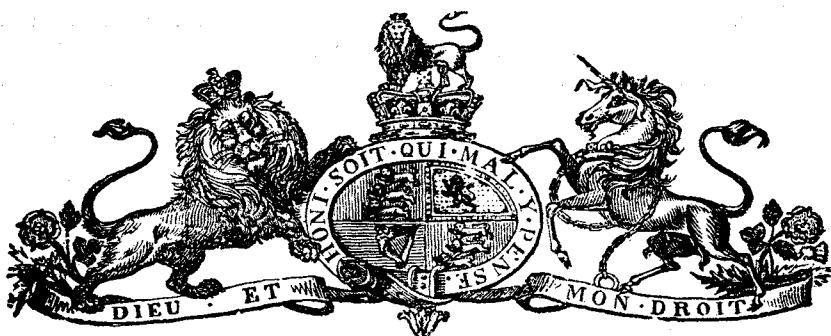


T A S M A N I A.



1 8 7 3.

ANNO TRICESIMO-SEPTIMO

VICTORIÆ REGINÆ,

No. 15.

AN ACT to make provision in respect of the A.D. 1873.
Maintenance of Indigent Persons.
[31 October, 1873.]

WHEREAS it is necessary to make provision in respect of the **PREAMBLE.**
maintenance of Indigent Persons :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows :—

1 This Act may be cited as “The Public Charities Act, 1873.” **Short title.**

2 This Act shall come into force on the First day of *December*, **Commencement**
1873. **of Act.**

3 In the construction of this Act— **Interpretation.**

“Destitute child” means any child under Sixteen years of age
without means of support and unable wholly to maintain
himself :

“Indigent person” means any Inmate, any person who is or has
at any time been in the receipt of relief from Public Funds,
and any destitute child :

“Inmate” means any person who is maintained in any Insti-
tution.

“Institution” means any Public Charitable Institution established
under this Act, and also any Public Charitable Institution to
which the provisions of this Act may be applicable.

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“Relative” means and includes the husband, wife, father, grandfather, mother, grandmother, and children of any inmate or indigent person.

“Prescribed” means prescribed by Regulations made under this Act.

Act extended to certain Public Institutions.

4 The several Public Institutions named in the Schedule (1) shall be held to have been established under and shall be deemed to be Institutions within the meaning of this Act.

Proclamation of Charitable Institutions.

5 It shall be lawful for the Governor in Council by Proclamation in the *Gazette* to establish and declare any building, or any number of buildings within the same enclosure, together with any yards, enclosures, grounds or lands attached thereto, as and to be a Public Charitable Institution, and the Governor shall in such Proclamation declare what provisions of this Act shall be applicable thereto.

Appointment of officers.

6 The Governor in Council may appoint a Superintendent for every Institution, with such officers as may be necessary; and any person so appointed may be removed and another appointed in his place.

Regulations to be made.

7 The Governor in Council may, from time to time, as occasion requires, make Regulations for the admission of persons into any Institution for the purpose of being maintained therein, and for the conduct, management, and supervision of every Institution, and for the detention, employment, correction, and restraint of such persons as may be admitted thereto, and for the discharge of Inmates therefrom; and all such Regulations shall be published in the *Gazette*, and thereupon shall have the force of law.

All such Regulations shall be forthwith laid before Parliament if then sitting, or if Parliament is not then sitting, then within One month after the next meeting of Parliament.

Superintendent to have custody of persons.

8 The Superintendent of every Institution shall have the custody and control of the Inmates maintained therein until they are lawfully discharged therefrom.

Superintendent may punish Inmates for disobedience.

9 It shall be lawful for the Superintendent of any Institution to punish any person committed thereto who may disobey any lawful order of such Superintendent, or violate or fail to observe any Regulations made under this Act, by placing such persons in close confinement in such Institution for any period not exceeding Forty-eight hours.

Punishment of Inmates absconding or refusing to work, &c.

10 If any Inmate

Absconds or escapes from or leaves any Institution during any period for which he may be lawfully detained therein and before he is discharged therefrom; or

Refuses to be removed to any other Institution; or

Refuses or neglects (unless exempted from labour by the Medical Officer of such Institution) to do any work which he may be ordered by the Superintendent to perform; or

Wilfully violates or refuses or neglects to observe any Regulations prescribed; or

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Wilfully gives a false name or makes a false statement to the Superintendent of any such Institution, A.D. 1873.

he shall, on conviction before any Justice of the Peace, be liable to be kept in solitary confinement in such Institution for any period not exceeding Seven days, or to be imprisoned in any Gaol, with or without hard labour, for any term not exceeding One month: Punishment for second conviction, or destroying clothes, &c.

And every Inmate who

Having been convicted of any offence hereinbefore mentioned afterwards commits any such offence; or

Wilfully destroys or injures any clothing or bedding, or damages any of the property of the Queen,

shall, on conviction before any Justice of the Peace, be liable to be imprisoned, with or without hard labour, for any term not exceeding Three months.

11 The Superintendent or any officer of any Institution may take before any Justice of the Peace, without any summons or warrant, any Inmate who is charged with any offence, punishable upon summary conviction; and if such Inmate is committed by such Justice to gaol, may convey him to such gaol; and for the purposes of this Section such Superintendent or officer shall have all the powers and authorities of a constable. Officer may take disorderly inmate before a Justice without warrant.

12 If any person, not being an officer of any Institution, brings or carries, or attempts or endeavours to bring or carry into any Institution any spirituous or fermented liquor without the order in writing of the Superintendent thereof, it shall be lawful for such Superintendent, or any officer of such Institution acting under his directions, to apprehend such person or cause him to be apprehended and taken before some Justice of the Peace, who is hereby empowered to hear and determine any offence hereinbefore mentioned in a summary way, and upon conviction to order that such person shall forfeit and pay a penalty not exceeding Ten Pounds. Penalty on persons introducing spirituous liquors into Institutions.

13 If the Superintendent or any officer of any Institution

Orders to be carried, brought, or introduced, or carries, brings, or introduces into any Institution any spirituous or fermented liquor, except for the domestic use of himself or of any officer of such Institution or of their respective families, or except in conformity with any regulations made under this Act:

Sells, uses, lends, or gives away therein, or knowingly permits or suffers to be carried, brought, or introduced, or sold, used, lent, or given away therein any spirituous or fermented liquor contrary to any such regulations:

Punishes with any corporal punishment any adult person in such Institution, or confines any such person for any offence or misbehaviour, except as aforesaid, for any longer space of time than may be necessary in order to have such person carried before a Justice:

he shall upon conviction be liable to forfeit and pay a penalty not exceeding Twenty Pounds. Penalty upon officers committing certain offences.

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Indigent person
liable for past
maintenance or
relief.

14 Every Indigent person shall, when he is of sufficient means, be liable upon demand to pay all sums of money which may be demanded of him for and in respect and on account of his maintenance in an Institution, and to repay the amount of all relief granted to him from Public Funds otherwise than in an Institution; and the same may be recovered from him in the manner hereinafter provided for recovering the same from any relative.

Relatives of
Indigent persons
liable for main-
tenance.

15 The relatives of an Indigent person shall, if they are of sufficient means, and if such Indigent person is not of sufficient means, be liable in the order hereinafter mentioned:

To repay the cost of such Indigent person's past maintenance in an Institution for any period not exceeding Twelve months.

To repay the amount of all relief granted to such Indigent person from Public Funds, otherwise than in an Institution, for any period not exceeding Twelve months.

To repay all sums of money paid from Public Funds for boarding out any destitute child.

To defray the cost of such Indigent person's maintenance in an Institution.

Governor may
appoint person to
demand, &c.
maintenance from
relatives.

16 The Governor may appoint fit and proper persons to demand, sue for, and recover any sum of money payable by any Indigent person or relative under this Act.

Every person appointed an officer of any Charitable Institution under the Act of Parliament of the 26th *Victoria*, No. 3, and employed in that capacity when this Act takes effect, shall be deemed to be a person appointed under this Section.

Payment of
maintenance may
be enforced.

17 If any relative of an Indigent person refuses or neglects to pay on demand any sum of money which may be demanded of him by any person appointed by the Governor under the last preceding Section, then it shall be lawful for any Justice of the Peace upon the complaint of such person to issue his summons to the relative named in such complaint, requiring him to appear before any Two Justices at a certain time and place to be therein named, to show cause why he should not pay any such sum of money.

Justices may
make order for
maintenance.

18 It shall be lawful for any Two Justices of the Peace to hear and determine every such complaint in a summary way, and to make such order therein as to such Justices seem meet.

Order of liability
of relatives.

19 In making any such order the Relatives of any Indigent person shall be held liable for his maintenance in the order and according to the priority hereinafter enumerated:—

1. Husband or Wife:
2. Father or Mother:
3. Children:
4. Grandfather or Grandmother or Grandchildren.

Relatives to
contribute ac-
cording to ability.

20 If it appears to such Justices that any relative liable as aforesaid is unable wholly to pay any sum of money which may be demanded of him as aforesaid, but is able to contribute towards the same,

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such Justices may, in their discretion, order two or more of such relatives to pay any such sum of money, and may prescribe the proportion which each shall contribute for that purpose; and if it appears that such two or more relatives are unable wholly to pay such sum of money, but are able to contribute towards paying the same, such Justices shall direct the sum in proportion to their ability which such relatives shall pay weekly or otherwise. A.D. 1873.

21 The Justices may, by such order as aforesaid, specify the time during which any sum ordered to be paid for maintenance shall be paid. Duration of order.

22 Any relative who may be ordered to pay or contribute as aforesaid may, at any time thereafter, upon giving at least Fourteen days previous notice thereof in writing to any person appointed by the Governor as aforesaid, apply to the Court of General Sessions of the Peace of the District within which such order was made, to vary or discharge any such order upon showing the altered circumstances or means of such indigent person or relative, and such Court may (if it sees fit) vary or discharge the said order accordingly; and any such relative may in like manner from time to time apply to have any such order varied. Order may be varied.

23 When and so often as any such relative as aforesaid neglects or refuses to pay any sum ordered to be paid by him as aforesaid, for the space of Ten days after the same has become due and payable by virtue of such order, it shall be lawful for any Justice of the Peace, and he is hereby required, upon proof being made before him of the amount that is due and in arrear, to issue a warrant of distress to levy such amount by distress and sale of the goods of such relative. Orders may be enforced by distress.

24 The Governor in Council may from time to time make, alter, and rescind Regulations for determining the manner in which and the conditions upon which Destitute children may, for the purpose of securing the maintenance and welfare of such children, be boarded out with any person, or removed from the custody of any such person, and generally to make provision in respect of the care and treatment of all such children; and such Regulations shall make provision, amongst other things, for the inspection from time to time, by some competent person appointed by the Governor, of all children who may be so boarded out; and all such Regulations shall be published in the *Gazette*, and laid before Parliament as soon as may be after the making thereof. Governor may make Regulations for boarding out Destitute children.

25 The Governor may appoint such number of persons as he sees fit as and to be Committees for boarding out Destitute children, and any person so appointed may at any time be removed by the Governor, who may appoint another person in the room of any person resigning or removed. Governor may appoint Committees for boarding out Destitute children.

Every such Committee shall consist of not less than Three persons, and if at any time from any cause such Committee does not consist of Three persons, or if any member refuses to act, then the remaining members of such Committee shall have and exercise all the powers of such full Committee until the appointment of their successors; and if all the members of such Committee cease to be such members or refuse to act, then all the powers of a full Committee shall vest in and may be exercised by such person as the Governor appoints to exercise the same.

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Children may be boarded out.

26 Any destitute child, any child voluntarily surrendered by its parents or parent to a Committee for boarding out Destitute Children, any child deserted by its parents or parent, or who is an orphan, may be boarded out under this Act.

Legal control of children vested in Committees.

27 The legal control and guardianship of all children placed with any person as aforesaid shall be and the same is hereby vested in every such Committee, and such Committee shall have all the powers and privileges of a Father over and in respect of every such child until such child attains the age of Eighteen years, or if a girl until the day of her marriage if the same take place before she attains that age.

Committees may apprentice children.

28 It shall be lawful for any such Committee at any time after any such child has attained the age of Twelve years, to apprentice such child to some trade or calling, or as an agricultural labourer or domestic servant, and for the purposes of this Section all powers possessed and enjoyed by the Guardians of "The Queen's Asylum for Destitute Children" in respect of the apprenticing children from such Asylum, shall be possessed and may be exercised by every such Committee as fully in all respects as if the provisions of any Act relating thereto had been re-enacted in this Act.

Proceedings under 19 Vict. No. 8.

29 All sums of money made payable by or under this Act whether for maintenance or otherwise shall be recovered, and every offence hereby made punishable on summary conviction shall (except where otherwise provided) be heard and determined, by and before any Two Justices of the Peace in the mode prescribed by *The Magistrates' Summary Procedure Act*, and any complaint in respect of the non-payment of any sum of money made payable as aforesaid may be made at any time within One year after such sum of money became payable; and no order or conviction made in pursuance of this Act shall be quashed for want of form, or be removed by writ of *certiorari* or otherwise into the Supreme Court.

Distress not unlawful for want of form.

30 No distress made under the authority of this Act shall be deemed unlawful, or the person making the same be deemed a trespasser, on account of any defect or want of form in the warrant of distress, or in any other proceeding relating thereto; nor shall the person distraining be deemed a trespasser *ab initio* on account of any irregularity which he may afterwards commit, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case.

Proof that relative is not of sufficient means to lie upon defendant.

31 Upon the trial of any complaint for the recovery from any relative of any sum of money under this Act, the *onus* of proving that the person complained of is not a relative, or that such relative is not of sufficient means, or that any Indigent person is of sufficient means, shall lie upon the defendant, who shall be competent and compellable to give evidence touching the matter of such complaint.

Statements in proceedings.

32 The statement in any complaint or other proceeding that any person named therein was duly appointed by the Governor to demand, sue for, and recover any sum of money payable by any Indigent person or relative, or that any Institution is an "Institution," or that any person at the time therein named was or is an "Inmate" or "Indigent person" within the meaning of this Act, shall respectively be deemed and taken to be true, unless the contrary is proved.

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33 So much of this Act as is contained in Sections Fourteen to Twenty-three, both inclusive, shall be applicable in respect of the Institutions named in the Schedule (2.).

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Application of
part of this Act.

34 The Act of the Parliament of *Tasmania* of the 26th *Victoria*, No. 3, is hereby repealed, but such repeal shall not affect any liability accruing or accrued, or any proceedings commenced or instituted for the recovery of any expenses or sum of money payable under the said Act before the commencement of this Act.

Repeal.

Any such liability may be enforced and proceeded upon, and all such proceedings may be continued, as if this Act had not been passed.

35 All sums of money imposed or made payable by this Act, and all penalties imposed under this Act, shall, when recovered, be paid into the Colonial Treasury and form part of the General Revenue.

Appropriation.

SCHEDULE.

(1.)

The Brickfields Pauper Establishment for Males, *Hobart Town*.
The Cascades Invalid Depôt for Females, *Hobart Town*.
The Cascades Invalid Depôt for Males, *Hobart Town*.
The *Launceston* Invalid Depôt for Males.
The *Port Arthur* Invalid Depôt.

(2.)

The Hospital for the Insane, *New Norfolk*.
The General Hospital, *Hobart Town*.
The General Hospital, *Launceston*.
The Campbell Town Hospital, *Campbell Town*.
The Queen's Asylum for Destitute Children.

