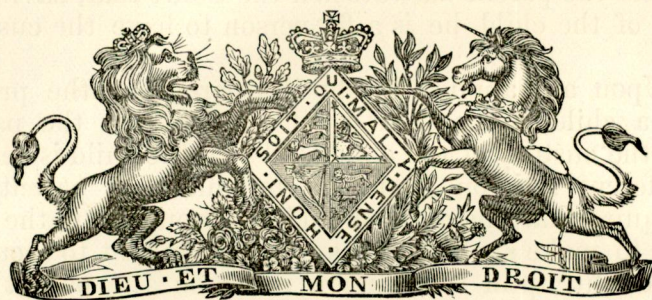


New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. X.

An Act to amend the Law relating to the Custody of Children, and to provide for Settlements for the benefit of Children in certain cases. [Assented to, 14th March, 1894.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. Where the parent of a child applies to the Supreme Court for a writ or order for the production of the child, or for any order under the Act thirty-ninth Victoria number sixteen, and the Court is of opinion that the parent has abandoned or deserted or neglected the child, or that he has otherwise so conducted himself that the Court should refuse to enforce his right to the custody of the child, or that the tender age of the child or its state of health render it expedient that it should remain with its mother or some other person, the Court may in its discretion decline to issue the writ or make the order.

Power of Court as to production of child.

2. If at the time of the application for a writ or order for the production of the child the child is being brought up by another person, or is boarded out by any State or other Board, the Court may, in its discretion, if it orders the child to be given up to the parent, further order as a condition precedent or upon such terms as it may think fit that

Power to Court to order repayment of costs of bringing up child.

Custody of Children and Children's Settlements.

that the parent shall pay to such person, or Board, the whole of the costs properly incurred in bringing up the child, or such portion thereof as shall seem to the Court to be just and reasonable, having regard to all the circumstances of the case.

Court in making order to have regard to conduct of parent.

3. Where a parent has—

- (a) abandoned or deserted or neglected his child; or
- (b) allowed his child to be brought up by another person at that person's expense, or at the expense of any State or other Board, for such a length of time and under such circumstances as to satisfy the Court that the parent neglected his parental duties;

the Court shall not make an order for the delivery of the child to the parent, unless the parent has satisfied the Court that, having regard to the welfare of the child, he is a fit person to have the custody of the child.

Power to Court as to child's religious education.

4. Upon any application by the parent for the production or custody of a child, if the Court is of opinion that the parent ought not to have the custody of the child, and that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child should be brought up, the Court shall have power to make such order as it may think fit to secure that the child be brought up in the religion in which the parent has a legal right to require that the child should be brought up. Nothing in this Act contained shall interfere with or affect the power of the Court to consult the wishes of the child in considering what order ought to be made, or diminish the right which any child now possesses to the exercise of its own free choice.

Court may order custody of children in certain cases.

5. It shall be lawful for the Court whenever it is satisfied that the parent or person having the custody of a child is unfit to continue to have such custody by reason of cruelty or neglect to the child to order that such child shall be given up to the custody of some near relative or other person willing to accept such custody, and by such order to impose terms for the child's maintenance chargeable upon the parent. And such order may be varied or revoked from time to time at the discretion of the Court.

Court may appoint trustees for settlements for the benefit of children in certain cases.

6. Whenever a verdict is recovered or a judgment entered for any amount as damages in any action of tort brought by any child by its next friend, it shall be lawful for the Court to order that a settlement of the same shall be made for the benefit of such child, and to appoint a trustee or trustees for such settlement. And the terms of such settlement shall be fixed by the Court, or subject to its approval by some officer of the Court appointed so to do. And this power shall extend to the District Court as well as the Supreme Court.

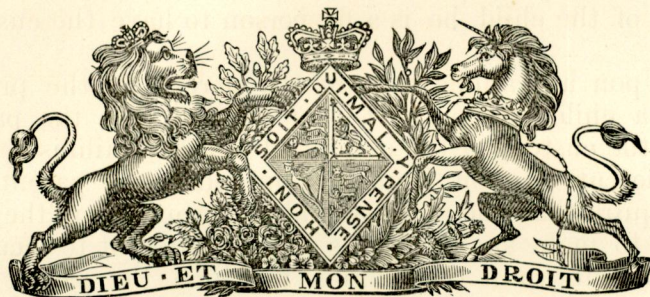
Definitions of "parent" and "person."

7. For the purposes of this Act the expression "parent" of a child includes the father or mother or any person at law liable to maintain such child or entitled to his custody, and "person" includes any school or institution, and the word "Court" means the Supreme Court and includes any judge thereof sitting in chambers.

Short title.

8. This Act may be cited as the "Custody of Children and Children's Settlements Act of 1894."

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

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Power to Court to order repayment of costs of bringing up child.

Custody of Children and Children's Settlements.

that the parent shall pay to such person, or Board, the whole of the costs properly incurred in bringing up the child, or such portion thereof as shall seem to the Court to be just and reasonable, having regard to all the circumstances of the case.

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3. Where a parent has—

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the Court shall not make an order for the delivery of the child to the parent, unless the parent has satisfied the Court that, having regard to the welfare of the child, he is a fit person to have the custody of the child.

Power to Court as to child's religious education.

4. Upon any application by the parent for the production or custody of a child, if the Court is of opinion that the parent ought not to have the custody of the child, and that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child should be brought up, the Court shall have power to make such order as it may think fit to secure that the child be brought up in the religion in which the parent has a legal right to require that the child should be brought up. Nothing in this Act contained shall interfere with or affect the power of the Court to consult the wishes of the child in considering what order ought to be made, or diminish the right which any child now possesses to the exercise of its own free choice.

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Definitions of "parent" and "person."

7. For the purposes of this Act the expression "parent" of a child includes the father or mother or any person at law liable to maintain such child or entitled to his custody, and "person" includes any school or institution, and the word "Court" means the Supreme Court and includes any judge thereof sitting in chambers.

Short title.

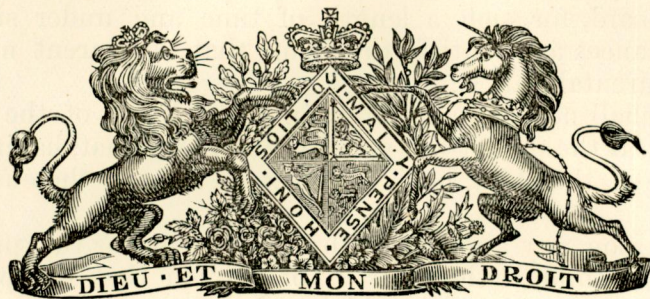
8. This Act may be cited as the "Custody of Children and Children's Settlements Act of 1894."

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 6 March, 1894.*

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. X.

An Act to amend the Law relating to the Custody of Children, and to provide for Settlements for the benefit of Children in certain cases. [Assented to, 14th March, 1894.]

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Power of Court as to production of child.

2. If at the time of the application for a writ or order for the production of the child the child is being brought up by another person, or is boarded out by any State or other Board, the Court may, in its discretion, if it orders the child to be given up to the parent, further order as a condition precedent or upon such terms as it may think fit that

Power to Court to order repayment of costs of bringing up child.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

NINIAN MELVILLE,
Chairman of Committees of the Legislative Assembly.

Custody of Children and Children's Settlements.

that the parent shall pay to such person, or Board, the whole of the costs properly incurred in bringing up the child, or such portion thereof as shall seem to the Court to be just and reasonable, having regard to all the circumstances of the case.

Court in making order to have regard to conduct of parent.

3. Where a parent has—
- (a) abandoned or deserted or neglected his child; or
 - (b) allowed his child to be brought up by another person at that person's expense, or at the expense of any State or other Board, for such a length of time and under such circumstances as to satisfy the Court that the parent neglected his parental duties;

the Court shall not make an order for the delivery of the child to the parent, unless the parent has satisfied the Court that, having regard to the welfare of the child, he is a fit person to have the custody of the child.

Power to Court as to child's religious education.

4. Upon any application by the parent for the production or custody of a child, if the Court is of opinion that the parent ought not to have the custody of the child, and that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child should be brought up, the Court shall have power to make such order as it may think fit to secure that the child be brought up in the religion in which the parent has a legal right to require that the child should be brought up. Nothing in this Act contained shall interfere with or affect the power of the Court to consult the wishes of the child in considering what order ought to be made, or diminish the right which any child now possesses to the exercise of its own free choice.

Court may order custody of children in certain cases.

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Definitions of "parent" and "person."

7. For the purposes of this Act the expression "parent" of a child includes the father or mother or any person at law liable to maintain such child or entitled to his custody, and "person" includes any school or institution, and the word "Court" means the Supreme Court and includes any judge thereof sitting in chambers.

Short title.

8. This Act may be cited as the "Custody of Children and Children's Settlements Act of 1894."

In the name and on the behalf of Her Majesty I assent to this Act.

*Government House,
Sydney, 14th March, 1894.*

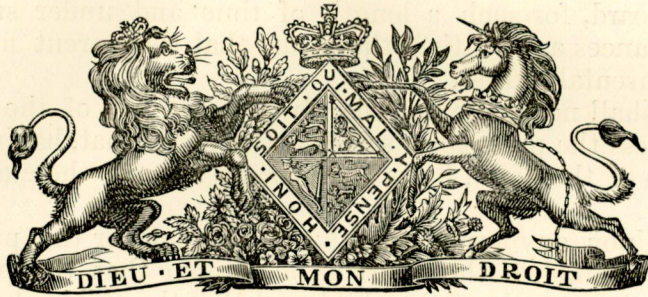
R. W. DUFF,
Governor.

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Assembly Chamber,
Sydney, 6 March, 1894.*

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. X.

An Act to amend the Law relating to the Custody of Children, and to provide for Settlements for the benefit of Children in certain cases. [Assented to, 14th March, 1894.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. Where the parent of a child applies to the Supreme Court for a writ or order for the production of the child, or for any order under the Act thirty-ninth Victoria number sixteen, and the Court is of opinion that the parent has abandoned or deserted or neglected the child, or that he has otherwise so conducted himself that the Court should refuse to enforce his right to the custody of the child, or that the tender age of the child or its state of health render it expedient that it should remain with its mother or some other person, the Court may in its discretion decline to issue the writ or make the order.

Power of Court as to production of child.

2. If at the time of the application for a writ or order for the production of the child the child is being brought up by another person, or is boarded out by any State or other Board, the Court may, in its discretion, if it orders the child to be given up to the parent, further order as a condition precedent or upon such terms as it may think fit that

Power to Court to order repayment of costs of bringing up child.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

NINIAN MELVILLE,
Chairman of Committees of the Legislative Assembly.

Custody of Children and Children's Settlements.

that the parent shall pay to such person, or Board, the whole of the costs properly incurred in bringing up the child, or such portion thereof as shall seem to the Court to be just and reasonable, having regard to all the circumstances of the case.

Court in making order to have regard to conduct of parent.

3. Where a parent has—
- (a) abandoned or deserted or neglected his child; or
 - (b) allowed his child to be brought up by another person at that person's expense, or at the expense of any State or other Board, for such a length of time and under such circumstances as to satisfy the Court that the parent neglected his parental duties;

the Court shall not make an order for the delivery of the child to the parent, unless the parent has satisfied the Court that, having regard to the welfare of the child, he is a fit person to have the custody of the child.

Power to Court as to child's religious education.

4. Upon any application by the parent for the production or custody of a child, if the Court is of opinion that the parent ought not to have the custody of the child, and that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child should be brought up, the Court shall have power to make such order as it may think fit to secure that the child be brought up in the religion in which the parent has a legal right to require that the child should be brought up. Nothing in this Act contained shall interfere with or affect the power of the Court to consult the wishes of the child in considering what order ought to be made, or diminish the right which any child now possesses to the exercise of its own free choice.

Court may order custody of children in certain cases.

5. It shall be lawful for the Court whenever it is satisfied that the parent or person having the custody of a child is unfit to continue to have such custody by reason of cruelty or neglect to the child to order that such child shall be given up to the custody of some near relative or other person willing to accept such custody, and by such order to impose terms for the child's maintenance chargeable upon the parent. And such order may be varied or revoked from time to time at the discretion of the Court.

Court may appoint trustees for settlements for the benefit of children in certain cases.

6. Whenever a verdict is recovered or a judgment entered for any amount as damages in any action of tort brought by any child by its next friend, it shall be lawful for the Court to order that a settlement of the same shall be made for the benefit of such child, and to appoint a trustee or trustees for such settlement. And the terms of such settlement shall be fixed by the Court, or subject to its approval by some officer of the Court appointed so to do. And this power shall extend to the District Court as well as the Supreme Court.

Definitions of "parent" and "person."

7. For the purposes of this Act the expression "parent" of a child includes the father or mother or any person at law liable to maintain such child or entitled to his custody, and "person" includes any school or institution, and the word "Court" means the Supreme Court and includes any judge thereof sitting in chambers.

Short title.

8. This Act may be cited as the "Custody of Children and Children's Settlements Act of 1894."

In the name and on the behalf of Her Majesty I assent to this Act.

*Government House,
Sydney, 14th March, 1894.*

R. W. DUFF,
Governor.

CUSTODY OF CHILDREN AND CHILDREN'S SETTLEMENTS BILL.

SCHEDULE of Amendment referred to in Message of 28th February, 1894.

Page 1, clause 1, line 7. Omit "thirtieth" insert "**thirty-ninth**"

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 7 February, 1894.* }

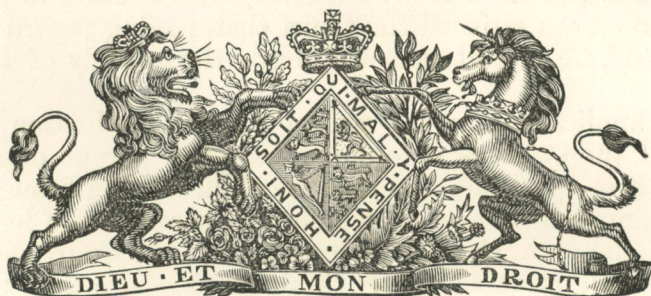
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

*Legislative Council Chamber,
Sydney, 28th February, 1894.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. .

An Act to amend the Law relating to the Custody of Children, and to provide for Settlements for the benefit of Children in certain cases.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

- 5 1. Where the parent of a child applies to the Supreme Court for a writ or order for the production of the child, or for any order under the Act ~~thirtieth~~ **thirty-ninth** Victoria number sixteen, and the Court is of opinion that the parent has abandoned or deserted or neglected the child, or that he has otherwise so conducted himself that
- 10 the Court should refuse to enforce his right to the custody of the child, or that the tender age of the child or its state of health render it expedient that it should remain with its mother or some other person, the Court may in its discretion decline to issue the writ or make the order.
- 15 2. If at the time of the application for a writ or order for the production of the child the child is being brought up by another person, or is boarded out by any State or other Board, the Court may, in its discretion, if it orders the child to be given up to the parent, further order as a condition precedent or upon such terms as it may think fit
- 56— that
- Power of Court as to production of child.
- Power to Court to order repayment of costs of bringing up child.

NOTE.—The word to be omitted is ruled through; those to be inserted are printed in black letter.

Custody of Children and Children's Settlements.

that the parent shall pay to such person, or Board, the whole of the costs properly incurred in bringing up the child, or such portion thereof as shall seem to the Court to be just and reasonable, having regard to all the circumstances of the case.

5 3. Where a parent has—

(a) abandoned or deserted or neglected his child; or

(b) allowed his child to be brought up by another person at that person's expense, or at the expense of any State or other Board, for such a length of time and under such circumstances as to satisfy the Court that the parent neglected his parental duties;

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the Court shall not make an order for the delivery of the child to the parent, unless the parent has satisfied the Court that, having regard to the welfare of the child, he is a fit person to have the custody of the child.

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4. Upon any application by the parent for the production or custody of a child, if the Court is of opinion that the parent ought not to have the custody of the child, and that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child should be brought up, the Court shall have power to make such order as it may think fit to secure that the child be brought up in the religion in which the parent has a legal right to require that the child should be brought up. Nothing in this Act contained shall interfere with or affect the power of the Court to consult the wishes of the child in considering what order ought to be made, or diminish the right which any child now possesses to the exercise of its own free choice.

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6. Whenever a verdict is recovered or a judgment entered for any amount as damages in any action of tort brought by any child by its next friend, it shall be lawful for the Court to order that a settlement of the same shall be made for the benefit of such child, and to appoint a trustee or trustees for such settlement. And the terms of such settlement shall be fixed by the Court, or subject to its approval by some officer of the Court appointed so to do. And this power shall extend to the District Court as well as the Supreme Court.

7. For the purposes of this Act the expression "parent" of a child includes the father or mother or any person at law liable to maintain such child or entitled to his custody, and "person" includes any school or institution, and the word "Court" means the Supreme Court and includes any judge thereof sitting in chambers.

8. This Act may be cited as the "Custody of Children and Children's Settlements Act of 1894."

Court in making order to have regard to conduct of parent.

Power to Court as to child's religious education.

Court may order custody of children in certain cases.

Court may appoint trustees for settlements for the benefit of children in certain cases.

Definitions of "parent" and "person."

Short title.

CUSTODY OF CHILDREN AND CHILDREN'S SETTLEMENTS BILL.

SCHEDULE of Amendment referred to in Message of 28th February, 1894.

Page 1, clause 1, line 7. Omit "thirtieth" insert "**thirty-ninth**"

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 7 February, 1894.* }

F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

*Legislative Council Chamber,
Sydney, 28th February, 1894.* }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. .

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NOTE.—The word to be omitted is ruled through; those to be inserted are printed in black letter.

Custody of Children and Children's Settlements.

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consult the wishes of the child in considering what order ought to be made, or diminish the right which any child now possesses to the exercise of its own free choice.

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6. Whenever a verdict is recovered or a judgment entered for any amount as damages in any action of tort brought by any child by its next friend, it shall be lawful for the Court to order that a settlement of the same shall be made for the benefit of such child, and to

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appoint a trustee or trustees for such settlement. And the terms of such settlement shall be fixed by the Court, or subject to its approval by some officer of the Court appointed so to do. And this power shall extend to the District Court as well as the Supreme Court.

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child includes the father or mother or any person at law liable to maintain such child or entitled to his custody, and "person" includes any school or institution, and the word "Court" means the Supreme Court and includes any judge thereof sitting in chambers.

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Children's Settlements Act of 1894."

Court in making order to have regard to conduct of parent.

Power to Court as to child's religious education.

Court may order custody of children in certain cases.

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Definitions of "parent" and "person."

Short title.

Custody of Children and Children's Settlements.

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Court in making order to have regard to conduct of parent.

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the Court shall not make an order for the delivery of the child to the parent, unless the parent has satisfied the Court that, having regard to the welfare of the child, he is a fit person to have the custody of the

15 child.

4. Upon any application by the parent for the production or custody of a child, if the Court is of opinion that the parent ought not to have the custody of the child, and that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child should be brought up, the Court shall have power to make such order as it may think fit to secure that the child be brought up in the religion in which the parent has a legal right to require that the child should be brought up. Nothing in this Act contained shall interfere with or affect the power of the Court to

Power to Court as to child's religious education.

20

consult the wishes of the child in considering what order ought to be made, or diminish the right which any child now possesses to the exercise of its own free choice.

5. It shall be lawful for the Court whenever it is satisfied that the parent or person having the custody of a child is unfit to continue to have such custody by reason of cruelty or neglect to the child to order that such child shall be given up to the custody of some near relative or other person willing to accept such custody, and by such order to impose terms for the child's maintenance chargeable upon the parent. And such order may be varied or revoked from time to

Court may order custody of children in certain cases.

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time at the discretion of the Court.

6. Whenever a verdict is recovered or a judgment entered for any amount as damages in any action of tort brought by any child by its next friend, it shall be lawful for the Court to order that a settlement of the same shall be made for the benefit of such child, and to

Court may appoint trustees for settlements for the benefit of children in certain cases.

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appoint a trustee or trustees for such settlement. And the terms of such settlement shall be fixed by the Court, or subject to its approval by some officer of the Court appointed so to do. And this power shall extend to the District Court as well as the Supreme Court.

7. For the purposes of this Act the expression "parent" of a child includes the father or mother or any person at law liable to maintain such child or entitled to his custody, and "person" includes any school or institution, and the word "Court" means the Supreme Court and includes any judge thereof sitting in chambers.

Definitions of "parent" and "person."

8. This Act may be cited as the "Custody of Children and

Short title.

50

Children's Settlements Act of 1894."

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 7 February, 1894.* }

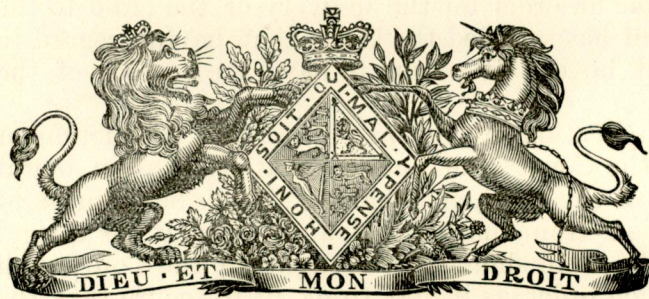
F. W. WEBB,
Clerk of the Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

*Legislative Council Chamber,
Sydney, February, 1894.* }

Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. .

An Act to amend the Law relating to the Custody of Children, and to provide for Settlements for the benefit of Children in certain cases.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

- 5 1. Where the parent of a child applies to the Supreme Court for a writ or order for the production of the child, or for any order under the Act ~~thirtieth~~ **thirty-ninth** Victoria number sixteen, and the Court is of opinion that the parent has abandoned or deserted or neglected the child, or that he has otherwise so conducted himself that
- 10 the Court should refuse to enforce his right to the custody of the child, or that the tender age of the child or its state of health render it expedient that it should remain with its mother or some other person, the Court may in its discretion decline to issue the writ or make the order.
- 15 2. If at the time of the application for a writ or order for the production of the child the child is being brought up by another person, or is boarded out by any State or other Board, the Court may, in its discretion, if it orders the child to be given up to the parent, further order as a condition precedent or upon such terms as it may think fit
- 56— that

NOTE.—The word to be omitted is ruled through; those to be inserted are printed in black letter.

Custody of Children and Children's Settlements.

that the parent shall pay to such person, or Board, the whole of the costs properly incurred in bringing up the child, or such portion thereof as shall seem to the Court to be just and reasonable, having regard to all the circumstances of the case.

5 3. Where a parent has—

(a) abandoned or deserted or neglected his child ; or

(b) allowed his child to be brought up by another person at that person's expense, or at the expense of any State or other Board, for such a length of time and under such circumstances as to satisfy the Court that the parent neglected his parental duties ;

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the Court shall not make an order for the delivery of the child to the parent, unless the parent has satisfied the Court that, having regard to the welfare of the child, he is a fit person to have the custody of the child.

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4. Upon any application by the parent for the production or custody of a child, if the Court is of opinion that the parent ought not to have the custody of the child, and that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child should be brought up, the Court shall have power to make such order as it may think fit to secure that the child be brought up in the religion in which the parent has a legal right to require that the child should be brought up. Nothing in this Act contained shall interfere with or affect the power of the Court to consult the wishes of the child in considering what order ought to be made, or diminish the right which any child now possesses to the exercise of its own free choice.

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5. It shall be lawful for the Court whenever it is satisfied that the parent or person having the custody of a child is unfit to continue to have such custody by reason of cruelty or neglect to the child to order that such child shall be given up to the custody of some near relative or other person willing to accept such custody, and by such order to impose terms for the child's maintenance chargeable upon the parent. And such order may be varied or revoked from time to time at the discretion of the Court.

30

6. Whenever a verdict is recovered or a judgment entered for any amount as damages in any action of tort brought by any child by its next friend, it shall be lawful for the Court to order that a settlement of the same shall be made for the benefit of such child, and to appoint a trustee or trustees for such settlement. And the terms of such settlement shall be fixed by the Court, or subject to its approval by some officer of the Court appointed so to do. And this power shall extend to the District Court as well as the Supreme Court.

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7. For the purposes of this Act the expression "parent" of a child includes the father or mother or any person at law liable to maintain such child or entitled to his custody, and "person" includes any school or institution, and the word "Court" means the Supreme Court and includes any judge thereof sitting in chambers.

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8. This Act may be cited as the "Custody of Children and Children's Settlements Act of 1894."

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Court in making order to have regard to conduct of parent.

Power to Court as to child's religious education.

Court may order custody of children in certain cases.

Court may appoint trustees for settlements for the benefit of children in certain cases.

Definitions of "parent" and "person."

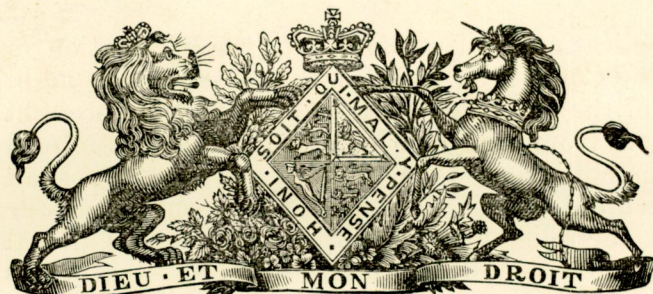
Short title.

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*Legislative Assembly Chamber,
Sydney, 7 February, 1894.* }

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ.

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- 5 1. Where the parent of a child applies to the Supreme Court for a writ or order for the production of the child, or for any order under the Act thirtieth Victoria number sixteen, and the Court is of opinion that the parent has abandoned or deserted or neglected the child, or that he has otherwise so conducted himself that the Court
10 should refuse to enforce his right to the custody of the child, or that the tender age of the child or its state of health render it expedient that it should remain with its mother or some other person, the Court may in its discretion decline to issue the writ or make the order.
- 15 2. If at the time of the application for a writ or order for the production of the child the child is being brought up by another person, or is boarded out by any State or other Board, the Court may, in its discretion, if it orders the child to be given up to the parent, further
20 order as a condition precedent or upon such terms as it may think fit that the parent shall pay to such person, or Board, the whole of the costs properly incurred in bringing up the child, or such portion thereof as shall seem to the Court to be just and reasonable, having regard to all the circumstances of the case.
- Power of Court as to production of child.
- Power to Court to order repayment of costs of bringing up child.

Custody of Children and Children's Settlements.

3. Where a parent has—
- (a) abandoned or deserted or neglected his child; or
 (b) allowed his child to be brought up by another person at that person's expense, or at the expense of any State or other Board, for such a length of time and under such circumstances as to satisfy the Court that the parent neglected his parental duties;
- 5 the Court shall not make an order for the delivery of the child to the parent, unless the parent has satisfied the Court that, having regard to
 10 the welfare of the child, he is a fit person to have the custody of the child.
4. Upon any application by the parent for the production or custody of a child, if the Court is of opinion that the parent ought not to have the custody of the child, and that the child is being brought
 15 up in a different religion from that in which the parent has a legal right to require that the child should be brought up, the Court shall have power to make such order as it may think fit to secure that the child be brought up in the religion in which the parent has a legal right to require that the child should be brought up. Nothing in this
 20 Act contained shall interfere with or affect the power of the Court to consult the wishes of the child in considering what order ought to be made, or diminish the right which any child now possesses to the exercise of its own free choice.
5. It shall be lawful for the Court whenever it is satisfied that
 25 the parent or person having the custody of a child is unfit to continue to have such custody by reason of cruelty or neglect to the child to order that such child shall be given up to the custody of some near relative or other person willing to accept such custody, and by such order to impose terms for the child's maintenance chargeable upon
 30 the parent. And such order may be varied or revoked from time to time at the discretion of the Court.
6. Whenever a verdict is recovered or a judgment entered for any amount as damages in any action of tort brought by any child by
 35 its next friend, it shall be lawful for the Court to order that a settlement of the same shall be made for the benefit of such child, and to appoint a trustee or trustees for such settlement. And the terms of such settlement shall be fixed by the Court, or subject to its approval by some officer of the Court appointed so to do. And this power shall extend to the District Court as well as the Supreme Court.
- 40 7. For the purposes of this Act the expression "parent" of a child includes the father or mother or any person at law liable to maintain such child or entitled to his custody, and "person" includes any school or institution, and the word "Court" means the Supreme Court and includes any judge thereof sitting in chambers.
- 45 8. This Act may be cited as the "Custody of Children and Children's Settlements Act of 1894."

Court in making order to have regard to conduct of parent.

Power to Court as to child's religious education.

Court may order custody of children in certain cases.

Court may appoint trustees for settlements for the benefit of children in certain cases.

Definitions of "parent" and "person."

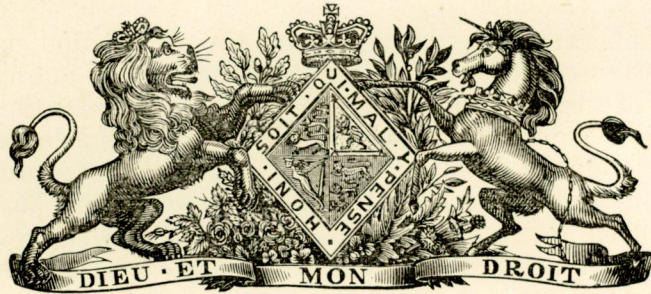
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10 should refuse to enforce his right to the custody of the child, or that the tender age of the child or its state of health render it expedient that it should remain with its mother or some other person, the Court may in its discretion decline to issue the writ or make the order.

Power of Court as to production of child.

15 2. If at the time of the application for a writ or order for the production of the child the child is being brought up by another person, or is boarded out by any State or other Board, the Court may, in its discretion, if it orders the child to be given up to the parent, further order as a condition precedent or upon such terms as it may think fit that the parent shall pay to such person, or Board, the whole of the
20 costs properly incurred in bringing up the child, or such portion thereof as shall seem to the Court to be just and reasonable, having regard to all the circumstances of the case.

Power to Court to order repayment of costs of bringing up child.

Custody of Children and Children's Settlements.

3. Where a parent has—
- (a) abandoned or deserted or neglected his child; or
 (b) allowed his child to be brought up by another person at that person's expense, or at the expense of any State or other Board, for such a length of time and under such circumstances as to satisfy the Court that the parent neglected his parental duties;
- 5 the Court shall not make an order for the delivery of the child to the parent, unless the parent has satisfied the Court that, having regard to the welfare of the child, he is a fit person to have the custody of the child.
4. Upon any application by the parent for the production or custody of a child, if the Court is of opinion that the parent ought not to have the custody of the child, and that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child should be brought up, the Court shall have power to make such order as it may think fit to secure that the child be brought up in the religion in which the parent has a legal right to require that the child should be brought up. Nothing in this Act contained shall interfere with or affect the power of the Court to consult the wishes of the child in considering what order ought to be made, or diminish the right which any child now possesses to the exercise of its own free choice.
- 15 20
5. It shall be lawful for the Court whenever it is satisfied that the parent or person having the custody of a child is unfit to continue to have such custody by reason of cruelty or neglect to the child to order that such child shall be given up to the custody of some near relative or other person willing to accept such custody, and by such order to impose terms for the child's maintenance chargeable upon the parent. And such order may be varied or revoked from time to time at the discretion of the Court.
- 25 30
6. Whenever a verdict is recovered or a judgment entered for any amount as damages in any action of tort brought by any child by its next friend, it shall be lawful for the Court to order that a settlement of the same shall be made for the benefit of such child, and to appoint a trustee or trustees for such settlement. And the terms of such settlement shall be fixed by the Court, or subject to its approval by some officer of the Court appointed so to do. And this power shall extend to the District Court as well as the Supreme Court.
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