

**CHAPTER 40.****BASTARDY.****RULES**

*made by the Governor in Council under section 18 on the 24th August, 1943, and amended on the 14th September, 1946.*

Rules 3 of  
1943.  
2 of 1946.

1. These rules may be cited as the Bastardy Rules.

2. Where subsequent to the making of an affiliation order a magistrate on the *ex parte* application of the mother or guardian of a bastard child directs that all payments becoming due under such order be made to the collecting officer, such officer shall send to the putative father by registered post notice of such direction.

3. Where an order is made under section 15 of the Bastardy Ordinance attaching any pension or income a copy of such order certified by the clerk of the court shall be sent by registered post to the person by whom such pension or income is payable and thereupon such person shall pay the amount ordered to the collecting officer; such payments to be made at such times as such pension or income shall be payable.

4. The collecting officer shall issue a receipt from a book of printed duplicate receipts to every person making any payment under the provisions of the Bastardy Ordinance and such receipt shall set out the name of the person by whom such payment shall be made, the amount paid, the date of such payment and the date upon which or the period in respect of which such payment became due.

5. When the collecting officer shall make payment direct to the mother or guardian of the bastard child he shall, at the time of making such payment, require the mother or guardian to sign a receipt for the amount so paid, in a book of receipts to be kept by the collecting officer.

6. (1) When the collecting officer shall make payment to the mother or guardian of the bastard child under the provisions of section 13 (5) of the Bastardy Ordinance he shall make out

Rules 2 of  
1946.

in triplicate in a book to be kept by him an order to the postmaster at the post office where payment is to be made specifying the amount to be paid to such person. The collecting officer shall then forward by registered post to such postmaster the original of such order and shall at the same time send the duplicate thereof by registered post to the person to whom payment is to be made.

Rules 2 of  
1946.

(2) On payment of an order in accordance with the provisions of section 13 (5) of the Bastardy Ordinance the postmaster shall account for it in the same manner as a Treasury payment under the head "Deposits Bastardy Ordinance". The postmaster shall retain the original order in support of the payment and post the duplicate on the same day to the collecting officer who shall attach it to the triplicate order to which it relates.

Rules 2 of  
1946.

(3) The collecting officer shall pay to the Financial Secretary all amounts collected under the Bastardy Ordinance in respect of which orders have been issued to postmasters and he shall account for such payments in the same manner as in the case of general revenue. A statement giving the number of each payment order, the post office to which it was sent, the name of each payee and the amount payable shall accompany every payment made to the Financial Secretary.

7. The collecting officer shall keep a cash book in which he shall enter forthwith all amounts received by him and all payments made by him under the provisions of the Bastardy Ordinance and shall balance the same upon the last day of each calendar month.

8. The collecting officer shall also keep a ledger in which he shall open an account in respect of each proceeding in which an order shall have been made for payment to him and he shall post to such ledger at the end of each day all payments which shall have been made to or by him, each such account to be headed in the name of the proceeding, that is to say, "versus \_\_\_\_\_", together with the date of the order and the expiration thereof.

9. Each entry in the cash book shall set out, in addition to amount received or paid, the name of the proceeding, the name of the person making or receiving payment and the folio of the ledger to which such payment shall have been posted; and each entry in the ledger shall set out the folio of the cash book from which such entry shall have been posted.

10. Where any payment to be made to the collecting officer shall be fourteen clear days in arrear the collecting officer shall make application forthwith to the magistrate for the issue of a warrant of distress under the provisions of section 14 (1) of the Bastardy Ordinance and it shall not be necessary that notice of such application be given to the person from whom such payment shall be in arrear.

11. Where an original order has been forwarded to a postmaster and has been unclaimed for a period of three months from the date of issue the postmaster shall endorse on it the fact that the order is unclaimed and shall return it to the collecting officer.

Rules 2 of  
1946.

12. (1) Where an unclaimed original order is returned to a collecting officer he shall record the fact that payment has not been claimed on the triplicate order relating thereto and shall thereupon make out a transfer voucher debiting "Deposits Bastardy Ordinance" and crediting "Unclaimed Deposits Bastardy Ordinance", attach the unclaimed original order thereto and forward it to the Financial Secretary.

Rules 2 of  
1946.

(2) Where any money paid to a collecting officer is in his possession and is unclaimed for a period of six months he shall forward it to the Financial Secretary accompanied by a transfer voucher, accounting as in sub-rule (1) of this rule.

Rules 2 of  
1946.

13. Where any unclaimed orders or moneys have been deposited with the Financial Secretary under the preceding rule and a claim for payment in respect thereof is subsequently made to the collecting officer he shall issue a voucher headed "Unclaimed Deposits Bastardy Ordinance" showing the applicant as payee. The particulars of the deposit shall be filled in on the face of the voucher and the magistrate shall certify the correctness of the refund by signing the voucher as "Head of Department":

Rules 2 of  
1946.

Provided that where any money deposited with the Financial Secretary remains unclaimed for more than two years from the date of deposit it may be refunded to the person from whom it was originally collected or paid into revenue if such person has since died or left the Colony or his whereabouts are unknown.

14. The forms set forth in the schedule hereto or forms to the like effect may be used in the matters to which they apply.

Schedule.

c. 14.

## SCHEDULE.

(As amended by rules No. 2 of 1946.)

1.

APPLICATION *EX PARTE* UNDER SECTION 13 OF THE  
BASTARDY ORDINANCE.

BRITISH GUIANA.

In the Magistrate's Court for the.....Judicial  
District.

The application of.....of.....  
who saith that by an affiliation order made at the Magistrate's Court holden  
at.....on the.....day of.....  
19....., one.....of.....was ad-  
judged to be the putative father of a bastard child named.....  
.....then lately born of the body of one.....  
and in and by the said order it was ordered that the said.....  
should pay to.....the sum of.....  
a week until such child shall attain the age of fourteen years;

And the said.....now prays that it may be  
ordered that all payments becoming due under such order be made to the  
Collecting Officer for the.....Judicial District from  
and after the.....day of.....19.....

(Signed).....

*Applicant.*

Exhibited before me this.....day of.....19.....

(Signed).....

*Magistrate.*

.....Judicial District.

2.

NOTICE TO FATHER OF ORDER TO PAY TO COLLECTING OFFICER.  
BRITISH GUIANA.In the Magistrate's Court for the.....Judicial  
District.

To.....of.....

Take notice that whereas by an Affiliation Order made at the Magistrate's  
Court holden at.....on the.....day of  
.....19....., you were adjudged to be the putative father of a  
bastard child named.....then lately born of the body  
of one.....of.....and in and by  
the said Order it was ordered that you should pay to.....  
of.....the sum of.....a week  
until such child shall attain the age of fourteen years;

Now upon application of the said.....it is  
ordered that all payments becoming due under such order be made to the  
Collecting Officer for the.....Judicial District from  
and after the.....day of.....19.....

Dated the.....day of.....19....., at.....

(Signed).....

*Collecting Officer.*

3.

COMPLAINT FOR ATTACHMENT OF PENSION OR INCOME.

BRITISH GUIANA.

In the Magistrate's Court for the.....Judicial District.

The complaint of.....of.....made and taken on oath before me the undersigned magistrate for the said Judicial District the.....day of.....19....., who saith that by an Affiliation Order made at the Magistrate's Court holden at.....on the.....day of.....19....., one.....of.....was adjudged to be the putative father of a bastard child then lately born of the body of.....of.....and that in the said Order it was ordered that the said.....should pay to the complainant the sum of.....a week until such child attains the age of fourteen years;

And the said complainant further saith that the said.....has without reasonable cause made default under the said Order and that there is now due thereunder the sum of.....being the amount of arrears for.....weeks payments;

And the complainant further saith that there is payable to the said.....a certain pension (income) capable of being attached namely (a).....

And the complainant therefore prays that an Order be made that the sum of (b).....or such part thereof as the Court may order may each week be attached out of the said pension (income) and paid to the Collecting Officer for the said Judicial District.

Taken and sworn to before me this.....day of.....19....., at.....in the.....Judicial District.

(Signed).....Magistrate.

- (a) Set out particulars of pension or income.
(b) Insert amount of weekly sum payable under Affiliation Order.

4.

SUMMONS TO ATTACH PENSION OR INCOME.

BRITISH GUIANA.

In the Magistrate's Court for the.....Judicial District.

To.....of.....

Whereas complaint has been made upon oath before me on the.....day of.....19....., that by an Affiliation Order made at the Magistrate's Court for the.....Judicial District holden at.....on the.....day of.....19....., you were adjudged to be the putative father of a bastard child named.....then lately born of the body of one.....of.....

and that in and by the said Order it was ordered that you should pay to  
 .....of.....the sum of.....  
 .....a week until such child attains the age of fourteen years and that  
 you have without reasonable cause made default under the said Order and  
 there is now due thereunder the sum of.....being the amount of  
 arrears of.....weeks payments and that there is payable to you  
 a certain pension (income) capable of being attached, namely, .....

These are therefore to require you to be and appear on the.....  
 day of.....19..., at.....o'clock in the forenoon in the  
 Court House at.....to show cause why an Order should  
 not be made that the sum of.....or such part thereof as  
 the Court may order may each week be attached out of the said pension  
 (income) and paid to the Collecting Officer for the.....  
 Judicial District.

Given under my hand this.....day of.....  
 19..., at.....in the.....Judicial District.

(Signed).....  
 Magistrate.

5.

ORDER TO ATTACH PENSION OR INCOME.

BRITISH GUIANA.

In the Magistrate's Court for the.....Judicial  
 District.

Whereas complaint has been made by.....of  
 .....that by an Affiliation Order made at the.....  
 Magistrate's Court holden at.....on  
 the.....day of.....19..., one.....  
 of.....was adjudged to be the putative  
 father of a bastard child named.....then lately born  
 of the body of.....and that in and by the said Order  
 it was ordered that the said.....should pay to.....  
 the sum of.....a week until such child  
 attains the age of fourteen years, and that the said.....  
 has without reasonable cause made default under the said Order and there  
 is now due thereunder the sum of.....being the amount of  
 arrears for.....weeks payments and that there is payable to  
 the said.....a certain pension (income) capable of being  
 attached, namely.....

After giving the said.....an opportunity of being  
 heard it is adjudged that the said complaint is true and it is ordered that the  
 sum of.....each week be attached out of the said pension  
 (income) and paid to the Collecting Officer for the.....  
 Judicial District.

Dated this.....day of.....19....

(Signed).....  
 Magistrate.

6.

FORM OF RECEIPT TO BE GIVEN BY COLLECTING OFFICER.

No.....

In the Magistrate's Court for the.....Judicial District.

.....v.....

Received from.....this.....day of.....19...., the sum of.....being amount due under an Affiliation Order in the above matter in respect of.....weeks payments ending.....day of.....19....

(Signed).....

Collecting Officer.

.....Judicial District.

7.

FORM OF RECEIPT TO BE GIVEN TO THE COLLECTING OFFICER.

No.....

In the Magistrate's Court for the.....Judicial District.

.....v.....

Received this.....day of.....19...., from the Collecting Officer for the.....Judicial District the sum of.....being amount due under an Affiliation Order in the above matter in respect of.....weeks payments ending.....day of.....19....

8.

FORM OF ORDER FOR PAYMENT BY POSTMASTER (To be made out in triplicate).

No.....

In the Magistrate's Court for the.....Judicial District.

.....v.....

To the Postmaster at.....

Pay to.....the sum of.....being amount due under Affiliation Order in the above matter in respect of.....weeks payments ending.....day of.....19....

\$.....

(Signed).....

Collecting Officer.

.....Judicial District.

Received payment of the above sum this.....day of.....19....

(Signed).....

9.

APPLICATION FOR WARRANT OF DISTRESS.

BRITISH GUIANA.

In the Magistrate's Court for the.....Judicial District.

Whereas by an Affiliation Order, made at the Magistrate's Court of the.....Judicial District, holden at..... on the.....day of.....19...., one.....of.....was adjudged to be the putative father of a bastard child named.....then lately born of the body of one.....of.....and in and by the said Order it was ordered that the said.....should pay to the Collecting Officer for the said Judicial District the sum of.....a week until such child attains the age of fourteen years.

And whereas the said.....has made default under the said Order and there is now due thereunder the sum of.....being the amount of arrears for.....weeks payments ending.....day of.....19....

I, ....., Collecting Officer for the said Judicial District, do hereby pray that a warrant may issue directing that the said sum of.....due under such order together with the costs attending such warrant be recovered by distress and sale of the goods and chattels of the said.....

Dated the.....day of.....19....

(Signed).....

Collecting Officer.

.....Judicial Officer.

10.

WARRANT OF DISTRESS ON APPLICATION OF COLLECTING OFFICER.

BRITISH GUIANA.

In the Magistrate's Court for the.....Judicial District.

To.....Police (or.....) Constable.

Whereas by an Affiliation Order made at the Magistrate's Court for the.....Judicial District holden at..... on the.....day of.....19...., one.....of.....was adjudged to be the putative father of a bastard child named.....then lately born of the body of one.....of.....and in and by the said Order it was ordered that the said.....shall pay to the Collecting Officer for the said Judicial District the sum of.....a week until such child attains the age of fourteen years.



And whereas the said.....has made default under the said Order and there is due thereunder the sum of.....being the amount of arrears for.....weeks payments ending.....day of.....19....;

And whereas the said Collecting Officer has applied that a warrant may issue directing that the said last-mentioned sum together with the costs attending such warrant be recovered by distress and sale of the goods and chattels of the said.....

This is to command you forthwith to make distress of the goods and chattels of the said.....and if within the space of five days after the making of such distress the said sum of.....together with the reasonable charges of taking and keeping the said distress shall not be paid then that you do sell the said goods and chattels so by you distrained and do pay the money arising from such sale unto the said Collecting Officer that he may pay and apply the same as by law directed and may render the surplus, if any, on demand to the said.....

Given under my hand at.....in the.....Judicial District this.....day of.....19.....

(Signed).....Magistrate.

11.

WARRANT OF ARREST WHERE NO SUFFICIENT DISTRESS.

BRITISH GUIANA.

In the Magistrate's Court for the.....Judicial District.

To.....Police (or.....) Constable.

Whereas by an Affiliation Order made at the Magistrate's Court for the.....Judicial District holden at.....on the.....day of.....19...., one.....of.....was adjudged to be the putative father of a bastard child named.....then lately born of the body of.....of.....and in and by the said Order it was ordered that the said.....should pay to the Collecting Officer of the said Judicial District the sum of.....a week until such child attains the age of fourteen years;

And whereas the said.....has made default under the said Order and there is due thereunder the sum of.....being the amount of arrears for.....weeks payments ending.....day of.....19....;

And whereas on the.....day of.....19...., a warrant was issued to.....commanding him to levy the said sum of.....by distress and sale of the goods and chattels of the said.....and it appears by the return to the said warrant of distress that diligent search has been made for the goods and chattels of the said.....but that no sufficient distress whereon to levy the said sum could be found;

This is therefore to command you forthwith to apprehend the said ..... and bring him before the said Magistrate's Court to be holden at.....to answer the premises, unless the sum above mentioned together with all costs be sooner paid.

Given under my hand at.....in the.....Judicial District this.....day of.....19.....

(Signed).....Magistrate.

12.

WARRANT OF COMMITMENT AFTER APPREHENSION.

BRITISH GUIANA.

In the Magistrate's Court for the.....Judicial District.

To.....Police (or.....) Constable and to the Keeper of.....Prison;

Whereas by an Affiliation Order made at the Magistrate's Court holden at.....on the.....day of.....19....., one.....of.....was adjudged to be the putative father of a bastard child named.....then lately born of the body of one.....of.....and in and by the said Order it was ordered that the said.....should pay to the Collecting Officer for the said Judicial District the sum of.....a week until such child attains the age of fourteen years;

And whereas the said.....has made default under the said Order and there is due thereunder the sum of.....and it appearing by the return to a Warrant of Distress that no sufficient distress whereon to levy the said sum and the costs attending such warrant could be found and the said.....having been brought before the said Magistrate's Court holden at.....on the.....day of.....19....., has neglected (refused) without reasonable cause to make payment of the said sum so due together with such costs;

This is to command you the said constable to take the said.....and him safely to convey to the.....Prison, and there deliver him to the Keeper thereof together with this warrant;

And I do hereby command you the said Keeper to receive him the said.....there to be imprisoned for the space of.....from the date hereof unless the sum above mentioned together with all costs and charges shall be sooner paid;

And for so doing this shall be your sufficient warrant.

Given under my hand at.....in the.....Judicial District this.....day of.....19.....

(Signed).....Magistrate.