



ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

CAP. XIII.

*AN ACT to afford relief to Wives and Children deserted by their Husbands and Parents.*

[Passed 10th May, 1858.]

**W**HEREAS divers Persons are found to desert their Wives and Children, leaving them in distress and want; and whereas it is necessary to remedy such evils :—

Preamble.

Be it therefore enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened,

I. That it shall be lawful for any Justice of the Peace, upon the complaint or information, on oath, of any person, made before any such Justice, against any such person being such Husband, Father or Mother, and having absconded or gone away, or who may be about to abscond or go away, from his or her usual place of abode, or the place where such Wife or Child is left or neglected, or shall refuse to provide them or any of them with sufficient or reasonable means of subsistence, according to the ability of such Husband, Father or Mother, to issue his Warrant for the apprehension of such offender, and to cause him or her to be brought before such Justice, and after due inquiry into the facts of the case, if it shall appear to the satisfaction of the said Justice, that such Husband, Father or Mother, hath absconded or gone away, or is about to abscond or go away, from his Wife or his or her Child, and hath neglected or

Justice to issue Warrant to apprehend parent or husband deserting his child or wife.

refused to provide such Wife or Child with sufficient or reasonable maintenance and support, the said Justice shall thereupon, and according to the ability and means of the person so found absconding, or about to abscond, make such order upon him or her for the payment of such weekly or monthly sum, to be paid by him or her towards the maintenance and support of such Wife or Child as such Justice shall deem fit and just; and such Justice is hereby required and authorised to take such security as he may in any case deem fit and reasonable, to be given by such Father, Husband, or Mother, for the payment of such weekly or monthly sum as aforesaid, and also that he or she, so found absconding or about to abscond, shall return forthwith, or within such period of time as such Justice shall limit and prescribe unto such Father, Husband, or Mother, to return unto his or her Child or Wife; and if such Father, Husband, or Mother shall refuse to give such reasonable security for his or her return to such Child or Wife, according to the order of such Justice, or shall refuse or wilfully neglect to pay such weekly or monthly sum for the purposes aforesaid, or refuse to give such reasonable security for the payment of the same, or for his or her return to such Wife or Child, according to such order as aforesaid of the said Justice, such Father, Husband, or Mother or Wife shall be deemed a Rogue and a Vagabond, and the said Justice is hereby authorised and empowered to commit the said offender to any of Her Majesty's Gaols, there to be imprisoned, at hard labor, for such time as the said Justice shall direct; but not exceeding the period of Six Calendar Months: Provided always, that should such offender within that period give such security or consent to pay such weekly or monthly allowance, the said Justice shall be at liberty to discharge such offender out of gaol.

Punishment for desertion.

Justice to require parent or husband to give security for support of his children or wife.

II. If it shall be made to appear upon complaint made before any Justice of the Peace, that any person being a Father, Husband, or Mother, and being able to work, by his or her neglect of work, or by spending his or her money in Ale Houses, Taverns, or in any other wasteful and improper manner, whereby a proper proportion of the money earned by him or her shall not be applied towards the maintenance of the Wife and Family of such Husband, or the Child of such Mother, and by which neglect or default such Wife and Family or Child shall become distressed and cast upon Public Charity or other precarious means of support; such Justice is hereby authorised and empowered to require the said offender to give reasonable assurance or security that he or she will supply and provide unto his Wife and Family, or unto her Child, such sufficient or reasonable maintenance and support, as the said offender may be of ability to procure; and on refusal of any such offender to give such assurance or security, he or she shall be considered and deemed to be an idle and disorderly person, and the said Justice is hereby empowered to commit the said offender to gaol, there to remain at hard labor for any time not exceeding Fourteen Days.

Justice to seize goods of offender.

III. Such Justice of the Peace as aforesaid is hereby authorized and empowered, by order or warrant under his hand, to seize and take so much of the goods, chattels, or credits of such offender as aforesaid, as such Justice may deem requisite and necessary for the support and maintenance of the Wife and Family, or of the Child, of such offender, and to sell and dispose of the same for that purpose.

IV. And the said Justice is also hereby empowered, by order under his hand, to seize and attach in the hands of the Master or Employer of any such offender, such portion of the wages due or to grow due to him or her, by the week, month, year, or otherwise, as such Justice may consider equitable and reasonable, and to assign the same to be paid by the said Master or Employer, towards the maintenance of such Wife and Family, or such Child, so abandoned or neglected by such offender in any manner as aforesaid.

Justice to attach wages in hands of offender's master.

V. For the purpose of ascertaining the amount due, or growing due, and the period of service of such offender, it shall be lawful for the said Justice to summon the Master or Employer of such offender to appear before the said Justice, who is hereby authorized to examine the said Master or Employer on oath, and to make such order for the payment of the wages due or growing due to such offender, for the support or maintenance of his Wife and Family, or of his or her Child as the said Justice shall deem equitable; and such wages shall be made payable for the purposes aforesaid to such person as the said Justice shall appoint.

Mode of proceeding to ascertain amount of wages in hands of master of offender.

VI. If any person shall have in his possession any monies, goods, chattels, debts or effects, belonging to such offender, the said Justice shall have power to attach such monies, goods, debts, or effects, in such person's hands, and to summon such person to appear before the said Justice, who is hereby authorised to examine such person on oath, and to make such order as to the payment or sale of such monies, debts, goods, and chattels, or effects, and the disposal of the proceeds thereof for the support or maintenance of the Wife and Family or Child of such offender, as the said Justice shall deem equitable.

Justice to attach goods or debts in hands of third party, and order same to be paid over.