

UNEDITED

The Children's Protection Act

being

Chapter 192 of *The Revised Statutes of Saskatchewan, 1920*
(assented to November 10, 1920).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 192

An Act for the Protection of Neglected and Dependent Children

SHORT TITLE

1 This Act may be cited as *The Children's Protection Act*.

1917 (sess.2), c.13, s.1; R.S.S. 1920, c.192, s.1.

INTERPRETATION

2 In this Act, unless the context otherwise requires:

"Child"

1. **"Child"** means a boy or girl actually or apparently under the age of sixteen years;

"Neglected child"

2. **"Neglected child"** means a child falling within the terms of section 8;

"Children's aid society"

3. **"Children's aid society"** means a society, having among its objects the protection of children from cruelty and the care and control of neglected children, which has been approved by the Lieutenant Governor in Council for the purposes of this Act; and, except in a municipality in which there is such a society, shall mean the superintendent;

"Foster home"

4. **"Foster home"** means a home in which a neglected child may be placed as a member of the family;

"Judge"

5. **"Judge"** means a judge of the Court of King's Bench, or of the district court, or a police magistrate or a magistrate appointed as a judge of the juvenile court, or two justices, or one justice if requested by the Attorney General or the superintendent to act in a speemed case;

"Minister"

6. **"Minister"** means the Attorney General or such other member of the Executive Council as may be intrusted with the administration of this Act;

"Municipality"

7. **"Municipality"** means a city, town, village or rural municipality;

"Officer"

8. **"Officer"** means a member of the board of directors of a dilly approved society, or any person specially appointed by such society to enforce this Act, or the superintendent;

"Parent"

9. **"Parent"** includes a guardian and every person who is by law liable to maintain a child;

"Place of safety"

10. **"Place of safety"** includes an industrial school or house of industry for boys or girls, or a shelter or temporary home established by a children's aid society, or any institution established for the care and protection of children, or any other place which is designated by the superintendent or other officer, but not a gaol, prison, police station, lockup or guardroom;

"Public place"

11. **"Public place"** means a street, highway or lane, whether a thoroughfare or not, a place of public resort, and generally any place to which the public have or are permitted to have access;

"Superintendent"

12. **"Superintendent"** means the Superintendent of Neglected and Dependent Children.

1917 (sess. 2), c.13, s.2; 1919-20, c.12, s.2;
R.S.S. 1920, c.192, s.2.

Extent of jurisdiction

3 Every judge of the Court of King's Bench shall have jurisdiction under this Act in any part of the province; a judge of a district court, in the judicial district in which he resides; a police magistrate or magistrate who is a judge of a juvenile court, in the city, town, village, rural municipality or rural district to which he is appointed; and any two justices of the peace residing in a judicial district, in that district.

1917 (sess. 2), c.12, s.3; 1919-20, c.12, s.3; R.S.S.
1920, c.192, s.3.

SUPERINTENDENT OF NEGLECTED CHILDREN

Appointment

4(1) The Lieutenant Governor in Council may appoint an officer to be known as the Superintendent of Neglected and Dependent Children, whose salary shall be paid out of such moneys as are appropriated for that purpose by the Legislature; and it shall be his duty:

Duties

- (a) to encourage and assist in the establishment of children's aid societies;
- (b) to advise such societies and instruct them as to the manner in which their duties are to be performed;
- (c) to see that a record is kept by such societies of all committals and of all children placed in foster homes under this Act and of such other particulars as are deemed desirable;
- (d) to direct and supervise the visiting of any place where a child is placed pursuant to the provisions of this Act;
- (e) to report to the minister from time to time when so required by him;
- (f) to enforce the provisions of this Act;
- (g) to perform such other duties as are prescribed by the Lieutenant Governor in Council.

CHILDREN'S PROTECTION

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Powers

(2) The superintendent shall have and may exercise all the powers conferred upon a children's aid society, and shall have power to appoint such person or persons or committee as he sees fit to act for him as occasion requires.

1917 (sess. 2), c.18, s.4; 1919–20, c.12, s.4;
R.S.S. 1920, c.192, s.4.

CHILDREN'S SHELTER

Children's shelters

5(1) For the better protection of neglected children every city having a population of 10,000 or over shall provide and maintain one or more places of refuge for such children only, to be known as temporary homes or shelters.

(2) Such homes shall be entirely distinct and separate from any penal or pauper institution, and no pauper or convict shall be permitted to live or work therein. They shall be used not as a permanent residence for any child but for its temporary protection for so long a time only not exceeding three months, unless authorised by the superintendent, as shall be absolutely necessary for placing the child in a foster home, and no neglected child shall be refused admittance to the shelter when accompanied by an order of the president of a local children's aid society or of the superintendent.

(3) An orphan or children's home may, with the consent of the trustees or governing body thereof be used as a temporary home or shelter under this section; and when desirable for economical reasons, not inconsistent with the welfare of the children to be provided for, such temporary home or shelter may be established in a private family; but in no case shall such home or shelter be under the same care and management as a penal or pauper institution.

(4) When a children's aid society has been established it shall have the supervision and management of children in the temporary home or shelter provided by or at the expense of the municipality; but this provision shall not without the consent of the trustees or governing body thereof apply to an orphan asylum or other children's home mentioned in subsection (3).

1917 (sess. 2), c.13, s.5; R.S.S. 1920, c.192, s.5.

Dissolution of society

6(1) If a society established under this Act ceases to exist or does not hold a meeting for a period of six months, the secretary or other officer shall deliver to the superintendent all books, documents, records and financial statements, and pay over to him all trust funds on hand, and the society or committee shall thereupon be dissolved and its property shall be vested in the minister and the superintendent shall then reorganise the work, or make such arrangements for carrying it on as the minister, approves.

(2) The superintendent may take children who were under the care and custody of the dissolved society into his own, or may by order in writing commit them to the care and custody of some other society.

1917 (sess. 2), c.13, s.6; R.S.S. 1920, c.192, s.6.

PROBATION OFFICERS

Appointment duties and powers

- 7(1) The children's aid society of every city having a population of ten thousand or over shall, appoint one or more officers, to be known as probation officers, for the enforcement of this Act and *The Juvenile Courts Act*, and notice of every such appointment shall be given to the superintendent.
- (2) No member of a police force shall be appointed a probation officer.
- (3) The municipality shall pay every officer so appointed such salary as is approved by the superintendent. In case the society does not make such appointment the same may be made by the superintendent.
- (4) Every probation officer shall be an agent of the children's aid society for the purposes of this Act, and shall perform such services as are required by such society or by the superintendent.
- (5) The probation officer shall for the purposes of this Act be vested with the powers of a peace officer and shall have authority to enter factories, workshops, stores, homes and all other places where children may be employed or congregated, and shall perform such services as are necessary for the enforcement of this Act.
- (6) The superintendent may make rules not inconsistent with the provisions of this Act or the regulations thereunder for the direction of the officer and the enforcement of the Act.
- (7) Every agent or officer appointed under this Act shall report monthly to the local children's aid society and to the superintendent according to the forms prescribed by the superintendent.
- (8) The superintendent may suspend any agent, officer or employee of a children's aid society, guilty of improper conduct or negligence in the performance of his duties, pending investigation by the society. Notice of such suspension shall be served on the president of such society, by registered letter, prepaid, and addressed to him at his usual place of abode, within five days thereafter, and such agent, officer or employee may be discharged by the municipality, society or person appointing him.
- (9) Every probation officer constituted or appointed as such under *The Juvenile Courts Act* shall have all the powers of a probation officer under this Act.

1917 (sess. 2), c.13, s.7; 1919-20, c.12, s.5; R.S.S.
1920, c.192, s.7.

APPREHENSION OF NEGLECTED CHILDREN

Apprehension of neglected children

- 8 Any officer, peace officer, probation officer, constable or policeman may apprehend without warrant and take to a place of safety any child who is within any of the following descriptions:
- (a) who is found begging or receiving alms in any street, house or place of public resort;
 - (b) who is found wandering about at a late hour or sleeping at night in barns or outhouses or in the open;

- (c) who is found associating or dwelling with a thief, drunkard or vagrant or who by reason of neglect or drunkenness or other vices of the parents or guardians of such child is suffered to grow up without salutary parental control and education or in circumstances exposing such child to an idle and dissolute life;
- (d) who, owing to the inability of the parents or guardians of the child to control it, is growing up without salutary parental control or education, or in circumstances exposing such child to an idle or dissolute life;
- (e) who is an habitual vagrant;
- (f) who is employed anywhere between the hours of ten o'clock in the evening of one day and six o'clock in the morning of the following day;
- (g) who is found in a disorderly house or in the company of reputed criminal, immoral or disorderly people;
- (h) who is a destitute orphan or who has been deserted by his or her lawful parents or guardians;
- (i) who is an illegitimate child and whose mother is unable to maintain it;
- (j) who is found guilty of petty crime and who is likely to develop criminal tendencies if not removed from his or her surroundings;
- (k) who is an habitual truant from school or habitually wanders about the street or public places during school hours without any lawful occupation or employment;
- (l) whose only living parent is undergoing imprisonment for crime;
- (m) in respect of whom its parents or only living parent have or has been convicted of an offence against this Act, or under *The Criminal Code*;
- (n) who is in peril of loss of life, health or morality by reason of ill treatment, continual personal injury, habitual intemperance or other grave misconduct of the parents of such child or either of them;
- (o) whose home by reason of neglect, cruelty or depravity is an unfit place for such child.

1917 (sess. 2), c.13, s.8; R.S.S. 1920, c.192, s.8.

Return or examination of child

- 9(1) The superintendent or the local children's aid society may order the child to be returned to its parents, but in the absence of any such order the child shall be brought before a judge for examination within one week after apprehension, and the judge shall investigate the facts of the case and ascertain whether the child is a neglected child, and its age, and the name, residence and religion of its parents.
- (2) The judge may compel the attendance of witnesses.
- (3) The parents of persons having the actual custody of the child at the time of its apprehension shall be notified of the investigation, and any person may appear on behalf of the child.
- (4) The evidence of every witness shall be taken under oath, and the judge shall cause the same to be taken down in writing and signed by the witness in the same manner as upon a preliminary investigation before a justice.

(5) The judge shall not proceed to hear and dispose of the matter until he is satisfied that the parents, or the person having the actual custody of the child (if he is in the custody of any person other than the parent), have been notified of the investigation, or that every reasonable effort has been made to cause them to be so notified.

(6) If, on such investigation, the judge finds that the child is a neglected child, he may order that the child be delivered to the children's aid society, and the society may send the child to its temporary home or shelter to be kept until placed in a foster home.

(7) The expense of conveying a child to a shelter or industrial school shall be paid by the municipality in which the child is committed, and the person conveying such child shall, when practicable, be an officer of a children's aid society.

(8) The judge's order shall contain a statement of the facts so far as ascertained, and shall name the municipality liable for maintenance. It shall be filed with the superintendent together with the depositions taken, and the judge shall transmit a certified copy thereof to the children's aid society and to the municipality.

1917 (sess. 2), c.13, s.9; 1919-20, c.12, s.6;
R.S.S. 1920, c.192, s.9.

Placing children in an industrial school or refuge

10 If at any time after the making of an order pursuant to the provisions of section 9, or in the case of a child which has been surrendered as provided by section 16, it is established to the satisfaction of the Attorney General that a child may be better cared for and educated in an industrial school or refuge for boys or girls, the Attorney General may, at the expense of the municipality responsible for its maintenance, cause such child to be removed to one of such institutions in or outside of the province willing to receive such child, thereto be kept, cared for and educated for a period not extending beyond the time at which such child shall attain the age of 21 years and not exceeding in any event three years, thereafter, if under the age of 21 years, to be delivered to the society for the purpose of being placed in an approved foster home until the child attains the age of 21 years.

1917 (sess. 2), c.12, s.10; 1919-20, c.12, s.7;
R.S.S. 1920, c.192, s.10.

MAINTENANCE OF CHILDREN

Maintenance of neglected children by municipality

11(1) When committing a child to the custody or control of a children's aid society, the judge shall make an order for the payment, by the municipality to which the child belongs, of a reasonable sum, not being less than \$3.50 per week, for the expense of supporting the child by the society in a temporary home or shelter, or in a foster home in which children are not cared for without compensation.

(2) For the purposes of this section any child shall be deemed to belong to the municipality in which it last resided for the period of one year; but, in the absence of evidence to the contrary, residence for one year in the municipality in which such child was taken into custody shall be presumed.

(3) In the case of a child under one year of age, the municipality in which the child's mother last resided for one year, shall be deemed liable for maintenance.

(4) A municipality, which has made any payment under this section for the maintenance of a child in respect of whom some other municipality is liable to make such payment, shall be entitled to recover from such other municipality the amount so paid.

(5) Every municipality incurring expenditure hereunder may recover the amount of such expenditure from the parent of the child in respect of whom such expenditure is made, and upon proof of payment shall be entitled to an order from a judge directing the parent to pay the amount.

(6) In case of default in payment of the amount ordered, the judge may order that the defaulting parent be imprisoned for any period not exceeding thirty days, and such committal shall not affect the right to a further or other order for committal for a subsequent default.

(7) At any time after the committal of a child, or its being placed in a foster home, the children's aid society or foster parent may apply to the judge for an order for the payment of such additional maintenance as to him seems just.

(8) Nothing in this section shall relieve the municipality from payment when the parent is unable or refuses to contribute.

(9) A parent against whom an order has been made under this section may apply to the judge for an order reducing the amount payable, or revoking, varying or suspending the operation of such previous order.

(10) An order made under this section may, when made by a judge of the Court of King's Bench or of a district court, be enforced under *The Judges' Orders Enforcement Act*. In other cases it may be enforced under Part XV of *The Criminal Code*.

1912 (sess. 2), c.13, s.11; 1919–20, c.12, s.8;
R.S.S. 1920, c.192, s.11.

FOSTER HOMES

Foster homes

12(1) The children's aid society to the care of which a child has been committed shall, subject to the provisions of sections 17 and 18, be the legal guardian of such child, and it shall be the duty of such society to use diligence in providing a suitable home for such child.

Placing in

(2) The society may place the child in a foster home until he is 21 years of age, or for any shorter period in the discretion of such society, under a written contract which shall provide for the education of the child, for teaching it some useful occupation, for its kind and proper treatment as a member of the family and for payment on the termination of such contract to the society for the use of the child of any sum of money that is provided for in the contract, and shall contain a provision reserving the right to withdraw the child from any person having its custody when in the opinion or the society the welfare of the child so requires.

Transfer to industrial school

(3) Where a child has been placed in a foster home, and has failed to show good conduct or for any other reason appears to the superintendent to require special training, the superintendent may order such child (if a boy) to be transferred to an industrial school or other suitable institution or if a girl to some suitable institution, and such transfer shall have the same effect as if made by a judge.

1917 (sess. 9) c 13 s.12; R.S.S. 1920, c.192, s.12.

Society may take control of child

13(1) Where a child is deserted by its parents and is maintained by a children's aid society, or in a foster home, having been placed there by proper authority, the children's aid society may at any time resolve that the child shall be under the control of such society until it reaches the age of 21 years, or such earlier age as is thought proper, and thereupon until the child reaches that age all the powers and rights of the parent in respect of the child shall, subject to the provisions of this Act, vest in the society.

(2) The society may rescind such resolution if of opinion that it will be for the benefit of the child that it should be rescinded, or may permit the child to be either permanently or temporarily under the control of its parent, or of any other relative or of any friend.

(3) A judge of the Court of King's Bench or a judge of the district court if satisfied on complaint made by a parent of the child that the child has not been maintained by the society, or was not deserted by such parent, and that it is for the benefit of the child that it should be either permanently or temporarily under the control of such parent, or that the resolution of the society should be determined, may, after due notification to the society of which the child is a ward, make an order accordingly, and any such order shall be obeyed by the society, and if the order determines the resolution it shall be thereby determined as from the date of the order, and the society shall cease to have the rights and powers of the parent in respect of the child.

(4) For the purposes of this Act a child shall be deemed to be maintained by a children's aid society if it is wholly or partly so maintained, either in a shelter or temporary home or other institution conducted by the society, or is placed out under the provisions of this or any other Act.

(5) Where a parent has been convicted on a criminal charge, or in respect of an offence committed against his child, the child shall be deemed to be deserted by that parent.

(6) Nothing in this section shall relieve any person from liability to contribute to the maintenance of a child; but the fact of such contribution being made shall not deprive the society of any of the powers and rights conferred on it by this section.

1917 (sess. 2), c.13, s.13; 1919–20, c.12, s.9;
R.S.S. 1920, c.192, s.13.

Discharge from custody of society

14 The Lieutenant Governor in Council may at any time upon the recommendation of a judge of the Court of King's Bench or of the district court, after due notification to the society of which the child is a ward, discharge a child from the custody of any person, society, industrial school or refuge to whom or to which it is committed under this Act either absolutely or on such conditions as are approved of, and may from time to time make, alter or revoke rules in relation to the procedure of societies operating under the provisions of this Act.

1917 (sess. 2), c.13, s.14; R.S.S. 1920, c.192, s.14.

Application for production of child

15(1) Where a parent applies to the Court of King's Bench for an order for the production of a child committed under this Act, and the court is of opinion that the parent has abandoned or deserted the child, or that he has otherwise so conducted himself that the court should refuse to enforce his right to the custody of the child, the court may in its discretion decline to make the order.

(2) If, at the time of the application, the child is being brought up by another person, or has been placed out by a children's aid society, the court, if it directs the child to be given up to the parent, may order that the parent shall pay to such person or society the whole of the expense properly incurred in bringing up the child, or such portion thereof as seems just.

(3) Where a parent has:

- (a) abandoned or deserted his child;
- (b) allowed his child to be brought up by another person at that person's expense, or by a children's aid society, for such time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties;

the court shall not make an order for the delivery of the child to the parent unless he satisfies the court that having regard to the welfare of the child he is a fit person to have the custody of the child.

(4) If the court is of opinion that the parent ought not to have the custody of the child but that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child shall be brought up, the court may make such order as it thinks fit to secure that the child be brought up in that religion.

(5) Nothing in this section shall affect the power of the court to consult the wishes of the child in determining what order ought to be made, or any right which a child now possesses to exercise its own free choice.

1917 (sess. 2), c.13, s.15; R.S.S. 1920, c.192, s.15.

SURRENDER OF CHILDREN

Surrender by parent

16(1) Subject to the provisions of subsections (2) and (3), a parent, who by instrument in writing has surrendered the custody of a child not over the age of seven years to a children's aid society, incorporated boys' or girls' home, orphans' home, asylum, or children's or infants' home, shall not thereafter be entitled, contrary to the terms of such instrument, to the custody of or any control or authority over or any right to interfere with such child.

(2) In case both the father and mother of such child are living and no guardian has been appointed, no surrender shall be accepted under this section unless both father and mother execute the same.

(3) In case the child is illegitimate, the mother may execute the surrender.

1919-20, c.12, s.10; R.S.S. 1920, c.192, s.16.

Right of inspection

17 Every society or person to whose care a child is committed under the provisions of this Act, and every person intrusted with the care of any such child, shall, from time to time, submit such child to be visited, and any place where such child is or resides to be inspected, by the superintendent or any person duly authorised in that behalf.

1917 (sess. 2), c.13, s.17; R.S.S. 1920, c.192, s.17.

Ministers of religion admitted to shelters

18 Subject to such regulations as are approved by the minister, all ministers of religion or persons authorised by the recognised head of any religious denomination, shall have admission to every temporary home or shelter, and access to such of the children placed or detained therein as belong to their respective denominations, and may give instruction to them on the days and at the times appointed by such regulations for the religious education of such children, and may enter in a book to be kept for that purpose any remarks pertinent to the work or shelter.

1917 (sess. 2), c.13, s.18; R.S.S. 1920, c.192, s.18.

CHILDREN OUT AT NIGHT**Child in public place at night**

19(1) Municipal councils in cities, towns and villages may pass bylaws regulating the time after which children shall not be in a public place at night without proper guardianship and the age or apparent age of boys and girls respectively under which they shall be required to be in their homes at the hour appointed.

(2) A child found in a public place after the time appointed may be warned to go home by any constable or peace officer and if after such warning the child is found loitering in a public place such child may be taken by the constable or officer to its home or to the children's shelter.

(3) Any parent may be summoned for permitting his child to habitually violate such bylaw, and may be fined for the first offence \$1, without costs, and, for the second offence \$2, and for a third or any subsequent offence \$5.

1917 (sess. 2), c.13, s.19; R.S.S. 1920, c.192, s.19.

Licensing working children

20(1) Municipal councils in cities, towns and incorporated villages may pass bylaws regulating and controlling and licensing children engaged as:

- (a) express or dispatch messengers;
- (b) vendors of newspapers and smallwares;
- (c) bootblacks.

(2) No license fee imposed hereunder shall exceed the sum of 50 cents per annum, and no child engaged in two or more of the said occupations shall be compelled to take out more than one license, nor pay more than one license fee.

(3) No such license shall be granted to a female child of any age nor to a male child under the age of 12 years, nor to a male child of the age of 12 years but under the age of 14 years, unless in the latter case such child shall present written authority from his parent or guardian authorising him to make application for a license for the purpose of engaging in any of the above named occupations.

(4) No licensee under this section shall be permitted to engage in any occupation for which he is licensed within the limits of the municipality after the hour of 8 o'clock in the evening in the months of December, January and February, or after the hour of 9 o'clock in the evening throughout the rest of the year, or during school hours.

1917 (sess. 2), c.13, s.20; R.S.S. 1920, c.192, s.20.

PENALTY FOR ILL-TREATMENT

Ill-treating, neglecting, etc.

21 Any person who, having the care, custody, control or charge of a boy or girl under the age of 16 years, ill-treats, neglects, abandons or exposes such child, or causes or procures such child to be ill-treated, neglected, abandoned or exposed in a manner likely to cause such child unnecessary suffering, or serious injury to its health, shall be guilty of an offence under this Act, and upon conviction shall incur a penalty not exceeding \$100, and in default of payment of such fine, or in addition thereto, to imprisonment for a term not exceeding one year.

1917 (sess. 2), c.13, s.21; 1919–20, c.12, s.171;
R.S.S. 1920, c.192, s.21.

Causing child to beg, perform, etc.

22(1) Any person who:

- (a) causes or procures a child to be in any public place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing offering anything for sale, or otherwise; or
- (b) causes or procures a child to be in any public place for the purpose of singing, playing, or performing for profit, or offering anything for sale, or procures or causes a child to be employed between ten p.m. of one day and six a.m. of the following day; or
- (c) subject to the provisions of subsection (2) causes or procures any child to be at any time in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or offering anything for sale;

shall be guilty of an offence under this Act, and on conviction shall incur a penalty not exceeding \$100, and in default of payment of the penalty, or in addition thereto, shall be liable to imprisonment for a term not exceeding one year.

(2) In the case of any entertainment or series of entertainments to take place in premises used for public entertainment or in any circus or other place of public amusement where it is shown that proper provision has been made to secure the health and kind treatment of a child proposed to be employed thereat, the mayor of any city or town or overseer of a village may grant a license for such time and during such hours of the day, between ten p.m. of one day and six a.m. of the following day, such employment not to exceed seven hours in any day of twenty-four hours, and subject to such restrictions and conditions as he thinks fit, for any child over 10 years of age of whose fitness to take part in such entertainment or series of entertainments without injury he is satisfied; and such license may at any time be varied, added to or revoked by him.

(3) The municipal council shall assign to some person the duty of seeing that the restrictions and conditions of any license granted under authority of this section are duly complied with, and such person shall have power to enter, inspect and examine any place at which the employment of a child is for the time being licensed. This duty shall be discharged by the chief constable of the municipality until some other person is appointed.

1917 (sess. 2), c.13, s.22; 1919–20, c.12, s.12;
R.S.S. 1920, c.192, s.22.

POWER OF SEARCH

Search for neglected child

23(1) If it appears to a police magistrate, or to a justice of the peace, on information laid before him on oath by any person who in the opinion of the magistrate or justice is *bona fide* acting in the interest of the child, that there is reasonable cause to suspect that a child has been or is being ill-treated or neglected in any place within the jurisdiction of such magistrate or justice in a manner likely to cause the child unnecessary suffering or to be injurious to its health or morals such magistrate or justice may issue a warrant authorising any person named therein to search for such child, and if it is found to have been or to be ill-treated or neglected to take it to and detain it in a place of safety until it can be brought before a judge, and the judge before whom the child is brought may cause it to be dealt with in the manner provided by section 9.

(2) The magistrate or justice may by the same warrant cause any person accused of an offence in respect of the child to be apprehended and brought before a judge to be dealt with according to law.

(3) Any person authorised by warrant under this section to search for a child and to take it to and detain it in a place of safety may enter (if need be by force) any house, building or other place specified in the warrant, and may remove the child therefrom.

(4) It shall not be necessary in any information or warrant laid or issued under the provisions of this section to describe a child by name.

1917 (sess. 2), c.13, s.23; R.S.S. 1920, c.192, s.23.

INTERFERING WITH WARDS

Interfering with wards

24(1) No person shall:

(a) induce any child to leave the building or premises or custody or control of any children's aid society, or of any boys' or girls' home or orphans' home or asylum or children's or infant's home, industrial school or other institution to which such child has been confined by competent authority; or

(b) induce or attempt to induce a child under the age of 21 years to leave any service or apprenticeship or any place where the child has been lawfully placed for the purposes of being nursed, supported, educated or adopted; or

(c) induce or attempt to induce any child under the age of 21 years to break any articles of apprenticeship or agreement lawfully entered into by or with the authority of the trustees or directors or governing body of any such children's aid society, home or asylum respecting such child; or

(d) detain or harbour such child after demand made by or on behalf of any officer of any such institution for delivery up of such a child.

(2) A person who violates the provisions of this section shall be guilty of an offence against this Act, and shall incur a penalty not exceeding \$20 and costs, and in default of payment of the penalty and costs, shall be liable to imprisonment for any period not exceeding thirty days.

1917 (sess.2.), c.13, s.24; R.S.S. 1920, c.192, s.24.

JUVENILE OFFENDERS

Separate custody and trial

25(1) A child charged with an offence against the laws of Canada or of the province of Saskatchewan, or who is brought before a judge under any of the provisions of this Act, shall not before trial or examination be confined in a lockup or a police cell used for persons charged with crime, nor, save as hereinafter mentioned, shall such child be tried or have its case disposed of in the police court room ordinarily used.

(2) The council of every municipality shall make provision for the separate custody and detention of such child prior to its trial or examination, by arrangement with a police officer or some person or society willing to undertake the responsibility of such temporary custody or detention on such terms as are agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lockup or police cells.

Children's courts

(3) The judge shall try such child or examine into its case and dispose thereof, where practicable, in premises other than the ordinary police court premises, or where this is not practicable, in the private office of the judge, if he has one, or in some other room in the municipal buildings, or if this is not practicable, then in the ordinary police court room, but in such last mentioned case not until two hours have elapsed after the other trials or examinations for the day have been disposed of.

Inquiry may take place in premises of society

(4) Where a children's aid society possesses premises of affording the necessary facilities and accommodation, a child may, after apprehension under the provisions of this Act, be temporarily taken charge of by the society until its case is disposed of; and the judge shall hold the examination into the case of such child in the premises of the society.

Trial of offence of child or parent/Excluding public

(5) Where a child or a parent charged with an offence in respect of a child under this Act is being tried, the judge shall exclude from the room or place where such person is being tried or examined all persons other than the counsel and witnesses in the case, officers of the law or of any children's aid society and the immediate friends or relatives of the child or parent.

1917 (sess. 2), c.13, s.25; R.S.S. 1920, c.192, s.25.

NOTIFICATION OF COMPLAINT TO SOCIETY

By judge

26(1) When a complaint is made or pending against child before a judge he shall at once cause notice in writing to be given to the officer of the children's aid society, or to the superintendent who shall have opportunity allowed him to investigate the charge.

Inquiry by society

(2) Upon receiving such notice the officer may proceed to inquire into and make full examination as to the parentage and surroundings of the child, and all the circumstances of the case and report the same to the judge.

Order as to custody

(3) Where it appears to the judge that the public interest and the interest of the child will be best served thereby, an order may be made for the return of the child to its parents, or the judge may authorise the said officer or superintendent to take such child and bind it out to some suitable person until it attains the age of 21 years, or for any less time, or may impose a fine, or suspend sentence for a definite or indefinite period, or may recommend to the Attorney General that the child, if a boy, be sent to an industrial school, or, if a girl, to a suitable home or other establishment; or the judge may make an order committing the child to such industrial school, home or other establishment for a definite or indefinite period.

1917 (sess. 2), c.18, s.26; 1919–20, c.12, s.13;
R.S.S. 1920, c.192, s.26.

CHILDREN UNDER ARREST

Exclusion from adult prisoners

27 No child held for trial or under sentence in any gaol or other place of confinement shall be placed or allowed to remain in the same cell or room in company with adult prisoners, and the officer in charge of such place of confinement shall secure the exclusion of such child from the society of adult prisoners during its confinement.

1917 (sess.2), c.13, s.27; R.S.S. 1920, c.192, s.27.

Presumptive age of child

28 Where a person is charged with an offence under this Act in respect of a child who is alleged to be under a specified age, and the child appears to the judge to be under that age, such child shall for the purposes of this Act be deemed to be under that age, unless the contrary is proved.

1917 (sess.2), c.13, s.28; R.S.S. 1920, c.192, s.28.

Regulations

29 The Lieutenant Governor in Council may make rules respecting the management of societies operating under this Act.

1917 (sess. 2), c.13, s.29; R.S.S. 1920, c.192, s.29.