



ANNO DECIMO SEPTIMO

GEORGII V REGIS.

A.D. 1926.

No. 1780.

An Act to consolidate and amend the law relating to State Children, Destitute Persons, the Summary Protection of Married Women, and other matters, and to make Provision for granting Assistance to Mothers for the Maintenance of their Children, and for other purposes.

[Assented to, December 16th, 1926.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

PRELIMINARY.

PART I.

1. This Act may be cited as the "Maintenance Act, 1926," and shall come into operation on a day to be fixed by proclamation.

Short title and commencement.

2. The Acts mentioned in the First Schedule are hereby repealed.

Repeal.

3. (1) Every investigation, legal proceeding, or remedy instituted, commenced, or sought to be enforced under any of the Acts repealed by this Act, by the Destitute Board, the State Children's Council, or any officer of either of those bodies, may be continued, enforced, and completed under the provisions of those Acts by the board or any officer thereof as the case may be.

Power of Board to continue proceedings commenced under repealed Acts

(2) Except where inconsistent with this section or any other section of this Act, the provisions of the Acts Interpretation Act, 1915, relating to the effect of repeals shall apply in respect of the repeals enacted by this Act.

4. This

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Division of Act.

4. This Act is divided into Parts, as follows :—

PART I.—Preliminary.

PART II.—The Children's Welfare and Public Relief Board—

DIVISION I.—Its Constitution, Powers and Functions :

DIVISION II.—The Relief of Necessitous Persons.

DIVISION III.—Special Provisions relating to the Relief of Children.

PART III.—Maintenance Obligations—

DIVISION I.—The Maintenance of the Indigent Poor by their Relatives :

DIVISION II.—The Maintenance of Children by their Relatives :

DIVISION III.—The Summary Protection of Married Women :

DIVISION IV.—General Provisions relating to Maintenance and the Enforcement of Maintenance Orders.

PART IV.—State Children—

DIVISION I.—The Commitment, Detention, and Release of State Children :

DIVISION II.—Apprenticing and Placing Out.

PART V.—Institutions and Asylums—Their Establishment, Inspection, and Abolition.

PART VI.—The Licensing and Supervision of Lying-in Homes and Foster-mothers.

PART VII.—Procedure, Penalties, and General Matters.

Interpretation.
641, 1895, s. 4.

5. In this Act, except where the context or subject matter or some other provision requires a different construction,—

“ Affiliation case ” means proceedings by way of complaint against the alleged father of an illegitimate child for relief, or maintenance, or confinement expenses :

“ Asylum ” means any asylum, institution, or place for the reception and relief of destitute persons established under this Act, or which was immediately prior to the commencement of this Act under the control of the Destitute Board :

“ Board ” means the Children's Welfare and Public Relief Board established under this Act :

“ Chairman ” means chairman of the board :

“ Child ” means any boy or girl under the age of eighteen years ; and, in the absence of positive evidence as to age, means any boy or girl apparently under the age of eighteen years :

“ Confinement

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- “Confinement expenses” includes reasonable medical and nursing expenses attendant upon the confinement of the mother, and the cost of clothing necessary for the child for two months after its birth : 702, 1898, s. 3.
- “Convicted child” means any child found guilty or convicted of any crime or offence punishable by imprisonment :
- “Destitute child” means any child who has no sufficient means of subsistence apparent to the Court, and whose near relatives are, in the opinion of the Court, in indigent circumstances and unable to support such child, or are dead, or unknown, or cannot be found, or are out of the jurisdiction, or in the custody of the law :
- “Foster-mother” means a female having the care, charge, or custody of a child under seven years of age, to adopt, rear, nurse, or otherwise maintain such child apart from his or her parent, and not being a near relative of such child :
- “Foster-parent” means any person to or with whom a State child is apprenticed or placed out under this Act, or any Act hereby repealed, and includes the assignee of such person :
- “Guardian” means either the mother or father of a child, or any person having the immediate custody and control of a child :
- “Inmate” means a State child maintained in an institution :
- “Institution” means and includes the Receiving Depot, the Reformatory School for Boys, the Reformatory School for Girls ; every depot, industrial school, probationary school, or reformatory school established under this Act, or any Act hereby repealed ; and every private reformatory school or private institution proclaimed under this Act, or any Act hereby repealed ; and all other institutions, schools, and places for the time being under the care, control, or supervision of the board :
- “Lying-in-home” means a place for the accommodation of females during their confinement and lying-in, but does not include any asylum or place under the control of the board :
- “Maintenance” includes the cost of clothing, support, training, and education :
- “Maintenance order” means an order made by a Court for payment of money by any person in respect of the maintenance of a child or any other person, and includes any order directing the payment of money to the board in respect of relief afforded by the board to any person, and so much of any order made under Division III. of Part III. of this Act as relates to the payment of money :
- “Member” means member of the board, other than the chairman : “Near

“Near relative,” as regards a child other than an illegitimate child, means and includes the father, mother, stepfather, stepmother, grandfathers, and grandmothers of the child; and, as regards an illegitimate child, means and includes the mother, father, and the husband of the mother of such child; and as regards any person other than a child means and includes the father, grandfather, mother, grandmother, children, and grandchildren of such person:

“Neglected child” means any child who—

- (a) habitually begs or receives alms, whether under the pretext of sale or otherwise, or frequents any public place for the purpose of so begging or receiving alms; or
- (b) wanders about, or frequents any public place, or sleeps in the open air, and does not satisfy a Court that he or she has a home or settled place of abode; or
- (c) resides in any reputed brothel, or associates or dwells with any person known to the police or reputed to be a prostitute, whether such person is the mother of such child or not; or
- (d) associates or dwells with any person who has been convicted of vagrancy, or is known to the police as of bad repute, or who has been or is reputed to be a thief or habitual drunkard; or
- (e) being under the age or apparent age of ten years, sells or offers for sale, between the hours of eight o'clock in the evening and five in the morning, in any public place or in any place other than the child's home, any matches, newspapers, or any other article whatsoever; or
- (f) is under the guardianship of any person whom a Court considers unfit to have such guardianship; or
- (g) is illegitimate, and whose mother is dead or is unable to maintain or take charge of such child; or
- (h) is found in any brothel or house of ill fame; or
- (i) being under the age of fourteen years, and not being on any lawful business or errand, habitually frequents public streets or places between the hours of eight o'clock in the evening and five o'clock in the morning; or
- (j) being under the age of sixteen years, and not being the child or ward of the licensee, is, on more than one occasion and without lawful excuse, found in the bar, barroom, or taproom of any public house or wine saloon, or is on more than one occasion served with intoxicating liquor in or upon the premises of such public house or wine saloon:

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“Private institution” means an institution or establishment for the detention, maintenance, training, education, and employment of destitute or neglected children, established and maintained by private persons :

“Private reformatory school” means a school or institution for the detention, maintenance, reformation, training, employment, and education of convicted children, established and maintained by private persons :

“Public place” includes every erection, building, or place to which free access is permitted to the public with the express or tacit consent of the owner ; or to which the public are admitted on payment of money, and the test of the right to admission to which is the payment of money only ; and also every road, street, thoroughfare, footway, court, or alley to which the public have the right of access, or which the public are allowed to use :

“State child” means any child who has been committed to an institution, or has been placed in the custody or under the control of the board, pursuant to this Act, or any Act hereby repealed, for a period which has not yet expired :

“The Destitute Board” means the board appointed pursuant to the Destitute Persons Act, 1881 :

“The State Children’s Council” means the State Children’s Council constituted under The State Children Act, 1895.

PART II.

PART II.

THE CHILDREN’S WELFARE AND PUBLIC RELIEF BOARD.

DIVISION I.—CONSTITUTION, GENERAL POWERS, AND FUNCTIONS.

DIVISION I.

6. (1) A board to be called the “Children’s Welfare and Public Relief Board” is hereby constituted for the purposes of this Act.

Constitution and incorporation of board.

(2) The board shall be a body corporate and by the name aforesaid shall have perpetual succession and a common seal.

7. Judicial notice shall be taken of the incorporation and of the common seal of the board ; and the production of any deed instrument or writing, if sealed with the said seal, shall be sufficient evidence of the due making and execution of that deed instrument or writing.

Judicial notice of seal

8. (1) The board shall consist of—

(a) the chairman ; and

(b) eight other members appointed by the Governor.

Membership of board.

Four, at least, of the members shall be women.

(2) The

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(2) The eight persons first appointed as members of the board under this Act shall be appointed from among persons holding office as members of the Destitute Board or the State Children's Council immediately prior to the coming into operation of this Act.

(3) No member of either House of Parliament shall be at any time appointed to the board.

Tenure of office.

9. (1) Each member of the board shall be appointed for a term of three years, and may from time to time, at the expiration of his term of office, be re-appointed for a further term of three years.

(2) Whenever a vacancy occurs in the office of either member whether by expiration of the member's term of office or otherwise, the Governor shall appoint a person to fill the vacancy: Provided that the person appointed to fill the vacancy caused otherwise than by the expiration of the term of office of a member shall hold office only for the unexpired portion of the term of office of the member in whose place he is appointed, and any retiring member shall hold office until his successor is appointed.

(3) The provisions of the Public Service Act, 1916, shall not apply to any member of the board by virtue only of his appointment as such member.

Casual vacancies.

10. In addition to the retirement of members by the expiration of their terms of office, the seat of a member shall become vacant on—

- (a) his death, lunacy, or insolvency, or his executing a statutory deed of assignment for the benefit of his creditors, or compounding with his creditors for less than Twenty Shillings in the Pound, or his being convicted of an indictable offence; or
- (b) his resignation by notice in writing posted or delivered to the chairman; or
- (c) his absence from three consecutive meetings of the board without the leave of the board.

Effect of defects in appointment of members of board.

11. (1) No act or proceeding of the board shall be invalid or illegal in consequence only of the number of the members of the board not being complete at the time of such act or proceeding.

(2) All acts and proceedings of the board shall, notwithstanding the discovery of any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if such member had been duly appointed and was qualified and entitled to be and to act, and had acted, as a member of the board, and as if the board had been properly and fully constituted.

Chairman.

12. (1) The Governor may appoint a fit and proper person to be chairman of the board.

(2) The person so appointed shall be subject to the Public Service Act, 1916.

13. (1) At

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- 13.** (1) At all meetings of the board the chairman shall preside. Meetings and quorum.
- (2) The chairman and four other members of the board shall constitute a quorum thereof.
- 14.** Each member shall, at the discretion of the Minister, be reimbursed any expenses incurred by him in the exercise of his office. Expenses of members may be reimbursed.
- 15.** (1) The board shall, on or before the first day of September in every year, report to the Governor on the working of this Act, and shall in such report specify the number of children and destitute persons in the several institutions and asylums, the number of children placed out and apprenticed during the period covered by the report, the nature and value of the relief given by the board to destitute persons, including the weekly payments to children under Division III. of Part II. of this Act, and set out a summary of the receipts and expenditure of the board during the same period, and any other particulars which the Chief Secretary may direct from time to time to be included in such report. Reports by board. 641, 1895, s. 19.
- (2) All reports shall be laid before Parliament.
- 16.** (1) The board shall have the following general powers and functions, namely :— General powers of board. Ibid., s. 16.
- I. The care, management, and control of the persons and property of all State children ; and the supervision of all children nursed by foster-mothers :
 - II. Power to apprentice and place out State children :
 - III. Power to licence fit and proper persons to be foster-mothers to children under the age of seven years :
 - IV. The supervision of all illegitimate children under the age of seven years, and the homes of such children :
 - V. Power, subject to the approval of the Governor, to appoint institutions for the reception, detention, education, employment, training, or reformation of State children :
 - VI. The control, supervision, and management of all institutions as hereinafter provided :
 - VII. The licensing, control, and supervision of lying-in homes :
 - VIII. The control, supervision, and management of asylums, and of the officers and servants employed therein, and of all visiting officers :
 - IX. The ordering of the persons and property of destitute persons and children so long as they shall be inmates of any asylum :
 - X. Power, subject to the approval of the Chief Secretary, to appoint superintendents, matrons, psychologists, inspectors, teachers, officers, and servants :
 - XI. The management, custody, and control of all property, real or personal, vested in or belonging to the board :

XII. The

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XII. The administration, subject to the regulations of the Public Service, of all moneys voted by Parliament or otherwise acquired by the board, for the purposes of this Act.

Powers of chairman in emergencies.

(2) In cases of emergency requiring immediate action, and in all cases where it is impracticable, or would be likely to cause delay calculated to defeat the proper attainment of any object contemplated by the Act, to obtain the authority of the board before acting, the chairman may, in the name and on behalf of the board, do any act or exercise any power which the board is authorised to do or exercise; but all such acts, or the exercise of any such powers and authorities, shall be reported by the chairman to the board at its next subsequent meeting, and shall be subject to the ratification of the board, but until such meeting shall for all purposes be deemed to be valid and effectual.

Transfer of certain property to the board.

(3) All property of whatever kind vested in the State Children's Council or the Destitute Board or any member or officer of either of those bodies for the purposes of any of the Acts repealed by this Act is hereby transferred to the board.

Power of board with respect to estates of children or other inmates.

210, 1881, s. 37.

17. 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.

Collection by board of moneys due to inmates.

Ibid., s. 38.

18. 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 name 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 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.

Ibid., s. 39.

19. The board may, in its corporate name, 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.

20. The

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20. 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.

Board may appoint agents.
Ibid., s. 40.

21. In sections 17 to 20 inclusive the term "inmate" includes a person who is an inmate of any asylum.

Application of sections 17 to 20.

DIVISION II.—THE RELIEF OF NECESSITOUS PERSONS BY THE BOARD.

DIVISION II.

22. (1) The board may, subject to any directions given by the Minister, afford relief, whether in money or by the supply of commodities to such destitute or necessitous persons as the board think fit, and subject to the regulations may admit any such person into any asylum.

Duty of board to determine proper objects of relief.
219, 1881, s. 29.

(2) The board shall cause a record to be kept showing the age, date of reception, parentage, nationality, sex, period of detention, and religion so far as known of all persons admitted into an asylum under this division and of all dispositions of and dealings with those persons.

23. All relief given by the board under this Division to or on account of any wife, or any child, shall be deemed to be given to the husband of the wife or the father of the child as the case may be; but if the husband of any wife is dead, out of the State, in custody of the law, or is lunatic or idiot, any relief given to or on account of the wife shall be deemed to be given to her personally, and if the father of any child is dead, out of the State, in custody of the law, or is lunatic or idiot, any relief given to or on account of any child shall be deemed to be given to the mother thereof.

Liability of husbands and fathers for relief given to wives and children.
Ibid., s. 30.

24. (1) 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 is at any time within six years thereafter able to repay the amount or cost of such relief or part thereof, a Court of Summary Jurisdiction may, upon the complaint of an officer of the board, inquire into the matter in a summary way.

Recovery of cost of past relief from relatives.
Ibid., s. 32.

(2) If the Court is of opinion that such person, or the father, or other near relative as aforesaid is able to repay the whole or part of the amount or cost of such relief, it may order such person or father, or other near relative as aforesaid, to pay such officer such sum of money either in one sum or by instalments as in its judgment such person, father, or other relative as aforesaid can reasonably afford and ought to contribute towards the past relief of such person.

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Onus of proof.
Ibid., s. 33.

25. Upon any trial of any complaint made by or with the authority of the board for the recovery from any near relatives of any sum of money the onus of proving that the person complained of is not a near relative, or that such near relative is not of sufficient means, or that any inmate of an asylum is of sufficient means, shall lie upon the defendant, who shall be competent and compellable to give evidence touching the matter of such complaint.

Enforcement of orders.

26. Any order made under this Division may be enforced in the manner set forth in Division IV. of Part III. of this Act.

DIVISION III.

DIVISION III.—SPECIAL PROVISIONS RELATING TO THE RELIEF OF CHILDREN.

Interpretation.
Cf. Victoria,
3001, 1919, s. 2.

27. In this Division, unless inconsistent with the context or subject-matter, "child" means any person under the age of fourteen years, whether born in lawful wedlock or not.

Application by mother in respect of maintenance of child without sufficient means of support.

Ibid., ss. 3, 17,
(1) and (2).

28. (1) Any mother whose child is without sufficient means of support and who is unable to provide and is unable by any available legal proceedings to obtain sufficient means of support for such child may, in the prescribed form, make an application in writing, under this Division, to the Board that a weekly sum be paid to her for or towards the maintenance of such child.

(2) Every application under this Division shall be in accordance with the regulations.

(3) Every applicant shall, by declaration to be made under the Statutory Declarations Act, 1915, and indorsed on the application, declare that the contents of the application are true and correct in every particular.

Investigation by Board.
Ibid., s. 4.

29. The Board shall, on receipt of the said application, make or cause to be made such investigations as appear to it desirable in order to ascertain—

- I. the circumstances and character of the applicant ;
- II. the ability of the applicant to maintain the child the subject of the application without assistance as provided under this Division ; and
- III. the truth of the statements in the application.

Provisions as to investigation by Board.

30. (1) The Board shall notify the applicant of the time when and place where she is required to attend to support her application.

(2) For the purposes of any investigation by the Board under this Division the following provisions shall have effect :—

- (a) Where the Board is satisfied that by reason of physical disability or other sufficient cause the applicant is unable to attend, the Board may dispense with the attendance of the applicant :
- (b) The

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- (b) The Board may call and examine such witnesses as it thinks fit :
- (c) In investigating any application the Board shall not be bound by any rules of evidence, but shall investigate the matter and make its recommendation according to equity, good conscience, and the substantial merits of the case, without regard to technicalities or legal forms :
- (d) If an applicant makes application in respect of more than one child, the Board may investigate all the applications together :
- (e) With regard to summoning and compelling the attendance of witnesses and the examination of and production of documents by witnesses, the provisions of the Justices Act, 1921, shall apply as if the Board investigating the application were a Court of Summary Jurisdiction :
- (f) The powers conferred upon the Board by this Division may be exercised by a quorum thereof, and any summons, subpoena, warrant, or other document issued by the Board under this section shall be sufficiently authenticated if signed by the Chairman.

31. (1) On the completion of its investigation the Board shall forward to the Minister a report upon the results of its investigations and a recommendation as to whether in its opinion assistance under this Division should or should not be granted to the applicant in respect of her child, and (if she has applied in respect of more than one child) shall state with respect to how many (if any) children such assistance should in his opinion be granted.

Report and recommendation of Board.

Ibid., s. 6.

(2) The Board shall not recommend that assistance be granted unless it is satisfied that the applicant is deserving of assistance, and unless the evidence (if any) of the applicant is corroborated on all material points by documentary information or oral evidence.

32. (1) Upon receipt of the report and recommendation of the Board the Minister, if he thinks fit, may cause further inquiries to be made into the matter.

Submission of report, &c., to Minister.

Ibid., s. 7.

(2) The Minister, after considering—

(a) the report and recommendation of the Board :

(b) the results of the further inquiries (if any) made as aforesaid,

may, with such modifications and conditions (if any) as he thinks fit, grant the application, or may refuse the same.

33. At the request of the Minister the Board may at any time rehear any such application previously refused by the Minister and shall forward a report on the result of the rehearing for the consideration

Rehearing by Board at request of Minister.

Ibid., s. 8.

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consideration of the Minister. In the case of a rehearing the Board shall have as nearly as may be the same powers and duties as in the case of the original hearing.

Limitation of amount payable.
Ibid., s. 10.

34. (1) The sum payable under this Division to a mother for or towards the maintenance of any child shall be payable out of moneys provided by Parliament for the purpose, and shall not be more than Fifteen Shillings a week unless in the opinion of the Minister exceptional circumstances warrant the payment of a larger sum.

(2) Any sum paid to a mother pursuant to this Division shall be payable as from the date of the receipt of the application by the Board and shall cease to be paid on the child's attaining the age of fourteen years: Provided that the Minister may, where in his opinion the special circumstances of the case make it advisable, direct, in writing, that such sum shall, after the child reaches the age of fourteen years, continue to be paid for such period, not exceeding two years, as is fixed by the Minister on the recommendation of the Board.

Power to discontinue and vary payments.
Ibid., s. 11.

35. (1) The payment of any sum to a mother pursuant to this Division may, on the direction in writing of the Minister, be discontinued, and, subject to this Division, any sum so paid may, on the like direction, be increased or reduced at any time, if the Minister is satisfied that the circumstances of any case warrant such discontinuance, increase, or reduction.

Power to direct cessation of payments on misconduct, &c.
Ibid., s. 12.

(2) Whenever it is proved to the satisfaction of the Minister that the mother of any child for or towards whose maintenance any sum is being paid to such mother pursuant to this Division is guilty of conduct rendering her unfit, in the opinion of the Minister, to have the custody of the child, or that the mother is not properly maintaining the child, the Minister may, by indorsement signed by him upon the application for assistance, direct that the payment shall forthwith cease.

Provision in case of illness or death of mother.
Ibid., s. 13.

36. (1) When a mother to whom payments are made for or towards the maintenance of her child pursuant to this Division becomes incapable, whether from illness or any other cause not within her control, of properly caring for and maintaining such child, the chairman—

- (a) may direct that during such incapacity some other fit person shall have the care and maintenance of the child; and
- (b) shall make such arrangements as he thinks proper as to the person who may during such incapacity receive the payments in respect of the maintenance of such child.

Proceedings on death of mother.

(2) Whenever the chairman is satisfied that the mother of any child for or towards whose maintenance any sum is being paid pursuant to this Division is dead the chairman may by indorsement signed by him upon the application for assistance certify to the fact and the date of death.

(3) Upon

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(3) Upon the signing of such indorsed certificate—

(a) the payment in respect of such child shall forthwith cease; and

(b) the child shall become *ipso facto* a State child and shall be deemed to have been placed under the control of the board pursuant to this Act.

(4) The indorsed certificate aforesaid shall for all purposes be deemed to be an order placing such child in the custody and under the control of the board.

37. (1) The provisions of this Act, and any regulations under this Act with respect to visiting State children boarded out under this Act and the inspection of places where such State children are or reside shall, with such alterations, modifications, and substitutions as are necessary, extend and apply to children for or towards whose maintenance any sums are paid pursuant to this Division and to persons having the care and maintenance of such children, and to places where any such children are or reside.

Power to visit children and inspect places of residence, &c.
Cf. *ibid.*, s. 14 (2), (3).

(2) With regard to children for or towards whose maintenance sums are paid pursuant to this Division and persons to whom such sums are paid, the board shall have, subject to this Division, such of the powers and authorities conferred upon it by or under this Act, with regard to State children boarded out under this Act and to persons with whom such children are boarded out as are necessary to insure that such sums are properly expended, and that the objects of this Division are being carried out.

38. (1) Every father of a child for or towards the maintenance of which child any sum is paid pursuant to this Division shall be liable to pay to the Board or some person authorised by it in writing under the hand of the chairman a periodical sum of such amount not exceeding the amount being paid as such father is able to contribute; but the total liability of the father under this Division shall not exceed the aggregate of the sums paid for or towards the maintenance of the child pursuant to this Division, together with any costs and expenses of recovering the same.

Liability of father in respect of sums paid hereunder.
Cf. *ibid.*, s. 15.

(2) Any sum payable under this section may be recovered before any Court of Summary Jurisdiction, and any order for payment under this section may be enforced in the manner set forth in Division IV. of Part III. of this Act.

39. The Governor may make regulations under this Division for or with respect to—

Regulations.
Cf. *ibid.*, s. 22.

- i. the form of, the manner of making, and the particulars to be contained in, applications under this Division, and the particulars to be contained in declarations relating thereto; and

ii. generally

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II. generally, all matters which by this Division are authorised or required to be prescribed, or which are necessary or convenient to be prescribed for carrying this Division into effect.

PART III.

PART III.

MAINTENANCE OBLIGATIONS.

DIVISION I.

DIVISION I.—THE MAINTENANCE OF NECESSITOUS PERSONS BY THEIR RELATIVES.

Duty of relatives to maintain destitute persons.
210, 1881, s. 5.

40. (1) The father, grandfather, mother, grandmother, son, daughter, grandson and granddaughter 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.

(2) This section does not apply to the relief or maintenance of any child.

Issue of summons on application of destitute person.
Ibid., s. 7.

41. Upon complaint made by or on behalf of any destitute person, any Justice may issue a summons requiring the relative or relatives therein named to appear before a Court of Summary Jurisdiction, at a time and place to be named in the summons, to show cause why he or they should not relieve and maintain, or contribute to the relief and maintenance, of the destitute person.

Proceedings on hearing of complaint.
Ibid., s. 8.

42. (1) At the time and place appointed for the hearing of the complaint, the Court shall enquire 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 the Court may, if it think fit, adjourn the hearing of the said complaint, and appoint a time and some other place for the adjourned hearing, and may summon any other persons alleged to be near relatives to appear at the time appointed for the adjourned hearing; and at the original or any adjourned hearing if it is satisfied that the persons summoned or any of them are near relatives of the destitute person and are able to pay for or contribute towards his maintenance may order payment to be made by such near relatives or some one or more of them of such moderate rate or sum as the Court thinks ought to be allowed for the maintenance of the destitute person.

(2) In making any such order the Court shall fix the periods at which, the place where, and person to whom the amount allowed is payable, and in case two or more persons are ordered to contribute to the support of the destitute person the Court shall fix the amount or proportions payable by each.

43. (1) When

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43. (1) When any husband unlawfully deserts his wife, or leaves her without adequate means of support, any Justice may, upon complaint made by or on behalf of such wife, issue a summons to such husband, to show cause why he should not support his wife, and such Justice, may, in his discretion, issue his warrant for the apprehension of such husband in the first instance.

Issue of summons to husband on application of wife.

Ibid., s. 9.

(2) Upon the day appointed for the hearing, any Court of Summary Jurisdiction may hear and determine the matter of such complaint in a summary way; and if it is satisfied that the wife is in fact without adequate means of support, and that the husband is able to maintain her, or to contribute to her maintenance, the Court shall make an order in writing, directing him to pay either weekly or monthly, at its discretion, and to such person and in such manner for her use as the Court may think fit, such sum or allowance for the past or future maintenance of the wife as it considers proper.

Proceedings on hearing.

Ibid., s. 10.

(3) Where any children of the wife are in fact under her custody and control, the Court may in fixing the amount payable to her under this section include such amount as is reasonably necessary for the support of such children.

(4) The provisions of this section shall not limit or affect the operation of any other provision of this Act.

44. (1) On the complaint of any person liable upon or entitled to the benefit of any order made under this Division, the Court on the hearing of such complaint may, while such order continues in force, make further inquiry as to the ability to pay of the person liable upon the order or as to the means of the person entitled to the benefit of the order, and may make an order increasing, reducing, or entirely remitting the amount so ordered to be paid.

Variation of amount payable under order.

Ibid., s. 11.

(2) Where, upon the complaint of any person liable upon any order made under this Division, it appears to the Court that such person has made to his wife a *bona fide* offer to maintain her adequately in his home, the Court may, in its discretion, discharge the said order.

45. (1) Any near relative within the meaning of section 40 of this Act, of a destitute person who leaves such destitute person without adequate means of support shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding Ten Pounds, or to imprisonment for any period not exceeding three months.

Penalty for leaving destitute person without support.

819, 1903, s. 10.

(2) Whenever any husband unlawfully deserts his wife, or leaves her without or fails to provide her with adequate means of support, and goes to reside, either temporarily or permanently outside the State, such husband shall be guilty of a misdemeanor, punishable by imprisonment with hard labor, for any term not exceeding twelve months.

Penalty for failure to support wife.

387, 1886, s. 20.

(3) The

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(3) The remedies provided in this section are in addition to and not in substitution for the other remedies provided by this Act.

DIVISION II.

DIVISION II.—THE MAINTENANCE OF CHILDREN BY THEIR RELATIVES.

Order of liability of near relatives for maintenance of any child.

641, 1895, s. 80.
750, 1900, s. 2.

46. The near relatives of any child, whether a State child or not, shall be liable to pay for or contribute towards the cost of maintenance of such child according to their several abilities, and in the following order, namely—

I. In the case of a legitimate child—father, mother, stepfather, stepmother, grandparents :

II. In the case of an illegitimate child—father, mother's husband, mother.

Issue of summons for maintenance.
641, 1895, s. 81.

47. (1) Upon complaint made in the prescribed form that any persons are near relatives of any child, and are able to pay for or contribute towards the maintenance or past maintenance of such child, any Justice may summon such persons or any of them to appear before a Court of Summary Jurisdiction, at a time and place to be named in such summons, to show cause why they or he should not pay for or contribute towards the past or future maintenance of such child.

Ibid., s. 82.

(2) Every complaint under this section in respect of a State child shall be made by or on behalf of the board.

(3) A Justice may, instead of issuing a summons issue a warrant under his hand for the apprehension of any person against whom a complaint has been made under this section, and for his detention until the hearing of the complaint, unless such person shall enter into a recognizance with one or more sureties, in such sums as the Justice directs, conditioned for his appearance at the hearing of the complaint.

Order for payment of maintenance.
Ibid., s. 83.
832, 1903, s. 3.
996, 1909, s. 8.

48. (1) At the time and place appointed for the hearing of the complaint the Court may adjourn the hearing, and may summon any other persons alleged to be near relatives to appear at the time appointed for the adjourned hearing; and may, at the original or any adjourned hearing, if it is satisfied that the persons summoned, or any of them, are near relatives of the child, and are able to pay for or contribute towards the past or future maintenance of such child, order payment to be made by such near relatives, or some one or more of them, to the board, or to the secretary or some other officer of the board—

(a) of such sum for past maintenance of the child as may seem sufficient; and such sum may be made payable by instalments; and

(b) of

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- (b) of such sum for future maintenance not exceeding as against any one person One Pound per week, and for such period, as may seem sufficient :

If an order is made against two or more near relatives, the sums or proportions payable by each shall be fixed by the Court.

(2) Notwithstanding any provision in any other Act to the contrary an order for the payment of money for past maintenance under this section shall not be limited to payment of money for maintenance in respect of the period of six months prior to the making of the complaint, but may also relate to the payment of money for maintenance in respect of any period prior to such period of six months.

49. Upon the hearing of any complaint—

- (a) made by or on behalf of the board in respect of the maintenance of a legitimate child ; or
(b) made pursuant to section 95,

Evidentiary effect of allegations in complaint.
641, 1895, s. 85.

all or any of the following allegations in the complaint, namely :—

- (i.) that the person complained against is a near relative liable to maintain the child :
(ii.) that the person complained against is able to pay, or contribute towards, the maintenance or past maintenance of the child :
(iii.) that any sum has been expended upon, or is due or owing for or in respect of, the maintenance of the child :
(iv.) that the child is a legitimate child :
(v.) that the child is a State child :

shall be *prima facie* evidence of the matter alleged.

50. If the father or mother of any child, whether legitimate or illegitimate, or any person who has been adjudged to be the father of an illegitimate child, fails or neglects to provide reasonable and proper maintenance for such child, he or she shall be guilty of an offence against this Act, notwithstanding that at the time of such failure or neglect such father, mother, or person was out of the State, and shall be liable to a penalty not exceeding Fifty Pounds, or to be imprisoned for any term not exceeding six months.

Punishment of father or mother failing to provide for child.
996, 1909, s. 27.

51. Any near relative (other than the father or mother of the child) of any child who leaves such child without adequate means of support shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding Ten Pounds, or to imprisonment for any period not exceeding three months.

Desertion by near relative an offence.
819, 1903, s. 10.

Special Provisions relating to Affiliation Cases.

Court may adjudge
defendant to be
father of illegitimate
child.
Ibid., s. 86.
750, 1900, s. 2.
996, 1909, s. 29.

52. Upon the hearing of an affiliation case, if it is alleged in the complaint that the defendant is the father of the child, the Court may adjudge him to be the father thereof: Provided that the Court shall not so adjudge him if it is satisfied that, at the time the child was begotten, the mother was a common prostitute.

Proceedings before
or after birth.
702, 1898, s. 5.
Forms.
750, 1900, s. 12.

53. (1) A complaint may be made in an affiliation case either before or after the birth of the child.

(2) Any such complaint, if made before the birth of the child, may be in the form No. 6 in the Second Schedule hereto, and any order thereon may be in the form No. 7 in the said Schedule.

(3) A Justice may, instead of issuing a summons issue a warrant under his hand for the apprehension of any person against whom a complaint has been made under this section, and for his detention until the hearing of the complaint, unless such person shall enter into a recognizance with one or more sureties, in such sums as the Justice directs, conditioned for his appearance at the hearing of the complaint.

Order for confine-
ment expenses.
702, 1898, ss. 2, 4.

54. (1) The father of an illegitimate child shall be liable to pay confinement expenses not exceeding Ten Pounds in respect of such child.

(2) An order for confinement expenses may be made—

(a) on complaint therefor; or

(b) without any complaint therefor in any proceedings against the father for the relief or maintenance of the child.

(3) Such order may be made separately or may be included in any other order against the father.

Proof of pregnancy.
750, 1900, s. 10.

55. No order shall be made in any affiliation case before the birth of the child unless, in addition to the evidence necessary to establish paternity, it has been proved by the evidence of some legally qualified medical practitioner that the alleged mother is pregnant.

Order for confine-
ment expenses
before birth.
Ibid., s. 11.

56. (1) Every order for confinement expenses made before the birth of a child shall direct that all moneys so ordered to be paid shall be paid to the board.

(2) The board shall retain such moneys until the birth of the child, when it shall apply them towards confinement expenses. If the child is not born within nine months from the date of such order, the money shall be returned to the alleged father.

57. No

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57. No person shall be allowed to be present in the courtroom during the hearing of any affiliation case except—

Persons allowed to be present in Court. 996, 1909, s. 12.

- (a) the complainant and the defendant, and their witnesses ; and
- (b) counsel or other persons representing the respective parties, and the practitioners of the Supreme Court ; and
- (c) the officers of the Court and members of the Police Force ; and
- (d) any person who has the express permission of the Court to be present.

58. (1) On the hearing of any affiliation case, the defendant shall be compellable to give evidence, and may be summoned as a witness for that purpose.

Compellability of defendant as witness in affiliation cases. Ibid., s. 13 (part).

(2) The defendant shall not be excused from giving evidence on the ground that the answer to any question or such evidence might prove or tend to prove him guilty of the matter alleged against him : Provided that such question or evidence is, in the opinion of the Court hearing the complaint relevant to the matter of such complaint.

59. (1) If on the hearing of any affiliation case any male person other than the defendant over the age, or apparently over the age, of eighteen years, upon oath, admits or says that he had sexual intercourse with the mother of such child on any date, being not more than two hundred and ninety-four days nor less than one hundred and ninety days prior to the date of the birth of such child, the Court may, upon such hearing, and without complaint made for the purpose, make an order against such other male person for contribution towards the maintenance of such child, and also, if the Court deems fit, towards the confinement expenses.

Liability of persons admitting sexual intercourse with mother of illegitimate child. Ibid., s. 28.

(2) Every person so ordered to contribute shall, for non-compliance with such order, be subject to the same provisions and penalties as in the case of a near relative ordered to make payment under section 48 of this Act.

(3) An order may be made under this section whether any order is or is not made against the defendant, and the making of an order under this section shall not in any way prejudice any power to make an order against the defendant.

60. (1) It shall not be necessary to require any corroboration of the evidence of the mother in any affiliation case unless and until the defendant has, on his oath, denied the allegations contained in the complaint : Provided that if the defendant does on his oath deny the allegations, then no order shall be made against him unless the evidence of the mother is corroborated in some material particular.

Corroboration. Ibid., s. 29.

(2) When

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(2) When the defendant is being cross-examined on his giving evidence in denial of the allegations, the cross-examination shall be confined to the facts, or the alleged facts of the case then before the Court.

Power of board to accept settlement in full.

Ibid., s. 31

61. (1) In all proceedings under this Act against any person liable to contribute towards the confinement expenses of the mother or the maintenance of her illegitimate child the board may accept from such person a sum of money in settlement of all such liability.

(2) On payment of such money no further proceedings whatsoever shall be taken by the board or the said mother or any person whomsoever in respect of such expenses or liability.

(3) Whenever the board accepts a sum of money in settlement of liability under this section, that sum shall be retained by the board and applied at the discretion of the board for the maintenance of the illegitimate child in respect of which the money was paid.

Variation of Orders under this Division.

Variation of order as to amount and persons liable therein.

Ibid., s. 92.

62. (1) Any Justice, on the complaint of a near relative liable upon an order under this Division, may summon all or any of the persons alleged in the complaint to be near relatives of the child named in the order to appear before a Court at a time and place to be named in the summons, and shall give notice thereof to the board.

(2) At the time and place so appointed, or at any adjourned hearing, a Court of Summary Jurisdiction may make further inquiry as to the means and ability of the complainant, and as to the relationship to such child of the persons summoned, and as to their several means and abilities to maintain or contribute to the maintenance of such child, and may make such order as appears just, increasing, reducing, or varying the periodical sum to be thenceforth paid by the complainant, or suspending for a specified time or annulling the previous order, or directing that the persons so summoned, or some or one of them, shall thenceforth pay for or contribute towards the maintenance of the child, or may make such other order not inconsistent with the provisions of this Act as appears just.

Variation of orders as to amount.

813, 1903, s. 2.

63. On complaint by any person liable upon or entitled to the benefit of any order under this Division for the periodical payment of any sum of money, the Court on the hearing of such complaint may, while such order continues in force, make further inquiry as to the means and ability to pay of the person against whom such order was made, and may make an order increasing, reducing, or entirely remitting the periodical sum so ordered to be paid.

Variation of order on application of board.

750, 1900, s. 7.

64. Any Justice may, on the complaint of an officer of the board, summon any person liable upon an order under this Division to appear before a Court of Summary Jurisdiction at a time and place to be named in the summons, and at the time and place so appointed the

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the Court may make further inquiry as to the means and ability to pay of the person liable upon the order, and may make such order as may be just, increasing, reducing, or entirely remitting the periodical sum to be thenceforth paid by such person liable upon such maintenance order, or may make such other order, not inconsistent with the provisions of this Act, as may be just.

65. No complaints under this Division against the father or alleged father of an illegitimate child shall be made except—

Persons entitled to make complaints,
702, 1898, s. 8.

- (a) by or on behalf of the mother of the child in respect of which the complaint is made;
- (b) by or on behalf of the child itself; or
- (c) by some officer of the board.

DIVISION III.—THE SUMMARY PROTECTION OF MARRIED WOMEN.

DIVISION III.

66. (1) Any married woman—

Summary relief to married women.
664, 1896, s. 2.

- (a) whose husband during the preceding six months has been guilty of—
 - (i.) cruelty to her or any of her children; or
 - (ii.) persistent indecent behaviour before her children; or
 - (iii.) adultery; or
 - (iv.) desertion; or
 - (v.) wilful neglect to provide reasonable maintenance for her or any of her children; or
- (b) whose husband is a person who is, by reason of habitual intemperate drinking of intoxicating liquor, at times dangerous to himself or others, or incapable of managing himself or his affairs,

may apply for summary protection under this Division, and the same may be ordered accordingly.

(2) When a complaint has been made under this section, a Justice may, in his discretion, issue his warrant for the apprehension of the husband in the first instance.

(3) The Court may order summary protection under this section on the grounds of desertion notwithstanding that the desertion has not continued for two years or upwards.

67. All Courts of Summary Jurisdiction which include a Special Magistrate and two Justices of the Peace shall have jurisdiction under this Division, but no order shall be made under this Division unless a Special Magistrate and two Justices join in the hearing of the application and the making of the order.

Constitution of Court.
Ibid., s. 4.

68. Any order for protection under this Division may—

Provisions of orders.
Ibid., s. 5.

- I. Relieve the applicant from any obligation to cohabit with her husband;
- II. Grant

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ii. Grant to the applicant the legal custody of her children :

iii. Grant to the husband of the applicant such rights of access to the children of the applicant and her husband as the Court deems proper :

iv. Direct the husband to pay to the applicant personally, or for her use, to any officer of the Court, or third person on her behalf, such weekly or other periodical sum as the Court, having regard to the means both of the husband and the wife, consider reasonable for the past or future maintenance of herself and also of all children (if any) whose custody is granted to her, such sum to be secured in such manner (if any) as may be directed by the Court.

Extent of orders.
Ibid., s. 6.

69. Any one or more of the matters mentioned in sections 66 and 68 may be dealt with in or by the same complaint or order, but costs may be ordered against any informant in respect of any matter of complaint charged in the complaint and not established at the hearing.

No order in certain cases.
Ibid., s. 7.

70. No order shall be made under this Division on the application of a married woman, if the adultery complained of has been condoned and not revived, or if it is proved that the applicant is of drunken habits or has committed adultery : Provided that the husband has not condoned, or connived at, or, by his cruelty, wilful neglect or misconduct, conduced to such adultery or drunken habits.

Effect of orders.
Ibid., ss. 8, 9, and 10.

71. (1) No order under this Division shall affect the order of any Court of superior jurisdiction.

(2) No order under this Division shall dissolve any marriage.

(3) Every order for relief from the obligation to cohabit whilst in force shall have the effect in all respects of a decree of judicial separation.

Proof of wilful neglect.
Ibid., s. 11.

72. On proof, on any application under this Division, that the husband has omitted to supply reasonable maintenance wilful neglect shall be presumed, unless the husband proves the contrary.

Variation and discharge of order.
Ibid., s. 12.

73. (1) Any Court of Summary Jurisdiction constituted as hereinbefore mentioned may, on the due application of a married woman or of her husband, and upon cause being shown upon fresh evidence to the satisfaction of such Court, at any time alter, vary or discharge any such order, and may, upon any such application increase or diminish the amount of any payment ordered.

Ibid., s. 13.

(2) If any married woman upon whose application an order has been made under this Division voluntarily resumes cohabitation with her husband, or commits adultery, such order shall, upon application and proof, be ordered to be discharged.

74. In

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74. In case of the conviction of a husband in any Court for any offence involving cruelty to his wife or children, an application for protection under this Division may, by leave of the Court, be heard immediately after such conviction without any summons.

Immediate order
for relief.
Ibid., s. 14.

75. (1) If any husband molests or interferes with or attempts to molest or interfere with his wife in her manner of living contrary to any order for relief from cohabitation, or molests or interferes with or attempts to molest or interfere with any child contrary to any order for custody, he shall be guilty of an offence against this Act, punishable by a fine not exceeding Twenty Pounds or by imprisonment for any term not exceeding six months.

Penalty for
disobedience of
order.
Ibid., s. 16.

(2) Any Court of summary jurisdiction may exercise jurisdiction under this section, notwithstanding that it is not constituted as provided by section 67.

(3) The payment of any sum of money ordered to be paid under this Division may be enforced under the provisions of Division IV. of this Part of this Act.

(4) Section 90, which relates to the finding of sureties or security for compliance with a maintenance order, shall apply as regards all the matters or things ordered by any order made under this Division.

76. The forms in the Third Schedule may be used in accordance with the notes thereto and shall be valid and sufficient for the purposes of this Division.

Forms.
Ibid., s. 18.

DIVISION IV.—GENERAL PROVISIONS RELATING TO MAINTENANCE
AND THE ENFORCEMENT OF MAINTENANCE ORDERS.

DIVISION IV.

77. Upon complaint made under sections 24, 41, 47, 53, 66, or 91 of this Act notice may be given to any banker or other person having, or supposed to have, the care, custody, or control of any money or property of, or belonging or payable to, any person complained against, not to pay or part with the possession of such money or property until the complaint has been heard and determined, and such money and property shall thereby become and be attached in the hands of the person having the care, custody, or control thereof, who shall be compellable to give evidence on the hearing of the complaint as to all matters relating to or concerning the money or property.

Attachment of
property of persons
against whom order
is sought.
641, 1895, s. 87.

78. (1) The Court hearing any complaint, upon the making of which notice under the next preceding section was given, may, if it makes a maintenance order or (as the case may be) an order under section 91, by the same or a separate order direct that the money or property attached, or such portion thereof as it orders, be paid or handed over to the board, or to the person to whom the maintenance money is ordered to be paid.

Order for delivery
of attached
property.
Ibid., s. 88.

(2) The

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(2) The person having the care, custody, or control thereof shall pay or hand over the same accordingly, and shall be thereby discharged from all liability to the owner thereof, or any person claiming under him in respect of the money or property so paid or handed over, and, except as to such portion of the money or property attached as the Court may, within one month from the service of the notice of attachment, order to be so paid or handed over, the attachment shall be determined.

Attachment may
be pleaded.
Ibid., s. 89.

79. (1) Any person who has received any notice under section 77 may, before the hearing of the complaint, or before the expiration of one month from the service of the notice, whichever first happens, obtain from any Justice an order setting aside the said notice with respect to the whole or any part of the property or money the subject-matter thereof.

(2) Any such person may plead any such notice in bar to any action, suit, or other proceeding which may be instituted against him for the recovery of any such money or property by the owner or any person claiming under him.

Liability of persons
contravening order.
Ibid., s. 90.

80. Any person who, after receipt of a notice under section 77—

(a) pays or hands over any such money or property otherwise than in accordance with the order made by the Court ; or

(b) neglects or refuses to comply with the order made,

shall be personally liable to pay to the board or the payee mentioned in the maintenance order the amount of money or the value of the property ordered to be paid or handed over, and such amount or value may be recovered before a Court in a summary way.

Collection by Police
of moneys due to
board.
Ibid., s. 93.
996, 1908, s. 8.

81. Subject to the provisions of a maintenance order, any member of the Police Force shall, when so directed in writing by the board under its seal, countersigned by the Commissioner of Police, demand, collect, and receive from any person liable to pay the same all sums of money due to the board under any maintenance order, and the receipt in writing of any such member of the said Force for moneys paid to him shall be a sufficient discharge therefor.

Caveats.
641, 1895, s. 94.

82. (1) If any person against whom a maintenance order has been made is the registered proprietor of any land, estate, or interest in land subject to the Real Property Act, 1886, the board may lodge with the Registrar-General a caveat under the seal of the board against any dealings with such land, estate, or interest.

(2) Particulars of the order shall be set out in the caveat, and the Registrar-General shall forthwith register such caveat, and it shall not be lawful for the Registrar-General, without the consent of the board, to remove or discharge such caveat—

(a) unless and until he is satisfied that all moneys due under such order have been fully paid and satisfied ; or

(b) unless he is ordered by the Supreme Court, or a Judge thereof, to remove such caveat.

83. If

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83. If any money payable under a maintenance order is in arrear for one month, any Justice may, if he thinks fit, issue a warrant under his hand authorising the board, or some person named in such warrant, to receive the whole or any part of the rents, profits, and income of the real and personal estate of the person against whom such order was made, or to sell the estate and interest of such person in such real and personal estate, or such part thereof as the Justice may direct.

Warrant to enforce payments under orders.

Ibid., s. 95.
996, 1909, s. 8.

84. Every such warrant may be registered in the same manner as a writ of *feri facias*, and shall, from the time of registration, bind the estate or interest of the person liable under the order for maintenance in his real estate and chattel real property.

Registration of warrant and effect thereof.

Ibid., s. 96.

85. Any sale under such warrant may be by public auction or private contract for cash or on credit, or partly for cash and partly on credit, and subject or not to such special or other conditions as the board deems expedient.

Sale under warrant.

Ibid., s. 97.

86. (1) The board, or person authorised by the warrant to sell, may execute to the purchaser all such conveyances, assignments, memoranda of transfer, or other assurances of the property sold as the person against whom the order was made might have executed but for this Act, and the property so conveyed or assured shall vest in the purchaser accordingly.

Assurances to purchaser.

Ibid., s. 98.
996, 1909, s. 8.

(2) The Registrar-General shall forthwith register every such memorandum of transfer, and cause all certificates of title to be issued or cancelled, and entries to be made and acts to be done, as may be necessary for giving effect to the sale.

87. (1) No notice or demand whatsoever shall be requisite before issuing any such warrant as is mentioned in section 83, or before exercising any of the powers thereby conferred.

Issue of warrant without previous demand.

Ibid., s. 99
Ibid., s. 8.

(2) The warrant shall, so far as regards any purchaser or person dealing with the board or the person authorised by such warrant, be conclusive evidence that the power to sell is vested in the board or in the person therein named.

88. The payment to the board or to the person named in any such warrant shall be a good discharge to any tenant, purchaser, or other person for all moneys paid by him pursuant to such warrant.

Effect of payment under warrant.

Ibid., s. 100.
Ibid., s. 8.

89. The rents, profits, and income, and the proceeds of any sale, received under any such warrant shall be applied firstly in payment of the costs of collection or sale; secondly, in payment of the costs of obtaining such warrant; thirdly, in paying any money due under the original order; and the balance shall be applied in or towards future maintenance, or in such other manner as a Court of Summary Jurisdiction may direct.

Application of moneys received under warrant.

Ibid., s. 100.

90. The

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Power of Court to require security for compliance with order.

Ibid., s. 91.

90. The Court making any maintenance order may, by the same or a separate order, and any Court, on complaint that any person liable upon any such order has made default thereunder, or intends to evade compliance therewith, may, by a subsequent order, require the person liable for the maintenance to find such good and sufficient sureties or security as it thinks fit, that he will comply with the order made against him, and the Justices may, in default of such sureties or security being found, commit such person to gaol for any period not exceeding six months, unless the order for security is sooner complied with: Provided that it shall be lawful for the Court to determine upon the sufficiency of any proposed sureties or security, and in what manner the security shall be given, and any Justice, upon being satisfied that the security has been duly made and perfected, may order the discharge of such person from gaol.

Penalty for failure to comply with orders.

750, 1900, s. 16.

91. (1) A Court of Summary Jurisdiction may, at any time, inquire into any disobedience of, or neglect to comply with, any maintenance order, and for that purpose may summon and examine all proper parties and witnesses, and in order to enforce compliance or punish the non-compliance with such order, may commit to gaol, with or without hard labor, for any period not exceeding twelve months, unless the order is sooner complied with, the person found guilty of such disobedience, neglect, or non-compliance, or may impose upon such person a fine not exceeding Fifty Pounds.

(2) Neither the serving of a period of imprisonment nor the payment of a fine under this section shall affect the liability of the defendant to pay any sum of money ordered to be paid by the maintenance order.

Warrant in first instance.

Ibid., s. 6.

92. Upon a complaint made under the next preceding section of this Act in respect of any alleged disobedience of or neglect to comply with any maintenance order, a Justice may, instead of issuing a summons, issue a warrant under his hand for the apprehension of the person against whom the complaint is made, and for the detention of that person until the hearing of the complaint, unless he enters into a recognizance, with one or more sureties, in such sum as the Justice directs, conditioned for his appearance at the hearing of the complaint.

Disobedience of order and quitting State.

641, 1895, s. 126.

93. Every person who disobeys or neglects to comply with any maintenance order made against him under this Act and goes to reside beyond the State, either permanently or temporarily, shall be guilty of a misdemeanor, punishable by imprisonment, with or without hard labor, for any period not exceeding twelve months.

Desertion of child under certain circumstances a misdemeanor.

Ibid., s. 127.

94. (1) Every near relative liable to maintain any child who leaves such child without, or fails to provide such child with, adequate

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adequate means of support, and goes to reside, either temporarily or permanently, outside the State, shall be guilty of a misdemeanor, punishable by imprisonment for any period not exceeding twelve months.

95. Upon complaint on oath by or any officer of the board, that he has reasonable grounds for believing that any person is about to commit a misdemeanor within the meaning of section 93 or section 94 of this Act, any Justice, if satisfied that there are reasonable grounds for believing that such misdemeanor has been or is about to be committed, may issue his warrant for the apprehension of the person complained against.

Warrant for arrest
of deserter.
Ibid., s. 128.

96. Upon the hearing of a complaint made under the next preceding section a Court of Summary Jurisdiction may hear and determine the matter in a summary way, and, if satisfied that the defendant was about to commit the offence mentioned in the complaint may order such defendant to find good and sufficient surety or security to the satisfaction of the Court that he will comply with the maintenance order, or that he will not leave the child without, or will provide the child with adequate means of support. The Court, in default of such surety or security being found, may commit the defendant to gaol for any period not exceeding six months, if such order be not sooner complied with: Provided that any Justice may determine upon the sufficiency of any proposed surety or security, and in what manner and to whom the same shall be made; and, upon being satisfied that the same has been made and perfected, may order the discharge of the defendant from gaol or custody.

Summary
proceedings against
deserters.
Ibid., s. 129

97. (1) On the hearing of any complaint in which the defendant is charged with non-compliance with any maintenance order, the defendant shall be compellable to give evidence, and may be summoned as a witness for that purpose.

Compellability of
defendant as
witness at hearing
of complaint for
non-compliance.
996, 1909, s. 13.

(2) The defendant shall not be excused from giving evidence, on the ground that the answer to any question, or such evidence, might prove or tend to prove him guilty of the matter alleged or charged against him: Provided that such question or evidence is, in the opinion of the Court or other tribunal hearing the complaint, relevant to the matter of that complaint.

98. (1) Whenever in any proceedings under this Division it is material to ascertain the earnings of any person the Court may accept a document purporting to be a statutory declaration made as hereinafter in this section mentioned as *prima facie* evidence of those earnings.

Proof of earnings
of defendant.

(2) A statutory declaration under this section shall be made—

(a) by any employer of the person whose earnings are in question; or

(b) by

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- (b) by some person employed by such employer as manager, secretary, accountant, or in any such other position as in the opinion of the Court would enable him to testify to the earnings of the person whose earnings are in question.

Proof of payment or non-payment under maintenance order.

99. Whenever in any proceedings under this Division it is material to enquire whether any, or how much, money has been paid or is owing to the board or any officer thereof by any person liable under a maintenance order to make any such payment to the board or an officer thereof, any officer of the board may on oath state his information and belief as to whether any, and how much, money has been paid, or is owing, as aforesaid, and the Court shall accept such statement as *prima facie* evidence of the facts stated.

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DIVISION I.

STATE CHILDREN.

DIVISION I.—THE COMMITMENT, DETENTION, AND RELEASE OF STATE CHILDREN.

Places for hearing complaints against children.
996, 1909, s. 3.

100. Every information or complaint—

- (a) laid against any child in respect of any alleged offence, whether such offence is indictable or is punishable on summary conviction or otherwise ; or
- (b) alleging that any child is a destitute, neglected, or uncontrollable, or incorrigible child,

and which is to be heard within ten miles of any part of the City of Adelaide or of the City of Port Adelaide, shall be heard only in such room or place as is from time to time appointed or approved of by the Chief Secretary for the purpose of hearing such informations and complaints.

Constables may arrest destitute or neglected children.
641, 1895, s. 32.

101. Any constable may, without a warrant, apprehend any child appearing or suspected to be a destitute or neglected child, and take such child before a Court of Summary Jurisdiction.

Court may order destitute or neglected children to be sent to an institution.
Ibid., s. 33.

102. The Court, upon complaint being made in the prescribed form, and upon being satisfied that any child charged with being a destitute child or a neglected child is in fact a destitute child or a neglected child, may—

996, 1909, s. 21 (part).

- (a) order such child to be forthwith sent to an institution, to be there detained or otherwise dealt with under this Act until such child attains the age of eighteen years ; or

(b) by

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(b) by an order in writing place such child in the custody and under the control of the board until such child attains the age of eighteen years.

103. If any child is brought before a Court of Summary Jurisdiction charged either by his parents or by an officer of the board with being an uncontrollable or incorrigible child, the Court, upon being satisfied that the charge is well founded, may—

Uncontrollable or incorrigible child, how dealt with.
641, 1895, s. 34.
750, 1900, s. 4.
996, 1909, s. (part).

(a) order the child to be sent to an institution, to be there detained or otherwise dealt with under this Act until he attains the age of eighteen years :

(b) by an order in writing place the child in the custody and under the control of the board until he attains the age of eighteen years :

(c) release the child on probation, in which case he shall be subject to the supervision of the board until he attains the age of eighteen years, and shall periodically report himself to the board at such place and times and in such manner as the board may direct :

(d) order the child to be sent to a probationary school to be there detained for a period of not more than three months :

Provided that, if the charge is made by an officer of the board, no order under this section shall be made without notice of the charge to the parent, unless the address of the parent is unknown to the officer.

104. (1) If any child released on probation, pursuant to section 103, fails to report himself to the board as directed, or if the board is not satisfied with his conduct while on probation, the board may, without any warrant, cause him to be arrested and brought before a Court of Summary Jurisdiction.

If probationer fail to report himself, the board may cause him to be arrested.
641, 1895, s. 35.

(2) The Court may exercise, with regard to such child, any of the powers which the Court by which such child was released on probation might have exercised.

105. If, on the hearing of any information or complaint, any child is convicted of any offence, or is found to be a destitute, neglected, uncontrollable, or incorrigible child, and the Court hearing the information or complaint is of opinion that such child is guilty of such offence, or is destitute, neglected, uncontrollable, or incorrigible, wholly or partly in consequence of some fault of or lack of proper care or control on the part of the guardian of such child, the Court may, on the hearing or any adjournment thereof, and without complaint made for that purpose, in its discretion punish such guardian by a fine not exceeding Twenty Pounds, or by imprisonment for any term not exceeding three months : Provided that no guardian shall be punished under this section unless notice of the hearing

Guardian of child to be liable in certain cases for its offence.
996, 1909, s. 20.

hearing or adjournment has been given to him in manner provided by section 106, and, if present, he has had an opportunity of showing cause why he should not be punished.

Notice to guardian of certain proceedings.
Ibid., s. 16.

106. (1) Whenever any complaint is made charging a child with being a neglected child on the ground that he is under unfit guardianship, the guardian of such child shall be notified in writing by the complainant of the time when and place where such complaint is to be heard.

(2) Such notice shall be deemed sufficiently given if served personally on such guardian, or posted addressed to him at his last known place of abode or business, a reasonable time prior to the date of the hearing of such complaint.

(3) The guardian, if present, shall, if he so desires, be heard in the matter.

Examinations as to mental condition of children.

107. Any Court of Summary Jurisdiction before whom a child is brought may, if it has reason to suspect that the mental condition of the child is such as to affect the criminal responsibility of the child, cause the child to be examined by a properly qualified person, and may accept as evidence the written or verbal report (whether an oath or otherwise) of such person as to the child's mental condition.

Secondary evidence receivable in certain cases.
Ibid., s. 14.

108. In all proceedings relating to destitute, neglected, or uncontrollable or incorrigible children, the Court may receive and take into consideration any written or verbal report from any member of the Police Force or officer of the board then present: Provided that the contents of such report shall be made known to the person charged, who shall be permitted to cross-examine such member or officer thereon.

Child under control may be placed in an institution.
Ibid., s. 23.

109. The board may, with the approval of the Chief Secretary, order, in writing, that any child placed in the custody and under the control of the board shall be placed in an institution, and upon such order being made such child shall, immediately and for the unexpired term of such custody and control, be deemed to be a State child in the same manner and to the same extent as if such child had been originally committed to an institution by a Court.

Entry into house or premises for the purpose of arrest of children.
Ibid., s. 24.

110. (1) Any member of the Police Force, any officer of the board specially authorised in writing by the Secretary, or any member of the board, may enter into or upon any house, building, or other premises for the purpose of arresting, and may, there or elsewhere, arrest any child who is reasonably supposed to be guilty of any offence, or who is destitute, neglected, or uncontrollable or incorrigible.

(2) Any such child so arrested shall, as soon as conveniently may be, be brought before a Court of Summary Jurisdiction, so that the matter alleged against him may be heard and determined.

111. Convicted

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111. Convicted children only shall be ordered to be sent to reformatory schools: Provided that if any neglected child, destitute child, or uncontrollable child, in the opinion of the Court and under the special circumstances of the case, ought to be sent to a reformatory school, such Court may order such child to be committed to a reformatory school accordingly.

Convicted children to be sent to reformatory schools, except in special cases.
641, 1895, s. 40.

112. Destitute children, neglected children, and uncontrollable children only shall be ordered to be sent to institutions other than reformatory schools: Provided that under special circumstances, and with the approval of the Governor, an inmate of any other institution may be transferred for misconduct to a reformatory school; and in like manner any inmate of a reformatory school may, for good conduct, be transferred to any other institution.

Destitute or neglected children not to be sent to reformatory schools except in special cases.
Ibid., s. 41.

113. (1) If any child is found guilty of any crime or offence (other than homicide) punishable by imprisonment, the Court by which such child is so found guilty shall not sentence such child to imprisonment, but may—

Convicted children may be sent to reformatory school, etc.
Ibid., s. 36.
996, 1909, s. 21 (part).
1339, 1918, s. 3.

- (a) order such child to be sent to a reformatory school and to be there detained or to be otherwise dealt with under this Act until he attains the age of eighteen years, or for such lesser period as the Court in its discretion deems proper; or
- (b) by an order in writing place such child in the custody and under the control of the board until he attains the age of eighteen years; or
- (c) order the parent to give security for the good behaviour of such child until the child attains the age of eighteen years, or for such lesser period as the Court in its discretion deems proper; and, upon being satisfied that such security has been given, may dismiss the charge and give a certificate of dismissal accordingly: Provided that no such order shall be made against any parent unless such parent has been summoned to attend or is present before the Court, and has had an opportunity of being heard; or
- (d) adjourn the case on a near relative undertaking to punish the child in such reasonable or moderate manner as the Court approves; and on being satisfied that such punishment has been duly inflicted may dismiss the charge and give a certificate of dismissal accordingly.

(2) In any case where a child is liable to be sentenced to imprisonment by a Court of Summary Jurisdiction by reason of the non-payment of a fine or monetary penalty or non-compliance with an order for the payment of money, such child shall not be sentenced to imprisonment, but may be ordered to be detained in an institution

Child not to be imprisoned, but become State child, for non-payment of fine.
996, 1909, s. 11 (1).

or

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or to be placed in the custody and under the control of the board until he attains the age of eighteen years, or for such lesser period as the Court in its discretion deems proper.

If child over sixteen years of age at time of committal he may be detained for two years.

Ibid., s. 38.

114. If any child at the time of being committed to an institution or placed in the custody and under the control of the board is upwards of sixteen years of age, such child may be ordered to be detained in an institution, or otherwise dealt with under this Act, for the period of two years, notwithstanding that such period would extend beyond the time of such child attaining the age of eighteen years.

Children over 18 years of age to cease to be under Council's control.

Ibid., s. 39.

115. Except as in this Act otherwise provided, no State child shall be detained in any institution or be under the control of the board after attaining the age of eighteen years.

Mandate for detention.

Ibid., s. 42.

116. (1) Whenever a child is ordered to be sent to an institution the Court making the order shall issue a mandate for the taking of such child to such institution, and for his detention during the period of detention specified in the mandate, subject to this Act.

(2) Every such mandate shall be executed and obeyed by all persons to whom it is directed and delivered, and shall be forwarded with the child to the superintendent or matron of the institution, and shall be a sufficient warrant for the taking and detention of the child named therein according to the tenor thereof, and no other warrant for such taking and detention shall be necessary.

Order may be set aside.

Ibid., s. 118.

117. If an order is made under this Act in respect of a child in the absence of his parent or guardian, to whom reasonable notice of the complaint had not been given, such order may, for good cause shown, be set aside by the Court by which it was made upon the application of such parent or guardian within three months after the making of the order.

Age and religion of child to be stated in mandate.

Ibid., s. 43.

118. (1) Every mandate by a Court committing a child to an institution and every order placing a child in the custody and under the control of the board shall contain a statement of the age and religion, so far as known, of such child, and the cause for which, and institution in which, the child is to be detained.

750, 1900, s. 5.

(2) If there is no statement by the Court in the mandate as to the age or religion of the child named therein, the chairman may indorse on the mandate a statement of the age or religion of such child, so far as known to him.

In absence of positive evidence as to age, age to be determined on view. 641, 1895, s. 44.

119. If there is an absence or insufficiency of positive evidence or information as to the age of any child, the Court may on view determine the age of such child, and shall insert in the mandate or order the age so determined.

120. The

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120. The statement in any mandate that the child therein named is of a certain age and religion shall, for the purpose of this Act, be taken to be true, unless within six months from the date of the mandate the board is satisfied to the contrary, and indorses on the mandate the correct age or religion.

Statement of age and religion to be *prima facie* evidence.
Ibid., s. 45.

121. A certificate indorsed upon or annexed to any mandate, and signed by the chairman or the superintendent or matron of any institution, stating that the child named in such mandate was duly received into such institution, and was at the signing thereof detained in an institution or had been otherwise dealt with under this Act, shall in all proceedings whatsoever be *prima facie* evidence of the facts stated in such certificate, and of the identity of the child therein named.

Certificate of secretary, &c., indorsed on mandate or order to be *prima facie* evidence.
Ibid., s. 46.

122. Any inmate of an institution, whether a private institution or not, may, for any reason which appears to the board sufficient, by order of the board and subject to the provisions of this Act be removed to and detained in any other institution.

Removal of inmates from one institution to another by order of the Board.
Ibid., s. 47.

123. (1) Any State child who—

(a) absconds from any institution, or from his foster-parent; or

(b) whilst liable to detention refuses or neglects at the end or determination of the term of his apprenticeship or placing out forthwith to return to the institution in which he was last detained, or to such other institution as the board may order; or

(c) neglects or fails to obey any order of the board to return to or surrender himself at any institution,

State children absconding, &c., may be apprehended without a warrant and punished.
Ibid., s. 48.

shall be guilty of an offence and may be apprehended without a warrant by any member of the Police Force, or by an officer of or person appointed by the board, and conveyed to such institution as the board may direct.

(2) Any State child guilty of an offence under this section shall be liable, on summary conviction, to imprisonment in a reformatory school.

819, 1903, s. 11.

124. Any State child so offending as mentioned in the next preceding section shall, if the board so directs, for every such offence be detained under the control of the board, or of the governing body of the institution, as the case may be, for one month beyond the period of detention limited by the mandate for his or her detention, anything in this Act to the contrary notwithstanding.

Punishment of absconding children.
641, 1895, s. 49.

125. (1) The Governor may order the release of any State child from any institution, or from the control of the board.

Governor may release State child.
Ibid., s. 50.

(2) Upon production to the board, or to the chairman thereof, of such order, the child shall be forthwith released accordingly.

126. (1) The

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Governor may extend period of detention till child attains his majority. *Ibid.*, s. 51.

126. (1) The Governor, upon the recommendation of the board, may order that the period of supervision by the board or of detention of any female State child specified in any mandate shall be extended until such child attains the age of twenty-one years or for any shorter period, and such child shall be supervised or detained accordingly.

(2) The Board shall notify the parents of the child or any one of them known to the Board, or, as the case may be, the guardian of the child that it has recommended the extension aforesaid and shall inform the person so notified of his or her right to make representation to the Chief Secretary on the question whether the period of supervision or detention shall or shall not be extended.

(3) Such person may at any time within one month after the posting of such notice make representations to the Chief Secretary as aforesaid.

(4) If the Chief Secretary after considering the representations (if any) made within the month aforesaid is of opinion that it is in the interests of the child that the period of supervision or detention should be extended, the Governor may extend the same accordingly, but not otherwise: Provided that if the child has no parents or guardian such extension shall not be made unless a medical practitioner certifies that it is in the interest of the child.

(5) When any female person under the supervision of the Board or detained in any institution is certified by two legally qualified medical practitioners to be mentally defective the Governor may on the recommendation of the Board order the period of supervision or detention of such person to be extended for any period, notwithstanding that such person shall have attained the age of twenty-one years before the expiration of such period.

DIVISION II.

DIVISION II.—APPRENTICING AND PLACING OUT OF STATE CHILDREN.

Board may apprentice children. *Ibid.*, s. 52.

127. The board may, by indenture of apprenticeship, bind any State child apprentice to any suitable person, to be taught such useful trade or calling as the board approves; and such binding shall be as effectual as if the child were of full age at the date of the indenture, and had voluntarily executed the same; but the period of any such apprenticeship shall not exceed five years, nor extend beyond the day of the child attaining the age of twenty-one years.

Board may place out children. *Ibid.*, s. 53.
1906, 1909, s. 4.

128. (1) The board may place out any State child for such period, subject to this Act, as the board thinks fit—

- (a) to reside and board with any relative of such child, or with a suitable person approved by the board; or
- (b) with any suitable person willing to receive such child for adoption or service, and who, in the opinion of the board, is able to provide for and is suitable to be entrusted with the care of such child.

(2) Nothing

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(2) Nothing in this section shall authorise the placing out of any child for any time extending beyond the period of detention of such child.

129. (1) Except in cases where a special exemption has been granted by the board for good cause shown, the foster-parent of every State child over the age of six years placed out shall cause such child to be sent regularly to school as required by the Education Act, 1915.

Children between seven and fourteen not to be placed out unless provision is made for education.
641, 1895, s. 54.

(2) Any foster-parent committing or permitting any offence against this section shall be liable to a penalty of Ten Pounds.

Foster-parent liable for offence against last section.
Ibid., s. 55.

130. No State child shall be apprenticed or placed out for service under the age of fourteen years.

Child under fourteen not to be apprenticed or placed out for service.
Ibid., s. 56.

131. All indentures of apprenticeship and agreements for the placing out of State children under this Act shall contain provisions to the satisfaction of the board for the proper keeping, maintaining, clothing, and (where necessary) educating such child, and for the due payment of such wages (if any) as may be payable thereunder.

Indentures of apprenticeship and agreements to provide for maintenance, education, &c.
Ibid., s. 58.

132. The board may in any indenture or agreement provide that all, or such portion as may be specified, of any wages to become due to the child shall be paid by the foster-parent to the board, to be deposited in the Treasury in the name of the board on account of such child, and every such payment shall be deemed to be a payment to such child.

Wages may be paid to board.
Ibid., s. 60.

133. All moneys deposited in the Treasury pursuant to the next preceding section shall bear interest at the rate of Four Pounds Ten Shillings per annum for every One Hundred Pounds, to be calculated upon such money and the balance thereof, and any accrued interest thereon, the first day of each month.

Interest on deposits.
819, 1903, s. 8.

134. (1) All or any part of the money so deposited, and any interest thereon, may be expended by the board for the benefit of the child when and in such manner as the board may from time to time deem advisable.

Moneys banked may be expended for the child's benefit.
641, 1895, s. 61.

(2) All moneys so deposited, and not paid or expended as aforesaid, shall be payable to the child upon his or her attaining the age of twenty-one years; but if not claimed by the child, or any person lawfully claiming through or under him or her, before the expiration of seven years after he or she has, or would, if living, have attained the age of twenty-one years, may be appropriated by the board for the purposes of this Act, and shall not thereafter be recoverable by any person.

135. The wages or earnings due by any person to any State child whether payable to such child or not, may be sued for and recovered by and in the name of the board for the benefit of such child.

Board may recover wages.
Ibid., s. 62.

136. (1) The

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Indentures of apprenticeship and licences may be assigned with consent of board.
Ibid., s. 63.

136. (1) The foster-parent of any State child may, by an assignment bearing the consent of the board, but not otherwise, assign the indenture of apprenticeship or licence respecting such child to any fit and proper person.

(2) Every such assignment shall be executed in duplicate by the assignor and assignee, and one part of the assignment so executed shall be forthwith forwarded to the board by the assignor, and thereafter the indenture or licence shall, for the purposes of this Act, be read and construed as if the assignee had originally been party thereto in the place of the assignor.

On death of foster-parent, widow, &c., may nominate new foster-parent.
Ibid., s. 64.

137. (1) On the death of the foster-parent of any State child, the widow, widower, executor, or administrator of such foster-parent may, at any time within three months after such death, apply in writing to the board for an order directing such child to be bound or placed out for the residue of the term to some fit and proper person nominated in and consenting to such application.

(2) The board may make an order accordingly, and thereupon a new indenture or licence shall be executed by the person so nominated for the unexpired term of the original indenture or licence, and upon the like terms and conditions, or upon such other terms and conditions, subject to this Act, as the board may deem advisable.

On insolvency, &c., of foster-parent indentures and licences may be cancelled by board.
Ibid., s. 65.

138. If the foster-parent of any State child becomes insolvent, or becomes unable to maintain and employ such child, or is about to remove from the State, the board may, on application by or on behalf of the foster-parent or child, make an order releasing and discharging the foster-parent and the child, respectively, from the indenture of apprenticeship or agreement, and from every covenant and agreement therein contained or thereby implied; and, by the same or any other order, may direct the child to return to an institution to be therein named.

Change of residence to be notified by foster-parent.
Ibid., s. 66.

139. (1) No foster-parent shall change his or her place of residence without in every case giving to the board such notice as may be prescribed.

(2) Every foster-parent offending against this section shall be liable to a penalty of not exceeding Ten Pounds for every such offence.

Notice to be given if child absconds, becomes ill, or dies.
Ibid., s. 67.

140. (1) If a State child apprenticed or placed out absconds, becomes ill, meets with an accident, or dies, the foster-parent of such child shall immediately give such notice and do all such further acts and things as may be prescribed.

(2) Every foster-parent offending against this section shall be liable to a penalty of not exceeding Ten Pounds.

Penalty for transferring or dismissing State child without consent of board.
641, 1895, s. 68.
996, 1909, s. 4.

141. Every foster-parent who, without the consent in writing of the board under its seal in every instance first had and obtained—

- (a) assigns or transfers any indenture of apprenticeship or licence; or
(b) transfers

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(b) transfers or makes over to any other person any State child apprenticed or placed out with such foster-parent ;
or

(c) in any way discharges or dismisses such child so apprenticed or placed out,

shall be liable to a penalty not exceeding Ten Pounds, and every such attempted assignment, transfer, or discharge shall be null and void.

142. (1) Every foster-parent who—

(a) illtreats, injures, or neglects any State child placed out with or apprenticed to him ; or

(b) does not well and truly observe and perform and keep all the terms, covenants, conditions, and agreements, on the part of such foster-parent contained or implied in the indenture of apprenticeship or agreement, as the case may be, in respect of such child,

Penalty for ill-treating State children.

641, 1895, s. 69.

and every person who assaults, illtreats, or injures any State child, shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding Twenty Pounds, with or without imprisonment for any term not exceeding six months.

(2) The Court of Summary Jurisdiction hearing any complaint under this section may also discharge the child from the apprenticeship or licence, and order him to be returned to an institution.

(3) No complaint shall be laid under this section except by the board or some officer thereof.

143. Upon any complaint made by the foster-parent of any State child that such child has been guilty of any misdemeanor, wrongdoing, or misbehaviour, a Court of Summary Jurisdiction may do all or any of the following things, namely :—

Complaint against a State child to be dealt with in summary way.

Ibid., s. 70.

I. At the same time, and without formal complaint against the foster-parent, inquire into his or her conduct towards and treatment of such child :

II. Adjourn the hearing of the complaint, and direct a complaint to be laid against the foster-parent :

III. Cancel the indenture of apprenticeship or licence relating to such child, and order the return of the child to an institution :

IV. Order the child to be punished in any manner prescribed.

144. When a Court of Summary Jurisdiction orders the discharge of any State child apprenticed or placed out, or cancels the indentures of apprenticeship or agreement relating to any State child, under the provisions of this Act, the Court shall forthwith give notice of such order or cancellation to the board, and order the return of the child to an institution.

Notice to be given to board of discharge from apprenticeship or agreement.

Ibid., s. 71.

145. The board may at any time, by order, require any State child apprenticed or placed out forthwith to return to the institution of which

Board may order return of State children apprenticed or placed out.

Ibid., s. 72.

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which such child was an inmate previous to being apprenticed or placed out, or to surrender himself at any other institution to be named in the order; and the board may, by the same or a separate order, and without incurring any liability for breach of contract or otherwise, cancel or revoke the indenture of apprenticeship or agreement relating to any State child, and require the foster-parent forthwith to deliver such child at an institution or to some person to be named in the order.

Enforcement of order for return of child.

Ibid., ss. 73, 74.

146. (1) Any foster-parent who neglects or fails to obey any order made under the next preceding section shall be liable to a penalty not exceeding Ten Pounds.

(2) Any constable or officer of the board may, without any warrant, apprehend such child and bring him to the institution named in the order, and for such purpose may enter upon or into any lands or houses belonging to or occupied by the foster-parent whereon or wherein the child may be or may be supposed to be.

Apprenticed and placed-out children to be visited at least once in four months.

Ibid., s. 75.

147. (1) The board shall, except as hereinafter provided, cause all State children apprenticed or placed out by the board to be visited once at least in every four months by some person to be appointed by the board, in order to ascertain whether the stipulations of the indentures of apprenticeship or agreements respecting such children have been fulfilled, and whether the treatment, education, and care of such children are satisfactory.

(2) Every foster-parent shall, at the request of any such visitor—

(a) personally produce the child apprenticed or placed out to or with him or her, or show cause to the satisfaction of the visitor for the non-production or absence of such child; and

(b) permit such visitor to inspect the outfit of such child and the sleeping and other accommodation and food provided for such child.

(3) Every foster-parent failing to produce or to show sufficient cause for the non-production of any such child, or to comply with any of the other provisions hereof, shall be liable to a penalty not exceeding Ten Pounds.

Exemptions from visitation in special cases.

Ibid., s. 76.

148. The board may in special cases exempt wholly or partially any State child from being visited as provided by the next preceding section, but a return of all such exemptions, with the reasons therefor, shall be forwarded every three months to the Chief Secretary.

Board to have general supervision of all State children.

Ibid., s. 77.

1909, s. 4.

149. (1) The board shall also have general supervision over all State children detained in any private institution or placed out for adoption or otherwise, or apprenticed, and may cause such children to be visited at such reasonable times as the board may think fit and by such persons as the board may, by writing sealed with the seal of the board, appoint to be visitors.

(2) The

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(2) The visitors so appointed shall have and perform the same powers and duties in respect of such children as are conferred or imposed upon them by this Act, in relation to other State children; and all persons having the care or control of any child so to be visited shall, at the request of the visitor—

- (a) produce such child and his outfit; and
- (b) permit the visitor to examine the same, and the sleeping and other accommodation and food provided for such child,

in like manner and subject to the like penalties for non-compliance as if such child were a State child apprenticed or placed out by the board.

150. The board may pay to the foster-parent of any State child for the care and maintenance of such child, until he or she attains the age of fourteen years, such sum not exceeding Fifteen Shillings a week as may be prescribed: Provided that the Minister may, in special cases, authorise the payment of a greater sum.

Payments for maintenance of State children to foster-parents.
641, 1895, s. 78.
1339, 1918, s. 4.

151. The board may pay to the governing authority or person in charge of any private reformatory school or institution, for the maintenance therein of any State child, such sum not exceeding Twenty Shillings a week, as the Minister may approve.

Board may pay for maintenance of child in private reformatory.
641, 1895, s. 79.

PART V.

PART V.

INSTITUTIONS—THEIR ESTABLISHMENT, INSPECTION,
AND ABOLITION.

152. The Governor may, by proclamation, establish and place under the control of the board, or abolish—

Governor may establish institutions.
Ibid., s. 20.

- (a) homes, depots, probationary schools, reformatory schools, and other institutions for the reception, detention, education, employment, training, and reformation of State children; and
- (b) asylums, institutions or places for the reception and relief of destitute persons.

153. The Governor, on the recommendation of the board, may proclaim any private reformatory school as a reformatory school, and thereafter such school, until abolished as by this Act provided, shall be under the control and supervision of the board.

Private schools may be proclaimed as reformatory schools.
Ibid., s. 21.

154. The Governor, on the recommendation of the board, may proclaim any private institution as an institution for the reception, detention, maintenance, education, employment, and training of State children; and thereafter such institution, until abolished as by this Act provided, shall be under the supervision of the board.

Private institution may be proclaimed for detention of State children.
Ibid., s. 22.

155. Every

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Proclamation to set out names of governing body and other particulars.
Ibid., s. 23.

155. Every such proclamation shall set forth the name and description of the reformatory school or institution, as the case may be, the names of the superintendent, and of the managers, directors, or other persons (hereinafter called the "governing authority") having the management or control thereof, and all such other particulars as the Governor thinks fit.

Change in governing authority to be notified and gazetted.
Ibid., s. 24.

156. Upon any change being made in the persons constituting any such governing authority the same shall be immediately notified to the board, and notice thereof published, by the institution, in the *Government Gazette*.

Private reformatories may be proclaimed as for particular religious denominations.
Ibid., s. 25.

157. If any private reformatory school or private institution is established and maintained for the children of any particular religious denomination or denominations exclusively, the Governor may, by proclamation, limit the same as a reformatory school or institution for such children only, and in such case no child shall be committed to such school who is not of the denomination, or of one of the denominations, mentioned in the proclamation.

Private reformatory schools may be abolished.
Ibid., s. 26.

158. The Governor may, on the report of the board, if dissatisfied with the condition or management of any private reformatory school, or private institution, by proclamation abolish it as a reformatory school or institution as from a date to be named in the proclamation, and thereupon from and after such date such school or institution shall cease to be a reformatory school or institution within the meaning of this Act: Provided that no such proclamation shall issue until two months have elapsed from the date of the transmission to the superintendent or matron of such school or institution of a copy of the report of the board.

Upon abolition of private reformatory inmates may be sent to other institutions.
Ibid., s. 27.

159. Upon any private reformatory school or institution being so abolished, the board may order all State children being inmates thereof, and all State children apprenticed or placed out by the governing authority thereof, to be sent to and detained in any other institution, or otherwise dealt with under this Act.

Superintendent or matron of private reformatory to be approved by board.
Ibid., s. 28.

160. No person shall be appointed or continue to be the superintendent or matron, or have chief control or management of any private reformatory school, or private institution proclaimed under this Act, unless approved of by the board, or if disapproved of by the board.

Ex officio visitors to institutions.
Ibid., s. 29.

161. All members of the Executive Council and members of the Legislature and Justices of the Peace shall be entitled to visit every institution and the inmates thereof.

Visitors' book to be kept.
Ibid., s. 30.

162. (1) Every person by this Act authorised to visit an institution may inscribe and sign in a book, to be for that purpose kept in each institution, any observations which he may think fit to make concerning such institution, and the superintendent, matron, teachers, officers,

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officers, servants, or inmates thereof, or any of them; and every such book shall be carefully preserved by the superintendent or matron.

(2) Any person wilfully defacing, altering, or obliterating, wholly or partially, any remark or observation made in any such book, or destroying, defacing, or concealing any such book, or any part thereof, shall be guilty of an offence against this Act and liable to a penalty not exceeding Ten Pounds.

PART VI.**PART VI.****THE LICENSING AND SUPERVISION OF LYING-IN HOMES AND FOSTER-MOTHERS.**

163. No person shall, for gain or reward, keep any building or apartment as a lying-in-home unless such premises are licensed by the board for that purpose.

Lying-in homes kept for gain to be licensed.
641, 1895, s. 102.

164. Every lying-in home licence granted under any Act repealed by this Act and in force immediately prior to the commencement of this Act shall continue in force until the date of expiry according to the tenor thereof, and during that period shall be deemed to have been granted under this Act.

Continuance of existing licences.

165. The board may, on payment of a fee of Five Shillings, grant an annual licence in respect of any buildings or apartments kept or used, or intended to be kept or used, as a lying-in home, and may at its discretion revoke any licence so granted.

Licensing of lying-in homes.
Ibid., s. 103, and Schedule C.

166. (1) Every person who, for reward or gain, keeps any building or apartment as a lying-in home, unless such building or apartment is licensed by the board for that purpose, shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding One Hundred Pounds for the first offence, and for any subsequent offence shall be liable to be imprisoned for any period not exceeding two years.

Penalty on keeping unlicensed lying-in homes.
641, 1895, s. 104.

(2) Proof that any building or apartment was let, hired, or engaged by any person for the accommodation of a female during her confinement or lying-in, shall be *prima facie* evidence that such building or apartment is kept as a lying-in home within the meaning of this section; and it shall not be necessary in any case to prove the letting, hiring, or engagement on more than one occasion of any such building or apartment for any such purpose as aforesaid.

Evidence of keeping lying-in home.
750, 1900, s. 8.

167. No person shall be or act as foster-mother, for gain or reward, to any child under the age of seven years without being licensed by the board for that purpose: Provided that this section shall not apply in the case of children living with their parents.

Foster-mothers to be licensed.
641, 1895, s. 105.
996, 1909, s. 9.

168. The

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Board may license foster-mothers.
641, 1895, s. 106.
993, 1909, s. 9, and Schedule C.

168. The board may, on payment of a fee of One Shilling for each licence, grant an annual licence to any fit and proper person to be a foster-mother to children under the age of seven years, and may by any such licence fix the number of children authorised to be kept by the foster-mother therein named, and may at its discretion revoke any such licence.

Foster-parent may with consent of board, adopt foundling.
996, 1909, s. 19.

169. The board, on the application of any foster-parent, having the custody of a foundling child, may permit such foster-parent to adopt and have the custody of such child, subject to such conditions as the board may think proper.

Penalty on unlicensed foster-mothers.
641, 1895, s. 107.
996, 1909, s. 9.

170. (1) Every person other than—

- (a) an inmate of an asylum ; or
- (b) a near relative of the child,

who, not being licensed as a foster-mother by the board, receives into his or her care, charge, or custody any child under the age of seven years, to adopt, rear, nurse, or otherwise maintain for gain or reward such child apart from his or her parent, and

(2) the mother or father of any such child who—

- (a) procures such child to be placed under the care, charge, or custody of any such person ; or
- (b) permits any such person to have the care, charge, or custody of any such child for any such purpose as aforesaid,

shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding Twenty Pounds.

(3) No complaint shall be made under this section except by the board or some officer thereof.

996, 1909, s. 17.

(4) Upon the hearing of any complaint made under this section the allegation in the complaint—

- (a) that any child has been received to be adopted, reared, nursed or otherwise maintained for gain or reward ; or
- (b) that any child has been procured to be placed under care, charge, or custody, as aforesaid ; or
- (c) that any person has been permitted to have the care, charge, or custody of any child, as aforesaid,

shall be *prima facie* evidence of such child having been so received or procured, or that such person has been so permitted, as the case may be.

Penalty on licensed foster-mother taking charge of more than number of children allowed by licence.
641, 1895, s. 108.

171. Any licensed foster-mother who acts as foster-mother to any greater number of children than the number fixed in her licence shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding Twenty Pounds.

172. Every

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172. Every lying-in home, whether licensed or not, and the home or place of residence of every licensed foster-mother, shall, at all times be open to inspection by the chairman or any member or officer of the board.

Lying-in homes to be open to inspection.
Ibid., s. 109.

173. Every person who resists or obstructs, or assists in resisting or obstructing any such inspection, shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding Twenty Pounds.

Penalty for obstructing inspection.
Ibid., s. 110.

174. Every licensee of a lying-in home shall—

(a) keep a register—

(i.) containing the names, usual residences, and dates of confinement of every woman confined in such home ; and

(ii.) giving particulars of the disposal of every child born there ; and

(iii.) stating the name of the medical practitioner, midwife, or accoucheur by whom every such woman was attended during her confinement or lying-in ; and

(b) produce to and allow the chairman or any officer or other person appointed by him to inspect the register when demanded ; and

(c) give to the chairman or any such officer or person any information that he may require touching or concerning or relating to any confinement in such licensed premises, or to any child born there.

Register to be kept by licensee of lying-in home.
Ibid., s. 112.

175. (1) Every licensed foster-mother shall keep a register containing the following particulars in respect of every child received by her, so far as such particulars are capable of being ascertained by her, that is to say :—

Register to be kept by foster-mother.
Ibid., s. 113.

(i.) The name, age, and place of birth of the child :

(ii.) The names, addresses, and description of the parents :

(iii.) The name, address, description of any persons other than the parents from or to whom the child was received or delivered over :

(iv.) The date of receipt and delivery over :

(v.) Particulars of any accident to or illness of the child, and the name of the medical practitioner (if any) by whom the child was attended.

(2) Such register shall at all times be open to inspection by the board or any officer thereof, and the foster-mother shall every six months forward a copy thereof to the board, and shall at all times, when required so to do, give to the board, or any officer thereof, all such information or particulars within her knowledge relating

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relating to any child then or at any time previously in her charge or custody, or concerning any near relative or guardian of such child, as the board or any officer thereof shall require.

Returns and records.
Ibid., s. 111.

176. (1) Every licensee of a lying-in home, and every licensed foster-mother, shall keep the registers and records required by sections 174 and 175 respectively; and also shall keep all such books and records, and furnish to the board true and correct returns of all such matters and things, as are prescribed, or as the board requires.

(2) Every licensee of a lying-in home and every licensed foster-mother who fails to comply with any requirement of subsection (1) hereof shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding Twenty Pounds.

PART VII.

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PROCEDURE, PENALTIES, AND GENERAL MATTERS.

Power to exclude
persons from Court.
Ibid., s. 114.

177. At the hearing of any complaint, information, or indictment against any child, the Court before which such hearing takes place may order that all persons not directly interested in the case shall be excluded from the court or place of hearing.

Power of board to
take proceedings.

178. (1) Any proceedings under the provisions of this Act may be taken by the board or any officer thereof authorised by the board for the purpose, on behalf of any person desiring to take such proceedings, and all such proceedings may be conducted by an officer of the board.

(2) A document purporting to be under the seal of the board stating that the person therein named is an officer of the board, and is authorised by the board to take proceedings and conduct cases under this Act shall be *prima facie* evidence of the facts so stated.

(3) The allegation in any complaint made by the board that the complaint is made on behalf of any person therein mentioned shall be *prima facie* evidence of the fact so alleged.

Right of officer of
board to appear in
trials of children.
Ibid., s. 115.

179. At the hearing of any complaint, information, or indictment against any child, the chairman or some officer of the board may be present, and examine and cross-examine witnesses, and be heard touching the acquittal or punishment of the child.

Evidence of
husbands and wives.

180. The wife or husband of any person (as the case may be) shall be competent and compellable to give evidence for or against that person in all matters and complaints under this Act.

181. (1) Before

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181. (1) Before making an order under this Act, the Court before whom any child is brought may, for the purpose of—

Child may be detained in institution pending trial.
641, 1895, s. 117.

- (a) making inquiry respecting him ; or
- (b) making inquiry respecting the mode in which he should be dealt with ; or
- (c) enabling the board to be represented ; or
- (d) enabling any near relative to appear,

and without prejudice to any other powers of the Court, direct that the child be taken to an institution or to any other suitable place, not being a gaol, watch-house, or prison, and to be detained therein for any time not exceeding twenty-one days, or until an order is sooner made—

- (i.) for his discharge ; or
- (ii.) for his being sent to an institution ; or
- (iii.) for his being otherwise dealt with under this Act.

(2) The board or the officer of the board to whom such order is addressed is hereby empowered and required to detain such child accordingly. If such child escapes, he may be apprehended without warrant and brought back to the place of detention.

(3) Any child may be committed to an institution during the period for which he has been remanded by a Court or during the period of his detention on committal for trial in the Supreme Court.

996, 1909, s. 15

182. If an order is made under this Act in respect of a child in the absence of his parent or guardian, to whom reasonable notice of the complaint had not been given, such order may for good cause shown be set aside by the Court by which it was made upon the application of such parent or guardian within three months after the making of the order.

Order may be set aside.
Ibid., s. 118.

183. Every inquiry into any complaint for an offence committed by an inmate of an institution or asylum against the provisions of this Act shall, unless the Chief Secretary otherwise directs, be held at the institution or asylum of which the person complained against is an inmate.

Complaints against inmates to be held at institution where offence committed.
Ibid., s. 119.

184. The governing authority of every institution shall forthwith report to the board all convictions against, and consequent punishments inflicted upon, any inmate of such institution, and the board shall cause a return to be made annually to the Chief Secretary of all convictions against and consequent punishments inflicted upon State children.

Return of complaints and convictions.
Ibid., s. 120.

185. Every person shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding Ten Pounds, or to imprisonment for any term not exceeding three months who—

Penalty for taking, removing, harboring, &c., State children.

(a) without

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Ibid., s. 121.
996, 1909, s. 4.

- (a) without the authority of the board takes or removes any State child from any institution before the expiration of the period of detention of such child ; or
- (b) without the authority of the board takes or removes any State child from the foster-parent to or with whom such child is apprenticed or placed out, before the expiration of the term of apprenticeship or placing out ; or
- (c) directly or indirectly counsels or induces any State child—
 - (1) to abscond or escape from any institution before such child has been regularly discharged ; or
 - (2) to break his or her apprenticeship indentures before the expiration of such apprenticeship ; or
 - (3) to abscond from his or her foster-parents before the expiration of such placing out ; or
- (d) aids or abets any State child in absconding or escaping from any institution or his or her foster-parent as aforesaid ; or
- (e) prevents any State child from returning to any institution or to his or her foster-parents ; or
- (f) knowing any State child to have been taken or removed as aforesaid, or to have absconded or escaped as aforesaid, harbors or conceals, or assists in harboring or concealing, such child.

Penalty for communicating with children in institutions.
641, 1895, s. 122.

186. Every person shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding Ten Pounds who—

- (a) without the authority or permission of the board, or of the governing authority of the institution, as the case may be, holds any communication with any inmate ; or
- (b) having entered any institution or any messuage, lands, or premises belonging thereto or used in connection therewith, does not depart therefrom when required to do so by the superintendent, matron, or any officer or servant of such institution ; or
- (c) after being forbidden by the board or governing authority, as the case may be, so to do, holds any communication, directly or indirectly, or personally, or by letter, or in any other manner howsoever, with any State child.

Penalty on false pretences and damaging board's property.

187. Any person who—

- (a) obtains or attempts to obtain from the board or 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 pretences ; or

(b) being

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(b) being an inmate of any institution or asylum wilfully wastes, spoils or damages any wearing apparel, tools, implements, or utensils or other property belonging to such institution or asylum,

shall be guilty of an offence against this Act and shall be liable to imprisonment with hard labor for any term not exceeding six calendar months.

188. (1) Where any person who has the charge, care, or custody, whether for gain or reward or not, of any child under the age of seven years is not a near relative of such child, the home or place of residence and every part thereof of such person shall be open to entry and inspection at all times between the hours of six o'clock in the morning and nine o'clock at night by any officer of the board appointed in writing by the board to inspect the same.

Homes of persons (other than near relatives) having care of children under seven years. 996, 1909, s. 26.

(2) Any person refusing to allow such entry or inspection, or hindering or resisting any such officer in his making or attempting to make such entry or inspection, shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding Twenty Pounds.

(3) This section shall not apply to any benevolent institution.

189. (1) The home or place of residence, and every part thereof, of any illegitimate child (not being an illegitimate child in respect of whom an order of adoption has been made pursuant to the Adoption of Children Act, 1925) under the age of seven years shall at all times be open to entry and inspection by any member or officer of the board: Provided that where the board is satisfied that an illegitimate child is being properly cared for in its home or residence, such home or residence shall not be open to entry and inspection under this section.

Inspection of homes of illegitimate children under seven years.

Ibid., s. 18.

(2) Any person who refuses to allow such entry or inspection to be made, or hinders or resists any such member or officer in the making of, or attempting to make, such entry or inspection, or who refuses or neglects to produce such child to any such member or officer for inspection by him, upon such production being demanded by such member or officer, shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding Twenty Pounds.

(3) This section shall not apply to any benevolent institution.

190. Any superintendent or matron of an institution, and any teacher, officer, or servant of the board, or of the governing authority of an institution, who negligently or knowingly permits or suffers any inmate to escape from such institution, shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding Twenty Pounds.

Penalty for permitting escape. 641, 1895, s. 123.

191. If any officer or servant of the board, or of the governing authority of any institution, is guilty of any breach of any section of this Act or of any regulation intended for the protection of any child,

Penalty on officers. Ibid., s. 124.

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child, he shall be dismissed from his office or employment, and shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding Twenty Pounds, or to be imprisoned for any period not exceeding six months.

Privilege of persons
in charge of State
children.

Ibid., s. 131.

192. Every person authorised by writing under 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 institution, or to or from a foster-parent, 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 any police constable has by common law or statute.

Mandate to be a
defence to actions.

Ibid., s. 140.

193. In every action for anything done in obedience to any mandate or order it shall be sufficient for the defendant to justify under such mandate or order only, without setting forth the previous proceedings, and the production of either duplicate of the mandate or order shall be sufficient evidence to prove the fact of making such mandate or order.

Protection to
board and officers.

Ibid., s. 141.

194. (1) No action shall be brought against the board or any governing authority of an institution or any person for anything done in pursuance of this Act, unless—

- (a) such action is commenced within six months next after the act or default complained of ; and
- (b) notice in writing of such action, and the cause thereof, has been given to the defendant one month at least before the commencement of the action.

(2) The defendant in any such action may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon.

(3) The plaintiff shall not recover in such action if tender of sufficient amends is made before action is brought, or if, after action brought, the defendant pays into Court sufficient amends ; but in such last-mentioned case the plaintiff shall recover his cost of suit up to the time of the payment into Court.

Free passes for
State children on
railways.

195. (1) Every State child may, for the purpose of—

- (a) travelling between the home of his foster-parent and any institution ; or
- (b) travelling to or from any public school for the purpose of attending the same for instruction,

travel free upon any railway owned or managed by the South Australian Railways Commissioner upon production of a certificate under the hand of the chairman stating that such child is entitled to travel free under the provisions of this section.

(2) Any person in charge of a State child whilst travelling as mentioned in paragraph (a) above, may travel free on any such railway as aforesaid, upon production of a certificate under the hand of the chairman, stating that that person is entitled to travel free under the provisions of this section.

196. (1) Any

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196. (1) Any child under the age of thirteen years who is employed or engaged in any circus, or acrobatic entertainment, or exhibition by which his life, health, or safety is likely to be lost, prejudiced, or endangered, shall be deemed a neglected child within the meaning of this Act.

Children employed
in a circus.
641, 1895, s. 144.

(2) Any person so employing or engaging any such child shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding Twenty Pounds, or to imprisonment for any period not exceeding six months.

197. All orders made by the board in pursuance of this Act shall be in duplicate, sealed with the corporate seal, and either duplicate of such order, purporting to be sealed with such seal, shall for all purposes and in all courts be *prima facie* evidence of the facts therein stated, and that such order was duly made.

Orders of board to
bear seal of board,
and to be received
as evidence.
Ibid., s. 132.

198. The *Government Gazette* containing a proclamation of the establishment or control of any institution under this Act, or of the governing authority thereof, or notifying the appointment of the chairman or a member of the board or the appointment of any person as an officer under this Act, or of the appointment of any person as a member of the governing authority of any institution, shall be conclusive evidence of the facts therein stated.

Gazette evidence.
Ibid., s. 133.

199. Section 5 of "The Criminal Law Consolidation Amendment Act, 1885" (which limits the time within which certain prosecutions shall be commenced), is hereby amended by the substitution of the words "six months" for the words "two months" therein.

Amendment of 358,
1885, s. 25.

200. (1) Every complaint, conviction, mandate, order, or warrant under this Act shall be deemed valid and sufficient if the same is in any of the forms in the Schedules hereto which may be applicable, with such modifications as the circumstances may require; or in which the offence or act or default is set forth in the words of this Act.

Forms of
proceedings.
Ibid., s. 135.

(2) No conviction, mandate, order, or warrant under this Act shall be held void by reason of any defect therein.

201. No order, or copy or minute thereof, made pursuant to this Act, need be served on any defendant for the purposes of this Act.

Orders need not be
served.
819, 1903, s. 5.

202. (1) The several forms in the Schedules hereto, or forms to the like effect, may be used, with such variations as the circumstances require, and shall be sufficient for the several purposes to which they are applicable respectively.

Forms.
Ibid., s. 146.

(2) When no form is prescribed, a form reasonably adapted to the circumstances of the case may be used, and shall be sufficient for its purpose.

203. (1) In

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Regulations.
Ibid., s. 147.

203. (1) In addition to any other power by any other section of this Act conferred on the Governor to make regulations as to any matter, the Governor may make all such regulations as may be necessary or convenient for carrying into effect the provisions and objects of this Act, including (but without limiting the generality of this section) regulations for the purpose of regulating—

- (a) the duties, powers, authorities, and privileges of all persons employed in the administration of this Act :
- (b) the meetings and proceedings of the board :
- (c) the management, control, and supervision of institutions, asylums, and lying-in-homes :
- (d) the custody, maintenance, grading, education, employment, apprenticing, and placing out of State children :
- (e) the admission of ministers of religion to institutions and asylums :
- (f) the visitation of State children at institutions, or apprenticed, or placed out :
- (g) the channel of communication and correspondence with State children :
- (h) the punishment of State children :
- (i) wages and rewards to State children :
- (j) the management and control of property vested in the board :
- (k) records to be kept at institutions and asylums and by licensees :
- (l) the making of applications for relief under this Act :
- (m) the admission of persons into asylums, and the employment of persons so admitted :
- (n) the conduct of persons admitted into asylums :
- (o) the form and contents of agreements, appointments, apprenticeship articles, authorities, complaints, informations, licences, mandates, notices, orders, summonses, and all other instruments and documents, and the mode of executing, serving, or delivering the same :
- (p) the fees to be paid :
- (q) the imposing of penalties :
- (r) the income and expenditure of the board :
- (s) the time and manner in which any act, deed, matter, or thing required by this Act to be done, and as to which the time or procedure is not provided, is to be done or performed :
- (t) all other matters and things arising under and consistent with this Act not expressly provided for.

Summary proceedings for offences.
Ibid., s. 134.

204. All proceedings in respect of offences against this Act (not being misdemeanors) shall be disposed of summarily.

205. No

Maintenance Act.—1926.

PART VII.

205. No warrant shall be issued under this Act by a Justice unless the complaint against the person for whose apprehension the warrant is issued is substantiated to the satisfaction of the Justice on oath made before him.

Issue of warrants.

206. All moneys received for penalties imposed for offences against this Act shall be paid to the Treasurer, for the public uses of the State and in support of the Government thereof.

Appropriation of penalties.
Ibid., s. 142.

207. 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 thereof, it shall be sufficient to state or allege that the property, money, goods, chattels, or effects belong to the board, and that any offence has been done or committed with intent to injure or defraud (as the case may be), the board, without any further or other name, addition, or description whatever.

Property may be laid in the Destitute Board.

208. Any reference in any other Act to the State Children's Council or the Destitute Board shall be deemed to be a reference to the board, and any reference to either the chairman or the secretary of either of the first-mentioned bodies shall be deemed to be a reference to the chairman of the board; and any reference to a member of either of the said bodies shall be deemed to be a reference to a member of the board.

References in other Acts.

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

TOM BRIDGES, Governor.

Maintenance Act.—1926.

THE SCHEDULES.

Section 3.

THE FIRST SCHEDULE.

ACTS REPEALED.

Reference to Acts.	Short Title of Act.
No. 210 of 1881 ..	The Destitute Persons Act, 1881
No. 387 of 1886 ..	The Destitute Persons Act Amendment Act, 1886
No. 641 of 1895 ..	The State Children Act, 1895
No. 664 of 1896 ..	The Married Women's Protection Act, 1896
No. 702 of 1898 ..	The Affiliation Law Amendment Act, 1898
No. 750 of 1900 ..	The State Children Amendment Act, 1900
No. 819 of 1903 ..	The State Children Further Amendment Act, 1903
No. 832 of 1903 ..	The Destitute Persons and State Children Acts Amendment Act, 1903
No. 996 of 1909 ..	The State Children Amendment Act, 1909
No. 1339 of 1918 ..	State Children Further Amendment Act, 1918

Sections 47, 90.

THE SECOND SCHEDULE.

No. 1.

Maintenance Act, 1926.

COMPLAINT AGAINST NEAR RELATIVE OF A CHILD.

The complaint of _____ of _____ [add where necessary an officer of the Children's Welfare and Public Relief Board duly appointed to make the complaint hereinafter set out] taken this _____ day of _____ 19____, before me, the undersigned, a Justice of the Peace for the said State, who states [set out the complaint in such of the forms following as may be applicable], namely,

- (1) That F of _____ and S of _____ are near relatives within the meaning of the Maintenance Act, 1926, of C, a male child of the age of _____ years, and are able to contribute towards [or pay for] the maintenance and past maintenance of the said child :
- (2) That C, a male child of the age of _____ years, is an illegitimate child born of the body of _____ of _____ on the _____ day of _____ 19____, and that P is the father thereof, and is able to pay for [or contribute towards] the maintenance and past maintenance of the said child, and the confinement expenses of the mother :
- (3) That C, a male child of the age of _____ years, is a State child within the meaning of the Maintenance Act, 1926, and that the sum of £ _____ is owing to the Children's Welfare and Public Relief Board for the past maintenance of the said child :
- (4) That P has disobeyed or neglected to comply with an order made against him under the Maintenance Act, 1926, on the _____ day of _____ 19____, in respect of the maintenance of C, a male child of the age of _____ years :
- (5) That P intends to evade compliance with an order made against him under this Act on the _____ day of _____ 19____, in respect of the maintenance of C, a male child of the age of _____ years :

Taken before me the day and year }
first above written at }
in the said State. }

[Signature of Complainant.]

Justice of the Peace.

No.

Maintenance Act.—1926.

No. 2.

Section 47.

Maintenance Act, 1926.

MAINTENANCE ORDER IN RESPECT OF CHILD.

Upon complaint made by _____ of _____ (or K, an officer of the Children's Welfare and Public Relief Board), wherein it is alleged that C, a male child of the age of _____ years, is an illegitimate child; that P is the father thereof; that the said C is a State child within the meaning of the Maintenance Act, 1926; that there is owing to the Children's Welfare and Public Relief Board the sum of _____ for the past maintenance of the said child; and that the said P is able to pay for (or contribute towards) the maintenance and past maintenance of the said child; and the said complaint coming on for hearing this day before us, the undersigned, two Justices of the Peace for the State of South Australia, and sitting at _____, and having heard the evidence of A, the mother of the said child, and being satisfied that the several allegations aforesaid have been duly proved, we do adjudge the said P to be the father of the said C.

And we do order as follows, that is to say [*use such of the forms following as may be applicable*]:—

That the said P do pay to _____ the sum of _____ for the past maintenance of the said child on or before the _____ day of _____ 19 _____ next [*or if by instalments set out number, amounts, and dates of payment*]:

That the said P do pay to _____ the sum of _____ shillings on the _____ day of every week hereafter until the said child attains the age of _____ years, or until further order:

That the said P do pay the sum of _____ for confinement expenses of _____

That the said P do pay to the said _____ the sum of _____ for his costs incurred in this behalf:

That all the said sums be paid to _____ at _____:

That the said P do forthwith find good and sufficient security by recognizance himself in the sum of _____ Pounds and two sureties in the sum of _____ Pounds each, or one surety in the sum of _____ Pounds, for the due compliance of him, the said P, with this order: And in default of such security being found I (or we) do adjudge the said P to be imprisoned in _____ for the space of [*with or without hard labor, as the case may be*]:

That [*the person upon whom notice of attachment of moneys or property has been served*] do forthwith pay (or deliver over) to _____, at _____, the sum of _____ [*or describe the property to be delivered over*], being all (or portion) of the money (or property) attached in his hands by notice from _____ dated the _____ day of _____ 19 _____.

Dated at _____ this _____ day of _____, 19 _____
at _____ in the said State. _____ Justices of the Peace.

No. 3.

Section 77.

Maintenance Act, 1926.

NOTICE OF ATTACHMENT.

To

Whereas a complaint has been made under section _____ of the Maintenance Act, 1926, against A B, of _____: And whereas you have, or are supposed to have, in your care, custody, or control money or property of or belonging or payable to the said A B: Notice is hereby given you not to part with the possession of such money or property, or any part thereof, until after the said complaint has been heard and determined.

Dated the _____ day of _____, 19 _____, Complainant.

No.

Maintenance Act.—1926.

Section 62.

No. 4.

Maintenance Act, 1926.

COMPLAINT BY NEAR RELATIVE.

The complaint of _____ of _____ taken this day of _____ 19 _____, before me, the undersigned, a Justice of the Peace for the State of South Australia, who states:—

1. That an order was made against him, pursuant to the Maintenance Act, 1926, on the _____ day of _____ 19 _____, in respect of the maintenance of C, a male child of the age of _____

2. That F, of _____ and S, of _____, are near relatives of the said C, and are able to pay for (or contribute towards) the maintenance of the said C. Taken, &c. [as in Form No. 1].

Section 62.

No. 5.

Maintenance Act, 1926.

ORDER VARYING MAINTENANCE.

Upon complaint made by P, of _____, against F, of _____, and S, of _____, wherein it is alleged [set out substance of allegations], and the said complaint coming on for hearing this day before us, &c. [as in Form No. 2], we do order as follows, that is to say [use such of the forms following or in No. 2 or 3 as may be applicable].

That the said order against the said P be annulled as from this date (or be suspended for _____ months from this date, or be varied in the following particulars [setting them out]:

That the said P do pay the sum of _____ Shillings; the said F do pay the sum of _____ Shillings; and the said S do pay the sum of _____ Shillings on _____ day next, and on the _____ day in every week thereafter, until the said C attains the age of _____ years, or until further order for the maintenance of the said C:

That all the said sums be paid to _____ at _____

Dated at _____, this _____ day of _____, 19 _____, Justices of the Peace.

Section 53.

No. 6.

Maintenance Act, 1926.

COMPLAINT AGAINST THE FATHER OF AN UNBORN ILLEGITIMATE CHILD.

The complaint of _____ of _____, made this _____ day of _____, 19 _____, at _____, before the undersigned, a Justice of the Peace for the State of South Australia, who states—

1. That _____, of _____, is the father of a certain unborn illegitimate child, of which _____ is pregnant:

2. That the said _____ is able to pay for (or contribute towards) the maintenance of the said child, should it be born, and the confinement expenses of the mother.

Taken before me, at _____, the }
day and year first above written. }
Justice of the Peace. }

[Signature of Complainant.]

Sections 53, 54.

No. 7.

Maintenance Act, 1926.

ORDER FOR MAINTENANCE AND CONFINEMENT EXPENSES IN CASE OF AN UNBORN CHILD.

Upon complaint made by _____ (hereinafter called "the complainant") against _____, (hereinafter called "the defendant") whereby it was alleged the defendant is the father of a certain unborn illegitimate child of _____ which

Maintenance Act.—1926.

which is pregnant, and the said complaint coming on for hearing this day before us, the undersigned, two Justices of the Peace for the State of South Australia; having heard the evidence of , a legally qualified medical practitioner, that the said is pregnant, and the evidence of the said and being satisfied that the allegations in the said complaint have been proved, we do adjudge the defendant to be the father of the said child: And we do order as follows, that is to say—That the defendant do pay to the Children's Welfare and Public Relief Board the sum of for the confinement expenses of the said that the defendant do pay to on the day of the birth of the said child, and on the same day in each week thereafter, the sum of , until the said child attains the age of eighteen years, or until further order; that the defendant do pay to the complainant the sum of for costs in this behalf.

Dated this day of , 19 , at
in the said State.

Justices of the Peace.

No. 8.

Sections 102, 103.

Maintenance Act, 1926.

COMPLAINT AGAINST A CHILD.

The complaint of of made this day of , 19 , at before the undersigned, a Justice of the Peace for the State of South Australia, who states that A B, of , in the said State [*here set out the charge in such of the forms following as may be applicable with any modification which the circumstances may require*]:—

- (a) is a destitute child in that he has no sufficient means of subsistence, and his near relations are in indigent circumstances and unable to support him (*or are dead, or are unknown, or cannot be found, or are out of the jurisdiction, or are in custody of the law*):
- (b) did on the day of at in the said State [*here set out a statement of the charge of being a neglected child following the words as near as may be of the definition of neglected child in section 4*]:
- (c) is an uncontrollable (*or incorrigible*) child:
- (d) is under the guardianship of a person, to wit, who is unfit to have such guardianship.

Taken before me, at
aforesaid, the day and year first
above written.

, Justice of the Peace.

No. 9.

Maintenance Act, 1926.

Section 102.

MANDATE FOR NEGLECTED CHILD TO BE SENT TO AN INSTITUTION.

To , Esquire, Commissioner of Police, and all constables in the State of South Australia, and to the superintendent (*or matron*) of the Industrial School at Edwardstown [*or other institution, as the case may be*] in the said State:

Whereas A B, a boy, has been brought before a Court of Summary Jurisdiction, charged with being a neglected child within the meaning of the Maintenance Act, 1926, in that [*set out the terms of the complaint*]: And whereas we have heard the matter of the said complaint, and are satisfied that the said A B is in fact a neglected child within the meaning of the said Act: And whereas the said A B is of the age of years and months, and of Protestant (*or Roman Catholic or Jewish, as the case may be*) religion: And whereas we have ordered the said A B to be sent to the Industrial School at Edwardstown [*or other institution*] to be there detained or otherwise dealt with under the said Act until he attains the age of eighteen years: These are to require you, to whom this

Maintenance Act.—1926.

this mandate is directed, to take the said A B to the said institution and there to deliver him to the superintendent (or matron) thereof, together with the duplicate of this mandate, and the said superintendent (or matron) is hereby required to receive the said child into the said institution, there to be detained or otherwise dealt with under the said Act until the expiration of the term aforesaid, unless he shall in the meantime be discharged in due course of law.

Dated this day of 19 , at
in the said State.

, *Justices of the Peace.*

Section 102.

No. 10.

Maintenance Act, 1926.

MANDATE FOR DESTITUTE CHILD TO BE SENT TO AN INSTITUTION.

To [as in form No. 2].

Whereas A B, a boy, has been brought before a Court of Summary Jurisdiction charged with being a destitute child within the meaning of the Maintenance Act, 1926, in that he has no sufficient means of subsistence, and that his relatives are in indigent circumstances and unable to support the said A B (or are dead, &c.): And whereas we have heard the matter of the said complaint, and are satisfied that the said A B is in fact a destitute child within the meaning of the said Act: And whereas, &c. [continue as in Form No. 11].

Dated this day of 19 , at
in the said State.

, *Justices of the Peace.*

Section 103.

No. 11.

Maintenance Act, 1926.

MANDATE FOR UNCONTROLLABLE OR INCORRIGIBLE CHILD TO BE SENT TO AN INSTITUTION.

To [as in Form No. 11.]

Whereas A B, a boy, has been brought before a Court of Summary Jurisdiction, and charged with being an uncontrollable (or incorrigible) child: And whereas we have heard the matter of the said complaint, and are satisfied that the same is well founded: And whereas the said A B is of the age years months, and is of the Protestant [or as the case may be] religion: And whereas we have ordered the said A B to be sent to the [name or description of institution] to be there detained and dealt with pursuant to the said Act for a period of months from the day of the date hereof (or until he attains the age of eighteen years): These are to require [continue as in Form No. 11.]

Dated this day of 19 , at
in the said State.

, *Justices of the Peace.*

Section 103.

No. 12.

Maintenance Act, 1926.

ORDER FOR UNCONTROLLABLE, ETC., CHILD TO BE RELEASED ON PROBATION.

Whereas [insert recitals as in form No. 13 down to the words "well founded"]. Now therefore we do hereby order that the said A B be released on probation, and that until he attains the age of eighteen years he shall be subject to the supervision of the Children's Welfare and Public Relief Board pursuant to the said Act; and we do further order that the said A B shall from time to time, until he attains the said age, report himself to the said Board, or to the Secretary thereof, at such places and times and in such manner as the said board or the Secretary thereof shall direct.

Dated this day of , 19 , at
State.

in the said
Justices of the Peace.

No.

Maintenance Act.—1926.

No. 13.

Section 113.

Maintenance Act, 1926.

MANDATE FOR CONVICTED CHILD TO BE SENT TO A REFORMATORY SCHOOL.

To [as in Form No. 11, varied to suit the circumstances].

Whereas on the _____ day of _____ 19____, at _____ in the State of South Australia, before a Court of Summary Jurisdiction, A B, a boy, was convicted of a certain offence punishable by imprisonment, to wit [describe the offence in the words of the conviction]: And whereas the said A B is of the age of _____ years and _____ months, and is of the Protestant [or as the case may be] religion: And whereas we have ordered the said A B to be sent to the Reformatory School at Magill, in the said State [or other institution, as the case may be], to be there detained or otherwise dealt with, pursuant to the Maintenance Act, 1926, for the term of _____ from the day of the date hereof (or until he attains the age of eighteen years, as the case may be): These are to require [continue as in Form No. 11].

Dated this _____ day of _____ 19____, at _____ in the said State. _____
Justices of the Peace.

No. 14.

Section 128.

Maintenance Act, 1926.

AGREEMENT FOR BOARDING OUT STATE CHILD.

Whereas A B, of [here state residence and occupation] has agreed with the Children's Welfare and Public Relief Board to receive and take charge of C D, a State child, now under the care of the Board, for the term of _____ from this date, upon receiving from the Board the sum of _____ weekly (monthly, or quarterly) [or without fee or reward]: These are therefore to authorise the said A B, pursuant to the above-mentioned Act, to take the said C D to be by him kept, maintained, clothed, and educated during the said term.

In witness whereof the seal of the Council has been hereunto affixed this _____ day of _____ 19____.

(Seal of Board).

_____, Secretary.

I, the above-named A B, hereby agree with the said Board to receive and keep, maintain, clothe, and educate, to the satisfaction of the said Board, the said C D, for the term and upon the conditions specified in this agreement, and subject in all things to the provisions of the said Act and the regulations thereunder.

Dated this _____ day of _____ 19____.

Witness—

A B

No. 15.

Section 128.

Maintenance Act, 1926.

AGREEMENT FOR SERVICE OF A STATE CHILD.

Whereas A B, of [here state residence and occupation], has agreed with the Children's Welfare and Public Relief Board to receive for service and take charge of C D, a State child now under the care of the Board, for the term of _____ from this date: These are therefore to authorise the said A B to receive and take charge of the said C D, to be by the said A B kept, maintained, clothed, and educated during the term of such service, pursuant to the Maintenance Act, 1926, and the regulations thereunder.

In witness, &c., [as in Form No. 16.]

I, the above-named A B, hereby agree with the said Board to receive the said C D into service, and to keep, maintain, clothe, and educate him to the satisfaction of the Board, for the term and upon the conditions specified in this agreement, and I agree to pay for the services of the said C D the sum of _____ per week [here set out rates of wages, &c. If no wages are to be paid, omit agreement for payment of wages], subject in all things to the provisions of the said Act and regulations.

Dated this _____ day of _____ 19____.

Witness—

A B

No.

Maintenance Act.—1926.

Section 128.

No. 16.

Maintenance Act, 1926.

AGREEMENT FOR THE ADOPTION OF A STATE CHILD.

Whereas A B, of [*here state residence and occupation*], has agreed with the Children's Welfare and Public Relief Board to adopt and take charge of C D, a State child now under the care of the Board, for the term of _____ from this date: These are therefore to authorise the said A B to receive and take charge of the said C D, to be by the said A B kept, maintained, clothed, and educated, during the said term, pursuant to the above-mentioned Act and the regulations thereunder.

In witness, &c. [*as in Form No. 16*].

I, the above-mentioned A B, hereby agree with the said Board to adopt the said C D, and to keep, maintain, clothe, and educate him to the satisfaction of the said Council during the term and upon the conditions specified in this agreement, subject in all things to the said Act and regulations.

Dated this _____ day of _____, 19 _____.

Witness—

A B

Sections 111 and 112.

No. 17.

Maintenance Act, 1926.

ORDER BY BOARD REMOVING STATE CHILD FROM ONE INSTITUTION TO ANOTHER.

Whereas A B is now an inmate of the [*name of institution*] at _____

And whereas the Children's Welfare and Public Relief Board has determined that the said A B shall be removed to and detained at the [*name of institution*] at _____

These are therefore to require you, C D, forthwith to take the said A B from the said [*name of institution*] to the said reformatory school [*or as the case may be*], and there to deliver him to E F, the superintendent (*or matron*) thereof, together with a duplicate of this order; and you, the said E F, are hereby required to receive the said A B into the said reformatory school [*or as the case may be*], to be there detained in accordance with the copy mandate accompanying this order.

In witness whereof the seal of the said Board has been hereunto affixed this _____ day of _____, 19 _____.

(Seal of Board)

_____, *Secretary.*

To. C D, of [*residence and occupation*] and E F, superintendent (*or matron*) of the [*name of institution to which child is to be removed*].

Section 145.

No. 18.

Maintenance Act, 1926.

ORDER BY BOARD FOR RETURN BY FOSTER-PARENT OF STATE CHILD APPRENTICED OR PLACED OUT.

Pursuant to the provisions of the Maintenance Act, 1926, the Children's Welfare and Public Relief Board hereby orders and requires you forthwith to deliver A B, a State child apprenticed to (*or placed out with*) you, at the [*name of institution*] at _____ (*or to C D, of _____*), the bearer hereof, who is authorised by the Board to receive the said A B). [*Add, if so determined—The said Board hereby cancels the indentures of apprenticeship of the said A B whereby he was apprenticed to you (or revokes the agreement dated the _____ day of _____ 19 _____, whereby you were authorised to receive the said A B).*]

In witness, &c. [*as in Form No. 19*].

To G H [*name and address of parent or foster-parent*].

N.B.—Take notice that if you fail to comply with this order you will be liable to a penalty not exceeding £10.

No.

Maintenance Act.—1926.

No. 19.

Section 145.

Maintenance Act, 1926.

ORDER BY BOARD TO STATE CHILD APPRENTICED OR PLACED OUT TO RETURN TO AN INSTITUTION.

Pursuant to the provisions of the Maintenance Act, 1926, the Children's Welfare and Public Relief Board hereby orders and requires you forthwith to return with C D, the bearer hereof, to [name of institution] at (or to forthwith surrender yourself at the [name of institution] at).

In witness, &c. [as in Form No. 16.]

To A B [name of State child].

No. 20.

Section 165.

Maintenance Act, 1926.

LICENCE FOR LYING-IN-HOME.

In consideration of the sum of Five Shillings paid by of the premises hereunder mentioned, that is to say [describe the premises and situation], are hereby licensed to be kept and used as a place for the accommodation of females during their confinement and lying-in, subject to the provisions of the Maintenance Act, 1926, and the regulations thereunder, for the term of one year from the date hereof.

Dated this day of , 19 .

By order of the Children's Welfare and Public Relief Board,
(Seal.) , Chairman.

No. 21.

Section 168.

Maintenance Act, 1926.

LICENCE FOR FOSTER-MOTHER.

In consideration of the sum of One Shilling paid by of the said is hereby licensed as a foster-mother subject to the provisions of the Maintenance Act, 1926, and the regulations thereunder, for the term of one year from the date hereof.

The number of children under seven years of age to be kept by the said under this licence shall not at any time exceed .

Dated this day of , 19 .

By order of the Children's Welfare and Public Relief Board,
(Seal.) , Chairman.

THE THIRD SCHEDULE.

No. 1.

Section 66.

Maintenance Act, 1926.

COMPLAINT AGAINST HUSBAND.

The complaint of states that her husband (a) has been guilty of—

- I. Cruelty to informant on the day of 19 , at (d) and on the day of 19 , at (d).
- II. Cruelty to (b) and (b) children of the informant, on the day of at (d) and on the day of 19 , at (d) :
- III. Habitual drunkenness during the period from the day of 19 , to the day of 19 :
- IV. Indecent behavior before the children of the informant during the period from the day of 19 , to the day of 19 .
- V. Adultery with (c) on the day of 19 , at (d), and with (c) on the day of 19 , at (d) :
- VI. Desertion on the day of 19 :
- VII. Wilful neglect to provide reasonable maintenance for informant on the day of

VIII. Wilful

Maintenance Act.—1926.

viii. Wilful neglect to provide reasonable maintenance for informant's children
(b) and (b) on the day of 19 :
And the complainant applies for summary protection under the Act.

Laid before me at , this day of 19
[Signature of Complainant.]
Justice of the Peace.

NOTE.—

- (a) Fill in name, address, and occupation of husband.
(b) Fill in names of children.
(c) Fill in, if known, the names of persons with whom the adultery is charged.
(d) Fill in places.

Strike out all references to matters of complaint which are not intended to be established.

Section 68.

No. 2.
Maintenance Act, 1926.

SUMMONS.

To
of
As complaint has been laid by your wife that you have been guilty of [here copy the matter of complaint as set out in the complaint], you are summoned to appear on at at o'clock, before the Court of Summary Jurisdiction there sitting to answer an application for protection under the Act.

Given under my hand at this day of 19 ,
before me.

J.P.

Section 68.

No. 3.
Maintenance Act, 1926.

ORDER.

On the application of (a) for protection under this Act, the Court finds that her husband (b) has been guilty of—

- Cruelty to her on the (d) day of :
Cruelty to her children on the (d) day of :
Habitual drunkenness during the period from the day of
to the day of :
Indecent behaviour before her children during the period from the
day of to the day of :
Adultery on the (d) day of :
Desertion on the day of :
Wilful neglect to provide reasonable maintenance for her on the day
of :
Wilful neglect to provide reasonable maintenance for her children (c) on the
day of

The Court doth [here set out order in one or more of following paragraphs, as the case may require]—

- I. Relieve the informant from any obligation to cohabit with the said [here set out Christian and surname of husband]:
- II. Grant to informant the legal custody of her children (c):
- III. Grant to the said [Christian and surname of husband] the following rights of access to the children of the informant and the said , namely [here set out times and places, as far as possible, when access is allowed.]
- IV. Direct the said [Christian and surname of husband] to pay to [here set out informant or name of other person to whom money is to be paid] the sum of [here set out amount] per [here set out week or other period], such sum to be paid to the said [name of person to whom money is to be paid] on [here set out day on which money is to be paid, if so ordered] for the maintenance of the said informant [and, if custody of children granted, add " and of her children whose custody is granted to her."]

Dated at this day of 19

Special Magistrate.

NOTE.—

- (a) Fill in name and address of complainant.
(b) Fill in name, address, and occupation of husband.
(c) Fill in names of children.
(d) Fill in dates and places.