



ANNO VICESIMO SEXTO ET VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

A.D. 1863.

No. 2.

An Act for the regulation of the Asylum for the Destitute Poor and other purposes.

[Assented to, 12th November, 1863.]

WHEREAS it is desirable to make provision for the regulation of the Asylum for the Destitute Poor, and for other purposes—Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

Preamble.

1. It shall be lawful for the Governor from time to time, with the advice of the Executive Council, to make rules and regulations for the maintenance of order, discipline, decency, and cleanliness amongst persons being inmates of the said Asylum, and for the suitable employment of such inmates or other recipients of relief as may not be entirely disabled from supporting themselves by labor, and for fixing the terms and conditions under which any such relief shall be granted, and thereby delegate to any person any such discretionary powers for the general management of the said Asylum, and to repeal or amend any such rules or regulations and substitute others in their place, and all such rules or regulations shall be proclaimed and published in the *South Australian Government Gazette*, and when so proclaimed and published shall have the force of law.

Governor may make regulations for management of Asylum.

2. A copy of all such rules and regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof; or if Parliament be not then in Session, within fourteen days

Regulations to be laid before Parliament.

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days after the commencement of the then next sitting thereof for the dispatch of business.

Penalty for breach of rules.

3. Any person offending against any such rules or regulations shall, upon conviction thereof by two Justices of the Peace or a Special Magistrate, forfeit and pay a penalty not exceeding Five Pounds, or be imprisoned, at the discretion of such Justices or Magistrate, with or without hard labor, for any term not exceeding three calendar months.

Penalty for false pretences to obtain relief.

4. Any person who shall obtain from the said Asylum, or from any person administering the funds thereof, any pecuniary or other relief or assistance, or any goods or chattels or other property, by way of gift or loan, by means of any false pretence, shall, upon conviction thereof before a Local Court of full jurisdiction, be liable to imprisonment with hard labor for any term not exceeding six calendar months, and to forfeit or pay a fine or penalty of double the cost of the food and other necessaries and goods obtained by means of such false pretence.

Penalty for fraudulent appropriation of property of Asylum.

5. If any person, to whom shall be entrusted or lent, by way of relief or assistance, out of the property appropriated for the purposes of the said Asylum or for the relief of destitute persons, any article of wearing apparel or bedding, or any tool, implement, or utensil, or any other property, goods, and chattels whatsoever, shall fraudulently take or convert to his or her own use, or the use of any other person, any such property, or shall carry away any such property, and not return the same on demand by officer or person administering the property appropriated for the relief of destitute persons, every person so offending, whether he or she shall or shall not determine the bailment, be guilty of larceny, and shall be liable, on conviction, to imprisonment for not more than six calendar months, with or without hard labor.

Cost of past maintenance may be recovered in certain cases.

6. In any case in which any person in destitute circumstances shall have been supplied with food, clothing, or other necessaries out of the moneys voted or property appropriated for the relief of destitute persons as aforesaid, and such person, or the father, mother, husband, child, or children of such person shall at any time within three years after such relief shall have been afforded to such person, be of sufficient ability to repay and reimburse the cost of such food, clothing, or other necessaries, or part thereof, it shall be lawful for any two Justices of the Peace or for a Special Magistrate, upon the information or complaint of the officer administering the moneys voted or property appropriated as aforesaid, to inquire into the matter in a summary way, and if they or he shall be of opinion that such person or father or other relative as aforesaid is of sufficient ability to repay the whole or part of the cost of the food, clothing, and other necessaries supplied to such destitute person, then it shall be lawful for such Justices or Special Magistrate to order such person, or father, or other

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other relative as aforesaid, to pay to such officer such sum of money, either in one sum or by instalments, as in their or his judgment such Justices or Special Magistrate shall think such person or father or other relative as aforesaid can reasonably afford, and ought to contribute towards the past relief or maintenance of such destitute person.

7. All proceedings by this Act directed to be had before two Justices or Special Magistrate shall be had and taken, and all fines and sums of money ordered by any Justices, Magistrate, or Local Court to be paid shall be recovered and applied in the manner prescribed by the law for the time being in force for regulating summary proceedings before Justices of the Peace; and every person feeling aggrieved by any order or summary conviction under this Act shall be entitled to an appeal, pursuant to the law relating to such summary proceedings.

Proceedings before
Justices to be sum-
mary.

8. This Act may be cited as the "Destitute Asylum Act, 1863." Short title.

In the name and on behalf of the Queen I hereby assent to
this Act.

D. DALY, Governor.