

Act No. 36, 1901.

An Act to consolidate the Acts relating to the
Society for the Relief of Destitute Children.
[1st November, 1901.]

DESTITUTE
CHILDREN'S
SOCIETY.

BE it enacted by the King'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:—

1. This Act may be cited as the “Destitute Children's Society Act, 1901.” Short title.

2. The Acts mentioned in the Schedule are to the extent therein expressed hereby repealed. Repeal.

3. The society and the members thereof incorporated by the Acts hereby repealed by the name of “The Society for the Relief of Destitute Children,” shall by that name be a body corporate, and have perpetual succession and a common seal, and may sue and be sued, and may take, purchase, and hold, real and personal property, and for the purposes of the society may sell, demise, or dispose of such property: Society for the Relief of Destitute Children. 20 Vic. No. 19, s. 1.

Provided that land acquired by grant from the Crown may not be sold, mortgaged, charged, or demised by the said society, unless with the approval of the Governor, testified by writing under his hand, countersigned by the Colonial Secretary. Proviso. Ibid. s. 2.

4. Notice to or service upon the treasurer or secretary of the said society shall be deemed to be notice to or service upon the society. Notice and service. Ibid. s. 1.

5. Nothing in this Act shall be deemed to affect any of the existing rules of the said society or shall prevent a majority of the members of the said society from repealing or altering such rules or making

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making additional rules in the manner provided by the existing rules, and subject to any such repeal, alteration, or addition of rules, all powers now vested in the board of directors shall continue to be vested in them and their successors.

Objects and rules of the society.
20 Vic. No. 19, s. 4, and preamble.

6. (1) The objects of the said society shall be 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.

(2) All rules existing or made as aforesaid shall be deemed to be by-laws binding on the society.

(3) No such rule which is foreign to or inconsistent with the objects of the society shall be valid, and no rule shall be valid unless or until it has been approved by the Governor.

(4) Every rule, together with a list of the then directors of the society, shall be laid before both Houses of Parliament within twenty days of the commencement of the first session in each year.

Memorandum of names of treasurer and secretary to be filed.

Ibid. s. 5.

7. (1) A memorandum of the names of the 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 every change in the appointment or residence of either of such officers.

(2) Every such memorandum shall be signed by the treasurer and secretary making the same and be by them declared, in accordance with the Acts providing for statutory declarations, to contain a true statement of the matters contained therein to the best of their knowledge and belief, and such declaration shall be made before one of the Judges of the Supreme Court.

Society's premises may be inspected.

Ibid. s. 6.

8. (1) So long as the said society is in part supported by contributions from the Treasury, the Governor may, once in each year or oftener if he thinks fit, appoint one or more commissioners to inspect the buildings and premises of the society, and to examine into and report upon the state and condition of the children under the care of the society, and upon the management of such children.

(2) 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 is able to supply, to enable the commissioner efficiently to discharge the duties intrusted to him.

Legal control of infants in the asylum vested in the directors.

Ibid. s. 7.

9. (1) 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, shall, until the attainment of the age of nineteen, or if the infant was received for a term

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term expiring at an earlier age than until the expiration of the latter term, 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.

(2) 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 infant, 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.

10. 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, 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 labourers or domestic servants. Every indenture or deed poll of apprenticeship under the corporate seal and signed by the treasurer or secretary, in which the party apprenticed is 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 shall be taken to be true respectively until the contrary is proved :

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

20 Vic. No. 19, s. 8.

Provided that no infant shall be apprenticed under the age of twelve years, 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.

11. (1) 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, 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.

Board to have complete control over infants in their custody.

Ibid. s. 9.

(2) Every person whatsoever who without lawful cause removes or assists in removing any infant from the charge or care of the society, or its officers, or from the society's asylum or premises, or assists

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assists any infant in escaping, or entices or persuades, or endeavours 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 misdemeanour.

Parents to contribute to the support of their children.

20 Vic. No. 19, s. 10.

27 Vic. No. 16, s. 1.

12. Whenever it is made to appear to the satisfaction of two justices before whom the father of any infant, compulsorily placed in the asylum of the society, or voluntarily surrendered to the care of the society, is summoned for that purpose, is able to contribute towards the maintenance of such infant, the justices may by their order direct that such father shall contribute such weekly sum, not exceeding twenty shillings, as they may deem expedient, to be paid at such times as they shall specify to the treasurer or secretary of the society. The like order may be made against the mother of any infant where the father is dead and she is able to contribute to its maintenance.

Conditions on which relatives may obtain their children.

Ibid. s. 11.

13. 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 is able and willing to provide properly for the care and maintenance of such infant, the directors may, upon such parent or relative paying to the treasurer the amount expended for the infant, or such proportion as they may determine, 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.

SCHEDULE.

Year and number of Act.	Title of Act.	Extent of repeal.
20 Vic. No. 19 ...	An Act to incorporate and otherwise promote the objects of the Society for the Relief of Destitute Children.	The whole.
27 Vic. No. 16 ...	An Act to amend an Act to incorporate and otherwise promote the objects of the Society for the Relief of Destitute Children.	The whole.