

*Maintenance Act.—1926.*PART IV.
DIVISION II.

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

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

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

142. (1) Every foster-parent who—

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

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

Penalty for ill-treating State children.
641, 1895, s. 69.

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

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

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

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

Complaint against a State child to be dealt with in summary way.
Ibid., s. 70.

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

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

Notice to be given to board of discharge from apprenticeship or agreement.
Ibid., s. 71.

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

Board may order return of State children apprenticed or placed out.
Ibid., s. 72.

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

Enforcement of
order for return of
child.
Ibid., ss. 73, 74.

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

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

Apprenticed and
placed-out children
to be visited at
least once in four
months,
Ibid., s. 75.

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

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

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

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

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

Exemptions from
visitation in special
cases.
Ibid., s. 76.

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

Board to have
general supervision
of all State children.
Ibid., s. 77.
996, 1909, s. 4.

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

(2) The

*Maintenance Act.—1926.*PART IV.
DIVISION II.

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

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

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

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

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

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

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

PART V.

PART V.

INSTITUTIONS—THEIR ESTABLISHMENT, INSPECTION,
AND ABOLITION.

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

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

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

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

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

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

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

155. Every

PART V.

Maintenance Act.—1926.

Proclamation to set out names of governing body and other particulars.

Ibid., s. 23.

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

Change in governing authority to be notified and gazetted.

Ibid., s. 24.

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

Private reformatories may be proclaimed as for particular religious denominations.

Ibid., s. 25.

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

Private reformatory schools may be abolished.

Ibid., s. 26.

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

Upon abolition of private reformatory inmates may be sent to other institutions.

Ibid., s. 27.

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

Superintendent or matron of private reformatory to be approved by board.

Ibid., s. 28.

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

Ex officio visitors to institutions.

Ibid., s. 29.

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

Visitors' book to be kept.

Ibid., s. 30

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

Maintenance Act.—1926.

PART V.

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

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

PART VI.

PART VI.

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

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

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

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

Continuance of existing licences.

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

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

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

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

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

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

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

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

168. The

PART VI.

Maintenance Act.—1926.

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

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

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

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

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

170. (1) Every person other than—

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

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

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

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

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

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

996, 1909, s. 17.

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

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

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

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

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

172. Every

Maintenance Act.—1926.

PART VI.

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

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

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

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

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

(a) keep a register—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART VI.

Maintenance Act.—1926.

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

Returns and records.
Ibid., s. 111.

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

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

PART VII.

PART VII.

PROCEDURE, PENALTIES, AND GENERAL MATTERS.

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

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

Power of board to
take proceedings.

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

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

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

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

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

Evidence of
husbands and wives.

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

181. (1) Before

Maintenance Act.—1926.

PART VII.

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

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

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

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

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

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

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

996, 1909, s. 15

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

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

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

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

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

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

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

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

(a) without

PART VII.

Maintenance Act.—1926.

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

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

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

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

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

Penalty on false pretences and damaging board's property.

187. Any person who—

- (a) obtains or attempts to obtain from the board or any officer administering the funds thereof any pecuniary or other relief or assistance, or any goods or chattels or other property by way of gift or loan by means of any false pretences ; or

(b) being

Maintenance Act.—1926.

PART VII.

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

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

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

Homes of persons (other than near relatives) having care of children under seven years. 896, 1909, s. 26.

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

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

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

Inspection of homes of illegitimate children under seven years.

Ibid., s. 18.

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

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

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

Penalty for permitting escape. 841, 1895, s. 123.

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

Penalty on officers. Ibid., s. 124.

PART VII.

Maintenance Act.—1926.

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

Privilege of persons
in charge of State
children.

Ibid., s. 131.

192. Every person authorised by writing under the seal of the board to take charge of any child ordered to be detained under this Act, for the purpose of conveying such child to or from any institution, or to or from a foster-parent, shall, for such purpose, and while engaged in such duty, have all such powers, authorities, protection, and privileges for the purpose of the execution of his duty as any police constable has by common law or statute.

Mandate to be a
defence to actions.

Ibid., s. 140.

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

Protection to
board and officers.

Ibid., s. 141.

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

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

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

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

Free passes for
State children on
railways.

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

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

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

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

196. (1) Any