No. IX.

An Ordinance for the Support of Destitute Families and Illegitimate Children. [*26th October*, 1846.]

Destitute Persons.

Preamble.

WHEREAS it is expedient to provide for the maintenance of destitute persons and illegitimate children by making the relatives of such person and the putative fathers of such children liable for their support:

Be it enacted by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

Near relatives of destitute persons to be liable for their support.

1. The father and grandfather, mother and grandmother, and the children of every destitute person not able to support himself by his own labour, shall, being of sufficient ability, be liable to support every such destitute person in manner hereinafter mentioned.

Mode of proceeding.

2. On the information on oath of any respectable householder that any person is destitute and unable to support himself by his own labour, and that such person hath a father or other near relative as aforesaid within the Colony of sufficient ability to support such destitute person, it shall be lawful for any two Justices of the Peace to summon such father or other near relative and to hear and determine such information in a summary way.

Power to two Justices to make an order for support.

3. It shall be lawful for such Justices, on being satisfied that the father or other relative is of sufficient ability to support such destitute person, to make an order on such father or other relative for payment towards the support of such person of a sum of money at a rate not exceeding twenty shillings per week to such person at such times and in such manner as the said Justices may direct, and such order from time to time to suspend alter vary or determine as to them shall seem meet.

Persons deserting their wives or children to be liable to penalties.

4. Every person who shall unlawfully and without reasonable cause for so doing desert his wife, or who shall unlawfully desert any of his children under the age of fourteen years, and shall leave such wife or children without means of support, shall for every such offence forfeit and pay any sum not exceeding five pounds for the first offence and any sum not exceeding ten pounds for a second or subsequent offence, to be recovered in a summary way. And it shall be lawful for any two Justices at their discretion to order any person so convicted also to pay towards the support of his wife or children, as the case may be, such sum of money at a rate not exceeding twenty shillings per week to such persons at such times and in such manner as the convicting Justices may direct.

Power to Justice to summon party charged as the father of an illegitimate child.

5. On the complaint on oath made before any Justice of the Peace by the mother of any European or Half-caste illegitimate child, or on such complaint as aforesaid by any officer duly appointed to act in that behalf, that the father of such child hath refused to provide for its support, it shall be lawful for any two Justices to summon the party charged and to hear and determine such complaint in a summary way.

Power to two Justices to adjudge the party to be the putative father.

6. The parties being present, such Justices shall hear the evidence of the complainant and such other evidence as may be produced, and shall also hear any evidence tendered by the person alleged to be the father, and if the evidence of the mother shall be corroborated in some material particular by other testimony to the satisfaction of the said Justices, they may adjudge the man to be the putative father of such illegitimate child: Provided always that the evidence of the mother

of any illegitimate child shall not be necessary for the making of any such adjudication as aforesaid.

And to make an order upon him for support of the child.

7. It shall also be lawful for such Justices, on being satisfied that any such putative father shall have refused to provide for the support of any such child, to make an order on the putative father for payment to the mother of the child, or to such other person as they may think fit, of a sum of money at a rate not less than two shillings nor more than ten shillings per week, at such times and in such manner as they may direct, for the support of such child: Provided always that in every case where it shall appear to the Justices that the mother of any such illegitimate child is able to contribute to its support, it shall be lawful for them to direct that she shall so contribute as well as the father in such proportions respectively and in such manner as such Justices shall think fit; and if in any such case it shall appear that the mother only is of such ability, it shall be lawful for the Justices to make an order in respect of her alone.

And to make an order for payment of additional sum for education &c.

8. In every case where the order on the putative father shall be made in favour of the Half-caste child, or in favour of any other person of the Native race, it shall be lawful for such Justices to make an order on the putative father for the payment of an additional sum to be applied at such times and in such manner as they may direct to the education of such child in the English language and in the duties of the Christian religion: Provided always that the sum to be paid as last aforesaid shall in no case exceed one-fourth of the sum to be paid as aforesaid for the support of the child, nor the whole sum to be paid as hereinafter provided, in composition for such sum: Provided also that when and so soon as any such child shall by order of such Justices be committed to the custody of any person of the European race, such additional sum shall cease to be paid.

Putative father may make composition.

9. It shall be lawful for the putative father of any illegitimate child, who by virtue of the provisions of this Ordinance shall become liable to contribute towards its support, to pay such a sum of money for that purpose, not less than ten pounds and not more than fifty pounds, in lieu of and as a compensation for such weekly payment as aforesaid as the said Justices shall deem reasonable: Provided always that in case the putative father or the mother as the case may be shall consent to place such child at any school which for the purposes of this present provision may be afforded by the Governor, it shall be lawful for the said Justices to receive from such putative father or the mother, as the case may be, any sum of money which may be sufficient to provide for the maintenance and education of such child therein, although the sum may not amount to the sum of ten pounds. For every sum of money so paid as such composition or as last aforesaid the putative father or the mother as the case may be shall be entitled to a receipt from the person to whom the same shall be paid, and every such payment shall be deemed and taken to be in full satisfaction and discharge of all liability on the part of such father or mother as the case may be for the future maintenance and support of any such child.

Custody of illegitimate children in certain cases.

10. In case of the death or insanity of the mother of any child in respect of whom any order as last aforesaid may have been made under the authority of this Ordinance, or in any other case, with the consent of the mother of any such child, it shall be lawful for any two Justices to appoint in writing some fit person who with his own consent shall have the custody of the child; and any two Justices may revoke the appointment of such person and may appoint another person in his stead as occasion may require; and every person so appointed to have the custody of any such child shall be empowered to

to make application for the receiving of all payments becoming due under any such order as aforesaid in the same manner as the mother of such child might have done.

11. It shall be lawful for any two Justices with the consent of either of the parents, if living and within the limits of the Colony, but if otherwise then without such consent, to bind any child in respect of whose support any such order as aforesaid shall have been made and be then in force, and who shall have attained the age of fourteen years, as an apprentice, until such child shall attain the age of eighteen years, to any trade business or employment suitable to such child; and every such binding shall be as effectual in law as if the child had been of full age and had bound himself.

Children may be bound apprentices in certain cases.

12. Previously to executing any articles of apprenticeship such Justices shall inform themselves as fully as may be of the age of the child so to be bound as aforesaid, and shall cause the age of the child so ascertained to be inserted in the articles of apprenticeship, and the age so to be inserted shall thereupon for the purposes of this provision be taken to be the child's true age without further proof: Provided also that such Justices shall take care that in every such articles reasonable provision be made for the maintenance clothing and wages of the apprentice, and for the proper and humane treatment of such apprentice.

Age to be stated in articles of apprenticeship.

13. Upon the complaint of any master or mistress of the misbehaviour of any such apprentice, or upon the complaint of any such apprentice of ill-usage by the master or mistress, it shall be lawful for any Justice of the Peace to hear and determine the same in a summary way, and the party offending shall on conviction forfeit and pay any sum not exceeding five pounds.

Misbehaviour of apprentice and ill-usage of master.

14. If it shall appear to such Justice on any such complaint that there is or has been habitual ill-usage by the master or mistress, or incorrigible misconduct in the apprentice, it shall be lawful for such Justice to make an order cancelling the articles of apprenticeship.

Articles to be cancelled in certain cases.

15. In case of the death of any such master or mistress it shall be lawful for any two Justices of the Peace to assign any such articles of apprenticeship for the residue of the term then unexpired therein, or to cancel the same as to them shall seem meet.

Assignment of articles on the death of the master.

16. It shall also be lawful for any such Justices, on the application of any such master or mistress, to assign any such articles of apprenticeship to any other person if it shall appear to the said Justices to be for the benefit of the apprentice so to do: Provided that in every assignment the assignee shall be as much bound to perform the several covenants contained in any such deed as if he had been named therein.

And during lifetime.

17. In case the sum directed to be paid by any order made in pursuance of the provisions of this Ordinance shall be in arrear or unpaid for the space of one calendar month or upwards, it shall be lawful for any Justice of the Peace, on the application of the person entitled to receive the same, by warrant to cause any person making such default to be brought before any two Justices, and if such person shall fail to make payment of such arrears, the amount then due shall be determined by the said Justices and shall be recovered in a summary way: Provided always that if the sum to be paid in pursuance of any such order shall have been allowed by the person entitled to receive the same to be in arrear for more than thirteen weeks without making such application as aforesaid, the person liable to pay the same shall not be compelled to pay more than the amount due for thirteen weeks in discharge of the whole debt, and no warrant of

Recovery of payments in arrear.

of distress shall be issued for more than the amount of arrears for thirteen weeks' payment in discharge of the whole arrears.

Party liable for payment may be detained in custody.

18. If the amount of arrears so adjudged to be due as aforesaid shall not immediately be paid, it shall be lawful for such Justices at their discretion to order the person liable for the payment thereof to be detained in safe custody until return can conveniently be made to any warrant of distress to be issued for the levying of any such arrears, unless he shall give sufficient security to the satisfaction of the said Justices for his appearance before two Justices on the day which may be appointed for the return of such warrant of distress, such day not being more than seven days from the time of taking any such security.

Property of persons absconding liable for support of their wives and children.

19. In case it shall be made to appear upon oath to the satisfaction of any two Justices that any person hath quitted the Colony, or keeps himself concealed or away from his usual place of abode, and hath left his wife or children without means of support, or that such person is so absent with the intent to avoid the payment of any sum of money he may have been ordered to pay under the authority of this Ordinance, it shall be lawful for any two Justices, by warrant under their hands, to authorize some person to receive so much of the rents and profits of the real estate of such person, and to sell such portion of his personel estate as the said Justices may from time to time direct, not exceeding the rate hereinbefore provided, and to appropriate the money so received towards the support of the wife or children of such person as the case may be in such manner as to the said Justices shall seem meet: Provided always that nothing herein contained shall be construed so as to interfere with the just rights claims or remedies of any person to whom the person so quitting the Colony or keeping concealed or away from his usual place of abode may be indebted: Provided also that the receipt of the person so authorized as aforesaid shall be a good discharge to any tenant or other person for all moneys paid by him and acknowledged in such receipt to be paid.

Persons about to abscond may be arrested.

20. In case any person who may be bound by any such order as aforesaid shall attempt to remove from the Colony, it shall be lawful for any two Justices of the Peace, on the application of any officer appointed by the Governor to act in that behalf, to cause such person to be arrested and to be detained in safe custody until he shall give security, to the satisfaction of such Justices, for the due performance of such order, or shall make a composition for the same as hereinbefore provided: Provided always that no such arrest shall be made unless the person applying for the same shall make a direct and positive affidavit, to the satisfaction of such Justices, that such order is then in force and unsatisfied, and that he believes that the person bound thereby is about to remove from the Colony, and shall also show in such affidavit that there is probable cause for such belief.

False statements.

21. Every person who shall wilfully make any false mis-statement on oath or affirmation in any proceeding before any Justice of the Peace under the provisions of this Ordinance shall be deemed guilty of a misdemeanour.

Parties aggrieved &c. may appeal.

22. If any person shall feel aggrieved by any conviction or order to be made under the authority of this Ordinance, and shall, within five days after such conviction or the making of such order, give notice of appeal to the party on whose information or complaint such conviction or order may have been made, and also within seven days give sufficient security, by recognizance or otherwise, for the payment of costs to the satisfaction of some one Justice of the Peace, it shall be lawful for the person so feeling aggrieved as aforesaid to appeal to the General Quarter Sessions of the Peace to be holden after the period of fourteen

fourteen days next after the making of the said order, and the Justices in such Quarter Sessions assembled shall thereupon hear and determine such appeal, and shall order such costs to be paid by either party as to them shall seem fit. Every such appeal, except so far as otherwise herein provided, shall be made in manner and subject to the conditions prescribed for regulating appeals by the Summary Proceedings Ordinance, Session II., No. 5: Provided always that if there shall be no Court of General Quarter Sessions having jurisdiction over the county or district in which any such conviction or order shall be made, it shall be lawful for the party aggrieved to appeal to the Supreme Court.

23. For the purposes of this Ordinance every word importing the masculine gender shall extend and be applied to a female as well as a male, except where the context excludes such construction. Interpretation.

No. X.

An Ordinance for establishing Standard Weights and Measures, and for the prevention of the use of such as are false and deficient. [*26th October*, 1846.]

Weights and Measures.

Whereas it is necessary to provide against the use of fraudulent weights and measures in the Colony of New Zealand, and for that purpose to establish certain standards by which all other weights and measures may be regulated, and to prohibit the use of any other weights and measures than such as shall agree with such standards: And whereas certain weights and measures of the standard now in force and use in the United Kingdom of Great Britain and Ireland, denominated Imperial Weights and Measures (a Schedule whereof is hereunto annexed), are about to be imported into the Colony for the purposes of this Ordinance: Preamble.

Be it enacted by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:—

I.—STANDARDS TO BE ESTABLISHED.

1. The several standard weights and measures so to be imported as aforesaid shall be deposited in some convenient place to be appointed by the Governor, to be therein safely kept, and shall be and are hereby declared to be the standard weights and measures of the Colony of New Zealand. Standard weights and measures established.

2. It shall be lawful for His Excellency the Governor to cause copies and models of the several weights and measures so to be deposited as aforesaid to be carefully made, and upon every such copy or model being verified upon oath before such Governor and approved of by him, to cause a stamp or mark to be legibly impressed or engraven thereon to show that the same hath been so verified and approved, and such mark or stamp shall consist of such letters and figures as are commonly used to signify Her Majesty's name or mark, together with S.W. or S.M., signifying standard weight or standard measure as the case may be, and the weight or measure of such copy or model. Copies and models to be made.