

*Bastardy*

WESTERN AUSTRALIA

ANNO TRIGESIMO NONO

VICTORIÆ REGINÆ

No. 8

An Act to amend the Bastardy Laws.

[Assented to 21st December, 1875.]

WHEREAS an Act was passed in the thirty-fifth year of the reign of Her Majesty, intituled 'An Act to make further provision for the Maintenance of Bastard Children by their Putative Fathers'; and whereas it is expedient to make further provisions for proceedings in bastardy: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. This Act may be cited as 'The Bastardy Laws Act 1875.' Short title
2. The enactments specified in the First Schedule to this Act are hereby repealed except as to anything heretofore duly done thereunder, and except so far as may be necessary for the purpose of supporting and continuing any proceeding taken before the passing of this Act. Repeal of enactments in schedule
3. The several forms in the Second Schedule to this Act, or forms to the like tenor or effect, shall be deemed good, valid and sufficient in law. Forms in schedule valid
4. Any woman who may be with child, or who may be delivered of a bastard child, may, either before the birth or at any time within twelve months from the birth of such child, or any time thereafter upon proof that the man alleged to be the father of such child has within the twelve months next after the birth of such child paid money for its maintenance, or at any time within the twelve months next after the return to the Colony of the man alleged to be the father of such child, upon proof that he ceased to reside in the Colony within the twelve months next after the birth of such child, make application to any one Justice of the Peace acting in the district or place in which she may reside, for a summons to be served on the man (not being, in the case of a pregnant woman applying, the husband of such woman) alleged by her to be the father of the child; and if such application be made before the birth of the child the woman shall make a deposition upon oath stating who is the father of such child, and such Justice of the Peace shall thereupon issue his summons to the person alleged to be the father of such child to appear at a Petty Session to be holden after the expiration of six days at least at the place in which such Justice usually acts. And the said Justice to whom any application shall be made by any such woman being pregnant shall summon the man to appear at some Petty Session to be held on a day after the time when the said woman shall expect the child to be born. Provided Putative father to be summoned to Petty Sessions on application of mother of bastard child

*Bastardy*

that if on such day the woman shall not have been delivered, or the Justices shall be satisfied that she has been delivered at so short a period before such day that she cannot appear at the said session, it shall be lawful for the Justices thereat to adjourn the hearing of the said case until some other day, and so from time to time until the child shall have been born and the woman shall be able to attend; and it shall be lawful for the Justices at their Petty Session to make an order in respect of any such application so made by such woman so pregnant to a Justice as aforesaid, if she apply at such Petty Session within the space of two calendar months from the birth of the child, although more than forty days shall have elapsed from the time when the summons was served upon the alleged father, or was left at his last place of abode.

Justices in Petty Sessions may make an order on the putative father for maintenance, education, &c., of bastard child, and enforce the same by distress and commitment

5. After the birth of such bastard child, on the appearance of the person so summoned, or on proof that the summons was duly served on such person, or left at his last place of abode, six days at least before the Petty Session, the Justices in such Petty Session shall hear the evidence of such woman and such other evidence as she may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father; and if the evidence of the mother be corroborated in some material particular by other evidence to the satisfaction of the said Justices, they may adjudge the man to be the putative father of such bastard child; and they may also, if they see fit, having regard to all the circumstances of the case, proceed to make an order on the putative father for the payment to the mother of the bastard child, or to any person who may be appointed to have the custody of such child, under the provisions of this Act, of a sum of money weekly, not exceeding five shillings a week, for the maintenance and education of the child, and of the expenses incidental to the birth of such child, and of the funeral expenses of the child provided it has died before the making of such order, and of such costs as may have been incurred in the obtaining of such order; and if the application be made before the birth of the child, or within two calendar months after the birth of the child, such weekly sum may, if the said Justices think fit, be calculated from the birth of the child; and if at any time after the expiration of one calendar month from the making of such order as aforesaid it be made to appear to any one Justice, upon oath or affirmation, that any sum to be paid in pursuance of such order has not been paid, such Justice may, by warrant under his hand and seal, cause such putative father to be brought before any two Justices, and in case such putative father neglect or refuse to make payment of the sums due from him under such order, or since any commitment for disobedience to such order as hereinafter provided, together with the costs attending such warrant, apprehension, and bringing up of such putative father, such two Justices may, by warrant under their hands and seals, direct the sum so appearing to be due, together with such costs, to be recovered by distress and sale of the goods and chattels of such putative father, and may order such putative father to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless he give sufficient security by way of recognizance, or otherwise, to the satisfaction of such Justices, for his appearance before two Justices on the day which may be appointed

Neglecting to obey order

*Bastardy*

for the return of such warrant of distress, such day not being more than seven days from the time of taking any such security; and if upon the return of such warrant, or if by the admission of such putative father, it appear that no sufficient distress can be had, then any such two Justices may, if they see fit, by warrant under their hands and seals, cause such putative father to be committed to the common gaol, or house of correction, or lock-up, there to remain, without bail or mainprise, for any term not exceeding three calendar months, unless such sum and costs and all reasonable charges attending the said distress, together with the costs and charges attending the commitment and conveying to gaol or to the house of correction or lock-up, and of the persons employed to convey him thither, be sooner paid and satisfied.

6. The Justices in Petty Session as aforesaid may adjourn the hearing of the case as often as to them may seem fit; but no such order shall be made unless applied for at such Petty Session within the space of forty days from the service of the summons after the birth of the bastard child on the person alleged to be the putative father of such bastard child; and if within twenty-four hours after the adjudication and making of any order on the putative father as aforesaid such putative father give notice of appeal to the mother of the bastard child, and also within seven days give sufficient security by way of recognizance or otherwise to the satisfaction of some one Justice of the Peace, it shall be lawful for such putative father to appeal to the next sitting of the Supreme Court to be holden after the period of fourteen days next after the making of the said order; and the said Supreme Court shall thereupon hear and determine such appeal, and shall order such costs to be paid by either party as may seem fit. And the condition of any such recognizance shall be for the appearance of the said putative father at such Court, and his trial of appeal thereat, and the payment of such costs as he shall be then and there ordered to pay; and in respect to any order to be made after the passing of this Act, the party entering into such recognizance shall forthwith give or send a notice in writing of his having so entered into such recognizance to the woman in whose favour the said order shall have been made, and unless he shall enter into the recognizance before one of the Justices who shall have made the order, to one at least of such Justices; and in default of his giving or sending such notice or notices as aforesaid, the appeal shall not be allowed; provided that the sending of such notice or notices by the post shall be taken to be sufficient.

7. On the trial of any such appeal the Supreme Court shall hear the evidence of the said mother, and such other evidence as she may produce, and any evidence tendered on behalf of the appellant, and proceed to hear and determine the said appeal in other respects according to law, but shall not confirm the order so appealed against unless the evidence of the said mother shall have been corroborated in some material particular by other testimony to the satisfaction of the said Court. And the said Supreme Court may, if deemed fit, reduce the amount directed to be paid for the maintenance and education on account of the relief of the child named in such order, and the said Court shall thereupon alter the order accordingly.

Application to be made within forty days  
7 & 8 Vic., c. 101,  
s. 4

Appeal for the putative father

Mother to be examined by the court on appeal against order, but no order to be confirmed unless her evidence is corroborated  
8 Vic., c. 10, s. 6  
Court may reduce the amount directed to be paid by the order  
35 & 36 Vic.,  
c. 65, s. 9

*Bastardy*

Putative father may abandon his appeal, and his recognizance shall not be estreated

8 Vic., c. 10, s. 5

8. If at any time before the hearing of the appeal the putative father, who shall have entered into any such recognizance, shall give notice in writing of his abandonment of the appeal to the mother of the child in whose favour the order shall have been made and to the Justice or Justices before whom the said recognizance shall have been taken, and shall pay or tender to the said mother all sums then due under the said order, and such costs and expenses as she shall have incurred by reason of such notice of appeal, the said recognizance so entered into by the said putative father shall not be estreated, nor in any manner put in force or otherwise proceeded with.

Money under the order to be paid to the mother or to a person appointed by the justices

7 & 8 Vic., c. 101, s. 5

9. All money payable under any order as aforesaid shall be due and payable to the mother of the bastard child in respect of such time and so long as she lives and is of sound mind, and is not in any gaol or prison; and after the death of the mother of such bastard child, or while such mother is of unsound mind or confined in any gaol or prison, any two Justices may, if they see fit, by order under their hands and seals, from time to time appoint some person who with his own consent shall have the custody of such bastard child, so long as such bastard child is not a burden on the public funds or on any public or municipal body, and any two such Justices may revoke the appointment of such person, and may appoint another person in his stead; and every person so appointed to have the custody of a bastard child shall, so long as such child is not a burden on the public funds or on any public or municipal body, be empowered to make application for the recovering of all payments becoming due under the order of the Court of Petty Sessions as aforesaid, in the same manner as the mother of such bastard child might have done.

Time of cessation of order

35 & 36 Vic., c. 65, s. 5

10. No order for the maintenance and education, or for contribution towards the relief of any such child made in pursuance of this Act shall, except for the purpose of recovering money previously due under such order, be of any force or validity after the child in respect of whom it was made has attained the age of fourteen years, or after the death of such child; provided that the Justices may in the order direct that the payments to be made under it in respect of the child shall continue until the child attains the age of sixteen years, in which case such order shall be in force until that period.

Proof of service of summons in certain cases

36 Vic., c. 9, s. 4

11. In cases where the putative father of any bastard child resides out of the district where the mother applies for a summons or order of maintenance, it shall be lawful to prove by affidavit, in the form referred to in the Second Schedule to this Act, or to the like effect, that such summons or order has been duly served. Any affidavit purporting to be so made and attested shall be received in evidence, and shall be deemed to be duly made and attested until the contrary has been shown.

Mother punishable for neglect or desertion of her bastard child

7 & 8 Vic., c. 101, s. 6

25 Vic., No. 15, s. 18

12. Every woman neglecting to maintain her bastard child, being able wholly or in part so to do, whereby such child becomes chargeable to any public or municipal body, shall be punishable as an idle and disorderly person under the provisions of an Ordinance made and passed in the 25th year of the reign of Her Majesty, intituled 'The Police Ordinance, 1861'; and every woman so neglecting to maintain her bastard child, after having been once before convicted of such

*Bastardy*

offence, and every woman deserting her bastard child whereby such bastard child becomes a burden on the public funds or on some public or municipal body, shall be punishable as a rogue and vagabond, under the provisions of the said last recited Ordinance.

25 Vic., No. 15,  
s. 19

13. Every Clerk to the Justices shall once in each year (that is to say) as soon as may be after the first day of January, make up in the form in the second schedule to this Act, and forward to the Registrar of the Supreme Court, a complete list of summonses issued, applications heard, and orders made as aforesaid, since the first day of January of the year proceeding, by the Justices to whom he acts as clerk; and the Registrar of the Supreme Court shall receive such lists, and shall, on demand of the clerk to the Justices, acknowledge under his hand the receipt of any such list, and shall preserve the said lists, and shall as soon as may be after the receipt of any such list, transmit copies thereof, duly certified, to the Colonial Secretary, and shall also transmit a list of all the cases in which appeals have been made to the Supreme Court during the same period, with the result of every such appeal.

Clerks to justices annually to make a return of summonses, orders, &c., to the Registrar of the Supreme Court  
7 & 8 Vic., c. 101,  
s. 11

Who shall transmit copies thereof to the Colonial Secretary, with lists of appeals

14. When and so often as any bastard child for whose maintenance an order has been made by Justices, on the application of the mother, shall become a burden on the public funds or upon any public or municipal body, or shall have passed under the actual care or custody of the certified manager of any certified school, orphanage or other institution, so that such certified manager shall have acquired all the powers and privileges of a father over and in respect of such child or shall be deemed to be the lawful guardian of such child, any two Justices having jurisdiction in Petty Session may, if they shall see fit, by order under their hands and seals, from time to time appoint the officer in charge of the poor house or the officer of such public or municipal body on which such bastard child shall be a burden as aforesaid, or such certified manager as aforesaid, to receive on account of the Colonial Treasurer or such public or municipal body, or such certified school, orphanage or other institution such proportion of the payments then due or becoming due under the said order as may accrue during the period for which such child is a burden as aforesaid, and such appointment shall remain in force for the period of one whole year whenever the bastard child shall be or have become a burden or have passed under the care or custody of any certified manager as aforesaid, and may afterwards from time to time be renewed by endorsement under the hand of any one Justice for the like period; and any payment so ordered to be made shall be recoverable by the officer or certified manager appointed to receive it in the manner provided for the recovery of payments under an order obtained by the mother.

Payments for bastard children  
35 & 36 Vic.,  
c. 65, s. 7

15. When a bastard child becomes a burden on the public funds or upon any public or municipal body, or shall have passed under the actual care or custody of the certified manager of any certified school, orphanage or other institution, so that such certified manager shall have acquired all the powers and privileges of a father over and in respect of such child, or shall be deemed to be the lawful guardian of such child, the officer in charge of the poor house in the one case, or the recognised officer of such public or municipal body in the second case, or the

Officer in charge of the poor house, or officer of public or municipal body, may recover cost of relief of bastard child in certain cases

38 Vic., No. 11,  
s. 5

*Bastardy*

certified manager of such certified school, orphanage or other institution in the third case, may apply to two Justices in Petty Session, and thereupon such Justices may summon the man alleged to be the father of the child to appear before any two Justices to show cause why an order should not be made upon him to contribute towards the relief of the child, and upon his appearance or on proof that the summons was duly served on him, or left at his last place of abode six days at least before the Petty Session, the Justices in such Petty Session shall hear the evidence of the mother and such other evidence as she or the said officer or certified manager may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father; and if the evidence of the mother be corroborated in some material particular by other evidence to the satisfaction of the said Justices, they may adjudge the man to be the putative father of such bastard child, and they may proceed to make an order upon such putative father to pay to the officer or certified manager applying as aforesaid such sum, weekly or otherwise, towards the relief of the child during such time as the child shall continue or afterwards be chargeable, as shall appear to them to be proper; and any payment so ordered to be made shall be recoverable by the said officer or certified manager in the manner hereinbefore provided for the recovery of payments under an order obtained by the mother: Provided as follows:—

- (I.) No payment shall be recoverable under such order except in respect of the time during which the child is actually a burden or under the care and custody as aforesaid.
- (II.) An order under this section shall not be made, and if made shall cease, except for the recovery of arrears, when the mother of the child has obtained an order under this Act.
- (III.) Nothing in this section shall be deemed to relieve the mother of a bastard child from her liability to maintain such child.
- (IV.) Any person upon whom an order is made under this section shall have the same right of appeal against such order as in the case of an order obtained on the application of the mother.
- (V.) If, after an order has been made under this section, the mother should apply for an order under this Act, the order made under this section shall be *prima facie* evidence that the man upon whom the order is made is the father of the child.

Adjournment of  
proceedings  
where two  
Justices not  
present

36 Vic., c. 9, s. 7

16. If at any time appointed for the hearing of any case in and by any summons issued under this Act, two Justices having jurisdiction to hear the same shall not be present, it shall be lawful for any one Justice then present to adjourn the hearing to a certain time and place, to be then appointed in the presence of the party or parties, or their respective counsel, attorneys, or agents then present; and in the meantime the said Justice may suffer the defendant to go at large upon his entering into a recognizance, with or without surety or sureties, at the discretion of the said Justice, conditioned for his appearance at the time and place to which such hearing shall be adjourned.

WILLIAM C. F. ROBINSON,  
GOVERNOR.

*Bastardy*

SCHEDULES REFERRED TO IN THE FOREGOING ACT

FIRST SCHEDULE

Date and Number of Act	Title of Act and Ordinance	Extent of Repeal
35 Vic., No. 4 .	'An Act to make further provision for the maintenance of Bastard Children by their putative fathers'	The whole Act
9 Vic., No. 2 .	'An Ordinance to provide for the maintenance and relief of deserted wives and children and other destitute persons, and to make the property of husbands and near relatives, to whose assistance they have a natural claim, in certain circumstances available for support'	Section eight

SECOND SCHEDULE

No. 1

FORM OF APPLICATION BY WOMAN WITH CHILD

Western Australia, }  
to wit.

Application and deposition of  
woman, residing at \_\_\_\_\_<sup>a</sup>  
in the \_\_\_\_\_<sup>(\*)</sup>  
district of \_\_\_\_\_ taken upon oath before me, the  
undersigned, one of Her Majesty's Justices of the Peace acting in and for the \_\_\_\_\_<sup>(\*)</sup>  
district of \_\_\_\_\_ in the said Colony, in which she resides,  
this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord 18\_\_\_\_, who  
upon her oath <sup>(\*)</sup> saith, that she is now with child, and that \_\_\_\_\_ of  
(not being the husband of the said \_\_\_\_\_) is the  
father of the child with which she is now pregnant, and maketh application for a  
summons to be served upon the said \_\_\_\_\_ so alleged by her to be the  
father of the said child, to appear at a Petty Session to be holden after the birth  
of such child for the district <sup>(\*)</sup> of \_\_\_\_\_ in which I usually act, to answer  
such complaint as she shall then and there make touching the premises.

Exhibited and sworn before me, the day }  
and year first above written.

<sup>(\*)</sup> or City, Town, or other Place.

<sup>(b)</sup> or Affirmation.

No. 2

FORM OF SUMMONS ON APPLICATION BY WOMAN WITH CHILD

Western Australia, }  
to wit.

To

Whereas an application hath been made to me, the undersigned, one of Her  
Majesty's Justices of the Peace, by \_\_\_\_\_, a \_\_\_\_\_ woman, residing  
at \_\_\_\_\_ in the district <sup>(\*)</sup> of \_\_\_\_\_ for which I act, now with child,  
of which child she hath this day duly sworn on oath <sup>(b)</sup> before me, the said Justice,  
that you (not being the husband of the said \_\_\_\_\_) are the father, for a

<sup>(\*)</sup> or City, Town, or other Place.

<sup>(b)</sup> or Affirmed.

*Bastardy*

summons to be served on you to appear at a Petty Session, according to the form of the Act in such case made and provided.

These are therefore to require you to appear at the Petty Session of the Justices to be holden at \_\_\_\_\_ being the Petty Session for the *district* (\*) in which I usually act, on (\*) the \_\_\_\_\_ day at \_\_\_\_\_ in the year of our Lord 18 \_\_\_\_\_, to answer any complaint which she shall then and there make against you touching the premises.

Herein fail you not.

Given under my hand, at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord 18 \_\_\_\_\_.

NOTE.—If you neglect to appear at the Petty Session as above stated, the Justices, upon proof that this Summons has been duly served upon you, or left at your last place of abode, may proceed, if they think fit, at the Petty Session therein named, to make an order upon you as the putative father of the child above referred to, to pay a weekly sum to the said mother for its maintenance, and other sums for costs and expenses.

(\*) or City, Town, or other Place.

(\*) Insert some day when the Petty Session will be held after the birth of the child, and at such a distance of time that six days at least may elapse after the issuing of the summons and the service on the man, or at his place of abode before the Petty Session.

No. 3

APPLICATION FOR A SUMMONS BY A WOMAN AFTER BIRTH

Western Australia, }  
to wit.

The information and application of \_\_\_\_\_ a woman, residing at \_\_\_\_\_ in the *district* (\*) of \_\_\_\_\_ before me, the undersigned, one of Her Majesty's Justices of the Peace acting for the *district* (\*) of \_\_\_\_\_ in the said Colony, in which she resides, this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord 18 \_\_\_\_\_, who saith, that she hath been delivered of a bastard child within twelve calendar months before this day, to wit, on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord 18 \_\_\_\_\_, and alleges that one \_\_\_\_\_ of \_\_\_\_\_ in the said Colony, is the father of such child, and maketh application to me for a summons to be served upon the said \_\_\_\_\_ to appear at a Petty Session to be holden for the *district* (\*) of \_\_\_\_\_ in which I usually act, to answer such complaint as she shall then and there make touching the premises.

Exhibited before me, the day and }  
year first above written.

(\*) or City, Town, or other Place.

No. 4

SUMMONS WHERE THE APPLICATION IS MADE BY WOMAN AFTER BIRTH

Western Australia, }  
to wit.

To \_\_\_\_\_ of the *district* (\*) of \_\_\_\_\_ in the said Colony.

Whereas application hath been this day made to me, the undersigned, one of Her Majesty's Justices of the Peace, by \_\_\_\_\_ a woman, residing at \_\_\_\_\_ in the *district* (\*) for which I act, who hath been delivered of a bastard child within twelve months preceding the date hereof, and of which bastard child she alleges you to be the father, for a summons to be served upon you to appear at a Petty Session of the Peace, according to the form of the Act in such case made and provided.

(\*) or City, Town, or other Place.



*Bastardy*

These are therefore to require you to appear at the Petty Session of the Justices holden at \_\_\_\_\_ in which I usually act, on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, in the year of our Lord 18\_\_\_\_, to answer any complaint which she shall then and there make against you touching the premises.

Herein fail you not.

Given under my hand at \_\_\_\_\_, in the *district* (\*) of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord 18\_\_\_\_.

NOTE.—If you neglect to appear at the Petty Session as above stated, the Justices, upon proof that this summons has been duly served upon you, or left at your last place of abode, may proceed, if they think fit, to make an order upon you, as the putative father of the child above referred to, to pay a weekly sum to the said mother for its maintenance, and other sums for costs and expenses.

(\*) or City, Town, or other Place.

No. 5

APPLICATION FOR A SUMMONS BY A WOMAN AFTER BIRTH, WHERE THE ALLEGED FATHER HAS PAID MONEY WITHIN TWELVE MONTHS AFTER THE BIRTH

*Western Australia,* }  
to wit.

The information and application of a woman, residing at \_\_\_\_\_ in the *district* (\*) of \_\_\_\_\_ before me, the undersigned, one of Her Majesty's Justices of the Peace acting for the *district* (\*) in which she resides, this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord 18\_\_\_\_, who saith that she hath been delivered of a bastard child more than twelve calendar months before this day, to wit, on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord 18\_\_\_\_, and alleges that one \_\_\_\_\_ of \_\_\_\_\_ in the *district* of \_\_\_\_\_ is the father of such child, and having given proof to me that the said \_\_\_\_\_ did within the twelve calendar months next after the birth of such child pay money for its maintenance, maketh application to me for a summons to be served upon the said \_\_\_\_\_ to appear at a Petty Session to be holden for the *district* (\*) in which I usually act, to answer such complaint as she shall then and there make touching the premises.

Exhibited before me, the day and }  
year first above written }

(\*) or City, Town, or other Place.

No. 6

SUMMONS WHEN THE APPLICATION IS MADE BY A WOMAN AFTER BIRTH, WHERE THE ALLEGED FATHER HAS PAID MONEY WITHIN TWELVE MONTHS AFTER THE BIRTH

*Western Australia,* }  
to wit.

To

Whereas application hath been this day made to me, the undersigned, one of Her Majesty's Justices of the Peace, by a woman, residing at \_\_\_\_\_ in the *district* (\*) for which I act, who hath been delivered of a bastard child more than twelve calendar months before this day, of which bastard child

(\*) or City, Town, or other Place.

*Bastardy*

she alleges you to be the father, and for the maintenance whereof she hath given me proof that you did within the twelve calendar months next after its birth pay money, for a summons to be served upon you to appear at a Petty Session of the Peace, according to the form of the Act in such case made and provided.

These are therefore to require you to appear at the Petty Session of the Justices holden at \_\_\_\_\_, being the Petty Session for the *district* <sup>(a)</sup> in which I usually act, on <sup>(b)</sup> \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, in the year of our Lord 18 \_\_\_\_\_, to answer any complaint which she shall then and there make against you touching the premises.

Herein fail you not.

Given under my hand, at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord 18 \_\_\_\_\_.

NOTE.—If you neglect to appear at the Petty Session, as above stated, the Justices, upon proof that this Summons has been duly served upon you or left at your last place of abode, may proceed, if they think fit, to make an order upon you, as the putative father of the child above referred to, to pay a weekly sum to the said mother for its maintenance, and other sums for costs and expenses.

<sup>(a)</sup> or City, Town, or other Place.

<sup>(b)</sup> Insert some day at least six days after the date of the summons, and after the day when the same can be served on the man, or at his place of abode.

## No. 7

## FORM OF ORDER WHEN APPLICATION WAS MADE BY A WOMAN WITH CHILD

*Western Australia,* }  
to wit. }

At a Petty Session of Her Majesty's Justices of the Peace, holden in and for the *district* <sup>(a)</sup> of \_\_\_\_\_ in the said Colony, at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord 18 \_\_\_\_\_ before us, Her Majesty's Justices of the Peace.

Whereas one \_\_\_\_\_ a \_\_\_\_\_ woman, residing at \_\_\_\_\_ within this *district* <sup>(a)</sup>, being with child, did on \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord 18 \_\_\_\_\_, make application to \_\_\_\_\_ one of Her Majesty's Justices of the Peace acting for this *district* <sup>(a)</sup> for a summons to be served upon one \_\_\_\_\_ of the *district* <sup>(a)</sup>, of \_\_\_\_\_ of whom she, being duly sworn before the said \_\_\_\_\_ upon her oath stated <sup>(b)</sup> to be the father of the child with which she was then pregnant; and the said Justice thereupon issued his Summons to the said \_\_\_\_\_ to appear at a Petty Session to be holden on this day for this *district* <sup>(a)</sup> in which the said Justice usually acts, to answer her complaint touching the premises; and whereas the said \_\_\_\_\_ hath been lately delivered of a bastard child: and whereas the said \_\_\_\_\_ having been duly served with the said summons, and appearing in *pursuance thereof* <sup>(c)</sup>; and the said \_\_\_\_\_ having now applied to us, the Justices in Petty Session assembled, for an order upon the said \_\_\_\_\_ according to the form of the Act in such case made and provided: and it being now proved to us *in the presence and hearing of the said* <sup>(d)</sup> that the said child was on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord 18 \_\_\_\_\_, born a bastard of the body of the said \_\_\_\_\_; and we having, *in the presence and hearing of the said* <sup>(d)</sup> \_\_\_\_\_ heard the

<sup>(a)</sup> or City, Town, or other Place.

<sup>(b)</sup> or Affirmed.

<sup>(c)</sup> Insert here if the defendant do not appear, 'six days at least before this day, as is now proved before us,' or, 'the same has been left at his last place of abode six days at least before this day, as is now proved before us,' and erase the words in italics.

<sup>(d)</sup> Should the defendant not appear, erase the words in italics.

*Bastardy*

evidence of such woman and such other evidence as she hath produced, *and having also heard all the evidence tendered by* (c) *the said* and the evidence of the said the mother of the said child, having been corroborated in some material particular by other testimony to our satisfaction, Do hereby adjudge the said to be the putative father of the said bastard child; and having regard to all the circumstances of this case, we do now hereby order, That the said do pay unto the said the mother of the said bastard child, so long as she shall live and shall be of sound mind, and shall not be in any gaol or prison, or under sentence of transportation or penal servitude, or to the person who may be appointed to have the custody of such child under the provisions of the said Act, the sum of (being at the rate of (f) per week from the birth of the said child up to the making of this order) and the sum of (g) for the expenses incidental to the birth of such child, and the sum of (e) for the costs that have been incurred in the obtaining of this order, and from the date hereof until the said child shall attain the age of (h) years or shall die (except during such time as such child shall be a burden on the public funds or on some public or municipal body) the sum of (i) per week.

NOTE.—If the child is dead at the time of making the order, recite that circumstance, and calculate the first sum payable up to the date of the death, instead of up to the date of the order; and in lieu of the last weekly sum, order the payment of the sum of for the funeral expenses of the child.

(c) Should the defendant appear by attorney or counsel, it will be then only necessary to erase the word 'by' and add 'on behalf of;' but should he not appear himself, or by attorney or counsel, then erase the words in italics.

(f) Not to exceed five shillings.

(g) Discretionary with the Justices.

(h) Fourteen. But the Justices may make it sixteen.

## No. 8

FORM OF ORDER WHEN APPLICATION WAS MADE BY A WOMAN  
AFTER BIRTH

*Western Australia,* }  
*to wit.* }

At a Petty Session of Her Majesty's Justices of the Peace holden in and for the district (a) at on the day of in the year of our Lord 18 , before us the undersigned, Her Majesty's Justices of the Peace.

Whereas one a woman, residing at within this district (a) did, on the day of in the year of our Lord 18 , having been delivered of a bastard child within twelve calendar months prior thereto, make application to one of Her Majesty's Justices of the Peace acting for this district (a), for a Summons to be served upon one of whom she alleged to be the father of the said child (b); and the said Justice thereupon issued his Summons to the said to appear at a Petty Session to be holden on this day for this district (a) in which the said Justice usually acts, to answer her complaint touching the premises.

And whereas the said having been duly served with the said summons within forty days from this day (c) (d) and now appearing

(a) or City, Town, or other Place, as the case may be

(b) When the application is made after the expiration of twelve months from the birth, but the alleged father has paid money for the maintenance of the child, for the word 'within' substitute the words 'more than;' and after the word 'child' insert 'and who was proved before the said Justice to have paid money for the maintenance of the said child within twelve calendar months after its birth.'

(c) If the order be made at an adjourned session, insert the day of the commencement of the session, adding these words, 'from which day the hearing of this case hath been adjourned,' and erase the words 'this day.'

(d) If the defendant do not appear, insert here, 'and six days at least before this day, as is now proved before us,' or 'the same having been left at his last place of abode six days at least before this day, as is now proved before us,' and erase the words which follow in italics.

*Bastardy*

*in pursuance thereof* and the said having now applied to us the Justices in Petty Session assembled, for an order upon the said according to the form of the Act in such case made and provided; and it being now proved to us *in the presence and hearing of the said* (\*) that the said child was, within twelve calendar months from the date of her said application, born of the body of the said ; and we having, *in the presence and hearing of the said* (\*) heard the evidence of such woman and such other evidence as she hath produced, and *having also heard all the evidence tendered by* (†) *the said* and the evidence of the said the mother of the said child, having been corroborated in some material particular by other testimony to our satisfaction, do hereby adjudge the said to be the putative father of the said bastard child; and having regard to all the circumstances of this case, we do now hereby order, That the said do pay unto the said the mother of the said bastard child, so long as she shall live and shall be of sound mind, and shall not be in any gaol or prison, or under sentence of penal servitude or transportation, or to the person who may be appointed to have the custody of such bastard child under the provisions of the said Act, the sum of (being at the rate of (‡) per week from the birth of the said child up to the making of this order) and the sum of (‡) for the expenses incidental to the birth of such child, and the sum of (¶) for the costs that have been incurred in the obtaining of this order, and from the date hereof until the said child shall attain the age of (¶) years or shall die (except during such time as such child shall be a burden on the public funds or on some public or municipal body) the sum of (¶) per week.

NOTE.—If the child is dead at the time of making the order, recite that circumstance, and calculate the first sum as payable (if granted at all) up to the date of the death, instead of up to the making of the order; and in lieu of the last weekly sum order the payment of the sum of for the funeral expenses of the child.

(\*) Should the defendant not appear, erase the words in italics.

(†) Should the defendant appear by attorney or counsel, it will be then only necessary to erase the word 'by' and substitute 'on behalf of;' but should he not appear himself or by attorney or counsel, then erase the words in italics.

(‡) Not to exceed five shillings. But this sum can only be granted at all if the application has been made within two calendar months after the birth of the child.

(¶) Discretionary with the Justices.

(§) Fourteen. But the Justices may make it sixteen.

(||) Not to exceed five shillings.

## No. 9

COMMON FORM OF RECOGNIZANCE, WITH THE FOLLOWING  
CONDITIONS

Western Australia, }  
to wit. }

Whereas by an order under the hands and seals of assembled at a Petty Session of Her Majesty's Justices of the Peace holden in and for the district (\*) of , at on the day of 18 , the said was adjudged to be the putative father of a bastard child, of which one had been then lately delivered, and was ordered to pay to her certain sums of money therein set forth; and whereas the said hath given to the said notice of his intention to appeal against the said order to the Supreme Court. Now the condition of this recognizance is such, that if the above-named do appear at the Supreme Court to be held at Perth on the day of , 18 , and

(\*) or City, Town, or other Place.

*Bastardy*

then and there try such appeal, and pay such costs as he shall then and there be ordered to pay, then this recognizance to be void.

Taken and acknowledged this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, at \_\_\_\_\_ in the *district* (\*) of \_\_\_\_\_ before me the \_\_\_\_\_ undersigned, one of Her Majesty's Justices of the Peace.

(\*) or City, Town, or other Place.

No. 10

INFORMATION OF THE MOTHER ON DISOBEDIENCE TO THE ORDER

*Western Australia,* }  
to wit.

The information and complaint of \_\_\_\_\_, of \_\_\_\_\_, in the *district* (\*) of \_\_\_\_\_ a \_\_\_\_\_ woman, taken upon *oath* (b) before me \_\_\_\_\_, one of Her Majesty's Justices of the Peace the (c) \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_, who saith that by an order made under the authority of the Act intituled 'An Act to amend the Bastardy Laws,' at the Petty Session holden in the *district* (\*) of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, by Her Majesty's Justices of the Peace acting for the said *district* (\*) \_\_\_\_\_ then and there assembled \_\_\_\_\_ of \_\_\_\_\_ was adjudged to be the putative father of a bastard child, then lately born of her body, and that in and by the said order it was ordered that the said \_\_\_\_\_ should pay to her the said \_\_\_\_\_ so long as she should live or should be of sound mind, and should not be in any gaol or prison, or under sentence of transportation or penal servitude, or to the person who might be appointed to have the custody of such bastard child, under the provisions of this Act, *the sum of (here copy the order)*.

And this deponent further saith that the said \_\_\_\_\_ hath had due notice of the said order, and that the said bastard child is now living under the age of \_\_\_\_\_ years, and that the payments directed to be made by the said order have not been made according thereto by the said \_\_\_\_\_, and that there is now in arrear for the same the sum of \_\_\_\_\_ (*here set out the extent of the defaults*); and this informant therefore pray justice in the premises.

Exhibited and sworn before me, }  
the day and year first above }  
written, at \_\_\_\_\_ }

(a) or City, Town, or other Place. (b) or Affirmation.  
(c) *This must not be before the expiration of one calendar month from the order.*

No. 11

WARRANT OF APPREHENSION FOR DISOBEDIENCE OF ORDER

*Western Australia,* }  
to wit.

To the Constable of \_\_\_\_\_ and all other Peace Officers in the said Colony whom these may concern.

Whereas information and complaint have been made upon *oath* (a) before me, one of Her Majesty's Justices of the Peace, the \_\_\_\_\_ day \_\_\_\_\_ 18 \_\_\_\_\_, of \_\_\_\_\_ a \_\_\_\_\_ woman, that by an order made under the authority of the Act intituled 'An Act to amend the Bastardy Laws,' at the Petty Session holden in the *district* (b) of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, by Her Majesty's Justices of the Peace acting for the said *district* (b) \_\_\_\_\_ then and there assembled, \_\_\_\_\_ of \_\_\_\_\_ was adjudged to be the putative

(a) or Affirmation. (b) or City, Town, or other Place.

*Bastardy*

father of a bastard child, then lately born of her body, and that in and by the said order it was ordered that the said                    should pay to her the said                    so long as she should live or should be of sound mind, and should not be in any gaol or prison, or under sentence of transportation or penal servitude, or to such person who might be appointed to have the custody of such bastard child, under the provisions of the said Act, *the sum of*                    (*here copy the order*); and that the said                    had had due notice of the said order, and that the said bastard child is now living under the age of                    years, and that the payments directed to be made by the said order have not been made according thereto by the said                   , and that there is now in arrear for the same the sum of                    (*here set out the extent of defaults*).

These are therefore in Her Majesty's name to command you, the said Constable or other Officers of the Peace, or some or one of you, forthwith to apprehend the said                    and convey him before two of Her Majesty's Justices of the Peace to answer the premises, and be dealt with according to law.

Given under my hand and seal at                   , this                    day of  
18                   .

No. 12

WARRANT OF DISTRESS AGAINST THE PUTATIVE FATHER

*Western Australia,* }  
*to wit.* }

To the Constable of                    and to all other Peace Officers in the said Colony.

Whereas information and complaint were, on the                    day of                    18                   , made upon *oath* <sup>(\*)</sup> before                    one of Her Majesty's Justices of the Peace, by                    of the *district* <sup>(b)</sup> of                    a                    woman, that by an order made at the Petty Session holden in the *district* <sup>(b)</sup> of                    on the                    day of                    18                   , by Her Majesty's Justices of the Peace acting for the said *district* <sup>(b)</sup> then and there assembled                    of                   , was adjudged to be the putative father of a bastard child, then lately born of her body, and that in and by the said order it was ordered that the said                    should pay to her the said                    so long as she should live or should be of sound mind, and should not be in any gaol or prison, or under sentence of transportation or penal servitude, or to the person who might be appointed to have the custody of such bastard child, under the provisions of the said Act, *the sum of*                    (*here copy the order*); and that the said                    had had due notice of the said order, and that the said bastard child was then living under the age of                    years, and that the payments directed to be made by the said order had not been made according thereto by the said                   , and that there was then in arrear for the same the sum of                    (*here set out extent of defaults*).

And whereas the said Justice, by warrant under his hand and seal directed to the Constable of                    and all her Majesty's Officers of the Peace, commanded him or some or one of them forthwith to apprehend the said                    and to convey him before two of Her Majesty's Justices of the Peace, to answer the premises and be dealt with according to law. Whereupon the said                    being now brought before us, two of Her Majesty's Justices of the Peace, to show cause why the same should not be paid, hath not shown any cause why the same should not be paid; and the same duly appearing to us upon oath to be due from the said                    under the said order, together with the further sum of                    for the costs attending such warrant, apprehension, and bringing up of him, the said                    nevertheless *neglects* <sup>(c)</sup> to make payment of the said sums due under the said order and the said sums so due for such costs.

These are therefore to require you forthwith to make distress of the goods and chattels of the said                    and if within the space of                    days next after such distress by you taken the said sums, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you

(\*) or Affirmation.

(b) or City, Town, or other Place.

(c) or Refuses.

*Bastardy*

do sell the said goods and chattels so by you distrained, and out of the money arising by such sale thereof that you detain the said sums and also the reasonable charges of taking, keeping and selling the said distress, rendering the overplus (if any), on demand, unto the said \_\_\_\_\_, and if no sufficient distress can be found, that then you certify the same unto us, or unto <sup>(4)</sup> \_\_\_\_\_ two of Her Majesty's Justices of the Peace, to the end that such further proceedings may be had therein as to law doth appertain: and we further order you to make return to this warrant, on the \_\_\_\_\_ day of \_\_\_\_\_ next, unto us or such Justices as aforesaid.

*And whereas* <sup>(c)</sup> *the said \_\_\_\_\_ not having given sufficient security, by way of recognizance or otherwise, to our satisfaction, for his appearance on the return of this warrant, we do hereby further order you to detain the said \_\_\_\_\_ and keep him in safe custody until the said return can be conveniently made, and then bring him before us or such Justices as aforesaid.*

Given under our hands and seals, at \_\_\_\_\_ this \_\_\_\_\_ day  
of \_\_\_\_\_ 18 .

<sup>(4)</sup> *If the party give security for his appearance, insert the names of the Justices before whom he is to appear, but should he not find such security, insert the word 'any.'*

<sup>(c)</sup> *Should the party find security for his appearance on the return of the warrant, erase this paragraph.*

No. 13

FORM OF RECOGNIZANCE FOR APPEARANCE AT THE RETURN OF THE DISTRESS WARRANT

RECOGNIZANCE in the common form, subject to the following condition:—

*Western Australia, }  
to wit.*

Whereas the above-bounden \_\_\_\_\_ having been apprehended upon a warrant issued under the hand and seal of one of Her Majesty's Justices of the Peace, upon the information and complaint of \_\_\_\_\_ for disobedience to an order made in the Petty Session holden in the *district* <sup>(a)</sup> of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, by Her Majesty's Justices of the Peace then and there assembled, whereby he was adjudged to be the putative father of a bastard child, lately born of the body of the said \_\_\_\_\_ a \_\_\_\_\_ woman, and ordered to pay certain sums of money as therein set forth; and having been brought before \_\_\_\_\_ two of Her Majesty's Justices of the Peace by virtue of the said warrant, and having neglected <sup>(b)</sup> to make payment of the sums due from him under such order, together with the costs attending such warrant, apprehension, and bringing of him up before such Justices, they have, by warrant under their hands and seals, addressed to the Constable of \_\_\_\_\_ directed the sum so due, together with such costs, to be recovered by distress and sale of the goods and chattels of the said \_\_\_\_\_ and have made the said warrant returnable on the \_\_\_\_\_ day of \_\_\_\_\_ to them, or unto \_\_\_\_\_ two Justices of the Peace acting for the *district* <sup>(a)</sup> of \_\_\_\_\_

Now the condition of this recognizance is such, that if the above-bounden \_\_\_\_\_ do appear before the Justices unto whom the said warrant is made returnable on the day so appointed for the return thereof to abide the further proceedings thereon, then the same shall be of no effect, otherwise to remain in full force.

Taken and acknowledged the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_  
at \_\_\_\_\_ in the *district* <sup>(a)</sup> of \_\_\_\_\_ before me the  
undersigned, one of Her Majesty's Justices of the Peace.

<sup>(a)</sup> or City, Town, or other place.

<sup>(b)</sup> or Refused

*Bastardy*

No. 14

## WARRANT OF COMMITMENT

Western Australia, }  
to wit.

To the Constable of \_\_\_\_\_ and to the keeper of the common  
gaol <sup>(a)</sup> at \_\_\_\_\_

Whereas information and complaint were, on the \_\_\_\_\_ day of  
18\_\_\_\_, made upon oath <sup>(c)</sup> before \_\_\_\_\_ one of Her Majesty's Justices of  
the Peace, by \_\_\_\_\_ of the district <sup>(\*)</sup> of \_\_\_\_\_ a \_\_\_\_\_ woman,  
that by an order made at the Petty Sessions holden in the district <sup>(\*)</sup> of \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, by Her Majesty's  
Justices of the Peace acting for the said district <sup>(\*)</sup> then and there assembled,  
\_\_\_\_\_ of \_\_\_\_\_ was adjudged to be the putative father  
of a bastard child, then lately born of her body, and that in and by the said  
order it was ordered that the said \_\_\_\_\_ should pay to her the  
said \_\_\_\_\_ so long as she should live or should be of sound mind,  
and should not be in any gaol or prison, or under sentence of transportation or  
penal servitude, or to such person as might be appointed to have the custody of  
such bastard child, under the provisions of the said Act, *the sum of (here copy the  
order)* and that the said \_\_\_\_\_ had had due notice of the said order,  
and that the said bastard child was then living under the age of \_\_\_\_\_ years,  
and that the payments directed to be made by the said order had not been made  
according thereto by the said \_\_\_\_\_ and that there was then in arrear  
for the same the sum of *(here set out extent of defaults)*.

And whereas the said Justice by warrant under his hand and seal, directed to  
the Constable of \_\_\_\_\_ and all Her Majesty's Officers of the Peace,  
commanded him or some or one of them forthwith to apprehend the said  
and to convey him before two of Her Majesty's Justices of the Peace, to answer  
the premises and be dealt with according to law.

Whereupon the said \_\_\_\_\_ being now brought before us, two of  
Her Majesty's Justices of the Peace, to show cause why the same should not be  
paid, hath not shown any cause why the same should not be paid; and the same  
duly appearing upon oath <sup>(c)</sup> to be due from the said \_\_\_\_\_ under the  
said order, together with the further sum of \_\_\_\_\_ for the costs attending  
such warrant, apprehension, and bringing up of him, but the said \_\_\_\_\_  
nevertheless neglects <sup>(d)</sup> to make payment of the said sums due under the said  
order, and the said sums so due for such costs.

And whereas it appears to us, upon the admission of the said  
that no sufficient distress can be had upon his goods and chattels for the recovery  
of the said several sums.

These are therefore to command you, the said Constable of \_\_\_\_\_ to  
convey the said \_\_\_\_\_ to the said common gaol <sup>(b)</sup> at \_\_\_\_\_ and  
these are also to command you the said keeper of the common gaol <sup>(b)</sup> to receive  
the said \_\_\_\_\_ into the said common gaol <sup>(b)</sup> there to remain without  
bail or mainprize for the term of <sup>(e)</sup> \_\_\_\_\_ unless such sum and costs,  
together with <sup>(f)</sup> \_\_\_\_\_ the costs and charges attending the commitment  
and conveying of the said \_\_\_\_\_ to the said common gaol <sup>(b)</sup> and of the  
persons employed to convey him thither, be sooner paid and satisfied.

Given under our hands and seals, at \_\_\_\_\_ this \_\_\_\_\_ day of  
18\_\_\_\_.

<sup>(\*)</sup> or City, Town, or other Place. <sup>(b)</sup> or House of Correction. <sup>(c)</sup> or Affirmation.  
<sup>(d)</sup> or Refuses. <sup>(e)</sup> Not to exceed three calendar months.  
<sup>(f)</sup> The Justices should insert the amount of these costs and charges.



*Bastardy*

No. 15

## WARRANT OF COMMITMENT IN DEFAULT OF DISTRESS

Western Australia, }  
to wit. }

To the Constable of \_\_\_\_\_ and to all other Peace Officers in the said colony.

Whereas information and complaint were, on the \_\_\_\_\_ day of 18 \_\_\_\_\_, made upon oath (c) before \_\_\_\_\_ one of her Majesty's Justices of the Peace by \_\_\_\_\_ of the district (a) of \_\_\_\_\_ a woman, that by an order made at the Petty Session holden in the district (a) of \_\_\_\_\_ on the \_\_\_\_\_ day of 18 \_\_\_\_\_, by Her Majesty's Justices of the Peace acting for the said district (a) then and there assembled \_\_\_\_\_ of \_\_\_\_\_ was adjudged to be the putative father of a bastard child then lately born of her body, and that in and by the said order it was ordered that the said \_\_\_\_\_ should pay to her the said \_\_\_\_\_ so long as she should live and should be of sound mind, and should not be in any gaol or prison, or under sentence of transportation, or penal servitude, or to such person as might be appointed to have the custody of such bastard child under the provisions of the said Act, the sum of \_\_\_\_\_ (here copy the order). That the said \_\_\_\_\_ had due notice of the said order, and that the said bastard child was then living, under the age of \_\_\_\_\_ years, and that the payments directed to be made by the said order had not been made according thereto by the said \_\_\_\_\_ and there was then in arrear for the same the sum of \_\_\_\_\_ (here set out extent of defaults).

And whereas the said Justice, by warrant under his hand and seal, directed to the Constable of \_\_\_\_\_ and all Her Majesty's Officers of the Peace, commanded him or some or one of them forthwith to apprehend the said \_\_\_\_\_ and to convey him before two of Her Majesty's Justices of the Peace to answer the premises and be dealt with according to law.

Whereupon the said \_\_\_\_\_ being brought before two of Her Majesty's Justices of the Peace to show cause why the same should not be paid, did not show any cause why the same should not be paid; and the same duly appearing upon oath to be due from the said \_\_\_\_\_ under the said order, together with the further sum of \_\_\_\_\_ for the costs of attending such warrant, apprehension, and bringing up of him, but the said \_\_\_\_\_ neglecting (d) to make payment of the said sums due under the said order, and the said sums so due for such costs, the said Justices required the Constable in the said warrant mentioned forthwith to make distress of the goods and chattels of the said \_\_\_\_\_ and if no such distress could be found then to certify the same unto them, or unto \_\_\_\_\_ two of Her Majesty's Justices of the Peace, to the end that such further proceedings might be had therein as to law appertained.

And whereas it appears to us \_\_\_\_\_ two of Her Majesty's Justices of the Peace, by return of the said Constable dated the \_\_\_\_\_ day of \_\_\_\_\_ that he hath made diligent search, but doth not know of nor can find any goods and chattels of the said \_\_\_\_\_ by distress and sale whereof the said sums and costs can be recovered, pursuant to the said warrant; and that the costs incurred by the said Constable in attempting to make such distress are \_\_\_\_\_ shillings. And the said \_\_\_\_\_ is now before us (e)

These are therefore to command you the said Constable of \_\_\_\_\_ to convey the said \_\_\_\_\_ to the said common gaol (b), and these are also to command you the said keeper of the said common gaol (b) to receive the said \_\_\_\_\_ into the said common gaol (b), there to remain without bail or mainprize for the term of (f) \_\_\_\_\_ unless such sum and costs, and the aforesaid charges attending

(a) or City, Town, or other Place. (b) or House of Correction. (c) or Affirmation. (d) or Refusing.  
(e) Insert 'in custody of the said Constable'; or 'according to the exigency of a recognizance duly entered into by him on the \_\_\_\_\_ day of \_\_\_\_\_ last.'  
(f) Not to exceed three calendar months.

*Bastardy*

the attempt to make the said distress, together with the further sum of being the costs and charges attending the commitment and conveying of the said to the said *common gaol* <sup>(b)</sup>, and of the person employed to convey him thither, be sooner paid and satisfied.

Given under our hands and seals, at this day  
of in the year of our Lord 18 .

(b) or House of Correction.

No. 16

## APPOINTMENT OF GUARDIAN TO THE BASTARD CHILD

*Western Australia,* }  
to wit.

Whereas the Justices assembled at a Petty Session of Her Majesty's Justices of the Peace for the *district* <sup>(\*)</sup> of at on the day of 18 , by an order under their hands and seals, reciting that one a woman, residing at within the said *district* <sup>(\*)</sup> did, on the day of 18 , make application to one of Her Majesty's Justices of the Peace, for a summons to be served upon one and the said Justice thereupon issued his summons to the said to appear at a Petty Session to be holden on the day of 18 , for the said *district* <sup>(\*)</sup> to answer her complaint touching the premises : \*

And that the said having been duly served with the said summons, within forty days from the said day of and that the said having been applied to the said Justices in Petty Session assembled for an order upon the said according to the form of the Act in such case made and provided : And that it having been then proved to the said Justices that the said child was, on the day of 18 , born a bastard of the body of the said : And that the said Justices having heard the evidence of such woman, and such other evidence as she had produced, and the evidence of the said the mother of the said child having been corroborated in some material particular by other testimony to their satisfaction, did adjudge the said to be the putative father of the said child ; and having regard to all the circumstances of the case, did order that the said should pay unto the mother of the said bastard child, so long as she should live and be of sound mind, and be not in any gaol or prison, or under sentence of transportation, or penal servitude, or to the person who might be appointed to have the custody of such child, under the provisions of the said Act the sum of *(here copy the order)*.

And whereas the said *hath lately* <sup>(\*)</sup> and the said child is still alive, and under the age of

Now we two of Her Majesty's Justices of the Peace acting in and for the *district* <sup>(\*)</sup> of do hereby order and appoint one of in the *district* <sup>(\*)</sup> who has consented thereto, to have the custody of such bastard child so long as such bastard child shall not be a burden on the public funds or on any public or municipal body.

Given under our hands and seals, at in the *district* <sup>(\*)</sup>  
of this day of 18 .

<sup>(\*)</sup> or City, Town, or other Place.

\* This form must be completed, in regard to the recitals, by reference to the order of the Justices  
<sup>(\*)</sup> Died, or become of unsound mind, or is now in the Gaol or Prison of or is under sentence of transportation or penal servitude.

*Bastardy*

No. 17

CLERK'S ANNUAL RETURN

Name of Mother of Bastard applying	Date of issue of Summons	Date of Petty Sessions	Result of the Application	Name of the putative father in all cases in which Orders are made
			[Here state if the summons was never served, or if the alleged father absconded, or the complaint was abandoned or heard and the Order refused, or if made, the amount of the Order.]	

I certify the above list to be correct in all particulars.

(Signed) A.B., Clerk to the Justices.

No. 18

AFFIDAVIT OF SERVICE

I, A.B., one of the officers of the constabulary of Western Australia, stationed in the \_\_\_\_\_ District, make oath and say, that I did, on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, duly serve the defendant with a summons [or order], a true copy whereof is herewith annexed, marked A, by delivering the same personally to the defendant [or by leaving the same with \_\_\_\_\_ at the place of abode of the defendant].

[I endorse the copy summons (or order) thus \_\_\_\_\_ 'This paper, marked A, is the paper referred in the annexed affidavit.']

Sworn at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, before me.

J.B., Justice of the Peace.