

The Destitute Persons Act.—1881.

84. If any inmates of any industrial or reformatory school shall disobey any lawful order of the superintendent or matron of any such school, or violate or fail to observe any regulations or by-laws made under this Act, it shall be lawful for such superintendent or matron to summarily punish such inmate by placing him or her in close confinement in such school premises for any period not exceeding forty-eight hours.

PART III.

Punishment for disobedience.

85. In every case where the Justices shall order bread and water diet, such order shall be in writing, and shall comply with the provisions in the last preceding section.

Order to be in writing.

86. Where, pursuant to the provisions of this Act, the punishment of whipping is awarded by any Justices, the order, sentence, or conviction ordering such punishment shall specify the number of strokes to be inflicted; and, in the case of an offender whose age does not exceed fourteen years, the number of strokes shall not exceed twelve, and in all cases the instrument used shall be a birch rod or cane; and on the occasion of every such whipping there shall be present the superintendent or matron of the school, who shall sign in the record book the minute recording the particulars of such whipping.

Whipping.

87. If any inmate of any industrial or reformatory school shall abscond therefrom, or wilfully damage or destroy any property belonging to any such school, such inmate shall, on conviction thereof before any Justices, be liable, at the discretion of such Justices, to be whipped in manner hereinbefore provided, or to be sentenced to be fed on bread and water alone, as provided by section 83, and the Justices in their order shall comply with such section; and such inmate may, if he has absconded, be ordered by the said Justices to be sent back to the school, and to be there detained until he reaches the age of sixteen or eighteen years respectively, as hereinbefore provided, or for such shorter period as the Justices think fit.

Penalty for absconding.

88. Any parent, relative, or other person who shall directly or indirectly counsel or induce, by letter or otherwise, any inmate of any industrial or reformatory school to abscond or escape therefrom, or to break his apprenticeship indentures, and abscond from his master or foster-parent before such inmate shall have been regularly discharged, or before the expiration of such indentures or licence; or who shall aid or abet any such inmate in so absconding or escaping; or who, knowing any such inmate to have so absconded or escaped, shall harbor or conceal, or assist in concealing, such inmate, or prevent him or her from returning to such school or to his master or foster-parent; or shall, without having previously obtained a licence as provided in Part IV. of this Act, harbor or conceal any illegitimate child under the age of seven years; or shall aid or abet in any such harboring or concealment, shall, on conviction thereof, forfeit and pay any sum not exceeding Twenty Pounds, or, at the discretion of the Justices, be imprisoned for any term not exceeding two months, with or without hard labor.

Penalty for harboring inmates.

89. Every

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Officers to have privileges of constables.

89. Every officer of an industrial or reformatory school authorised by the Chairman of the Board, in writing under his hand and 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 such school, or of bringing him or her back to such school, in case of his or her absconding or escaping therefrom, or refusal to return thereto, 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 such officer, as any police-constable or peace officer, duly appointed, has within his constablewick by common law or statute.

Penalty for communicating with persons detained.

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

Forms in Schedule deemed valid.

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

Place of inquiry.

92. Every inquiry directed by this Act to be held by any Justices touching any complaint against any inmate of any industrial or reformatory school for any offence committed by such inmate against the provisions of this Act, or any rules made hereunder, shall be held and inquired into at the establishment in which such inmate is resident; and the Board shall make an annual return to the Chief Secretary of all convictions made, and punishments inflicted thereunder.

PART IV.**PART IV.**

THE SUPERVISION OF ALL ILLEGITIMATE CHILDREN BORN IN ESTABLISHMENTS UNDER THE CONTROL OF THE DESTITUTE BOARD, AND OF ALL OTHER CHILDREN NURSED BY FOSTER-MOTHERS, WITH PROVISIONS AND POWERS FOR LICENSING ALL SUCH FOSTER-MOTHERS.

Agreement for service by mother of illegitimate child.

93. The Destitute Board may require any unmarried female who may apply for admission to the lying-in ward of any of the establishments under its control to enter into an agreement for service with, or sign an undertaking to the Board that such applicant will remain in the service of the Board, after the birth of her child, for any period not exceeding six months, if her child shall so long live, and in all things submit to the jurisdiction of the Board and the rules to be made under the provisions of this Act, so long as she shall remain in the service of the Board as aforesaid; and during such periods the Board may require any such mother to nurse her own

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own child, and may require her to fulfil such other duties as, having due regard to her state of health, may be allotted to her.

PART IV.

94. The Destitute Board may, unless it be proved that other proper provision has been made, on the expiration of such period, retain the care and custody of any such illegitimate child, and its mother shall, if required by the Board, pay towards the support of her child a sum not exceeding Two Shillings and Sixpence each week so long as its care and custody are retained by the Board, and shall attend personally, if practicable, at the establishment of the Board where her child may be placed, once at least in every month upon duly appointed days, to visit her child.

Board may retain care of illegitimate children.

95. Unless it be proved to the satisfaction of the Board that the mother of such illegitimate child, or her friends, are in a position to maintain such child, the child shall be treated as a "neglected child," as provided for in this Act: Provided always, that if default be made by the mother in carrying out the requirements of the Board, the mother shall thenceforward be responsible for the care, maintenance, and safe-keeping of her child in the same manner as if this Act had not been passed.

Neglected child.

96. The Board may, for the purpose of identifying the father of any illegitimate child which may be born in any establishment under the control of the Board, require the mother of any such child to make a declaration respecting the paternity of such child before a Justice of the Peace.

Declaration as to paternity.

97. A copy of such declaration shall be forthwith transmitted by the Board to the person named in such declaration as the father of such illegitimate child, who shall be allowed, on making application in writing to the Board, to attend before the Board for the purpose of disproving the allegations contained in such declaration.

Copy of declaration to be forwarded.

98. The mother of any illegitimate child who shall wilfully make a false declaration before a Justice of the Peace respecting the paternity of her child shall be deemed guilty of perjury.

Penalty on false declaration.

99. The mother of any illegitimate child who, being required by the Board to do anything under this Act, shall neglect so to do, shall for every such offence, on conviction, forfeit and pay a sum not exceeding Twenty-five Pounds.

Penalty on disobedience.

100. The Board may grant licences to fit and proper persons, on payment of a sufficient fee, to be foster-mothers or wetnurses for any children, whether legitimate or illegitimate, other than illegitimate children in any establishment under the control of the Board, and may revoke such licences; and the Board may make regulations respecting the duties and conduct of such licensed foster-mothers or wetnurses, and for the due inspection and supervision of such licensed foster-mothers or wetnurses and the children under their charge.

Board may licence foster mothers.

101. Every

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Penalty on unlicensed foster-mothers.

101. Every person who, not being in an establishment under the control of the Board, and not being licensed by the Board, shall with or without fee or reward act as foster-mother or wet-nurse to or take the sole care of any child, whether legitimate or illegitimate, and the mother or father of any such child who shall knowingly leave or place such child with any person not being a licensed foster-mother or wet-nurse as aforesaid, shall for every such offence, on conviction, forfeit and pay a sum not exceeding Twenty Pounds, one-half of which shall be paid to the informer: Provided always that no information shall be laid for any such offence except by the Board or by some officer duly appointed and authorised by the Board on that behalf: Provided that nothing herein contained shall refer to children nursed in the house of their parents or by a wet-nurse, consequent upon a certificate from a duly qualified medical man.

PART V.**PART V.****PROTECTION TO OFFICERS, AND GENERAL MATTERS.**

Summary procedure.

102. Every proceeding under this Act for omissions, defaults, acts, or offences, to which any penalty is attached, and all applications for orders where no other method of proceeding is by this Act provided, shall be had and taken and may be heard and determined in a summary way by any Special Magistrate or two Justices, under the provisions of an Ordinance of the Governor and Legislative Council, No. 6 of 1850, "To facilitate the performance of the duties of Justices of the Peace out of Sessions with respect to summary convictions and orders," or of any Act hereafter to be in force relating to the duties of Justices with respect to summary convictions and orders, and all convictions and orders may be enforced as in the said Ordinance, or in any other Act, is or may be provided.

Proceedings for penalties, &c.

103. Any Justices at any time in a summary way may inquire into the disobedience or alleged disobedience of or non-compliance with any order made under the provisions of this Act, and may enforce compliance or punish the non-compliance with such order, either by the imprisonment (with or without hard labor) of the party offending for a period not exceeding six calendar months, unless the same shall be sooner complied with, or by the imposition of a fine of not exceeding Twenty Pounds.

Forms of proceedings.

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

Property may be laid in the Destitute Board.

105. In any information or complaint for any offence committed upon or in respect of any property, money, goods, chattels, or effects, under the management or control of the Board, or of any of the officers

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officers thereof, it shall be sufficient to state or allege that the property, money, goods, chattels, or effects, belong to, and any offence to have been done or committed with intent to injure or defraud, the Destitute Board, without any further or other name, addition, or description whatever.

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

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

107. There shall be an appeal from any conviction by any Special Magistrate or Justices for any offence against this Act (except from any conviction or punishment inflicted under clause 83 of this Act), or from any order dismissing any information or complaint, or from any order made by Justices under this Act; which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No 6 of 1850, for appeals to Local Courts, or any Act hereafter to be in force regulating such appeals; but the Local Court of Adelaide aforesaid may make such order as to the payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

Appeal to Adelaide Local Court of Full Jurisdiction.

108. The Local Court of Adelaide, upon the hearing of any appeal, may state one or more special case or cases for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case or cases according to the practice of the Supreme Court on special cases, and the Supreme Court shall make order as to costs of any special case as to the said Court shall appear just; and any Justices, or the Local Court of Adelaide, shall make an order in respect to the matters referred to the Supreme Court, in conformity with the certificate of the said Supreme Court; which order of the Justices or Local Court shall be expressed in manner provided for the enforcement of orders of Justices, under the said Ordinance No. 6 of 1850, or other act as aforesaid; and save as herein provided, no order or proceeding of any Special Magistrate or Justices, or of any Local Court, made under the authority of this Act, shall be appealed against, or removed by *certiorari* or otherwise, into the Supreme Court of the said province.

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

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

Appropriation of moneys.

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

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

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Actions to be commenced within six calendar months.

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

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SCHEDULE REFERRED TO.

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

Whereas A.B. a boy [*or girl*] has been brought before the undersigned a Special Magistrate [*or two of Her Majesty's Justices of the Peace*], for that he [*or she*] the said A.B. was found begging, &c., *or* resided in a certain brothel, &c., *or* was at the time of the passing of "The Destitute Persons Act, 1881," an inmate, &c., *or* was on the day of 18, convicted at the criminal sittings of, &c., *or* by and before the Local Court of, &c., and was on the day of [*date of establishment of reformatory school*] in prison in the gaol of Adelaide, under sentence in such conviction: And whereas we have directed the said A.B. to be sent to the Industrial School, at _____, for the term of _____ thence next ensuing, *or* until the day of _____: These are to require you to whom this mandate is directed to take the said A.B. to the said Industrial School, and there to deliver him to the superintendent thereof, together with a duplicate of this mandate; and the said superintendent is hereby required to receive the said A.B. into the said school, there to be retained for the last-mentioned period, unless the said A.B. shall in the meantime be discharged in due course of law.

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

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

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

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

Licence for Service of an Inmate of a School.

Whereas A.B. is an inmate of the Industrial *or* Reformatory School at _____ and whereas X.Y. of [*here state residence and occupation*] is willing to receive and take charge of the said A. B. for the term of _____ upon receiving the sum of _____ [*weekly, monthly, or annually*], from the fund at the disposal of the Destitute Board [*or without fee or reward*]: These are to authorise the said X.Y. to take the said A. B. from the said school to serve the said X.Y., and to be by him received, kept, maintained, clothed, and educated during the said term in accordance with "The Destitute Persons Act, 1881."

By order of the Destitute Board,
S.B., Chairman.

To Mr. X.Y.

[*Seal of Board.*]

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I, the said X.Y., agree to receive and take charge of the said A.B. upon the terms of the above licence, in consideration of receiving [his or her] services, subject to the provisions of "The Destitute Persons Act, 1881," in all things. X.Y.

Licence for the Adoption of an Inmate of a School.

Whereas _____ is an inmate of the _____ School, at _____ and whereas _____ of* _____ is willing to adopt and take charge of the said _____ for the term of _____ years: These are to authorise the said _____ to take the said _____ from the said school, to be by h _____ received, kept, maintained, clothed, and educated during the said term in accordance with "The Destitute Persons Act, 1881;" the said _____ to furnish a report from the schoolmaster or schoolmistress of the school attendance and educational progress every six months. By order of the Destitute Board, _____ Chairman. To _____ Dated at Adelaide, this _____ day of _____ 18 _____

I, the said _____, hereby agree to adopt and take charge of the said _____ and maintain, clothe, and educate _____ pursuant to the provisions of "The Destitute Persons Act, 1881," in all things, and to fulfil the terms of the above licence.

* State residence and occupation.

Surrender of Children to the care of the Destitute Board by the Parent.

To the Chairman of the Destitute Board. Sir—I, _____ of _____ being destitute, do hereby make application for the admission of my child hereunder named and designated, to the Industrial School, at _____ there to be maintained and educated under the provisions of "The Destitute Persons Act, 1881;" and I, the above-named _____ do hereby voluntarily surrender _____ aged _____ years, being my child _____ to the care and custody of the Destitute Board, Adelaide, South Australia, subject to all the provisions and regulations of "The Destitute Persons Relief Act, 1881." The said child _____ being _____ I desire that _____ be educated in that faith. Witness my hand this _____ day of _____ 18 _____ Signature _____ Witness _____ Chairman.

Licence to act as Foster-mother or Wetnurse.

Whereas _____ of _____ hath paid to _____ the Chairman of the Destitute Board the sum of £ _____ under the rules and regulations of the said Board, and hath applied to the said Board for a licence, under _____

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under clause 99 of "The Destitute Persons Act, 1881," to be a licensed foster-mother or wetnurse : These are to authorise the said _____ to be a licensed foster-mother and wetnurse under the provisions of the said Act, from the day of _____ 18

By order of the Destitute Board,
 _____ Chairman.
 [*Seal of Board.*]

Declaration as to Paternity.

I _____ of _____ being the mother of a certain illegitimate [male or female] child, born in this establishment, on the day of _____ 18 _____, do hereby solemnly and sincerely declare that, to the best of my information and belief, _____ of _____ is the father of the said illegitimate child : And I make this declaration under the provisions of "The Destitute Persons Act, 1881," and subject to the provisions contained in the said Act, with respect to false declarations as to the paternity of the said child.

Declared at _____ this _____ day of _____ 18 _____

Before me,

J.P.

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