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*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives.  
17th October, 1904.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

*Mr. Hogg.*

## DESTITUTE PERSONS ACT AMENDMENT.

### ANALYSIS.

Title. 1. Short Title. 2. Wages may be attached for maintenance of destitute person. 3. In default of payment, employer liable.	3A. Enforcement of maintenance orders by attachment, &c. 3B. Witnesses resident at a distance. 3C. Registered orders to have priority. 3D. Limitation of proceedings.
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### A BILL INTITULED

AN ACT to amend "The Destitute Persons Act, 1894."

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Destitute Persons Act Amendment Act, 1904" (*hereinafter referred to as "the principal Act"*); and it shall be read with "The Destitute Persons Act, 1894."

Short Title.

2. The Magistrate, on the information or complaint of the Minister, or of any local authority, or trustees, may make an order on the employer of any person liable to maintain his deserted or destitute wife or child, attaching for such period as the Magistrate thinks fit such portion of the wages due to or earned by such person during that period as may be adjudged a reasonable contribution towards the maintenance of such deserted or destitute wife or child, ~~or near relative~~, and any moneys paid by the employer under such order shall be deemed to be wages paid to such person.

Wages may be attached for maintenance of destitute person.

3. If the employer makes default in complying with any such order, the amount ordered to be paid and not so paid may be recovered from him by the Minister, local authority, or trustees on whose application the order was made.

In default of payment, employer liable.

## New clauses.

Enforcement of  
maintenance orders  
by attachment, &c.

3A. (1.) Any order heretofore or hereafter made under the principal Act touching the maintenance of any destitute person or child may be enforced in like manner as if it were a judgment for a debt under "The Magistrates' Courts Act, 1893," and in particular sections one hundred and thirty-five to one hundred and forty-three of the last-mentioned Act shall, *mutatis mutandis*, extend and apply to any such order. 5

(2.) The powers of enforcing payment conferred by this section are in addition to and not in substitution for the powers conferred by the principal Act. 10

Witnesses resident  
at a distance.

3B. The provisions of sections ninety-one to ninety-five of "The Magistrates' Courts Act, 1893," relating to the taking of evidence of witnesses resident at a distance, shall, *mutatis mutandis*, apply to proceedings under the principal Act in cases where the witness is resident fifty miles or upwards from the place where the proceedings are to be heard. 15

Registered orders  
to have priority.

3C. (1.) The Magistrate making any order under the principal Act touching the maintenance of any destitute person or child may, if he thinks fit, direct the Clerk of the Court to forward to the Registrar of Deeds and the District Land Registrar of the district in which any land belonging to the person against whom the order is made is situate a duplicate of the order for the purpose of registration, and the Registrar shall register the same accordingly. Thereupon the said order shall have priority over all other liabilities of such person, and shall be a charge upon any land belonging to him in that district, to rank in priority next after any mortgage or other charge upon the said land made previous to the date of the order. 20 25

(2.) This section is in substitution of section twenty-four of the principal Act, which section is hereby accordingly repealed. 30

Limitation of  
proceedings.

3D. Every complaint made and summons issued under section nine of the principal Act shall be made and issued within *six* years after the date of the birth of the illegitimate child in respect of which such complaint is made and summons issued.