



ANNO TRICESIMO

VICTORIÆ REGINÆ.

A.D. 1866-7.

No. 12.

An Act to provide for the Relief and Maintenance of Deserted and Destitute Persons, and the Education and Advancement in Life of Orphan and Neglected, and Criminal Children, and for the Establishment and Government of Asylums, Schools, and other Institutions for the better carrying into effect the above objects, and for other like purposes.

[Assented to, 11th January, 1867.]

WHEREAS it is the natural duty of those persons who are of sufficient ability to maintain and support such of their relatives who from age or sickness are unable to support themselves; and it is desirable to consolidate and amend the Laws now in force for enforcing such duty, and to establish a Board to be called the Destitute Board, and Asylums, Schools, and places for the relief of indigent poor, and the instruction and bringing up of orphan, deserted, neglected, and criminal Children—Be it therefore Enacted, by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

Preamble.

1. This Act may be cited as the "Destitute Persons Relief Act, 1866."

Short title.

2. An Act No. 11 of sixth Victoria, intituled "An Act to provide for the maintenance and relief of deserted Wives and Children and other destitute Persons, and to make the property of Husbands and near relatives, to whose assistance they have a natural claim in certain circumstances, available for their support;" and an Act No.

Repeal.

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8 of 1848, intituled "An Ordinance to provide, by apprenticeship, for the protection, guardianship, and advancement in life of Emigrant Orphan Children, and other poor Children maintained at the public expense;" and an Act No. 2 of 1863, being "The Destitute Asylum Act, 1863," shall be and the same are hereby repealed, except as to any things done, appointments made, contracts entered into, orders made, offences committed, and penalties incurred; and except so far as may be necessary to support any orders, convictions, or other proceedings made, taken, or pending under any of the repealed Acts previously to the commencement of this Act.

Act divided into parts

3. This Act shall be divided into four parts, as follows:

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

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

PART III.—As to Industrial and Reformatory Schools; and binding deserted children as apprentices:

PART IV.—Protection to Officers and general matters.

PART I.

Destitute persons to be maintained by relatives.

PART I.—The maintenance of Indigent Poor by their Relatives:

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

Husband to maintain wife's children.

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

On application of destitute persons Justice to issue summons.

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

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

7. Upon the day appointed for hearing, any two Justices may hear and determine the matter of such complaint in a summary way, and upon such hearing the said Justices shall inquire as to the several persons who by this Act are bound to maintain their destitute relatives, and as to their means and ability, and, if they shall see fit, shall adjourn the further hearing of the said application and complaint,

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plaint, and may summon and require any other such persons who have not been summoned to appear at the day appointed for the adjourned hearing, and may, at the original or any adjourned hearing, dismiss the said application, either entirely or as regards such one or more persons against whom summonses have been issued as they may consider not of sufficient ability to maintain or contribute to the maintenance of such destitute person; and, in case they shall find any person or persons so able, shall fix such a moderate sum or rate as in their discretion ought to be allowed for the maintenance of such destitute person, and the periods at which the same is to be payable, and shall appoint a person to whom and a place where such payment shall be made; and in case two or more persons shall be found so able, the said Justices shall assess the several proportions upon the said persons according to their respective abilities, and thereupon shall make an order in writing directing the payment of the said rate or sum or sums so assessed accordingly.

8. When any husband unlawfully deserts his wife, or leaves her without adequate means of support, or where any father deserts his children, whether illegitimate or born in wedlock, or leaves them without adequate means of support, any Justice may, upon application or complaint thereof made by or on behalf of such wife or children, issue a summons to such husband or father to show cause why he should not support his wife or children, or such Justice, if a Special Magistrate, may, in his discretion, issue his warrant for the apprehension of such husband or father in the first instance.

Husband or father deserting wife or children may be summoned.

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

Such complaint to be heard by two Justices in a summary way, and order to be made thereon.

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

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

11. If it shall be made to appear to any two or more Justices that any defendant will endeavor to evade compliance with any order as aforesaid, or when any such defendant shall have wilfully made default in any payment, such Justices may require the defendant, either immediately or at some adjournment, to find such good and sufficient surety or security, to the satisfaction of the Justices then present,

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

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present, or present at any adjourned hearing, that he will comply with such order of maintenance, or that he will not desert or leave without adequate means of support his said wife or children; and such Justices may, in default of such surety or security being found, commit the defendant to gaol, either generally until such order be complied with, or for some definite period if such order be not sooner complied with: Provided that it shall be lawful for any two Justices to determine upon the sufficiency of any proposed surety or security, and to whom and in what manner the same shall be made; and any Justice, upon being satisfied that the same has been duly made and perfected, may order the discharge of the said husband or father from gaol or custody.

Justices may authorize responsible persons to receive rents, &c., of husband failing to comply with order.

12. If it be made to appear upon oath, to the satisfaction of any two Justices, that any husband or father has deserted his wife or his children, and has failed to comply with any order of maintenance, they may by their order authorize some responsible person forthwith to receive so much of his income, whether arising from the rent and profits of his real estate, or the interest of any money lent out upon interest, or to seize and take the personal estate of such husband or father, and from time to time to sell and dispose of so much thereof as the said Justices shall think fit, and to appropriate the proceeds towards the payment of any allowance in such manner as they from time to time direct.

Wife and husband competent and compellable to give evidence.

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

Provision as to illegitimate children.

14. The provisions of this Act shall extend to and include illegitimate children so far as regards the father or mother of such children, provided that no man shall be taken to be the father of any illegitimate child upon the oath of the mother only: Provided also, that in every case where it shall appear to the Justices that the mother of an illegitimate child is able to contribute to its support, it shall be lawful for them to direct that she shall so contribute as well as the father, in such proportions respectively and in such manner as such Justices shall think fit; and if in any such case it shall appear that the mother only is of such ability, it shall be lawful for the Justices to make an order in respect of her alone.

Proceedings for enforcing orders.

15. It shall be lawful for any two Justices from time to time to make such orders in writing for better securing the payment and regulating the receipt of any allowance under this Act, or for investing and applying the proceeds of the goods or rents (if any) directed to be sold or collected, or for insuring the due application of such allowance to the *bonâ fide* purposes of maintenance, or for causing any child or children to be properly brought up and educated.

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16. It shall be lawful for the Governor, with the advice and consent of the Executive Council, to appoint a Chairman and four other persons to form a Board to be called the Destitute Board, to carry this Act into execution, and from time to time, at pleasure, to remove any member of the said Board for the time being, and upon every vacancy in the said Board, either by removal, resignation, or death, to appoint some other fit person to the said office; and until such new appointment it shall be lawful for the surviving or continuing member or members to act as if no such vacancy had occurred.

Appointment of Destitute Board.

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

Quorum of Board.

18. The said Board may, subject to the approval of the Governor and Executive Council, from time to time, by order, appoint a superintendent of each asylum, school, or place under their control, and the Superintendent at the Asylum in Adelaide for the relief of destitute persons, called the Destitute Asylum, shall also act as secretary to the said Board, and the said Board may also, subject to the like approval, remove such superintendent.

Appointment of Superintendents.

19. The said Board may also from time to time, by resolution of the said Board, appoint such fit and proper persons to be teachers, officers, and servants, as may be allowed by the Governor, with the advice aforesaid, and may remove such persons.

Appointment of officers.

20. The said Destitute Board shall, subject to the regulations of the Public Service, have the administration of all funds voted by Parliament for the relief of the destitute poor, and all funds which may be given or left to them by benevolent persons, and have the care and management of asylums, institutions, or places for the reception and relief of destitute persons, and the control and supervision of schools for the education, employment, and training up of destitute children, and the apprenticing children as provided by this Act, and shall have the ordering of the persons and property of such destitute persons and children so long as they shall be within any asylum, school, or place so under their control.

Functions and duties of Board.

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

Board to have a seal.

22. The

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Board to make rules
and regulations.

22. The said Board shall from time to time make rules and regulations in respect of the matters aftermentioned; and such rules and regulations when approved by the Governor with the advice aforesaid, shall have the force of law; and a copy of such rules and regulations published in the *Government Gazette* shall be received in evidence and judicially noticed, and shall, until the contrary be shown, be deemed sufficient evidence of such rules and regulations, and that the same were duly made and approved:

- I. For the inquiry into and ascertaining the proper objects of relief:
- II. For the admission of persons into any asylum, being wayfarers, wanderers, and other casual poor:
- III. For the affording out of any asylum by their officers of temporary relief, in cases of emergency or urgent necessity:
- IV. For the burial of destitute persons, and the remuneration therefor:
- V. For the maintenance of order, discipline, decency, health, and cleanliness amongst the inmates of any asylum, school, or place under their control:
- VI. For obtaining and enforcing orders for maintenance upon persons who are by law liable to support their destitute relatives; and for obtaining reimbursement of sums paid for relief afforded to indigent persons, and expenses incurred in burials, from persons liable to pay the same:
- VII. For the employment of the inmates of any asylum; and for prescribing task-work or other labor to be done by persons relieved in any asylum, and for separating into classes and keeping separate in any asylum the inmates thereof:
- VIII. For the prosecution of offenders against this Act, or the rules and regulations made in pursuance thereof:
- IX. For prescribing the forms of indentures of apprenticeship, and assignment of such indentures:
- X. For the keeping records of the proceedings of the said Board, and of the officers thereof, and accounts of the receipt and application of all moneys, distinguishing cases of emergency from relief ordered by the said Board:
- XI. For prescribing the duties of the several officers of the said Board; and for keeping proper records, books, accounts, and vouchers:
- XII. For causing all children apprenticed or licensed to reside with any person to be duly visited by some person authorized by the said Board, at least twice in every year:

And until such rules and regulations shall be made, the rules and regulations made by virtue of "The Destitute Asylum Act, 1863," and published in the *Government Gazette*, April 7, 1864, shall so far as the same are applicable, be deemed of the like force and effect

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as if made under the powers of this Act: Provided that such rules and regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then sitting; or, if Parliament be not then sitting, within fourteen days after the commencement of the then next Session of Parliament.

23. It shall be the duty of the said Board to cause the funds at their disposal to be duly and economically administered, to determine the proper objects of relief, and the nature and amount thereof, to cause accurate minutes and accounts to be kept, and a summary or report of the accounts and proceedings of the said Board to be laid before Parliament at least once in every year; and the said Board shall cause a record to be kept, showing full particulars, as far as known, of all children who shall be dealt with by the said Board under this Act, and of their parents, and of all dealings with such children.

Board to administer funds economically, and to keep accounts, &c.

24. All relief given by the said Board, or under the provisions of "The Destitute Asylum Act, 1863," to or on account of any wife, or to or on account of any child or children under the age of sixteen, shall be considered as given to the husband of such wife, or to the father of such child or children, if he be alive, and, if not, then to the mother, as the case may be: Provided that if it appear that the husband of any wife is out of the said Province, or in custody of law, or is lunatic or idiot, all relief given to such wife or her child under the age aforesaid, shall notwithstanding her coverture, be given to such wife in the same manner and subject to the same conditions as if she was a widow.

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

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

Cost of past maintenance may be recovered.

26. Any person offending against any of the rules or regulations in force under the provisions of this Act shall, upon conviction thereof by two or more Justices of the Peace, forfeit and pay a penalty not exceeding Five Pounds, or be imprisoned, at the discretion of such Justices, with or without hard labor, for any term not exceeding three calendar months.

Penalty for breach of rules.

27. Any

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Penalty for false pretences to obtain relief.

27. Any person who shall obtain from the said Board, or from any officer administering the funds thereof, any pecuniary or other relief or assistance, or any goods or chattels or other property, by way of gift or loan, by means of any false pretence; and any person in any asylum who shall wilfully waste, spoil, or damage any of the wearing apparel, tools, implements, or utensils, or other property committed to his charge shall, upon conviction thereof before a Local Court of full jurisdiction, be liable to imprisonment with hard labor for any term not exceeding six calendar months, and to forfeit or pay a fine or penalty of double the cost of the food and other necessaries and goods obtained by means of such false pretence.

Penalty for fraudulent appropriation of property of Asylum.

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

PART III.

Industrial schools to be established.

PART III.—As to Industrial and Reformatory Schools:

29. It shall be lawful for the Governor, with the advice and consent of the Executive Council, to establish for the purposes of this Act industrial schools, and every such school shall be occupied by and used for males or females exclusively, as the Governor, with the advice aforesaid, may direct.

Reformatory schools to be established.

30. It shall be lawful for the Governor, with the advice and consent of the Executive Council, to establish for the purposes of this Act reformatory schools, and every such school shall be occupied by and used for males or females exclusively, as the Governor, with the advice aforesaid, may direct.

Private schools to be within the Act.

31. If any school shall be established by private contributions, for the education, support, and reformation of neglected children, and shall be likewise supported to the extent hereinafter mentioned by private contributions, and shall be approved by the Governor, with the advice aforesaid, for the purposes of this Act, the same shall and until such approval shall be withdrawn be deemed to be an industrial school or a reformatory school (as the case may be) within the meaning of this Act; but if any such school shall be supported for any one or more than one religious denomination exclusively, no child shall be sent to the same unless he or she shall be a member, or his or her parents shall be or have been members, of such denomination, or of one of such denominations if more than one; and every order approving such school shall state the denomination (if any) for which the same is supported: Provided that

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that every such private school shall at all times be open to the inspection of the said Board.

32. The accounts of every school established by private contributions, as in the last section mentioned, shall be audited once at least in every year by auditors appointed by the Auditor-General, who for the purposes of such audit, shall exercise all the powers now exercised by the Auditor-General in reference to the auditing of the public moneys and accounts: Provided that such school accounts shall be kept separate, and the accounts of the industrial shall be kept distinct from those of the reformatory schools. Every such school shall be entitled to receive out of the general revenue a sum equal to twice the amount, exclusive of any sums contributed by parents or step-parents, which the auditors shall certify to have been collected and received by private contributions for the said school, and to have been expended in the maintenance of the children therein for and during the preceding year: Provided always that the total amount to be granted out of the general revenue to any such school shall not exceed a sum calculated at the rate of Five Shillings per week for every child maintained in such school in accordance with the provisions of this Act during the preceding year or any part thereof: Provided that no such payment shall be made except out of such sums as may have been specially appropriated by Parliament for that purpose.

Accounts of such school to be audited.

Endowment out of consolidated revenue.

33. The Governor, with the advice aforesaid, shall direct a report of the condition, management, and regulations of every such school, as is in the last preceding section mentioned, to be made to him at least once in each year by such person as the Governor, with the advice aforesaid, may appoint; and if upon his report the Governor, with the advice aforesaid, is dissatisfied with the condition, management, or regulations of the school, he may withdraw his approval from such school, and from and after notification thereof in the *Government Gazette*, such school shall cease to be an industrial or reformatory school, as the case may be, within the meaning of this Act, and shall no longer be entitled to receive aid from the general revenue: Provided, nevertheless, that the Governor, with the advice aforesaid, shall not withdraw his approval of any such school until after the lapse of two months from the time that a duplicate of the report aforesaid shall be transmitted to the superintendent, matron, or managers of such school: Provided also that the Minister, in whose department this Act may for the time being be administered, shall yearly lay before Parliament a report of the condition, management, and regulations, and a general account of the receipts and expenditure of all such schools up to the last day of December next preceding.

Inspection of private schools.

34. Every boy and girl under the age of sixteen years shall be deemed to be a "child" within the meaning and for the purposes of this Act, and in case there shall be no satisfactory evidence of the age of any such boy or girl, the opinion of the Court, or Justice dealing

Who to be deemed "children" and "inmates."

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dealing with him or her, under the provisions hereinafter contained shall be sufficient proof of his or her age, and every person detained (under the provisions hereinafter contained) in any such school as aforesaid, shall be deemed to be an "inmate" thereof, within the meaning of this Act.

What children to be deemed "neglected."

35. Every child who answers to any of the descriptions hereinafter mentioned shall be deemed to be a "neglected child" within the meaning and for the purposes of this Act—

- i. Any child found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms.
- ii. Any child who shall be found wandering about or frequenting any street, thoroughfare, tavern, or place of public resort, or sleeping in the open air, and who shall not have any home, or settled place of abode, or any visible means of subsistence.
- iii. Any child who shall reside in any brothel, with other than the parent of such child, or associate or dwell with any person other than aforesaid, known or reputed to be a thief, prostitute, or drunkard, or with any person convicted of vagrancy under any Act now or hereafter to be in force.
- iv. Any child who, having committed an offence punishable by imprisonment, or some less punishment, ought, nevertheless, in the opinion of the Justices, regard being had to his age, and the circumstances of his case, to be sent to an industrial school.
- v. Any child whose parent represents that he is unable to control such child, and that he wishes him to be sent to an industrial school, and gives security to the satisfaction of the Justices before whom such child may be brought, for payment of the maintenance of such child in such school.
- vi. Any child who, at the time of the passing of this Act shall be an inmate of the asylum commonly known as the Destitute Asylum.
- vii. Any convicted child who may be directed to be received in any industrial school under the provisions hereinafter contained.

Neglected children may be taken before Justices.

36. Every child who shall be found by any constable under circumstances which make such child a "neglected child," within the definition aforesaid, may be immediately apprehended by such constable, without any warrant, and forthwith taken before some two or more Justices of the Peace, to be dealt with according to this Act.

Neglected children to be detained.

37. Whenever any child shall hereafter be brought before any two or more Justices, and charged with being a "neglected child," the said Justices shall proceed to hear the matter of the said charge, and if the same

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same shall be established to the satisfaction of the said Justices, it shall be lawful for them to direct such child to be sent forthwith to any one of the said industrial schools, occupied by and used for his or her sex, to be there detained for not less than six months, nor more than seven years; and no child except a "neglected child," within the meaning of this Act, shall be sent to, or maintained at any industrial school: Provided that no such child shall remain in such school after he or she shall have attained the age of sixteen years.

38. Whenever any child shall hereafter be convicted of any offence punishable by law, either upon information or summary conviction, it shall be lawful for the Judge, or the Special Magistrate of a Local Court before which, or for any two or more Justices by whom, such child shall be so convicted, in addition to the sentence which may then and there be passed as a punishment for the said offence, to direct such child to be sent at the expiration of such sentence, to any one of the reformatory schools, occupied by and used for his or her sex, to be there detained for not less than one year or more than seven years: and every such child shall be deemed a convicted child; and no child except a "convicted child," within the meaning of this Act, shall be sent to or maintained in any reformatory school: Provided that no such child shall remain in such school after he or she shall have attained the age of sixteen years.

Convicted children to be detained.

39. If at the time when any reformatory school is established under this Act, any child shall be imprisoned under sentence for an offence punishable either upon information or summary conviction, the keeper of the gaol wherein such child shall be imprisoned, shall take such child before two or more Justices, who may, if they think fit, direct such child to be sent to and detained in any one of the said reformatory schools, in like manner as if such child had been committed by them after the passing of this Act: Provided always that no such child as last aforesaid shall be sent to or detained in any reformatory school, unless the unexpired term of imprisonment of such child shall be at least six months, nor for any longer period than such unexpired term.

Children in gaols to be detained.

40. Whenever any convicted child has been detained in any reformatory school during the period for which he was ordered to be detained, and the conduct of such child during such detention has been such as to merit his being sent to an industrial school, the superintendent of such reformatory school may bring such child before any two or more Justices of the Peace, and thereupon such Justices may order such child to be sent to some one of the industrial schools, there to be maintained until such child shall attain the age of sixteen years.

A convicted child may be sent to industrial school as reward for good conduct.

41. When the Judge, or Special Magistrate, or any two or more Justices, shall direct any "convicted child" to be detained under the provisions of this Act, such direction shall not be included in, or form any part of the judgment and adjudication of such Court or Justices, but shall be a distinct and collateral proceeding.

Order not to form part of judgment.

42. Whenever

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Mandate for detention.

Schedule.

Mandate to be a defence to actions.

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

Power to discharge child.

Children may be put out to service on certain conditions.

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

43. In every action for anything done in obedience to any such mandate as aforesaid, by any person to whom the same may be directed, or by any other person by his authority or command, it shall be sufficient for the defendant to justify under such mandate alone, without setting forth the previous proceedings, in like manner as any Sheriff can and may justify, under any writ or execution issued out of the Supreme Court in any civil action, and proof of the matters alleged shall be sufficient evidence in support of such plea.

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

45. Notwithstanding the provision lastly hereinbefore contained, it shall be lawful for the Governor, at any time during the detention under the provisions of this Act, of any such inmate as aforesaid, to order the release of such inmate from the industrial or reformatory school in which he or she may be detained, and he or she shall, upon the production of such order be discharged accordingly, and to remove any such inmate from any industrial or reformatory school maintained at the sole expense of the State to any other industrial or reformatory school under this Act, or from any industrial or reformatory school partly maintained by private contributions, to any other such school as last aforesaid; but no inmate shall be transferred from any industrial or reformatory school partly maintained by private contributions to any other such school unless he or she shall be a member, or he or she shall have been members, of the denomination, or one of the denominations, by which the said last-mentioned school shall be partly maintained.

46. Notwithstanding anything herein contained, it shall be lawful for the said Board to place any inmate of any industrial or reformatory school to reside with some person to be named in the licence hereinafter mentioned, who shall be willing to receive and take charge of, and qualified to provide for and take care of such inmate, and to grant to such inmate a licence to reside with the person so to be named therein as aforesaid, for any term not exceeding the term

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

47. The grand-parent, parent, or step father of every such inmate shall (if of sufficient ability so to do) contribute to his or her support while so detained: Provided that such contribution shall not exceed Ten Shillings a week for the maintenance of such inmate.

Parents liable to contribute to support.

48. The Destitute Board may bind any neglected child who shall have been ordered to be sent to an industrial school, either during the term of such order or on its expiration, to be apprenticed to such useful calling or occupation as shall be approved by the Board, for a period not exceeding seven years; and such binding shall be as effectual as if such child were of full age and by indenture bound himself: Provided, however, that in case any such female apprentice shall, previous to the expiration of the said apprenticeship, marry, or attain the age of nineteen years, then her apprenticeship shall cease and determine.

Board may apprentice neglected children.

49. Indentures of apprenticeship shall contain such covenants and provisoes on the part of the master to whom such child shall be bound for the providing such apprentice with food, lodging, clothing, and other necessaries proper for an apprentice, having regard to the condition in life of the said master and apprentice respectively, and for the due payment of the wages (if any) agreed for, and shall be in the form prescribed by the rules and regulations aforesaid, and shall be executed in duplicate by the Chairman of the said Board, on behalf of the said child, and by the master respectively.

Form of indentures of apprenticeship.

50. The Board may provide in any indenture that, such proportion of the wages to become due to the apprentice as may be fixed by the Board generally, or in each particular case, shall be deposited by the master in the Savings Bank of South Australia, on account of such apprentice; and every such deposit shall be deemed and

Wages may be deposited in Savings Bank.

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and allowed as a payment to such apprentice, but shall not be withdrawn by the apprentice without the consent of the Chairman of the said Board until the expiration of the indentures of apprenticeship.

Indentures of apprenticeship may be assigned with consent of Board.

51. The master of any such apprentice may, with consent of the said Board, assign such apprentice to any fit and proper person; and every such assignment shall be in the form prescribed by the rules and regulations aforesaid, and shall be executed in duplicate by the old and new master respectively, and the consent of the said Board shall be notified under the hand of the Chairman upon the said parts respectively, and the part signed by the new master shall be kept by the said Board.

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

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

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

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

Master to give notice to Board of his removal.

54. Every master to whom any apprentice has been bound or assigned shall, before or immediately on the removal of such master to some other city, town, township, district, or place than those in which such master resided when the indentures were executed, give notice in writing to the said Board of such removal or intended removal, and of the place where such master has removed or intends to remove, and so on as often as the said master shall so remove: And the said master shall in like manner give notice to the said Board of the death, serious illness, or absconding of any such apprentice; and every master offending against this provision shall, on conviction before two or more Justices of the Peace, be liable to forfeit and pay a fine for each offence not exceeding Ten Pounds.

And of death, illness, or absconding of apprentice.

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

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

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

56. Two or more Justices of the Peace of the said Province, upon any complaint by or on behalf of any such apprentice, touching or concerning any breach of any stipulation in any indentures of apprenticeship, or touching or concerning any cruelty, or other ill-treatment of or towards such apprentice by his or her master or mistress, shall have power to hear and determine the matter of such complaint in a summary way, and either to dismiss the information, or to impose any reasonable fine, not exceeding the sum of Ten Pounds, upon such master as a punishment for any such ill-treatment as aforesaid; and such Justices may, if they see proper, discharge such apprentice, by warrant and certificate under their hands and seals, from such apprenticeship.

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

57. Two or more Justices of the Peace, upon application or complaint made by any master against any such apprentice, touching or concerning any misdemeanor, miscarriage, or misbehaviour in such his or her service, to hear and determine the same in a summary way, and either to dismiss the information or to punish the offender by commitment to the nearest gaol or house of correction, there to be kept in confinement on bread and water for any time not exceeding fourteen days; and such Justices may, in his or their discretion, and as the justice of the case may require, on the application of the master, either with or without such punishment, discharge such apprentice from his or her apprenticeship, in the like form and manner as hereinbefore directed.

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

58. Where any Justices of the Peace shall discharge any apprentice from his or her apprenticeship, under the provisions of this Act, such Justice shall forthwith intimate their decision to the Board, who shall have power if they think fit to further dispose of such apprentice as to the said Board shall seem meet.

Decision of Justices to be intimated to Board.

59. The Board or some member thereof, or some person nominated by the said Board, shall once in every year visit every such apprentice, and ascertain whether the terms of the said indentures have been fulfilled; and for such purposes every such master or mistress shall personally produce any such apprentice, on the request of such visitor, or show sufficient cause for his or her absence.

Board or other persons duly appointed to visit and report.

60. The superintendent of every industrial and reformatory school, with the consent in writing of the said Board, shall and may manage and demise for any term not exceeding three years the lands of, or to which any inmate of such school is seized, possessed, or entitled, and shall and may make allowances to 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

Superintendent may manage and let estate of inmates.

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effectually as such inmate, if of the full age of twenty-one years, could do.

And may collect their rents.

61. The superintendent of every industrial and reformatory school, with such consent as aforesaid, shall and may demand, sue for, collect, and receive all the rents and profits which shall be due to any inmate of such school, and shall 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 said rents and profits, or any of them, or any part thereof, 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 or profits shall be unpaid, and for the same rents and profits and the costs and expenses incurred by or incidental to the non-payment thereof may distrain, and the distresses 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: Provided a correct account be kept of all moneys received by such superintendent on behalf of any inmate of such school, and yearly produced to the satisfaction of the said Board.

And bring actions.

62. The superintendent of every industrial and reformatory school, when required by the said Board, shall and may, in the name and on behalf of any inmate of such school, commence and prosecute at law and in equity all actions, suits, claims, demands, and proceedings touching any lands, estate, interest, or rights of any inmate of such school, 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.

And employ agents.

63. The superintendent of every industrial and reformatory school, when required by the said Board, shall and may appoint and remove any attorney or agent under him, in respect of all or any of the matters aforesaid, upon such terms and for such remuneration as the said Board shall think fit.

Visitors.

64. Subject to the regulations to be made as hereinbefore mentioned, all executive councillors, all members of the Legislature, all Judges of Courts (whether of record or otherwise), and all Justices shall be entitled to visit every such school as aforesaid, and shall have admission to the same accordingly.

Ministers of religion to have access.

65. Subject to the regulations to be made as hereinbefore mentioned, all ministers of religion shall have admission to every industrial and reformatory school maintained at the sole expense of the State, and may give instruction on the days and at the times allotted by such regulations for the religious education of the inmates of their particular denominations respectively. 66. Every

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66. Every person who by virtue of the provisions hereinbefore contained is entitled to visit any such school as aforesaid, and every minister of religion may inscribe in a book (to be for that purpose provided and kept in such school by the superintendent thereof) any remarks or observations which he may think fit to make touching or concerning such school, and the superintendent, matron, teachers, officers, servants, or inmates thereof, or any of them.

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Visitors' book.

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

Penalty for permitting escape.

68. If any inmate of any industrial or reformatory school shall abscond therefrom, or wilfully damage or destroy any real or personal property belonging to any such school, or wilfully neglect or refuse to obey or conform to any such regulation as aforesaid, such inmate (if a male) shall, on conviction thereof before two or more Justices, be liable, at the discretion of such Justices, to be privately whipped; and such inmate may, if he has absconded, be ordered by the said Justices to be sent back to the school, and to be there detained until he reaches the age of sixteen years, or for such shorter period as the Justices think fit.

Penalty for absconding.

69. Any person who shall directly or indirectly withdraw from any industrial or reformatory school any inmate thereof, or counsel or induce him or her to abscond therefrom before he or she has been regularly discharged, or who knowing any such person to have been withdrawn, or to have absconded from any industrial or reformatory school, shall harbor or conceal, or assist in concealing, such person, or prevent him or her from returning to such school, shall, on conviction thereof, forfeit and pay any sum not exceeding Ten Pounds.

Penalty for withdrawing or harboring inmates.

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

Penalty for communicating with persons detained.

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

Forms in schedule deemed valid.

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72. Every proceeding under this Act, for omissions, defaults, acts, or offences, to which any penalty is attached, and all applications for orders where no other method of proceeding is by this Act provided,

Summary procedure.

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vided, shall be had and taken and may be heard and determined in a summary way, by any Special Magistrate or two Justices, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6 of 1850, "To facilitate the performance of the duties of Justices of the Peace out of sessions with respect to summary convictions and orders," or of any Act hereafter to be in force relating to the duties of Justices with respect to summary convictions and orders, and all convictions and orders may be enforced, as in the said Ordinance, or in any other Act is or shall be provided.

Proceedings for penalties, appeals, &c.

73. Any two Justices shall have power at any time in a summary way to inquire into the disobedience or alleged disobedience of or non-compliance with any order made under the provisions of this Act, and to enforce compliance or punish the non-compliance with such order, either by the imprisonment (with or without hard labor) of the party offending for a period not exceeding six calendar months, unless the same shall be sooner complied with, or by the imposition of a fine of not less than Five Pounds nor more than Fifty Pounds.

Forms of proceedings.

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

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

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

Appeal to Adelaide Local Court of Full Jurisdiction.

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

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

77. The Local Court of Adelaide, upon the hearing of any appeal, may state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court

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on special cases, and the Supreme Court shall make order as to costs of any special case as to the said Court shall appear just; and any two or more Justices, or the Local Court of Adelaide, shall make an order in respect to the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court, or of any Judge thereof; which order of the Justices or Local Court shall be expressed in manner provided for the enforcement of orders of Justices, under the said Ordinance No. 6 of 1850, or other Act as aforesaid; and save as herein provided, no order or proceeding of any Special Magistrate or Justices, or of any Local Court, made under the authority of this Act, shall be appealed against, or removed by *certiorari*, or otherwise, into the Supreme Court of the said Province.

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

Appropriation of moneys.

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

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

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

Actions to be commenced within six calendar months.

In the name and on behalf of the Queen, I hereby assent to this Act.

D. DALY, Governor.

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SCHEDULE REFERRED TO.

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

Whereas A. B. a boy [or girl] has been brought before the undersigned a Special Magistrate [or two of Her Majesty's Justices of the Peace], for that he [or she] the said A. B. was found begging, &c., [or resided in a certain brothel, &c., or was at the time of the passing of the "Destitute Persons Relief Act, 1866," an inmate, &c., or was on the day of 18 , convicted at the criminal sittings of, &c., or by and before the Local Court of, &c., and was on the day of [date of establishment of reformatory school] in prison in the gaol at Adelaide, under sentence in such conviction: And whereas we have directed the said A. B. to be sent to the Industrial School, at , for the term of thence next ensuing, or until the day of . These are to require you to whom this mandate is directed to take the said A. B. to the said Industrial School, and there to deliver him to the superintendent thereof, together with a duplicate of this mandate; and the said superintendent is hereby required to receive the said A. B. into the said school, there to be retained for the last-mentioned period, unless the said A. B. shall in the meantime be discharged in due course of law.

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

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

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

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

Licence for service of an Inmate of a School.

Whereas A. B. is an inmate of the Industrial or Reformatory School at ; and whereas X. Y., of [here state residence and occupation], is willing to receive and take charge of the said A. B. for the term of years upon receiving the sum of [weekly, monthly, or annually], from the fund at our disposal, [or without fee or reward]. These are to authorize the said X. Y. to take the said A. B. from the said school to serve the said X. Y., and to be by him received, kept, maintained, clothed, and educated during the said term in accordance with "Destitute Persons Relief Act, 1866."

By order of the Destitute Board,

S. B., Chairman.
[Seal of Board].

To Mr. X. Y.