

CHAPTER 262.

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

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

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

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

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

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

Authority of
Lieutenant-
Governor for
bringing chil-
dren into
Ontario.

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

Societies and
agents to be
subject to
inspection.

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

Record of
operations of
society.

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

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

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

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

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

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

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

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

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

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

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

Certificate of examiner to be obtained before child leaves Britain.

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

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

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

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

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

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

Homes or shelters to be provided.

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

Persons with whom children placed to give information to society.

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

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

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

Penalty for abandonment of child.

Proviso.

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

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

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

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

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

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

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

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

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

Rev. Stat. c. 296.

Where child brought into Province becomes a public charge.

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

Proviso.

Penalty for bringing children into Province unlawfully.

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

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

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

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

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

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

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

Sheriff to notify superintendent of committal or detention of child.

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

Inspector to investigate complaints made of violations of the Act.

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

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