

Laws of His Majesty's Province of Newfoundland, passed in the year 1834.

4 William IV – Chapter 8 (Session 1)

An Act to afford Relief to Wives and Children, Deserted by their Husbands and Parents. (12th June, 1834.)

Whereas divers Persons abscond or go away from their places of abode, some leaving their Wives, a Child or Children; and some Mothers abscond or go away, leaving a Child or Children, in destitution or distress, and neglecting to provide them with sufficient or reasonable means of subsistence; and whereas it is expedient to remedy such evils: Be it therefore enacted, by the Governor, Council and Assembly, of Newfoundland, in Parliament assembled, and by the authority of the same, that it shall and may be lawful for one or more Justice or Justices of the Peace, upon the complaint or information on oath of any Person, made before any such Justice or Justices of the Peace, against any 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, Child or Children are left and neglected, or shall refuse to provide them, or any of them, sufficient or reasonable means of subsistence, according to the ability of such Husband, Father or Mother, to issue his or their Warrant for the apprehension of such offender, and to cause him or her to be brought before such Justice or Justices of the Peace, and after due enquiry into the facts of the case, if it shall appear to the satisfaction of the said Justice or Justices of the Peace, 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 or Children, and hath neglected or refused to provide such Wife, Child or Children with sufficient or reasonable maintenance and support, the said Justice or Justices of the Peace 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, Child or Children, as such Justice or Justices shall deem fit and just; and such Justice or Justices are hereby further empowered to require such security as he or they may in any case deem fit and reasonable, to be given by the said Father, Husband, or Mother, for the payment of such Weekly or Monthly sums 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 the said Justice or Justices of the Peace shall and prescribe unto such Father, Husband or Mother, to return unto his or her Child, Children or Wife; and if such Father, Husband or Mother shall refuse to give such reasonable security for their return to such Wife, Child or Children, according to the order of such Justice or Justices of the Peace, 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, Child or Children, according to such order as aforesaid of the said Justice or Justices of the Peace, such Father, Husband or Wife shall be deemed a Rogue, and Vagabond; and the said Justice or Justices of the Peace, are hereby authorised and empowered to commit the said offender to any of His Majesty's Gaols, there to be imprisoned for such time as the said Justice or Justices of the Peace shall direct, but not exceeding the period of One Calendar Month; and during which period the said Offender shall not be allowed any other food or subsistence than Bread and Water, unless it shall be directed otherwise by the said Justice or Justices of the Peace, under certificate

of some well known Medical Practitioner, that such offender requires a more ample or other diet than Bread and Water to sustain him or her in health

II. And be it further enacted, that if it shall be made to appear upon complaint made before any one or more Justice or Justices 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 or Children of such Mother and by which neglect or default, such Wife and Family, or Child or Children, shall become distressed and cast upon Public Charity or other precarious means of support; such Justice or Justices of the Peace, are 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 or Children, 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 or Justices of the Peace are hereby empowered to commit the said offender to Gaol and Hard Labour therein, or, not being a female, to Labour on the Public Roads for any time not exceeding the period of Fourteen Days.

III. And be it further enacted, that such Justice or Justices of the Peace as aforesaid, are hereby authorized and empowered, by Order or Warrant, under his or their hand, to seize and take so much of the Goods and Chattels, or Credits, of any such Husband, Father or Mother, being any such offender as aforesaid, as such Justice or Justices may deem requisite and necessary, to sell and dispose of, for the support and maintenance of the Wife and Family, or of the Child or Children of such offender, and to sell and dispose of the same; and the said Justice or Justices of the Peace, are also hereby empowered, by order under his or their 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 or Year, as such Justice or Justices of the Peace 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 or Children, so abandoned or neglected by such offender, in any manner as aforesaid; and such portion of the said Wages shall be paid by the said Master or Employer to such person as the said Justice or Justices of the Peace shall appoint: Provided always, that any person who may consider himself or herself aggrieved by any Order or Judgment of such Justice or Justices of the Peace, made in pursuance of the provisions of this Act, may appeal to the next General Quarter Sessions of the Peace, or to any Court of Record within the District of the said Justice or Justices of the Peace, which said Courts are hereby respectively empowered to revise, disannul or confirm the Order or Judgment so made, under the provisions of this Act, by any Justice or Justices of the Peace.

VI. And be it further enacted, that this Act shall be and continue in force for Five Years, and thence until the then next Session of the Parliament of this Island, and no longer.