

NEGLECTED CHILDREN

NEGLECTED CHILDREN'S ACT 1890.

54 Vict. No. 1121.—An Act to consolidate the Law relating to Neglected Children.

[10th July, 1890.]

"The Neglected Children's Act 1887."

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title commencement and division.

1. This Act may be cited as the *Neglected Children's Act 1890*, and shall come into operation on the first day of August One thousand eight hundred and ninety, and is divided into Parts as follows :—

PART I.—Establishment of Receiving Houses and Probationary Schools ss. 4–8.

PART II.—Officers ss. 9–17,

PART III.—Committal to the care of the Department ss. 18–24.

PART IV.—Management of Wards of the Department for Neglected Children ss. 25–33.

PART V.—Management of the Property of Wards of the Department ss. 34–40.

PART VI.—Visitors to Schools and Religious Instruction ss. 41–44.

PART VII.—Liability of Parents for Maintenance ss. 45–60.

PART VIII.—Committal to the care of Private Persons ss. 61–76.

PART IX.—Employment of Children ss. 77–79.

PART X.—Offences Penalties and Legal Proceedings ss. 80–87.

PART XI.—Regulations of the Governor in Council ss. 88–90.

Repeal.

First Schedule.

2. The Act mentioned in the First Schedule to this Act to the extent to which the same is thereby expressed to be repealed is hereby repealed. Provided that such repeal shall not affect any appointment application list order complaint declaration distress order regulation or transfer made, or any certificate or security given, or any summons issued, or any warrant granted, or any surety bond recognisance or demise entered into or executed under the said Act before the commencement of this Act.

3. In this Act, unless inconsistent with the subject-matter or context, the following words shall have the meanings hereinafter respectively assigned to them (that is to say):—

- “Casual employment” shall mean employment for the purposes of gain in streets or other places in vending or exposing for sale any article whatsoever and also employment of any other kind outside the child’s own home not being employment the lawful period whereof is regulated by any Act of Parliament: “The Neglected Children’s Act 1887” s. 2. Interpretation. “Casual employment.”
- “Child” shall be applicable to any person under the age of twenty-one years: “Child.”
- “Inmate” shall mean inmate within the meaning of the Acts relating to neglected and criminal children in force at the passing of “*The Neglected Children’s Act 1887*”: “Inmate.”
- “The Inspector” shall mean the Inspector of Industrial and Probationary Schools: “The Inspector.”
- “The Minister” shall mean the responsible Minister of the Crown administering this Act: “The Minister.”
- “The Secretary” shall mean the Secretary of the Department for Neglected Children: “The Secretary.”
- “Ward of the Department” shall mean any one of whose person the secretary or the superintendent or matron of any reformatory school is guardian under the provisions of this Act or any Act for the time being in force relating to juvenile offenders: “Ward of the Department.”
- “Ward of the Department for Neglected Children” shall mean any one of whose person the secretary is guardian under the provisions of this Act: “Ward of the Department for Neglected Children.”

PART I.—ESTABLISHMENT OF RECEIVING HOUSES AND PROBATIONARY SCHOOLS.

4. The Governor in Council may from time to time for the purposes of this Act establish and abolish receiving depôts and every such receiving depôt shall be occupied by and used for males or females exclusively as the Governor in Council may direct, save that boys under the age of six years may be sent to receiving depôts occupied and used for females. Receiving depôts. *Ib.* s. 4.

5. The Governor in Council may from time to time for the purposes of this Act establish and abolish probationary schools and every such school shall be occupied by and used for males or females exclusively as the Governor in Council may direct. Probationary schools. *Ib.* s. 5.

6. Any school established by private contributions and heretofore approved by the Governor in Council under section nine of the Act No. 216 as an industrial school shall unless and until such approval be withdrawn be deemed an industrial school within the meaning of this Industrial schools established by private persons under Act No. 216. s. 9. *Ib.* s. 6.

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Act for the denomination or denominations (if any) for which the school is stated to be supported in the Order approving the same, and any person for the time being approved by the Governor in Council for that purpose shall be deemed the superintendent or matron of such school, and no child shall be sent or committed to such school who is not a member of the denomination or of one of the denominations for which the school is approved.

State aid to private industrial schools.
Ib. s. 7.

7. The managers of every school established by private contributions and approved by the Governor in Council as aforesaid as an industrial school shall be entitled to receive out of any moneys which may be appropriated by Parliament for that purpose for every ward of the Department for Neglected Children under the provisions of this Act maintained in such school during the preceding year or any part thereof a sum calculated at the rate of not more than Five shillings a week, or in case such ward be crippled or invalid or of unsound mind at such greater rate as the Minister may approve.

Approval of private industrial school how withdrawn.
Ib. s. 8.

8. If at any time upon the report of the Inspector the Governor in Council is dissatisfied with the condition management or regulations of any school established by private contributions he may withdraw his approval from such school, and from and after publication of such withdrawal in the *Government Gazette* the school shall cease to be an industrial school within the meaning of this Act and to be entitled to receive aid from the consolidated revenue. Provided nevertheless that the Governor in Council shall not withdraw his approval of any school as aforesaid until after the lapse of two months from the transmission of a duplicate of the report aforesaid to the superintendent matron or managers of such school.

PART II.—OFFICERS.

Secretary.
Ib. s. 9.

9. The person holding the office of Secretary of the Department for Neglected Children at the commencement of this Act shall unless and until removed in accordance with the provisions of the *Public Service Act 1890* by the Governor in Council be the Secretary of the Department for Neglected Children under this Act as if appointed hereunder, and the Governor in Council may subject to the provisions of the *Public Service Act 1890* from time to time appoint some fit and proper person to be Secretary of the Department for Neglected Children and remove every such Secretary. It shall be the duty of the Secretary under the direction of the Minister to carry into operation the provisions of this Act so far as the execution thereof is not expressly committed to any other person.

Report of the Secretary.
Ib. s. 10.

10. The Secretary shall on or before the thirtieth of June in each year submit to the Minister a report of his proceedings and accounts of the receipts and expenditure under the powers or for the purposes of this Act during the past year, with returns showing the number of children received and discharged their ages religion parentage birthplace location and cost of maintenance and the sums contributed by relatives toward their support together with any general remarks he may think fit to make, and there shall be annexed to such report a

summary of the reports sent in by the ladies' visiting committees and reports by the superintendent matron or managers of every industrial or probationary school upon the state and requirements of such schools which such superintendents matrons and managers are hereby required to furnish to the Secretary on or before the thirty-first day of March in every year for that purpose. And the Minister shall lay such report of the Secretary with the reports annexed to it before both Houses of Parliament within three weeks after the presentation thereof, if Parliament be then sitting or if not then sitting within three weeks from the next assembling of Parliament.

11. The person holding the office of Inspector of Industrial and Probationary Schools at the commencement of this Act shall unless and until removed in accordance with the provisions of the *Public Service Act 1890* by the Governor in Council be the Inspector of Industrial and Probationary Schools under this Act as if appointed hereunder, and the Governor in Council may subject to the provisions of the *Public Service Act 1890* from time to time appoint some fit and proper person to be Inspector of Industrial and Probationary Schools and remove every such Inspector.

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The Inspector.
Ib. s. 11.

12. It shall be the duty of the Inspector to visit and inspect every industrial and probationary school and receiving depot as often as occasion may require and not less often than the Governor in Council may by regulation direct, and when specially required by the Minister any house or place where any ward of the Department for Neglected Children is boarded out or placed, and to report to the Minister thereon and upon all matters connected therewith, and the Inspector shall have control over any officers appointed to visit such wards in such houses or places.

Duties of Inspector.
Ib. s. 12.

13. Subject to the provisions of the *Public Service Act 1890* the Governor in Council may from time to time appoint for every probationary school for males a superintendent, and for every probationary school for females a matron, and may remove every such superintendent and matron; and it shall be the duty of the superintendent and matron of every such school to carry into execution all the provisions of this Act and the regulations in force thereunder so far as the same relate to such school and the wards of the Department for Neglected Children for the time being detained there.

Superintendents and matrons.
Ib. s. 13.

14. It shall be the duty of the teachers officers and servants of every industrial and probationary school to obey all lawful and reasonable orders and directions of the superintendent or matron as the case may be in the execution of this Act.

Teachers officers and servants.
Ib. s. 14.

15. The Secretary shall be deemed to be appointed under this Act with the same classification salary and emoluments subject to be altered in the same manner and no other as would have been the case if "*The Neglected Children's Act 1887*" or this Act had not passed, and save as aforesaid nothing in this Act shall be deemed to alter or repeal the *Public Service Act 1890*, and all appointments and removals

Application of the *Public Service Act 1890*.
Ib. s. 15.

"The Neglected Children's Act 1887." to be made by the Governor in Council under the powers contained in this Act shall be made subject to the provisions of the *Public Service Act 1890* or any Act for the time being in force relating to the Public Service.

Power to appoint temporary officers.
Ib. s. 16.

16. In case of the absence on leave or temporary incapacity of any officer appointed under the provisions of "*The Neglected Children's Act 1887*" or of this Act the Governor in Council may appoint some fit and proper person to act in his stead, and every such person when so acting may exercise all the powers and duties of the officer in whose place such person is appointed.

Judicial notice to be taken of signatures.
Ib. s. 17.

17. All Courts Judges and persons acting judicially shall take judicial notice of the signature of the Minister the Secretary the Inspector and of any superintendent or matron or clerk of a Court or of any person acting in any of such offices to every document required to be signed for the purposes of this Act.

PART III.—COMMITTAL TO THE CARE OF THE DEPARTMENT.

What children to be deemed "neglected."
Ib. s. 18.

18. Every child who answers to any of the following descriptions shall be deemed a "neglected child" within the meaning of this Act, that is to say every child apparently under the age of seventeen years—

- (1) Found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms :
- (2) Found wandering about or frequenting any street thoroughfare tavern or place of public resort or sleeping in the open air and who has not any home or settled place of abode or any visible means of subsistence :
- (3) Associating or dwelling with any person known or reputed to be a thief or drunkard or with any person convicted of vagrancy under any Act now or hereafter to be in force whether the person so known reputed or convicted is the parent of the child or not :
- (4) Having committed an offence punishable by some less punishment than imprisonment :

and every child apparently under the age of ten years found engaged in any casual employment during the months of May June July August or September after the hour of seven o'clock in the evening, or at any other part of the year after the hour of nine o'clock in the evening.

Neglected children may be taken before justices.
Ib. s. 19.

19. Every child found by any constable or person authorized by the Governor in Council under circumstances which make such child a "neglected child" may be immediately apprehended by such constable or person without any warrant and forthwith taken before some two or more neighbouring justices to be dealt with according to

this Act, and until the charge is heard and disposed of such child shall be detained under such care and in such manner as may be provided by regulations made or in force hereunder.

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20. Whenever any child is brought before any two or more justices charged with being a "neglected child" they shall proceed to hear the charge, and if it be established to their satisfaction may direct such child to be forthwith committed to the care of the Department for Neglected Children, or if in the opinion of such justices such child has been leading an immoral or depraved life to a reformatory school.

Neglected children how dealt with.
Ib. s. 20.

21. Every child apparently under the age of sixteen years found by any senior constable sergeant of police or officer of police of superior grade to a sergeant or by any person specially authorized by the Governor in Council in that behalf residing in a brothel or associating or dwelling with a prostitute whether the mother of the child or not shall be immediately apprehended by such constable sergeant or officer or person without any warrant, and forthwith taken before some two or more neighbouring justices to be dealt with according to this Act.

Child residing in a brothel or with a prostitute to be taken before justices.
Ib. s. 21.

22. Whenever any child apparently under the age of sixteen years is brought before any two or more justices charged with residing in a brothel or associating or dwelling with a prostitute whether the mother of the child or not they shall proceed to hear the said charge, and if the same be established to their satisfaction shall direct such child forthwith to be committed to a reformatory school, or if in the opinion of such justices such child has not been leading an immoral or depraved life to the care of the Department for Neglected Children. Provided always that in case special and exceptional circumstances are proved which satisfy them that it would be inadvisable to commit such child, they may order such child to be discharged.

How dealt with.
Ib. s. 22.

23. If the guardian of any child under the age of fifteen years represents to two or more justices and proves to their satisfaction that he is unable to control such child such justices may order that upon such guardian entering into security to the satisfaction of the clerk of the Court for payment of such sum as such justices may fix for the maintenance of such child such child be committed to the care of the Department for Neglected Children, and if in pursuance of such order such guardian enter into such security the clerk of the Court shall sign a memorandum upon such order to that effect and thereupon the child named in such order shall be deemed to be committed to the care of the Department for Neglected Children, and for the purpose of determining whether such child has been duly committed to the care of the Department such memorandum shall be conclusive evidence that the security has been duly given to the satisfaction of the clerk of the Court. The word "guardian" in this section shall include the father as natural guardian or the mother in case the child has neither father nor guardian.

Power to commit to the care of the Department a child who is not controllable by its guardian.
Ib. s. 23.

24. Every order committing a child to the care of the Department for Neglected Children or to a reformatory school may be in such one

Form of order committing a child to the care

"The Neglected Children's Act 1887" s. 24.
of the Department or a reformatory.
Second Schedule.

of the forms in the Second Schedule hereto as may be applicable or in any form which may be substituted therefor by the regulations of the Governor in Council for the time being in force or to the like effect, and such order or an office copy thereof without any warrant shall be sufficient authority for any constable to take such child to the reformatory school named therein, or in case of a child committed to the care of the Department for Neglected Children to the place to which the Secretary may direct such child to be taken, or in default of any such direction to such receiving depôt for children of the same age and sex as may be nearest or most convenient.

PART IV.—MANAGEMENT OF WARDS OF THE DEPARTMENT FOR NEGLECTED CHILDREN.

Secretary to be guardian of the person of children committed to the care of the Department.
Ib. s. 26.

25. Whenever any child is committed or transferred to the care of the Department for Neglected Children under the provisions of this or any other Act for the time being in force authorizing such committal or transfer, the Secretary shall become the guardian of the person of such child to the exclusion of the father and every other guardian until such child attains the age of eighteen years or such greater age not exceeding twenty years as the Governor in Council may direct, unless such child is sooner discharged, and the Secretary shall as such guardian have the sole right to the custody of such child and shall deal with such child as directed by this Act and the regulations of the Governor in Council in force hereunder.

Guardianship of children while detained in industrial schools.
Ib. s. 27.

26. While any ward of the Department for Neglected Children is detained in any industrial or probationary school the superintendent or matron of such school may exercise the powers of the Secretary as guardian of the person of such ward.

Method of transferring child from the care of the Department to a reformatory.
Ib. s. 28.

27. Whenever any ward of the Department for Neglected Children is desired to be transferred to a reformatory school, the Secretary may write or cause to be written on the order committing such ward to the care of the Department for Neglected Children or if such ward has been transferred from a reformatory school the order committing such ward to a reformatory school or an office copy thereof respectively a memorandum to the following effect:—"I recommend that A.B. within-named be transferred to the reformatory school at (describing the school)," and may sign such memorandum, and the Minister may write or cause to be written after such memorandum the word "approved" together with the date and may sign the same, and thereupon such ward shall be deemed to be transferred to such reformatory school.

Warrant not to be necessary to detain child.
Ib. s. 29.

28. No warrant shall be necessary to authorize the detention of any ward of the Department for Neglected Children, but if the right to the custody of such ward be called in question by *habeas corpus* or otherwise it shall be sufficient to give in evidence the order committing such ward to the care of the Department for Neglected Children, and in case such ward has been transferred from a reformatory school the order committing such ward to a reformatory school and the order or

orders transferring such ward, and to show that such ward is detained by the authority of the Secretary as guardian of the person of such ward.

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29. The Governor in Council may at any time order any ward of the Department for Neglected Children to be discharged, and thereupon the Secretary shall cease to be guardian of the person of such ward.

Power to the Governor in Council to discharge any ward of the Department.

Ib. s. 30.

30. Subject to the regulations of the Governor in Council every ward of the Department for Neglected Children may from time to time be dealt with by the Secretary in one or other of the following ways:—

Wards of the Department for neglected children how dealt with.

Ib. s. 31.

- (1) Placed in some receiving depôt :
- (2) Boarded out with some suitable person :
- (3) Placed at service with some suitable person :
- (4) Apprenticed to some trade either on land or at sea :
- (5) Placed in the custody of some suitable person who may be willing to take charge of such ward :
- (6) Detained in some industrial or probationary school :
- (7) Transferred with the approval of the Minister to some reformatory school to which such ward might be lawfully committed.

Provided always that in case it shall come to the knowledge of the Minister that any ward after the commencement of "*The Neglected Children's Act 1887*" or of this Act committed to the care of the Department for Neglected Children has been leading an immoral or depraved life, such ward shall be transferred to a reformatory school unless under the special circumstances of any case the Minister may think that it would be inexpedient, and it shall be the duty of the Secretary to take the proper steps for that purpose. Provided also that no ward shall be detained in any probationary school for more than six months without the authority in writing of the Minister, who may from time to time authorize the detention of such ward for a further period so that the period of detention of such ward in a probationary school at one time shall not exceed in the whole twelve months, at the expiration of which period such ward must be dealt with in such other of the foregoing ways as under the circumstances of the case may seem proper. Provided also that no ward who has been transferred from a reformatory school or has been residing in a brothel or associating or dwelling with a prostitute shall be boarded out without such information as to the case of such ward being given to the person with whom such ward is proposed to be boarded as may be prescribed by or under the regulations of the Governor in Council for the time being in force in that behalf.

31. Every person with whom any ward of the Department for Neglected Children may be boarded out placed or apprenticed shall from time to time permit such ward to be visited and any place where such ward may be or reside to be inspected by the Inspector or any

Power to visit and inspect wards boarded out &c.

Ib. s. 32.

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person authorized by or under the regulations of the Governor in Council for the time being in force in that behalf.

Secretary to have power of apprenticing wards of the Department.

Ib. s. 33.

32. The Secretary shall be deemed a person having the control of a public institution of an eleemosynary nature, and all wards of the Department for Neglected Children shall be deemed children under his care or control within the meaning of the *Master and Apprentice Act 1890*.

Constables to assist in retaining custody of wards.

Ib. s. 34.

33. All constables and peace officers shall assist the Secretary and every superintendent or matron of an industrial or probationary school or receiving depôt in retaining or recovering the custody of any ward of the Department for Neglected Children who may abscond or attempt to abscond.

PART V.—MANAGEMENT OF THE PROPERTY OF WARDS OF THE DEPARTMENT.

Secretary to be guardian of the estates of children committed to the care of the Department.

Ib. s. 35.

34. Whenever any child becomes a ward of the Department the Secretary shall become guardian of the estate of such child to the exclusion of the father and every other guardian unless the Governor in Council otherwise orders, and shall continue such guardian until such child attains the age of eighteen years or such greater age not exceeding twenty-one years as the Governor-in-Council may direct, unless such child be sooner discharged; and upon the commencement of this Act the Secretary shall become guardian of the estate of every child who is then an inmate of a reformatory school, and shall continue such guardian so long as such child continues such inmate. Provided always that in any order directing any ward of the Department or any inmate to be discharged the Governor in Council may direct that the Secretary remain guardian of the estate of such ward or inmate until such ward or inmate attains the age of twenty-one years, and in such case the Secretary shall remain such guardian accordingly. Provided also that in any such case the Supreme Court may appoint any other person to be guardian of the estate of any such ward or inmate who has been discharged instead of the Secretary.

Power of the Secretary as guardian of the estate.

Ib. s. 36.

To manage and lease lands &c.

35. The Secretary as guardian under the provisions of this Act of the estate of any person with the consent of the Minister may—

- (1) Manage and demise for any term not exceeding three years the lands of or to which any such person is seised possessed or entitled, and make allowances to and arrangements with all or any of the tenants or occupiers for the time being of the said lands, and accept surrenders of leases and tenancies as fully and effectually as such person if of the full age of twenty-one years could do :
- (2) Demand sue for collect and receive all the rents and profits which may be due to any such person, and give effectual receipts and discharges for such rents and profits or so much thereof as may be received, and in case of

To recover rents.

non-payment of the said rents and profits or any of them or any part thereof in the name and on behalf of such person enter into and upon all or any of the lands in respect of which any rents or profits may be unpaid and for the same rents and profits and the costs and expenses incurred by or incidental to the non-payment thereof distrain and the distresses then and there found dispose of in due course of law, and take and use all lawful proceedings and means for recovering and receiving the said rents and profits and for evicting and ejecting defaulting tenants and occupiers from all or any of the said lands and determining the tenancy or occupation thereof and for obtaining recovering and retaining possession of all or any of the lands held or occupied by such defaulters :

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- (3) Sue for and recover any wages or earnings due to any such person : To sue for wages and earnings.
- (4) In the name and on behalf of any such person commence and prosecute all actions suits claims demands and proceedings touching any lands estate interest or rights of any such person or of his tenants therein or thereto, or touching any matter or thing whatsoever in which any such person or his real or personal estate or effects may be in any way interested affected or concerned : To take legal proceedings on behalf of ward in other cases.
- (5) Appoint and remove at his pleasure any attorney or agent under him in respect of all or any of the matters aforesaid upon such terms and for such remuneration as the Minister may think fit. To appoint authorized agent.

36. Subject to any regulations of the Governor in Council for the time being in force as to the earnings of wards of the Department or inmates all moneys which by virtue of this Act come into the hands or under the control of the Secretary on account of any person of whose estate the Secretary is guardian shall be paid to the Receiver of Revenue at Melbourne in such manner as the Governor in Council may from time to time appoint and at such intervals as the Treasurer may from time to time direct without any deduction, and such moneys shall be placed to a fund to be called "The State Wards' Fund," and every payment to be made by the Secretary shall be accompanied by a declaration that such payment includes all moneys received by the Secretary on account of any person of whose estate he is guardian under the provisions of this Act (not being earnings of any ward of the Department or inmate directed to be otherwise dealt with by the regulations of the Governor in Council) since the date of the last payment made by him, and such declaration shall be in the form prescribed by the regulations of the Governor in Council.

Moneys received by the Secretary how dealt with. *Ib.* s. 37.

37. The receiver of revenue shall deduct such amount as shall be from time to time fixed by the Governor in Council, but not exceeding

Percentage payable to revenue. *Ib.* s. 38.

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Five pounds per cent., from the moneys paid to the credit of the State Wards' Fund, and the sum so deducted shall be passed to the credit of the consolidated revenue.

Payment to revenue on account of maintenance.
Ib. s. 39.

38. There shall be payable to Her Majesty out of the moneys received on account of every person of whose estate the Secretary is guardian under the provisions of this Act, other than the earnings of such person, such weekly sum for the maintenance of such person as the Minister may direct; and whenever the Secretary shall pay to the receiver of revenue any moneys received on account of any such person the Secretary shall certify the amount payable thereout on account of such maintenance, and the receiver of revenue shall deduct such amount from the moneys to be paid to the State Wards' Fund, and the moneys so deducted shall be passed to the credit of the consolidated revenue.

Expenses.
Ib. s. 40.

39. All expenses lawfully incurred by the Secretary in executing the trusts or powers reposed in him by this Act for or on account of any person of whose estate he is guardian the amount of which may be approved by the Minister shall be payable out of the moneys received on account of such estate.

Payment to persons entitled.
Ib. s. 41.

40. When any person shall be entitled to receive any money out of the funds standing to the credit of any person of whose estate the Secretary is or has been guardian under the provisions of this Act, the Secretary shall certify to an account in favour of the person so entitled upon the person so entitled subscribing a declaration that such account is true and just in every particular and that the estate upon which such claim is made is legally liable to satisfy such claim, and thereupon the Treasurer shall forthwith satisfy such claim to the extent of the fund standing to the credit of the estate upon which such claim is made.

PART VI.—VISITORS TO SCHOOLS AND RELIGIOUS INSTRUCTION.

Visiting committee.
Ib. s. 42.

41. The Governor in Council may appoint for every receiving depôt and for every industrial and probationary school so many fit and proper persons as may be determined by the regulation hereunder in that behalf, and in default of any such determination as may seem desirable, a majority of whom reside in the locality, to be a visiting committee, and the members of such visiting committee shall from time to time visit such depôt or school as occasion may require and may report to the Minister as to them may seem fit.

Religious instruction.
Ib. s. 43.

42. Subject to the regulations of the Governor in Council all ministers of religion or any person being duly authorized by the recognised head of any religious denomination shall have admission to every receiving depôt and to every industrial and probationary school maintained at the sole expense of the State, and access to such of the persons placed or detained therein as may be members of their

respective denominations, and may give instruction to them on the days and at the times allotted by such regulations for the religious education of such persons of their respective denominations. "The Neglected Children's Act 1887."

43. Subject to the regulations of the Governor in Council all persons authorized in that behalf by the Minister all Executive Councillors all Members of either House of Parliament all Judges of Courts (whether of record or otherwise) and all justices shall be entitled to visit every receiving depôt and every industrial or probationary school, and shall have admission to the same accordingly. Other visitors. Ib. s. 44.

44. Every person who by virtue of the provisions hereinbefore contained is entitled to visit any such depôt or school as aforesaid and every minister of religion may inscribe in a book (to be for that purpose provided and kept in such depôt or school by the superintendent or matron thereof) any remarks or observations which he may think fit to make touching or concerning such depôt or school and the superintendent matron teachers officers or servants or the persons placed or detained therein or any of them, and such book shall be produced to the inspector whenever he visits such depôt or school. Visitors' book. Ib. s. 45.

PART VII.—LIABILITY OF PARENTS FOR MAINTENANCE.

45. Every parent of any child who is a ward of the department or an inmate of a reformatory school shall be liable to pay for or towards the maintenance of every such child during the period such child remains a ward of the department or such inmate a periodical sum not exceeding Twelve shillings a week, to be fixed in manner hereinafter mentioned:— Amount payable by parent how fixed. Ib. s. 46.

- (1) By the Judge or chairman of the Court by which or the justices by whom such child is committed, by the order committing such child or any subsequent order made within one month after such child is committed :
- (2) If within the period aforesaid such Judge chairman or justices fail to make such order or in case of any child who was an inmate of an industrial school at the commencement of "*The Neglected Children's Act 1887*" or of a reformatory school by any two justices.

The Judge chairman or justices in fixing the amount to be paid as aforesaid shall have regard to the ability of the parent against whom such order is made to maintain or contribute to the maintenance of such child, and in case of any parent liable to contribute to the maintenance of any child under any order made under any repealed Act the amount payable under such order shall be taken as part of the Twelve shillings a week aforesaid so that no parent shall be compelled to pay more than Twelve shillings a week in respect of any one child under this Act and under any such order. Provided always that no parent shall be liable to pay anything for the maintenance of any such child during any time during which such child is at service or apprenticed and is not chargeable to Her Majesty.

"The Neglected Children's Act 1887" s. 47.
Power to increase the amount.

46. The amount of the sum payable by any parent under the provisions of this Act may be from time to time increased by any two justices to any amount not exceeding the maximum if such parent is able to pay such greater amount.

Power to make order retrospective.
Ib. s. 48.

47. Any order fixing or increasing the sum payable by any parent may name any day not earlier than the day on which the child was committed to the care of the department or to a reformatory school or became an inmate of an industrial or a reformatory school (as the case may be) as from which the payment or increased payment is to take place, and such parent shall be liable to make such payment or increased payment accordingly.

Judge &c. committing parent to order maintenance in first instance if the evidence sufficient.
Ib. s. 49.

48. The Judge or chairman of the Court or justices committing any child to the care of the Department for Neglected Children or to a reformatory school shall by the same order fix the amount payable by the parent or parents for the maintenance of such child if the evidence before such Judge chairman or justices is sufficient.

Order may be made either while the child is a ward of the Department or afterwards.
Ib. s. 50.

49. An order fixing or increasing the sum payable by any parent may be made at any time either while the child remains a ward of the Department or inmate or after the child has ceased to be such ward or inmate.

Burden of showing inability to pay to be on parent who may be ordered to give recognisances.
Ib. s. 51.

50. In any proceeding for fixing or increasing the amount of the sum payable by any parent for the maintenance of any child under the provisions of this Part of this Act such parent shall be presumed to be able to pay the sum of Twelve shillings a week unless the contrary is shown; and any parent may be ordered by the Judge chairman or justices to enter into recognisances with or without some sufficient surety or sureties conditioned for compliance with the order as to payment of maintenance and to be imprisoned until such recognisances are entered into.

By whom applications may be made.
Ib. s. 52.

51. Applications to fix or increase the sum payable by any parent, or to vary or revoke any order suspending or dispensing with payment or to recover payment of the same, may be made by or on behalf of any person authorized by any general or special order of the Minister.

Maintenance money how payable.
Ib. s. 53.

52. Every such sum shall be a debt due to Her Majesty by such parent, and shall be paid by such parent at the several times appointed for paying the same to some clerk of petty sessions or other collector of imposts appointed by the Governor in Council to receive the same.

Certificate &c. in insolvency not a discharge.
Ib. s. 54.

53. No sequestration liquidation by arrangement certificate of discharge release from sequestration discharge or acceptance of a composition under any law now or hereafter to be in force relating to insolvency shall discharge any parent from liability to pay any such sum or any part thereof.

54. If any parent liable under the provisions of this Act to pay