

The State Children Act.—1895.

PART VII.

128. Upon complaint on oath by the secretary, or any other officer of the Council, that he has reasonable grounds for believing that any person has committed or is about to commit a misdemeanor within the meaning of section 126 or section 127 of this Act, any Justice, if satisfied that there are reasonable grounds for believing that such misdemeanor has been or is about to be committed, may issue his warrant for the apprehension of the person complained against, and such person may thereupon be apprehended by any police constable, and brought before Justices accordingly.

Justice may issue warrant for arrest of deserter upon complaint on oath.

129. Upon the day appointed for the hearing of the complaint the Justices may hear and determine the matter in a summary way, and, if satisfied that the child has been or is about to be unlawfully deserted by the person complained against, or is actually without adequate means of support, and that such person is a near relative of such child, liable and able to contribute towards his or her maintenance, may order such person, either immediately or at some adjournment, to find good and sufficient surety or security to the satisfaction of the Justices then present or present at any adjourned hearing that he or she will comply with such order for maintenance, or that he or she will not desert or leave without adequate means of support such child. The Justices, in default of such surety or security being found, may commit such person to gaol for any period not exceeding six months, if such order be not sooner complied with: Provided that any one or more Justices may determine upon the sufficiency of any proposed surety or sureties, and in what manner and to whom the same shall be made; and, upon being satisfied that the same has been made and perfected, may order the discharge of such person from gaol or custody.

Justices may determine matter in summary way.

130. Where, pursuant to the provisions of this Act, the punishment of whipping is awarded by any Justice or Justices, the order for such punishment shall specify the number of strokes to be inflicted; and the number of strokes shall not exceed twelve. The whipping shall be administered by some person authorised by the order directing the whipping, and in all cases the instrument used shall be a birch rod or cane.

Whipping.

131. Every person authorised by writing under the seal of the Council 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 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.

Persons in charge of State children to have privilege of constables.

132. All orders made by the Council in pursuance of this Act shall be in duplicate, sealed with the corporate seal, and either duplicate of such order, purporting to be sealed with such seal, shall for all purposes be *prima facie* evidence of the facts therein stated, and that such order was duly made.

Orders of Council to bear seal of Council, and to be received as evidence.

133. The

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

133. The *Government Gazette* containing a Proclamation of the establishment or control of any institution under this Act, or of the governing authority thereof, or notifying the appointment of a President or Secretary of the Council, or the appointment of any person as an officer under this Act, or of the appointment of any person as a member of the governing authority of any institution, shall be conclusive evidence of the facts therein stated.

Application of No. 6
of 1850.

134. 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 Justices under the provisions of the Ordinance of the Governor and Legislative Council, No. 6 of 1850, or of any other Act for the time being 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 such other Act, is or may be provided.

Forms of proceedings.

135. Every information, complaint, conviction, mandate, order, or warrant under this Act shall be deemed valid and sufficient if the same shall be in any of the forms in the Schedule B hereto which may be applicable, with such modifications as the circumstances may require; or in which the offence, or act, or default is set forth in the words of this Act; and no conviction, mandate, order, or warrant shall be held void by reason of any defect therein.

Appeal to Adelaide
Local Court of Full
Jurisdiction.

136. There shall be an appeal from any conviction by Justices for any offence against this Act, or from any adjudication or order made by Justices under this Act, or from any order dismissing any information or complaint, 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 aforesaid may make such order as to the payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

Local Court may
state special case.

137. The Local Court, upon the hearing of any appeal, may state a special case for the opinion of the Supreme Court, and the Supreme Court shall hear and decide such special case, and may make such order as to costs as to the said Court shall appear just.

Justices or Local
Court to make order
in accordance with
decision of Supreme
Court.

138. The Justices or Local Court shall make order in respect to the matters referred to the Supreme Court in conformity with the certificate of the said Supreme Court, which order shall be enforceable in manner provided for the enforcement of orders of Justices under the said Ordinance, No. 6 of 1850, or other Act as aforesaid.

139. Save

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139. Save as provided by section 136, no order or proceeding of 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.

PART VII.

Except by special case proceedings not to be removed into Supreme Court.

140. 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.

Mandate to be a defence to actions.

141. No action shall be brought against the Council or any governing authority of an institution or any person for anything done in pursuance of this Act, unless such action be commenced within six months next after the act or default complained of, nor unless 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; and 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; 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 cost of suit up to the time of the payment into Court.

Protection to Council and officers.

142. 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 penalties.

143. State children and their attendants shall travel free on Government railways on production of a certificate from the Secretary of the Council that they are State children travelling to or from foster-parents. State children apprenticed or placed out by the Council or the governing body of any institution shall travel free on Government railways to and from a public school.

State children to travel free on Government railways.

144. Any child under the age of thirteen years who is employed or engaged in any circus, or acrobatic entertainment, or exhibition by which his life, health, or safety is likely to be lost, prejudiced, or endangered, shall be deemed a "neglected child" for all the purposes of this Act; and any person so employing or engaging any such child shall be liable to a penalty not exceeding Twenty Pounds, or to imprisonment for a period not exceeding six months.

Children employed in a circus.

145. In cases of emergency requiring immediate action, and in all cases where it shall be impracticable or be likely to cause delay calculated to defeat the proper attainment of any object contemplated by the Act, the secretary may, in the name and on behalf of the Council,

Secretary to have certain powers in cases of emergency.

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Council, do any act or exercise any power which the Council is authorised to do or exercise; but all such acts or the exercise of any such powers or authorities shall by the secretary be reported to the Council at its next subsequent meeting, and shall be subject to the ratification of the Council, but, until such meeting, shall for all purposes be deemed to be valid and effectual.

Forms.

146. The several forms in Schedule B to this Act, or forms to the like effect, may be used, with such variations as the circumstances require, and shall be sufficient for the several purposes to which they are applicable respectively. Where no forms are prescribed, forms reasonably adapted to the circumstances of the case may be used, and shall be sufficient for their respective purposes.

Regulations.

147. The Governor may from time to time make, repeal, alter, and vary all such regulations as may appear necessary or advisable for regulating—

- (a) The duties, powers, authorities, and privileges of all persons employed in the administration of this Act:
- (b) The meetings and proceedings of the Council:
- (c) The management, control, and supervision of institutions and lying-in homes:
- (d) The custody, maintenance, education, employment, apprenticing, and placing out of State children:
- (e) The admission of ministers of religion to institutions:
- (f) The visitation of State children at institutions, or apprenticed, or placed out:
- (g) The punishment of State children:
- (h) Wages and rewards to State children:
- (i) The management and control of property vested in Council:
- (j) Records to be kept at institutions and by licencees:
- (k) The form and contents of agreements, appointments, apprenticeship articles, authorities, complaints, informations, licencees, mandates, notices, orders, summonses, and all other instruments and documents, and the mode of executing, serving, or delivering the same:
- (l) The fees to be paid:
- (m) The imposing of penalties:
- (n) The income and expenditure of the Council:
- (o) The time and manner in which any act, deed, matter, or thing required by this Act to be done, and as to which the time or procedure is not provided, is to be done or performed:
- (p) All

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(p) All other matters and things arising under and consistent with this Act not herein expressly provided for, and otherwise fully and effectually carrying out and giving force and effect to the various objects, purposes, powers, and authorities of this Act, and guarding against evasions and violations thereof.

148. All such regulations, and every alteration and repeal thereof, shall be laid before Parliament for thirty days, and, except in so far as the same may be disapproved by resolution of either House of Parliament, shall be published in the *Government Gazette*, and after such publication thereof shall have the force of law: Provided that no such regulation, alteration, or repeal shall be repugnant to this Act, or to the general spirit or intendment of the laws in force within the province.

Regulations to be laid before Parliament and gazetted.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

T. FOWELL BUXTON, Governor.

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SCHEDULES REFERRED TO.

Section 3.

SCHEDULE A.

No. of Act.	Short Title.	Extent of Repeal.
No. 216 of 1881..	The Destitute Persons Act, 1881	Sections 44 to 90 (both inclusive), 92, 94, 95, 100, 101, sub-section XIII. to section 28, and so much of sub-section xv. of that section as relates to infants placed out with foster parents; and also so much of the unrepealed provisions of the Act as relates to the main- tenance or desertion of a child by a near relative.
No. 387 of 1886..	The Destitute Persons Act Amendment Act	The whole thereof, except sections 1, 20, 21, 22, and 24; and as regards section 20 so much thereof as relates to the desertion of a child by a near relative.

SCHEDULE B.

FORMS.

No. 1.

Section 33.

Complaint Against a Child.

"The State Children Act, 1895."

Be it remembered that on this day of , 189 , at in
the province of South Australia, C. B., of , in the said province,
came before me Esquire, one of Her Majesty's Justices of the Peace
in and for the said province, and a Special Magistrate, and alleged that A. B., of
in the said province, is a destitute (*or neglected or convicted, as the
case may be*) child within the meaning of "The State Children Act, 1895," in that
[*set out the charge in such of the forms following as may be applicable, with any modi-
fication which the circumstances may require*], namely:—

- (a) He has no sufficient means of subsistence, and his relatives are in indigent
circumstances and unable to support him (*or are dead, or are unknown, or
cannot be found, or are out of the jurisdiction, or are in custody of the
law*).
- (b) He did on the day of , 18 , (*or at divers times*
between the day of , and the day
of , 18) at , in the said province, "habitually
beg alms," (*or "habitually receive alms." or "wander about a certain
public place, to wit , and has no home or settled place of
abode," or "reside in a reputed brothel, to wit ," or "asso-
ciate with a person who has been convicted of vagrancy, to wit
of "*)
- (c) C. B., his parent, charges the said A. B. that he is an uncontrollable or incor-
rigible child, and desires that the said A. B. may be brought before Justices
to the intent that he may be sent to an institution, or otherwise dealt with
pursuant to "The State Children Act, 1895"; and the said C. B. under-
takes to give security to the satisfaction of the Justices for the maintenance
of the said child in an institution.

(d) Is

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(d) Is under the guardianship of a person, to wit _____, who is unfit to have such guardianship.

(e) Was, on the _____ day of _____, 18____, at _____, in the said province, before _____, found guilty (or convicted) of _____, being a crime punishable by imprisonment.

Taken before me, at _____ aforesaid, the day and year first above written.

No. 2.

Mandate for Neglected Child to be sent to an Institution pursuant to "The State Children Act, 1895." Sections 33 and 42.

To _____ Esquire, Commissioner of Police, and all constables in the Province of South Australia, and to the superintendent (or matron) of the Industrial School at Magill [or other institution, as the case may be] in the said province: 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") in and for the Province of South Australia, and charged with being a neglected child within the meaning of "The State Children Act, 1895," in that he (or she) did, at divers times, between the _____ day of _____, 189____, and the _____ day of _____, 189____, (or on the _____ day of _____, 189____) at _____ in the said province, habitually beg alms [or set out other facts, as stated in the information, showing the child to be a neglected child]: And whereas I (or we) have heard the matter of the said charge, and am (or are) satisfied that the said A. B. is in fact a neglected child within the meaning of the said Act, and have convicted him (or her) thereof accordingly: And whereas the said A. B. is of the age of _____ years and _____ months, and of Protestant (or Roman Catholic or Jewish, as the case may be) religion: And whereas I (or we) have ordered the said A. B. to be sent to the Industrial School at Magill [or other institution] to be there detained or otherwise dealt with under the said Act for the term of _____ years from the day of the date hereof [or until he (or she) shall attain the age of eighteen years]: These are to require you, to whom this mandate is directed, to take the said A. B. to the said institution and there to deliver him (or her) to the superintendent (or matron) thereof, together with the duplicate of this mandate, and the said superintendent (or matron) is hereby required to receive the said child into the said school, there to be detained or otherwise dealt with under the said Act, until the expiration of the term aforesaid, unless he (or she) shall in the meantime be discharged in due course of law.

Given under _____ hand and seal, at _____, in the said province, this _____ day of _____ 189____.

No. 3.

Mandate for Destitute Child to be sent to an Institution pursuant to the "State Children Act, 1895." Sections 33 and 42.

To [as in form No. 2].

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) in and for the province of South Australia, and charged with being a destitute child within the meaning of "The State Children Act, 1895," in that he (or she) has no sufficient means of subsistence, and that his (or her) relatives are in indigent circumstances and unable to support the said A. B. (or are dead, &c.): And whereas I (or we) have heard the matter of the said charge, and am (or are) satisfied that the said A. B. is in fact a destitute child within the meaning of the said Act, and have convicted him (or her) thereof accordingly: And whereas, &c. [continue as in form No. 2].

No. 4.

Mandate for Uncontrollable or Incurable Child to be sent to a Probationary School. Sections 34 and 42.

To [as in Form No. 2.]

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), in and for the _____ province

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province of South Australia, and charged by C. B., of _____, his parent, with being an uncontrollable or incorrigible child, to the intent that he may be sent to an institution, or otherwise dealt with pursuant to "The State Children Act, 1895:" And whereas we have heard the matter of the said charge, and are satisfied that the same is well founded, and whereas the said A.B. is of the age of _____ years _____ months, and is of the Protestant [*or as the case may be*] religion: And whereas I (*or we*) have ordered the said A.B. to be sent to the [*name or description of probationary school*] to be there detained and dealt with pursuant to the said Act for a period of _____ months from the day of the date hereof. And whereas the said A. B. has given security to my (*or our*) satisfaction for the maintenance of the said child in the said institution, these are to require [*continue as in Form No. 2.*]

No. 5.

Sections 34 and 42.

Order for Uncontrollable, &c., Child to be Released on Probation.

Whereas [*insert recitals as in form No. 4 down to the words "well founded"*] I (*or we*) do hereby order that the said A.B. be released on probation, and that until he attains the age of eighteen years he shall be subject to the supervision of the Council pursuant to the said Act; and I (*or we*) do further order that the said A.B. shall from time to time, until he attains the said age, report himself to the said Council, or the secretary thereof, at such places and times and in such manner as the said Council or the secretary thereof shall direct.

Dated this _____ day of _____, 189 .

No. 6.

Sections 34 and 42.

Mandate for Convicted Child to be sent to a Reformatory School pursuant to "The State Children Act, 1895."

To [*as in form No. 2, varied to suit the circumstances*].

Whereas on the _____ day of _____ 189 , at [*Court or place of conviction*], in the province of South Australia, before the undersigned, a Judge of the Supreme Court [*or as the case may be*] of the said province, A. B., a boy, was convicted of a certain offence punishable by imprisonment, to wit, larceny of a gold watch, the property of X. Y. [*or other offence*]: And whereas the said A.B. is of the age of _____ years and _____ months, and is of the Protestant [*or as the case may be*] religion: And whereas I have ordered the said A. B. to be sent to the Reformatory School at Magill, in the said province [*or other institution, as the case may be*], to be there detained or otherwise dealt with, pursuant to "The State Children Act, 1895," for the term of _____ years from the day of the date hereof (*or until he shall attain the age of 18 years, as the case may be*), these are to require [*continue as in form No. 2.*].

No. 7.

Sections 53, 58.

Agreement for Boarding Out State Child.

"The State Children Act, 1895."

Whereas A. B., [*here state residence and occupation*] has agreed with the State Children's Council to receive and take charge of C. D., a State child, now under the care of the Council, for the term of _____ from this date, upon receiving from the Council the sum of _____ weekly, (monthly, *or* quarterly, *or* without fee *or* reward): These are therefore to authorise the said A. B., pursuant to the above-mentioned Act, to take the said C. D. to be by him (*or her*) kept, maintained, clothed, and educated during the said term.

In witness whereof the seal of the said Council has been hereunto affixed this _____ day of _____ 189 .

(Seal of Council).

Secretary.

I, the above-named A.B., hereby agree with the said Council to receive and keep, maintain, clothe, and educate, to the satisfaction of the said Council, the said C. D., for the term and upon the terms of the above licence, and subject in all things to the provisions of the said Act, and the regulations thereunder.

Dated this _____ day of _____ 18 .

Witness—

A. B.

No.

The State Children Act.—1895.

No. 8.

Agreement for Service of a State Child.

Sections 53, 58.

"The State Children Act, 1895."

Whereas A. B., of [*here state residence and occupation*], has agreed with the State Children's Council to receive for service and take charge of C. D., a State child, now under the care of the Council, for the term of _____ from this date: These are therefore to authorise the said A. B. to receive and take charge of the said C. D., to be by the said A. B. kept, maintained, clothed, and educated during the term of such service, pursuant to the above-mentioned Act and the regulations thereunder.

In witness, &c. [*as in Form No. 7.*]

I, the above-named, A. B., hereby agree with the said Council to receive said C. D. into service, and to keep, maintain, clothe, and educate him to the satisfaction of the Council, for the term and upon the terms of the above licence, and I agree to pay for the services of the said C. D., the sum of _____ per week [*here set out rates of wages, &c., if no wages to be paid omit agreement for payment of wages*], subject in all things to the provisions of the said Act and regulations.

Dated this _____ day of _____ 18 .
 Witness— _____ A. B.

No. 9.

Agreement for the Adoption of a State Child.

Sections 53, 58.

"The State Children Act, 1895."

Whereas, A. B., of [*here state residence and occupation*], has agreed with "The State Children's Council" to adopt and take charge of C. D., a State child, now under the care of the Council, for the term of _____ from this date: These are therefore to authorise the said A. B. to receive and take charge of the said C. D., to be by the said A. B. kept, maintained, clothed, and educated, during the said term, pursuant to the above-mentioned Act and the regulations thereunder.

In witness, &c. [*as in Form No. 7.*]

I, the above-mentioned A. B., hereby agree with the said Council to adopt the said C. D., and to keep, maintain, clothe, and educate him to the satisfaction of the said Council during the term and upon the terms of the above licence, subject in all things to the said Act and regulations.

Dated this _____ day of _____, 18 .
 Witness— _____ A. B.

No. 10.

Order by Council Removing State Child from one Institution to another.

Section 47.

"The State Children Act, 1895."

Whereas A. B., is now an inmate of the [*name of institution*] at _____, and whereas the State Children's Council have determined that the said A. B., shall be removed to and detained at the [*name of institution*] at _____ [*or as the case may be*]: These are therefore to require you, C. D., forthwith to take the said A. B. from the said [*name of institution*] to the said reformatory school [*or as the case may be*], and there to deliver him (*or her*) to E. F., the superintendent, (*or matron*) thereof, together with a duplicate of this order; and you, the said E. F., are hereby required to receive the said A. B. into the said reformatory school [*or as the case may be*], to be there detained in accordance with the copy mandate accompanying this order.

In witness whereof the seal of the State Children's Council has been hereunto affixed this _____ day of _____, 189 , in the presence of

 President.

 Member of Council.

To C. D., of [*residence and occupation*] and E. F., superintendent (*or matron*) of the [*name of institution to which child is to be removed*].

No.

The State Children Act.—1895.

No. 11.

Sections 65, 72.

Order by Council for Return by Foster-parent of State Child Apprenticed or Placed Out.

“The State Children Act, 1895.”

Pursuant to the provisions of “The State Children Act, 1895,” the State Children’s Council do hereby order and require you forthwith to deliver A. B., a State child apprenticed to (or placed out with) you, at the [name of institution] at (or to C. D., of , the bearer hereof, who is authorised by the Council to receive the said A. B.) [Add, if so determined—The said Council doth hereby cancel the indentures of apprenticeship of the said A. B. whereby he was apprenticed to you (or revoke the agreement dated the day of , 189 , whereby you were authorised to receive the said A. B.)]

In witness, &c. [as in Form No. 7.]

To G. H. [name and address of parent or foster-parent].

N.B.—Take notice that if you fail to comply with this order you will be liable to a penalty not exceeding £10.

No. 12.

Section 72.

Order by Council on State Child Apprenticed or Placed Out to Return to an Institution.

“The State Children Act, 1895.”

Pursuant to the provisions of “The State Children Act, 1895,” the State Children’s Council do hereby order and require you forthwith to return with C. D., the bearer hereof, to [name of institution] at (or to forthwith surrender yourself at the [name of institution] at).

In witness, &c. [as in Form No. 7.]

To A. B. [name of State child].

No. 13.

Section 81.

Complaint against Near Relatives of a Child under “The State Children Act, 1895.”

Be it remembered that on this day of 189 , at in the province of South Australia A. (or K.) of in the said province came before me, the undersigned, a Justice of the Peace in and for the said province and alleged as follows [set out the allegations in such of the forms following as may be applicable], namely:—

That F. of , and S. of , are near relatives within the meaning of “The State Children Act, 1895,” of C., a male (or female) child of the age (or apparent age) of years.

That C., a male (or female) child of the age (or apparent age) of years, is an illegitimate child, and that P. is the father thereof.

That the said C. is a State child within the meaning of “The State Children Act, 1895.”

That the sum of pounds is owing to for the past maintenance of the said child.

That the said F. and S. are able to contribute towards (or pay for) the maintenance (and past maintenance) of the said child.

That the said P. is able to pay for (or contribute towards) the maintenance (and past maintenance) of the said child.

That the said P. has made default in compliance with an order made against him on the day of in respect of the maintenance of C.

That the said P. intends to evade compliance with an order made against him [as in last form].

That this complaint is made on behalf of the State Children’s Council by K., who is duly authorised by the said Council to make the same.

Taken before me at the }
day and year first above written. } [Signature of complainant].
J.P.

No.

The State Children Act.—1895.

No. 14.

Maintenance Order pursuant to "The State Children Act, 1895."

Secs. 83, 86, 88, 91.

Upon complaint made by K., on behalf of the State Children's Council, against P. of _____, wherein it is alleged that C., a female child of the age of _____ years, is an illegitimate child; that P. is the father thereof; that the said C. is a State child within the meaning of "The State Children Act, 1895"; that there is owing to the said Council the sum of _____ pounds for the past maintenance of the said child; and that the said P. is able to pay for (or contribute towards) the maintenance and past maintenance of the said child; and the said complaint coming on for hearing this day before me (or us), the undersigned, a Special Magistrate (or two of Her Majesty's Justices of the Peace) in and for the province of South Australia, and sitting at _____, and having heard the evidence of A.C., the mother of the said child, and such evidence having been duly corroborated in a material particular as required by the said Act, and being satisfied that the several allegations aforesaid have been duly proved, I (or we) do adjudge the said P. to be the putative father of the said C. within the meaning of the said Act.

And I (or we) do order [use such of the forms following as may be applicable] as follows, that is to say—

That the said P. do pay to _____ the sum of _____ pounds for the past maintenance of the said child on or before the _____ day of _____ next [or if by instalments set out number, amounts, and dates of payment].

That the said P. do pay to _____ the sum of _____ shillings on the _____ day of every week hereafter until the said child shall attain the age of _____ years, or until further order.

That the said _____ do pay to the said _____ the sum of _____ pounds for his costs incurred on this behalf.

That all the said sums be paid to _____ at _____.

That the said P. do forthwith find good and sufficient security by recognisance—himself in the sum of _____ pounds and two sureties in the sum of _____ pounds each, or one surety in the sum of _____ pounds, for the due compliance of him, the said P., with this order: And in default of such security being found I (or we) do adjudge the said P. to be imprisoned in _____ for the space of [with or without hard labor, as the case may be].

That [the person upon whom notice of attachment of moneys or property has been served by the State Children's Council] do forthwith pay (or deliver over) unto _____, at _____, the sum of _____ pounds [or describe the property to be delivered over], being all (or portion) of the money (or property) attached in his hands by notice from the State Children's Council dated the _____ day of _____, 189 _____.

Dated at _____ this _____ day of _____, S.M. (or J.P., &c.)

No. 15.

Maintenance Order pursuant to "The State Children Act, 1895."

Section 83.

Upon complaint made by A., of _____, (or K., of _____), on behalf of the State Children's Council, against F., of _____, and S., of _____, wherein it is alleged, *inter alia*, that the said F. and S. are near relatives, within the meaning of "The State Children Act, 1895," of C., a male (or female) child of the age (or apparent age) of _____ years, and that [set out any other material allegations in the complaint which have been proved], and the said complaint coming on (or having been partly heard) on the _____ day of _____ and adjourned and coming on again) for hearing this day before me (or us), the undersigned, a Special Magistrate (or two of Her Majesty's Justices of the Peace) in and for the province of South Australia, sitting at _____: And I (or we), being satisfied that the said F. is the father and S. is the stepmother of the said child ("that the said C. is a State child," "that the sum of _____ is owing to the said Council (or to A.) for the past maintenance of the said child (as the case may require) that said F. and S. are able to contribute towards the (past and future) maintenance of the said child the sums hereinafter mentioned, I (or we) do order that, on or before the _____ day of _____ next, the said F. do pay the sum of _____ pounds, and the said S. do pay the sum of _____ pounds, for the past maintenance of the said child [or if the amount be made payable by instalments, alter the form accordingly]:

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accordingly]: And that on the _____ day in every week [*or on such other days as may be determined*] hereafter, beginning on _____, the _____ day of _____, 18____, until the said child shall attain the age of _____ years, or until further order, the said F. do pay the sum of _____ shillings, and the said S. do pay the sum of _____ shillings, for the future maintenance of the said child: And that the said sums be paid to _____ at _____.

Dated this _____ day of _____, 189____.

S.M. (*or J.P., &c.*)

 No. 16.

Section 87.

Notice of Attachment.

To

Whereas a complaint has been made, pursuant to Part v. of "The State Children Act, 1895," against A.B., of _____, and whereas you have, or are supposed to have, in your care, custody, or control money or property of or belonging or payable to the said _____: Notice is hereby given you not to part with the possession of such money or property, or any part thereof, until after the said complaint has been heard and determined.

Given under the seal of The State Children's Council, this _____ day of _____ 189____.

The seal of the said council was hereto affixed in the presence of _____

Secretary.)

(L.S.)

 No. 17.

Section 88.

Notice to be Indorsed on Maintenance Order, or on a Copy thereof.

To

Whereas, by notice under the seal of The State Children's Council, dated the _____ day of _____, 189____, you were required not to part with the possession of certain money (*or property*) therein mentioned until a complaint in the said notice referred to against the within-mentioned A.B. had been heard and determined: And whereas the said complaint having been duly heard and determined by me, the undersigned _____, a Special Magistrate (*or by us _____, two of Her Majesty's Justices of the Peace*) in and for the province of South Australia, an order has been made against the said A.B., upon the terms within set forth: Now, therefore, I (*or we*), in exercise of the powers in this behalf conferred by "The State Children Act, 1895," do order that you, _____, of _____, do forthwith pay (*or deliver over*) unto _____, at _____, the sum of _____ pounds [*or describe the property to be delivered over*], being all (*or portion*) of the money (*or property*) attached by the said notice.

Dated at _____, this _____ day of _____, 189____.

S.M., &c.

N.B.—If you neglect or refuse to comply with the above order you will render yourself personally liable to pay the above-mentioned sum (*or the value of the property above mentioned*).

 No. 18.

Section 92.

Complaint by Near Relative.

"The State Children Act, 1895."

Be it remembered that on this _____ day of _____ 18____, at _____ in the province of South Australia, P., of _____, in the said province, came before me the undersigned, a Justice of the Peace in and for the said province, and alleged as follows:—

That an order was made against him, pursuant to the above-mentioned Act, on the _____ day of _____ 18____, in respect of the maintenance of C.

That F., of _____ and S., of _____, are near relatives of the said C., and are able to contribute towards (*or pay for*) the maintenance of the said C.

Taken, &c. [*as in Form No. 13.*]

No.

The State Children Act.—1895.

No. 19.

Order Varying Maintenance.

Section 92.

"The State Children Act, 1895."

Order—

Upon complaint made by P., of _____, against F., of _____, and S., of _____, wherein it is alleged [*set out substance of allegations*], and the said complaint coming on for hearing this day before me (*or us, &c.*), [*as in Form No. 14*], I (*or we*) do order as follows, that is to say [*use such of the forms following or in No. 14 or 15 as may be applicable.*]

That the said order against the said P. be annulled as from this date (*or be suspended for _____ months from this date, or be varied in the following particulars* [*setting them out*])

That the said P. do pay the sum of _____ shillings; the said F. do pay the sum of _____ shillings; and the said S. do pay the sum of _____ shillings on _____ day next, and on the _____ day in every week thereafter, until the said C. shall attain the age of _____ years, or until further order for the maintenance of the said C.

That all the said sums be paid to _____ at _____

Dated at _____, this _____ day of _____, 189 _____, S.M. (*or J.P.'s*)

No. 20.

Lying-in Home Licence.

Sections 102, 103.

"The State Children Act, 1895."

In consideration of the sum of five shillings paid by _____ of _____, the premises hereunder mentioned, that is to say [*describe premises and situation*], are hereby licensed to be kept and used as a place for the accommodation of females during their confinement and lying-in, subject in all things to the provisions of the above-mentioned Act and the regulations thereunder, for the term of not exceeding one year from the date hereof.

Dated this _____ day of _____, 189 _____.

By order of the State Children's Council,
(Seal.)

Secretary.

No. 21.

Foster-mother's Licence.

Section 106.

"The State Children Act, 1895."

In consideration of the sum of one shilling paid by [*name*], of [*residence and occupation*], the said _____ is hereby licensed as a foster-mother subject in all things to the provisions of the above-mentioned Act and the regulations thereunder, for the term of not exceeding one year from the date hereof.

The number of children under two years of age to be kept by the said _____ under this licence, shall not at any time exceed _____.

Dated this _____ day of _____, 189 _____.

By order of the State Children's Council,
(Seal.)

_____, Secretary.

SCHEDULE C.

Fees to be paid.

Sections 103, 106.

Annual licence fee for lying-in home	Five shillings.
Annual licence fee for foster mother	One shilling.

Acts of the Parliament of South Australia [electronic resource]

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