



ANNO QUADRAGESIMO QUARTO ET QUADRAGESIMO
QUINTO

VICTORIÆ REGINÆ.

A.D. 1881.

No. 210.

An Act to repeal "The Destitute Persons Relief and Industrial and Reformatory Schools Act, 1872," and to make other provisions in lieu thereof:

[Assented to, November 18th, 1881.]

WHEREAS it is expedient to repeal "The Destitute Persons Relief and Industrial and Reformatory Schools Act, 1872," and to make other provisions in lieu thereof—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. This Act may be cited as "The Destitute Persons Act, 1881." Short title of Act.

2. "The Destitute Persons Relief and Industrial and Reformatory Schools Act, 1872," is hereby repealed: Provided always that no Acts or Ordinances by the said last-mentioned Act repealed shall be hereby revived; and that no things done, appointments made, contracts entered into, orders or mandates made, offences committed, and penalties incurred, shall, by reason of such repeal, become invalidated or condoned; and that all orders, mandates, convictions, or other proceedings, acts, and deeds made, taken, pending, or executed under and by virtue of the said hereby repealed Act shall and may be supported and maintained by virtue thereof; and also that all proceedings that may have been commenced before this Act shall come into operation, may be continued and completed under the said repealed Act.

Repeal.

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Interpretation.

3. In the construction of this Act, unless inconsistent with the context or subject-matter, the following words shall have the meanings hereby assigned to them respectively, that is to say—

“ Judge ” shall mean any Judge of the Supreme Court of the said province :

“ Justices ” shall mean any two or more Justices of the Peace for the said province, and shall also mean any Special Magistrate of the said province :

“ The “ Board ” shall mean the Destitute Board hereinafter mentioned :

“ Child,” except in Part I. of this Act, shall mean any boy under the age of sixteen years, or any girl under the age of eighteen years; and, in the absence of positive evidence as to age, shall mean under the apparent ages of sixteen and eighteen years respectively :

“ Inmate ” shall mean any destitute child, neglected child, or convicted child admitted into or detained in any Industrial or Reformatory School, or who shall be elsewhere under the control of the Board ; and also any child born in, or person admitted into, any establishment under the control of the Board ; and also all illegitimate children under the control of the Board ; and also any person admitted into any Destitute Asylum, or institution, or place under the control of the Board :

“ Destitute Child ” shall mean any child who shall have no sufficient means of subsistence apparent to the Board or any two Justices of the Peace, or whose parents or other relatives who, by this Act are made chargeable with the support and maintenance of such child, are in indigent circumstances and unable to support such child, or who, at the time of coming into operation of this Act, shall be an inmate of any Destitute Asylum, Industrial or Reformatory School, or other institution or place, under the control of the Board :

“ Neglected Child ” shall mean—

i. Any child found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms :

ii. Any child who shall be found wandering about or frequenting any street, thoroughfare, tavern, or place of public resort, or sleeping in the open air, and who shall not have any home or settled place of abode :

iii. Any child who shall reside in any reputed brothel, or with any known or reputed prostitute, whether such prostitute shall be the parent of such child or not :

iv. Any child who shall associate or dwell with any person not being the parent of the child, known or reputed to be a thief or drunkard, or with any such person convicted of vagrancy :

v. Any

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- v. Any child who, having been convicted of an offence punishable by imprisonment, or some less punishment, ought, nevertheless, in the opinion of the Justices, regard being had to the circumstances of his case, to be sent to an Industrial or to a Reformatory School :
- vi. Any child whose parent represents that he is unable to control such child, and that he wishes him to be sent to an Industrial or Reformatory School :
- vii. Any illegitimate child whose mother or friends are not, in the opinion of the Board, in a position to maintain such child: New.

“Convicted Child” shall mean any child who shall be convicted of any offence punishable by imprisonment

4. This Act shall be divided into five parts, as follows—

Act divided into parts.

PART I.—The Maintenance of Indigent Poor by their Relations:

PART II.—The Destitute Board; its duties and functions:

PART III.—Industrial and Reformatory Schools; including placing out the children with foster-parents, and binding their inmates as apprentices:

PART IV.—The Supervision of all Illegitimate Children born in Establishments under the control of the Destitute Board, and of all other children nursed by foster-mothers, with provisions and powers for licensing all such foster-mothers:

PART V.—Protection of Officers, and General Matters.

PART I.

PART I.

THE MAINTENANCE OF INDIGENT POOR BY THEIR RELATIVES.

5. The father, grandfather, mother, and grandmother, and the children and grandchildren of every poor and destitute person who is not able to support himself, shall, at his and their own costs and charges, according to his and their several abilities, relieve and maintain every such destitute person, and in default of so doing shall be subject to the provisions hereinafter contained.

Destitute persons to be maintained by relatives.

6. Every husband whose wife shall have a child or children at the time of his marriage, whether such child or children shall be legitimate or illegitimate, shall be liable to maintain such child or children as a part of his family, until such child or children shall respectively attain the ages, if a boy, of sixteen years, and if a girl, of eighteen years, and such child or children shall, for the purposes of this Act, be deemed to constitute part of such husband's family.

Husband to maintain wife's children.

7. Upon application or complaint made by or on behalf of any destitute person, any Justice of the Peace for the said province may issue

On application of destitute persons Justice to issue summons.

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issue a summons requiring the relative or relatives therein named to appear before any Justices, at a time and place to be named in such summons, to show cause why he or they should not relieve and maintain, or contribute to the relief and maintenance, of such destitute person.

Two Justices to hear such application in a summary way, and to make order thereon.

8. The place appointed for hearing such summons shall be as near as can conveniently be found to the locality in which such destitute person shall be residing, at the time when such summons shall be issued, and at the time and place appointed for hearing such summons, any two Justices may hear and determine the matter of such complaint in a summary way, and upon such hearing, the Justices shall inquire as to the person or persons who, by this Act are bound to maintain his or their destitute relatives, and as to his or their means and ability; and, if they shall see fit, may adjourn the further hearing of the said application and complaint, and appoint a time, and the same or some other place for hearing the said adjourned summons, and may summon and require any other such person or persons who have not been summoned to appear at the day appointed for the adjourned hearing, and may, at the original or any adjourned hearing, dismiss the said application, either entirely or as regards such one or more person or persons so summoned as they may consider not of sufficient ability to maintain or contribute to maintenance of such destitute person; and, in case they shall find any person or persons so able, shall fix such a moderate sum or rate as in their discretion ought to be allowed for the maintenance of such destitute person, and the periods at which the same is to be payable, and shall appoint a person to whom and a place where such payment shall be made; and in case two or more persons shall be found so able, the Justices shall assess the several proportions upon the said persons according to their respective abilities, and thereupon shall make an order in writing, directing the payment of the said rate or sum or sums so assessed accordingly.

Husband or father deserting wife or children may be summoned.

9. When any husband unlawfully deserts his wife, or leaves her without adequate means of support, or where any wife, who has been deserted by her husband, or any mother who is a widow, deserts her children or leaves them or any of them without adequate means of support; or where any father deserts his children, whether illegitimate or born in wedlock, or his wife's children, as referred to in section 6, or leaves them or any of them, without adequate means of support, any Justice of the Peace may, upon application or complaint thereof made by or on behalf of such wife or children, issue a summons to such husband, wife, widow, or father, to show cause why he or she should not support his wife or his or her children, and such Justice, if a Special Magistrate, may, in his discretion, issue his warrant for the apprehension of such husband, wife, widow, or father in the first instance.

Such complaint to be heard by Justices in a summary way, and

10. Upon the day appointed for the hearing, any Justices may hear and determine the matter of such complaint in a summary way;

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way; and if they be satisfied that the wife or the children, as the case may be, are in fact without adequate means of support, and that the husband, or the mother as aforesaid, or the father is able to maintain her or them, or to contribute to her or their maintenance, such Justices shall make an order in writing, directing him or her to pay either weekly or monthly, at their discretion, and to such person and in such manner, for her or their use, as such Justices may think fit, such moderate sum or allowance as they may consider proper.

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order to be made thereon.

11. Any Justices, on the complaint of any person liable upon or entitled to the benefit of any order for the periodical payment of any sum of money as aforesaid, and during the period such order continues in force, may make further inquiry as to the ability of the person upon whom such order shall have been made, and increase or lessen, or entirely remit the amount so ordered to be paid.

Justices may, during currency of order, make further order to increase, lessen, or entirely remit amount ordered to be paid.

12. If it shall be made to appear to any Justices that any person endeavors to evade compliance with any order hereinbefore authorised to be made, or if any such person shall wilfully make default in any payment, such Justices may require such person, either immediately or at some adjournment, to find such good and sufficient surety or security, to the satisfaction of the Justices then present, or present at any adjourned hearing, that he or she will comply with such order of maintenance, or that he or she will not desert or leave without adequate means of support, his said wife, or his or her children; and such Justices may, in default of such surety or security being found, commit such person to gaol for any period not exceeding six months, if such order be not sooner complied with: Provided that it shall be lawful for any Justices to determine upon the sufficiency of any proposed surety or security, and to whom and in what manner the same shall be made; and any one Justice of the Peace, upon being satisfied that the same has been duly made and perfected, may order the discharge of such person from gaol or custody.

Justices may require security for compliance with order, and in default may commit to gaol.

13. The wife of any husband shall be competent and compellable to give evidence for or against her husband in all matters and complaints under this Act; and any husband shall be a competent witness on his own behalf.

Wife and husband competent and compellable to give evidence.

14. The provisions of this Act shall extend to and may be made use of by and on behalf of illegitimate children, as against the father or mother of such children: Provided that no man shall be taken to be the father of any illegitimate child upon the oath of the mother only: Provided also that no man shall be adjudged to be the father of an illegitimate child upon the evidence of the mother, unless such evidence be corroborated in some material particular by other and independent testimony: And provided also, that if it shall be shown that, at the time such child was begotten, the mother was a common prostitute, no order shall be made hereunder, as against the alleged father of such child.

Provision as to illegitimate children.

15. In

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Mother of bastard
may be ordered to
contribute.

15. In any case where it shall appear to the Justices that the mother of any child, whether legitimate or illegitimate, is able to contribute to its support, it shall be lawful for them to direct that she shall so contribute as well as the father, in such proportions respectively and in such manner as such Justices shall think fit; and if in any case it shall appear that the mother only is of such ability, it shall be lawful for the Justices to make an order in respect of her alone.

Proceedings for
enforcing orders.

16. It shall be lawful for any Justices from time to time to make such orders in writing for better securing the payment and regulating the receipt of any allowance under this Act, or for insuring the due application of such allowance to the *bonâ fide* purposes of maintenance, or for causing any child or children to be properly brought up and educated.

PART II.**PART II.****ESTABLISHMENT OF DESTITUTE BOARD: ITS DUTIES AND FUNCTIONS.**

Appointment of
Destitute Board.

17. It shall be lawful for the Governor to appoint a Chairman and five other persons to form a Board of Advice, to be called "The Destitute Board," to carry this Act into execution, and from time to time, at pleasure, to remove any member of the Board for the time being, and upon every vacancy in the Board to appoint some other fit person to the said office; and until such new appointment it shall be lawful for the surviving or continuing member or members to act as if no such vacancy had occurred.

Duties of Chairman.

18. The lastly hereinbefore mentioned Chairman of the Board shall be, and he is hereby charged with the due administration of all and singular the powers and authorities hereby vested in the Board, and he shall administer the said powers and authorities, subject to the advice and control of the Board, and pursuant to the regulations of the Public Service of the said province.

Vacancies.

19. Whenever any member of the Board shall die, resign, permanently remove from the said province, take the benefit of any Act for the relief of persons unable to pay their creditors in full, or be absent from six consecutive meetings of the Board without the consent of the Board, the seat of such member shall thereupon become vacant.

Questions at Board
meetings to be decided
by open voting.

20. At all meetings of the Board the determination of all questions brought before the Board shall be decided by open voting by the majority present; and if there be an equal division of votes upon any question the Chairman, or any member acting as Chairman at such meeting, shall, in addition to his own vote as member of the Board, have a second or casting-vote.

21. Any

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21. Any three members of the Board shall be competent to act in the execution of the powers vested in the Board: Provided that, in the event of the absence of the regular Chairman, the members of the Board then present may appoint a Chairman for the occasion.

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Quorum of Board.

22. The Board may, subject to the approval of the Governor, by order, appoint a superintendent of each asylum, school, or place under their control; and the Board may also, subject to the like approval, remove such superintendent.

Appointment of superintendents.

23. The Board may also from time to time, by resolution of the Board, appoint such fit and proper persons to be teachers, officers, and servants, as may be allowed by the Governor, and may, by resolution of the Board, remove such teachers, officers, and servants, and appoint others in their stead.

Appointment of officers.

24. The Board shall, subject to the regulations of the Public Service, have the administration of all funds voted by Parliament for the relief of the destitute poor, and all funds which may be given or left to them by benevolent persons, and shall have the care and management of asylums, institutions, or places for the reception and relief of destitute persons, and of all children born in any establishment under the control of the Board, and of all other illegitimate children nursed by any foster-mother outside of such establishments, with power also, as hereinafter is provided, to grant licences to any suitable persons to act as foster-mothers; and shall also have the control and supervision of schools, as hereinafter mentioned, for the education, employment, and training up of destitute, neglected, and convicted children, and the licensing out and apprenticing children as provided by this Act, and shall have the ordering of the persons and property of such destitute persons and children so long as they shall be inmates of any asylum, institution, place, or school so under the control of the Board.

Functions and duties of Board.

25. The Board shall have a seal, and shall cause to be sealed or stamped therewith all orders and mandates made by them in pursuance of this Act, and all such orders and mandates, or copies thereof, purporting to be sealed or stamped with the seal of the Board, and to be signed by the Chairman of the Board, shall be received as evidence of the facts therein stated, and that the said orders and mandates were duly made by the Board, without any further proof thereof, unless the contrary be shown.

Board to have a seal.

26. The Governor, may from time to time appoint such persons as he may approve, to carry into effect the provisions of this Act in outlying districts of the said province, who shall be styled "representing officers;" and may remove such persons from time to time, and appoint others in their place or stead.

Representing officers.

27. The Superintendent of the Asylum and the representing and visiting officers, and all other officers and servants employed in the

Superintendent of Asylum subject to Chairman.

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the several institutions under the control of the Board, shall, in all things, be subject to the direction and control of the Chairman of the Board.

Board to make rules and regulations.

28. The Board may from time to time make rules and regulations for the purposes hereinafter mentioned, and such rules and regulations, when approved by the Governor, shall have the force of law; and a copy of such rules and regulations, published in the *Government Gazette*, shall be received in evidence and judicially noticed, and shall, until the contrary be shown, be deemed sufficient evidence that such rules and regulations were duly made and approved, and are of force and effect—

- i. For the inquiry into and ascertaining the proper objects of relief:
- ii. For the admission of persons into any asylum, being wayfarers, wanderers, and other casual poor:
- iii. For the affording out of any asylum, by their officers, of temporary relief in cases of emergency or urgent necessity:
- iv. For the burial of destitute persons, and the remuneration therefor:
- v. For the maintenance of order, discipline, decency, health, and cleanliness amongst the inmates of any asylum, school, or place under their control:
- vi. For the infliction of punishment on offenders against the said rules and regulations, nevertheless subject to the provisions of this Act:
- vii. For obtaining orders for maintenance upon persons who are by law liable to support their destitute relatives, and for obtaining reimbursement of sums paid for relief afforded to indigent persons, and expenses incurred in connection with providing transport, medical assistance, and burials for such indigent persons, from persons liable to pay the same:
- viii. For the employment of the permanent or casual inmates of any asylum, and for prescribing taskwork or other labor to be done by persons relieved in any asylum, and for separating into classes and keeping separate in any asylum the inmates thereof:
- ix. For the prosecution of offenders against this Act, or the rules and regulations made in pursuance thereof:
- x. For prescribing the forms of indentures of apprenticeship, and of licences for adoption of children, or placing children out for service, and for the assignment or transfer of any such indentures or licences respectively:
- xi. For the keeping records of the proceedings of the Board, and

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and of the officers thereof, and accounts of the receipt and application of all moneys, distinguishing cases of emergency from relief ordered by the Board :

- xii. For prescribing the duties of the several officers of the Board, and for keeping proper records, books, accounts, and vouchers :
- xiii. For causing all children apprenticed or licensed to reside with any person to be duly visited by some person authorised by the Board at least once in every four months :
- xiv. For regulating the proceedings and prescribing the duties of representing and relieving officers :
- xv. For the employment and control of any woman who may be an inmate of the Lying-in Home or wards at any institution under the control of the Board, and for the better care and rearing of their infants, and of all infants placed out with foster parents, as provided for in Part iv. of this Act :

Provided that until any rules and regulations shall be made under the authority hereof, and in so far as such rules and regulations, when made, shall not repeal or vary the same, the rules and regulations made under the said "Destitute Persons Relief and Industrial and Reformatory Schools Act, 1872," and published in the *Government Gazette* of the fourteenth day of May, one thousand eight hundred and seventy-three, or any subsequent modifications or alterations of the said rules and regulations, shall continue in force, and shall be of the like effect as if the same had been made under the provisions of this Act: Provided that any such rules and regulations hereafter to be made shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then sitting; or, if Parliament be not then sitting, within fourteen days after the commencement of the then next Session of Parliament.

29. It shall be the duty of the Board to determine the proper objects of relief, and the nature and amount thereof, to cause accurate minutes and accounts to be kept, and a summary or report of the receipts and expenditure of the Board to be laid before Parliament at least once in every year.

Board to determine objects of relief, and to keep accounts, &c.

30. The Board shall cause a record to be kept, showing full particulars of the age, date of reception, parentage, nationality, sex, period of detention, and religion so far as known, of all children and other inmates who shall be dealt with by the Board under this Act, and of all dispositions of and dealings with such children or inmates.

Record of children to be kept.

31. All relief given by the Board under the provisions of this Act to or on account of any wife, or to or on account of any child or children under the ages of sixteen or eighteen years respectively, as before named, shall be considered as given to the husband of such wife

Relief given to wife or children to be considered as given to husband, or father, or mother.

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wife, or to the father of such child or children, if he be alive, and if not, then to the mother, as the case may be: Provided that if it appear to the Board that the husband of any wife is out of the said province, or in custody of law, or is lunatic or idiot, all relief given to such wife or her child or children under the ages aforesaid, shall, notwithstanding her coverture, be given to such wife in the same manner and subject to the same conditions as if she were a widow; but nothing herein contained shall limit the liability of the husband or father, as the case may be, for such past relief.

Cost of past maintenance may be recovered.

32. In any case in which relief has been afforded to any person, or to the wife and child of any person, and such person, or the father, grandfather, mother, grandmother, husband, child, children, or grandchildren of such person shall at any time within six years thereafter be of sufficient ability to repay and reimburse the amount or cost of such relief, or part thereof, it shall be lawful for any Justices, upon the information or complaint of an officer of the Board, to inquire into the matter in a summary way, and if they shall be of opinion that such person, or the father, or other relative as aforesaid, is of sufficient ability to repay the whole or part of the amount or cost of such relief, they may order such person or father, or other relative as aforesaid, to pay to such officer such sum of money either in one sum or by instalments as in their judgment such person, father, or other relative as aforesaid can reasonably afford and ought to contribute towards the past relief of such person.

Onus of proof.

33. Upon any trial of any complaint made by or with the authority of the Board for the recovery from any relatives of any sum of money under this Act, the onus of proving that the person complained of is not a relative, or that such relative is not of sufficient means, or that any inmate is of sufficient means, shall lie upon the defendant, who shall be competent and compellable to give evidence touching the matter of such complaint: Provided, however, that this section shall not apply to any information laid under section 14.

Power to charge and sell lands and equitable interests.

34. If any such person, or father, or other relative against whom any order shall have been made shall be possessed of any estate or interest, whether legal or equitable, in any lands, whether freehold or leasehold, it shall be lawful for the Chairman of the Board to make application, in writing (such application to be accompanied by a copy of the said order, verified by the seal of the Board), to the Master of the Supreme Court requiring such master to register such order as hereinafter mentioned, and upon the receipt of such application and verified copy of such order as aforesaid, such master shall forthwith register such order as a judgment in the said Supreme Court as in an action wherein the said Chairman of the Board is plaintiff, and the person against whom such order shall have been made is defendant, and upon such registration the said Chairman of the Board as such plaintiff shall have all the rights and remedies of a judgment creditor in the said Supreme Court as regards the issue and levying of any writs of execution or orders for attachment, and shall be entitled to recover his costs of and incidental to any such application and judgment, and for all proceedings taken and had under

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under such judgment, and interest thereon, irrespective of whether the amount for which such order shall have been entered as a judgment is under the sum of Twenty Pounds or over that sum.

35. If any such person against whom such an order shall have been made is possessed of any land under the operation of the "Real Property Act of 1861," or any Act or Acts amending the same, it shall be lawful for the said Chairman of the Board, either in lieu of or concurrently with the procedure mentioned in the last preceding clause, to lodge with the Registrar-General a caveat against any dealings with the said lands, in which caveat the particulars of such order shall be set out as fully as may be, and thereupon the said Registrar-General shall forthwith register such caveat, and it shall not be lawful for the said Registrar-General to remove or discharge such caveat unless and until he shall be satisfied that all moneys due and owing under such order have been fully paid and satisfied to the Chairman of the Board for the time being, or unless he shall be ordered by the Supreme Court to remove such caveat.

Caveats.

36. In any case of an information under the four last preceding sections, the Chairman of the Board may give notice in writing to any banker or other person known or suspected to have the custody or control of or over any money or property of or belonging to the person sought to be made chargeable not to pay or hand over such money or property until such information shall have been heard and disposed of, and thereupon such property shall be thereby attached in the hands of such banker or other person as aforesaid; and he shall pay or hand over the same in accordance with any order which may be made by the Justices on the hearing of such information; and any banker or other person paying or handing over such money or property after receiving such notice as aforesaid, except in accordance with such order, shall be personally liable to make good the amount of money or value of the property so paid or handed over, and such amount or value may be recovered by the Chairman of the Board accordingly by action at law.

Board may attach moneys in hands of banker, &c.

37. The Board may manage, and demise for any term not exceeding three years, the lands of or to which any inmate is seized or entitled, and may make allowances and arrangements with all or any of the tenants or occupiers for the time being of the said lands, and accept surrenders of leases and tenancies, as fully and effectually as such inmate if of the full age of twenty-one years could do.

Board may manage and let estates of children or other inmates.

38. The Board may demand, sue for, collect, and receive, all the rents and profits which shall be due to any such inmate, and may give effectual receipts and discharges for such rents and profits or so much thereof as shall be received, and in case of non-payment of the same or any part thereof, in the names of the Chairman of the Board or in the name and on behalf of such inmate, may enter into and upon all or any of the lands in respect of which any rents shall be unpaid, and may distrain for the said rents and profits, and the costs and expenses of and incidental to the non-payment thereof; and

Board may collect moneys due to inmates.

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and the distress then and there found may dispose of in due course of law, and may take and use all lawful proceedings and means for recovering and receiving the said rents and profits, and for evicting and ejecting defaulting tenants and occupiers from all or any of the said lands, and determining the tenancy or occupation thereof, and for obtaining, recovering, and retaining possession of all or any of the lands held or occupied by such defaulters.

Board may bring actions.

39. The Board may, in the name of the Chairman of the Board, or in the name and on behalf of any such inmate, commence and prosecute at law and in equity all actions, suits, claims, demands, and proceedings, touching any land, estate, interest, or rights of any such inmate, or of his tenants therein or thereto, or touching any matter or thing whatsoever in which any such inmate or his real or personal estate or effects may be in any way interested, affected, or concerned.

Board may appoint agents.

40. The Board may appoint and remove at their pleasure any attorney or agent in respect of all or any of the matters aforesaid, upon such terms and for such remuneration as the said Board shall think fit, and may allow to such attorney or agent all costs, charges, and expenses lawfully incurred by him in executing the powers and trusts reposed in the Board by this Act.

Penalty for breach of rules.

41. Any person or inmate committing a breach of any of the rules or regulations hereinbefore referred to shall, upon conviction thereof by any Justices, forfeit and pay a penalty not exceeding Five Pounds, or be imprisoned, at the discretion of such Justices with or without hard labor, for any term not exceeding three calendar months.

Penalty for false pretences to obtain relief.

42. Any person who shall obtain or attempt to obtain from the Board or from any officer administering the funds thereof, any pecuniary or other relief or assistance, or any goods or chattels or other property, by way of gift or loan, by means of any false pretence; and any person in any institution under the control of the Board, who shall wilfully waste, spoil, or damage any of the wearing apparel, tools, implements, or utensils, or other property belonging to such institution shall, upon conviction thereof, be liable to imprisonment with hard labor for any term not exceeding six calendar months.

Penalty for fraudulent appropriation of property of asylum.

43. If any person who shall be entrusted with, or to whom shall be lent, by way of relief or assistance, any article of wearing apparel or bedding, or any tool, implement, or utensil, or any other property, goods, and chattels whatsoever the property of, or under the care or control of the Board, shall fraudently take or convert to his or her own use, any such property, or shall carry away any such property, such person, whether he or she shall or shall not determine the bailment, shall be guilty of larceny, and shall be liable, on conviction, to imprisonment for not more than six calendar months, with or without hard labor.

PART

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PART III.

PART III.

AS TO INDUSTRIAL AND REFORMATORY SCHOOLS,
INCLUDING PLACING OUT THE CHILDREN
WITH FOSTER PARENTS AND BINDING THEIR
INMATES AS APPRENTICES.

44. It shall be lawful for the Governor to establish, for the purposes of this Act, industrial schools; and in every such school the males shall be kept separate and apart from the females.

Industrial schools to be established.

45. It shall be lawful for the Governor to establish, for the purposes of this Act, reformatory schools; and in every such school the males shall be kept separate and apart from the females.

Reformatory schools to be established.

46. Destitute children and neglected children may be received by the Board into any of the industrial schools, and whenever any destitute child, or neglected child, shall be so received into any industrial school, such child may be detained therein, and may be removed to any other industrial school, and be there detained until he or she shall attain the ages of sixteen or eighteen years respectively, as hereinbefore provided, unless in the meantime the father, or, if there be no father, the mother of such child, shall be desirous of removing such child from such school, and shall satisfy the Board that he or she is able to maintain such child, in which case the Board shall, except in the cases provided for by section 47, and except where the parent so desirous of removing any such child shall be a known or reputed prostitute, or a known or reputed thief or drunkard, or a person convicted of vagrancy, make an order directing such child to be discharged from such school, and given over to the care of such father or mother, as the case may be; and until such order shall be made, the superintendent, matron, or manager of any such school, shall be and are hereby authorised to detain any such destitute child, or neglected child, who has been so received into such school as aforesaid, and may justify such detention accordingly: Provided that if the father or mother of any such destitute child, or neglected child so detained as aforesaid, shall be dissatisfied with the refusal of the Board to make an order for the discharge of such child, he or she may apply to a Judge, who, on being satisfied by affidavit or otherwise that such father or mother is able to maintain such child, and is a proper person as regards character to have the charge of such child, may order that such child be discharged from such school, or be otherwise dealt with as he may in any such order direct.

Destitute and neglected children to be received into industrial schools.

47. If, upon the admission of any destitute child, or neglected child, into any industrial school, the father, or, if the father be dead or absent from the province, or in custody of the law, or a lunatic, the mother of such child shall surrender the care and custody of such child to the Board, and shall sign a consent that such child shall remain in such school, or in some other industrial school, or in charge of some suitable person, who, at the discretion of the Board

Surrender of child.

under

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under the provisions of this Act, shall be selected for that purpose, if a boy, until he shall attain the age of sixteen years, or if a girl, then eighteen years, then and in such case no order shall be made for the discharge of such child before so attaining such age, without the written consent of the Board for that purpose being first obtained.

Destitute and neglected children may be taken before Justices.

48. Any constable finding a destitute child, or a neglected child, may immediately apprehend such child without any warrant, and forthwith take such child before any Justices, to be dealt with according to this Act.

Parents liable to contribute to support.

49. The grand-parent, parent, or step-parent of every inmate of any industrial or reformatory school shall (if of sufficient ability so to do) contribute to his or her support for the period during which such inmate shall be detained in any such school: Provided that such contribution shall not exceed Ten Shillings per week for the maintenance of such inmate, and shall be recoverable as provided in clauses 32, 33 and 34 of this Act.

Class of children to be sent to industrial schools.

50. Destitute children and neglected children only shall be sent to, or detained at, any industrial school: Provided always, that where any such child, in the opinion of the Justices, ought to be sent to a reformatory school, such Justices may, regard being had to the circumstances of the case, order such child to be sent to a reformatory school accordingly

Destitute or neglected children not to be detained after certain age.

51. No destitute child or neglected child shall be detained at any of the said industrial schools after he or she shall have attained the ages of sixteen or eighteen years respectively, as hereinbefore provided.

Class of children to be sent to reformatory schools.

52. Except as provided in clause 50, convicted children only shall be sent to or detained at any reformatory school: Provided always, that where any child has been convicted of any offence punishable by imprisonment, but has not been previously convicted of any offence so punishable, the Judge or Justices may order such child to be sent to an industrial school, if in their opinion such child ought to be so sent.

Convicted children not to be detained after certain ages.

53. No convicted child shall be detained at any reformatory school after he or she shall have attained the age of sixteen or eighteen years respectively, as hereinbefore provided.

Neglected children to be detained.

54. Whenever any child shall hereafter be brought before any Justices, and be charged with being a destitute child or a neglected child, the said Justices shall proceed to hear the matter of the said charge, and if the same shall be established to the satisfaction of the Justices, it shall be lawful for them to direct such child to be sent forthwith to any one of the said industrial or reformatory schools, to be there detained until he or she reaches the age or
apparent

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apparent age of sixteen or eighteen years respectively, as hereinbefore provided, or for such shorter period (not being less than one year) as the Justices may think fit.

55. Whenever any child shall hereafter be convicted of any offence, either upon information or summary conviction, punishable by imprisonment, it shall be lawful for the Judge or the Justices by whom such child shall be so convicted, in addition to the sentence which may then and there be passed as a punishment for the said offence, to direct such child to be sent, at the expiration of such sentence, to any one of the reformatory schools, to be there detained until he or she reaches the age or apparent age of sixteen or eighteen years respectively, as hereinbefore provided, or for such shorter period (not being less than one year) as the Justices may think fit.

Convicted children to be detained.

56. The Justices before whom any child shall be brought upon the charge of being either a destitute child or a neglected child, or upon a charge of having committed some offence punishable by imprisonment shall, upon the hearing of such charge, and at the time of conviction of such offence, examine into the means and ability to maintain such child of the persons by this Act made liable for the maintenance thereof, and upon proof thereof such Justices shall make an order on such parents, relatives, or other persons for the maintenance of such child during the period of its detention in any industrial or reformatory school, such order to be enforced as is provided in clauses 32, 33 and 34 of this Act.

Justices to examine into ability of persons liable for maintenance of neglected, destitute, and convicted children.

57. If any child is or shall hereafter be imprisoned under sentence for an offence punishable by imprisonment, the keeper of the gaol wherein such child shall be imprisoned shall take such child before any Justices, and such Justices may, if they think fit, direct such child to be sent to and detained in any one of the reformatory schools, pursuant to this Act: Provided always, that no such child as last aforesaid shall be sent to or detained in any reformatory school unless the unexpired term of imprisonment of such child shall be at least six months, nor for any longer period than such unexpired term.

Children in gaols to be detained.

58. Whenever any child has been detained in any reformatory school during the period for which he was ordered to be detained, and the conduct of such child during such detention has been such as to merit his being sent to an industrial school, the superintendent of such reformatory school shall bring such child before any Justices, and thereupon such Justices may order such child to be sent to some one of the industrial schools, there to be maintained until such child shall attain the age of sixteen or eighteen years respectively, or for such shorter period as the Justices may think fit, and the Board or any such Justices may remove any inmate from any industrial school to any other industrial school, or from any reformatory school to any other reformatory school, under this Act.

Child may be sent to industrial school as reward for good conduct.

59. When

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Order not to form part of judgment.

59. When the Judge or Justices shall direct any child to be detained under the provisions of this Act, such direction shall not be included in, or form any part of, the judgment and adjudication of such Judge or Justices, but shall be a distinct and collateral proceeding.

Mandate for detention.

60. Whenever any child shall be directed to be detained in any school established under this Act, the Judge or Justices shall issue a mandate in such one of the forms contained in the Schedule to this Act as shall be applicable to the case.

Mandate to be delivered with child to superintendent, &c.

61. The mandate for detention in any school, or a duplicate thereof, shall be forwarded to the superintendent or matron of the school with the child, and shall be a sufficient warrant for the conveyance of the child thither, and the detention of such child there.

Mandate to be a defence to actions.

62. In every action for anything done in obedience to any such mandate as aforesaid, it shall be sufficient for the defendant to justify under such mandate alone, without setting forth the previous proceedings, in like manner as any Sheriff can and may justify under any process issued out of the Supreme Court in any civil action, and proof of the matters alleged shall be sufficient evidence in support of such plea.

Mandate to be obeyed, and to be authority for, and evidence of, detention.

63. Every mandate issued under this Act shall be executed and obeyed by the person to whom the same is directed and delivered, and the production thereof, with a statement annexed thereto, signed by the superintendent or matron of any industrial or reformatory school, that the child named in such mandate was duly received into, and is at the signing thereof detained in such school, or has been otherwise dealt with according to law, shall in all proceedings whatsoever be sufficient evidence of the facts by this Act required to be stated in such mandate, and of the subsequent detention and identity of the child named therein.

Power to discharge child or extend term of detention.

64. The Governor may order the release of any inmate from the industrial or reformatory school in which he or she may be detained, and he or she shall, upon the production of such order, be discharged accordingly, and may extend the term of detention specified in any mandate or order made or to be made until the child named therein shall have attained the age of sixteen years if a boy, or eighteen years if a girl.

Children may be put out on certain conditions.

65. Notwithstanding anything herein contained, it shall be lawful for the Board to place any inmate of any industrial or reformatory school to reside with the mother or other relative of such inmate, or with any other suitable person to be named in the licence hereinafter mentioned, who shall be willing to receive such inmate for adoption or service, and be qualified in the opinion of the Board to provide for and take care of such inmate, and to grant to such inmate a licence to reside with the person so to be named

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named therein as aforesaid, either for adoption or service, for any term not exceeding the term for which such child could be lawfully kept in such industrial or reformatory school; and it shall be lawful for the Board to require such inmate to return to the said school at any time during the said term, unless he or she shall have been previously discharged as aforesaid; and it shall be lawful for the Board to require any such person to whom such inmate may be indentured or licensed to return such inmate as aforesaid, at any time during the said term; and it shall be lawful for the Board to pay to such person for the care, clothing, and education of such child, until such child shall attain the age of thirteen years, such annual or other sum not exceeding Seven Shillings a week as may be allowed by the Governor; and any inmate having such licence who shall abscond from the person named therein during such term, or shall neglect or refuse to return to the said school at the expiration of the term for which such inmate shall be licensed to dwell with any such person, in case such term shall be less than the period for which such inmate was directed to be sent to such industrial or reformatory school, or when required to return as aforesaid, shall be held to have absconded from the said school: Provided always that no inmate of any reformatory school shall be so placed out before the expiration of one-third of the term of detention originally allotted.

66. At any time before the expiration of the order or mandate authorising the detention of such inmate in schools, the Board may bind the inmate of any industrial or reformatory school apprentice to such useful calling or occupation as shall be approved by the Board, for a period not exceeding five years; and such binding shall be as effectual as if such child were of full age and by indenture bound himself.

Board may apprentice children.

67. Indentures of apprenticeship, or licences for adoption or service, shall contain covenants, on the part of the master, parent, or foster-parent to whom such child shall be bound or placed out, with the Chairman of the Board for the providing such child with food, lodging, clothing, and other necessaries proper for such child, having regard to the condition in life of the said master, parent, or foster-parent and child respectively, and for the due payment of the wages (if any) agreed for, and shall be in the form prescribed by the rules and regulations aforesaid, and shall be executed in duplicate by the Chairman of the Board, on behalf of the said child, and by the master respectively.

Form of indentures of apprenticeship.

68. The Board may provide in any indenture or licence that such proportion of the wages to become due to the child or inmate as may be fixed by the Board generally, or in each particular case, shall be deposited in such manner, and at such periodical times, by the master or foster-parent, in the Savings Bank of South Australia, on account of such child; and every such deposit shall be deemed and allowed as a payment to such child, but shall not be withdrawn by the child without the consent, in writing, of the Chairman of the Board

Wages may be deposited in Savings Bank.

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Board, until the expiration of the indentures of apprenticeship or licence respectively.

Wages due to inmates.

69. The wages or earnings due by any person to any inmate who may have been licensed out may be sued for and recovered by the Board, or any attorney or agent appointed by the Board for that purpose.

Indentures of apprenticeship may be assigned with consent of Board.

70. The master or foster-parent of any such child may, with the consent of the Board in writing, but not otherwise, assign such child to any fit and proper person; and every such assignment shall be in the form prescribed by the rules and regulations aforesaid, and shall be executed in duplicate by the old and new master or foster-parent respectively, and the consent of the Board shall be notified under the hand of the Chairman upon the said parts respectively, and one part, signed by the new master or foster-parent, shall be kept by the said Board.

Indentures to be void on death of master, but on application of widow, &c., fresh indentures may be entered into.

71. On the death of the master or foster-parent of any such child, the said indenture or licence shall cease and determine, unless within three months from such death the widow of such master or foster-parent, or the executor or administrator of such master or foster-parent, shall apply by writing to the said Board for a mandate directing that such child shall be bound for the residue of the term of the original indenture or licence to some fit and proper person, to be mentioned in such application, and the said Board may grant or refuse such application; and if the said Board shall grant such application, they shall issue a mandate accordingly, and thereupon the like indentures or licences shall be executed as in the case of an original apprenticeship under this Act, nevertheless, for the unexpired term only of the original indenture or licence.

On insolvency of master or his removal, indentures may be cancelled by Board.

72. In case the master or foster-parent of any such child shall become insolvent, or so far reduced in his circumstances as to be unable to maintain and employ such child, or shall remove from the said province, it shall be lawful for the said Board, on the application either of the master, or foster-parent, or child respectively, requesting them to discharge such child for some of the reasons aforesaid, to inquire into the matter of such allegations, and either to grant or refuse such application; and, if the said Board shall grant such application, they shall issue a mandate accordingly, and every such mandate shall release and discharge the said master or foster-parent and such child respectively from the said indenture of apprenticeship or licence and from every covenant and agreement therein contained.

Master to give notice to Board of his removal; and of death, illness, or absconding of apprentice.

73. Every master, or mistress, or foster-parent, to whom any child has been bound, assigned, or licensed, shall, immediately on his or her removal to some other city, town, township, district, or place than those in which such master resided when the indentures or licences were executed, give notice in writing to the said Board of such

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such removal or intended removal, and of the place where such master, or mistress, or foster-parent has removed or intends to remove, and so on as often as the said master, or mistress, or foster-parent shall so remove: And the said master, or mistress, or foster-parent shall in like manner give notice to the said Board immediately upon the absconding, serious illness, or death of any such child, and every master, or mistress, or foster-parent offending against this provision shall, on conviction before any Justices, be liable to forfeit and pay a fine for each offence not exceeding Ten Pounds.

Master offending to be liable to fine not exceeding £10.

74. No person or persons to whom such child or children shall be apprenticed, assigned, or licensed as aforesaid shall transfer any such apprentice or licensed child to another, or in any way discharge or dismiss from his or her service any such child, without the consent in writing of the Board, under the penalty of Ten Pounds.

No person to whom any child shall be apprenticed or assigned shall dismiss or discharge such child from his or her service without consent, under a penalty of £10.

75. Any person who shall ill treat, or who shall neglect to discharge his duty towards any child who is licensed out or apprenticed with such person, may be summoned to appear before two or more Justices; and, upon conviction, shall be fined by the said Justices any sum not exceeding Ten Pounds, or may be imprisoned for any term not exceeding two months, with or without hard labor; and such Justices may, if they see proper, discharge such child, by warrant and certificate under their hands and seals, from such apprenticeship or licence.

Justices may hear complaints made by apprentices against their masters or mistresses, and impose a fine not exceeding £10, or may discharge such apprentice, as they see fit.

76. Any Justices, upon application or complaint made by any master or foster-parent against any such child, touching or concerning any misdemeanor, miscarriage, or misbehaviour in such his or her service, may hear and determine the same in a summary way, and may either dismiss the information or punish the offender by commitment to the nearest industrial or reformatory school, according to the circumstances of the case; and such Justices may, in his or their discretion, and as the justice of the case may require, on the application of the master or foster-parent, either with or without such punishment, discharge such child from his or her apprenticeship or licence, in the like form and manner as hereinbefore directed.

Justices may also hear complaints against apprentices for misbehaviour, &c., and may punish the offender.

77. Where any Justices shall discharge an apprentice or licensed child from his or her apprenticeship, or licence, under the provisions of this Act, such Justices shall forthwith intimate their decision to the Board, who shall have power, if they think fit, to order the return of such child to the control of the Board, or otherwise further dispose of such child as to the said Board shall seem meet, subject nevertheless to the provisions of this Act.

Decision of Justices to be intimated to Board.

78. The Board, or some member thereof, or some person nominated by the Board, shall once at least in every four months visit all children placed out or apprenticed in order to ascertain whether all stipulations regarding such children have been fulfilled, and that the treatment and care of all such children are satisfactory; and for such

Board or other persons duly appointed to visit and report.

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such purposes every such master, or mistress, or foster-parent shall personally produce any such child on the request of such visitor, or show sufficient cause for his or her absence, and every such master, or mistress, or foster-parent failing to show sufficient cause for the non-production of such apprentice or child shall be liable to forfeit and pay a penalty not exceeding Ten Pounds.

Visitors.

79. All members of the Executive Council, all members of the Legislature, all Judges of Courts (whether of record or otherwise), and all Justices shall be entitled to visit every such school as aforesaid, and shall have admission to the same accordingly.

Ministers of religion to have access.

80. Subject to the regulations to be made as hereinbefore mentioned, all ministers of religion shall have admission to every industrial and reformatory school, and may give instruction on the days and at the times allotted by such regulations for the religious education of the inmates of their particular denominations respectively.

Visitors' book.

81. Every person who, by virtue of the provisions hereinbefore contained, is entitled to visit any such school as aforesaid, and every minister of religion may inscribe in a book (to be for that purpose provided and kept in such school by the superintendent or matron thereof) any remarks or observations which he may think fit to make touching or concerning such school, and the superintendent, matron, teachers, officers, servants, or inmates thereof, or any of them; and every such book shall be carefully preserved by every such superintendent or matron, and every superintendent or matron obliterating any such remarks or observations, or destroying any such book, or any part thereof, shall, on conviction, be liable to a penalty not exceeding Ten Pounds.

Penalty for permitting escape.

82. If the superintendent or matron of any industrial or reformatory school, or any teacher, officer, or servant thereof, shall negligently or voluntarily permit any inmate thereof to escape therefrom, every such offender shall, on conviction thereof, forfeit and pay any sum not exceeding Twenty Pounds.

Punishment for infringing rules.

83. If any inmate of any industrial or reformatory school shall wilfully violate any of the rules or regulations hereby authorised to be made for the preservation of order, decency, health, or cleanliness of the inmates of any such schools, such inmate shall be brought before any Justices, who shall make inquiry as to the complaint made against such inmate; and upon proof that such inmate has wilfully violated any of the rules and regulations aforesaid, may order such inmate to be whipped in manner hereinafter provided: or in lieu of whipping, may order such inmate to be punished by being fed on bread and water alone for any period not exceeding seven days: Provided always that, in awarding such punishment, regard shall be had by the Justices to the age and apparent constitution of the inmate.

84. If

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84. If any inmates of any industrial or reformatory school shall disobey any lawful order of the superintendent or matron of any such school, or violate or fail to observe any regulations or by-laws made under this Act, it shall be lawful for such superintendent or matron to summarily punish such inmate by placing him or her in close confinement in such school premises for any period not exceeding forty-eight hours.

Punishment for disobedience.

85. In every case where the Justices shall order bread and water diet, such order shall be in writing, and shall comply with the provisions in the last preceding section.

Order to be in writing.

86. Where, pursuant to the provisions of this Act, the punishment of whipping is awarded by any Justices, the order, sentence, or conviction ordering such punishment shall specify the number of strokes to be inflicted; and, in the case of an offender whose age does not exceed fourteen years, the number of strokes shall not exceed twelve, and in all cases the instrument used shall be a birch rod or cane; and on the occasion of every such whipping there shall be present the superintendent or matron of the school, who shall sign in the record book the minute recording the particulars of such whipping.

Whipping.

87. If any inmate of any industrial or reformatory school shall abscond therefrom, or wilfully damage or destroy any property belonging to any such school, such inmate shall, on conviction thereof before any Justices, be liable, at the discretion of such Justices, to be whipped in manner hereinbefore provided, or to be sentenced to be fed on bread and water alone, as provided by section 83, and the Justices in their order shall comply with such section; and such inmate may, if he has absconded, be ordered by the said Justices to be sent back to the school, and to be there detained until he reaches the age of sixteen or eighteen years respectively, as hereinbefore provided, or for such shorter period as the Justices think fit.

Penalty for absconding.

88. Any parent, relative, or other person who shall directly or indirectly counsel or induce, by letter or otherwise, any inmate of any industrial or reformatory school to abscond or escape therefrom, or to break his apprenticeship indentures, and abscond from his master or foster-parent before such inmate shall have been regularly discharged, or before the expiration of such indentures or licence; or who shall aid or abet any such inmate in so absconding or escaping; or who, knowing any such inmate to have so absconded or escaped, shall harbor or conceal, or assist in concealing, such inmate, or prevent him or her from returning to such school or to his master or foster-parent; or shall, without having previously obtained a licence as provided in Part IV. of this Act, harbor or conceal any illegitimate child under the age of seven years; or shall aid or abet in any such harboring or concealment, shall, on conviction thereof, forfeit and pay any sum not exceeding Twenty Pounds, or, at the discretion of the Justices, be imprisoned for any term not exceeding two months, with or without hard labor.

Penalty for harboring inmates.

89. Every

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Officers to have privileges of constables.

89. Every officer of an industrial or reformatory school authorised by the Chairman of the Board, in writing under his hand and the seal of the Board, to take charge of any child ordered to be detained under this Act, for the purpose of conveying such child to or from any such school, or of bringing him or her back to such school, in case of his or her absconding or escaping therefrom, or refusal to return thereto, shall, for such purpose, and while engaged in such duty, have all such powers, authorities, protection, and privileges for the purpose of the execution of his duty as such officer, as any police-constable or peace officer, duly appointed, has within his constablewick by common law or statute.

Penalty for communicating with persons detained.

90. Any person who, without the authority or permission of the said Board, or of the superintendent of the school, shall hold or attempt to hold any communication with any inmate of any industrial or reformatory school, and any person who shall enter any such school, or any building, yard, or ground belonging thereto, and shall not depart therefrom when required so to do by the superintendent, matron, or other officer or servant of such school, shall, on conviction, forfeit and pay any sum not exceeding Five Pounds.

Forms in Schedule deemed valid.

91. The several forms in the Schedule to this Act, or forms to the like effect, shall be deemed good, valid, and sufficient in law.

Place of inquiry.

92. Every inquiry directed by this Act to be held by any Justices touching any complaint against any inmate of any industrial or reformatory school for any offence committed by such inmate against the provisions of this Act, or any rules made hereunder, shall be held and inquired into at the establishment in which such inmate is resident; and the Board shall make an annual return to the Chief Secretary of all convictions made, and punishments inflicted thereunder.

PART IV.**PART IV.**

THE SUPERVISION OF ALL ILLEGITIMATE CHILDREN BORN IN ESTABLISHMENTS UNDER THE CONTROL OF THE DESTITUTE BOARD, AND OF ALL OTHER CHILDREN NURSED BY FOSTER-MOTHERS, WITH PROVISIONS AND POWERS FOR LICENSING ALL SUCH FOSTER-MOTHERS.

Agreement for service by mother of illegitimate child.

93. The Destitute Board may require any unmarried female who may apply for admission to the lying-in ward of any of the establishments under its control to enter into an agreement for service with, or sign an undertaking to the Board that such applicant will remain in the service of the Board, after the birth of her child, for any period not exceeding six months, if her child shall so long live, and in all things submit to the jurisdiction of the Board and the rules to be made under the provisions of this Act, so long as she shall remain in the service of the Board as aforesaid; and during such periods the Board may require any such mother to nurse her

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own child, and may require her to fulfil such other duties as, having due regard to her state of health, may be allotted to her.

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94. The Destitute Board may, unless it be proved that other proper provision has been made, on the expiration of such period, retain the care and custody of any such illegitimate child, and its mother shall, if required by the Board, pay towards the support of her child a sum not exceeding Two Shillings and Sixpence each week so long as its care and custody are retained by the Board, and shall attend personally, if practicable, at the establishment of the Board where her child may be placed, once at least in every month upon duly appointed days, to visit her child.

Board may retain care of illegitimate children.

95. Unless it be proved to the satisfaction of the Board that the mother of such illegitimate child, or her friends, are in a position to maintain such child, the child shall be treated as a "neglected child," as provided for in this Act: Provided always, that if default be made by the mother in carrying out the requirements of the Board, the mother shall thenceforward be responsible for the care, maintenance, and safe-keeping of her child in the same manner as if this Act had not been passed.

Neglected child.

96. The Board may, for the purpose of identifying the father of any illegitimate child which may be born in any establishment under the control of the Board, require the mother of any such child to make a declaration respecting the paternity of such child before a Justice of the Peace.

Declaration as to paternity.

97. A copy of such declaration shall be forthwith transmitted by the Board to the person named in such declaration as the father of such illegitimate child, who shall be allowed, on making application in writing to the Board, to attend before the Board for the purpose of disproving the allegations contained in such declaration.

Copy of declaration to be forwarded.

98. The mother of any illegitimate child who shall wilfully make a false declaration before a Justice of the Peace respecting the paternity of her child shall be deemed guilty of perjury.

Penalty on false declaration.

99. The mother of any illegitimate child who, being required by the Board to do anything under this Act, shall neglect so to do, shall for every such offence, on conviction, forfeit and pay a sum not exceeding Twenty-five Pounds.

Penalty on disobedience.

100. The Board may grant licences to fit and proper persons, on payment of a sufficient fee, to be foster-mothers or wetnurses for any children, whether legitimate or illegitimate, other than illegitimate children in any establishment under the control of the Board, and may revoke such licences; and the Board may make regulations respecting the duties and conduct of such licensed foster-mothers or wetnurses, and for the due inspection and supervision of such licensed foster-mothers or wetnurses and the children under their charge.

Board may licence foster mothers.

101. Every

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Penalty on unlicensed foster-mothers.

101. Every person who, not being in an establishment under the control of the Board, and not being licensed by the Board, shall with or without fee or reward act as foster-mother or wetnurse to or take the sole care of any child, whether legitimate or illegitimate, and the mother or father of any such child who shall knowingly leave or place such child with any person not being a licensed foster-mother or wetnurse as aforesaid, shall for every such offence, on conviction, forfeit and pay a sum not exceeding Twenty Pounds, one-half of which shall be paid to the informer: Provided always that no information shall be laid for any such offence except by the Board or by some officer duly appointed and authorised by the Board on that behalf: Provided that nothing herein contained shall refer to children nursed in the house of their parents or by a wet-nurse, consequent upon a certificate from a duly qualified medical man.

PART V.**PART V.****PROTECTION TO OFFICERS, AND GENERAL MATTERS.**

Summary procedure.

102. Every proceeding under this Act for omissions, defaults, acts, or offences, to which any penalty is attached, and all applications for orders where no other method of proceeding is by this Act provided, shall be had and taken and may be heard and determined in a summary way by any Special Magistrate or two Justices, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6 of 1850, "To facilitate the performance of the duties of Justices of the Peace out of Sessions with respect to summary convictions and orders," or of any Act hereafter to be in force relating to the duties of Justices with respect to summary convictions and orders, and all convictions and orders may be enforced as in the said Ordinance, or in any other Act, is or may be provided.

Proceedings for penalties, &c.

103. Any Justices at any time in a summary way may inquire into the disobedience or alleged disobedience of or non-compliance with any order made under the provisions of this Act, and may enforce compliance or punish the non-compliance with such order, either by the imprisonment (with or without hard labor) of the party offending for a period not exceeding six calendar months, unless the same shall be sooner complied with, or by the imposition of a fine of not exceeding Twenty Pounds.

Forms of proceedings.

104. Every information, conviction, mandate, or warrant, under this Act, shall be deemed valid and sufficient in which the offence is set forth in the words of this Act; and no conviction, mandate, or warrant shall be held void by reason of any defect therein: Provided it be alleged in such conviction, mandate, or warrant, that the party charged had been convicted of such offence.

Property may be laid in the Destitute Board.

105. In any information or complaint for any offence committed upon or in respect of any property, money, goods, chattels, or effects, under the management or control of the Board, or of any of the officers

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officers thereof it shall be sufficient to state or allege that the property, money, goods, chattels, or effects belong to, and any offence to have been done or committed with intent to injure or defraud, the Destitute Board, without any further or other name, addition, or description whatever.

106. Production of the *South Australian Government Gazette*, containing any Proclamation of any place as an industrial or reformatory school under this Act, or notifying the appointment of any person as a member of the said Destitute Board, or the appointment of any person as an officer under this Act, shall be conclusive evidence of the facts therein stated in any action, suit, or proceeding in any Court or Courts in the said province.

Government Gazette to be conclusive evidence of Proclamation of schools, &c.

107. There shall be an appeal from any conviction by any Special Magistrate or Justices for any offence against this Act (except from any conviction or punishment inflicted under clause 83 of this Act), or from any order dismissing any information or complaint, or from any order made by Justices under this Act; which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts, or any Act hereafter to be in force regulating such appeals; but the Local Court of Adelaide aforesaid may make such order as to the payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

Appeal to Adelaide Local Court of Full Jurisdiction.

108. The Local Court of Adelaide, upon the hearing of any appeal, may state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases, and the Supreme Court shall make order as to costs of any special case as to the said Court shall appear just; and any Justices, or the Local Court of Adelaide, shall make an order in respect to the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court; which order of the Justices or Local Court shall be expressed in manner provided for the enforcement of orders of Justices, under the said Ordinance No. 6 of 1850, or other Act as aforesaid; and save as herein provided, no order or proceeding of any Special Magistrate or Justices, or of any Local Court, made under the authority of this Act, shall be appealed against, or removed by *certiorari* or otherwise, into the Supreme Court of the said province.

Local Court, upon hearing of appeal, may state special case.

109. All moneys received for penalties imposed for offences against this Act shall be paid to the Treasurer, on behalf of Her Majesty, Her heirs, and successors, for the public uses of the said province, and in support of the Government thereof.

Appropriation of moneys.

110. Wherever in any Act reference is made to any of the Ordinances or Acts hereby repealed, the same shall be taken to mean and include this Act.

References in other Acts to Acts hereby repealed to mean Act.

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Actions to be commenced within six calendar months.

III. If any action or suit be brought against any person for anything done in pursuance of this Act, the same shall be commenced within six calendar months next after the act complained of (except where herein otherwise provided for); and notice in writing of such action, and the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and the defendant in any such action or suit may, at his election, plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and the plaintiff shall not recover in such action if tender of sufficient amends shall be made before action brought, or if, after action brought, the defendant shall pay into Court sufficient amends; but in such last-mentioned case the plaintiff shall recover his cost of suit up to time of payment into Court; and if a verdict shall be found for the defendant, or if the plaintiff shall be nonsuited or discontinue his action or suit after the defendant shall have appeared, or if, upon demurrer, judgment shall be given against the plaintiff, then the defendant shall recover double costs, and have such remedy for recovering the same as any defendant hath or may have in ordinary cases.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.

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SCHEDULE REFERRED TO.

Mandate for Neglected Child to be sent to an Industrial School.

Whereas A.B. a boy [*or girl*] has been brought before the undersigned a Special Magistrate [*or two of Her Majesty's Justices of the Peace*], for that he [*or she*] the said A.B. was found begging, &c., *or* resided in a certain brothel, &c., *or* was at the time of the passing of "The Destitute Persons Act, 1881," an inmate, &c., *or* was on the day of 18 , convicted at the criminal sittings of, &c., *or* by and before the Local Court of, &c., and was on the day of [*date of establishment of reformatory school*] in prison in the gaol of Adelaide, under sentence in such conviction: And whereas we have directed the said A.B. to be sent to the Industrial School, at , for the term of thence next ensuing, *or* until the day of : These are to require you to whom this mandate is directed to take the said A.B. to the said Industrial School, and there to deliver him to the superintendent thereof, together with a duplicate of this mandate; and the said superintendent is hereby required to receive the said A.B. into the said school, there to be retained for the last-mentioned period, unless the said A.B. shall in the meantime be discharged in due course of law.

Given under my [*or our*] hand and seal at , this day of 18 .
To, &c.

Mandate for a Convicted Child to be sent to a Reformatory School.

Whereas at the Criminal Sittings of the Supreme Court [*or at the sittings of General Gaol Delivery*] holden at Adelaide, before me the undersigned, one of Her Majesty's Justices of the Supreme Court [*or at a sitting of the Local Court of* , before the undersigned, a Special Magistrate and two Justices of the Peace *or two of Her Majesty's Justices of the Peace*], A.B. a boy [*or girl*] was convicted, and now here sentenced by the said Court to be imprisoned in the gaol for the space of and whereas I have directed the said A.B. to be sent, at the expiration of the said sentence, to the Reformatory School of for the term of [*or until the* day of]: These are to require you to whom this mandate is directed to take the said A.B. to the said Reformatory School, and there to deliver him to the superintendent thereof, together with a duplicate of this mandate; and the said superintendent is hereby required to receive the said A.B. into the said school, there to be detained for the last-mentioned period, unless the said A.B. shall in the meantime be discharged in due course of law.

Given under my hand and seal at , this day of 18 .
To, &c.

Licence for Service of an Inmate of a School.

Whereas A.B. is an inmate of the Industrial *or* Reformatory School at and whereas X.Y. of [*here state residence and occupation*] is willing to receive and take charge of the said A. B. for the term of upon receiving the sum of [*weekly, monthly, or annually*], from the fund at the disposal of the Destitute Board [*or without fee or reward*]: These are to authorise the said X.Y. to take the said A. B. from the said school to serve the said X.Y., and to be by him received, kept, maintained, clothed, and educated during the said term in accordance with "The Destitute Persons Act, 1881."

By order of the Destitute Board,
S.B., Chairman.

To Mr. X.Y.

[*Seal of Board.*]

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I, the said X.Y., agree to receive and take charge of the said A.B. upon the terms of the above licence, in consideration of receiving [his or her] services, subject to the provisions of "The Destitute Persons Act, 1881," in all things. X.Y.

Licence for the Adoption of an Inmate of a School.

Whereas _____ is an inmate of the _____ School, at _____ and whereas _____ of* _____ is willing to adopt and take charge of the said _____ for the term of _____ years : These are to authorise the said _____ to take the said _____ from the said school, to be by h _____ received, kept, maintained, clothed, and educated during the said term in accordance with "The Destitute Persons Act, 1881 ;" the said _____ to furnish a report from the schoolmaster or schoolmistress of the school attendance and educational progress every six months.

By order of the Destitute Board,

To _____ Chairman.
Dated at Adelaide, this _____ day of _____ 18

I, the said _____, hereby agree to adopt and take charge of the said _____ and maintain, clothe, and educate _____ pursuant to the provisions of "The Destitute Persons Act, 1881," in all things, and to fulfil the terms of the above licence.

* State residence and occupation.

Surrender of Children to the care of the Destitute Board by the Parent.

To the Chairman of the Destitute Board.

Sir—I, _____ of _____ being destitute, do hereby make application for the admission of my child hereunder named and designated, to the Industrial School, at _____ there to be maintained and educated under the provisions of "The Destitute Persons Act, 1881 ;" and I, the above-named _____ do hereby voluntarily surrender _____ aged _____ years, being my child _____ to the care and custody of the Destitute Board, Adelaide, South Australia, subject to ail the provisions and regulations of "The Destitute Persons Relief Act, 1881."

The said child _____ being _____ I desire that _____ be educated in that faith.

Witness my hand this _____ day of _____ 18

Signature

Witness

Chairman.

Licence to act as Foster-mother or Wetnurse.

Whereas _____ of _____ hath paid to the Chairman of the Destitute Board the sum of £ _____ under the rules and regulations of the said Board, and hath applied to the said Board for a licence, under _____

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under clause 99 of "The Destitute Persons Act, 1881," to be a licensed foster-mother
or wetnurse: These are to authorise the said _____ to be a licensed
foster-mother and wetnurse under the provisions of the said Act, from the
day of _____ 18 _____

By order of the Destitute Board,

Chairman.

[*Seal of Board.*]

Declaration as to Paternity.

I _____ of _____ being the mother of a
certain illegitimate [male or female] child, born in this establishment, on the
day of _____ 18 _____, do hereby solemnly and sincerely declare that, to the best of
my information and belief, _____ of _____ is the father of
the said illegitimate child: And I make this declaration under the provisions of
"The Destitute Persons Act, 1881," and subject to the provisions contained in the
said Act, with respect to false declarations as to the paternity of the said child.

Declared at _____ this _____ day of _____ 18 _____

Before me,

J.P.