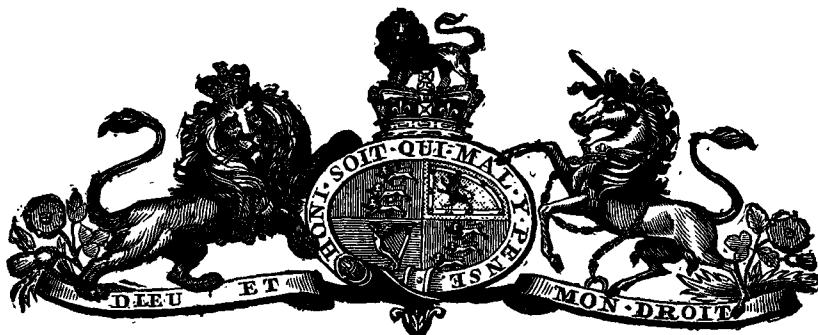


## NEW ZEALAND.



TRICESIMO OCTAVO

## VICTORIÆ REGINÆ.

No. LVI.

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## ANALYSIS.

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## Title.

## AN ACT to provide for the Establishment and Management of Naval Training Schools.

[31st August, 1874.]

## Preamble.

WHEREAS it is desirable that means should be provided by which certain classes of the youth of the Colony of New Zealand should be trained to a knowledge of the art of seamanship and in maritime affairs, and it is expedient that training schools should be established for that purpose, and that rules should be provided for the government of such schools and the intended inmates thereof, and for other purposes:

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

## Short Title.

1. The Short Title of this Act shall be "The Naval Training Schools Act, 1874."

## Interpretation.

2. In the interpretation of this Act, the following terms and expressions shall have the meanings hereinafter assigned to them, unless there shall be something in the context to show that a different meaning is intended, that is to say,—

"Naval Training School" shall mean any schoolhouse building or premises established or used for the purposes of a Naval Training School under this Act, and shall include any ship or vessel which may be used or provided under this Act for the purposes of instructing boys in the art of seamanship and in maritime affairs, whether stationary or used in cruising within or beyond the jurisdiction of the colony.

"Minister" shall mean the Minister to be appointed for the purposes of this Act as hereinafter provided, and shall also include any person, being a member of the Executive Council of the colony, at any time acting for such Minister.

"Manager" shall mean the Manager of any Naval Training School established under this Act, to be appointed as hereinafter provided.

"Parent" shall mean the father mother or other persons legally liable to maintain a child, except the putative father of a bastard child, upon whom an order of maintenance has been made.

"Boy" shall mean any male child of not less than ten nor more than fifteen years of age.

"Resident Magistrate" shall mean any Resident Magistrate sitting alone, or two Justices of the Peace sitting together.

"School gaol" shall mean any room or place set apart within a school for the purpose of confining boys subject to punishment, or in which correction may be administered under this Act, as hereinafter provided.

*Appointment of Minister and Officers, and establishment of Naval Training Schools.*

## Minister to be appointed.

3. It shall be lawful for the Governor, in the name and on behalf of Her Majesty, from time to time to appoint some person, being a member of the Executive Council of the colony, to have charge of the administration of this Act, and who shall have the control and direction of all other officers and persons employed in or about carrying

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this Act into effect, and who shall perform the duties and have the powers and authorities by this Act imposed and conferred upon him.

**4.** The Minister may from time to time, by writing under his hand, appoint and remove fit and proper persons to be Managers of Naval Training Schools, and such masters teachers officers servants and other persons as he may think necessary to perform the several duties by this Act required of them, or that may be incident to or connected with their respective employments.

Minister may appoint Manager and other officers.

**5.** The Minister may from time to time, at such place or places within the colony as he shall think fit, establish and maintain schools for the purposes of this Act, to be called Naval Training Schools, and for that purpose he may, out of moneys to be appropriated for that purpose by the General Assembly from time to time, purchase, take upon lease, or otherwise acquire, such pieces or parcels of land, and erect such buildings and premises thereon as he may think requisite, and may also purchase hire or otherwise acquire such ships or vessels as he may deem necessary for the purposes of carrying this Act into execution.

Naval Training Schools to be established.

All such lands buildings or premises, and any such ship or vessel when purchased leased or taken upon hire as aforesaid, shall be vested in Her Majesty and her successors for such estate or interest as may be purchased or otherwise acquired therein.

**6.** Every such school shall be provided with such furniture utensils tools of trade appliances and fittings as the Minister shall think requisite to carry on the proper and efficient teaching of the boys therein; and any such ship or vessel may be rigged fitted up and provided with such nautical appliances rigging and tackle as may be considered necessary for the proper and efficient instruction of the boys in seamanship and navigation.

How schools to be fitted up for purposes of Act.

All moneys required to be expended for the purposes of this section shall be expended out of moneys to be appropriated as aforesaid.

The Minister may from time to time appoint one or more fit person or persons to inspect and examine all Naval Training Schools, or any one school, and to inquire into the method of instruction and management carried on therein in pursuance of this Act or of any rules to be made as hereinafter provided.

Inspection of schools.

**7.** Notice in the *New Zealand Gazette*, if signed or purporting to be signed by the Minister, that any school has been established in the colony for the purposes of this Act, shall for all purposes be sufficient evidence of the existence of such school.

Notice that school established, evidence of its existence.

*Classes of Children to be detained in Naval Training Schools.*

**8.** Any person may bring before a Resident Magistrate any boy apparently under the age of fourteen years and over the age of ten years that comes within any of the following descriptions, namely,—

What boys may be sent to a Naval Training School.

That is found begging or receiving alms (whether actually or under the pretext of selling or offering for sale anything), or being in any street or public place for the purpose of so begging or receiving alms.

That is found wandering, and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence.

That is found destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment.

That frequents the company of reputed thieves.

The Resident Magistrate before whom a boy is brought as coming within one of those descriptions, if satisfied on inquiry of that fact, and

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that it is expedient to deal with him under this Act, may order him to be sent to a Naval Training School. If the age of any boy is not known or proved to the Magistrate, he may from the best information he can obtain determine the age of such boy; and the estimated age so determined shall, for the purposes of this Act, be deemed the age of the boy till the contrary is shown.

**Boys under fourteen years of age charged with offence.**

**9.** Where a boy apparently under the age of fourteen years and over the age of ten years is charged before a Resident Magistrate with an offence punishable by imprisonment or a less punishment, but has not been convicted of felony, and the boy ought in the opinion of the Resident Magistrate (regard being had to his age and to the circumstances of the case) to be dealt with under this Act, the Magistrate may order him to be sent to a Naval Training School.

**Refractory boys under fourteen years of age may be given up by parent to be placed in a Naval Training School.**

**10.** Where the parent or step-parent or guardian of a boy apparently under the age of fourteen years and over the age of ten years represents to a Resident Magistrate that he is unable to control the boy, and that he desires that the boy be sent to a Naval Training School under this Act, such Magistrate, if satisfied on inquiry that it is expedient to deal with the boy under this Act, may order him to be sent to a Naval Training School.

**Minister may admit boys to school in certain cases.**

**11.** In addition to the classes of boys who may be detained in a Naval Training School under the foregoing provisions, whenever the parent or step-parent or guardian of any boy who is unable to maintain such boy or to educate him in a manner to enable him to earn his own living voluntarily makes a request to the Minister that such boy may be sent to a Naval Training School, the Minister may, if satisfied on inquiry made by himself, or by any person whom he may direct to make such inquiry, that it is expedient to deal with the boy, may make an order for his admission to a Naval Training School: Provided that no boy shall be so admitted to a Naval Training School if he has been convicted of felony or has been imprisoned for any less offence, or has been expelled or dismissed from any Naval Training School established under this Act.

Every boy so admitted to a Naval Training School shall for all purposes be deemed a boy detained in such school under the order of a Resident Magistrate.

**Governor in Council may suspend the operation of the Act.**

**12.** The Governor in Council may from time to time suspend the operation of sections eight to eleven of this Act, both inclusive, and in and by such Order in Council may fix a time when such order shall take effect, and may fix a period for its duration; and upon the expiration of such last-mentioned period the said sections shall revive and come into operation without any further Order in Council.

During the period fixed for the duration of such Order in Council as hereinbefore mentioned, the operation of the said sections from eight to eleven, both inclusive, shall be wholly suspended, and no orders for the detention of any boy in a Naval Training School shall be made during such period; and if any such order shall be so made during the period aforesaid, any boy detained thereunder shall be forthwith discharged from any detention to which he may have been subjected; but so as that no Magistrate having made any such order, and no person detaining any boy thereunder, shall be subject to any penalty or liability whatsoever for or in respect of such order or detention as the case may be.

*Order of Detention.*

**Form and contents of order sending boy to school.**

**13.** The order of a Resident Magistrate sending a boy to a school (in this Act referred to as "the order of detention in a school") shall be in writing signed by the Resident Magistrate, and shall specify the name of the school.

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The school shall be some Naval Training School in the province in which such Resident Magistrate shall be acting; and if there be no such school, or if such school shall not for any reason be thought desirable, or if the school shall not have room for more inmates, then such other Naval Training School as the Resident Magistrate shall ascertain from the Minister is capable of receiving such boy.

The order shall specify the time for which the boy is to be detained in the school, being such time as to the Resident Magistrate seems proper for the teaching and training of the boy, but not in any case extending beyond the time when the boy will attain the age of fifteen years; and during the period of detention in such school, every such boy shall be trained lodged clothed and fed in accordance with this Act, and any rules to be made thereunder, either for discipline and management or otherwise.

**14.** A Resident Magistrate, while inquiry is being made respecting a boy or respecting a school to which he may be sent, may, by order signed by him, order the boy to be taken to such place, not being a prison, as such Magistrate thinks fit, the occupier whereof is willing to receive him, and to be detained therein for any time not exceeding fourteen days or until an order is sooner made for his discharge or for his being sent to a Naval Training School, and the person to whom the order is addressed is hereby empowered and required to detain him accordingly.

Temporary detention  
while inquiry is  
being made.

**15.** The order of detention in a school shall be forwarded to the Manager of the school with the boy, and shall be a sufficient warrant for the conveyance of the boy thither and his detention there.

Order to be warrant  
for conveyance of  
boy to school.

**16.** The expense of conveying to a school a boy ordered to be sent there shall be defrayed out of moneys to be appropriated as hereinbefore provided, and shall be deemed part of the expenses of carrying this Act into execution.

Expenses of such  
conveyance.

**17.** An instrument purporting to be an order of detention in a school, and to be signed by a Resident Magistrate, or purporting to be a copy of such an order and to be certified as such a copy by the Clerk of the Resident Magistrate's Court where the order was made, shall be evidence of the order.

Evidence of order of  
detention.

*Discipline and Management of Schools.*

**18.** The Governor in Council may from time to time make rules for the management and discipline of Naval Training Schools, not being inconsistent with the provisions of this Act.

Governor in Council  
may make rules for  
management of  
school.

A printed copy of rules purporting to be the rules of a Naval Training School, and to be signed by the Minister, shall be evidence of the rules of such schools.

**19.** Such rules may, among other things, provide for the method of instruction and training to be adopted in Naval Training Schools, whether on shore or in or upon any ship or vessel to be used for the purposes of this Act as a training ship, and may prescribe how and by whom the boys in such schools shall be instructed, and in what manner such instruction shall be carried on; also as to the clothing, lodging and feeding of the boys, the time and manner of visitation by parents and friends or ministers of religion, and for the medical and other attendance of such boys.

What may be con-  
tained in rules.

Such rules may also provide for the correction of the boys detained in any such school, but so as that no such rules shall include or permit any corporal punishment except such as may be lawfully inflicted by schoolmasters, and may also prescribe confinement for any breach of rules in any place lawfully appointed for that purpose as hereinafter provided; but so that no boy shall be confined in any such

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place for a longer period than forty-eight hours, except under the provisions of the thirty-seventh and thirty-eighth sections of this Act. Such rules may prescribe a system of rewards for good conduct and punishment for bad conduct, upon any scale to be determined by such rules.

**How varied.**

All or any such rules may in like manner be varied or annulled from time to time.

**Religious instruction in school.**

**20.** A minister of the religious persuasion to which the boy shall be ascertained to belong may visit the boy at the school on such days and at such times as are from time to time fixed by any such rules as last aforesaid, for the purpose of instructing him in religion.

**Lodging a boy out of school.**

**21.** The Manager of a Naval Training School may permit a boy sent there under this Act to lodge at the dwelling of his parent or of any trustworthy and respectable person, so that the Manager teach train clothe and feed the boy in the school as if he were lodging in the school itself, and so that he report to the Minister, in such manner as he thinks fit to require, every instance in which he exercises a discretion under this section.

**License for living out of school.**

**22.** The Manager of a Naval Training School may, at any time after the expiration of eighteen months of the period of detention allotted to a boy, by license under his hand, permit him to live with any trustworthy and respectable person named in the license, and willing to receive and take charge of him.

Any license so granted shall not be in force for more than three months, but may at any time before the expiration of those three months be renewed for a further period not exceeding three months, to commence from the expiration of the previous period of three months, and so from time to time until the period of the boy's detention is expired.

Any such license may also be revoked at any time by the Manager of the school, by writing under his hand, and thereupon the boy to whom the license related may be required by him, by writing under his hand, to return to the school.

The time during which a boy is absent from a school in pursuance of a license shall, except where such license 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 license he shall be taken back to the school.

A boy escaping from the person with whom he is placed under a license, or refusing to return to the school on the revocation of his license or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school.

*Apprenticeships to Sea Service.*

**Boy of twelve years or upwards may be apprenticed to sea service.**

**23.** Whenever any boy of the age of twelve years at least shall be desirous or be thought capable of being apprenticed to the sea service, the Manager of a Naval Training School may, with the consent of the Minister, apprentice such boy to the master or owner of any British ship registered at or trading with the Colony of New Zealand, and such apprenticeship shall be for such period of years as may be agreed upon, but so as that no such apprenticeship shall be made to last beyond the time when such boy will attain the age of eighteen years.

**Manager of school to be the guardian of boy for purpose of apprenticing him.**

**24.** For the purposes of entering into indentures of apprenticeship with the master of any such ship, the legal control and guardianship of any such boy shall be vested in the Manager of the school where such boy shall be detained, and such Manager shall for all purposes have all the powers of a guardian over and in respect of such

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boy: Provided that if the parent of any such boy shall desire to enter into indentures of apprenticeship with the master or owner of any such ship, he may, with the consent of the Minister, enter into such indentures in lieu of the Manager of the school.

**25.** The provisions of the one hundred and forty-second and one hundred and forty-third sections of the Act of the Imperial Parliament, the Short Title whereof is "The Merchant Shipping Act, 1854," shall be applicable to all such indentures of apprenticeship, and to the apprentices bound thereby; and all other the provisions of the said Act as to the discipline of apprentices to the sea service shall be applicable to boys apprenticed as aforesaid.

Certain sections of  
"The Merchant  
Shipping Act, 1854,"  
made applicable.

*Apprenticeships to Trades.*

**26.** If at any time it shall be shown to the satisfaction of the Minister that any boy detained in a Naval Training School is not fitted for the sea service, or does not consent to go to sea as and in manner hereinbefore required, it shall be lawful for the Manager of any Naval Training School where such boy shall be detained, with the consent of the Minister, to apprentice him to some trade or calling, with such person or persons as may be thought fit and proper for that purpose, but so that no such boy shall be apprenticed under the age of twelve years nor for a term extending beyond the age of eighteen years.

Boys may be appren-  
ticed to trades in  
certain cases.

**27.** Every indenture of apprenticeship made under the last preceding section shall be in such form as the Minister shall approve, and shall be executed by the Manager of the school (who shall have all such power and authority therein in respect of such boy as a guardian usually hath) and by the boy and the person to whom the boy is to be bound, and such binding shall be as valid as if such boy were of full age and had bound himself.

How indentures to  
be executed.

**28.** The Manager of a school may at any time after a boy has been placed out on license as hereinbefore provided, if he shall have conducted himself well during his absence from the school, with the approval of the Minister, bind him, with his own consent, apprentice to any trade calling or service, notwithstanding that his period of detention has not expired; and every such binding shall be valid and effectual to all intents.

Manager of  
school may bind a boy  
an apprentice in  
certain cases.

**29.** The person to whom any boy is so bound under the provisions of the two last preceding sections of this Act, or the executors or administrators of such person, may, by or with the consent of the Minister, assign such boy to any fit and proper person for the residue of the term mentioned in the indenture of apprenticeship, and thereupon such boy shall become the apprentice of the person to whom he is so assigned, and such person, his executors and administrators, shall be bound by all the covenants in the indenture of apprenticeship in the same manner as if he had originally been a party to it, in lieu of the person to whom the apprentice was originally bound; and such apprentice may from time to time be re-assigned to any other person in the same manner as nearly as may be as that in which he was first assigned.

Assignment and re-  
assignment of ap-  
prentice.

If any person to whom any boy is so apprenticed or assigned assigns transfers discharges or dismisses from his service any such boy, without the consent of the Minister as aforesaid, such person shall forfeit and pay a penalty not exceeding fifty pounds.

**30.** If any boy bound to serve as an apprentice under the provisions of this Act absents himself from the service to which he is so bound before the term of his apprenticeship is expired, such apprentice shall at any time thereafter, whenever he is found, be

Apprentice absent-  
ing himself to serve  
extra time for such  
absence.

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compelled to serve the person to whom he was so bound for a term equal to the period of apprenticeship which was unexpired at the time the apprentice so absented himself, unless he makes satisfaction for the loss sustained by his absence, and so from time to time as often as any such apprentice absents himself from service before the term of his apprenticeship expires; and in case any such apprentice refuses or neglects to serve as hereby required, or to make such satisfaction, the person to whom such apprentice was bound may complain upon oath to any Resident Magistrate, and such Magistrate may thereupon issue a warrant under his hand for the apprehension of such apprentice, and, upon the hearing of such complaint, any Resident Magistrate may determine what satisfaction shall be made by such apprentice; and in case such apprentice thereupon fails to make or to give sufficient security for making such satisfaction, such Magistrate may commit such apprentice to any gaol for any time not exceeding one calendar month, and may in addition thereto order him to be kept to hard labour.

**Penalty on persons inducing apprentices to abscond, or harbouring them.**

**31.** If any person directly or indirectly induces any apprentice to abscond from the service to which he is bound or assigned, as the case may be, or knowingly employs conceals or harbours any apprentice who has so absconded, or otherwise prevents such apprentice from returning to his service, then the person so offending shall forfeit and pay a penalty not exceeding fifty pounds.

**Apprentice absconding, employer to give notice to some officer of school.**

**32.** In case any apprentice absconds from service, the person to whom such apprentice is bound shall forthwith give notice thereof to the Manager of the school from which he was apprenticed, and also at the nearest police station; and every such person who fails so to do shall forfeit and pay a penalty not exceeding ten pounds.

**Power to apprehend absconder, &c.**

**33.** All Justices and Constables are hereby empowered and directed to apprehend and cause to be conveyed to any Naval Training School, or delivered into the custody of an officer of any such school, every boy who may escape or be unlawfully removed or enticed from such institution, and also may apprehend and detain, to be dealt with according to law, any apprentice who absconds from the service to which he is bound in manner herein provided.

**Persons ill-treating their apprentices may be fined, and their apprentices may be discharged.**

**34.** If any person to whom any apprentice is bound fails or neglects to provide necessary food clothing lodging or medical attendance for such apprentice, or in any way ill-treats or misuses, or permits or suffers such apprentice to be ill-treated or misused, the person so offending shall forfeit and pay a penalty not exceeding fifty pounds; and an information for any offence under this section may be preferred by any person whomsoever, and the Magistrate hearing any information under this section may, by certificate under his hand, for which no fee shall be payable, absolutely discharge such apprentice from his service: Provided that the payment of any fine under this section may be pleaded in bar of any subsequent criminal proceeding arising out of the same cause in respect of which such fine was paid: Provided further, that if the Magistrate hearing any case under this section is of opinion that the case is a proper one to be proceeded against before a higher tribunal, he may refrain from imposing any penalty hereunder.

**Misconduct of apprentice, how punishable.**

**35.** In case any apprentice is guilty of any gross misconduct in the service to which such apprentice is bound, then, upon complaint being made to any Resident Magistrate, such Resident Magistrate may, by certificate under his hand, discharge such apprentice from such service, and such apprentice shall, either in addition to being discharged or without being discharged as aforesaid, be liable to be imprisoned, with or without hard labour, in any gaol for any term not exceeding one calendar month.

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**36.** In case any boy apprenticed under the provisions of this Act becomes afflicted with any confirmed disease of mind or body, the Minister may, upon the application of the person to whom such boy is apprenticed, cancel the indentures of apprenticeship.

If apprentice a confirmed invalid, indentures may be cancelled.

**37.** If a boy sent to a Naval Training School, and while liable to be detained there, being apparently above twelve years of age, and whether lodging in the school itself or not, wilfully neglects or wilfully refuses to conform to the rules of the school, he shall be guilty of an offence against this Act, and on summary conviction thereof before a Resident Magistrate shall be liable to be imprisoned, with or without hard labour, for any term not less than seven days and not exceeding one month in a school gaol to be set apart for the purpose as hereinafter provided; and in addition to or in substitution for any punishment authorized to be inflicted by this section, any Resident Magistrate may order a whipping to be administered to such boy in accordance with any rules in force for the management of Naval Training Schools under this Act.

Boy refusing to conform to rules may be punished.

**38.** If a boy sent to a Naval Training School, and while liable to be detained there, and whether lodging in the school itself or not, escapes from the school or neglects to attend thereat, he shall be guilty of an offence against this Act, and may at any time before the expiration of his period of detention be apprehended without warrant, and may (any other Act to the contrary notwithstanding) be then brought before a Resident Magistrate having jurisdiction in the place or district where he is found, or in the place or district where the school from which he escaped is situate; and he shall thereupon be liable, on summary conviction before a Resident Magistrate, to be brought back to the same or to some other Naval Training 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 committing the offence.

Penalty on boy escaping from school.

If the boy charged with such an offence is apparently above twelve years of age, then on his summary conviction of the offence before a Resident Magistrate he shall be liable, at the discretion of the Magistrate, to be imprisoned with or without hard labour for any term not less than seven days and not exceeding one month in a school gaol in the manner hereinafter provided; and in addition to or in substitution for any punishment authorized to be inflicted by this section, any Resident Magistrate may order a whipping to be administered to such boy in accordance with any rules in force for the management of Naval Training Schools under this Act.

School gaols may be appointed, and rules made for government thereof.

**39.** The Governor may by warrant under his hand set apart within each Naval Training School, any buildings in or part of such school that may be considered fit for the purpose to be a "school gaol," in which boys committing offences against the two last preceding sections of this Act, or against any of the rules for the discipline and management of any Naval Training School, may be confined, or in which correction may be administered to boys under this Act, or any rules made thereunder.

Power of expulsion in certain cases.

Whenever any boy shall be guilty of such gross misconduct as to render it undesirable that he should remain in the school in which he may be detained, or if any boy shall have been twice convicted before a Magistrate of a breach of the two last preceding sections of this Act, then and in either of such cases the Minister may, by an order in writing under his hand, cause such boy to be expelled from any Naval Training School where he may be detained, and such boy shall be discharged and expelled from such school accordingly.

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Penalty on persons inducing offenders to escape from Naval Training School.

**40.** If any person does any of the following things, that is to say,—

- (1.) Knowingly assists, directly or indirectly, a boy liable to be detained in a Naval Training School to escape from the school;
- (2.) Directly or indirectly induces such a boy so to escape;
- (3.) Knowingly harbours or conceals a boy who has so escaped, or prevents him from returning to school, or knowingly assists in so doing,—

Every such person shall be guilty of an offence against this Act, and shall, on summary conviction thereof before a Resident Magistrate, be liable to a penalty not exceeding twenty pounds, or, at the discretion of the Magistrate, to be imprisoned for any term not exceeding two months, with or without hard labour,

*Expenses of Boys in Schools.*

Contribution by parent.

**41.** The parent of a boy detained in a Naval Training School shall, if of sufficient ability, contribute to his maintenance and training therein a sum not exceeding ten shillings per week.

Order for enforcing such contribution.

**42.** On the complaint of the Manager of any Naval Training School, or of any constable under the directions of the Manager (with which directions every constable is hereby required to comply), at any time during the detention of a boy in a Naval Training School, a Resident Magistrate having jurisdiction at the place where the parent resides may, on summons to the parent, examine into his ability to maintain the boy, and may, if he think fit, make an order or decree on the said parent for the payment to the Manager or his agent of such weekly sum, not exceeding ten shillings per 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.

Every such order or decree may specify the time during which the payment is to be made, or may direct the payment to be made until further order.

Every such payment, or a proper proportionate part thereof, shall go in relief of the charges and expenses of carrying this Act into effect, and shall be paid into the New Zealand Public Account.

The Minister may, in his discretion, remit wholly or partially any payment so ordered.

A Resident Magistrate having jurisdiction to make such an order or decree may from time to time vary any such order or decree as circumstances require, on the application either of the person on whom such order or decree is made, or of any Manager of a Naval Training School, on fourteen days' notice being first given of such application to the Manager or to such person respectively.

*Discharge &c. of Children from School, and Miscellaneous Provisions.*

Certificate of Manager evidence of detention in school, &c.

**43.** A certificate purporting to be signed by the Manager of a Naval Training School, or other person in charge of the school, 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 disposed of according to law, shall be evidence of the matters therein stated.

Detention to cease on boy attaining fifteen.

**44.** A boy who has attained the age of fifteen years shall not be detained in a Naval Training School, except with his own consent in writing.

Transfer to another school by Minister.

**45.** The Minister may at any time order a boy to be transferred from one Naval Training School to another, but so that the whole period of his detention be not thereby increased.

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The Minister may also at any time order a boy being under sentence of detention in a school established under any other Act of the General Assembly, to be transferred to a Naval Training School under this Act; and in that case the boy shall after the transfer be deemed to be subject in all respects to the provisions of this Act, but so that the whole period of his detention be not by such transfer increased.

The Colonial Treasurer may as aforesaid pay, out of money provided by the General Assembly, such sum as the Minister thinks fit in discharge of the expenses of the removal of any boy transferred under the provisions of this Act.

**46.** The Minister may at any time order any boy to be discharged from a Naval Training School for any reason (other than for misconduct) which the Minister may think sufficient, and such discharge may be either absolute or on such condition as the Minister approves, and the boy shall be discharged accordingly.

**47.** The Minister may at any time, if he think fit, declare that any Naval Training School shall cease to be carried on as from a time specified in a notice to that effect to be published in the *New Zealand Gazette*, not being less than six months after the date thereof; and at that time the school mentioned in such notice shall thereupon cease to be a Naval Training School.

**48.** Where notice is given of the ceasing of a Naval Training School, no boy shall be received into the school for detention under this Act after the expiration of the time fixed for ceasing to carry on such school.

**49.** Where a Naval Training School ceases to be carried on, the boys detained therein shall be either discharged or transferred to some other Naval Training School by order of the Minister.

**50.** "The Justices of the Peace Act, 1866," or any Act for the time being in force regulating summary proceedings before Justices of the Peace, shall apply to all offences payments and orders in respect of which jurisdiction is given to a Resident Magistrate or to Justices of the Peace by this Act, or which are by this Act directed to be prosecuted enforced or made in a summary manner or on summary conviction.

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

Discharge by Minister.

Discontinuance of schools in certain cases.

Cessation of reception of boys on notice.

Discharge or transfer of boys detained.

Summary procedure.

Use of forms in Schedule.

**SCHEDULE.**

Schedule.

**FORM A.**

New Zealand,  
to wit, } ORDER SENDING CHILD TO NAVAL TRAINING SCHOOL.  
Province of }

Be it remembered, that on the      day of      , in pursuance of "The Naval Training Schools Act, 1874," I,      , the Resident Magistrate at [or we, two of Her Majesty's Justices of the Peace for the Colony of New Zealand], do order that A.B. of      [whose religious persuasion appears to me (or us) to be      , and whose age appears to me (or us) to be      years], being a

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child subject to the provisions of section \_\_\_\_\_ of the said Act, be sent to the Naval Training School at \_\_\_\_\_, and that he be detained there during \_\_\_\_\_.

Given under my [or our] hands at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_. .

J.P., R.M., or  
L.M., } Justices of the Peace.  
N.O., }

## FORM B.

New Zealand, \_\_\_\_\_  
to wit, \_\_\_\_\_ } COMPLAINT FOR ENFORCING CONTRIBUTION FROM PARENT, &c.  
Province of \_\_\_\_\_ .

THE Complaint of the Manager of the Naval Training School at \_\_\_\_\_ [or as the case may be], made to me the undersigned, the Resident Magistrate at \_\_\_\_\_ [or to us, the undersigned, two of Her Majesty's Justices of the Peace for the Colony of New Zealand], this \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, in the Province of \_\_\_\_\_, who says that one A.B. of (\*) the age of \_\_\_\_\_ years or thereabouts, is now detained in the Naval Training School at \_\_\_\_\_, in the Province of \_\_\_\_\_, under "The Naval Training Schools Act, 1874," and has been duly ordered and directed to be detained therein until the \_\_\_\_\_ day of \_\_\_\_\_: That one C.B., dwelling in \_\_\_\_\_, in the Province of \_\_\_\_\_, is the parent [or step-parent &c.] of the said A.B., and is of sufficient ability to contribute to the support and maintenance of the said A.B., his son (\*). The said complainant therefore prays that the said C.B. may be summoned to show cause why an order should not be made on him so to contribute.

C.D.

Exhibited before me [or us], this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_. .

J.P., R.M., or  
J.S., } Justices of the Peace.  
L.M., }

## FORM C.

## SUMMONS TO PARENTS, &amp;c.

(This will be in the Form [2] in the Schedule to "The Justices of Peace Act, 1866.")

## FORM D.

New Zealand, \_\_\_\_\_  
to wit, \_\_\_\_\_ } ORDER ON PARENT, &c., TO CONTRIBUTE A WEEKLY SUM.  
Province of \_\_\_\_\_ .

Be it remembered, that on this \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, in the Province of \_\_\_\_\_, a certain complaint of the Manager of the Naval Training School at \_\_\_\_\_ [or as the case may be], for that one A.B., of &c. [stating the cause of complaint as in the form B between the asterisks (\*) (\*)] was duly heard by and before me [or us] the undersigned, a Resident Magistrate [or two of Her Majesty's Justices of the Peace] in and for the Colony of New Zealand [in the presence and hearing of the said C.B. if so; or the said C.B. not appearing to the summons duly issued and served in this behalf]; and I (or we) having duly examined into the ability of the said C.B., and on consideration of all the circumstances of the case, do order the said C.B. to pay to the said Manager [or to the master of the Naval Training School at \_\_\_\_\_] the sum of \_\_\_\_\_ shillings per week from the date of this order, until the day of \_\_\_\_\_, the same to be paid at the expiration of each fourteen [or as the case may be] days.

Given under my [or our] hands the day and year first above mentioned, at \_\_\_\_\_, in the province aforesaid.

J.P., R.M., or  
J.S., } Justices of the Peace.  
L.M., }

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## FORM E.

## DISTRESS WARRANT FOR AMOUNT IN ARREAR.

New Zealand,) to wit, } To Constable, and to all other Peace Officers in the said Province of } Province of .

WHEREAS on the hearing of a complaint made by the Manager of the Naval Training School at [or as the case may be], that A.B. of &c. [stating the cause of complaint as in the Form B between the asterisks (\*)(\*)], an order was made on the day of , by me [or us] the undersigned [or by L.M. and J.H., two of Her Majesty's Justices of the Peace in and for the said of ], against the said C.B., to pay to the said Manager [or as the case may be] the sum of per week from the date of the said order until the day of , the same to be paid at the expiration of each [twenty-eight] 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 therein for the space of fourteen days:

These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said C.B.; and if within the space of [five] days next after the making of such distress the said last-mentioned sum, together with the reasonable charges of taking and keeping the said distress, is not paid, that then you do sell the said goods and chattels by you distrained, and do pay the money arising from such sale to the Clerk of the Resident Magistrate's Court at , 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.B.; and if no such distress can be found, then that you certify the same to us, to the end that such proceedings may be had as the law requires.

Given under my [or our] hands this day of , at , in the province aforesaid.

J.P., R.M., or  
J.S., } Justices of the Peace.  
L.M., }

## FORM F.

## COMMITMENT IN DEFAULT OF DISTRESS.

New Zealand,) to wit, } To Constable of , and to the Keeper of the Common Province of } Gaol at , in the Province of .

WHEREAS &c. [as in the Form E to the single asterisk (\*), and then thus]: And whereas afterwards, on the day of last, I, the undersigned, together with L.M., Esquire [or J.S. and L.M., Esquires, two of Her Majesty's Justices of the Peace in and for the said of ], issued a warrant to the constable aforesaid, commanding him to levy the sum of due upon the said recited order, being for [three] periods of [fourteen] days, by distress and sale of the goods and chattels of the said C.B.: And whereas a return has this day been made to me the said Justice [or the undersigned, one of Her Majesty's Justices of the Peace in and for the said of ], that no sufficient goods of the said C.B. can be found:

These are therefore to command you, the said Constable of , to take the said C.B., and him safely to convey to the common gaol at aforesaid, and there deliver him to the Keeper thereof, together with this precept: And I do hereby command you, the said Keeper of the said common gaol, to receive the said C.D. into your custody in the said common gaol, there to imprison him for the term of , unless the said sum, and all costs and charges of the said distress, and of the commitment and conveying of the said C.D. to the said common gaol, amounting to the further sum of , shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient warrant.

Given under my hand, this day of , in the year of our Lord , at , in the province aforesaid.

C.D.

WELLINGTON, NEW ZEALAND:

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