CHAPTER 363.

The Industrial Schools Act.

1. In this Act,—

(a) “Advisory Board” shall mean The Industrial Schools Advisory Board appointed under this Act; 1931, c. 73, s. 2 (2), part.

(b) “Board of public school trustees” shall include a board of education;

(c) “Industrial school” 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 2;

(d) “Industrial school board” shall mean and include a board of education, a board of public school trustees, a board of separate school trustees, a board of management or any other body having control of an industrial school;

(e) “Inspector” shall mean Superintendent of Neglected and Dependent Children or such other officer as may be designated by the Lieutenant-Governor in Council;

(f) “Judge” shall mean and include a judge of the county or district court, magistrate and judge of the juvenile court; R.S.O. 1927, c. 329, s. 1, cls. (a-e).

(g) “Minister” shall mean that member of the Executive Council to whom for the time being the administration of this Act is assigned; 1931, c. 73, s. 2 (1).

(h) “Municipality” shall mean and include a city, county or a town separated from the county for municipal purposes, and a town having a population of 5,000 or over in a provisional judicial district;

(i) “Philanthropic society” shall mean a society approved by the Lieutenant-Governor in Council for the purposes of this Act; R.S.O. 1927, c. 329, s. 1, cls. (g, h).
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(j) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act; 1931, c. 73, s. 2 (2), part.

2.—(1) The board of public school trustees or the board of separate school trustees of any city or town may acquire property, and may erect, equip and maintain such buildings as they may deem necessary or proper for the purposes of an industrial school, and may establish, control and manage an industrial school. R.S.O. 1927, c. 329, s. 2 (1).

(2) An industrial school shall not be erected or acquired until the site and plans of the buildings have been approved in writing by the Minister, and no change in the site and no sale or disposal of any portion thereof, and no structural alteration in the building shall be made until the like approval has been given.

(3) The board shall submit all rules, regulations and policies of training to the Minister for approval. 1931, c. 73, s. 3.

(4) If the inspector reports in favour of such action, the Minister 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. 1927, c. 329, s. 2 (3).

3.—(1) Any board of school trustees may delegate the powers, rights and privileges conferred upon it by this Act respecting the establishment, control and management of an industrial school to any philanthropic society.

(2) Thereafter this Act shall apply to the philanthropic society as fully as to the board.

(3) The chairman and secretary of the board of public school trustees of the city or town in which the industrial school is situated or under whose control it is placed and the chief 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.

(4) The chairman and secretary of the separate school board shall be members of the board of management of a society acting under powers delegated by the separate school board. R.S.O. 1927, c. 329, s. 3.

4.—(1) A philanthropic society to which the powers of a school board have been delegated, in addition to any powers which it may possess as to raising money on the security of debentures.
its property, may borrow money on debentures to an amount not exceeding two-thirds of the value of the real and personal property owned by such society, and such debentures shall be a charge upon the real and personal property of the society.

(2) 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 proper registry office or land titles office, and shall be open to inspection on payment of ten cents. R.S.O. 1927, c. 329, s. 4.

5. A school board authorized to establish an industrial school shall and the council of any municipality may grant aid to any industrial school in the same manner as to other schools notwithstanding that such school does not lie within the municipality wherein such school board or council has jurisdiction. R.S.O. 1927, c. 329, s. 5.

6.—(1) The council of the city or town may by by-law guarantee any debentures issued for industrial school purposes to the amount authorized by section 4.

(2) Any debenture debt guaranteed by a municipal corporation under this section which has been incurred by the board of public school trustees or a philanthropic society acting under powers derived from such board shall be a liability of the supporters of public schools, and any debt incurred by the board of separate school trustees or by a philanthropic society acting under powers derived from a separate school board shall be a liability of the supporters of separate schools. R.S.O. 1927, c. 329, s. 6.

7. Any religious corporation may set apart and grant or lease for a nominal consideration or otherwise for industrial school purposes any land which it has a general power to dispose of for religious, charitable or educational purposes, without being deemed guilty of a breach of trust. R.S.O. 1927, c. 329, s. 7.

8.—(1) A school board which has delegated its power to establish an industrial school shall provide the teachers necessary for the school, and the general superintendent shall, when practicable, be selected from the teachers so appointed.

(2) In lieu of providing such teachers, the school board may annually pay a per capita allowance to the industrial school board for each child taught, but such allowance shall not be less than the average cost per capita for each child attending the industrial school in the then next preceding year.
(3) Where the school board adopts such plan of payment, the power of hiring and discharging teachers shall vest in the industrial school board. R.S.O. 1927, c. 329, s. 8.

9.—(1) Any person may bring before a judge any child apparently under the age of sixteen years who,—

(a) is found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms;
(b) is found wandering and has not any home or settled place of abode or proper guardianship;
(c) is found destitute, either being an orphan or having a surviving parent who is undergoing imprisonment;
(d) is an habitual truant and whose parent or teacher represents that he is unable to control the child;
(e) is by reason of the neglect, drunkenness or other vices of his parents suffered to grow up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life;
(f) has been accused or found guilty of petty crime; R.S.O. 1927, c. 329, s. 9 (1).

(g) proves unmanageable or incorrigible. 1933, c. 59, s. 27.

(2) No formal information shall be requisite, but the judge shall have the child brought before him and shall in the presence of the child take evidence in writing under oath of the facts charged, and shall make reasonable inquiry into the truth thereof.

(3) The judge shall hear all cases coming before him under this section in private.

(4) If the judge is satisfied on inquiry that it is expedient to deal with the child under this Act, he shall make his order in writing that the child be sent to an industrial school. R.S.O. 1927, c. 329, s. 9 (2-4).

10. Any order made under this Act shall be subject to an appeal to the Court of Appeal and such appeal may be at the instance of any next friend. R.S.O. 1927, c. 329, s. 10.

11. Where under the authority of any statute of Ontario or of any other statute or law of Canada, any person is convicted of an offence punishable by imprisonment, and the judge
before whom he is convicted is of opinion that such offender is under the age of sixteen years, the judge may direct him to be sent to an industrial school. R.S.O. 1927, c. 329, s. 11.

12. Whenever a child may be sent to an industrial school, such child may, with the approval of the Minister, be sent to a training school established under The Training Schools Act. 1931, c. 73, s. 4.

13. The judge or Advisory Board shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, as far as practicable, send a Roman Catholic child to a Roman Catholic industrial school and a child of any other religious persuasion to a school established by and with the sanction of a board of public school trustees. R.S.O. 1927, c. 329, s. 14; 1931, c. 73, s. 6.

14. Every child sent to an industrial school shall where practicable be taken to the school by an agent or member of a children’s aid society, and the actual expense incurred in so doing shall be borne by the municipality liable for maintenance. R.S.O. 1927, c. 329, s. 15.

15. The expenses of conveying any child to an industrial school from any part of a provisional judicial district not included in a city or town having a population of 5,000 or over, shall be payable out of any money appropriated for the administration of justice in provisional judicial districts. R.S.O. 1927, c. 329, s. 16.

16.—(1) The judge or Minister shall in his order designate the school to which the child is to be sent and the person in whose custody he is to be conveyed to the school, and shall where practicable state the name, age and parentage of the child, his religious persuasion, and the municipality liable for his maintenance. R.S.O. 1927, c. 329, s. 17 (1); 1931, c. 73, s. 7.

(2) 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 so declared liable for maintenance.

(3) Unless within one month after the mailing of the letter the corporation of the municipality applies to the judge making the order or to the judge of the division court of the division in which the parent, step-parent or guardian of the child resides, to vary such order by having some other municipality declared liable for the maintenance of the child, the corporation shall be estopped from denying liability thereunder, but this shall not
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17. The judge shall deliver to the person having the execution of the order the depositions taken by him or a certified copy thereof which depositions or copy shall be delivered to the general superintendent or officer receiving the child into the industrial school, and shall be placed at the disposal of the Advisory Board. 1931, c. 73, s. 8.

18. An industrial school board shall exercise and maintain supervision over every child committed to its guardianship after leaving the school, and shall keep such records and provide for such visits as may be prescribed by the regulations. R.S.O. 1927, c. 329, s. 19 (3); 1931, c. 73, s. 9 (2).

19. Subject to the provisions of section 20, every child committed to an industrial school shall remain under the guardianship of the industrial school board, and it shall possess and exercise all the rights and powers of a parent in regard to such child until he shall attain the age of twenty-one years, or until the Advisory Board otherwise provides that the guardianship of the industrial school shall cease and determine. R.S.O. 1927, c. 329, s. 20; 1931, c. 73, s. 10.

20. The Minister may, at any time, order that a child be transferred from one industrial school to another or to any school established under The Training Schools Act, or to any foster home, or may order that a child be discharged from an industrial school either absolutely or on such conditions as he may think fit and the child shall be transferred or discharged accordingly, or may direct that a child who has been placed in a foster home under the provisions of The Children’s Protection Act, or who has been placed in a training school under the provisions of The Training Schools Act shall be sent to an industrial school. 1931, c. 73, s. 12.

21. A clergyman of the religious persuasion to which a child appears to belong may visit the child at the school for the purpose of instructing him in religion on such days and at such times as may be fixed by regulations of the Minister. R.S.O. 1927, c. 329, s. 23.

22. The Advisory Board may permit a child sent to the industrial school to live at a foster home or at the dwelling of any trustworthy and respectable person approved of by the local superintendent of the children’s aid society, but the control of the industrial school board shall not thereby be
abated or diminished nor the liability of any municipality for the maintenance of such child altered except as directed by the Advisory Board. 1931, c. 73, s. 13.

23. If the child leaves the person with whom he is placed without the permission of the Advisory Board or refuses to return to the school, he shall be deemed to have escaped from the school. R.S.O. 1927, c. 329, s. 25; 1931, c. 73, s. 14.

24.—(1) If a child sent to an industrial school 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 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.

(2) Every person who aids or abets any child in such escape shall incur a penalty not exceeding $25, to be recoverable under The Summary Convictions Act before two justices of the peace. R.S.O. 1927, c. 329, s. 26.

25.—(1) Where the maintenance of a child is not otherwise fully provided for, the municipality to which the child belongs shall pay the sum of fifty cents per day towards the expense of maintenance. 1931, c. 73, s. 15, part; 1935, c. 27, s. 2 (1).

(2) For the purposes of this section a 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 the child was taken into custody shall be presumed.

(3) Where the child has not resided in any municipality in Ontario for one year, the municipality in which the child's mother has last resided for one year shall be deemed liable for maintenance.

(4) In the computation of the time in subsections 2 and 3, the time during which the child or the mother of the child was an inmate of a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision shall not be regarded and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded.
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(5) In all other cases, the judge shall determine the municipality to which the child belongs. 1935, c. 27, s. 2 (2).

(6) Upon payment by a municipality to an industrial school of any account for maintenance of a boy or girl by reason of such boy or girl having been assumed to be a resident in such municipality, and it being ascertained that such boy or girl was not resident therein at the time of commitment to the industrial school, but was a resident in another municipality in Ontario, the municipality which made such payment may recover the amount thereof as a debt from the municipality in which such boy or girl was resident. 1931 c. 73, s. 15. part.

26. The Treasurer of Ontario shall pay towards the maintenance of every child sent to an industrial school from a provisional judicial district for whose maintenance a city or town is not liable the sum of seventy-five cents for each day's actual stay of the child in the school. R.S.O. 1927, c. 329, s. 28.

27.—(1) On the complaint of an industrial school board or of a municipal corporation liable to contribute to the maintenance of a child in an industrial school, the judge of the division court of the division in which the parent, step-parent or guardian of the child resides may summon the parent, step-parent or guardian before him and may examine into his ability to maintain the child, and the judge may if he thinks fit order the parent, step-parent or guardian to pay to the industrial school board or municipality such weekly sum, not exceeding $1.25 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 such order shall for all purposes be a judgment of the division court.

(2) On the application of either the parent, step-parent or guardian, or of the industrial school board or municipality, after fourteen days' notice of the application has been given to the other party, the judge making such order, or any other judge holding the division court, may from time to time vary the same. R.S.O. 1927, c. 329, s. 29.

28. Every industrial school board may make rules for the management and discipline of the industrial school established by it, but such rules shall not take effect until approved in writing by the Minister. R.S.O. 1927, c. 329, s. 30; 1931, c. 73, s. 16.
29. (1) The sum of fifty cents per day for each day’s actual stay of a child in an industrial school shall be paid quarterly by the Treasurer of Ontario to the industrial school board out of any moneys appropriated by the Legislature for that purpose.

(2) In calculating the amount of aid to be so given, the day of departure of any pupil from such institution shall be included.

(3) The money payable under this section shall be paid by the Treasurer upon the report of the inspector approved by the Minister. R.S.O. 1927, c. 329, s. 31.

30. Any person who knowingly and wilfully makes, or is a party to, or procures to be made, directly or indirectly, any false statement in a return required by or under the authority of this Act shall incur a penalty of $500 to be payable to the Treasurer of Ontario, and to be recoverable only at the suit of the Crown. R.S.O. 1927, c. 329, s. 32.

31. The inspector shall have the right to inspect every institution receiving aid under this Act, and shall from time to time report on the general management and efficiency of the work carried on. R.S.O. 1927, c. 329, s. 33.

32.—(1) When required by the public school board, the inspector of public schools for the city or town shall visit and inspect any industrial school established by such board or by a philanthropic society to which it has delegated its powers for the purpose of reporting upon the efficiency of its teachers and the progress of the pupils in any of the branches of the school work coming within those prescribed by the regulations of the Department of Education for public schools.

(2) An inspector of separate schools, upon the request of a separate school board, may visit, inspect and report in like manner upon a Roman Catholic industrial school established by such board or by a philanthropic society to which it has delegated its powers.

(3) Save as aforesaid, the inspector of public schools and the inspector of separate schools shall not be called upon to perform any duty and shall not possess any powers with respect to industrial schools. R.S.O. 1927, c. 329, s. 34.

33.—(1) For the purpose of this Act there shall be established an advisory board of three members which shall be known as The Industrial Schools Advisory Board.
(2) The members of the Advisory Board shall be appointed by the Lieutenant-Governor in Council with the powers and for the purposes herein prescribed.

(3) The members shall be appointed for a period of two years.

(4) The Lieutenant-Governor in Council may, from time to time, appoint one of the members of the Advisory Board to be the chairman thereof and another member of the Board to be the secretary thereof.

(5) Members of the Advisory Board shall be eligible for re-appointment.

(6) The members of the Advisory Board shall serve without remuneration except that the Lieutenant-Governor in Council may fix a per diem allowance to be payable to each member for attendance at the meetings of the Board and every member shall be entitled to his reasonable and necessary travelling expenses as certified by the chairman for attendance at such meetings and in the transaction of the business of the Board.

1931, c. 73, s. 17, part.

34. Subject to the approval of the Lieutenant-Governor in Council, the Advisory Board may make regulations,—

(a) defining the duties, powers and responsibilities of the Advisory Board;

(b) defining the type of courses, vocational, academic and physical, to be provided by the industrial schools and setting the standard for instruction. 1931, c. 73, s. 17, part.

35. It shall be the duty of the Advisory Board,—

(a) to receive a copy of the commitment order of every child sent to an industrial school;

(b) to obtain a report of his previous record, previous social history, school standing, mental intelligence, physical condition and religious denomination;

(c) to designate the industrial or other school in which the child is to be placed for training after commitment and the type of instruction suited to the mental intelligence of the child;

(d) to make recommendations pertaining to his parole and define the conditions under which he may receive parole;
(e) to give the child over to the custody of his parents, or apprentice or place out in a foster home as soon as practicable after commitment, or cause the child to be returned to the school if deemed necessary. 1931, c. 73, s. 17, part.

36. The Lieutenant-Governor in Council upon the recommendation of the Minister, may make such regulations in respect to industrial schools as may be deemed necessary for—

(a) the records, books, accounting systems, audits, reports and returns to be made and kept by industrial schools;

(b) the better carrying out of the provisions of this Act. 1931, c. 73, s. 17, part.