

Amended by Ord: 11 of 1931.

CHAPTER 193.

GOVERNMENT INDUSTRIAL SCHOOL.

[No. VIII of 1907.]

[22nd May, 1907.]

Short title. 1. This Ordinance may be cited as the Government Industrial School Ordinance.

Interpretation. 2. In this Ordinance, unless the context otherwise requires,—
" the school " means the government industrial school established under the provisions of this Ordinance;
" the superintendent " means the superintendent of the school.

THE GOVERNMENT INDUSTRIAL SCHOOL.

Constitution. 3. The school established at Onderneeming in the county of Essequibo known as the Onderneeming School shall be called " The Government Industrial School " and shall be maintained for the proper instruction and training of vagrant boys and of youthful male offenders, who shall, as far as practicable, be there employed in agricultural pursuits.

Superintendent. 4. The Governor, on behalf of his Majesty, may appoint some fit person to be superintendent of the school, who shall hold office during pleasure.

Officers, masters and servants. 5. The Governor may appoint the officers, masters, matrons, and servants he considers necessary for the school, and those officers, masters, matrons, and servants shall hold office during the Governor's pleasure.

Salaries of superior officers. 6. The salaries of the superintendent, officers, masters, and matrons of the school shall be those from time to time provided for that purpose by the Legislative Council.

7. The wages of the servants and all other charges and expenses incurred in the due maintenance of the school shall be paid from and out of moneys from time to time provided for that purpose by the Legislative Council.

Wages and expenses of maintenance.

8.—(1) The Governor may appoint any person or persons to be official visitor or official visitors of the school.

Appointment and duties of official visitors.

(2) The school shall at all times be open to the inspection of any member of the Legislative Council.

9.—(1) The Governor in Council may make regulations,—

Regulations.

(a) for determining the duties of the several persons mentioned in sections four and five of this Ordinance and of the official visitor or visitors;

(b) for the proper classification of the inmates;

(c) for the training, education, and moral and religious instruction, for the employment in agricultural pursuits, and for the apprenticeship, of the boys sent to the school; and

(d) generally, for maintaining proper discipline in, and for the proper conduct and management of, the school.

(2) The Governor in Council may make regulations for the establishment of the mark system at the school, and for rewarding, by means of good conduct badges, prizes and small money payments, those boys who earn the requisite number of marks, and for the punishment by means of withdrawal of privileges or by requiring the performance of additional work, of those boys who through misconduct obtain bad marks.

10. The superintendent shall, in the month of April in each year, prepare a full report of the working of the school during the previous year, to be laid before the Legislative Council.

Annual report.

SENDING OF BOYS TO THE SCHOOL.

11. Where a boy apparently under the age of sixteen years has been sentenced to imprisonment or penal servitude and has been pardoned by the Governor on condition of his going to the school, the Governor may direct him to be sent to the school for a period of not less than two years and not more than five years; and thereupon the offender shall be

Boys sentenced to imprisonment or penal servitude.

deemed to be subject to all the provisions of this Ordinance as if he had been originally ordered to be detained in the school.

Boys under sixteen who may be sent to the school :

12.—(1) Anyone may bring before a magistrate any boy apparently under the age of sixteen years who comes within any of the following descriptions, namely,—

- (a) who is found begging, or receiving alms, (whether actually or under the pretext of selling or offering for sale anything), or who is in any street or public place for the purpose of so begging or receiving alms; or
- (b) who is found wandering and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence; or
- (c) who, either being an orphan or having a surviving parent who is undergoing imprisonment or penal servitude, is found destitute; or
- (d) who frequents the company of reputed thieves.

(2) The magistrate before whom a boy is brought as coming within one of those descriptions, if on inquiry he is satisfied of that fact and that it is expedient to deal with the boy under this Ordinance, may order him to be sent to the school :

Proviso.

Provided that in case of a first offence, if the parent or guardian of the boy appears before the magistrate, and claims the boy, he shall be delivered up to the parent or guardian, on the parent or guardian undertaking in writing to be responsible for his good behaviour.

Boys under sixteen charged with certain offences may be sent to the school.

~~13. Where a boy apparently under the age of sixteen years is charged before a magistrate with an offence punishable by the magistrate on summary conviction, and he ought, in the opinion of the magistrate (regard being had to his age and to the circumstance of the case) to be sent to the school, the magistrate may order him to be sent to the school.~~

See Ord: 11 of 1931

Refractory boys under sixteen years may be sent to the school.

14. Where the parent, or step-parent, or guardian, of a boy apparently under the age of sixteen years represents to a magistrate that he is unable to control the boy, and that he desires that the boy be sent to the school under this Ordinance, or where any boy apparently under the age of sixteen years is now by law liable to be ordered to be detained in an industrial school, the magistrate, if on inquiry he is satisfied that it is expedient to deal with the boy under this Ordinance, may order him to be sent to the school.

15. The order of a magistrate sending a boy to the school (in this Ordinance referred to as the order of detention) shall be in writing, and shall specify the time for which the boy is to be detained in the school, being that time which to the magistrate seems proper for his teaching and training.

Form of order of detention; schedule; form 1.

~~16. The order of detention shall be sent to the superintendent with the boy, and shall be a sufficient warrant for the conveyance of the boy thither and his detention in the school.~~

Effect of order.

See Ord. 11 of 1931

17. An instrument purporting to be an order of detention in the school and to be signed by a magistrate, or purporting to be a copy of that order and to be certified so to be by the clerk to the magistrate by whom the order was made, shall be evidence of the order.

Evidence of order.

18. Where any offender who, in the judgement of the court, is under the age of sixteen years is convicted of an offence punishable with imprisonment or penal servitude before the Supreme Court in its criminal jurisdiction, the Court, instead of awarding a sentence of imprisonment or penal servitude, may order him to be sent to the school, and to be there detained for a period of not less than two years and not more than five years.

Sending youthful offenders to the school.

19. The keeper of every prison having in his custody any youthful offender ordered to be sent to the school shall deliver the offender into the custody of the superintendent, together with the warrant or other document in pursuance of which the offender is sent to the school.

Removal of youthful offender to the school.

20. The possession of the warrant or other document in pursuance of which a youthful offender is sent to the school shall be sufficient authority for his detention in the school.

Authority for detaining youthful offender.

21. Nothing in this Ordinance shall be construed so as to interfere in any way whatsoever with any power contained in any other Ordinance empowering the Supreme Court in its criminal jurisdiction or any magistrate to send any child convicted of any offence to an industrial school or reformatory or other similar institution.

Saving of powers under other Ordinances.

GOVERNMENT AND DISCIPLINE OF THE SCHOOL.

Refusal of
boy in the
school to
conform to
regulations :

Punishment :

22. Any boy detained in the school who wilfully refuses or neglects to conform to the regulations thereof, may, for every offence, be ordered by the superintendent to be whipped with a birch, or tamarind rod, or suitable cane, the punishment not to exceed twelve strokes, or to be kept in solitary confinement for any period not exceeding five days the Governor in Council by regulation determines, the period of confinement not to be computed as part of the boy's time of detention, but the order shall not be carried out unless approved by the Governor, who may alter, vary, or annul the superintendent's order :

Proviso.

Provided that—

- (a) for maintaining discipline during school hours the schoolmaster, with the approval of the superintendent, may inflict not more than six strokes with a cane or slender rod; and
- (b) any boy ordered by the superintendent to be punished may be kept separate from the other boys until the Governor's pleasure in the matter is communicated to the superintendent.

Escape of
boy from the
school.

Penalty.

23. Any boy ordered to be detained in the school who escapes therefrom at any time before the expiration of his period of detention, may be apprehended without warrant, and, if the superintendent thinks fit, may be then brought before a magistrate, and he shall thereupon be liable, on summary conviction before the magistrate to be imprisoned, with or without hard labour, for any term not exceeding three months, and with or without whipping; and, at the expiration of the term of his imprisonment, he shall be brought back to the school, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his escaping.

Assisting boy
to escape
from the
school or
harbouring
him after
escape.

24. Everyone who—

- (a) knowingly assists, either directly or indirectly, any boy detained in the school to escape from the school; or
- (b) directly or indirectly induces the boy to escape from the school; or
- (c) knowingly harbours, conceals, or prevents from returning to the school, any boy who has escaped from the school,

Penalty:

shall be guilty of an offence and on conviction thereof before a magistrate shall be liable to a penalty not exceeding

ninety-six dollars, or, at the discretion of the magistrate, to imprisonment, with or without hard labour, for any term not exceeding four months.

25.—(1) The superintendent may, with the approval of the Governor, at any time after the expiration of eighteen months of the period of detention allotted to a boy, by licence under his hand, permit him to live with any trustworthy and respectable person named in the licence and willing to receive, teach, train, and take charge of him.

Grant of licence to boy to live out of the school.

(2) A licence so granted shall not be in force for more than six months, but may, at any time before the expiration of those six months, be renewed for a further period, not exceeding six months, to commence from the previous period of six months, and so from time to time until the period of detention of the boy has expired.

(3) A licence so granted may also be revoked at any time by the superintendent, by writing under his hand, with the approval of the Governor, and thereupon the boy to whom the licence related may be required by him, by writing under his hand, to return to the school.

(4) The time during which a boy is absent from the school in pursuance of a licence shall, except where the licence has been forfeited by his misconduct, be deemed to be part of the time of his detention in the school, and, at the expiration of the time allowed by the licence, he shall be taken back to the school.

(5) Any boy who escapes from the person with whom he is placed under a licence, or refuses to return to the school on the revocation of his licence or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school, and shall be liable to the same punishment.

26. The superintendent, subject to the regulations from time to time approved by the Governor in Council, may, with the consent of the boy concerned, bind any boy ordered to be detained in the school apprentice to any trade, calling, or service until he shall complete the age of eighteen years, notwithstanding that his period of detention has not expired; and the binding shall be valid and effectual to all intents and purposes.

Power to apprentice boy in the school.

27. The superintendent, at any time after the expiration of eighteen months of the period of detention allotted to a boy, with the approval of the Governor and with the

Apprenticeship of boys out of the colony.

consent of the boy and with or without the consent of his parent, by indenture under hand and seal, may bind the boy to perform the work, labour, or service for the person, either in the sea merchant service on a British ship, or in a British colony or possession, on the terms and subject to the conditions respectively named and specified in the indenture, for any period not exceeding three years determinable as hereinafter in this Ordinance mentioned.

Provisions
which every
indenture
shall contain :

28. Every indenture entered into under this Ordinance shall, after approval of its terms by the Governor, be executed by the superintendent, by the boy to whom it relates, and by the owner of the ship or his agent or the person whom the boy agrees to serve, as the case may be; and shall contain provisions to the following effect, namely,—

- (a) a provision binding the boy to do and render the work, labour and services of the nature and extent therein described;
- (b) a provision binding his employer to pay him the rate of remuneration or wages therein specified, and also to supply him, free of charge, with food, lodging and clothing, and with medical aid and medicine whenever necessary.
- (c) an agreement (except in the case of an indenture of apprenticeship to the sea service) that (so far as the object can be effected by agreement between the parties) the indenture shall be enforceable and proceedings may be taken in respect of any breach thereof in the magisterial or petty debt courts of the district of the colony to which the boy is going :

Proviso.

Provided that the court to which any complaint is made by either party to the indenture may, in lieu of enforcing it, terminate the contract on any terms it thinks best;

- (d) a provision binding the employer to furnish the superintendent with any information as to the condition of the boy which may be asked for by the superintendent in person or by letter, and to permit the superintendent and also, in the case of a ship, the harbour master of Georgetown, or any person authorised in writing by them, to visit the boy at any time during the day on giving the employer twenty-four hours previous notice of the intended visit, or, in the

case of a ship, at any time without previous notice;

(e) a statement of the duration of the contract.

29. The time during which a boy is absent from the school under an indenture made under this Ordinance, shall (except where that indenture has been terminated owing to his misconduct) be deemed to be part of the time of his detention in the school, and at the expiration of the time for which the indenture is made he shall, if his term of detention has not expired, be taken back to the school :

Period passed under indenture deemed part of term of detention at school :

Provided that no boy shall be detained beyond the age of eighteen years.

Proviso.

30. If any boy indentured under section twenty-seven hereof is found in this colony without lawful excuse before the expiration of the term of his indenture he shall be deemed to have escaped from the school and be liable to the same penalty as if he had so escaped.

Punishment of boys under indenture found in the colony before the end of term.

31. All sums needed for the outfit of any boys emigrating under this Ordinance shall be furnished out of the sums voted on the annual estimates for the upkeep of the reformatory.

Expenses of outfit under this Ordinance.

32. A certificate, purporting to be signed by the superintendent, to the effect that the boy therein named was duly received into and is, at the signing thereof, detained in the school, or has been duly discharged or removed therefrom, or otherwise dealt with according to law, shall be evidence of the matters therein stated.

Evidence as to reception in the school.

MAINTENANCE OF BOYS IN THE SCHOOL.

33. When a boy is detained in the school, the father of the boy (and whether the boy is a legitimate or illegitimate son) shall, if able to do so, contribute to the maintenance and training of the boy in the school a sum not exceeding one dollar a week; and where the father of the boy is not able to do so, or where the father is able to pay a part only of that sum, then the mother, the guardian, every person bound by law to contribute to the support of the boy, and every male person cohabiting with the mother of the boy, shall, if able to do so, be bound *singuli in solidum* to contribute that sum to the maintenance of the boy in the school, or the part thereof which the father cannot pay.

Liability to contribute to maintenance of boys at the school.

Mode of enforcing liability; schedule; form 2; form 3; form 4.

34.—(1) On the complaint of an inspector of police, or of the superintendent, or of a police officer or constable authorised thereto by the superintendent, at any time during the detention of a boy in the school, a magistrate, on summons to anyone liable under the last preceding section to contribute to the maintenance of the boy in the school, may examine into that person's ability to maintain the boy, and may if he thinks fit make an order on the person for the payment to the superintendent or his agent of such weekly sum, not exceeding one dollar a week, as to him seems reasonable, during the whole or any part of the time for which the boy is liable to be detained in the school.

(2) Where complaint is made against anyone other than the father of the boy, the burden of proving that the father is able to contribute to the maintenance of the boy shall be on that person.

(3) Where two or more persons are liable to contribute to the maintenance of the boy, the magistrate may summon all or any of them before him, and either at the same time or at different times, and may order that each shall be liable for the payment of the whole sum ordered to be paid or for any portion thereof the magistrate directs.

(4) Where the order directs more than one person to pay any amount, the order shall be deemed to be a separate order against each, but where the magistrate orders that each person shall be liable to pay the whole amount named, the one paying shall be entitled to contribution from the others named in the order.

(5) In every proceeding under this section, the magistrate shall have full power, for the purposes of this Ordinance, to inquire into and determine whether the person proceeded against is liable to contribute to the maintenance in the school of the boy to whom the proceeding has relation.

(6) The order shall specify the time during which the payment is to be made, or may direct the payment to be made until further order; and the order may be enforced by any magistrate in a summary manner by distress, and, in default of sufficient distress, by imprisonment, with or without hard labour, for any term not exceeding three months.

(7) The payment shall go in relief of the charges on the colonial Treasury in respect of the school, and shall be accounted for by the superintendent and paid over to the colonial Treasurer within seven days after the expiration of every month.

Terms and enforcement of order for maintenance; schedule; form 5; form 6.

Appropriation of payment.

(8) The Governor may in his discretion remit, either wholly or partially, any payment so ordered.

Power to remit payment.

(9) A magistrate may from time to time vary an order of payment, on the application either of the person on whom the order was made or of the superintendent of the school, as the case may be, or his agent, on fourteen days' notice being given to the superintendent or that person respectively.

Variation of order of payment.

DISCHARGE OF BOYS.

35. No boy who has, to the knowledge of the superintendent, attained the age of eighteen years, shall be detained in the school.

Discharge of boy on attaining eighteen years.

36. The Governor may at any time order any boy to be discharged from the school, either absolutely or on any conditions the Governor approves, and the boy shall be discharged accordingly.

Power of the Governor to order discharge of boy.

MISCELLANEOUS PROVISIONS.

37. No summons, notice, or order made for the purpose of carrying into effect the provisions of this Ordinance shall be invalidated for want of form only; and the forms contained in the schedule hereto, or forms to the like effect, may be used in the matters to which they refer, with such variations as circumstances require, and, when used, shall be deemed sufficient.

Use of forms.

Schedule.

38. Service of notice may be made on the superintendent by delivery or the notice to him personally or by being sent by post in a letter addressed to him.

Service of notice.

39. The production of the warrant or other document in pursuance of which a boy is directed to be sent to the school, with a statement indorsed thereon or annexed thereto, purporting to be signed by the superintendent, that the boy mentioned therein is, at the date of the signing thereof detained in the school, or has been otherwise dealt with according to law, shall be, in all proceedings relating to that boy, evidence of the identity of, and of the due making of the order and subsequent detention of, the person named in the warrant or other document.

Evidence as to boy being detained in the school.

Whipping.

40. Whenever whipping is awarded under this Ordinance by a magistrate, he shall specify in the conviction the number of strokes, not exceeding twelve.

Procedure and appeal :

41. The Ordinances for the time being in force regulating procedure before magistrates in the exercise of their summary jurisdiction and appeals from the decisions of magistrates shall apply to all offences, payments, and orders in respect of which jurisdiction is given to a magistrate by this Ordinance, or which are by this Ordinance directed to be prosecuted, enforced, or made in a summary manner :

Proviso.

Provided that no order of detention made under section fifteen of this Ordinance shall be subject to appeal.

SCHEDULE.

FORMS.

1.

(Section 15.)

Order sending Child to the Government Industrial School.

BRITISH GUIANA.

DISTRICT.

Be it remembered that on the day of 19 , in pursuance of the Government Industrial School Ordinance, I, the undersigned magistrate of the district, do order that *A.B.*, being a boy apparently of the age of years, and subject to the provisions of the said Ordinance, be sent to the government industrial school, and that he be detained there until the day of 19 .

Magistrate.

2.

(Section 34.)

Complaint for enforcing Contributions for Maintenance from Parent, etc.

BRITISH GUIANA.

DISTRICT.

The complaint of the superintendent of the government industrial school [*or, as the case may be*], made to me, the undersigned magistrate for the district, this day of 19 , who says that one *A.B.*, of the age of years or thereabouts, is now detained in the said school under the Government Industrial School Ordinance, and has been duly ordered and directed to be detained therein until the day of 19 , and that one *C.D.*, dwelling at in the county of is a person liable to contribute to the maintenance of the said *A.B.*, and is of sufficient ability to contribute to the support and maintenance of the said *A.B.* ; and the said complainant therefore prays that the said *C.D.* may be summoned to show cause why an order should not be made on him so to contribute.

Exhibited before me.

Magistrate.

3.

(Section 34.)

Summons to Parent, etc.

BRITISH GUIANA.

DISTRICT.

To *C.D.*, of

Whereas complaint has this day been made before me, the undersigned magistrate for the _____ district, for that you [*here state shortly the matter of complaint*]:—This is, therefore, to command you to be and appear on _____ day, the _____ day of _____ 19____, at _____ o'clock in the _____ noon at _____ before the magistrate who may then be there, to answer the said complaint, and to be further dealt with according to law.

Dated this _____ day of _____ 19____.

Magistrate.

4.

(Section 34.)

Order on Parent, etc., to contribute a Weekly Sum for Maintenance.

BRITISH GUIANA.

DISTRICT.

Be it remembered that on this _____ day of _____ 19____, at _____ a certain complaint of the superintendent of the government industrial school [*or as the case may be*] for that one *A.B.*, of the age of _____ years or thereabouts, is now detained in the said school under the Government Industrial School Ordinance, and has been duly ordered and directed to be detained therein until the _____ day of _____ 19____, and that one *C.D.*, dwelling at _____ in the county of _____ is a person liable to contribute to the maintenance of the said *A.B.*, and is of sufficient ability to contribute to the support and maintenance of the said *A.B.*, was duly heard by and before me, the undersigned magistrate for the _____ district, in the presence and hearing of the said *C.D.*; [*or the said C.D. not appearing to the summons duly issued and served in this behalf*] and I, having duly examined into the ability of the said *C.D.*, and on consideration of all the circumstances of the case, do order the said *C.D.*, to pay to the said superintendent [*or to an agent of the said superintendent*], the sum of _____ per week from the date of this order, until the _____ day of _____ 19____, the same to be paid at the expiration of each fourteen days [*or as the case may be*].

Dated this _____ day of _____ 19____.

Magistrate.

NOTE.—Where an order is made on several persons, this form must be varied to suit the circumstances.

5.

(Section 34.)

Warrant of Distress for Amount of Contribution for Maintenance in arrear.

BRITISH GUIANA.

DISTRICT.

To all Members of the Police Force and Constables.

Whereas on the hearing of a complaint made by the superintendent of the government industrial school [or as the case may be] that *A.B.*, of the age of years or thereabouts, is now detained in the said school under the Government Industrial School Ordinance, and has been duly ordered and directed to be detained therein until the day of 19 , and that one *C.D.*, dwelling in the parish of in the county of is a person liable to contribute to the maintenance of the said *A.B.*, and is of sufficient ability to contribute to the support and maintenance of the said *A.B.*, an order was made on the day of 19 , by magistrate for the district, against the said *C.D.*, to pay to the said superintendent [or as the case may be] the sum of per week from the date of the said order, until the day of 19 , the same to be paid at the expiration of each fourteen days [or as the case may be]; And whereas there is due upon the said order the sum of being for [three] periods of [fourteen] days each, and default has been made there in for the space of fourteen days:—This is, therefore, to command you and every of you forthwith to make distress of the goods and chattels of the said *C.D.*, and if, within the space of [five] days next after the making of that distress, the said last-mentioned sum, together with the reasonable charges of taking and keeping the said distress, is not paid, then that you do sell the goods and chattels so by you distrained, and do pay the money arising from the sale to my clerk that he may pay and apply the same as by law directed, and may render the overplus, if any, on demand to the said *C.D.*; and if no such distress can be found, then that you certify the same to me, to the end that such proceedings may be had therein as the law requires.

Dated this day of 19 .

Magistrate.

6.

(Section 34.)

Commitment in Default of Distress.

BRITISH GUIANA.

DISTRICT.

To all Members of the Police Force and Constables and to the Keeper of the Prison at in the County of .

Whereas on the hearing of a complaint made by the superintendent of the government industrial school [or as the case may be] that *A.B.*, of the age of years or thereabouts, is now detained in the said school under the Government Industrial School Ordinance, and has been duly ordered

