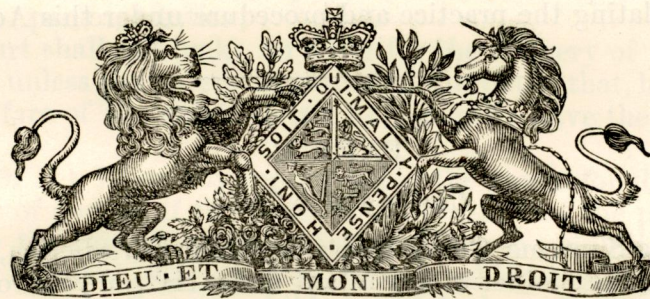


New South Wales.



ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

Act No. 39, 1899.

An Act to consolidate the law relating to the custody of infants and the settlement of the property of infants. [Assented to, 22nd December, 1899.]

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. This Act may be cited as the "Infants' Custody and Settlements Act of 1899," and is divided into Parts, as follows:—

PART I.—*Custody of infants*—ss. 5–11.

PART II.—*Infants' marriage settlements*—ss. 12–15.

PART III.—*The settlement of damages recovered on behalf of children*—s. 16.

Infants' Custody and Settlements.

- Repeal of Acts. **2.** The Acts mentioned in the Schedule to this Act are, to the extent therein expressed, hereby repealed.
- Interpretation.
57 Vic. No. 10, s. 7. **3.** In this Act, unless the context or subject matter otherwise indicates or requires,—
 “Parent” of a child includes the father and mother and any person at law liable to maintain such child or entitled to his custody.
 “Person” includes any school or institution.
 “Court” means the Supreme Court, and includes any Judge thereof sitting in chambers.
- 4.** The Judges of the Supreme Court, or any three of them, may make such general rules and orders as from time to time seem necessary for better carrying the provisions and objects of this Act into effect, and for regulating the practice and procedure under this Act.

PART I.

Custody of infants.

- Equity Court may
order mother to have
access to infant.
39 Vic. No. 16, s. 1. **5.** The Supreme Court, in its equitable jurisdiction, upon the application of the mother of any infant under sixteen years of age may order that the applicant shall have access to such infant at such times and subject to such regulations as the said Court shall deem proper, or may order that such infant shall be delivered to the mother and remain in or under her custody and control, or shall, if already in her custody or under her control, remain therein until such infant attains such age, not exceeding sixteen, as the said Court directs, and further may order that such custody or control shall be subject to such regulations as regards access by the father or guardian of such infant, and otherwise as the said Court deems proper.
- Power of Court as to
production of child.
57 Vic. No. 10, s. 1. **6.** 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 last preceding section, and the Court is of opinion—
 (a) that the parent has abandoned or deserted or neglected the child; or
 (b) that the parent has otherwise so conducted himself that the Court should refuse to enforce his right to the custody of the child; or
 (c) 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 decline to issue the writ or make the order.
- Power to Court to
order repayment of
costs of bringing up
child.
Ibid. s. 2. **7.** 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 board or other board, the Court may, in
its

Infants' Custody and Settlements.

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 costs properly incurred in bringing up the child, or such portion of the said costs as shall seem to the Court to be just and reasonable, having regard to all the circumstances of the case.

8. 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 board 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;

Court in making order to have regard to conduct of parent.
57 Vic. No. 10, s. 3.

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.

9. (1) 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 may make such order as it may think fit to secure that the child shall be brought up in the religion in which the parent has a legal right to require that the child should be brought up.

Power of Court as to child's religious education.
Ibid. s. 4.

(2) 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.

10. Whenever the Court 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 the Court may order that such child shall be given up to the custody of some near relative or other person willing to accept such custody, and may by such order impose terms for the child's maintenance chargeable upon the parent.

Court may order custody of children in certain cases.
Ibid. s. 5.

(2) Such order may be varied or revoked from time to time at the discretion of the Court.

11. No agreement contained in any separation deed made between the father and mother of any infants shall be held to be invalid by reason only of its providing that the father of such infants shall give up the custody or control thereof to the mother:

Agreement to give up children not to be invalid.
39 Vic. No. 16, s. 2.

Provided always that no Court shall enforce any such agreement if it is of opinion that it will not be for the benefit of the infants to give effect thereto.

Infants' Custody and Settlements.

PART II.

Infants' marriage settlements.

Marriage settlements
with consent of
Equity Court.
20 Vic. No. 2, s. 1.

12. (1) Every infant, upon or in contemplation of his marriage, may, with the sanction of the Supreme Court in its equitable jurisdiction, make a valid and binding settlement or contract for a settlement of all or any part of his property or property over which he has any power of appointment, whether real or personal, and whether in possession, reversion, remainder, or expectancy, and every conveyance, appointment, and assignment of such real or personal estate, or contract to make a conveyance, appointment, or assignment thereof, executed by such infant with the approbation of the said Court for the purpose of giving effect to such settlement shall be as valid and effectual as if the person executing the same were of the full age of twenty-one years.

(2) This section shall not extend to powers of which it is expressly declared that they shall not be exercised by an infant.

If infant tenant in
tail die under age,
appointment, &c., to
be void.
Ibid. s. 2.

13. If any appointment under a power of appointment or any disentailing assurance has been executed by any infant tenant in tail under the provisions of this Act or of any Act hereby repealed, and such infant afterwards dies under age, such appointment or disentailing assurance shall thereupon become absolutely void.

The sanction of the
Supreme Court to be
given upon petition.
Ibid. s. 3.

14. The sanction of the said Court to any such settlement or contract for a settlement may be given upon petition presented by the infant or his guardian, and if there is no guardian the Court may require a guardian to be appointed, and the Court also may require that any person interested or appearing to be interested in the property shall be served with notice of such petition.

Not to apply to males
under twenty or
females under
seventeen years of
age.
Ibid. s. 4.

15. Nothing in this part of this Act contained shall apply to any male infant under the age of twenty years or to any female infant under the age of seventeen years.

PART III.

Settlement of damages recovered on behalf of children.

Court may appoint
trustees for settle-
ments for the benefit
of children in certain
cases.
57 Vic. No. 10, s. 6.

16. (1) 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, the Court may order that a settlement of the same shall be made for the benefit of such child, and may appoint a trustee or trustees for such settlement.

(2)

Infants' Custody and Settlements.

(2) 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.

(3) This power shall extend to the District Court as well as the Supreme Court.

SCHEDULE.

Act.	Title of Act.	Extent of repeal.
20 Vic. No. 2 ...	An Act to enable Infants, with the approbation of the Supreme Court in its Equitable Jurisdiction, to make binding settlements of their real and personal property.	The whole Act.
39 Vic. No. 16 ...	An Act to amend the law as to the Custody of Infants.	The whole Act.
57 Vic. No. 10 ...	The Custody of Children and Children's Settlements Act of 1891.	The whole Act.

[6d.]

By Authority: WILLIAM APPELGATE GULLICK, Government Printer, Sydney, 1900.

Section 101

(1) The terms of each instrument shall be held by the Court or subject to its control if by some effect of the Court's order...

(2) The Court shall retain jurisdiction over the property until the Court has made such order as it thinks fit...

<p>The Court may, in its discretion, order that the property be sold and the proceeds thereof distributed in such manner as it thinks fit.</p>	<p>Section 102</p>
--	--------------------

The Court may, in its discretion, order that the property be sold and the proceeds thereof distributed in such manner as it thinks fit.

The Court may, in its discretion, order that the property be sold and the proceeds thereof distributed in such manner as it thinks fit.

The Court may, in its discretion, order that the property be sold and the proceeds thereof distributed in such manner as it thinks fit.

The Court may, in its discretion, order that the property be sold and the proceeds thereof distributed in such manner as it thinks fit.

The Court may, in its discretion, order that the property be sold and the proceeds thereof distributed in such manner as it thinks fit.

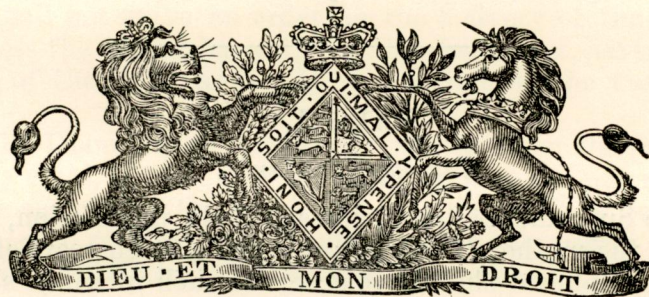
The Court may, in its discretion, order that the property be sold and the proceeds thereof distributed in such manner as it thinks fit.

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

*Legislative Council Chamber,
Sydney, 20th December, 1899. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

Act No. 39, 1899.

An Act to consolidate the law relating to the custody of infants and the settlement of the property of infants. [Assented to, 22nd December, 1899.]

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. This Act may be cited as the "Infants' Custody and Settlements Act of 1899," and is divided into Parts, as follows:—

PART I.—*Custody of infants*—ss. 5–11.

PART II.—*Infants' marriage settlements*—ss. 12–15.

PART III.—*The settlement of damages recovered on behalf of children*—s. 16.

Infants' Custody and Settlements.

Repeal of Acts.

2. The Acts mentioned in the Schedule to this Act are, to the extent therein expressed, hereby repealed.

Interpretation.

57 Vic. No. 10, s. 7.

3. In this Act, unless the context or subject matter otherwise indicates or requires,—

“Parent” of a child includes the father and mother and any person at law liable to maintain such child or entitled to his custody.

“Person” includes any school or institution.

“Court” means the Supreme Court, and includes any Judge thereof sitting in chambers.

4. The Judges of the Supreme Court, or any three of them, may make such general rules and orders as from time to time seem necessary for better carrying the provisions and objects of this Act into effect, and for regulating the practice and procedure under this Act.

PART I.

Custody of infants.

Equity Court may order mother to have access to infant.

39 Vic. No. 16, s. 1.

5. The Supreme Court, in its equitable jurisdiction, upon the application of the mother of any infant under sixteen years of age may order that the applicant shall have access to such infant at such times and subject to such regulations as the said Court shall deem proper, or may order that such infant shall be delivered to the mother and remain in or under her custody and control, or shall, if already in her custody or under her control, remain therein until such infant attains such age, not exceeding sixteen, as the said Court directs, and further may order that such custody or control shall be subject to such regulations as regards access by the father or guardian of such infant, and otherwise as the said Court deems proper.

Power of Court as to production of child.

57 Vic. No. 10, s. 1.

6. 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 last preceding section, and the Court is of opinion—

(a) that the parent has abandoned or deserted or neglected the child; or

(b) that the parent has otherwise so conducted himself that the Court should refuse to enforce his right to the custody of the child; or

(c) 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 decline to issue the writ or make the order.

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

Ibid. s. 2.

7. 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 board or other board, the Court may, in its

Infants' Custody and Settlements.

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 costs properly incurred in bringing up the child, or such portion of the said costs as shall seem to the Court to be just and reasonable, having regard to all the circumstances of the case.

8. 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 board 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 ;

Court in making order to have regard to conduct of parent.
57 Vic. No. 10, s. 3.

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.

9. (1) 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 may make such order as it may think fit to secure that the child shall be brought up in the religion in which the parent has a legal right to require that the child should be brought up.

Power of Court as to child's religious education.
Ibid. s. 4.

(2) 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.

10. Whenever the Court 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 the Court may order that such child shall be given up to the custody of some near relative or other person willing to accept such custody, and may by such order impose terms for the child's maintenance chargeable upon the parent.

Court may order custody of children in certain cases.
Ibid. s. 5.

(2) Such order may be varied or revoked from time to time at the discretion of the Court.

11. No agreement contained in any separation deed made between the father and mother of any infants shall be held to be invalid by reason only of its providing that the father of such infants shall give up the custody or control thereof to the mother:

Agreement to give up children not to be invalid.
39 Vic. No. 16, s. 2.

Provided always that no Court shall enforce any such agreement if it is of opinion that it will not be for the benefit of the infants to give effect thereto.

Infants' Custody and Settlements.

PART II.

Infants' marriage settlements.

Marriage settlements
with consent of
Equity Court.
20 Vic. No. 2, s. 1.

12. (1) Every infant, upon or in contemplation of his marriage, may, with the sanction of the Supreme Court in its equitable jurisdiction, make a valid and binding settlement or contract for a settlement of all or any part of his property or property over which he has any power of appointment, whether real or personal, and whether in possession, reversion, remainder, or expectancy, and every conveyance, appointment, and assignment of such real or personal estate, or contract to make a conveyance, appointment, or assignment thereof, executed by such infant with the approbation of the said Court for the purpose of giving effect to such settlement shall be as valid and effectual as if the person executing the same were of the full age of twenty-one years.

(2) This section shall not extend to powers of which it is expressly declared that they shall not be exercised by an infant.

If infant tenant in
tail die under age,
appointment, &c., to
be void.
Ibid. s. 2.

13. If any appointment under a power of appointment or any disentailing assurance has been executed by any infant tenant in tail under the provisions of this Act or of any Act hereby repealed, and such infant afterwards dies under age, such appointment or disentailing assurance shall thereupon become absolutely void.

The sanction of the
Supreme Court to be
given upon petition.
Ibid. s. 3.

14. The sanction of the said Court to any such settlement or contract for a settlement may be given upon petition presented by the infant or his guardian, and if there is no guardian the Court may require a guardian to be appointed, and the Court also may require that any person interested or appearing to be interested in the property shall be served with notice of such petition.

Not to apply to males
under twenty or
females under
seventeen years of
age.
Ibid. s. 4.

15. Nothing in this part of this Act contained shall apply to any male infant under the age of twenty years or to any female infant under the age of seventeen years.

PART III.

Settlement of damages recovered on behalf of children.

Court may appoint
trustees for settle-
ments for the benefit
of children in certain
cases.
57 Vic. No. 10, s. 6.

16. (1) 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, the Court may order that a settlement of the same shall be made for the benefit of such child, and may appoint a trustee or trustees for such settlement.

(2)

Infants' Custody and Settlements.

(2) 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.

(3) This power shall extend to the District Court as well as the Supreme Court.

SCHEDULE.

Act.	Title of Act.	Extent of repeal.
20 Vic. No. 2 ...	An Act to enable Infants, with the approbation of the Supreme Court in its Equitable Jurisdiction, to make binding settlements of their real and personal property.	The whole Act.
39 Vic. No. 16 ...	An Act to amend the law as to the Custody of Infants.	The whole Act.
57 Vic. No. 10 ...	The Custody of Children and Children's Settlements Act of 1891.	The whole Act.

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

*Government House,
Sydney, 22nd December, 1899.*

BEAUCHAMP,
Governor.

1. The power shall extend to the District Court as well as
the Supreme Court.

2. This power shall extend to the District Court as well as
the Supreme Court.

3. This power shall extend to the District Court as well as
the Supreme Court.

4. This power shall extend to the District Court as well as
the Supreme Court.

No. of the Act	Title of the Act	Year
10	An Act to amend the laws relating to the custody of children and children's estates.	1881
11	An Act to amend the laws relating to the custody of children and children's estates.	1882
12	An Act to amend the laws relating to the custody of children and children's estates.	1883
13	An Act to amend the laws relating to the custody of children and children's estates.	1884
14	An Act to amend the laws relating to the custody of children and children's estates.	1885

REUCHARA

Government House,
Dublin, 23rd December, 1885.

REUCHARA

REUCHARA

Memo. and Certificate to accompany the Infants' Custody and Settlements Bill.

THIS Bill consolidates the three following Acts:—

20 Vic. No. 2;

39 Vic. No. 16;

57 Vic. No. 10.

Sec. 5 of 20 Vic. No. 2 is omitted as unnecessary since 44 Vic. No. 18, ss. 1 and 2. The section was probably originally inserted in consequence of an old decision by Mr. Justice Therry that he had not, as Primary Judge, any jurisdiction over infants. And see the preamble to 11 Vic. No. 27.

Clause 4. See 4 Vic. No. 22, sec. 23; 44 Vic. No. 18, sec. 80; and C.L.P. Act of 1853, sec. 174. This clause is inserted to remove any doubt.

Clause 5. The original section required the application to be made by petition. These applications, which are very few, are nearly all made by very poor women, and the simpler the form of application the cheaper to them. The words "by her next friend" are omitted as unnecessary since the Married Woman's Property Act.

The word "child" is used in some of the Acts instead of "infants." It has been left unaltered, as the change might suggest a more extended jurisdiction than was intended.

Some verbal changes have been made here and there which do not affect the sense.

I certify that, except as aforesaid, this Bill solely consolidates, and in no way alters, adds to, or amends the law contained in the Acts thereby consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

THE HISTORY OF THE UNITED STATES OF AMERICA

The history of the United States of America is a story of growth and expansion. It begins with the first European settlers in the early 17th century, who established colonies along the eastern coast. These colonies grew and developed, and by the mid-18th century, the United States had become a powerful nation. The American Revolution (1775-1783) was a pivotal moment in the nation's history, as it led to the birth of the United States as an independent country. The Constitution was drafted in 1787, and the nation's first president, George Washington, was inaugurated in 1789. The 19th century was a period of rapid growth and expansion, as the United States acquired new territories and states. The Civil War (1861-1865) was a major conflict that resulted in the abolition of slavery and the preservation of the Union. The 20th century was a period of global conflict, as the United States emerged as a superpower. The Second World War (1939-1945) was a defining moment in the nation's history, as it led to the United States' emergence as a global superpower. The Cold War (1945-1991) was a period of tension between the United States and the Soviet Union. The end of the Cold War and the beginning of the 21st century have seen the United States continue to grow and expand its influence on the world stage.

Infants' Custody and Settlements Bill.

TABLE showing how the sections of Acts consolidated have been dealt with.

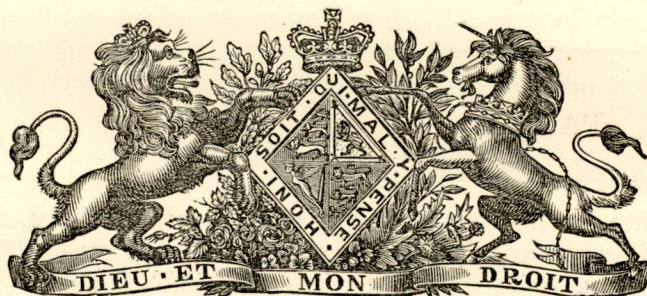
Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
20 VICTORIA No. 2.		
1	12	
2	13	
3	14	
4	15	
5	Unnecessary. See ss. 1, 2 of the Equity Act of 1880.
39 VICTORIA No. 16.		
1	5	
2	11	
3	Repealing section.
57 VICTORIA No. 10.		
1	6	
2	7	
3	8	
4	9	
5	10	
6	16	
7	3	
8	Short title.

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

Legislative Council Chamber,
Sydney, 2nd August, 1899. }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

Act No. , 1899.

An Act to consolidate the law relating to the custody of infants and the settlement of the property of infants.

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. This Act may be cited as the "Infants' Custody and Settlements Act of 1899," and is divided into Parts, as follows:—

PART I.—*Custody of infants*—ss. 5–11.

PART II.—*Infants' marriage settlements*—ss. 12–15.

PART III.—*The settlement of damages recovered on behalf of children*—s. 16.

c 16—A

Infants' Custody and Settlements.

2. The Acts mentioned in the Schedule to this Act are, to the extent therein expressed, hereby repealed. Repeal of Acts.

3. In this Act, unless the context or subject matter otherwise indicates or requires,— Interpretation.
57 Vic. No. 10, s. 7.

“Parent” of a child includes the father and mother and any person at law liable to maintain such child or entitled to his custody.

“Person” includes any school or institution.

“Court” means the Supreme Court, and includes any Judge thereof sitting in chambers.

4. The Judges of the Supreme Court, or any three of them, may make such general rules and orders as from time to time seem necessary for better carrying the provisions and objects of this Act into effect, and for regulating the practice and procedure under this Act.

PART I.

Custody of infants.

5. The Supreme Court, in its equitable jurisdiction, upon the application of the mother of any infant under sixteen years of age may order that the applicant shall have access to such infant at such times and subject to such regulations as the said Court shall deem proper, or may order that such infant shall be delivered to the mother and remain in or under her custody and control, or shall, if already in her custody or under her control, remain therein until such infant attains such age, not exceeding sixteen, as the said Court directs, and further may order that such custody or control shall be subject to such regulations as regards access by the father or guardian of such infant, and otherwise as the said Court deems proper. Equity Court may order mother to have access to infant.
89 Vic. No. 16, s. 1.

6. 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 last preceding section, and the Court is of opinion— Power of Court as to production of child.
57 Vic. No. 10, s. 1.

(a) that the parent has abandoned or deserted or neglected the child; or

(b) that the parent has otherwise so conducted himself that the Court should refuse to enforce his right to the custody of the child; or

(c) 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 decline to issue the writ or make the order.

7. 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 board or other board, the Court may, in Power to Court to order repayment of costs of bringing up child.

its Ibid. s. 2.

Infants' Custody and Settlements.

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 costs properly incurred in bringing up the child, or such portion of the said costs as shall seem to the Court to be just and reasonable, having regard to all the circumstances of the case.

8. 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 board 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 ;

Court in making order to have regard to conduct of parent.
57 Vic. No. 10, s. 3.

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.

9. (1) 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 may make such order as it may think fit to secure that the child shall be brought up in the religion in which the parent has a legal right to require that the child should be brought up.

Power of Court as to child's religious education.
Ibid. s. 4.

(2) 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.

10. Whenever the Court 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 the Court may order that such child shall be given up to the custody of some near relative or other person willing to accept such custody, and may by such order impose terms for the child's maintenance chargeable upon the parent.

Court may order custody of children in certain cases.
Ibid. s. 5.

(2) Such order may be varied or revoked from time to time at the discretion of the Court.

11. No agreement contained in any separation deed made between the father and mother of any infants shall be held to be invalid by reason only of its providing that the father of such infants shall give up the custody or control thereof to the mother:

Agreement to give up children not to be invalid.
39 Vic. No. 16, s. 2.

Provided always that no Court shall enforce any such agreement if it is of opinion that it will not be for the benefit of the infants to give effect thereto.

Infants' Custody and Settlements.

PART II.

Infants' marriage settlements.

12. (1) Every infant, upon or in contemplation of his marriage, may, with the sanction of the Supreme Court in its equitable jurisdiction, make a valid and binding settlement or contract for a settlement of all or any part of his property or property over which he has any power of appointment, whether real or personal, and whether in possession, reversion, remainder, or expectancy, and every conveyance, appointment, and assignment of such real or personal estate, or contract to make a conveyance, appointment, or assignment thereof, executed by such infant with the approbation of the said Court for the purpose of giving effect to such settlement shall be as valid and effectual as if the person executing the same were of the full age of twenty-one years.

Marriage settlements with consent of Equity Court.
20 Vic. No. 2, s. 1.

(2) This section shall not extend to powers of which it is expressly declared that they shall not be exercised by an infant.

13. If any appointment under a power of appointment or any disentailing assurance has been executed by any infant tenant in tail under the provisions of this Act or of any Act hereby repealed, and such infant afterwards dies under age, such appointment or disentailing assurance shall thereupon become absolutely void.

If infant tenant in tail die under age, appointment, &c., to be void.
Ibid. s. 2.

14. The sanction of the said Court to any such settlement or contract for a settlement may be given upon petition presented by the infant or his guardian, and if there is no guardian the Court may require a guardian to be appointed, and the Court also may require that any person interested or appearing to be interested in the property shall be served with notice of such petition.

The sanction of the Supreme Court to be given upon petition.
Ibid. s. 3.

15. Nothing in this part of this Act contained shall apply to any male infant under the age of twenty years or to any female infant under the age of seventeen years.

Not to apply to males under twenty or females under seventeen years of age.
Ibid. s. 4.

PART III.

Settlement of damages recovered on behalf of children.

16. (1) 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, the Court may order that a settlement of the same shall be made for the benefit of such child, and may appoint a trustee or trustees for such settlement.

Court may appoint trustees for settlements for the benefit of children in certain cases.
57 Vic. No. 10, s. 6.

(2)

Infants' Custody and Settlements.

(2) 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.

(3) This power shall extend to the District Court as well as the Supreme Court.

SCHEDULE.

Act.	Title of Act.	Extent of repeal.
20 Vic. No. 2 ...	An Act to enable Infants, with the approbation of the Supreme Court in its Equitable Jurisdiction, to make binding settlements of their real and personal property.	The whole Act.
39 Vic. No. 16 ...	An Act to amend the law as to the Custody of Infants.	The whole Act.
57 Vic. No. 10 ...	The Custody of Children and Children's Settlements Act of 1891.	The whole Act.

Sydney: William Applegate Gullick, Government Printer.—1899.

[9d.]

Memo. and Certificate to accompany the Infants' Custody and Settlements Bill.

THIS Bill consolidates the three following Acts:—

20 Vic. No. 2;

39 Vic. No. 16;

57 Vic. No. 10.

Sec. 5 of 20 Vic. No. 2 is omitted as unnecessary since 44 Vic. No. 18, ss. 1 and 2. The section was probably originally inserted in consequence of an old decision by Mr. Justice Therry that he had not, as Primary Judge, any jurisdiction over infants. And see the preamble to 11 Vic. No. 27.

Clause 4. See 4 Vic. No. 22, sec. 23; 44 Vic. No. 18, sec. 80; and C.L.P. Act of 1853, sec. 174. This clause is inserted to remove any doubt.

Clause 5. The original section required the application to be made by petition. These applications, which are very few, are nearly all made by very poor women, and the simpler the form of application the cheaper to them. The words "by her next friend" are omitted as unnecessary since the Married Woman's Property Act.

The word "child" is used in some of the Acts instead of "infants." It has been left unaltered, as the change might suggest a more extended jurisdiction than was intended.

Some verbal changes have been made here and there which do not affect the sense.

I certify that, except as aforesaid, this Bill solely consolidates, and in no way alters, adds to, or amends the law contained in the Acts thereby consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY

REPORT OF THE COMMITTEE ON THE
PROGRESS OF CHEMISTRY IN
THE UNITED STATES

FOR THE YEAR 1900

PREPARED BY THE COMMITTEE ON THE
PROGRESS OF CHEMISTRY IN
THE UNITED STATES

CHICAGO, ILL., 1901

PUBLISHED BY THE UNIVERSITY OF CHICAGO

PRINTED BY THE UNIVERSITY OF CHICAGO

CHICAGO, ILL., 1901

Infants' Custody and Settlements Bill.

TABLE showing how the sections of Acts consolidated have been dealt with.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
20 VICTORIA No. 2.		
1	12	Unnecessary. See ss. 1, 2 of the Equity Act of 1880.
2	13	
3	14	
4	15	
5	
39 VICTORIA No. 16.		
1	5	Repealing section.
2	11	
3	
57 VICTORIA No. 10.		
1	6	Short title.
2	7	
3	8	
4	9	
5	10	
6	16	
7	3	
8	

Indiana Custody and Settlements Bill

Table showing how the sections of this consolidation have been dealt with

Section of Consolidation Act	Section of Indiana Act
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
10	10
11	11
12	12
13	13
14	14
15	15
16	16
17	17
18	18
19	19
20	20
21	21
22	22
23	23
24	24
25	25
26	26
27	27
28	28
29	29
30	30
31	31
32	32
33	33
34	34
35	35
36	36
37	37
38	38
39	39
40	40
41	41
42	42
43	43
44	44
45	45
46	46
47	47
48	48
49	49
50	50
51	51
52	52
53	53
54	54
55	55
56	56
57	57
58	58
59	59
60	60
61	61
62	62
63	63
64	64
65	65
66	66
67	67
68	68
69	69
70	70
71	71
72	72
73	73
74	74
75	75
76	76
77	77
78	78
79	79
80	80
81	81
82	82
83	83
84	84
85	85
86	86
87	87
88	88
89	89
90	90
91	91
92	92
93	93
94	94
95	95
96	96
97	97
98	98
99	99
100	100

Legislative Council.

No. , 1899.

A BILL

To consolidate the law relating to the custody of infants and the settlement of the property of infants.

[MR. HUGHES ;—27 July, 1899.]

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. This Act may be cited as the "Infants' Custody and Settlements Act of 1899," and is divided into Parts, as follows :—

PART I.—*Custody of infants*—ss. 5–11.

PART II.—*Infants' marriage settlements*—ss. 12–15.

PART III.—*The settlement of damages recovered on behalf of children*—s. 16.

c 16—A

2.

Repeal of Acts.

2. The Acts mentioned in the Schedule to this Act are, to the extent therein expressed, hereby repealed.

Interpretation.

57 Vic. No. 10, s. 7.

3. In this Act, unless the context or subject matter otherwise indicates or requires,—

“Parent” of a child includes the father and mother and any person at law liable to maintain such child or entitled to his custody.

“Person” includes any school or institution.

“Court” means the Supreme Court, and includes any Judge thereof sitting in chambers.

4. The Judges of the Supreme Court, or any three of them, may make such general rules and orders as from time to time seem necessary for better carrying the provisions and objects of this Act into effect, and for regulating the practice and procedure under this Act.

PART I.

Custody of infants.

Equity Court may order mother to have access to infant.

39 Vic. No. 16, s. 1.

5. The Supreme Court, in its equitable jurisdiction, upon the application of the mother of any infant under sixteen years of age may order that the applicant shall have access to such infant at such times and subject to such regulations as the said Court shall deem proper, or may order that such infant shall be delivered to the mother and remain in or under her custody and control, or shall, if already in her custody or under her control, remain therein until such infant attains such age, not exceeding sixteen, as the said Court directs, and further may order that such custody or control shall be subject to such regulations as regards access by the father or guardian of such infant, and otherwise as the said Court deems proper.

Power of Court as to production of child.

57 Vic. No. 10, s. 1.

6. 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 last preceding section, and the Court is of opinion—

(a) that the parent has abandoned or deserted or neglected the child; or

(b) that the parent has otherwise so conducted himself that the Court should refuse to enforce his right to the custody of the child; or

(c) 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 decline to issue the writ or make the order.

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

Ibid. s. 2.

7. 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 board or other board, the Court may, in its

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 costs properly incurred in bringing up the child, or such portion of the said costs as shall seem to the Court to be just and reasonable, having regard to all the circumstances of the case.

8. 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 board 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 ;

Court in making order to have regard to conduct of parent. 57 Vic. No 10, s. 3.

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.

9. (1) 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 may make such order as it may think fit to secure that the child shall be brought up in the religion in which the parent has a legal right to require that the child should be brought up.

Power of Court as to child's religious education. *Ibid.* s. 4.

(2) 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.

10. Whenever the Court 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 the Court may order that such child shall be given up to the custody of some near relative or other person willing to accept such custody, and may by such order impose terms for the child's maintenance chargeable upon the parent.

Court may order custody of children in certain cases. *Ibid.* s. 5.

(2) Such order may be varied or revoked from time to time at the discretion of the Court.

11. No agreement contained in any separation deed made between the father and mother of any infants shall be held to be invalid by reason only of its providing that the father of such infants shall give up the custody or control thereof to the mother:

Agreement to give up children not to be invalid. 39 Vic. No. 16, s. 2.

Provided always that no Court shall enforce any such agreement if it is of opinion that it will not be for the benefit of the infants to give effect thereto.

PART II.

Infants' marriage settlements.

Infants may execute marriage settlements with consent of Equity Court.

20 Vic. No. 2, s. 1.

12. (1) Every infant, upon or in contemplation of his marriage, may, with the sanction of the Supreme Court in its equitable jurisdiction, make a valid and binding settlement or contract for a settlement of all or any part of his property or property over which he has any power of appointment, whether real or personal, and whether in possession, reversion, remainder, or expectancy, and every conveyance, appointment, and assignment of such real or personal estate, or contract to make a conveyance, appointment, or assignment thereof, executed by such infant with the approbation of the said Court for the purpose of giving effect to such settlement shall be as valid and effectual as if the person executing the same were of the full age of twenty-one years.

(2) This section shall not extend to powers of which it is expressly declared that they shall not be exercised by an infant.

If infant tenant in tail die under age, appointment, &c., to be void.

Ibid. s. 2.

13. If any appointment under a power of appointment or any disentailing assurance has been executed by any infant tenant in tail under the provisions of this Act or of any Act hereby repealed, and such infant afterwards dies under age, such appointment or disentailing assurance shall thereupon become absolutely void.

The sanction of the Supreme Court to be given upon petition.

Ibid. s. 3.

14. The sanction of the said Court to any such settlement or contract for a settlement may be given upon petition presented by the infant or his guardian, and if there is no guardian the Court may require a guardian to be appointed, and the Court also may require that any person interested or appearing to be interested in the property shall be served with notice of such petition.

Not to apply to males under twenty or females under seventeen years of age.

Ibid. s. 4.

15. Nothing in this part of this Act contained shall apply to any male infant under the age of twenty years or to any female infant under the age of seventeen years.

PART III.

Settlement of damages recovered on behalf of children.

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

57 Vic. No. 10, s. 6.

16. (1) 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, the Court may order that a settlement of the same shall be made for the benefit of such child, and may appoint a trustee or trustees for such settlement.

(2)

(2) 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.

(3) This power shall extend to the District Court as well as the Supreme Court.

SCHEDULE.

Act.	Title of Act.	Extent of repeal.
20 Vic. No. 2 ...	An Act to enable Infants, with the approbation of the Supreme Court in its Equitable Jurisdiction, to make binding settlements of their real and personal property.	The whole Act.
39 Vic. No. 16 ...	An Act to amend the law as to the Custody of Infants.	The whole Act.
57 Vic. No. 10 ...	The Custody of Children and Children's Settlements Act of 1891.	The whole Act.

Sydney: William Applegate Gullick, Government Printer.—1899.

[9d.]

Article 10. Judges and Justices

(1) The terms of such appointment shall be fixed by the Court or subject to its approval by some officer of the Court appointed as to do

(2) This power shall extend to the District Court as well as the Supreme Court.

(3) The power shall extend to the District Court as well as the Supreme Court.

(4) The power shall extend to the District Court as well as the Supreme Court.

(5) The power shall extend to the District Court as well as the Supreme Court.

(6) The power shall extend to the District Court as well as the Supreme Court.

(7) The power shall extend to the District Court as well as the Supreme Court.

(8) The power shall extend to the District Court as well as the Supreme Court.

(9) The power shall extend to the District Court as well as the Supreme Court.

(10) The power shall extend to the District Court as well as the Supreme Court.

(11) The power shall extend to the District Court as well as the Supreme Court.

(12) The power shall extend to the District Court as well as the Supreme Court.

(13) The power shall extend to the District Court as well as the Supreme Court.

(14) The power shall extend to the District Court as well as the Supreme Court.

(15) The power shall extend to the District Court as well as the Supreme Court.

(16) The power shall extend to the District Court as well as the Supreme Court.

(17) The power shall extend to the District Court as well as the Supreme Court.

(18) The power shall extend to the District Court as well as the Supreme Court.

(19) The power shall extend to the District Court as well as the Supreme Court.

(20) The power shall extend to the District Court as well as the Supreme Court.

(21) The power shall extend to the District Court as well as the Supreme Court.

(22) The power shall extend to the District Court as well as the Supreme Court.