.** No child under 16 years of age held for trial or under sentence in any gaol or other place of confinement shall be placed or allowed to remain in the same cell or room in company with adult prisoners. It shall be the duty of the officer in charge of such place of confinement to secure, as far as the construction of such place will admit, the exclusion of such children from the society of adult prisoners during their confinement. 56 V. c. 45, s. 29.

Appointment of commissioners to try juvenile offenders.

**33.** The Lieutenant-Governor may, upon the request of any municipal council, appoint a commissioner or commissioners, each with the powers of a Police Magistrate, to hear and determine complaints against juvenile offenders, apparently under the age of sixteen years. 51 V. c. 40, s. 7.

Evidence of children.

**34.**—(1) Where, in any proceeding against any person for an offence under this Act, the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not, in the opinion of the Judge, understand the nature of an oath, the evidence of such child may be received, though not given upon oath, if in the opinion of the Judge such child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

Corroboration.

(2) A person shall not be liable to be convicted of an offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution, is corroborated by some other material evidence implicating the accused. 56 V. c. 45, s. 8 (1, 2); 60 V. c. 15, *Sched. B* (23).

Presumption of age of child.

**35.** Where a person is charged with an offence under this Act in respect of a child who is alleged to be under any specified age, and the child appears to the Judge to be under that age, such child shall for the purposes of this Act be deemed to be under that age, unless the contrary is proved. 56 V. c. 45, s. 25.

#### MISCELLANEOUS.

Order of committal to designate municipality chargeable with maintenance.

**36.** Upon an order being made by any Judge, Stipendiary or Police Magistrate or Justice of the Peace, for the committal of any child to any industrial school, or refuge for boys or girls, or other institution subject to the inspection of the Inspector of Prisons and Public Charities, or to any suitable

charitable society authorized under this Act or under *The Act Respecting Apprentices and Minors*, or under *The Industrial Schools Act*, such order shall specify the municipality or municipalities chargeable with the maintenance of such child, and a copy of the order with a copy of the depositions upon which the child has been committed shall be forwarded by registered letter to the clerk of the municipality chargeable under such committal with the maintenance of the child and unless the municipality moves before such Judge or magistrate to set aside the order in respect of maintenance within one month after receiving copy of such order the municipality shall be deemed to have consented to the order and shall be estopped from denying liability thereunder. Such Judge or Magistrate may at any time vary the order and charge any other municipality, upon which order like proceedings may be taken. 53 V. c. 76, s. 5.

Rev. Stat.  
c. 161.  
Rev. Stat.  
c. 304.

**37.** Where an offence against this Act is also punishable under any other Act, or at common law, it may be prosecuted and punished either under this Act, or under the other Act, or at common law, but no person shall be punished twice for the same offence. 56 V. c. 45, s. 27.

Prosecutions  
when offence  
is a contraven-  
tion of other  
provisions.

**38.**—(1) Notwithstanding anything in this Act contained, no Protestant child shall be committed to the care of any Roman Catholic children's aid society or institution, nor shall any Roman Catholic child be committed to a Protestant children's aid society or institution, and in like manner no Protestant child shall be placed out in any Roman Catholic family as its foster home, nor shall any Roman Catholic child be placed out in any Protestant family as its foster home.

Protestant  
children not  
to be com-  
mitted to  
Roman  
Catholic home  
and vice versa.

(2) This section shall not apply to the care of children in a temporary home or shelter, as in this Act provided, in a municipality in which there is but one children's aid society. 56 V. c. 45, s. 20.

(3) The certificate of one of the Inspectors of Prisons and Public Charities shall be sufficient as to the character of a society or institution for the purposes of this section. 51 V. c. 40, s. 5, *part.*

**39.** Nothing in this Act contained shall be construed to take away or affect the right of any parent, teacher or other person having the lawful control or charge of a child to administer punishment to such child as if this Act had not been passed. 56 V. c. 45, s. 26.

Right of in-  
flicting pun-  
ishment not  
affected.

FORMS USED UNDER

THE CHILDREN'S PROTECTION ACT.

Form 1—  
For warning  
notice to  
parents.

Children's Aid Society of

, 18?

NOTICE.

To

You are hereby notified that the Children's Aid Society have information that you

contrary to the law in such case made and provided, and that unless there is immediate improvement, and the cause of complaint is discontinued, proceedings will be instituted against you as the law provides.

.....

Agent, C. A. Society of

R. S. O. 1897, CHAPTER 259.

Form 2—  
For information  
and  
complaint.

Province of Ontario.

County of

The information and complaint of

To wit :

of

in the County of

Taken before me (us)  
Magistrates) in and for the  
County of this  
eighteen hundred and ninety-

Magistrate (or  
in the

day of

The said informant upon  
believes that  
day of  
hundred and ninety-  
County of

oath saith he is informed and be-  
on the  
in the year of our Lord one thousand eight  
at in the

(offence)

NOTICE OF APPREHENSION.

R. S. O. 1897, Chapter 259.

Form 3—  
For notice  
to parent or  
guardian.

Province of Ontario.	}	Children's Aid Society of
County of		
To wit :		

, 189

To \_\_\_\_\_ and \_\_\_\_\_  
Ontario.

You are hereby notified, as the \_\_\_\_\_ "Parents"  
of \_\_\_\_\_ a child or "per-  
apprehended under the provisions of *The Children's Protection Act* that sons" having  
the investigation of the facts in \_\_\_\_\_ case will be held before the custody.  
His \_\_\_\_\_ at the  
hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon on \_\_\_\_\_ day the  
\_\_\_\_\_ day of \_\_\_\_\_ 189 at \_\_\_\_\_  
at which time and place you are requested to appear and show cause, if  
any there is, why the Judge presiding should not order the delivery of  
the said \_\_\_\_\_ to the Children's Aid  
Society of \_\_\_\_\_, pursuant to the provisions of the  
said Act.

.....  
Agent, C. A. Society of

AFFIDAVIT OF SERVICE.

I, \_\_\_\_\_ of the City of \_\_\_\_\_  
in the County of \_\_\_\_\_ make oath and say :—

That I did on \_\_\_\_\_ day of \_\_\_\_\_ one  
thousand eight hundred and ninety-\_\_\_\_\_ serve \_\_\_\_\_  
\_\_\_\_\_ at \_\_\_\_\_ with a true copy of  
the within notice by delivering such copy to and leaving the same  
with \_\_\_\_\_

Sworn before me at the City of \_\_\_\_\_ }  
in the County of \_\_\_\_\_ }  
of \_\_\_\_\_ this \_\_\_\_\_ day }  
\_\_\_\_\_ 189 \_\_\_\_\_

Form 4—  
For subpoena  
of witness.

Province of Ontario.  
County of

To the Chief Constable or other Police Officer  
of the said City of  
and to any Constable in and for the said  
County of and  
City of

To wit :

To

Whereas information was laid before me,  
Esquire, County of  
for that contrary  
to law did

and it hath been made to appear that you are likely to give material evi-  
dence on behalf of the complainant, the Children's Aid Society of  
in this behalf.

These are therefore to require you to be and appear before me, or before  
such other Judge as under shall then be  
there, at the in the said City, on the  
day of in the year of our  
Lord one thousand eight hundred and ninety- at the hour  
of o'clock in the noon to testify what you shall  
know concerning the said complaint so made against the said  
as aforesaid.

~~Herein~~ Herein fail not.

[L.S.]

Given under my hand and seal this }  
day of 189 }  
at the City of }  
aforesaid. }

Province of Ontario.  
City of

I, a  
Constable of the City of  
make oath  
and say :—

To wit :

That I did on the day of  
in the year of our Lord one thousand eight hundred and ninety-  
serve the within named with a  
true copy of the within subpoena, and at the time of such service I  
exhibited to the said the within  
original subpoena.

Sworn before me at the City of }  
this day of }  
in the year of our Lord one }  
thousand eight hundred and ninety- }

ORDER FOR DELIVERY.

Form 5—  
for judge's  
order of  
transfer.

Province of Ontario.  
County of

Chap. 259, R. S. O., 1897.

To wit :

In the matter of

a neglected child—

at the investigation.

presiding

Whereas, on this A.D. 189 , one day of dependent and neglected child the Children's Aid Society of ha been brought before me by alleged to determine if the said be a dependent and neglected child within the meaning of the Statutes in such case made and provided.

And whereas, due notice of this investigation, as appears by the affidavit attached to the written notice filed herein has been served upon the said child the and the ha appeared. "Parents" or "persons" having the custody.

Upon hearing the evidence offered by the said Children's Aid Society, and upon hearing what was alleged by all the parties, and having duly investigated the facts

do find that the said is a dependent and neglected child meaning of *The Children's Protection Act*, so as to be

"In a state of habitual vagrancy, or mendicancy, or ill-treated so as to be in peril of life, health or morality by continued personal injury, or by grave misconduct or habitual intemperance of the parents or guardian." "Parents or either of them."

That name, in full, is that he was day of

years of A.D. 18

That



“ Name, nat- And that  
ionality, resi-  
dence, reli-  
gion and  
occupation of  
parents or  
either of  
them.”

And after hearing the said evidence and having determined that the said  
is a dependent

“ Whether  
either of  
them is dead  
or has aban-  
doned the  
child.”

do order that the said  
delivered into the care and custody of the Society, and that now  
he be taken to the Temporary Home or Shelter of the said Society  
to be there kept until placed in an approved Foster Home, pursuant to  
the provisions of the said Act.

And I do further order, pursuant to the said Act, that until the said  
reach the age of  
years or be otherwise provided for, the treasurer of the  
municipality of shall pay to the said Society  
the sum of \$ per week, the same to be applied towards the  
maintenance of the said child.

Given under my hand and seal this day of  
in the year of our Lord, one thousand eight  
hundred and ninety.

[S].

CERTIFICATE OF JUDGE.

Province of Ontario. )  
County of ) In the matter of  
City of ) a neglected child.

To wit :

do hereby certify that the within finding and order is a true copy of  
my original finding and order in the above case.

Dated at this day of in the said County of A.D. 189

This indenture, made in duplicate this \_\_\_\_\_ day Form 6—  
of \_\_\_\_\_ between \_\_\_\_\_ for transfer  
of the \_\_\_\_\_ of \_\_\_\_\_ of guardianship from  
in the County of \_\_\_\_\_ of the first part, and the \_\_\_\_\_ parent to  
Children's Aid Society of \_\_\_\_\_ of the second part. Society.

Whereas the party of the first part is the lawful \_\_\_\_\_ and guardian  
of \_\_\_\_\_ an infant under the age of 21 years, and is unable  
to maintain and care for the said infant for the following reasons :

And whereas the parties of the second part are a Society duly organized  
and incorporated for the purpose of, among other things, caring for and  
protecting such neglected, abandoned or orphaned children as may be  
lawfully committed or entrusted to them ,

And whereas the party of the first part is desirous of entrusting the  
said infant to the care of the said Society and appointing the said Society  
to be the guardians of the said infant, and the said Society are willing to  
assume the said obligation ;

Now therefore this indenture witnesseth that the said party of the  
first part hath committed and by these presents doth commit the said  
infant to the care of the said Society and hath appointed and by these  
presents doth appoint the said Society to be the lawful guardians of such  
infant until \_\_\_\_\_ attains the age of twenty-one years. And the said  
party of the first part hath released and by these presents doth release to  
the said Society all claims of any kind, nature or description upon the  
said infant.

And the said parties of the second part hereby for themselves, their  
successors and assigns agree to receive the guardianship of the said child  
and provide for it a foster home under the provisions of *The Children's  
Protection Act* of Ontario.

In witness whereof the said parties hereto have hereunto set their  
hands the day and year first above written.

Signed in the presence of



Parents.  
President.  
Secretary.

APPLICATION FOR CHILD.

To \_\_\_\_\_

Form 7—  
application  
for child.

We \_\_\_\_\_ hereby make application for the \_\_\_\_\_ 189  
care and training of a \_\_\_\_\_ aged about \_\_\_\_\_ We  
would be willing to enter into an agreement with the Society, pledging  
ourselves to treat kindly any child entrusted to us and to comply with the  
usual regulations. Particulars of our home are as follows :

Post office address \_\_\_\_\_ Nearest station \_\_\_\_\_  
County \_\_\_\_\_ Lot \_\_\_\_\_ Con. \_\_\_\_\_ Occupation \_\_\_\_\_ Religion \_\_\_\_\_  
Number in family \_\_\_\_\_ Those under twenty, are \_\_\_\_\_  
Clergyman and two well-known persons to whom reference could be  
made \_\_\_\_\_

Remarks

husband.  
wife.

## CONDITIONS.

Children must be kindly treated as members of the family, and provided with necessary food and clothing. They are expected to attend church and Sunday school, and to attend day school, full time, up to at least twelve years of age. Special arrangements are made from twelve to fourteen, but after fourteen boys and girls are expected to become wage-earners. When they go out it is understood they will remain with those receiving them so long as the agreement continues satisfactory to both parties. Children will be visited from time to time by duly authorized persons, but entirely in a friendly spirit. Applicants are urged to take children as young as possible, so that they may grow up contentedly in their new surroundings.

Form 8—  
agreement  
re child.

## AGREEMENT RE FOSTER CHILD.

Agreement entered into this                      day of                      189 between  
the Children's Aid Society of  
of the first part and  
of the second part, respecting

Witnesseth, that said parties of the second part agree with the said parties of the first part to receive into their home  
aged                      years on                      to  
act towards                      at all times with kindness and consideration, and to  
provide                      with food, clothing, washing and necessaries.

The said parties of the second part further covenant with the said parties of the first part as follows:—

- (1) That the said child shall be treated as a member of the family.
- (2) Shall be taught as far as possible habits of truthfulness, personal cleanliness and industry, and shall be afforded every opportunity for growing up to a good and useful life.
- (3) The said parties of the second part agree to send the said child to school as required by law.
- (4) It is agreed that the said child shall remain in the care of the said parties of the second part so long as both parties hereto are satisfied with this arrangement, and that while with them the child may be visited by any person duly authorized to do so; also, that should it be found necessary to return the said child the parties of the second part shall give two weeks' notice of their intention, and pay the railroad fare to

The parties of the second part further agree to write occasionally to the parties of the first part telling them how the child is progressing, and to send immediate notification in the event of death, serious illness, desertion, dissatisfaction or removal to another locality.

Signed at  
on this                      day of                      189  
in the presence of  
Witness.  
Witness.

## CHILDREN'S AID SOCIETY OF

Particulars concerning

Form 9—  
For making  
return to  
provincial  
superintend-  
ent of child  
sent to foster  
home.

189

Sex . . . . . Name in full . . . . .  
Age . . . . . on . . . . . Father's name . . . . .  
Mother's name . . . . . Parents both living . . . . .  
Religious denomination . . . . . Last address of  
child . . . . . How made ward . . . . .  
. . . . . When . . . . . ? Why . . . . .  
of stay in shelter . . . . . ? Nearest relatives living . . . . . Length  
days. Conduct while there . . . . .

Description of child: Complexion . . . . . Hair . . . . . Eyes . . . . .  
. . . . . Has the child any defect physically . . . . . ? Moral condi-  
tion and education . . . . . Has child any facial or  
physical peculiarity . . . . . Name and post  
office address of foster parents . . . . .  
concession . . . . . , lot . . . . . , county . . . . . Religious  
denomination . . . . . Number of children in foster  
parents' family . . . . . References . . . . .

of agreement in brief . . . . . Terms . . . . .  
Left for foster home on . . . . .

REMARKS.

This indenture made this . . . . . day of . . . . . , in the year . . . . .  
of our Lord, one thousand eight hundred and ninety- . . . . . , hereinafter called Form 10—  
between . . . . . Transfer of  
"institution" of the first part, and the Children's Aid Society of . . . . . child from  
. . . . . , hereinafter called "The Society," of the second part. . . . . institution  
to Society.

Whereas the said institution has the care or charge of . . . . .  
. . . . . , a minor under the age of . . . . .  
years, as an object of charity, and has been supporting . . . . .  
in their institution for a period of . . . . . years, and the said Society  
is willing to have the said child transferred to the said Society in pursuance  
of the provisions of *The Children's Protection Act of Ontario*.

This indenture therefore witnesseth, that the said institution in con-  
sideration of the premises, and so far as it has power and authority so to do,  
ereby gives and transfers to the said Society the said child, and the  
care, control and custody of the said child, to be placed out by the said  
Society in pursuance of the provisions of the said Act, which duty the  
said Society accepts in so far as it has power and authority to do so.

In witness whereof the parties hereunto set their respective corporate seals under the hands of their respective presidents.

Signed, sealed and delivered }  
in the presence of }

As to the signature of the president of "the institution."

As to the signature of the president of "the Society."

PARTICULARS OF CHILD.

- |                                  |   |
|----------------------------------|---|
| 1. Sex.                          | 14. How long there.                               |
| 2. Name in full.                 | 15. Was child deserted.                           |
| 3. Age, on                       | 16. When last visited.                            |
| 4. Place of birth.               | 17. How many brothers and sisters.                |
| 5. Entered institution.          | 18. Names and ages.                               |
| 6. Father's name.                | 19. Any other relatives interested in child.      |
| 7. Occupation.                   | 20. Names.  |
| 8. Religion.                     | 21. Does institution hold the legal guardianship. |
| 9. Character.                    | 22. Health of child.                              |
| 10. Mother's name.               | 23. Any physical defect.                          |
| 11. Religion.                    | 24. General disposition.                          |
| 12. Character.                   |   |
| 13. Parents' place of residence. |   |

Please fill in particulars as far as known.

Date,

Signed,

REMARKS.

---

## CHAPTER 58.

(Statutes of Canada, 1894.)

### An Act respecting the Arrest, Trial and Imprisonment of Youthful Offenders.

Assented to 23rd July, 1894.

**W**HEREAS it is desirable to make provision for the separation of youthful offenders from contact with older offenders and habitual criminals during their arrest and trial, and to make better provision than now exists for their commitment to places where they may be reformed and trained to useful lives, instead of their being imprisoned: Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:

1. Section 550 of "The Criminal Code, 1892," is hereby repealed and the following section substituted therefor.

"550. The trials of young persons apparently under the age of sixteen years, shall take place without publicity and separately and apart from the trials of other accused persons, and at suitable times to be designated and appointed for that purpose."

2. Young persons apparently under the age of sixteen years who are:

- (a) arrested upon any warrant; or
- (b) committed to custody at any stage of a preliminary enquiry into a charge for an indictable offence; or
- (c) committed to custody at any stage of a trial, either for an indictable offence or for an offence punishable on summary conviction; or
- (d) committed to custody after such trial, but before imprisonment under sentence,—

shall be kept in custody separate from older persons charged with criminal offences and separate from all persons undergoing

3 D. C.

Preamble

1892, c. 29,  
s. 550,  
amended.

Trial of young  
Persons.

Imprisonment  
of persons  
under 16.

To be  
separated from  
older offender

sentences of imprisonment, and shall not be confined in the lock-ups or police stations with older persons charged with criminal offences or with ordinary criminals.

**In Ontario, how child under 14 may be dealt with when convicted.**

**3.** If any child, appearing to the court or justice before whom the child is tried to be under the age of fourteen years, is convicted in the Province of Ontario of any offence against the law of Canada, whether indictable or punishable on summary conviction, such court or justice, instead of sentencing the child to any imprisonment provided by law in such case, may order that the child shall be committed to the charge of any home for destitute and neglected children, or to the charge of any Children's Aid Society, duly organized and approved by the Lieutenant-Governor of Ontario in Council, or to any certified Industrial School.

**In Ontario, how boy under 12, or girl under 13, may be dealt with when charged.**

**4.** Whenever in the Province of Ontario, an information or complaint is laid or made against any boy under the age of twelve years, or girl under the age of thirteen years, for the commission of any offence against the law of Canada, whether indictable or punishable on summary conviction, the court or justice seized thereof shall give notice thereof in writing to the executive officer of the Children's Aid Society, if there be one in the county, and shall allow him opportunity to investigate the charges made, and may also notify the parents of the child, or either of them, or other person apparently interested in the welfare of the child.

**2.** The court of justice may advise and counsel with the said officer and with the parents or such other person, and may consider any report made by the said officer upon the charges.

**3.** If, after such consultation and advice, and upon consideration of any report so made, and after hearing the matter of information or complaint the court or justice is of opinion that the public interest and the welfare of the child will be best served thereby, then, instead of committing the child for trial, or sentencing the child, as the case may be, the court or justice may, by order :

**Order.**

**Apprenticeship.**

(a) Authorize the said officer to take the child and, under the provisions of the law of Ontario, bind the child out to some suitable person until the child has attained the age of 21 years, or any less age ; or

**Foster home.**

(b) Place the child out in some approved foster home

**Fine.**

(c) Impose a fine not exceeding \$10 ; or

**Suspension of sentence**

(d) Suspend sentence for a definite period of for an indefinite period ; or

**Commitment to certain institutions.**

(e) If the child has been found guilty of the offence charged or is shown to be wilfully wayward and unmanageable, commit the child to a certified Industrial School, or to the Provin-

cial Reformatory for boys, or to the Refuge for girls, as the case may be, and in such cases, the report of the said officer shall be attached to the warrant of commitment.

5. Whenever an order has been made under either of the two sections next preceding, the child may thereafter be dealt with under the law of the Province of Ontario, in the same manner, in all respects, as if such order had been lawfully made in respect of a proceeding instituted under authority of a statute of the Province of Ontario.

Effect of order.  
Child there-  
after dealt  
with under  
law of  
Ontario.

6. No Protestant child dealt with under this Act, shall be committed to the care of any Roman Catholic Children's Aid Society, or be placed in any Roman Catholic family as its foster home; nor shall any Roman Catholic child dealt with under this Act, be committed to the care of any Protestant Children's Aid Society, or be placed in any Protestant family as its foster home. But this section shall not apply to the care of children in a temporary home or shelter, established under the Act of Ontario, intituled "An Act for the Prevention of Cruelty to, and better Protection of Children," in a municipality where there is but one Children's Aid Society.

Religion of  
child to be  
respected.

Proviso as to  
temporary  
care in  
certain cases.



## CHAPTER 161.

### An Act respecting Apprentices and Minors.

The following clauses bear particularly on the work of Children's Aid Societies :

Power of parents or charitable societies to appoint guardians.

**2.** Any parent, guardian or any other person having the care or charge of a minor, or any charitable society authorized by the Lieutenant-Governor to exercise the powers conferred by this Act, and having the care or charge of a minor, may, with the minor's consent, if the minor is a male not under the age of fourteen years, or is a female not under the age of twelve years, and without such consent if he or she is under such age, constitute by indenture to be the guardian of the child, any respectable, trustworthy person who is willing to assume, and by indenture or other instrument in writing does assume, the duty of a parent towards the child: But the parent shall remain liable for the performance of any duty imposed by law in case the guardian fails in the performance thereof. R. S. O., 1887, c. 142, s. 2.

Parents and guardians of certain minors must have order to recover child.

**4.** No minor who has been abandoned by his or her parent or guardian, or who is dependent upon charity for support shall be removed from any public or private charitable institution, or from the custody or control of any private person who is charitably taking care of the minor, by the father or mother or guardian of the minor against the will of the head of such public or private charitable institution, or such private person, without an order for such removal from a judge of the High Court, or from the judge of the County Court of the county, or mayor or police magistrate of the city or town where the minor is, and the judge or other person hereby empowered to make an order for removal may refuse to grant an order for the removal of the minor unless he is satisfied that the removal will tend to the advantage and benefit of the minor.

Powers of parents or societies to bind minors.

**6.** A parent, guardian, or other person having the care or charge of a minor, or any charitable society being authorized by the Lieutenant-Governor in Council to exercise the power conferred by this Act, and having the care or charge of a

minor, being a male and not under the age of fourteen years, may, with the consent of the minor, put and bind him as an apprentice, by indenture, to any respectable and trustworthy master-mechanic, farmer or other person carrying on a trade or calling, for a term not to extend beyond the minority of the apprentice; or in case of a female, not under the age of twelve years, may with her consent, bind the minor to any respectable and trustworthy person carrying on any trade or calling, or to domestic service with any respectable and trustworthy person for a term not to extend beyond the age of eighteen years.

29. The Lieutenant-Governor in Council may authorize any charitable society, incorporated or unincorporated, to exercise for a limited time or otherwise the powers conferred by this Act, and may revoke or suspend any Order in Council made for that purpose, and after such revocation such society shall not possess the authority to exercise such powers unless and until again authorized by Order in Council.

Authority  
may be given  
charitable  
societies.

(See Form 6, on page 29.)

## CHAPTER 304.

### An Act respecting Industrial Schools.

SHORT TITLE, s. 1.	DISCHARGE, ss. 22-23.
INTERPRETATION, s. 2.	SUPERVISION AFTER DISCHARGE, 24.
ESTABLISHMENT OF SCHOOLS, ss. 3, 4.	POWERS OF SCHOOL CORPORATION, s. 25.
DELEGATION OF POWERS TO PHILANTHROPIC SOCIETIES, s. 5.	RULES OF MANAGEMENT, s. 26.
Power of Philanthropic Societies to borrow, s. 6.	MAINTENANCE, ORDER FOR, ss. 27-29.
AID BY SCHOOLBOARDS, ETC., ss. 7, 8.	Liability for, according to residence of child, s. 30.
GRANTS OF LAND BY RELIGIOUS CORPORATIONS, s. 9.	APPREHENSION OF CHILDREN ESCAPING FROM SCHOOLS, ss. 31, 32.
APPOINTMENT OF TEACHERS, s. 10.	SURRENDER OF CHILD TO PARENTS, s. 33.
COMMITTAL TO SCHOOLS, ss. 11-16.	INSPECTION, ss. 34-36.
ROMAN CATHOLIC CHILDREN, PROVISORAS TO, s. 17.	PUBLIC AID TO INDUSTRIAL SCHOOLS, ss. 37-40.
VISITS BY CLERGYMEN, s. 18.	
PLACING OUT OF CHILDREN, ss. 19-21.	

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.      1. This Act may be cited as "*The Industrial Schools Act*." R. S. O. 1887, c. 234, s. 1.

"Industrial School," definition of.      2.—(1) The words "Industrial school" in this Act shall mean a school in which industrial training is provided, and in which children are lodged, clothed and fed, as well as taught, and which has been certified by the Minister under section 3 of this Act. R. S. O. 1887 c. 234, s. 2 (1); 58 V. c. 59, s. 1 *part*.

(2) "Industrial school board" shall mean the board of management of such certified industrial school, whether acting directly under powers conferred by, or under powers delegated pursuant to this Act. 58 V. c. 59 s. 1 *part*.

"Philanthropic Society."      (3) "Philanthropic society," in this Act, shall mean a philanthropic society (not being a loan corporation within the meaning of *The Loan Corporations Act*), incorporated under *The Act respecting Benevolent, Provident and other Societies*, or under any other Act in force in this Province, and approved by the Lieutenant-Governor-in-Council for the purposes of this Act. R. S. O. 1887, c. 234, s. 2 (2); 60 V. c. 38, s. 121 (1).

Rev. Stat. c. 205.

Rev. Stat. c. 211.

(4) "Minister" shall mean the Provincial Secretary or other Minister whose duties for the time being include the charge of industrial schools. See 59 V. c. 73, s. 2.

3. In case the public school board of trustees for any city or town, or the separate school trustees therein, establish an industrial school, and provide the necessary building or buildings, either by purchase, lease or otherwise, and provide the other requisites for such schools, and cause notice thereof to be given to the city inspector of public schools, or in case of a Roman Catholic industrial school then to one of the inspectors of separate schools, the said inspector shall make an examination of the school buildings so provided, and of their fitness for the reception of children, and shall inquire as to the other requisites provided, and shall inquire also into the means adopted for carrying on the school, and shall report the said particulars to the Minister; and if the Minister is satisfied with the report of the inspector, he may, in writing under his hand, certify that the school is a fit and proper one for the reception of children to be sent there, and the school shall thereupon be deemed a certified industrial school for the purposes of this Act. R. S. O. 1887, c. 234, s. 3; 59 V. c. 73, s. 2.

In cities, examination by Inspector, report thereon.

Certificate by Minister.

4. The notice of the grant of the certificate shall forthwith be given by the board to the Police Magistrate and the Judge of the County Court, and shall likewise be inserted by the board in the *Ontario Gazette*; and 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 attested as such by the Minister or his Deputy. R. S. O. 1887, c. 234, s. 4; 59 V. c. 73, s. 2.

Notice of the certificate and evidence thereof.

5.—(1) Any board of school trustees may delegate the powers, rights and privileges conferred upon such board by this Act, respecting the establishment, control and management of an industrial school to any philanthropic society or societies and the society or societies to which such powers are delegated, shall have and may exercise all the powers so delegated, and this Act shall thereafter apply to the philanthropic society or societies as fully as to the said boards; provided, nevertheless, that the chairman and secretary of the board of public school trustees in the city or town in which the industrial school is situated, or under whose control it is placed, and the public school inspector of the city or town, shall be members of the board of management of the society when acting under powers delegated by the board of public school trustees, and the chairman and secretary of the separate school board shall be members of the board of management, when the society is acting under powers delegated by the separate school board.

Delegation of powers conferred on school trustees by this Act.

(2) The by-laws of such society shall be subject to the approval of the Lieutenant-Governor in Council. R. S. O. 1887, c. 234, s. 5.

Societies  
may borrow  
on debentures.

6. A philanthropic society in addition to any powers conferred by the Act incorporating it as to raising money on the security of its property, shall have power to borrow money on debentures, and for that purpose may issue debentures pledging all the real and personal estate of the society for the payment of such debentures. The issue of such debentures shall not exceed two-thirds of the value of the property owned by such society, and no debenture shall be for a less sum than \$100. A certificate of the number and amount of such debentures, as they are issued under the seal of the society and signature of the president or secretary, shall be filed in the registry office where the lands affected lie, which certificate shall be open to inspection on payment of 10 cents. 54 V. c. 59, s. 2.

Aid to indus-  
trial schools,  
from school  
boards.

7. Any school board authorized to establish industrial schools may aid such schools in the same manner as other schools, notwithstanding that such school does not lie within the municipality or school section wherein such school board has jurisdiction; provided such school has been established by the said school board, or by some society to which the said school board has delegated its powers, and upon the board of management of which it is represented. 54 V. c. 59, s. 1.

Authorizing  
corporations  
of cities and  
towns guaran-  
tee to debent-  
ures issued,  
for industrial  
school pur-  
poses.

8.—(1) When the school board of any city or town has itself, or where any philanthropic society acting under powers delegated by the public or separate school board, has established an industrial school or schools, and for the purpose of the purchase of lands and the erection of the necessary buildings thereon has incurred a debt or debts, or is about to incur such debt or debts, and where such school board, or the philanthropic society aforesaid, is desirous of or has issued debentures for the purpose of paying such indebtedness, then such school board or the board of such philanthropic society may request the council of such city or town to indorse or guarantee such debentures, and the corporation of such city or town shall have the power and are hereby authorized to guarantee the debentures so issued, and such indorsement or guarantee shall have the same force and effect as debentures issued by such city or town for school purposes: Provided, first: That the amount of the debentures so issued shall not exceed sixty per cent. in value of the lands, buildings and improvements of such school board or philanthropic society held for industrial school purposes: Provided, secondly: That the corporation shall either take a mortgage on the said property in respect of which the debentures are issued themselves, or an assignment of an existing mortgage, or require a mortgage to be made to

Proviso.

Proviso.

a trust corporation or other trustees as security for such debentures. 58 V. c. 59, s. 2.

(2) Any debenture debt incurred under this section by an industrial school board acting under powers derived from the public school board shall be a liability of the supporters of public schools, and likewise any debt incurred by an industrial school board acting under powers derived from a separate school board shall be a liability of the supporters of separate schools. 58 V. c. 59, s. 3.

Debentures issued for public industrial schools to be supported by public school moneys.

9. Any religious corporation may out of lands held by the corporation, whether rectory or other lands, and over which such corporation has a power of sale, set apart and grant or lease for a nominal consideration, or otherwise for industrial school purposes, such portions of said lands as said corporation, or the committee having power to sell the same may think proper, without the corporation being deemed guilty of a breach of trust. 54 V. c. 59, s. 3.

Religious corporations empowered to grant or lease lands to industrial schools.

10.—(1) The respective school boards shall provide the teachers necessary for the industrial school, and the general superintendent of the school shall, when practicable, be selected from the teachers so appointed. R. S. O. 1887, c. 234, s. 6.

Appointment of teachers and general superintendent.

(2) Any such school board may pay a *per capita* allowance to the industrial school board in lieu of providing such teachers, such *per capita* allowance for each child taught, to be not less than the average cost *per capita* for each child attending the schools under the management of such school board in the then next preceding year, the number of children in the industrial school to be estimated as being the same number as during such next preceding year, and should such plan of payment be adopted, then all the powers of such school board as to hiring and discharging of teachers shall vest in the industrial school board. 58 V. c. 59, s. 4.

School boards may pay a *per capita* allowance instead of furnishing teachers.

11.—(1) Any person may at a special sitting bring before the Police Magistrate, or before the Judge of the County Court, and, except in cities where there is a Police Magistrate, before any Justice of the Peace, any child apparently under the age of fourteen years, who comes within any of the following descriptions, namely:

Certain children under fourteen may be brought before Police Magistrate or Justices.

(a) Who is found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms;

(b) Who is found wandering, and not having any home or settled place of abode or proper guardianship, or not having any lawful occupation or business, or visible means of subsistence;

(c) Who is found destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment;

(d) Whose parent, step-parent or guardian represents to the Judge or Magistrate that he is unable to control the child, and that he desires the child to be sent to an industrial school, under this Act;

(e) Who, by reason of the neglect, drunkenness or other vices of the parents, is suffered to be growing up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life;

(f) Who has been found guilty of petty crime, and who, in the opinion of the Judge or Magistrate before whom he has been convicted, should be sent to an industrial school instead of to a gaol or reformatory. R. S. O. 1887, c. 234, s. 7.

(g) Who (being a child between eight and fourteen years of age) has been expelled from school for vicious and immoral conduct. 54 V. c. 56, s. 6.

Magistrate to inquire into truth of facts charged.

(2) No formal information shall be requisite to authorize proceedings being taken under the next preceding subsection, but the Judge or Magistrate, before issuing his order, shall have such child brought before him, and shall, in its presence, take evidence in writing under oath of the facts charged, and shall make reasonable inquiry into the truth thereof. R. S. O. 1887, c. 234, s. 8.

Magistrate may order child to school; requisites of the order.

**12.** If the Judge or Magistrate is satisfied on inquiry that it is expedient to deal with the child under this Act, he may order him to be sent to a certified industrial school; which order shall be in writing, and shall specify the name of the school, and the time for which the child is to be detained in the school, being such time as to the Judge 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. R. S. O. 1887, c. 234, s. 9.

Admission to the schools.

**13.** The said school corporations or philanthropic societies may admit into any industrial school established by them, any children apparently under the age of fourteen years who are committed to any such school by the Judge or Magistrate; and the said corporations or societies, respectively, shall have power to place the said children at such employments, and cause them to be instructed in such branches of useful knowledge as are suitable to their years and capacities. R. S. O. 1887, c. 234, s. 10.

Powers as to instruction and employments.

Boys under 13 may be committed to industrial schools.

**14.**—(1) Where under the authority of any statute of the Province, or of any other statute or law in force in the Province, and relating to matters within the legislative authority of the Legislature of the Province, any offender is convicted

whether summarily or otherwise, of any offence punishable by imprisonment, by any Judge, Stipendiary or Police Magistrate, or Justice of the Peace, who at the time of the trial is of the opinion that such offender does not exceed the age of thirteen years, such Judge, Magistrate or Justice, may order such offender to be sent to a certified industrial school, subject to the provisions of this Act. 53 V. c. 76, s. 2.

(2) Such offender shall thereupon be detained in such industrial school until he is reformed or otherwise fit to be apprenticed or bound out, or is probationally or permanently discharged under the provisions of this Act, and such detention shall be substituted in such case for the imprisonment in the penitentiary or reformatory or such place of confinement by which the offender would otherwise be punishable under any such statute or law relating thereto as aforesaid; but in no case shall the offender be detained beyond the age of 17 years. 53 V. c. 76, s. 3.

Period of detention at industrial schools.

15. Upon complaint made to the Judge of the County or District Court, or to any Stipendiary or Police Magistrate by the general superintendent or other officer in charge of such industrial school, that by reason of incorrigible or vicious conduct, or escape, or habits of escape, and with reference to the general discipline of the school, the offender is beyond the control of such officer, the Judge, Stipendiary or Police Magistrate may order such offender to be confined in the reformatory for an undefined period, not to exceed the period for which he would be otherwise liable to be detained. 53 V. c. 76, s. 4.

Incorrigible offenders may be sent to reformatory.

16.—(1) In case an offender against any law of Canada who at the time of his trial is or appears to be under the age of thirteen years is for any offence against any law of Canada committed to a certified industrial school, or is transferred by legal authority from any place of imprisonment to a certified industrial school, the managers of such school may admit the offender into the said school accordingly. 53 V. c. 75, s. 2.

Admission of offenders to industrial schools.

(2) The provisions for maintenance and all other matters relating to offenders against Provincial laws shall also apply to offenders between the ages aforesaid against the laws of Canada, who may be transferred or committed to a certified industrial school. 53 V. c. 75, s. 3.

Provisions for maintenance, etc., to extend to offenders against Dominion laws.

(3) The order for chargeability of maintenance of an offender against the laws of Canada, transferred or committed to a certified industrial school, may be made by the Court, Judge, Stipendiary or Police Magistrate before whom the offender is convicted at any time, as if such Court, Judge, Stipendiary or Police Magistrate had ordered the commitment of such offender for an offence against Provincial law. 53 V. c. 75, s. 4.

Order charging maintenance in such cases.

17. In case an industrial school is established by the Roman Catholic separate school trustees in any city, the Judge or

Roman Catholic children.



Magistrate shall endeavour to ascertain the religious persuasion to which every child to be sent by him to an industrial school belongs, and shall, as far as practicable, send Roman Catholic children to the Roman Catholic industrial school and other children to the other industrial school; and if a parent or guardian, or in case there is no parent or guardian, then if the nearest adult relative of a child in a Roman Catholic separate school claims that the child should be sent to the industrial school under the said board of trustees, or claims that a child in an industrial school established by the latter should be sent to the Roman Catholic separate school, the Minister, on being satisfied of the justness of such claim, shall order a transfer of the child accordingly, provided that the managers of the school to which the transfer is to be made are willing to receive the child. R. S. O. 1887, c. 234, s. 11; 59 V. c. 73, s. 2.

Visits by  
clergymen.

**18.** A clergyman of the religious persuasion to which a child appears to belong may visit the child at the school on such days and at such times as may be from time to time fixed by regulations of the Minister in that behalf, for the purpose of instruction in religion. R. S. O. 1887, c. 234, s. 12; 59 V. c. 73, s. 2.

Children may  
reside with  
respectable  
persons.

**19.—(1)** The school corporation, or philanthropic society, may permit a child sent to their industrial school under this Act to live at the dwelling of any trustworthy and respectable person; provided, that a report is made forthwith to the Minister in such manner as he thinks fit to require, of every instance in which this discretion is exercised. R. S. O. 1887, c. 234, s. 13; 59 V. c. 73, s. 2.

Revocation of  
permission to  
reside out of  
school.

**(2)** Any permission for that purpose may be revoked at any time by the school corporation or philanthropic society: and thereupon the child to whom the permission relates shall be required to return to the school. R. S. O. 1887, c. 234, s. 14.

Time of ab-  
sence how  
calculated.

**(3)** The time during which the child is absent from the school under permission shall, except where the permission is withdrawn on account of the child's 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 permission, he shall be taken back to the school. R. S. O. 1887, c. 234, s. 15.

Return to  
school.

Maintenance  
and education  
of children in  
homes outside  
of school.

**20.** The industrial school board may arrange for the maintenance and education of any child committed to their care in any satisfactory home outside of such school, provided that the control of the board over such child is not thereby abated or diminished, nor the liability of any municipality for the maintenance of such child thereby increased and in all cases when the cost of maintenance at such house is less than the statutory liability of any municipality, such municipality shall be chargeable only with the amount paid by said board of management. 54 V. c. 59 s. 4.

**21.** The Minister may at any time order any child to be transferred from one certified industrial school to another, or may order a child to be discharged from any such certified industrial school either absolutely or on such conditions as he may think fit, and the child shall be transferred or discharged accordingly. 59 V. c. 73, s. 1 (1).

Transfer of child from one school to another.

**22.** In case an application is made to any Court or Judge for the discharge from the industrial school of any child committed thereto under the provisions of section 11 of this Act, notwithstanding any irregularity in or insufficiency of the order or other proceedings, no order shall be made for such discharge in case the Court or Judge deems it for the benefit of the child that it should remain in the industrial school, and it appears by the depositions taken before the committing Judge or Magistrate that the child was liable to be committed to the industrial school under the provisions of this Act. R. S. O. 1887, c. 234, s. 18.

Applications for discharge of children committed.

**23.** The committing Judge or Magistrate shall deliver to the constable, or other person having the execution of his order, the depositions taken by him, or a certified copy thereof, which depositions or copy shall be delivered by the constable or other person to the superintendent or officer receiving the child into the said industrial school; such copy shall be *prima facie* proof of the contents of the original depositions and shall be receivable in evidence upon any application for the discharge of any child committed thereunder. R. S. O. 1887, c. 234, s. 19.

Depositions to be delivered to person executing warrant.

Evidence.

**24.**—(1) Every child sent to an industrial school, shall, from the expiration of the period of his detention at such school, remain up to the age of 18 under the supervision of the industrial school board.

Children to be under supervision of industrial school board till 18.

(2) Such industrial school board shall have the same powers in respect of children under their supervision as are conferred upon such board in respect of boys committed to said school. 58 V. c. 59 s. 5.

**25.** The school corporation, or philanthropic society, may at any time during the period of detention of a child in a school, exercise all the powers conferred by sections 2 and 6 of *The Act respecting Apprentices and Minors*, upon the charitable societies therein mentioned. R. S. O. 1887, c. 234, s. 20.

School corporation, etc., to have powers granted by Rev. Stat. c. 161.

**26.** The school corporation, or philanthropic society, may from time to time make rules for the management and discipline of the certified industrial school established by the board or society, such rules not being inconsistent with the provisions of this Act; but the rules shall not be enforced until they have been approved by the Minister; and rules so ap-

Rules of management, power to make.

proved shall not be altered without the like approval; a printed copy of the rules purporting to be rules of a school so approved and signed by the Minister shall be evidence of the rules of the school. R. S. O. 1887, c. 234, s. 21; 59 V. c. 73, s. 2.

Power to order parent, etc., to maintain a child.

**27.** On the complaint of the school corporation or philanthropic society, or of any agent of the school corporation or philanthropic society at any time during the detention of a child in a certified industrial school, the Judge of the Division Court of the division in which the parent, step-parent or guardian of the child resides, may, on summons to the parent, step-parent or guardian, in the form or to the effect of the Schedule to this Act, issued and served according to the ordinary practice of the Court, examine into his ability to maintain the child; and the Judge may, if he thinks fit, make an order on such parent, step-parent or guardian for the payment to the school corporation or philanthropic society of such weekly sum, not exceeding \$1.50 per week, as to the Judge seems reasonable, during the whole or any part of the time during which the child is liable to be detained in the school; and the said order shall for all purposes be a judgment of the Division Court. R. S. O. 1887, c. 234, s. 22.

Varying the order for maintenance.

**28.** The Judge making such order, or any other Judge holding the Division Court, may from time to time vary any such order as circumstances require, on the application either of the person on whom the order is made, or of the school corporation or philanthropic society or its agent, on fourteen days' notice of the application being first given to the other party. R. S. O. 1887, c. 234 s. 23.

Costs of order for maintenance.

**29.** The officers of the Court shall be entitled to charge fees upon proceedings had under the next preceding two sections, according to the lowest Division Court scale, and in every case all costs shall be in the discretion of the Judge. R. S. O. 1887, c. 234, s. 24.

Liability of other corporations for maintenance according to residence of the child.

**30.**—(1) In case a child sent by a Judge or Magistrate to an industrial school has not resided in the city or town in which said school is situated, or to which it is attached for a period of one year, but has resided for that period in some other county, city, or separated town, the school corporation or philanthropic society may recover from the corporation of such county, city, or separated town the expense of maintaining the child.

(2) If the child, although he or she had resided for a period of one year in the city in which the industrial school is situated, or to which it is attached, had, since such residence, been resident for a period of one year in some other municipality, the school corporation or philanthropic society, may, in like manner, recover the expense of maintenance from the

county, city, or separated town in which the child last resided for a period of one year. R. S. O. 1887, c. 234, s. 25 (1-2).

(3) Where the child resided for one year last preceding its admission to said school in the city or town in which the industrial school is situated or to which it is attached, such city or town shall pay a sum of not less than \$2.00 per week towards the expenses of maintaining in the school of each such child whose maintenance is not otherwise fully provided for; and such city or town shall have the power to recover the amount so paid from the parents if able to pay it. R. S. O. 1887, c. 234, s. 25 (3); 51 V. c. 39, s. 1.

**31.** A child escaping from the person with whom he is placed, or refusing to return to the school on the revocation of the permission or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school. R. S. O. 1887, c. 234, s. 16. What shall be deemed escape from school.

**32.** If a child sent to a certified industrial school, and while liable to be detained there, escapes from the school, or neglects to attend thereat, he may, at any time before the expiration of his period of detention, be apprehended without warrant, and may be brought back to the same school, there to be detained during the period equal to so much of his period of detention as remained unexpired at the time of his escape. R. S. O. 1887, c. 234, s. 26. Apprehension on escape or absence.

**33.** Wherever it is satisfactorily proved that the parents of any child committed under the provisions of this Act have reformed and are leading orderly and industrious lives, and are in a condition to exercise salutary parental control over their children, and to provide them with proper education and employment, or wherever, said parents being dead, any person offers to make suitable provision for the care, nurture and education of such child as will conduce to the public welfare, and will give satisfactory security for the performance of the same, then the board of school trustees or philanthropic society may discharge said child to the parents or to the person making provision for the care of the child as aforesaid. R. S. O. 1887, c. 234, s. 29. Surrender of child to parents or other persons.

#### INSPECTION OF INDUSTRIAL SCHOOLS.

**34.** Industrial schools established under this Act shall be under the same inspection, and subject to the same laws in all respects as other schools, except so far as may be inconsistent with this Act. R. S. O. 1887, c. 234, s. 28.

**35.** The Superintendent of Neglected Children shall, by virtue of his office, have the right to inspect every institution receiving aid under this Act. 56 V. c. 50, s. 7; 58 V. c. 59, s. 6. Inspection of schools receiving public aid.

Duties of Superintendent of Neglected Children.

**36.** The said Superintendent shall, from time to time, visit and inspect every industrial school and make all proper inquiries as to the maintenance, management, and affairs thereof; and by examination of the registers and such other means as he may deem necessary, particularly satisfy himself as to the correctness of any returns made under this Act, or under any Order in Council in that behalf, as aforesaid; upon all which matters he shall make report to the Lieutenant-Governor in Council. 56 V. c. 50, s. 8; 58 V. c. 59, s. 6.

PUBLIC AID TO INDUSTRIAL SCHOOLS.

Amount of aid.

**37.** In case of public moneys being appropriated for the purposes of this Act by the Legislative Assembly, every industrial school complying with the requirements of this Act and of all orders made hereunder by the Lieutenant-Governor in Council, shall receive in each year aid from such moneys to the extent and amount following, that is to say, seven cents for each day's actual stay of every pupil admitted to, or being within such institution during the calendar year next preceding the year for which such aid is given. 56 V. c. 50, s. 3.

Further aid.

**38.** In every year, each such institution shall also be entitled to have and receive from such public funds, further aid to the extent and amount of three cents per pupil per day: provided that the aggregate amount of such further aid, at the rate aforesaid shall not, in any one year, exceed one-fourth of the entire moneys received by such institution in said preceding year, from all sources other than the Province, towards the ordinary yearly maintenance thereof; and in every such case, where said further aid in the aggregate would exceed said one-fourth of the last mentioned moneys, there shall be substituted and given in lieu thereof, from the public moneys so appropriated, a sum equal to the said one-fourth of the last mentioned moneys. 56 V. c. 50, s. 4.

Proviso.

Limit of amount of aid.

How amount to be calculated.

**39.** In calculating the amount of aid to be given under this Act to any institution as aforesaid, the day of departure of any pupil from such institution shall not be counted or reckoned. 56 V. c. 50, s. 5.

Penalty in case of false return.

**40.** Any person who knowingly and wilfully makes, or is a party to, or procures to be made, directly or indirectly, any false return, either under this Act, or any Order in Council, shall thereby incur a penalty of \$1,000, which penalty may be recovered, with costs, by civil action or proceeding, at the suit of the Crown only, in any form allowed by law and before any Court of the Province having jurisdiction to the amount of such penalty in cases of simple contract. 56 V. c. 50, s. 6.

## CERTIFIED SCHOOLS.

There are three schools certified by the Government under the above Act :

The Victoria Industrial School for Boys, Mimico.

The Alexandra Industrial School for Girls, East Toronto.

The St. John's Industrial School for Catholic Boys, East Toronto.

Only children should be committed to an Industrial School who are incorrigible or who have been guilty of some serious offence, as under the Children's Protection Act facilities are provided for dealing with those children who are neglected or homeless. No child, as a rule, should be sent to an Industrial School who is under ten years of age or over fourteen, and the sentence should be indefinite, that is, until the boy or girl attains the age of sixteen. It is not the intention that any child should be retained in the school for a longer term than three years, but if committed indefinitely the School authorities would then have power to deal with the child as considered best under the circumstances either by boarding or apprenticing, or returning to parents on parole. By an amendment made to the Act the right of the School to exercise supervision over a child is extended to eighteen years. Although this amendment has not yet been practically tested, it conveys power to the School to act as guardian until the child is eighteen years of age. By this means the return of a child to parents who are manifestly unfit to have the care of children, can be set aside. The Act permits of a child being committed to the School by one Justice of the Peace, but it is desirable that there should be at least two Justices acting together in making a commitment.

(Form for commitment.)

## INDUSTRIAL SCHOOLS ACT.

(Chapter 304, R. S. O. 1897.)

To

I (we)  
 Judge of the County Court of the County of (or Police Magistrate or Justice  
 of the Peace in and for ) having satisfied myself  
 upon enquiry that it is expedient for me to deal with  
 of a child in my opinion under the age of fourteen years, he  
 being years old last birthday, which was as nearly as I can ascertain  
 on or about the day of last, under the Industrial  
 Schools Act, do therefore order that said be sent to the  
 Industrial School, at , in the County of York, there to be detained for a  
 period not extending beyond the time when he shall have attained the age of sixteen  
 years.

I further certify that under the provisions of section 30 of the said Act, the  
 Municipality of the (county, city or town separated) of is liable for  
 the maintenance of the said unless otherwise provided for.

Dated the day of 189 .

Judge of

(This order should be made in duplicate, one to be sent to the Clerk of the Municipality chargeable with the support of the child, and the other to the Head Master of the School.)

## SCHEDULE.

(Section 27.)

[L.S.]

SUMMONS FOR MAINTENANCE IN INDUSTRIAL SCHOOL.

In the \_\_\_\_\_ Division Court of the County  
of \_\_\_\_\_  
BETWEEN the Public School Board of the City of \_\_\_\_\_ (or as may be)  
\_\_\_\_\_ Plaintiffs,  
and \_\_\_\_\_  
C. D. Defendant.

You, the above-named defendant, are hereby summoned to appear at the next sitting of this Court, to be holden at \_\_\_\_\_ in the County of \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_, at the hour of ten o'clock in the forenoon, to answer the allegation of the plaintiff, that you, the said \_\_\_\_\_ are liable for the expense of maintaining one *E. D.*, a boy detained in the \_\_\_\_\_ Industrial School, under the charge of the above named plaintiffs, in the City of \_\_\_\_\_

And, further, you are hereby required to take notice that the plaintiffs claim that you are able to pay the sum of \$ \_\_\_\_\_ per week towards the said expenses, and that if you do not appear at the said time and place, such order will be made in your absence as may seem just.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_.

By the Court,

*X. Y.,*  
Clerk.

R. S. O. 1887, c. 234, Sched

## CHAPTER 258.

### An Act to regulate Maternity Boarding Houses and for the Protection of Infant Children.

(As amended January 8, 1898.)

#### PART I.

RESTRICTIONS ON RECEIVING INFANTS TO BE NURSED FOR HIRE, s. 1.	OFFENCES, s. 6.
REGISTRATION OF HOUSES UNDER THIS ACT, s. 2.	NOTICE OF DEATH OF INFANTS, s. 8.
Refusal of registration, s. 3.	INSPECTION OF REGISTERED HOUSES, s. 9.
Removal from register, s. 7.	PENALTIES, s. 10.
REGISTER OF INFANTS, ss. 4, 5.	TRIAL OF OFFENCES, s. 11.
	EXPENSES OF ENFORCING ACT, s. 12.
	APPLICATION OF ACT, s. 13.

#### PART II.

BY-LAW TO BRING PART II INTO FORCE, s. 14.	REGISTER OF INMATES, ss. 20, 21.
MATERNITY BOARDING HOUSES NOT TO BE KEPT UNLESS REGISTERED, s. 15.	RECORD OF ANCEDENTS OF INMATES, s. 22.
RESTRICTIONS ON RECEIVING INFANTS TO BE NURSED FOR HIRE, s. 16.	NOTIFICATION OF BIRTHS, s. 23.
REGISTRATION OF HOUSES, ss. 17-19.	NOTIFICATION OF DEATHS, s. 24.
Refusal of registration, s. 18.	INSPECTION OF REGISTERED HOUSES, s. 25.
Cancelling registration, s. 19.	ADOPTION OF CHILDREN, s. 26.
	OFFENCES AND PENALTIES, ss. 27-30.
	EXPENSES OF ENFORCING ACT, s. 31.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

#### PART I.

1. It shall not be lawful for any person to retain or receive for hire or reward more than one infant, and in case of twins more than two infants, under the age of one year, for the purpose of nursing or maintaining such infants apart from their parents for a longer period than twenty-four hours, except in a house which has been registered as herein provided. R. S. O. 1887, c. 209, s. 1.

Restrictions as to receiving infants to be nursed for hire.

2. The municipal council of every local municipality shall keep a register of the names of persons applying to register for the purposes of Part I of this Act, and therein shall cause to be registered the name and house of every person so applying, and the situation of the house; and the council shall from

Registration of houses for reception of infants.



time to time make by-laws for fixing the number of infants who may be received into any and every house so registered. The registration shall remain in force for one year. No fee shall be charged for registration. Every person who receives or retains any infant in contravention of the provisions of Part I of this Act, shall be guilty of an offence against Part I of this Act. R. S. O. 1887, c. 209, s. 2.

Authority to  
refuse regis-  
tration.

3. The municipal council may refuse to register any house unless satisfied that the house is suitable for the purposes for which it is to be registered, and unless satisfied by the production of the certificates that the person applying to be registered is of good character, and able to maintain such infants. R. S. O. 1887, c. 209, s. 3.

Register of  
children.

4. The person registered as aforesaid, shall immediately enter, in a register to be kept by him, the name, sex and age of every infant under his care, and the date at which, and the names and addresses of the persons from whom, they were received, and shall also enter in the said register the time when, and the names and addresses of the person by whom every such infant received and retained as aforesaid is removed, immediately after the removal of the infant, and shall produce the register when required to do so by the municipal council; and in the event of his refusing so to produce the register, or neglecting to enter in a register the name, sex, and age of every infant, and the date at which, and the names and addresses of the persons from whom, they were received, and by whom they were removed respectively, shall be liable to a penalty not exceeding \$20. R. S. O. 1887, c. 209, s. 4.

Forms of reg-  
istration to be  
supplied.

5. The person registered shall be entitled to receive gratuitously from the municipal council, a book of forms for the registration of infants. The register may be according to Form B contained in the Schedule to this Act. The book shall contain a printed copy of Part I of this Act. R. S. O. 1887, c. 209, s. 5.

Offences.

6. If any person makes false representations with a view to being registered under Part I of this Act, or forges any certificate for the purposes of said Part I, or makes use of any forged certificate knowing it to be forged, or falsifies any register kept in pursuance of Part I of this Act, he shall be guilty of an offence against Part I of this Act. R. S. O. 1887, c. 209, s. 6.

Removal from  
register.

7. If it is shewn to the satisfaction of the municipal council that a person whose house has been so registered as aforesaid has been guilty of serious neglect, or is incapable of providing the infants intrusted to his care with proper food and attention, or that the house specified in the register has become unfit for the reception of infants, it shall be lawful for the municipal council to strike his name and house off the register. R. S. O. 1887, c. 209, s. 7.

8. The person registered as aforesaid, shall within twenty-four hours after the death of every infant so retained or received, cause notice thereof to be given to the coroner for the district within which the infant died, and the coroner shall hold an inquest on the body of the infant unless a certificate under the hand of a registered medical practitioner is produced to him by the person so registered certifying that such registered medical practitioner has personally attended or examined the infant, and specifying the cause of its death, and the coroner is satisfied by certificate that there is no ground for holding an inquest. If the person so registered neglects to give notice as aforesaid, he shall be guilty of an offence against Part I of this Act. R. S. O. 1887, c. 209, s. 8.

Notice of death of infant.

9. It shall be the duty of the municipal council to provide for the visiting and inspecting, from time to time of every house registered under Part I of this Act; and the persons or person appointed to inspect shall be entitled to enter the house at any time and to examine every part thereof, and to call for and examine the register which is required to be kept by the person registering the house; and to inquire into all matters concerning the house and the inmates thereof, and it shall be the duty of the person registered to give all reasonable information to persons making the inspection, and to afford them every reasonable facility for viewing and inspecting the premises, and seeing the inmates thereof. R. S. O. 1887, c. 209, s. 9.

Inspection.

10. Every person guilty of an offence against Part I of this Act shall, on conviction thereof, forfeit and pay a penalty not exceeding \$20 and costs, and in default of payment thereof, he shall be imprisoned in the common gaol of the county in which the offence was committed for a period of not less than six calendar months, and be kept at hard labour, in the discretion of the Police Magistrate or other convicting Justices, and shall, in addition, be liable to have his name and house struck off the register. R. S. O. 1887, c. 209, s. 10.

Penalties.

11. Every offence against Part I of this Act shall be tried summarily under *The Ontario Summary Convictions Act* before a Police Magistrate or any two Justices of the Peace having jurisdiction in the municipality in which the offence takes place. R. S. O. 1887, c. 209, s. 12.

Trial of offences.

Rev. Stat. c. 90.

12. All expenses incurred in and about the execution of Part I of this Act and the trial of offenders thereunder, shall be borne by the municipality in which the registered house is situated. R. S. O. 1887, c. 209, s. 11.

Expenses of enforcing Act.

13. The provisions of Part I of this Act shall not extend to the relatives or guardians of any infant retained or received as aforesaid, nor to benevolent and charitable institutions estab-

Application of Act.

Rev. Stat.  
c. 161.

lished for the protection or care of infants, and receiving aid from the Province or authorized by the Lieutenant-Governor to exercise the powers conferred by *The Act respecting Apprentices and Minors*. R. S. O. 1887, c. 209, s. 13.

## PART II.

By-law bringing Part II into force.

**14.** The council of any municipality may by by-law declare that from and after the passing of such by-law, Part II this Act shall be in force in the municipality, and thereupon, and not otherwise, the following sections of this Act shall take effect and be in force in such municipality, and thereupon Part I of this Act shall not be in force in such municipality. The council may at any time thereafter repeal the said by-law, and thereupon the following sections of this Act shall not apply or be in force in the municipality, but Part I. of this Act shall apply and be in force therein. 60 V. c. 52, s. 1.

Maternity boarding houses not to be kept unless registered.

**15.** It shall not be lawful without permission in writing from the medical health officer of the municipality for any person to retain or receive for hire or reward any woman or girl for accouchement, or to keep women or girls (being mothers of infants and not being married) with infants for board or lodging, or to keep a maternity boarding house. 60 V. c. 52, s. 2.

Home for infant children not to be kept unless registered.

**16.** It shall not be lawful for any person to retain or receive for hire or reward one or more infants under the age of three years, for the purpose of nursing or maintaining such infant or infants, for a longer period than twenty-four hours, except in a house which has been registered as herein provided.

Provided, however, that any person may be exempted from the provisions of this section by the medical health officer of the city or by the Superintendent of Neglected and Dependent Children on proof that only one child is thus cared for. 60 V. c. 52, s. 3.

Register of maternity boarding houses and infants' homes.

**17.** The medical health officer of every municipality or any officer specially appointed by him for that purpose shall keep a register of the names of persons applying to register for the purposes of Part II this Act, and therein shall cause to be registered the names and house of every person so applying and the situation of the house; and the medical health officer or officer shall from time to time make by-laws or regulations for fixing the number of women or girls or infants who may be received into any and every house so registered. The registration shall remain in force for one year. A fee of not more than ten dollars shall be charged for registration. Every person who receives or retains any woman or girl or infant in contravention of the provisions of Part II of this Act shall be guilty of an offence against Part II of this Act. 60 V. c. 52, s. 4.

**18.** The medical health officer may refuse to register any house unless satisfied that the house is suitable for the purposes for which it is to be registered, and unless satisfied by the production of certificates that the person applying to be registered is of good character and able to maintain, keep and properly lodge such women or girls or infants 60 V. c. 52, s. 5. Discretion as to registration

**19** If it is shown to the satisfaction of the medical health officer that a person whose house has been so registered as aforesaid has been guilty of serious neglect or is incapable of providing the women or girls or infants intrusted to his care with proper food and attention, or that the house specified in the register has become unfit for the reception of women or girls or infants, it shall be lawful for the medical health officer to strike the name and house off the register. 60 V. c. 52, s. 12. Cancelling registration.

**20.** The person registered as aforesaid shall immediately enter in a register to be kept by him the name and age of every woman or girl or infant and also the place from which such woman or girl or infant came before entering such house, and shall also enter in the said register the name of the doctor who attended at any birth which may take place in such house or any infant who may be sick, and when such woman or girl or infant leaves the said house, the place to which they are removed, and the date of such removal; also whether the infant was taken away with the mother or how otherwise disposed of, or how children boarded without their mothers are disposed of and shall produce the register when required by the medical health officer or any person appointed by him and in the event of his refusing so to produce the register or neglecting to enter in a register the particulars hereinbefore required, shall be liable to a penalty not exceeding twenty dollars. 60 V. c. 52, s. 6. Register to be kept by keeper of boarding house or home

**21.** The person registered shall be entitled to receive gratuitously from the medical health officer a book of forms for the registration of persons received into such house, This register may be according to the forms contained in the Schedule to this Act. The book shall contain a printed copy of Part II of this Act. 60 V. c. 52, s. 7. Forms for registration to be furnished to keepers.

**22.** It shall be the duty of managers of maternity hospitals, infants' homes or other refuges for women, to ascertain and record the antecedents of women coming under their care, and furnish such information as may be called for from time to time. 60 V. c. 53, s. 15, *part*. Record of antecedents of inmates.

**23.** Every birth which takes place in such a house or hospital shall be attended by a legally qualified medical practitioner. Births in houses to be attended by physician.

Rev. Stat.  
c. 44.

tioner who shall forthwith report the fact of such birth having taken place to the medical health officer, and he shall also register the same under *The Act respecting the Registration of Births, Marriages and Deaths*. 60 V. c. 52, s. 8.

Registered persons to give notice all deaths occurring in house to Medical Health Officer.

24. The person registered as aforesaid shall within twenty-four hours after the death of any inmate of such house, whether a woman or girl or an infant born therein, or brought thereto as a boarder, cause notice thereof to be given to the medical health officer, and such medical health officer shall immediately call a coroner for the district within which the said person died to hold an inquest on the body of such person, unless a certificate under the hand of a registered medical practitioner is produced to him by the person so registering that such medical practitioner had personally attended or examined the person so dying and also specifying the cause of death, and the medical health officer is satisfied by certificate that there is no ground for holding an inquest. If the person so registered neglects to give notice as aforesaid, he shall be guilty of an offence against Part II this Act. 60 V. c. 52, s. 13.

Visiting and inspecting maternity boarding houses and homes for infants.

25. It shall be the duty of the medical health officer to provide for the visiting and inspecting, from time to time, of every house registered under Part II of this Act; and the person or persons appointed to inspect shall be entitled to enter the house at any time and examine every part thereof, and to call for and examine the register which is required to be kept by the person registering the house, and to inquire into all matters concerning the house and the inmates thereof; and it shall be the duty of the person registered to give all reasonable information to persons making the inspection, and to afford them every reasonable facility for viewing and inspecting the premises, and seeing the inmates thereof. 60 V. c. 52, s. 14.

Adoption of children from homes.

26. No child under three years old, whether an inmate of such house or hospital or born therein or brought thereto or otherwise, shall be given out for adoption except by and with the consent of a children's aid society, or other duly incorporated benevolent or charitable institution or society or of the Superintendent of Neglected and Dependent Children of Ontario, under such rules and regulations in that behalf as may be approved of by the Lieutenant-Governor in Council. 60 V. c. 52, s. 9.

Penalties for advertising for children for adoption.

27. It shall be an offence against Part II of this Act for anyone registered as herein provided to advertise that he will adopt children or to hold out inducements to parents to part with their offspring; and when such children are transferred by their parents or are given out for adoption to other persons, such transfer shall be with the knowledge and consent of the agent or secretary of the children's aid society. 60 V. c. 52, s. 10.

**28.** If any person makes false representations with a view to being registered under Part II of this Act or forges any certificate for the purpose of said Part II, or makes use of any forged certificate knowing it to be forged, or falsifies any register kept in pursuance of Part II of this Act, he shall be guilty of an offence against Part II of this Act. 60 V. c. 52, s. 11. Securing registration or certificates by false representation or forgery.

**29.** Every person guilty of an offence against Part II of this Act shall on conviction thereof forfeit and pay a penalty not exceeding \$100 and costs, and in default of payment thereof, he shall be imprisoned in the common gaol of the county in which the offence was committed for a period of not less than six calendar months, and be kept at hard labour, in the discretion of the Police Magistrate or other convicting Justices, and shall in addition be liable to have his name and house struck off the register. 60 V. c. 52, s. 15. Penalty for violation of Act.

**30.** Every offence against Part II of this Act shall be tried summarily under *The Ontario Summary Convictions Act* before a Police Magistrate or any two Justices of the Peace having jurisdiction in the municipality in which the offence takes place. 60 V. c. 52, s. 17. Trial of offences against Act. Rev. Stat. c. 90.

**31.** All expenses incurred in and about the execution of Part II of this Act and the trial of offenders thereunder shall be borne by the municipality in which the registered house is situated. 60 V. c. 52, s. 16. Expenses of Act to be borne by municipality.

**32.—(1)** The medical health officer shall not, nor shall any officer employed by him, nor shall the person registered as keeper of any house under this Part, divulge or disclose the contents of the said register or any of the particulars entered therein, except upon enquiry before a court of law, or at a coroner's inquest, or before some other competent tribunal, or, in the case of such officer or registered person, for the information of the medical health officer. Registers, contents of, not to be disclosed.

**(2)** Any person violating the provisions of subsection 1 of this section shall be liable to a penalty not exceeding \$100 besides costs. Penalty.

## SCHEDULE.

## FORM A.

(Section 21.)

## REGISTER OF PERSONS RECEIVED.

No.	Date.	Name.	Place from which person came.	Name of doctor who attended at confinement.	Date of birth.	Destination of person after leaving.	Date of same.	Infant, how disposed of.	Remarks.

60 V. c. 52, Sched. A.

## FORM B.

(Sections 5, 21.)

## REGISTER OF INFANTS.

Date at which received.	Name.	Sex.	Age.	Name and address of person from whom received.	Date at which removed.	Name and address of person by whom removed.

60 V. c. 52, Sched. B.

## CHAPTER 262.

### An Act to regulate the Immigration into Ontario of Certain Classes of Children.

<p>INTERPRETATION, s. 1. SOCIETIES FOR BRINGING CHILDREN INTO ONTARIO. Societies to be authorized, ss. 2, 3. Records to be kept by societies, s. 4. Certificate of examiner before children sent out, s. 5. Duties as to children brought into Ontario, ss. 6-10. Investigation of complaints as to treatment of children, s. 11.</p>	<p>Return of children who become a public charge, s. 12. PENALTIES. Bringing in children unlawfully, s. 13. Bringing in defective or criminal children, s. 14. NOTICE OF CHILDREN COMMITTED TO GAOL, s. 15. INVESTIGATION AS TO VIOLATIONS OF ACTS, s. 16. REVISED STATUTE C. 157 NOT AFFECTED, s. 17.</p>
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**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned unless a contrary intention appears:—

1. "Child" shall mean a person under 18 years of age. "Child."
2. "Society" shall mean any individual or association of individuals, whether incorporated or unincorporated, undertaking the care, training, reformation or education of orphan, neglected or dependent children, or the bringing of such children into the Province, or the placing out of such children in foster homes, or the apprenticing of such children to any trade or industry, or other work of a similar character, and shall include a branch or agency of any society. "Society."
3. "Agent" shall include the superintendent or other officers of any society to which this Act applies, and also any person who undertakes for reward or otherwise to bring such children into the Province, or to place children in foster homes or as apprentices to any trade or calling or to procure them to be so placed. "Agent."
4. "Inspector" shall mean the Superintendent of Neglected and Dependent Children or any officer specially appointed by "Inspector."



the Lieutenant-Governor in Council to inspect the work, books and records of societies and agents.

**"Examiner."** 5. "Examiner" shall mean the agent of the Province of Ontario in Great Britain or any officer appointed by the Lieutenant-Governor in Council to inspect and examine in Great Britain or Ireland, children who are to be brought into the Province of Ontario. And any officer of the Government of the Dominion of Canada may, with the consent of the Government of Canada, be appointed by the Lieutenant-Governor in Council to perform the duties of an examiner under this Act. 60 V. c. 53, s. 1.

**Authority of Lieutenant-Governor for bringing children into Ontario.** 2. The Lieutenant-Governor in Council may authorize any society or agent to carry on the work of bringing into this Province, indigent, neglected or dependent children, for the purpose of providing for such children in this Province by placing them out in foster homes, or binding them as apprentices, or otherwise. 60 V. c. 53, s. 2.

**Societies and agents to be subject to inspection.** 3. Every such society or agent, after such authority has been given, shall, as to operations in Ontario, be subject to the inspection and supervision of the inspector, who shall, at least four times in every year, or oftener, if required to do so by the Minister in charge, inspect the work of every such society or agent, and shall report thereon to the Lieutenant-Governor in Council. 60 V. c. 53, s. 3.

**Record of operations of society.** 4. Every society or agent authorized to carry on work in Ontario as aforesaid, shall keep a record in writing showing:

(a) The full name of every child brought, or procured to be brought into this Province by the society or agent;

(b) The name and address of the parents or guardians, or other persons from whom the society or agent received such child;

(c) The date on which the child was brought into this Province;

(d) The age and date of birth of the child;

(e) The name and place of residence of every person from time to time having the custody of the child;

(f) The more important terms and conditions of the agreement entered into on placing out or binding as an apprentice any child;

(g) Such other particulars as the inspector may, with the approval of the Minister in charge, from time to time require to be kept on record;

and every examiner before giving the certificate provided for in section 5, shall be furnished with such information as to the particulars hereinbefore set out, as the society or agent

proposing to bring or send any child into the Province of Ontario as aforesaid, shall be able to give. 60 V. c. 53, s. 4.

5.—(1) No child shall be brought, or caused, or procured to be brought into the Province of Ontario by any society or agent, or by any person other than the parent, or a person standing in *loco parentis* to such child, from any port in Great Britain or Ireland, unless before the vessel upon which the child is to be a passenger, sails, a certificate has been obtained from an examiner stating that he has satisfied himself by personal examination or inquiry, and by such sufficient evidence as may be produced that the child named in the certificate has not been convicted of any crime or misdemeanour or displayed criminal or vicious tendencies, and is in other respects a child who may lawfully be brought into this Province as aforesaid.

Certificate of examiner to be obtained before child leaves Britain.

(2) The said certificate may include any number of children forming members of the same party of immigrants, and in charge of the same person or persons.

(3) Regulations may be made with the approval of the Lieutenant-Governor in Council authorizing the examiner to accept as sufficient evidence in whole or in part for the purposes of this section information received from any emigration agent or other officer of the Government of Canada whose duty it may be to officially inspect the children before being allowed to be brought into Canada. 60 V. c. 53, s. 11.

6.—(1) Every society or agent shall maintain careful supervision over every child brought, or caused or procured to be brought into the Province by such society or agent, until such child attains the age of 18 years; and it shall be the duty of such society or agent to cause a personal visit by an agent specially appointed for that purpose, to be made to each such child at least once in every year, until the child has attained the said age, and for the purposes of this Act, and for the protection of the person and earnings of the child, the society or agent, until the child attains the age of 18 years shall have all the powers, and shall perform all the duties by law provided in the case of the guardian of an infant.

Duties of societies and agents as to children brought into Ontario.

(2) A certificate in writing, signed by an examiner or inspector, stating the age of any person admitted into this Province under this Act at the date when such person was so admitted or left Great Britain or Ireland for that purpose, together with a further certificate signed by the Provincial Secretary declaring that the person signing such first mentioned certificate was at the time of signing the same a duly authorized examiner or inspector under this Act, shall in any prosecution, action, or other proceeding instituted, brought or taken under any Act of this Legislature, on account of or by,

or against, or on behalf of any person so admitted, be conclusive evidence as to the age of such person. 60 V. c. 53, s. 5.

Homes or shelters to be provided.

7. Every such society or agent shall provide a permanent home or shelter to which any child brought, or caused, or procured to be brought into the Province as aforesaid, by such society or agent, may be returned after having been placed out in a foster home or apprenticed as aforesaid, if the person with whom the child has been placed is unable or unwilling to retain the custody or control of the child; and the address of such shelter shall be specified in every agreement made with persons receiving children into foster homes or as apprentices. 60 V. c. 53, s. 6.

Persons with whom children placed to give information to society.

8. Every person receiving from any society or agent, any child brought into the Province of Ontario as aforesaid, shall, whenever required by the society or agent so to do, furnish to the society or agent, full particulars as to the health, conduct, progress and welfare of the child. 60 V. c. 53, s. 7.

Return of child to home when employer is unwilling to retain child.

9.—(1) In case any person who has received from a society or agent, a child brought into the Province of Ontario as aforesaid, is unable or unwilling to carry out the agreement entered into by him with the society or agent, he shall, at his own expense, return the child safely to the home or shelter provided by the society or agent; and any such person who abandons a child so received, or refuses to maintain the child, and neglects or refuses to return him to the home or shelter provided by the society or agent as aforesaid, shall, on summary conviction thereof, before two or more Justices of the Peace, be liable to a fine of not more than \$100, nor less than \$10, or to imprisonment for any term not exceeding three months. Provided, however, that nothing in this section contained shall be deemed to relieve any person or to entitle any person to relief as a matter of right in respect of a child received by him from any society or agency or in respect of any contract or agreement entered into in respect of such child, until he obtains the written consent of such society or agent in that behalf.

Penalty for abandonment of child.

Proviso.

Society or agent to state cause of return of child to subsequent applicant.

(2) Wherever a child has been so returned after having been placed out or apprenticed, the society or agent shall ascertain as far as possible the true cause of such return, and if it shall appear that such return was caused by any act of immorality or serious misconduct or misdemeanour on the part of the child, the society or agent shall, before the child is again placed out or apprenticed to any person, state to such person the true cause of such return as so ascertained, under penalty of forfeiture of the license held by such society or agent, and of the sum of not more than \$100 to be recovered in any court of competent jurisdiction at the suit of the Crown or of the person aggrieved. 60 V. c. 53, s. 8.

10.—(1) Where a child who has been received by any person as aforesaid, of his own accord deserts the home or employment of any person in whose home he has been placed, or to whom he has been apprenticed, or is wrongfully taken from the custody of such person, with or without the consent of the child, before attaining the age of 18 years, the person from whose custody the child has been taken or has escaped, shall immediately notify the society or agent from whom the child was received, and shall give all reasonable assistance in recovering and restoring to the guardianship of the society or agent the child, under penalty in case of default of not more than \$20 and not less than \$5, besides costs, to be recovered on summary conviction before two or more Justices of the Peace.

Society or agent to be notified when child leaves master or guardian.

(2) It shall not be lawful for any person to entice a child away from a foster-home or situation, or to encourage or aid a child to leave the home in which such child has been placed for adoption or apprenticeship. Any person so interfering with a child may be prosecuted by a society or agent and may on conviction thereof be fined any sum not exceeding \$25 or imprisoned for any period not exceeding three months. 60 V. c. 53, s. 9.

11.—(1) In case any person resident in the Province gives notice to a society or agent, that a child brought into the Province by the society or agent and placed out or apprenticed by the society or agent, is being ill-treated or over-worked, or is not being properly educated, or is being otherwise neglected, such society or agent shall immediately cause the complaint to be investigated, and shall take all necessary steps to protect the child from further ill-treatment or neglect.

Society or agent to investigate complaints as to ill-treatment of children placed out.

(2) Any person with whom a child has been placed out or apprenticed, who ill-treats or over-works, or neglects to provide for the proper maintenance and education of such child, shall, upon summary conviction thereof, before two or more Justices of the Peace, be liable to a fine not exceeding \$50, or to imprisonment, with or without hard labour, for any term not exceeding six months.

(3) Every society, agent or person having the custody of any child heretofore or hereafter brought into the Province of Ontario shall be entitled to send such child to the public or separate schools of the municipality or school section in which the child resides in the same manner as the child of any rate-payer in the municipality or school section, and every such society, agent or person having custody of any such child shall be subject to *The Act respecting Truancy and Compulsory School Attendance*, and to the penalties imposed by the said Act in the same manner and to the same extent as any rate-payer. 60 V. c. 53, s. 14.

Rev. Stat. c. 296.

Where child brought into Province becomes a public charge.

**12.** If any child hereafter so brought, or caused or procured to be brought into the Province of Ontario, by any society or agent, within three years thereafter, becomes a charge upon the funds of any municipality, or upon the Province, or dependent upon private charity, such society or agent shall, if so ordered by the Inspector, pay to the municipality or the Province, or to any person maintaining the child, as the case may be, the cost of the maintenance of the child, and may be required to return the child to the place from which he came into this Province, if, in the opinion of the Inspector, such a course is advisable; Provided that the Inspector may exempt any society or agent from the operation of this section upon production of the certificate of an examiner to the effect set forth in section 5 of this Act unless it is made to appear that such certificate was granted on false statements or representations made by or on behalf of the society. 60 V. c. 53, s. 13.

Proviso.

Penalty for bringing children into Province unlawfully.

**13.** Any person who, without the authority conferred by the Lieutenant-Governor under section 2 of this Act, brings, causes or procures to be brought into this Province, after the 1st day of September, 1897, any indigent, neglected or dependent child not being his own child, or a child for whom he is acting as guardian, or one towards whom he stands *in loco parentis*, shall, on summary conviction thereof, before two or more Justices of the Peace, be liable to a fine of not more than \$100 nor less than \$10, besides costs, and in default of payment of such fine and costs, to imprisonment for any period not exceeding three months. 60 V. c. 53, s. 10.

Penalty for bringing defective or criminal children, etc., into Ontario.

**14.--(1)** Any society or agent, or person acting on behalf of any society or agent, who brings, or causes or procures to be brought into the Province of Ontario, any child who, from defective intellect, or disease, or physical infirmity, or any other defect, is unable to follow any trade or calling, or any child of known vicious tendencies, or any child who is known to be an habitual criminal, or who has been reared, or who had resided amongst habitual criminals, or any child whose parents have been habitual criminals, lunatics, or idiots, or weak minded or defective constitutionally, or confirmed paupers, or diseased, or without having the certificate provided for in section 5 of this Act, shall, on summary conviction thereof, before two or more Justices of the Peace, be liable to a penalty of not more than \$100, nor less than \$10, besides costs, and in default of payment of said fine and costs, to imprisonment for any period not exceeding 3 months.

(2) No proceedings against any person under this section shall be taken after the expiration of two years from the date on which the child was brought into the Province as aforesaid.

(3) The provisions of sections 5 and 13 and of this section shall not apply in the case of any person not acting as an agent or on behalf of any society or agent, and who is

specially entrusted with the custody of the child by the parent or persons standing in *loco parentis* to such child, for the purpose of bringing the said child into the Province and delivering him to the custody of some person in the Province: provided that the person to whom the child is to be delivered is in the opinion of the Superintendent of Neglected and Dependent Children a fit and proper person to be entrusted with the custody of the child. 60 V. c. 53, 12.

**15.** Whenever any child admitted to the Province under this Act is committed to or detained in the common gaol of a county, it shall be the duty of the Sheriff of the county to notify the Superintendent of Neglected and Dependent Children of the name and age of the child, and the date and cause of such committal or detention. 60 V. c. 53, s. 15, *part*.

Sheriff to notify superintendent of committal or detention of child.

**16.** The Inspector may direct proceedings to be taken against any person for violating the provisions of this Act, and he shall, for this purpose, inquire into all the complaints made to him against any person, society or agent, and report thereon to the Minister in charge of the Department to which he is attached; and the Inspector may, in his report, recommend that the authority conferred by the Lieutenant-Governor in Council under section 2 of this Act, shall be revoked, and the Lieutenant-Governor may thereupon by order revoke such authority. 60 V. c. 53, s. 16.

Inspector to investigate complaints made of violations of the Act.

**17.** Nothing in this Act shall affect the provisions of *The Act respecting Master and Servant* with regard to agreements made with persons resident out of Canada for the performance of labour or service or having reference to the performance of labour or service by such persons in the Province of Ontario. 60 V. c. 53, s. 17.

Provisions of Rev. Stat. c. 157, as to certain contracts not affected.

## OTHER STATUTES AFFECTING CHILDREN.

In various other Statutes of the Province the following additional provisions briefly summarized are made for the protection of children :

No child under fourteen years of age is to be allowed to work in any factory. R. S. O. chap. 256, sec. 3.

It is illegal to supply intoxicating liquor to any person under twenty-one years of age. R. S. O. chap. 245, sec. 78.

No person is allowed under penalty to give or sell tobacco to any person under eighteen years of age. R. S. O. chap. 261, sec. 1.

Keepers of billiard or bagatelle rooms are prohibited from allowing young persons under sixteen years of age to be on the premises. R. S. O. chap. 247, sec. 1.

Pawn-brokers are prohibited from taking any goods in pledge from any person who appears to be under fifteen years of age. R. S. O. chap. 188, sec. 33.

The compulsory school age is from eight to fourteen years, and all children within these years must attend, unless excused for some very good reason. R. S. O. chap. 296, sec. 2.

Store keepers are required to provide seats for girls employed on the premises, and must permit employees to use such seats when not actually engaged in the work for which they are employed in such shop. R. S. O. chap. 257, sec. 11.

# ONTARIO'S INSTITUTIONS

FOR THE CARE OF

## Defective and Delinquent Children.

VICTORIA INDUSTRIAL SCHOOL, MIMICO, ONT.—Short distance west of Toronto. Receives wayward or incorrigible boys from ten to fourteen years of age on legal commitment from any part of Ontario. Mr. C. Ferrier, Superintendent.

ALEXANDRA INDUSTRIAL SCHOOL FOR GIRLS, EAST TORONTO.—Receives wayward girls from ten to fourteen years of age from any part of Ontario. Legal commitment. Miss Walker, Superintendent, East Toronto Post Office.

ST. JOHN'S INDUSTRIAL SCHOOL, EAST TORONTO.—Receives Roman Catholic boys, ten to fourteen years of age, on legal commitment from any part of Ontario. Rev. F. Rohleder, Superintendent, East Toronto Post Office.

ONTARIO REFUGE FOR GIRLS, TORONTO.—Receives wayward girls between the ages of thirteen and sixteen on commitment by magistrate or county judge from any part of Ontario. Mrs. O'Reilly, Superintendent. R. S. O. 1897, chap 310.

ONTARIO REFORMATORY FOR BOYS, PENETANGUISHENE, ONT.—Receives incorrigible boys between the ages of thirteen and sixteen from any part of Ontario on commitment by magistrate or county judge. Thos. McCrosson, Superintendent. R. S. O. 1897, chap. 313.

ONTARIO ASYLUM FOR FEEBLE-MINDED CHILDREN, ORILLIA, ONT.—Receives feeble-minded children over seven years of age on certificate of two physicians and consent of asylum authorities. Dr. Beaton, Superintendent, Orillia, Ont.

ONTARIO INSTITUTION FOR THE EDUCATION OF THE BLIND, BRANTFORD, ONT.—Receives blind children over seven years of age from any part of Ontario. Mr. A. H. Dymond, Principal, Brantford, Ont. R. S. O. 1897, chap. 319.

ONTARIO INSTITUTION FOR THE DEAF AND DUMB, BELLEVILLE, ONT.—Receives Deaf and Dumb children over seven years of age from any part of Ontario. Mr. R. Mathison, Superintendent, Belleville, Ont. R. S. O. 1897, chap. 319.

For information on the general subject of child-saving work address the Superintendent of Neglected and Dependent Children, Parliament Buildings, Toronto.

### DOMINION CRIMINAL CODE.

For offences of a criminal nature against children or girls see the Dominion Criminal Code. This book can be purchased from any legal supply firm, or can be consulted in any lawyer's office.



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