



Western Australia.

ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. V.

AN ACT to provide for the Establishment of
Industrial and Reformatory Schools.

[Assented to, 13th January, 1893.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Preamble.

1. IN this Act—

“Minister” means the Colonial Secretary or other Minister charged with the execution of this Act;

Interpretation.

“Parent” means the father, or, if dead or absent, the mother or guardian.

2. IT shall be lawful for the Governor to establish, for the purposes of this Act, Industrial Schools and Reformatory Schools, and from time to time, as occasion may require, to make regulations for the conduct, management, and supervision of such Schools, and the employment, education, and correction of the children detained therein.

Industrial and
Reformatory Schools
to be established.

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Superintendent and Matron, and their duty.

3. IT shall be lawful for the Governor from time to time to appoint some fit and proper persons to be respectively Superintendent and Matron of every such School respectively, and it shall be the duty of such persons to observe and carry into execution the several provisions of this Act, and the regulations to be made as aforesaid, and also to obey and execute any mandate which may be issued as hereinafter mentioned.

Teachers, officers, and servants, and their duty.

4. IT shall be lawful for the Governor from time to time to appoint such number of fit and proper persons as may be necessary, to be teachers, officers, and servants at every such School, and it shall be the duty of every such person to obey all lawful and reasonable orders and directions of the said Superintendent and Matron respectively in the execution of this Act.

Who to be deemed "children" and "inmates."

5. EVERY boy and girl under the age of sixteen years shall be deemed to be a "child," within the meaning and for the purposes of this Act, and in case there shall be no satisfactory evidence of the age of any such boy or girl, the opinion of the Court or Justice dealing with him or her under the provisions hereinafter contained, shall be sufficient proof of his or her age, and every person detained (under the provisions hereinafter contained) in any such School as aforesaid shall be deemed to be an inmate thereof within the meaning of this Act.

What children to be deemed "neglected."

6. EVERY child who answers to any of the descriptions hereinafter mentioned shall be deemed to be a "neglected child" within the meaning and for the purposes of this Act :

1. Any child found begging or receiving alms, or being in any street or public place for the purpose of begging or receiving alms.
2. Any child who shall be found wandering about or frequenting any street, thoroughfare, public house, or place of public resort, or sleeping in the open air, and who shall not have any home or settled place of abode, or any visible means of subsistence.
3. Any child who shall reside in any brothel, or associate or dwell with any person known or reputed to be a thief, prostitute, or drunkard, or with any person convicted of vagrancy under any Act now or hereafter to be in force.
4. Any child who, having committed an offence punishable by imprisonment or some less punishment, ought nevertheless, in the opinion of the Justices, regard being had to the age of such child and the circumstances of the case, to be sent to an Industrial School.

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5. Any child whose parent represents that he wishes such child to be sent to an Industrial School, and gives security to the satisfaction of the Justices before whom such child may be brought, for payment of the maintenance of such child in such School.
6. Any child under fourteen years of age certified in writing by the Chairman of a District Board of Education to be habitually absent from School, and to be beyond the control of his parents.

7. EVERY child which shall be found by any police constable under circumstances which make such child a neglected child within the definition aforesaid, may be immediately apprehended by such constable, without any warrant, and taken, as soon as conveniently may be, before some two or more Justices to be dealt with according to this Act.

Neglected children
may be taken before
Justices.

8. WHENEVER any child shall be brought before any two or more Justices, and charged with being a neglected child, the said Justices shall proceed to hear the matter of the said charge, and if the same shall be established to the satisfaction of the said Justices, it shall be lawful for them to direct such child to be sent forthwith to any Industrial School, to be there detained for such time as the said Justices may think proper, but not in any case exceeding the time when the child will obtain the age of sixteen years, and no child, except a neglected child within the meaning of this Act, shall be sent to or maintained in any Industrial School.

Neglected children
to be detained in
Industrial School.

9. WHENEVER any child shall be convicted of any offence punishable by law, either upon information or summary conviction, it shall be lawful for the Judge or Chairman of the Court before which, or for any two or more Justices by whom such child shall be so convicted, in lieu of any sentence that might but for this Act be passed as a punishment for the said offence, to direct that such child be sent forthwith to any Reformatory School, to be there detained for not less than two years nor more than seven years, and no child not so convicted as aforesaid shall be sent to or maintained in any Reformatory School.

Convicted children
to be detained in
Reformatory School.

10. IF at the time of the coming into operation of this Act or thereafter, any child shall be imprisoned under sentence for any offence in any gaol, it shall be lawful for the Governor to order that such child be sent to and detained in any Reformatory School for such period as may be expressed in such order not exceeding seven years. Such order shall be of the like force and effect as a mandate under this Act.

Children in gaols to
be detained.

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Mandate for detention.
First Schedule.

11. WHENEVER any child shall be directed to be detained in any School established under this Act, the Judge, Chairman, or Justices shall issue a mandate in such one of the forms contained in the First Schedule to this Act as shall be applicable to the case.

Mandate to be a defence to actions.

12. IN every action for anything done in obedience to any such mandate as aforesaid by any person to whom the same may be directed, or by any other person, by his authority or command, it shall be sufficient for the defendant to justify under such mandate alone without setting forth the previous proceedings in like manner as any sheriff can and may justify under any writ of execution issued out of the Supreme Court in any civil action, and proof of the matters alleged shall be sufficient evidence in support of such plea.

Mandate to be obeyed and to be authority for and evidence of detention.

13. EVERY mandate issued under this Act shall be executed and obeyed by the persons to whom the same is directed and delivered, and shall be sufficient authority for the detention of the child therein mentioned, according to the exigency of such mandate and the production thereof, accompanied by a statement signed by the Superintendent or Matron of any Industrial or Reformatory School that the child named in such mandate was duly received into, and is at the signing thereof detained in such School, or has been otherwise disposed of according to law, shall in all proceedings whatsoever be sufficient evidence of the facts by this Act required to be stated in such mandate, and of the subsequent detention and identity of the child named therein.

Power to discharge child.

14. NOTWITHSTANDING the provision lastly hereinbefore contained, it shall be lawful for the Governor, at any time during the detention under the provisions of this Act of any such inmate as aforesaid, to release such inmate from the Industrial or Reformatory School in which he or she may be detained, and he or she shall, upon the production of such order, be discharged accordingly, and to remove any such inmate from any Industrial or Reformatory School to any other Industrial or Reformatory School.

Children may be put out to service on certain conditions.

15. NOTWITHSTANDING anything hereinbefore contained, it shall be lawful for the Governor to place any inmate of any Industrial or Reformatory School on trial with some person to be named in the license hereinafter mentioned, who shall be willing to receive and take charge of, and qualified to provide for and take care of, such inmate, and to grant to such inmate a license to reside with the person so to be named therein as aforesaid for any term not exceeding three years, unless sooner called upon by the Governor to return to the said School, and to require

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such inmate to return to the said School at any time during the said term, unless he or she shall have been previously discharged as aforesaid, and any inmate having such license who shall abscond from the person named therein during such term, or shall neglect or refuse to return to the said School at the expiration of the said term, or when required as aforesaid, shall be held to have absconded from the said School.

16. THE parent or step-parent of every such inmate shall (if of sufficient ability so to do) contribute to his or her support while so detained, and any police constable or police officer, or the Superintendent of the School where such inmate shall be detained, may apply to a Justice for a summons to be served on the alleged parent or step-parent of such person for the purpose of obtaining such contribution.

Relatives liable to contribute to support.

17. ON the return of such summons two or more Justices shall proceed to hear the matter of the said complaint, and if the relationship of the defendant and his ability to contribute to the support of such inmate be proved to the satisfaction of such Justices, they may, by an order in the form contained in the Second Schedule to this Act or to the like effect, adjudge the defendant to pay such weekly sum not exceeding ten shillings for the maintenance of such inmate as such Justices shall think fit.

Order for payment to be made.

Second Schedule.

18. IT shall be lawful for any two Justices, on the complaint of any such parent or step-parent or of any person authorised as aforesaid, at any time while the first or any subsequent order continues in force, to make further inquiry into such parent's or step-parent's ability to contribute as aforesaid, and to remit or lessen the amount of the weekly payment that shall have been adjudged by the last preceding order, or to increase the same if they see cause so to do, so that the amount shall not in any case exceed the weekly sum hereinbefore mentioned: Provided always, that when any such further inquiry shall have taken place, such Justices shall make an order in the form contained in the Third Schedule to this Act or to the like effect.

Orders for payment may be varied.

Third Schedule.

19. THE Superintendent of every Industrial or Reformatory School, with the consent in writing of the Minister, shall and may manage and demise for any term not exceeding three years the lands of or to which any inmate of such School is seized, possessed, or entitled, and shall and may make allowances to and arrangements with all or any of the tenants or occupiers for the time being of the said lands, and accept surrenders of leases and tenancies as fully and effectually as such inmate, if of the full age of twenty-one years, could do.

Superintendent may manage and let estates of inmates.

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And may collect
their rents.

20. THE Superintendent of every Industrial or Reformatory School, with such consent as aforesaid, shall and may demand, sue for, collect and receive all the rents and profits which shall be due to any inmate of such School, and shall and may give effectual receipts and discharges for such rents and profits, or so much thereof as shall be received, and in case of non-payment of the said rents and profits or any of them, or any part thereof, in the name and on behalf of such inmate may enter into and upon all or any of the lands in respect of which any rents or profits shall be unpaid, and for the same rents and profits and the costs and expenses incurred by or incidental to the non-payment thereof may distrain, and the distresses then and there found may dispose of in due course of law, and may take and use all lawful proceedings and means for recovering and receiving the said rents and profits and for evicting and ejecting defaulting tenants and occupiers from all or any of the said lands and determining the tenancy or occupation thereof, and for obtaining, recovering, and retaining possession of all or any of the lands held or occupied by such defaulters.

And bring actions.

21. THE Superintendent of every Industrial or Reformatory School, with such consent as aforesaid, shall and may in the name and on behalf of any inmate of such School, commence and prosecute at law and in equity all actions, suits, claims, demands, and proceedings touching any lands, estate, interest, or rights of any inmate of such School, or of his tenants therein or thereto, or touching any matter or thing whatsoever in which any such inmate, or his real or personal estate or effects may be in any way interested, affected, or concerned.

And employ agents.

22. THE Superintendent of every Industrial or Reformatory School, with such consent as aforesaid, shall and may appoint and remove at his pleasure any attorney or agent under him in respect of all or any of the matters aforesaid, upon such terms and for such remuneration as the Minister shall think fit.

Rents, &c., to be
paid into the
Government Savings
Bank.

23. ALL moneys which, under or by virtue of this Act, shall come to the possession or control of the Superintendent of any Industrial or Reformatory School for or on account or for the use or benefit of any inmate thereof, shall, after making the deduction hereinafter mentioned, be paid into the Post Office Savings Bank on account of the said inmate.

After making certain
deductions.

24. THE Governor may direct all expenses lawfully and with the consent in writing of the Minister, incurred by the Superintendent of any Industrial or Reformatory School in executing the trusts

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or powers reposed in him by this Act for or on behalf or on account of any inmate thereof, and also a sum not exceeding one shilling a day for the maintenance of such inmate to be deducted from the moneys to be received as aforesaid.

25. SUBJECT to the regulations to be made as hereinbefore mentioned, all officiating ministers of religion shall have admission to every Industrial and Reformatory School, and access to such of the inmates thereof as may be members of their respective denominations, and may give instruction to them on the days and at the times allotted by such regulations for the religious education of the inmates of their particular denominations respectively.

Ministers of religion to have access.

26. IF any inmate of any Industrial or Reformatory School shall abscond therefrom, or wilfully damage or destroy any property belonging to any such School, or wilfully neglect or refuse to obey or conform to or commit any breach of any such regulation as aforesaid, such inmate (if a male) shall on conviction be liable, at the discretion of the Justices, to be privately whipped, and such inmate may, if he or she has absconded, be ordered by the convicting Justices to be sent back to the School and to be there detained for the unexpired time for which he or she shall have been originally committed.

Penalty for absconding, &c.

27. ANY person who shall directly or indirectly withdraw from any Industrial or Reformatory School any inmate thereof, or counsel or induce him or her to abscond therefrom, before he or she has been regularly discharged, or who, knowing any such inmate to have been withdrawn or to have absconded from any Industrial or Reformatory School, shall harbor or conceal, or assist in concealing such inmate, or prevent him or her from returning to such School, shall on conviction forfeit and pay any sum not exceeding Ten pounds.

Penalty for withdrawing or harboring inmates.

28. ANY person who, without lawful authority or excuse, shall hold or attempt to hold any communication with any inmate of any Industrial or Reformatory School, and any person who shall enter any such School, or any building, yard, or ground belonging thereto, and shall not depart therefrom when required so to do by the Superintendent, Matron, or other officer or servant of such School, shall on conviction forfeit and pay any sum not exceeding Twenty pounds.

Penalty for communicating with persons detained.

29. FOR the more effectual prosecution of all offences against this Act, any person found committing any such offence may be immediately apprehended without a warrant by any police constable,

Offenders against this Act may be apprehended.

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and taken, as soon as conveniently may be, before some Justice to be dealt with according to law.

Forms of proceedings.

30. EVERY information, conviction, mandate, or warrant under this Act shall be deemed valid and sufficient in which the offence is set forth in the words of this Act, and no conviction, mandate, or warrant shall be held void by reason of any defect therein, provided it be alleged in such conviction, mandate, or warrant that the party had been convicted of such offence.

Infant convict may be assigned.

31. IN every case in which any person, being under the age of sixteen years, has been or shall hereafter be convicted of felony or misdemeanor, the Supreme Court of Western Australia, or any Judge thereof, may, upon the application of any person who may be willing to take charge of such infant, and to provide for his or her maintenance and education, if such Court or Judge shall find that the same will be for the benefit of such infant, due regard being had to the age of the infant, the prevention of crime, and to the circumstances, habits, and character of the parents, or testamentary, or natural guardian of such infant, to assign the care or custody of such infant during his or her minority or any part thereof to such person upon such terms and conditions and subject to such regulations respecting the maintenance, education, and care of such infant as the said Court or Judge shall think proper to prescribe and direct, and upon any order for that purpose being made, and so long as the same shall remain in force the same shall be binding and obligatory upon the father and upon every testamentary or natural guardian of such infant, and no person shall be entitled to use or exercise any power or control over such infant which may be inconsistent with such order of the Court or a Judge: Provided always, that the Supreme Court may at any time rescind such assignment, or from time to time rescind, alter, or vary any such terms or conditions, or such regulations as the said Court may seem fit; and provided also that the Court shall and may award such costs as to it may seem fit against any such person who shall make such application as aforesaid if such application shall not appear to the Court well founded, and such costs shall be payable to any parent who shall oppose such application.

And assignment altered.

To be kept within jurisdiction of Court.

32. IN every case it shall be a part of the terms and conditions last aforesaid upon which such care and custody shall be assigned that the infant shall not, during the period of such care and custody, be sent out of the jurisdiction of the Supreme Court.

No fee to be demanded in such cases.

33. NO fee, emolument, or reward whatsoever shall be demanded or taken by any officer or minister of the Supreme Court for any matter or thing done in the said Court, or by or before a

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Judge thereof, in pursuance of the provisions of the two last preceding sections, and upon the making or opposing of any such application it shall be lawful for any Judge of the said Court to assign Counsel, and to appoint an Attorney of the said Court to advise and carry on or to oppose such application, who are hereby required to do their duties therein without fee or reward.

Counsel may be assigned.

34. FOR the purposes of this Act the Rottnest Reformatory shall be taken to be a Reformatory School established under this Act, and every child in such School at the commencement of this Act shall be deemed to have been committed under this Act and shall be subject to its provisions, and the Superintendent, teachers, officers, and servants attached thereto shall continue to hold their several offices as if they had respectively been appointed under this Act.

Rottnest Reformatory inmates and officials.

35. NOTWITHSTANDING anything contained in this Act, the Governor may order any child directed to be sent to any Industrial or Reformatory School under this Act to be sent to any institution under "The Industrial Schools Act, 1874," the certified manager whereof shall be willing to receive such child, to be there detained for such period as may be expressed in such order, not exceeding seven years. Such order shall be of the like force and effect as a mandate under this Act.

Child may be sent to School under "The Industrial Schools Act, 1874."

36. THE particular institution to which a child shall be sent under the provisions of the last preceding section shall be one conducted in accordance with the religious persuasion to which such child may, in the opinion of the Governor, appear to belong.

Child to be sent to School of same religion.

37. ANY institution under "The Industrial Schools Act, 1874," in which one or more children may be detained by order as aforesaid, shall be taken to be an Industrial or Reformatory School under the provisions of this Act, excepting that the provisions of sections two, three, and four shall not apply thereto; and the certified manager of any such institution shall, for the purposes of this Act, be taken to be the Superintendent thereof.

Institution under Act of 1874 to be a School under this Act.

38. ALL informations and proceedings in respect of offences under this Act shall be heard and determined summarily before any two or more Justices in Petty Sessions, and the penalties in respect of the same and the payment of all moneys under any order made under this Act, shall be enforced and recovered according to the provisions of the Ordinance No. 5, passed in the 14th year of the reign of Her present Majesty.

Prosecution of offences.

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Short Title and
commencement.

39. THIS Act shall be cited as "The Industrial and Reformatory Schools Act of 1893," and shall come into operation on the first day of May, 1893.

In the name and on behalf of the Queen I hereby assent
to this Act.

W. C. F. ROBINSON, Governor.

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The First Schedule.

The Industrial and Reformatory Schools Act of 1893.

Section 11.

WESTERN AUSTRALIA, } To the Keeper of the Gaol at _____, and
TO WIT } to the Superintendent of the Reformatory School
at _____, in the said Colony.

WHEREAS at the general (*add one of these recitals*)—

Gaol delivery now here holden before me, the undersigned, one of Her Majesty's Judges of the Supreme Court.	Sessions of the Peace now holden here before me, the undersigned, Chairman of the said Court, and others Her Majesty's Justices of the Peace in and for the said Colony.
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A.B., a _____ under the age of sixteen years, is convicted [*here state the substance of the offence*]. And whereas I have directed the said child to be sent at the earliest opportunity to the said Reformatory School for the term of _____. These are therefore to require you, the said keeper, to* cause the said child at the earliest opportunity to be taken to the said School, and delivered to the Superintendent thereof, and in the meantime to keep [(*him*) (*her*)] in safe custody; and you, the said Superintendent, are hereby required to receive the said child into the said School, there to be detained for the said term, unless such child shall in the meantime be discharged by due course of law.

Given under my hand and seal at _____, in the said Colony, this
day of _____ 189 .

WESTERN AUSTRALIA, } To all Police Constables [*or the Keeper of the Gaol*
TO WIT. } at _____], and to the Superintendent of the
[*Reformatory (if convicted), Industrial (if neglected)*]
School at _____, in the said Colony.

Whereas A.B., a _____ under the age of sixteen years, has been this day convicted [*or brought*] before us, the undersigned, two of Her Majesty's Justices of the Peace in and for the said Colony [*add one of these recitals*]—

[If "convicted"] for that [<i>here state the substance of the offence</i>].	[If "neglected"] and charged with being a neglected child, for that _____ did dwell with a person known to be a thief [<i>as the case may be</i>].
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And whereas we have directed the said child to be sent at the earliest opportunity to the said School for the term of _____. These are therefore to require you the said Keeper (*or Constables*) to* [*as in previous form* to the end*].

Given under our hands and seals at _____, in the said Colony, this
day of _____, 189 .

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The Second Schedule.

The Industrial and Reformatory Schools Act of 1893.

WESTERN AUSTRALIA, }
TO WIT. }

Section 17.

14 Vic., 5, Schedule.
Form (K 1.)

BE it remembered that on the day of , complaint was made before one of Her Majesty's Justices of the Peace in and for the said Colony by M.P., that A.B. of in the said Colony [*butcher*], was the parent [*or step-parent*] of E.F., an inmate of the Reformatory [*or Industrial*] School, at , in the said Colony, and was of sufficient ability to contribute to the support of the said inmate and now at this day [*state the appearance or non-appearance according to the usual form*] do adjudge the said A.B. to be the parent [*or step-parent*] of the said child and of such ability as aforesaid. And we do further adjudge the said A.B. to pay to the clerk to the Magistrate at here for the time being the sum of for costs forthwith, and we do further adjudge the said A.B. to pay to the said clerk the sum of £ , on [*Monday*] next, and the same amount on every succeeding [*Monday*] towards the support of the said inmate, and if the said weekly sum be not paid as aforesaid, or if the said costs be not paid forthwith, we hereby order* that the same be levied by distress and sale of the goods and chattels of the said A.B., and in default of sufficient distress in that behalf we do adjudge the said A.B. to be imprisoned in the gaol at , in the said Colony [*and there to be kept to hard labor*] for the space of unless the said several sums and all costs and charges of the said distress, and of the commitment and conveying of the said A.B. to the said gaol at aforesaid, shall be sooner paid.

Given under our hands and seals at , in the said Colony
this day of , 189 .

The Third Schedule.

The Industrial and Reformatory Schools Act of 1893.

WESTERN AUSTRALIA, }
TO WIT. }

Section 18.

14 Vic., 5, Schedule.
Form (K 1.)

BE it remembered that on the day of complaint was made before one of Her Majesty's Justices of the Peace in and for the said Colony by M.P. that A.B., of in the said Colony [*butcher*], was the parent [*or step-parent*] of E.F., an inmate of the Reformatory [*or Industrial*] School at in the said Colony, and was of sufficient ability to contribute to the support of the said inmate, and it was adjudged that the said A.B. was such parent [*or step-parent*], and should pay the sum of weekly on every [*Monday*] to the Clerk to the Magistrates at for the support of the said E.F.; and on the day of last further complaint was made before one of Her Majesty's Justices of the Peace in and for the said Colony by M.P., a person duly authorised in that behalf, that the said A.B. was of sufficient ability to contribute a larger sum to the support of the said E.F., and now at this day and [*state the appearance or non-appearance as usual*] do adjudge the said A.B. to be of sufficient ability to contribute a larger weekly sum

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as aforesaid, and do increase the same to the weekly sum of _____ in lieu of
the weekly sum first hereinbefore mentioned, and if the said weekly sum be not
paid as aforesaid we hereby order [*proceed as in previous form* to the end*].

Given under our hands and seals at _____ in the said Colony this
day of _____ 189 .

The Fourth Schedule.

The Industrial and Reformatory Schools Act of 1893.

WESTERN AUSTRALIA, } To the Constable of _____ and to all other
TO WIT. } Peace officers in the said Colony of Western
Australia.

WHEREAS on the _____ day of _____ last, two of Her Majesty's
Justices of the Peace in and for the said Colony [*or*, _____ Resident Magis-
trate at _____ in the said Colony] did by an order, under their hands and seals,
adjudge A.B. of _____ [*butcher*] to be the parent [*or*, step-parent] of E.F.,
an inmate of the reformatory [*or* industrial] school at _____ in the said
Colony, and also to be of sufficient ability to contribute to the support of the said
inmate, and by the same order did adjudge the said A.B. to pay to the Clerk to
the Magistrates at _____ in the said Colony, for the time being, the sum
of _____ for costs. And they did further adjudge the said A.B. to pay to
the said Clerk the sum of _____ on [*Monday*] then next and the same amount
on every succeeding [*Monday*] and did order that if the said weekly sum should
not be paid [*as in order.*] [*And* whereas on the _____ day of _____
last, two of Her Majesty's Justices of the Peace, in and for the said Colony, did
by an order under their hands and seals, lessen [*or* increase] the said weekly sum
to the weekly sum of _____]. And whereas it has been this day duly proved
before me, the undersigned, one of Her Majesty's Justices of the Peace in and
for the said Colony, that on [*Monday*] the _____ day of _____ last,
the sum of _____ was due and payable, by virtue of the said order, for [*ten*]
weeks ending on that day, and then last elapsed and is still in arrear. These are
therefore to command you in Her Majesty's name [*proceed as in Form N. 2,*
Schedule 14 V. 5, and if necessary Form N. 4].