

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

Secretary may recover wages. No. 31 of 1907, s. 48, as amended by No. 22 of 1927, s. 3, and this Act.

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

Indentures of apprenticeship and licenses may be assigned with consent of Minister. No. 31 of 1907, s. 49, as amended by No. 22 of 1927, s. 3, and this Act.

(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 Secretary by the assignor, and thereafter the indenture or license 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.

(3) Every foster-parent who assigns any indenture of apprenticeship or license without such consent as aforesaid shall be guilty of an offence against this Act, and the assignment shall be null and void.

58. (1) On the death of the foster-parent of any ward, 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 Secretary 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.

On death of foster-parent, widow, etc., may nominate new foster-parent. No. 31 of 1907, s. 50, as amended by No. 22 of 1927, s. 3.

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

59. If the foster-parent of any ward shall become bankrupt or become unable to maintain and employ such child, or shall be about to remove from the State, the Secretary 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

Indentures and licenses may be cancelled. No. 31 of 1907, s. 51, as amended by No. 22 of 1927, s. 3, and this Act.

from every covenant and agreement therein contained or thereby implied; and, by the same or any other order, may direct the child to be placed in an institution to be therein named.

Change of residence to be notified by foster-parent.
No. 31 of 1907, s. 52, as amended by this Act.

60. No foster-parent shall change his place of residence without in every case giving to the Secretary such notice as may be prescribed.

Notice to be given if child absconds, becomes ill, or dies.
No. 31 of 1907, s. 53, as amended by No. 22 of 1927, s. 3.

61. If a ward 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 in every such case as may be prescribed.

Penalty for ill-treating ward apprenticed, etc.
No. 31 of 1907, s. 54, as amended by No. 22 of 1927, s. 3.

62. Every foster-parent who ill-treats, injures, or neglects any ward placed out with or apprenticed to him shall be liable to a penalty of not exceeding twenty pounds, or to imprisonment with or without hard labour for any term not exceeding six months, and the court acting in co-operation with the Arbitration Court may discharge the child from the apprenticeship or license, and order him to be sent to an institution.

Department to have general supervision of wards.
No. 31 of 1907, s. 55, as amended by No. 22 of 1927, s. 3, and this Act.

63. The Department shall have general supervision over all wards detained in any institution or placed out for adoption or otherwise, or apprenticed.

Apprenticed and placed-out children to be visited.
No. 31 of 1907, s. 56, as amended by No. 22 of 1927, s. 3, and this Act.

64. (1) The Secretary shall cause all wards apprenticed or placed out to be visited once at least in every six months by an officer of the Department, or person appointed for that purpose by the Secretary, to ascertain whether the stipulations of the indentures of apprenticeship respecting such children have been fulfilled, and that the treatment, education, and care of such children are satisfactory.

(2) The governing authority of any institution or any person authorised by such governing authority may for the like purpose visit any ward apprenticed or boarded out.

(3) Every foster-parent shall, at the request of any such officer, governing authority, or person personally produce the child apprenticed or placed out to or with

him, or show cause to the satisfaction of the officer, governing authority, or person, for the non-production or absence of such child.

65. The Minister may pay to the governing authority of any subsidised institution, for the maintenance therein of any ward, such sum and for such periods as may be prescribed.

Minister may pay for maintenance of child.
No. 31 of 1907, s. 57, as amended by No. 22 of 1927, s. 3.

66. The Minister may pay to the foster-parent or foster-mother of any ward, for the care and maintenance of such child, such sum as may be prescribed.

Payments for maintenance of wards to foster-parents.
No. 31 of 1907, s. 58, as amended by No. 21 of 1919, s. 17, and No. 22 of 1927, s. 3.

PART V.—MAINTENANCE OF CHILDREN BY THEIR RELATIVES.

67. The near relatives of any child shall be liable to pay or contribute towards the maintenance of such child according to their several abilities, and in the following order, namely:—

Order of liability for maintenance of any child.
No. 31 of 1907, s. 59, as amended by s. 5, No. 14 of 1921,

(a) In the case of a legitimate child—Father, mother, step-father, step-mother.

(b) In the case of an illegitimate child—Father, mother.

68. (1) Upon complaint that any persons are near relatives of any child, and are able to pay or contribute towards the maintenance or past maintenance of such child, such persons or any of them may be summoned to appear before the court 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.

On complaint Court to issue summons.
No. 31 of 1907, s. 60, as amended by s. 5, No. 14 of 1921, s. 5 and No. 22 of 1927, s. 3.
cf. s. 75 (1) post.

(2) All complaints under this Part of this Act relating to a ward, except where otherwise expressly provided, shall be made by or on behalf of the Secretary.

69. (1) At the time and place appointed for the hearing of such complaint the court may adjourn the hearing, and may summon any other persons alleged to be near relatives to appear at the adjourned hearing; and may, at the original or any adjourned hearing, if the court is satisfied that the persons so summoned, or

Court may order payment of maintenance.
No. 31 of 1907, s. 61, as amended by No. 31 of 1926, s. 6, and No. 22 of 1927, ss. 3 and 8.
cf. ss. 70 and 136 post.

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 in the case of a ward to the Department or a governing authority, or, in the case of any other child, to the Department, or to the complainant, or any person whom the court shall select, as the court may think fit—

(a) of such sum for past maintenance of the child as may seem sufficient; and

(b) of such sum for future maintenance, and for such period as may seem sufficient, but not being more than one pound per week.

(2) If an order is made against two or more near relatives, one order may be made against all of them, or separate orders may be made against each or any of them jointly or severally, as to the court may seem fit, so that such persons shall not be liable to pay more than one pound a week in the aggregate in respect of any one child.

(3) No order shall be made for payment in advance of future maintenance, otherwise than by periodical instalments not exceeding four weeks in advance, without the consent of the Minister.

(4) The court may at any time and from time to time alter any order made hereunder so far as regards the recipient of the money payable thereunder, and in particular may direct, in the case of a child in respect of whom an order has been made and who has become a ward after the making of the order, that the money payable under such order shall be paid to the Department or a governing authority.

Order may be made in proceedings under sections 30, 32 and 34. No. 21 of 1919, s. 19. cf. ss. 30, 32, 34 and 69, ante.

70. An order may be made under section sixty-nine in any proceedings under sections thirty, thirty-two, or thirty-four without any complaint having been made against or summons served on the near relative, provided that he is either present in court when the order is applied for or that he has received the prescribed notice of the intention to make the application.

71. Every maintenance order shall be served upon the persons against whom the same is made personally, or in such manner and at such place as may be prescribed, or as the court shall direct; but the order shall take effect from the time of its pronouncement, notwithstanding that the formal order may not have been signed or served.

Order to take effect from pronouncement. No. 31 of 1907, s. 62, as amended by this Act.

72. Upon the hearing of any complaint in respect of the maintenance of a legitimate child, the allegations in the complaint that the person complained against is a near relative liable to maintain, and is of sufficient means to maintain the child, and that any sum has been expended upon, or is due or owing for, or in respect of the maintenance of the child, shall be received as *prima facie* proof of such allegations respectively; and the onus of proving that such person is not a near relative, as stated in the complaint, or is not of sufficient means to maintain such child, or that some other person is prior in order of liability, or that the sum stated in the complaint to be expended, or due, or owing is not due, or owing, or was not expended, shall lie upon the defendant.

Allegations in complaint *prima facie* evidence. No. 31 of 1907, s. 63.

73. Upon the hearing of a complaint against any person in respect of the maintenance of an illegitimate child, of which the defendant is alleged to be the father, the court may adjudge him to be the father thereof, but shall not so adjudge him or make any order against him under this part—

Court may adjudge person to be father of illegitimate child. No. 31 of 1907, s. 64, as amended by No. 31 of 1926, s. 8 and this Act. cf. s. 20 (2) ante.

- (a) upon the evidence of the mother, unless her evidence is corroborated in some material particular; or
- (b) if the court is satisfied that at the time the child was begotten the mother was a common prostitute:

Provided that the allegation in the complaint that the defendant is of sufficient means to maintain the child shall be received as *prima facie* proof thereof; and the onus of proving that the defendant is not of sufficient means to maintain the child shall lie upon the defendant.

Confinement expenses.
 No. 31 of 1907, s. 65, as amended by No. 31 of 1926, s. 9, No. 56 of 1941, s. 8, and this Act. cf. s. 20(2) ante.

74. (1) An order for confinement expenses may be made on complaint therefor, or such order may be made therefor without any complaint in any proceedings against the father for the maintenance of any child, and such order may be made separately or included in any other order against the father.

(2) Proceedings may be laid against the father of a child for maintenance or for the confinement expenses either before or after the birth of the child.

(3) Every order for confinement expenses or for maintenance made before the birth of a child, shall direct that payment shall be made to the Department, or to such person as the court may think fit to select as recipient of the moneys, and such moneys shall be retained until the birth of the child, when the same shall be applied towards confinement expenses and maintenance.

(4) The words "confinement expenses" mean and include 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.

(5) In case any doubt or question shall arise as to the disposal of any moneys paid for confinement expenses, the court may by subsequent order direct how and in what manner such moneys shall be paid or applied.

(6) The court may, in case of the death of an illegitimate child, make an order against the father of such child for the payment to the Department, or to such person as the court considers entitled to receive the money, of a reasonable sum for the funeral expenses of such child.

Attachment of property of persons against whom order is sought.

75. (1) Upon complaint made under sections sixty-eight, seventy-seven, seventy-eight and one hundred and thirty of this Act, notice may be given by the Secretary or clerk of the court 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 such 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 such complaint as to all matters relating to or concerning such money or property.

No. 31 of 1907, s. 66 as amended by No. 31 of 1907, s. 10, No. 22 of 1927, s. 9, and No. 56 of 1941, s. 9. Cf. s. 68 ante and ss. 77, 78 and 130 post.

(2) Any person who, after receipt of any such notice, pays or hands over any such money or property otherwise than in accordance with the order made by the court, or who neglects or refuses to comply with the order made, shall be personally liable to pay to the Department, or to the person in whose favour an order is made in respect of such money or property under section seventy-six of this Act, 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 the court in a summary way.

cf. s. 76 post.

76. The court hearing any such complaint may direct that the money or property attached, or any portion thereof, shall be paid or handed over to the Department or to the person to whom the maintenance money is ordered to be paid, and 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.

Court may make orders for delivery etc. of attached property No. 31 of 1907, s. 67 as amended by No. 56 of 1941, s. 10.

Failure to obey or comply with any direction or order of the court under this section shall constitute an offence against this Act. Penalty ten pounds.

77. (1) Any person who refuses, fails, or neglects to comply with any maintenance order made against him under this Act, or who attempts to leave the State without making arrangements for future payments to the satisfaction of the department, may be summoned before the court upon complaint.

Action may be taken upon failure to comply with maintenance order and in other cases. No. 56 of 1941, s. 11.

cf. s. 75 (1)
ante and s.
131 post.

(2) On the hearing of the complaint the court may commit such person to prison for any term not exceeding twelve months, with or without hard labour.

(3) Provided that the court, in lieu of imposing any such sentence as aforesaid, may require the person liable under this section to find good and sufficient security that he will comply with the order in future or will not leave the State without making arrangements for future payments to the satisfaction of the department.

(4) The court may determine the sufficiency of any proposed security and in what manner security shall be given.

(5) Any justice, if satisfied that the circumstances justify the issue of a warrant in lieu of a summons, may issue his warrant upon sworn complaint being made.

Court may
vary or dis-
charge orders.
No. 56 of
1941, s. 12
cf. s. 75 (1)
ante.

78. The amount of the weekly payments payable under any order may be altered, varied, or discharged by any subsequent orders from time to time upon cause being shown and upon fresh evidence to the satisfaction of the court. The amount of any such payments may be diminished or increased: Provided, in case of any increase, the maximum is not exceeded. Orders may be altered, varied, or discharged under this section by the court which made the original order or the court nearest to the place of residence of the near relatives concerned, if such latter court is satisfied that no hardship will thereby result to any such near relative.

Orders may
be varied,
etc., on furth-
er inquiry.
No. 31 of
1947, s. 70 as
amended by
this Act.

79. (1) On the complaint of a near relative liable on a maintenance order, the person, institution, department or body in whose favour the order is made, may be summoned to appear before the court.

(2) At the hearing, the court may make further inquiry as to the means and ability of the complainant and may make such order 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 may make such other order not inconsistent with the provisions of this Act as shall appear just.

80. The court shall have power to forfeit any security, bond, or recognisance to the Department or to the complainant or any other person whom the court may adjudge to be entitled to the amount, or any portion thereof, if the terms and conditions imposed by the court are not complied with: Provided that, in any case, any money advanced by the Department shall be first repaid to the Department.

Court may forfeit or estreat bonds, etc. No. 56 of 1941, s. 13.

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

Collection by the police of moneys due to the Department. No. 31 of 1907, s. 71.

82. (1) If any person against whom a maintenance order has been made is the registered proprietor of any land, or of any estate, or interest in land subject to the Transfer of Land Act, 1893-1946, or the Land Act, 1933-1946, the Secretary or the clerk of the court may lodge with the Registrar of Titles or the Under Secretary for Lands, as the case may be, a caveat against any dealings with such land, estate, or interest.

Caveats. No. 31 of 1907, s. 72 as amended by No. 31 of 1926, s. 11.

(2) Particulars of the order shall be set out in the caveat, and the Registrar of Titles or the Under Secretary for Lands, as the case may be, shall forthwith register such caveat, and it shall not be lawful for the Registrar of Titles or the Under Secretary for Lands, without the consent of the Secretary or clerk of the court, to remove or discharge such caveat unless and until he is satisfied that all moneys due under such order have been paid and satisfied, or unless he is ordered by the Supreme Court or a judge thereof to remove such caveat.

Warrants may be granted to enforce payment under orders.
No. 31 of 1907, s. 73 as amended by No. 31 of 1926, s. 12.

83. If any money payable under a maintenance order is in arrear for one month, the court may issue a warrant authorising the Department, or the clerk of the court, or some person named in such warrant, to receive the whole or so much 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 any part thereof.

Warrant when registered to bind land.
No. 31 of 1907, s. 74.

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.

Sale may be by auction or private contract.
No. 31 of 1907, s. 75 as amended by No. 31 of 1926, s. 12.

85. Any sale under such warrant may be by public auction or private contract, and subject to such special or other conditions as the Department, or the clerk of the court, shall deem expedient.

Authority to sell includes power to execute assurances to purchaser.
No. 31 of 1907, s. 76 as amended by No. 31 of 1926, s. 12.

86. The Department, or the clerk of the court, or person authorised by the warrant to sell, may execute to the purchaser all such conveyances, assignments, transfers, 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, transferred, or otherwise assured shall vest in the purchaser accordingly; and the Registrar of Deeds, the Registrar of Titles, or the Under Secretary for Lands, as the case may be, shall forthwith register a memorial of every such conveyance, and every such 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.

Warrant may be issued without previous demand.
No. 31 of 1907, s. 77 as amended by No. 31 of 1926, s. 12. cf. s. 83 ante.

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

(2) The warrant shall, so far as regards any purchase or person dealing with the Department, or the clerk of the court, or person authorised by such warrant, be