

*Maintenance Act.—1926.*PART III.
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- 83.** If any money payable under a maintenance order is in arrear for one month, any Justice may, if he thinks fit, issue a warrant under his hand authorising the board, or some person named in such warrant, to receive the whole or any part of the rents, profits, and income of the real and personal estate of the person against whom such order was made, or to sell the estate and interest of such person in such real and personal estate, or such part thereof as the Justice may direct.
- Warrant to enforce payments under orders.
Ibid., s. 95.
996, 1909, s. 8.
- 84.** Every such warrant may be registered in the same manner as a writ of *feri facias*, and shall, from the time of registration, bind the estate or interest of the person liable under the order for maintenance in his real estate and chattel real property.
- Registration of warrant and effect thereof.
Ibid., s. 96.
- 85.** Any sale under such warrant may be by public auction or private contract for cash or on credit, or partly for cash and partly on credit, and subject or not to such special or other conditions as the board deems expedient.
- Sale under warrant.
Ibid., s. 97.
- 86.** (1) The board, or person authorised by the warrant to sell, may execute to the purchaser all such conveyances, assignments, memoranda of transfer, or other assurances of the property sold as the person against whom the order was made might have executed but for this Act, and the property so conveyed or assured shall vest in the purchaser accordingly.
- Assurances to purchaser.
Ibid., s. 98.
996, 1909, s. 8.
- (2) The Registrar-General shall forthwith register every such memorandum of transfer, and cause all certificates of title to be issued or cancelled, and entries to be made and acts to be done, as may be necessary for giving effect to the sale.
- 87.** (1) No notice or demand whatsoever shall be requisite before issuing any such warrant as is mentioned in section 83, or before exercising any of the powers thereby conferred.
- Issue of warrant without previous demand.
Ibid., s. 99
Ibid., s. 8.
- (2) The warrant shall, so far as regards any purchaser or person dealing with the board or the person authorised by such warrant, be conclusive evidence that the power to sell is vested in the board or in the person therein named.
- 88.** The payment to the board or to the person named in any such warrant shall be a good discharge to any tenant, purchaser, or other person for all moneys paid by him pursuant to such warrant.
- Effect of payment under warrant.
Ibid., s. 100.
Ibid., s. 8.
- 89.** The rents, profits, and income, and the proceeds of any sale, received under any such warrant shall be applied firstly in payment of the costs of collection or sale; secondly, in payment of the costs of obtaining such warrant; thirdly, in paying any money due under the original order; and the balance shall be applied in or towards future maintenance, or in such other manner as a Court of Summary Jurisdiction may direct.
- Application of moneys received under warrant.
Ibid., s. 100.

90. The

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Power of Court to require security for compliance with order.

Ibid., s. 91.

90. The Court making any maintenance order may, by the same or a separate order, and any Court, on complaint that any person liable upon any such order has made default thereunder, or intends to evade compliance therewith, may, by a subsequent order, require the person liable for the maintenance to find such good and sufficient sureties or security as it thinks fit, that he will comply with the order made against him, and the Justices may, in default of such sureties or security being found, commit such person to gaol for any period not exceeding six months, unless the order for security is sooner complied with: Provided that it shall be lawful for the Court to determine upon the sufficiency of any proposed sureties or security, and in what manner the security shall be given, and any Justice, upon being satisfied that the security has been duly made and perfected, may order the discharge of such person from gaol.

Penalty for failure to comply with orders.

750, 1900, s. 16.

91. (1) A Court of Summary Jurisdiction may, at any time, inquire into any disobedience of, or neglect to comply with, any maintenance order, and for that purpose may summon and examine all proper parties and witnesses, and in order to enforce compliance or punish the non-compliance with such order, may commit to gaol, with or without hard labor, for any period not exceeding twelve months, unless the order is sooner complied with, the person found guilty of such disobedience, neglect, or non-compliance, or may impose upon such person a fine not exceeding Fifty Pounds.

(2) Neither the serving of a period of imprisonment nor the payment of a fine under this section shall affect the liability of the defendant to pay any sum of money ordered to be paid by the maintenance order.

Warrant in first instance.

Ibid., s. 6.

92. Upon a complaint made under the next preceding section of this Act in respect of any alleged disobedience of or neglect to comply with any maintenance order, a Justice may, instead of issuing a summons, issue a warrant under his hand for the apprehension of the person against whom the complaint is made, and for the detention of that person until the hearing of the complaint, unless he enters into a recognizance, with one or more sureties, in such sum as the Justice directs, conditioned for his appearance at the hearing of the complaint.

Disobedience of order and quitting State.

641, 1895, s. 126.

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

Desertion of child under certain circumstances a misdemeanor.

Ibid., s. 127.

94. (1) Every near relative liable to maintain any child who leaves such child without, or fails to provide such child with, adequate

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adequate means of support, and goes to reside, either temporarily or permanently, outside the State, shall be guilty of a misdemeanor, punishable by imprisonment for any period not exceeding twelve months.

95. Upon complaint on oath by or any officer of the board, that he has reasonable grounds for believing that any person is about to commit a misdemeanor within the meaning of section 93 or section 94 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.

Warrant for arrest
of deserter.
Ibid., s. 128.

96. Upon the hearing of a complaint made under the next preceding section a Court of Summary Jurisdiction may hear and determine the matter in a summary way, and, if satisfied that the defendant was about to commit the offence mentioned in the complaint may order such defendant to find good and sufficient surety or security to the satisfaction of the Court that he will comply with the maintenance order, or that he will not leave the child without, or will provide the child with adequate means of support. The Court, in default of such surety or security being found, may commit the defendant to gaol for any period not exceeding six months, if such order be not sooner complied with: Provided that any Justice may determine upon the sufficiency of any proposed surety or security, 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 the defendant from gaol or custody.

Summary
proceedings against
deserters.
Ibid., s. 129

97. (1) On the hearing of any complaint in which the defendant is charged with non-compliance with any maintenance order, the defendant shall be compellable to give evidence, and may be summoned as a witness for that purpose.

Compellability of
defendant as
witness at hearing
of complaint for
non-compliance.
996, 1909, s. 13.

(2) The defendant shall not be excused from giving evidence, on the ground that the answer to any question, or such evidence, might prove or tend to prove him guilty of the matter alleged or charged against him: Provided that such question or evidence is, in the opinion of the Court or other tribunal hearing the complaint, relevant to the matter of that complaint.

98. (1) Whenever in any proceedings under this Division it is material to ascertain the earnings of any person the Court may accept a document purporting to be a statutory declaration made as hereinafter in this section mentioned as *prima facie* evidence of those earnings.

Proof of earnings
of defendant.

(2) A statutory declaration under this section shall be made—

(a) by any employer of the person whose earnings are in question; or

(b) by

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- (b) by some person employed by such employer as manager, secretary, accountant, or in any such other position as in the opinion of the Court would enable him to testify to the earnings of the person whose earnings are in question.

Proof of payment or non-payment under maintenance order.

99. Whenever in any proceedings under this Division it is material to enquire whether any, or how much, money has been paid or is owing to the board or any officer thereof by any person liable under a maintenance order to make any such payment to the board or an officer thereof, any officer of the board may on oath state his information and belief as to whether any, and how much, money has been paid, or is owing, as aforesaid, and the Court shall accept such statement as *prima facie* evidence of the facts stated.

PART IV.

PART IV.

STATE CHILDREN.

DIVISION I.

DIVISION I.—THE COMMITMENT, DETENTION, AND RELEASE OF STATE CHILDREN.

Places for hearing complaints against children.
996, 1909, s. 3.

100. Every information or complaint—

- (a) laid against any child in respect of any alleged offence, whether such offence is indictable or is punishable on summary conviction or otherwise ; or
- (b) alleging that any child is a destitute, neglected, or uncontrollable, or incorrigible child,

and which is to be heard within ten miles of any part of the City of Adelaide or of the City of Port Adelaide, shall be heard only in such room or place as is from time to time appointed or approved of by the Chief Secretary for the purpose of hearing such informations and complaints.

Constables may arrest destitute or neglected children.
641, 1895, s. 32.

101. Any constable may, without a warrant, apprehend any child appearing or suspected to be a destitute or neglected child, and take such child before a Court of Summary Jurisdiction.

Court may order destitute or neglected children to be sent to an institution.
Ibid., s. 33.

102. The Court, upon complaint being made in the prescribed form, and upon being satisfied that any child charged with being a destitute child or a neglected child is in fact a destitute child or a neglected child, may—

996, 1909, s. 21 (part).

- (a) order such child to be forthwith sent to an institution, to be there detained or otherwise dealt with under this Act until such child attains the age of eighteen years ; or

(b) by

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- (b) by an order in writing place such child in the custody and under the control of the board until such child attains the age of eighteen years.

103. If any child is brought before a Court of Summary Jurisdiction charged either by his parents or by an officer of the board with being an uncontrollable or incorrigible child, the Court, upon being satisfied that the charge is well founded, may—

Uncontrollable or incorrigible child, how dealt with.
641, 1895, s. 34.
750, 1900, s. 4.
996, 1909, s. (part).

- (a) order the child to be sent to an institution, to be there detained or otherwise dealt with under this Act until he attains the age of eighteen years :
- (b) by an order in writing place the child in the custody and under the control of the board until he attains the age of eighteen years :
- (c) release the child on probation, in which case he shall be subject to the supervision of the board until he attains the age of eighteen years, and shall periodically report himself to the board at such place and times and in such manner as the board may direct :
- (d) order the child to be sent to a probationary school to be there detained for a period of not more than three months :

Provided that, if the charge is made by an officer of the board, no order under this section shall be made without notice of the charge to the parent, unless the address of the parent is unknown to the officer.

104. (1) If any child released on probation, pursuant to section 103, fails to report himself to the board as directed, or if the board is not satisfied with his conduct while on probation, the board may, without any warrant, cause him to be arrested and brought before a Court of Summary Jurisdiction.

If probationer fail to report himself, the board may cause him to be arrested.
641, 1895, s. 35.

(2) The Court may exercise, with regard to such child, any of the powers which the Court by which such child was released on probation might have exercised.

105. If, on the hearing of any information or complaint, any child is convicted of any offence, or is found to be a destitute, neglected, uncontrollable, or incorrigible child, and the Court hearing the information or complaint is of opinion that such child is guilty of such offence, or is destitute, neglected, uncontrollable, or incorrigible, wholly or partly in consequence of some fault of or lack of proper care or control on the part of the guardian of such child, the Court may, on the hearing or any adjournment thereof, and without complaint made for that purpose, in its discretion punish such guardian by a fine not exceeding Twenty Pounds, or by imprisonment for any term not exceeding three months : Provided that no guardian shall be punished under this section unless notice of the hearing

Guardian of child to be liable in certain cases for its offence.
996, 1909, s. 20.

hearing or adjournment has been given to him in manner provided by section 106, and, if present, he has had an opportunity of showing cause why he should not be punished.

Notice to guardian
of certain
proceedings.
Ibid., s. 16.

106. (1) Whenever any complaint is made charging a child with being a neglected child on the ground that he is under unfit guardianship, the guardian of such child shall be notified in writing by the complainant of the time when and place where such complaint is to be heard.

(2) Such notice shall be deemed sufficiently given if served personally on such guardian, or posted addressed to him at his last known place of abode or business, a reasonable time prior to the date of the hearing of such complaint.

(3) The guardian, if present, shall, if he so desires, be heard in the matter.

Examinations as to
mental condition
of children.

107. Any Court of Summary Jurisdiction before whom a child is brought may, if it has reason to suspect that the mental condition of the child is such as to affect the criminal responsibility of the child, cause the child to be examined by a properly qualified person, and may accept as evidence the written or verbal report (whether an oath or otherwise) of such person as to the child's mental condition.

Secondary evidence
receivable in certain
cases.
Ibid., s. 14.

108. In all proceedings relating to destitute, neglected, or uncontrollable or incorrigible children, the Court may receive and take into consideration any written or verbal report from any member of the Police Force or officer of the board then present: Provided that the contents of such report shall be made known to the person charged, who shall be permitted to cross-examine such member or officer thereon.

Child under control
may be placed in an
institution.
Ibid., s. 23.

109. The board may, with the approval of the Chief Secretary, order, in writing, that any child placed in the custody and under the control of the board shall be placed in an institution, and upon such order being made such child shall, immediately and for the unexpired term of such custody and control, be deemed to be a State child in the same manner and to the same extent as if such child had been originally committed to an institution by a Court.

Entry into house or
premises for the
purpose of arrest of
children.
Ibid., s. 24.

110. (1) Any member of the Police Force, any officer of the board specially authorised in writing by the Secretary, or any member of the board, may enter into or upon any house, building, or other premises for the purpose of arresting, and may, there or elsewhere, arrest any child who is reasonably supposed to be guilty of any offence, or who is destitute, neglected, or uncontrollable or incorrigible.

(2) Any such child so arrested shall, as soon as conveniently may be, be brought before a Court of Summary Jurisdiction, so that the matter alleged against him may be heard and determined.

111. Convicted

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- 111.** Convicted children only shall be ordered to be sent to reformatory schools: Provided that if any neglected child, destitute child, or uncontrollable child, in the opinion of the Court and under the special circumstances of the case, ought to be sent to a reformatory school, such Court may order such child to be committed to a reformatory school accordingly.
- Convicted children to be sent to reformatory schools, except in special cases.
641, 1895, s. 40.
- 112.** Destitute children, neglected children, and uncontrollable children only shall be ordered to be sent to institutions other than reformatory schools: Provided that under special circumstances, and with the approval of the Governor, an inmate of any other institution may be transferred for misconduct to a reformatory school; and in like manner any inmate of a reformatory school may, for good conduct, be transferred to any other institution.
- Destitute or neglected children not to be sent to reformatory schools except in special cases.
Ibid., s. 41.
- 113.** (1) If any child is found guilty of any crime or offence (other than homicide) punishable by imprisonment, the Court by which such child is so found guilty shall not sentence such child to imprisonment, but may—
- Convicted children may be sent to reformatory school, etc.
Ibid, s. 36.
996, 1909, s. 21 (part).
1339, 1918, s. 3.
- (a) order such child to be sent to a reformatory school and to be there detained or to be otherwise dealt with under this Act until he attains the age of eighteen years, or for such lesser period as the Court in its discretion deems proper; or
- (b) by an order in writing place such child in the custody and under the control of the board until he attains the age of eighteen years; or
- (c) order the parent to give security for the good behaviour of such child until the child attains the age of eighteen years, or for such lesser period as the Court in its discretion deems proper; and, upon being satisfied that such security has been given, may dismiss the charge and give a certificate of dismissal accordingly: Provided that no such order shall be made against any parent unless such parent has been summoned to attend or is present before the Court, and has had an opportunity of being heard; or
- (d) adjourn the case on a near relative undertaking to punish the child in such reasonable or moderate manner as the Court approves; and on being satisfied that such punishment has been duly inflicted may dismiss the charge and give a certificate of dismissal accordingly.
- (2) In any case where a child is liable to be sentenced to imprisonment by a Court of Summary Jurisdiction by reason of the non-payment of a fine or monetary penalty or non-compliance with an order for the payment of money, such child shall not be sentenced to imprisonment, but may be ordered to be detained in an institution
- Child not to be imprisoned, but become State child, for non-payment of fine.
996, 1909, s. 11 (1).

OR

or to be placed in the custody and under the control of the board until he attains the age of eighteen years, or for such lesser period as the Court in its discretion deems proper.

If child over sixteen years of age at time of committal he may be detained for two years.
Ibid., s. 38.

114. If any child at the time of being committed to an institution or placed in the custody and under the control of the board is upwards of sixteen years of age, such child may be ordered to be detained in an institution, or otherwise dealt with under this Act, for the period of two years, notwithstanding that such period would extend beyond the time of such child attaining the age of eighteen years.

Children over 18 years of age to cease to be under Council's control.
Ibid., s. 39.

115. Except as in this Act otherwise provided, no State child shall be detained in any institution or be under the control of the board after attaining the age of eighteen years.

Mandate for detention.
Ibid., s. 42.

116. (1) Whenever a child is ordered to be sent to an institution the Court making the order shall issue a mandate for the taking of such child to such institution, and for his detention during the period of detention specified in the mandate, subject to this Act.

(2) Every such mandate shall be executed and obeyed by all persons to whom it is directed and delivered, and shall be forwarded with the child to the superintendent or matron of the institution, and shall be a sufficient warrant for the taking and detention of the child named therein according to the tenor thereof, and no other warrant for such taking and detention shall be necessary.

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

117. 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.

Age and religion of child to be stated in mandate.
Ibid., s. 43.

118. (1) Every mandate by a Court committing a child to an institution and every order placing a child in the custody and under the control of the board shall contain a statement of the age and religion, so far as known, of such child, and the cause for which, and institution in which, the child is to be detained.

750, 1900, s. 5.

(2) If there is no statement by the Court in the mandate as to the age or religion of the child named therein, the chairman may indorse on the mandate a statement of the age or religion of such child, so far as known to him.

In absence of positive evidence as to age, age to be determined on view.
641, 1895, s. 44.

119. If there is an absence or insufficiency of positive evidence or information as to the age of any child, the Court may on view determine the age of such child, and shall insert in the mandate or order the age so determined.

120. The

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120. The statement in any mandate that the child therein named is of a certain age and religion shall, for the purpose of this Act, be taken to be true, unless within six months from the date of the mandate the board is satisfied to the contrary, and indorses on the mandate the correct age or religion.

Statement of age and religion to be *prima facie* evidence.

Ibid., s. 45.

121. A certificate indorsed upon or annexed to any mandate, and signed by the chairman or the superintendent or matron of any institution, stating that the child named in such mandate was duly received into such institution, and was at the signing thereof detained in an institution or had been otherwise dealt with under this Act, shall in all proceedings whatsoever be *prima facie* evidence of the facts stated in such certificate, and of the identity of the child therein named.

Certificate of secretary, &c., indorsed on mandate or order to be *prima facie* evidence.

Ibid., s. 46.

122. Any inmate of an institution, whether a private institution or not, may, for any reason which appears to the board sufficient, by order of the board and subject to the provisions of this Act be removed to and detained in any other institution.

Removal of inmates from one institution to another by order of the Board.

Ibid., s. 47.

123. (1) Any State child who—

(a) absconds from any institution, or from his foster-parent; or

(b) whilst liable to detention refuses or neglects at the end or determination of the term of his apprenticeship or placing out forthwith to return to the institution in which he was last detained, or to such other institution as the board may order; or

(c) neglects or fails to obey any order of the board to return to or surrender himself at any institution,

State children absconding, &c., may be apprehended without a warrant and punished.

Ibid., s. 48.

shall be guilty of an offence and may be apprehended without a warrant by any member of the Police Force, or by an officer of or person appointed by the board, and conveyed to such institution as the board may direct.

(2) Any State child guilty of an offence under this section shall be liable, on summary conviction, to imprisonment in a reformatory school.

819, 1903, s. 11.

124. Any State child so offending as mentioned in the next preceding section shall, if the board so directs, for every such offence be detained under the control of the board, or of the governing body of the institution, as the case may be, for one month beyond the period of detention limited by the mandate for his or her detention, anything in this Act to the contrary notwithstanding.

Punishment of absconding children. 641, 1895, s. 49.

125. (1) The Governor may order the release of any State child from any institution, or from the control of the board.

Governor may release State child. *Ibid.*, s. 50

(2) Upon production to the board, or to the chairman thereof, of such order, the child shall be forthwith released accordingly.

126. (1) The

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Governor may extend period of detention till child attains his majority
Ibid., s. 51.

126. (1) The Governor, upon the recommendation of the board, may order that the period of supervision by the board or of detention of any female State child specified in any mandate shall be extended until such child attains the age of twenty-one years or for any shorter period, and such child shall be supervised or detained accordingly.

(2) The Board shall notify the parents of the child or any one of them known to the Board, or, as the case may be, the guardian of the child that it has recommended the extension aforesaid and shall inform the person so notified of his or her right to make representation to the Chief Secretary on the question whether the period of supervision or detention shall or shall not be extended.

(3) Such person may at any time within one month after the posting of such notice make representations to the Chief Secretary as aforesaid.

(4) If the Chief Secretary after considering the representations (if any) made within the month aforesaid is of opinion that it is in the interests of the child that the period of supervision or detention should be extended, the Governor may extend the same accordingly, but not otherwise: Provided that if the child has no parents or guardian such extension shall not be made unless a medical practitioner certifies that it is in the interest of the child.

(5) When any female person under the supervision of the Board or detained in any institution is certified by two legally qualified medical practitioners to be mentally defective the Governor may on the recommendation of the Board order the period of supervision or detention of such person to be extended for any period, notwithstanding that such person shall have attained the age of twenty-one years before the expiration of such period.

DIVISION II.

DIVISION II.—APPRENTICING AND PLACING OUT OF STATE CHILDREN.

Board may apprentice children.
Ibid., s. 52.

127. The board may, by indenture of apprenticeship, bind any State child apprentice to any suitable person, to be taught such useful trade or calling as the board approves; and such binding shall be as effectual as if the child were of full age at the date of the indenture, and had voluntarily executed the same; but the period of any such apprenticeship shall not exceed five years, nor extend beyond the day of the child attaining the age of twenty-one years.

Board may place out children.
Ibid., s. 53.
1906, 1909, s. 4.

128. (1) The board may place out any State child for such period, subject to this Act, as the board thinks fit—

- (a) to reside and board with any relative of such child, or with a suitable person approved by the board; or
- (b) with any suitable person willing to receive such child for adoption or service, and who, in the opinion of the board, is able to provide for and is suitable to be entrusted with the care of such child.

(2) Nothing

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(2) Nothing in this section shall authorise the placing out of any child for any time extending beyond the period of detention of such child.

129. (1) Except in cases where a special exemption has been granted by the board for good cause shown, the foster-parent of every State child over the age of six years placed out shall cause such child to be sent regularly to school as required by the Education Act, 1915.

Children between seven and fourteen not to be placed out unless provision is made for education.
641, 1895, s. 54.

(2) Any foster-parent committing or permitting any offence against this section shall be liable to a penalty of Ten Pounds.

Foster-parent liable for offence against last section.
Ibid., s. 55.

130. No State child shall be apprenticed or placed out for service under the age of fourteen years.

Child under fourteen not to be apprenticed or placed out for service.
Ibid., s. 56.

131. All indentures of apprenticeship and agreements for the placing out of State children under this Act shall contain provisions to the satisfaction of the board for the proper keeping, maintaining, clothing, and (where necessary) educating such child, and for the due payment of such wages (if any) as may be payable thereunder.

Indentures of apprenticeship and agreements to provide for maintenance, education, &c.
Ibid., s. 58.

132. The board may in any indenture or agreement provide that all, or such portion as may be specified, of any wages to become due to the child shall be paid by the foster-parent to the board, to be deposited in the Treasury in the name of the board on account of such child, and every such payment shall be deemed to be a payment to such child.

Wages may be paid to board.
Ibid., s. 60.

133. All moneys deposited in the Treasury pursuant to the next preceding section shall bear interest at the rate of Four Pounds Ten Shillings per annum for every One Hundred Pounds, to be calculated upon such money and the balance thereof, and any accrued interest thereon, the first day of each month.

Interest on deposits.
819, 1903, s. 8.

134. (1) All or any part of the money so deposited, and any interest thereon, may be expended by the board for the benefit of the child when and in such manner as the board may from time to time deem advisable.

Moneys banked may be expended for the child's benefit.
641, 1895, s. 61.

(2) All moneys so deposited, and not paid or expended as aforesaid, shall be payable to the child upon his or her attaining the age of twenty-one years; but if not claimed by the child, or any person lawfully claiming through or under him or her, before the expiration of seven years after he or she has, or would, if living, have attained the age of twenty-one years, may be appropriated by the board for the purposes of this Act, and shall not thereafter be recoverable by any person.

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

Board may recover wages.
Ibid., s. 62.

136. (1) The

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Indentures of apprenticeship and licences may be assigned with consent of board.
Ibid., s. 63.

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

(2) Every such assignment shall be executed in duplicate by the assignor and assignee, and one part of the assignment so executed shall be forthwith forwarded to the board by the assignor, and thereafter the indenture or licence shall, for the purposes of this Act, be read and construed as if the assignee had originally been party thereto in the place of the assignor.

On death of foster-parent, widow, &c., may nominate new foster-parent.
Ibid., s. 64.

137. (1) On the death of the foster-parent of any State child, the widow, widower, executor, or administrator of such foster-parent may, at any time within three months after such death, apply in writing to the board for an order directing such child to be bound or placed out for the residue of the term to some fit and proper person nominated in and consenting to such application.

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

On insolvency, &c., of foster-parent indentures and licences may be cancelled by board.
Ibid., s. 65.

138. If the foster-parent of any State child becomes insolvent, or becomes unable to maintain and employ such child, or is about to remove from the State, the board may, on application by or on behalf of the foster-parent or child, make an order releasing and discharging the foster-parent and the child, respectively, from the indenture of apprenticeship or agreement, and from every covenant and agreement therein contained or thereby implied; and, by the same or any other order, may direct the child to return to an institution to be therein named.

Change of residence to be notified by foster-parent.
Ibid., s. 66.

139. (1) No foster-parent shall change his or her place of residence without in every case giving to the board such notice as may be prescribed.

(2) Every foster-parent offending against this section shall be liable to a penalty of not exceeding Ten Pounds for every such offence.

Notice to be given if child absconds, becomes ill, or dies.
Ibid., s. 67.

140. (1) If a State child apprenticed or placed out absconds, becomes ill, meets with an accident, or dies, the foster-parent of such child shall immediately give such notice and do all such further acts and things as may be prescribed.

(2) Every foster-parent offending against this section shall be liable to a penalty of not exceeding Ten Pounds.

Penalty for transferring or dismissing State child without consent of board.
641, 1895, s. 68.
996, 1909, s. 4.

141. Every foster-parent who, without the consent in writing of the board under its seal in every instance first had and obtained—

(a) assigns or transfers any indenture of apprenticeship or licence; or
(b) transfers