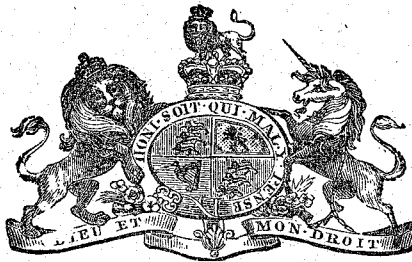


## New Zealand.



### ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title. Construction.</li> <li>2. Amendments of principal Act.</li> <li>3. Provisions where inmate entitled to property. Public Trustee to take possession and convert into money. Application of proceeds. Not to affect other orders. Application of moneys under orders. Repeal.</li> <li>4. Payment to local authority for past maintenance.</li> </ol> | <ol style="list-style-type: none"> <li>5. Maintenance-moneys may be recovered summarily.</li> <li>6. Magistrate may vary or cancel order made in error.</li> <li>7. Magistrate may enforce order.</li> <li>8. Penalty not to satisfy debt for maintenance.</li> <li>9. Limitation of punishment to be inflicted on inmate. Penalty.</li> <li>10. Repeal.</li> </ol> |
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1895, No. 5.

Title.

AN ACT to amend "The Industrial Schools Act, 1882."

*[27th July, 1895.]*

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.  
Construction.

1. The Short Title of this Act is "The Industrial Schools Act Amendment Act, 1895," and it shall be read with "The Industrial Schools Act, 1882" (hereinafter called "the principal Act").

Amendments of  
principal Act.

2. The principal Act is hereby amended as follows, that is to say,—

- (1.) In subsection three of section sixteen the word "or" shall be substituted for the word "and."
- (2.) In section eighteen, all the words after "sent forthwith to a school" shall be omitted.
- (3.) In section nineteen, all the words after "such child is convicted" shall be omitted, and the following substituted: "order such child to be sent at the expiration of such sentence to any school, or in lieu of passing such sentence, or in the case of a child so accused as aforesaid, whether such child be convicted or not, may order such child to be sent to any such school."
- (4.) In section twenty-four, after the words "or between," there shall be inserted the words "any such manager and."
- (5.) In section fifty-five, the words "fourteen years" shall be substituted for the words "twelve years."
- (6.) In section sixty-nine, after the words "abscond therefrom," there shall be inserted the words "or from licensed service."

3. (1.) If any inmate is at any time entitled to any real or personal property in the colony, or to any interest therein, whether the same is vested in such inmate or in any trustee in his behalf, or otherwise howsoever, then and in such case, and whether or not any order for contribution to the support of such inmate has been made, and whether or not the moneys payable under any such order (if made) have been duly paid, the following provisions shall apply:—

Provisions where inmate entitled to property.

- (a.) The Minister, by *Gazette* notice, may in general terms direct the Public Trustee to take possession of all such property and apply the same for the benefit of such inmate;
- (b.) Thereupon the Public Trustee shall have and may exercise in respect of all such property the same rights and powers as if such property formed part of an intestate estate of which he was the duly appointed administrator;
- (c.) The Public Trustee shall demand, sue for, recover, get in, sell, and convert into money the said property at such times and in such manner as in his absolute discretion he thinks fit, with power to postpone conversion, and in the meantime to lease or otherwise deal with the unconverted property as he thinks fit, without being liable for any loss or damage that may be occasioned thereby;
- (d.) The Public Trustee shall apply all moneys coming to his hands under the foregoing provisions of this section in manner and priority following, that is to say,—

Public Trustee to take possession and convert into money.

First, in paying all costs and expenses incurred by him in exercising the above-mentioned powers, including his own usual and proper charges of management, realisation, and otherwise; and,

Application of proceeds.

Secondly, in or towards defraying (to the extent of seven years' maintenance, at the rate of not more than eight shillings per week) the cost of the past maintenance (if any) of such inmate which has been borne out of the public funds, or the funds of any local authority or Charitable Aid Board, and has not been repaid;

Thirdly, in or towards defraying (to the extent of the funds available) the current maintenance and education of such inmate, by paying to the manager for the time being the guardian of such inmate such sum, not exceeding eight shillings per week, as the Minister directs; and,

Fourthly, by accumulating the residue of such moneys (if any) until such inmate finally ceases to be maintained out of the public funds, when all such accumulations shall be applied for his benefit in such manner as the Public Trustee, subject to the Minister's approval, thinks fit.

(2.) Nothing hereinbefore contained shall prevent an order towards the maintenance and support of any such inmate being made against any person who would otherwise be liable, nor affect the amount of such order, nor prevent the enforcing of such order or of any order already made.

Not to affect other orders.

(3.) All moneys received under any such order shall be applied either in satisfaction *pro tanto* of the moneys payable by the Public

Application of moneys under orders.

Trustee as aforesaid, or otherwise in payment of the inmate's past or current maintenance, as the Minister directs.

Repeal.

(4.) Sections thirty-nine, forty, forty-one, forty-two, forty-three, and forty-four of the principal Act are hereby repealed, and all matters and things commenced thereunder may be completed under this Act.

Payment to local authority for past maintenance.

4. Out of any such moneys paid by the Public Trustee for the past maintenance of any inmate there shall be paid by the Colonial Treasurer to every local authority or Charitable Aid Board which has contributed towards the cost thereof one-half of the amount of such contribution.

Maintenance-moneys may be recovered summarily.

5. Whenever it is made to appear to any Magistrate that any money payable under any order made under the principal Act or this Act has not been paid, such Magistrate may issue his warrant of distress for the purpose of levying the same, and all proceedings may be had under "The Justices of the Peace Act, 1882," for the enforcement of any such order as if it were for a penalty adjudged on a conviction; and any form of warrant under that Act may be altered to suit the circumstances of any case under this section.

Magistrate may vary or cancel order made in error.

6. Any Magistrate may, from time to time, vary or cancel any order made by him under the principal Act or this Act which is erroneous either in form or in substance, and, if necessary, may make a new order in substitution of any order so cancelled.

Magistrate may enforce order.

7. Notwithstanding anything herein or in the principal Act contained, any Magistrate may at any time inquire, in a summary way, into any allegation of disobedience by any person of any order made under the principal Act or this Act, and may for that purpose summon and examine all proper parties and witnesses, and may inflict upon such person a penalty not exceeding fifty pounds.

Penalty not to satisfy debt for maintenance.

8. (1.) No penalty or punishment suffered by any person in consequence of the failure to comply with any order made under the principal Act or this Act shall operate as an extinguishment of the debt or liability under such order.

(2.) In any subsequent proceedings against any such person in respect of such debt or liability, the costs and expenses of any previous orders or warrants made or issued in connection therewith, including the expenses of conveying such person to or from the place of hearing, may be recovered in the same manner as if such costs and expenses had formed part of the original debt or liability, and may be added thereto.

Limitation of punishment to be inflicted on inmate.

9. It shall not be lawful for the manager of, or any person in authority or employed in, any industrial school, to confine any inmate in any dark room for any offence whatsoever; and no inmate of any such institution shall, as a punishment for insubordination or other misconduct, or for any breach of the rules, be placed on a bread-and-water diet for a longer period than twenty-four hours; and any manager or other person who shall be guilty of a breach of this provision shall, on conviction thereof, be liable to a penalty of not less than five pounds and not exceeding fifty pounds.

Penalty.

10. "The Industrial Schools Act 1882 Amendment Act, 1885," is hereby repealed.

Repeal.