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suit in the name of the Council or governing authority in the same manner as if the name of the Council or governing authority appeared in such indentures or agreements instead of the name of such guardian.

Wages may be paid to Council.

**60.** The Council or governing authority 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 Council, to be deposited in the Savings Bank of South Australia in the name of the Council on account of such child, and every such payment shall be deemed to be a payment to such child.

Moneys banked may be expended for the child's benefit.

**61.** All or any part of the money so deposited, and any interest thereon, may be expended by the Council for the benefit of the child when and in such manner as the Council may from time to time deem advisable. 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 Council for the purposes of this Act, and shall not thereafter be recoverable by any person.

Council or governing authority may recover wages.

**62.** 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 Council or of the governing authority, as the case may be, for the benefit of such child.

Indentures of apprenticeship and licences may be assigned with consent of Council.

**63.** The foster-parent of any State child may, by an assignment bearing the consent of the Council or the governing authority, as the case may be, but not otherwise, assign the indenture of apprenticeship or licence respecting such child to any fit and proper person. 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 Council or governing authority 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.

**64.** 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 Council 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. The Council 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 Council may deem advisable.

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**65.** If the foster-parent of any State child shall become insolvent, or become unable to maintain and employ such child, or shall be about to remove from the province, the Council or governing authority, as the case may be, 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.

On insolvency, &c., of foster-parent indentures and licences may be cancelled by Council.

**66.** No foster-parent shall change his or her place of residence without in every case giving to the Council, or the governing authority, such notice as may be prescribed. Every foster-parent offending against this section shall be liable to a penalty of not exceeding Ten Pounds for every such offence.

Change of residence to be notified by foster-parent.

**67.** 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 in every such case as may be prescribed. 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.

**68.** Every foster-parent who shall assign or transfer any indenture of apprenticeship or licence, or transfer, or make over to any other person, or in any way discharge or dismiss any State child apprenticed or placed out with such foster-parent, or who shall attempt to do any such things, without the consent in writing of the Council under its seal or of the governing authority, as the case may be, in every instance first had and obtained, shall for every such offence be liable to a penalty of not exceeding Ten Pounds, and every such attempted assignment, transfer, or discharge, shall be null and void.

Penalty for transferring or dismissing State child without consent of Council.

**69.** Every foster-parent who shall ill-treat, injure, or neglect any State child placed out with or apprenticed to him or her, or who shall 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, and every person who shall assault, ill-treat, or injure any State child may, upon complaint made by the Council, or any officer thereof, or by any person authorised by the Council, be summoned to appear before Justices, and, upon conviction, shall be liable to a penalty of not exceeding Twenty Pounds, with or without imprisonment for any term not exceeding six months, with or without hard labor; and the Justices may also discharge the child from the apprenticeship or licence, and order him or her to be returned to an institution.

Penalty for ill-treating State child apprenticed, &c.

**70.** Upon complaint made by the foster-parent of any State child that such child has been guilty of any misdemeanor, wrongdoing,

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

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doing, or misbehavior, any Justices may hear and determine the matter in a summary way, and may do all or any of the following things, namely:—

- (a) At the same time, and without formal complaint against the foster-parent, inquire into his or her conduct towards and treatment of such child:
- (b) Adjourn the hearing of the complaint, and direct a complaint to be laid against the foster-parent:
- (c) Cancel the indenture of apprenticeship or licence relating to such child, and order the return of the child to an institution:
- (d) Order the child to be punished in any manner prescribed.

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

**71.** When Justices order the discharge of any State child apprenticed or placed out, or cancel the indentures of apprenticeship or agreement relating to any State child, under the provisions of this Act, they shall forthwith give notice of such order or cancellation to the Council, and order the return of the child to an institution.

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

**72.** The Council may, at any time by order, require any State child apprenticed or placed out, whether by the Council or by any governing authority, forthwith to return to the institution of 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 Council 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, whether apprenticed or placed out by the Council, or by any governing authority, and require the foster-parent forthwith to deliver such child at an institution or to some person to be named in the order.

Penalty on foster-parent disobeying order for return of child.

**73.** Any foster-parent who shall neglect or fail to obey any such order shall be liable, on conviction, to forfeit and pay a penalty not exceeding Ten Pounds.

Constable or officer of Council may apprehend such child without a warrant.

**74.** Any constable or officer of the Council 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 be supposed to be.

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

**75.** The Council shall, except as hereinafter provided, cause all State children apprenticed or placed out by the Council to be visited once at least in every four months by some person to be appointed by the Council, in order to ascertain whether the stipulations of the indentures of apprenticeship or agreements respecting such children have been fulfilled, and that the treatment, education, and care of such children are satisfactory; and every foster-parent shall, at the request of any such visitor, personally produce the child

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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 shall, at the like request, permit such visitor to inspect the outfit of such child and the sleeping and other accommodation and food provided for such child. 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, on conviction for any such offence, be liable to a penalty not exceeding Ten Pounds.

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**76.** The Council may in special cases exempt wholly or partially any State child from being visited as provided by section 75, but a return of all such exemptions, with the reasons therefor, shall be forwarded every three months to the Chief Secretary.

Exemptions from visitation in special cases.

**77.** The Council shall also have general supervision over all State children detained in any private institution or placed out for adoption or otherwise, or apprenticed by the governing authority of any private institution, and may cause such children to be visited at such reasonable times as the Council may think fit, and by such persons as the Council may, by writing sealed with the seal of the Council, appoint to be visitors. 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, produce such child and his outfit, and 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 Council.

Council to have general supervision of all State children.

**78.** The Council may pay to the foster-parent of any State child for the care and maintenance of such child, until he or she shall attain the age of thirteen years, such sum not exceeding Ten Shillings a week as may be prescribed.

Payments for maintenance of State children to foster-parents.

**79.** The Council 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, a sum not exceeding Ten Shillings a week.

Council may pay for maintenance of child in private reformatory.

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## MAINTENANCE OF CHILDREN BY THEIR RELATIVES.

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

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

- (a) In the case of a legitimate child—Father, mother, stepfather, stepmother, grandparents: (b) In

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(b) In the case of an illegitimate child—Putative father, mother's husband, mother.

On complaint made  
Justice to issue sum-  
mons.

**81.** Upon complaint made in the prescribed form 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, any Justice may summon such persons or any of them to appear before Justices, 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.

Complaints in respect  
of State children to  
be made by Council.

**82.** All complaints under the preceding section in respect of any State child shall be made by or on behalf of the Council.

Justices may order  
payment of main-  
tenance.

**83.** At the time and place appointed for the hearing of such complaint the Justices 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 they shall be satisfied that the persons so 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 Council, or to the governing authority, or other person, as the case may be—

- i. Of such sum for past maintenance of the child as may seem sufficient; and such sum may be made payable by instalments; and
- ii. Of such sum for future maintenance, and for such period as may seem sufficient, but not being, as against any one person, more than Ten Shillings, nor less than Two Shillings, per child per week:

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

Order to take effect  
from pronouncement.

**84.** 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 any Justice 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.

Allegations in com-  
plaint made on behalf  
of Council *prima facie*  
evidence.

**85.** Upon the hearing of any such complaint made by or on behalf of the Council in respect of the maintenance of a legitimate child, and upon the hearing of any such complaint pursuant to section 129, 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

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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 such person.

**86.** Upon the hearing of a complaint against any person in respect of the maintenance of an illegitimate child, if it be alleged in the complaint that such person is the father of the child, the Justices may adjudge him to be the putative father thereof; but shall not so adjudge him—

Justices may adjudge person to be putative father of illegitimate child.

- (a) Upon the evidence of the mother, unless her evidence be corroborated in some material particular:
- (b) If the Justices shall be satisfied that, at the time the child was begotten, the mother was a common prostitute.

**87.** Upon complaint made under sections 81 and 82 of this Act notice may be given, under the seal of the Council, 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 shall have 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.

Council may, by notice, attach property of persons against whom order is sought.

**88.** The Justices hearing any such complaint may, if they make a maintenance order, by the same or a separate order, direct that the money or property attached, or such portion thereof as they shall order, shall be paid or handed over to the Council, 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, and, except as to such portion of the money or property attached as the Justices 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.

Justices may make orders for delivery, &c., of attached property.

**89.** Any person who has received any such notice may, before the hearing of the complaint, or the expiration of one month from the service of the notice, whichever shall first happen, obtain from any Justice an order setting aside in whole or in part any notice given pursuant to section 87, and 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.

Attachment may be pleaded.

**90.** Any

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Persons contravening notice or order to be personally liable.

**90.** Any person who, after receipt of any such notice, shall pay or hand over any such money or property, otherwise than in accordance with the order made by Justices, or who shall neglect or refuse to comply with the order made, shall be personally liable to pay to the Council 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 Justices in a summary way.

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

**91.** The Justices making any maintenance order may, by the same or a separate order, and any Justices, on complaint by or on behalf of the Council 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 they shall think 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, if the order for security be not sooner complied with: Provided that it shall be lawful for any Justices to determine upon the sufficiency of any proposed sureties or security, and in what manner the security shall be given, and any one Justice, upon being satisfied that the security has been duly made and perfected, may order the discharge of such person from gaol.

Orders may be varied &c., on further inquiry.

**92.** Any Justice, on the complaint of a near relative liable upon a maintenance order, 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 Justices at a time and place to be named in the summons, and shall give notice thereof to the Council. At the time and place so appointed, or at any adjourned hearing, the Justices 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 abilities to maintain or contribute to the maintenance of such child, 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 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 shall appear just.

Collection by the police of moneys due to the Council.

**93.** Subject to the provisions of a maintenance order, any member of the South Australian Police Force shall, when so directed in writing by the Council 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 Council, or to any governing body, 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.

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**94.** 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," or any Act amending the same, the Council may lodge with the Registrar-General a caveat under the seal of the Council against any dealings with such land, estate, or interest. 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 Council, to remove or discharge such caveat unless and until he shall be satisfied that all moneys due under such order have been fully paid and satisfied, or unless he shall be ordered by the Supreme Court, or a Judge thereof, to remove such caveat.

Caveats.

**95.** If any money payable under a maintenance order is in arrear for one month, any Justices may, if they think fit, issue a warrant under their hands and seals authorising the Council, the governing body, 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 such part thereof, as the Justices may direct.

Warrants may be granted by Justices to enforce payment under orders.

**96.** Every such warrant may be registered in the same manner as a writ of *fiery 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.

Warrant when registered to bind land.

**97.** 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 Council shall deem expedient.

Sale under warrant may be by auction or private contract.

**98.** The Council, governing body, or person authorised by the warrant to sell may execute to the purchaser all such conveyances, assignments, memorandums 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; and 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.

Authority to sell includes power to execute assurances to purchaser.

Sale under warrant to vest property in purchaser.

**99.** No notice or demand whatsoever shall be requisite before issuing any such warrant as is mentioned in section 95, or before exercising all or any of the powers thereby conferred. The warrant shall, so far as regards any purchaser or person dealing with the Council, authority, or person authorised by such warrant, be conclusive evidence that the power to sell is vested in the Council or person therein named.

Warrant may be issued without previous demand.

**100.** The



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Payment under warrant to discharge persons paying.

**100.** The payment to the Council, authority, or 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.

Application of moneys received under warrant.

**101.** The rents, profits, and income, and the proceeds of any sale received under any such warrant, shall be applied first in payment of the costs of collection or sale; next, 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 Justices may direct.

## PART VI.

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## THE LICENSING AND SUPERVISION OF LYING-IN HOMES, AND FOSTER-MOTHERS.

Lying-in homes kept for gain to be licensed.

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

Council may license lying-in homes.

**103.** The Council may, on payment of the fee prescribed in Schedule C, grant annual licences 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 their discretion revoke or cancel any licence so granted.

Penalty on keeping unlicensed lying-in homes.

**104.** Every person who shall, for reward or gain, keep any building or apartment as a lying-in home, unless such building or apartment is licensed by the Council for that purpose, shall be guilty of an offence against this Act, and shall on conviction be liable to a penalty not exceeding One Hundred Pounds for the first offence, and for any second offence shall be liable to be imprisoned with or without hard labor for any period not exceeding two years.

Foster-mothers to be licensed.

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

Council may license foster-mothers.

**106.** The Council may, on payment of the fee prescribed in Schedule C, grant annual licences to fit and proper persons to be foster-mothers to children under the age of two 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 their discretion revoke or cancel any such licence.

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**107.** Every person other than an inmate of an asylum under the control of the Destitute Board, or than a near relative of the child, who, not being licensed as a foster-mother by the Council, shall receive into his or her care, charge, or custody any child under the age of two years, to adopt, rear, nurse, or otherwise maintain for gain or reward such child apart from his or her parent, and the mother or father of any such child who shall procure such child to be placed under the care, charge, or custody of any such person, or shall permit 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, on conviction, for every such offence forfeit and pay a penalty not exceeding Twenty Pounds. No information shall be laid for any such offence except by the Council, or some officer thereof.

Penalty on unlicensed foster-mothers.

**108.** Any licensed foster-mother who shall act as foster-mother to any greater number of children than shall be fixed in her licence shall be guilty of an offence against this Act, and shall, on conviction thereof, forfeit and pay a penalty not exceeding Twenty Pounds.

Penalty on licensed foster-mother taking charge of more than number of children allowed by licence.

**109.** 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 any member or officer of the Council.

Lying-in homes to be open to inspection.

**110.** Every person who shall resist or obstruct, or assist in so doing, any such inspection, shall, for every such offence, be liable to a penalty of not exceeding Twenty Pounds.

Penalty for obstructing inspection.

**111.** Every licensee of a lying-in home, and every licensed foster-mother, shall keep the registers and records required by section 112 or 113, as the case may be; and also shall keep all such books and records, and furnish to the Council true and correct returns of all such matters and things as may be prescribed, or as the Council shall require. Any licensee omitting so to do shall be guilty of an offence under this Act, and, for every such offence, shall be liable to a penalty of not exceeding Twenty Pounds.

Returns and records.

**112.** Every licensee of a lying-in home shall keep a register containing the names, usual residences, and the dates of confinement of all women confined in such home, and giving particulars of the disposal of all children born there, and also stating the name of the medical practitioner, midwife, or accoucheur by whom such women were attended during their confinement or lying-in, and shall produce to and allow the secretary of the Council or any officer or other person appointed by him to inspect the same at any time when demanded, and shall give the secretary 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.

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Register to be kept by  
foster-mother.

**113.** 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:—

- (a) The name, age, and place of birth of the child:
- (b) The names, addresses, and description of the parents:
- (c) The name, address, description of any persons other than the parents from or to whom the child was received or delivered over:
- (d) The date of receipt and delivery over:
- (e) Particulars of any accident to or illness of the child, and the name of the medical practitioner (if any) by whom attended.

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

**PART VII.****PART VII.****PROCEDURE, PENALTIES, AND GENERAL MATTERS.**

Persons not interested  
may be excluded from  
place of trial.

**114.** At the hearing or trial of any complaint, information, or indictment against any child, the Justice, Justices, or Judge conducting such hearing or trial may order that all persons not directly interested in the case shall be excluded from the court or place of hearing or trial.

Officer of Council may  
take part in all trials  
against children.

**115.** At the hearing of any complaint, information, or indictment against any child, the Secretary or some officer of the Council may be present, and examine and cross-examine witnesses, and be heard touching the acquittal or punishment of the child.

Officer of Council may  
conduct cases where  
information laid by  
Council.

**116.** All cases under this Act heard on information or complaint by or on behalf of the Council may be conducted by any person appointed by the Council in that behalf. The production of an appointment, in writing, under the seal of the Council, shall be *prima facie* evidence in all courts and before all tribunals that the person therein named has been duly appointed and authorised to lay such information or complaint and to conduct the case.

Child may be  
detained in institution  
pending trial.

**117.** Before making an order under this Act, the Justices before whom any child is brought may, for the purpose of making inquiry respecting him, or the mode in which he should be dealt with, or for the

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the purpose of enabling the Council to be represented or any near relative to appear, and without prejudice to any other powers of the Justices, 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 for his discharge, or for his being sent to an institution, or otherwise dealt with under this Act; and the Council, or the officer of the Council to whom the order is addressed, is hereby empowered and required to detain such child accordingly, and if such child escape he may be apprehended without warrant and brought back to the place of detention.

**118.** If an order shall be 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.

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

Complaints against inmates to be held at institution where offence committed.

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

Returns of complaints and convictions.

**121.** Any person, other than the governing authority of the institution to which the child was committed, who shall, without the authority of the Council, take or remove any State child from any institution before the expiration of the period of detention of such child, or from the foster-parent to or with whom such child shall be apprenticed or placed out before the expiration of the term of apprenticeship or placing out; and any person who shall directly or indirectly counsel or induce any State child to abscond or escape from any institution, or to break his or her apprenticeship indentures, or to abscond from his or her foster-parent, before such child shall have been regularly discharged, or before the expiration of such apprenticeship or placing out; and any person who shall aid or abet any State child in so absconding or escaping, or who shall prevent any State child from returning to any institution or to his or her foster-parent, or who, knowing any State child to have been so taken or removed, or to have so absconded or escaped, shall harbor or conceal, or assist in harboring or concealing, such child, shall for every such offence be liable to a penalty of not exceeding Ten Pounds, or may, at the discretion of the Justices, be imprisoned with or without hard labor for any term not exceeding three months.

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

*The State Children Act.—1895.***PART VII.**

Penalty for communicating with children in institutions.

**122.** Any person who, without the authority or permission of the Council, or of the governing authority of the institution, as the case may be, shall hold or attempt to hold any communication with any inmate, or who shall enter any institution or any messuage, lands, or premises belonging thereto or used in connection therewith, and shall not depart therefrom when required so to do by the superintendent, matron, or any officer or servant of such institution, and any person who, after being forbidden by the Council or governing authority, as the case may be, so to do, shall hold or attempt to hold any communication, directly or indirectly, or personally, or by letter, or in any other manner howsoever, with any State child, shall for every such offence be liable to a penalty not exceeding Five Pounds.

Penalty for permitting escape.

**123.** Any superintendent or matron of an institution, and any teacher, officer, or servant of the Council, or of the governing authority of an institution, who shall negligently or knowingly permit or suffer any inmate to escape from such institution, shall, on conviction thereof, forfeit and pay a penalty of not exceeding Twenty Pounds.

Penalty on officers.

**124.** If any officer or servant of the Council, or of the governing authority of any institution, shall be guilty of the breach of any section of this Act or of any regulation intended for the protection of any child, he shall be dismissed from his office or employment, and be liable to a penalty not exceeding Twenty Pounds, or to be imprisoned for not exceeding six months.

Penalty for disobedience of order.

**125.** Justices may, in a summary way, at any time inquire into any alleged disobedience of or neglect to comply with any order under this Act, and may for that purpose summon and examine all proper parties and witnesses, and may either commit to gaol for any period not exceeding six months, with or without hard labor, any person found guilty of such disobedience or neglect, or may impose upon such person a fine of not exceeding Fifty Pounds.

Person disobeying order and quitting province guilty of misdemeanor.

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

Desertion of child under certain circumstances a misdemeanor

**127.** Every near relative liable to maintain any child, who—

- (a) Unlawfully deserts such child ; or
- (b) Leaves without, or fails to provide with, adequate means of support, any such child :

and goes or attempts to go to reside, either temporarily or permanently, outside the said province, shall be guilty of a misdemeanor, punishable by imprisonment with or without hard labor for any term not exceeding twelve months.

**128.** Upon