

## No. XXI.

INFANT CONVICTS. An Act to provide for the Care and Education of Infants who may be convicted of Felony or Misdemeanor. [5th September, 1849.]

Preamble.

Supreme Court or Judge thereof empowered to assign the care of any infant convicted of felony or misdemeanor to any person other than the testamentary or natural guardian.

Court or Judge may rescind or alter such assignment and award costs in certain cases.

Infant not to be sent beyond the seas &c.

**W**HEREAS it is expedient that every facility should be offered for the improvement and better education of infants under the age of nineteen years who have been or may be convicted of felony or misdemeanor Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That in every case in which any person being under the age of nineteen years has been or shall hereafter be convicted of felony or misdemeanor it shall be lawful for the Supreme Court of New South Wales or any Judge thereof upon the application of any person or persons who may be willing to take charge of such infant and to provide for his or her maintenance and education if such Court or Judge shall find that the same will be for the benefit of such infant due regard being had to the age of the infant the prevention of crime and to the circumstances habits and character of the parents or testamentary or natural guardian of such infant to assign the care or custody of such infant during his or her minority or any part thereof to such person or persons upon such terms and conditions and subject to such regulations respecting the maintenance education and care of such infant as the said Court or Judge shall think proper to prescribe and direct and upon any order for that purpose being made and so long as the same shall remain in force the same shall be binding and obligatory upon the father and upon every testamentary or natural guardian of such infant and no person or persons shall be entitled to use or exercise any power or control over such infant which may be inconsistent with such order of the said Court or Judge Provided always that the said Supreme Court may at any time rescind such assignment or from time to time rescind alter or vary any such terms or conditions or such regulations as to the said Court may seem fit and provided also that the said Court shall and may award such costs as to it may seem fit against any such person or persons who shall make such application as aforesaid if such application shall not appear to the said Court well founded and such costs shall be payable to any parent or other natural or testamentary guardian of any such child who shall oppose such application.

2. And be it enacted That in every case it shall be a part of the terms and conditions upon which such care and custody shall be assigned that the infant shall not during the period of such care and custody be sent beyond the seas or out of the jurisdiction of the said Supreme Court of the said Colony.

*Trade Frauds Prevention.*

3. And be it enacted That no fee reward emolument or gratuity whatsoever shall be demanded taken or received by any officer or minister of the said Supreme Court for any matter or thing done in the said Court or by or before a Judge thereof in pursuance of this Act and that upon the making or opposing of any such application it shall be lawful for any Judge of the said Court to assign Counsel learned in the law and to appoint an Attorney of the said Court to advise and carry on or to oppose such application who are hereby required to do their duties therein without fee or reward.

No fee to be taken  
by officer of Court.

Counsel may be  
assigned.

4. Provided always and be it enacted That nothing in this Act contained shall affect or in any manner interfere with the execution of the sentence which may have been passed upon such infant upon his or her conviction.

This Act not to  
interfere with exe-  
cution of sentence.

5. And be it enacted That all the powers hereinbefore granted to the Supreme Court of New South Wales or a Judge thereof shall and may be lawfully exercised by the Supreme Court at Port Phillip or the Resident or any other Judge thereof.

Power to Court or  
Judge at Port  
Phillip.