

## No. XIX.

DESTITUTE  
CHILDREN'S SOCIETY.

An Act to incorporate and otherwise promote  
the objects of The Society for the Relief of  
Destitute Children. [23rd February, 1857.]

Preamble.

**W**HEREAS a Society has for some years been established in this Colony supported mainly by Voluntary Contributions from the public called "The Society for the Relief of Destitute Children" which has for its objects the protection support and moral and religious instruction of Children deserted or left destitute by dissolute and abandoned parents or from other causes neglected or in a state of great privation and without adequate means of support and it is expedient that assistance should be afforded by Legislative enactment for fully carrying out those benevolent intentions And whereas large sums of money have been bequeathed or given to the Society with which funds an "Asylum" for the reception of Destitute Children is in progress of erection with other buildings on land appropriated to the purpose by the Government and it is desirable that the Society should be protected in the holding of that land and other property which it may hereafter acquire Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

Society incorporated.

1. On and from and after the first day of March next the said Society and the several members thereof shall be and the same is and are hereby constituted a body politic and corporate by the name of "The Society for the Relief of Destitute Children" by which name such body politic shall have perpetual succession and a common seal and by the same name may sue and be sued and answer and be answered in all Courts of the Colony and shall be capable in law of taking purchasing and holding to them and their successors lands and other real estate and chattels and other personal property and selling demising or otherwise disposing of (but for the purposes only of the Society) all property real or personal belonging to them and shall have power to do all other things incidental to a body politic and in all cases where notice to or service on the Corporation shall be necessary service upon the Treasurer or Secretary of the Society shall be sufficient service.

May not alienate  
certain lands with-  
out approval of  
Executive Council.

2. Provided always That it shall not be lawful for the said body politic to alienate mortgage charge or demise any land acquired by grant from the Crown unless with the approval of the Governor and Executive Council testified by writing under his hand countersigned by the Colonial Secretary.

Rules of the Society  
left untouched.

3. This Act shall equally apply to and the said body politic hereby constituted shall be taken to include all future as well as present members of the Society and nothing herein contained shall impair or be deemed to affect any of the rules of the Society now existing or to prevent the members thereof for the time being or a majority of them from repealing or altering any of such rules or making such other or additional rules in the manner provided for by the existing rules as the members may think fit and all powers now vested in the "Board of Directors" of the Society shall continue to be vested in them and their successors except in so far as such powers may be hereafter at any time altered by any such rule,

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4. All rules which at any time after the said first day of March next shall be so made shall be and be deemed by-laws binding on the Corporation. Provided that no rule or by-law shall be valid until approved of by the Governor and Executive Council nor which shall be foreign to or inconsistent with the objects of the Society as they are hereinbefore declared or recited and that every such rule and by-law together with a list of the then Directors of the Society shall be laid before both Houses of Parliament annually within twenty days after the commencement of each Session.

Rules to be deemed  
by-laws.

5. A memorandum of the names of the then Treasurer and Secretary and of their residences respectively shall be filed by them in the office of the Prothonotary of the Supreme Court within thirty days after the passing of this Act and a similar memorandum shall be so filed by the Treasurer and Secretary for the time being within thirty days after every change in the appointment or residence of either of such officers and every such memorandum shall be signed by the Treasurer and Secretary making the same and be by them solemnly declared (according to the Act in such case made) to contain a true statement of the matters contained therein to the best of their knowledge and belief such solemn declaration to be made before one of the Judges of the Supreme Court.

Sworn memorandum  
to be filed of names  
of Treasurer and  
Secretary.

6. It shall be lawful for the Governor with the advice of the Executive Council so long as the institution shall be in part supported by contributions from the public Treasury to appoint once (or oftener if thought expedient) in each year one or more Commissioner or Commissioners for the purpose of inspecting the buildings and premises belonging to the Society hereby incorporated and examining into and reporting upon the state and condition of the children in the Asylum or otherwise under the care of the Society and upon the management of such children and every officer of the Society shall render all the assistance in his power to every such Commissioner and shall furnish him with all such returns and information as such officer shall be able to supply to enable such Commissioner efficiently to discharge the duties intrusted to him.

State of the Asylum  
and the children  
may be annually  
examined.

7. Every infant voluntarily surrendered by its parent or guardian to the care of the Society or compulsorily placed in the Asylum in conformity with the provisions of any Act now or hereafter in force in that behalf shall until the attainment of the age of nineteen or if the infant was received for a term expiring at an earlier age then until the expiration of the latter term be and continue to be in the custody of the Directors of the Society who shall have all the powers and privileges of a father over and in respect of such infant. Provided that if any female infant shall marry with the consent of the Directors before the age of nineteen their powers over such infant shall cease. And the mother of any infant may with the sanction of a Justice of the Peace in writing under his hand lawfully surrender it to the care of the Society for the purposes of this section where the father is from habits of drunkenness or conviction for felony or long continued absence unable or unwilling to maintain such child and the mother has in fact the sole charge and care of it. Provided always that nothing herein shall be deemed to require the Society to admit any infant into the institution without the consent of the Directors.

Legal control of  
infants in the  
Asylum vested in  
the Directors.

8. It shall be lawful for the Directors to provide for the care maintenance and education of all infants so surrendered or placed in the Asylum as aforesaid and to apprentice them in such manner and at such times as to the Board shall seem expedient either to some trade or as agricultural laborers or domestic servants. And every indenture or deed poll of apprenticeship under the corporate seal and

Directors to provide  
for maintenance &c.  
of the children with  
power to apprentice  
them.

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and signed by the Treasurer or Secretary in which instrument the party apprenticed or intended so to be shall be described as an infant under the protection and care of the Society shall be taken to be a valid apprenticeship of the party so described for the term mentioned therein and the party's age and that he or she was so surrendered or placed in the Asylum as aforesaid shall be taken to be true respectively until the contrary be proved. Provided that no infant under the age of twelve years shall be apprenticed or for a term extending beyond the age of nineteen years or if a girl beyond the day of her marriage if the latter event shall first happen.

Board to have complete control over infants in their custody.

9. The Directors on behalf of the Society shall have the complete control of the persons of all infants so surrendered or so placed in the Asylum as aforesaid and all Justices and Constables are hereby empowered and directed to afford every practicable assistance to the Board and the Officers of the Society in the exercise of such control and to apprehend and cause to be conveyed into the custody of the Board or its proper Officer every infant who may escape or be unlawfully removed or enticed from such custody. And every person whatsoever who without lawful cause shall remove or assist in removing any infant from the charge or care of the Society or its Officers or from the Society's Asylum or premises or shall assist any infant in escaping or shall entice or persuade or endeavour to entice or persuade any infant to remove or escape from such Asylum or premises or from such charge or care shall be guilty of a misdemeanor.

Parents to contribute towards support of their children.

10. Whenever it shall be made to appear to the satisfaction of any two Justices of the Peace before whom the father of any infant compulsorily placed in the Asylum as aforesaid shall be summoned that he is able to contribute towards the maintenance of such infant it shall be lawful for such Justices by order under their hands and seals to direct that he shall contribute such weekly sum as they may deem expedient to be paid at such times as they shall specify to the Treasurer or Secretary of the Society. And in default of any such payment any Justice may on proof thereof cause the sum or sums in arrear to be levied on the parent's goods or compel the payment by warrant against his person. And the like order may be made and proceedings be taken against the mother of any such infant where the father is dead and she shall be able to contribute to its maintenance.

Conditions on which relatives may obtain their children.

11. If at any time after the surrender or placing of an infant in the Asylum as aforesaid either of the parents or any other relative of such infant shall satisfy the Directors that he or she is able and willing to provide properly for the care and maintenance of such infant it shall be lawful for the Board on such parent or relative paying to the Treasurer the amount expended for the infant or such proportion as the Board may determine to surrender such infant to such parent or relative and thereupon all the powers and privileges of the Directors over and in respect of such infant shall cease.