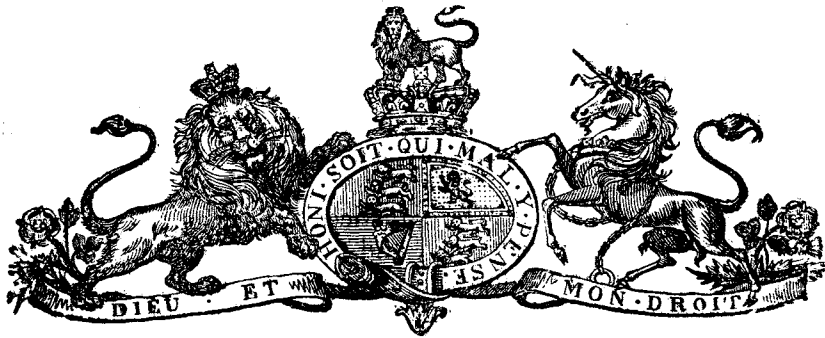


TASMANIA.



1862.

ANNO VICESIMO-SEXTO

VICTORIÆ REGINÆ,

No. 3.



AN ACT to provide for the Maintenance by their Relatives of indigent Persons in Public charitable Institutions. [25 September, 1862.]

WHEREAS it is expedient that the cost of maintaining indigent persons in Public charitable Institutions in *Tasmania* should be defrayed by certain Relatives of such persons, where such Relatives are of sufficient ability so to do: 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:—

PREAMBLE.

1 The words "Charitable Institution" shall extend to and include any Lunatic Asylum, Hospital, Infirmary, or other charitable or benevolent Institution, which is either wholly or in part maintained by any grant of public money, and to which the Governor in Council may proclaim the provisions of this Act to be applicable.

Interpretation
"Charitable Institution."

2 When any person is admitted into any charitable Institution, and such person has not sufficient property, and is unable to maintain himself, the Husband, Wife, Father, Mother, and Children of such person, being of sufficient ability, shall at their own charge defray the expense of keeping and maintaining such person in such Institution.

Indigent person to be maintained by Father, Mother, and Children, being of sufficient ability.

Officer of Institution may proceed to enforce payment.

3 In case any such Relative refuses or neglects to pay such expense as aforesaid, any Officer of such Institution may make complaint thereof to any Justice, who shall thereupon cause a Summons to be issued directing such Relative to appear before any Two Justices to show cause why he should not pay such expense as aforesaid.

Two Justices may make order for Maintenance of any person at such Institution.

4 It shall be lawful for any Two Justices to hear and determine every such complaint in a summary way, and to order such of the Relatives aforesaid of such person as aforesaid as appear to be of sufficient ability to pay for maintaining such person in manner aforesaid, and to decide the sum which will be sufficient for the future support of such person, and to order such sum to be paid weekly, or otherwise, as they may see fit, and to order to whom or to what Officer of such Institution such sum shall be paid; and in making such order the Husband or Wife shall be primarily liable to maintain such person, and if there is no Husband or Wife, or he or she cannot be found or is not of sufficient ability, then the Father shall be next liable to maintain such person; and if there is no Father, or he cannot be found, or is not of sufficient ability, then the Children of such person shall be next liable to maintain such person; and if no Children, or they cannot be found, or are not of sufficient ability, then the Mother, if of sufficient ability, shall maintain such person: And such Justices may also, in like manner, order the payment of any past maintenance of such person, at such Institution, by any such Relative as aforesaid, for any period not exceeding Twelve months from the date of such order: Provided that no order for the payment of any past maintenance shall be made for any period prior to the passing of this Act.

Order of liability of Relatives.

Past maintenance.

Relatives to contribute according to ability.

5 If it appears to such Justices that any such Relative is unable wholly to maintain such person, but is able to contribute towards his support, such Justices may, in their discretion, order two or more of such Relatives to pay for maintaining such person, and may prescribe the proportion which each shall contribute for that purpose; and if it appears that any Relatives liable as aforesaid are not of sufficient ability wholly to maintain such person, but are able to contribute something, such Justices shall direct the sum in proportion to their ability which such Relative, or any one or more of them, shall pay weekly or otherwise.

Duration of order.

6 The Justices may, by such order as aforesaid, specify the time during which any of the Relatives aforesaid shall maintain such person, or during which any of the said sums so ordered as aforesaid shall be paid.

Order may be varied.

7 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 Officer of such Institution, apply to the Court of General Sessions of the Peace for the District within which such Institution is situate to vary or discharge any such order upon showing the altered circumstances or means of such person or such Relative; and such Court may (if it sees fit) vary or discharge the said order accordingly; and any Officer of such Institution may in like manner, from time to time, apply to have any such order varied.

Orders may be enforced by Distress.

8 When and so often as any such Relative as aforesaid neglects or refuses to pay any sum ordered to be paid by him to the Officer of any such Institution, 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.

9 Subject to the provisions of this Act, the provisions of *The Magistrates Summary Procedure Act* shall apply to all proceedings under this Act. Provisions of 19 Vict. No. 8, applicable.

10 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. Distress not unlawful for want of form.

11 The cost of maintaining any person in any such Institution may be recovered from such person, or from any other person liable at Law to pay the same, by any Officer of such Institution, by action in any Court of competent jurisdiction. Expense of Maintenance recoverable from inmate by action.

12 In any proceeding under this Act for the recovery of the cost of maintaining any person in any such Institution, the statement in any complaint, information, plaint, declaration, or other proceeding, that any person is an "Officer" of any such Institution, or that such Institution is a "Charitable Institution" within the meaning of this Act, or that any inmate of such Institution is an "indigent person" within the meaning of this Act, shall respectively be deemed and taken to be true, unless the contrary is proved; and in all proceedings taken by virtue of this Act every such Relative shall be compellable to give evidence. Proofs in proceedings for Maintenance.
"Officer."
"Charitable Institution."
"Indigent person."

