CHAPTER 93.

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CHAPTER 93.

ESSEQUIBO BOYS' SCHOOL.

1929 Ed. c. 193.

3 of 1944. [22ND MAY, 1907.] 16 of 1952.

- 1. This Ordinance may be cited as the Essequibo Boys' Short title. School Ordinance.
 - 2. In this Ordinance, unless the context otherwise requires, Interpreta-"the school" means the Essequibo Boys' school established under the provisions of this Ordinance;

"the headmaster" means the headmaster of the school.

THE ESSEQUIBO BOYS' SCHOOL.

- 3. The school established in the county of Essequibo shall Constitution. be called "The Essequibo Boys' School" and shall be maintained for the proper instruction and training of vagrant boys and of youthful male offenders, who shall, as far as practicable, be there employed in agricultural pursuits.
- 4. The Governor, on behalf of Her Majesty, may appoint Headmaster. some fit person to be headmaster of the school, who shall hold office during pleasure.
- 5. The Governor may appoint the officers, masters, matrons, officers, and servants he considers necessary for the school, and those masters and servants. officers, masters, matrons, and servants shall hold office during the Governor's pleasure.

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Salaries of superior officers.

6. The salaries of the headmaster, officers, masters, and matrons of the school shall be those from time to time provided for that purpose by the Legislative Council.

Wages and expenses of maintenance.

7. The wages of the servants and all other charges and expenses incurred in the due maintenance of the school shall be paid from and out of moneys from time to time provided for that purpose by the Legislative Council.

Appointment and duties of official visitors.

- 8. (1) The Governor may appoint any person or persons to be official visitor or official visitors of the school.
- (2) The school shall at all times be open to the inspection of any member of the Legislative Council.

Regulations.

- 9. (1) The Governor in Council may make regulations—
- (a) for determining the duties of the several persons mentioned in sections 4 and 5 of this Ordinance and of the official visitor or visitors;
 - (b) for the proper classification of the inmates;
- (c) for the training, education, and moral and religious instruction, for the employment in agricultural pursuits, and for the apprenticeship, of the boys sent to the school; and
- (d) generally, for maintaining proper discipline in, and for the proper conduct and management of, the school.
- (2) The Governor in Council may make regulations for the establishment of the mark system at the school, and for rewarding, by means of good conduct badges, prizes and small money payments, those boys who earn the requisite number of marks, and for the punishment by means of withdrawal of privileges or by requiring the performance of additional work, of those boys who through misconduct obtain bad marks.

Annual report.

10. The headmaster shall, in the month of April in each year, prepare a full report of the working of the school during the previous year, to be laid before the Legislative Council.

SENDING OF BOYS TO THE SCHOOL.

Boys sentenced to imprisonment or penal servitude. 16 of 1952, s. 2. 11. (1) Where a boy apparently under the age of sixteen years has been sentenced to imprisonment or penal servitude and has been pardoned by the Governor on condition of his going to the school, the Governor may direct him to be sent to the school for a period of not less than two years and not more than three years:

Provided that a boy directed to be sent to the school before he has attained the age of thirteen years shall be detained until he has attained the age of sixteen years.

(2) A boy sent to the school under subsection (1) of this 16 of 1952, section shall be deemed to be subject to all of the provisions s. 2. of this Ordinance as if he had been originally ordered to be detained in the school.

- 12. (1) Anyone may bring before a magistrate any boy Boys under apparently under the age of sixteen years who comes within be sent to any of the following descriptions, namely,
 - the school.
 - (a) who is found begging, or receiving alms (whether actually or under the pretext of selling or offering for sale anything), or who is in any street or public place for the purpose of so begging or receiving alms; or
 - (b) who is found wandering and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence; or
 - (c) who, either being an orphan or having a surviving parent who is undergoing imprisonment or penal servitude, is found destitute; or
 - (d) who frequents the company of reputed thieves.
- (2) The magistrate before whom a boy is brought as coming within one of those descriptions, if on inquiry he is satisfied of that fact and that it is expedient to deal with the boy under this Ordinance, may order him to be sent to the school:

Provided that in case of a first offence, if the parent or guardian of the boy appears before the magistrate, and claims the boy, he shall be delivered up to the parent or guardian, on the parent or guardian undertaking in writing to be responsible for his good behaviour.

13. Where a boy apparently under the age of sixteen years is Boys under charged before a magistrate with an offence punishable by the 16 charged magistrate on summary conviction and he ought in the opinion offences may of the magistrate (having regard to his age and to the circum- be sent to the school. stances of the case) to be sent to the school the magistrate may 3 of 1944, order him to be sent to the school.

with certain

14. Where the parent, or step-parent, or guardian, of a Refractory boy apparently under the age of sixteen years represents to a magistrate that he is unable to control the boy, and that he may be desires that the boy be sent to the school under this Ordinance, sent to school. or where any boy apparently under the age of sixteen years

is now by law liable to be ordered to be detained in an industrial school, the magistrate, if on inquiry he is satisfied that it is expedient to deal with the boy under this Ordinance, may order him to be sent to the school.

Form of order of detention. Schedule. form 1.

15. The order of a magistrate sending a boy to the school (in this Ordinance referred to as the order of detention) shall be in writing, and shall specify the time for which the boy is to be detained in the school, being that time which to the magistrate seems proper for his teaching and training.

Effect of order. 3 of 1944. s. 3.

16. The order of detention shall be sent to the headmaster with the boy and shall be sufficient warrant for the conveyance of the boy thither and his detention in the school.

Evidence of order.

17. An instrument purporting to be an order of detention in the school and to be signed by a magistrate, or purporting to be a copy of that order and to be certified so to be by the clerk to the magistrate by whom the order was made, shall be evidence of the order.

Sending youthful offenders to the school. 16 of 1952, s. 3.

18. Where any offender who, in the judgment of the court, is under the age of sixteen years is convicted of an offence punishable with imprisonment or penal servitude before the Supreme Court in its criminal jurisdiction, the Court, instead of awarding a sentence of imprisonment or penal servitude, may order him to be sent to the school, and to be there detained for a period of not less than two years and not more than three years:

Provided that a boy ordered to be sent to the school before he has attained the age of thirteen years shall be detained until he has attained the age of sixteen years.

Removal of youthful offender to the school.

19. The keeper of every prison having in his custody any youthful offender ordered to be sent to the school shall deliver the offender into the custody of the headmaster, together with the warrant or other document in pursuance of which the offender is sent to the school.

Authority for detaining youthful offender.

20. The possession of the warrant or other document in pursuance of which a youthful offender is sent to the school shall be sufficient authority for his detention in the school.

Saving of powers under other Ordinances.

21. Nothing in this Ordinance shall be construed so as to interfere in any way whatsoever with any power contained in any other Ordinance empowering the Supreme Court in its

criminal jurisdiction or any magistrate to send any child convicted of any offence to an industrial school or reformatory or other similar institution.

GOVERNMENT AND DISCIPLINE OF THE SCHOOL.

22. Any boy detained in the school who wilfully refuses or Refusal of neglects to conform to the regulations thereof, may, for every offence, be ordered by the headmaster to be whipped with a birch, or tamarind rod, or suitable cane, the punishment not to exceed twelve strokes, or to be kept in solitary confinement for any period not exceeding five days the Governor in Council by regulation determines, the period of confinement not to be computed as part of the boy's time of detention, but the order shall not be carried out unless approved by the Governor, who may alter, vary, or annul the headmaster's order:

boy in the school to conform to regulations.

Provided that-

- (a) for maintaining discipline during school hours the schoolmaster, with the approval of the headmaster, may inflict not more than six strokes with a cane or slender rod; and
- (b) any boy ordered by the headmaster to be punished may be kept separate from the other boys until the Governor's pleasure in the matter is communicated to the headmaster.
- 23. Any boy ordered to be detained in the school who escapes Escape of therefrom at any time before the expiration of his period of school. detention, may be apprehended without warrant, and, if the headmaster thinks fit, may be then brought before a magistrate, and he shall thereupon be liable, on summary conviction before the magistrate, to be imprisoned, with or without hard labour, for any term not exceeding three months, and with or without whipping; and, at the expiration of the term of his imprisonment, he shall be brought back to the school, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his escaping.

24. Everyone who—

- (a) knowingly assists, either directly or indirectly, any from the boy detained in the school to escape from the school; or
- (b) directly or indirectly induces the boy to escape from him after the school; or
- (c) knowingly harbours, conceals, or prevents from returning to the school, any boy who has escaped from the school,

Assisting boy to escape school or harbouring escape.

shall be guilty of an offence and on conviction thereof before a magistrate shall be liable to a penalty not exceeding ninetysix dollars, or, at the discretion of the magistrate, to imprisonment, with or without hard labour, for any term not exceeding four months.

Grant Of ligence to boy to live out of school.

- 25. (1) The headmaster may, with the approval of the Governor, at any time after the expiration of eighteen months of the period of detention allotted to a boy, by licence under his hand, permit him to live with any trustworthy and respectable person named in the licence and willing to receive, teach, train, and take charge of him.
- (2) A licence so granted shall not be in force for more than six months, but may, at any time before the expiration of those six months, be renewed for a further period, not exceeding six months, to commence from the previous period of six months, and so from time to time until the period of detention of the boy has expired.
- (3) A licence so granted may also be revoked at any time by the headmaster, by writing under his hand, with the approval of the Governor, and thereupon the boy to whom the licence related may be required by him, by writing under his hand, to return to the school.
- (4) The time during which a boy is absent from the school in pursuance of a licence shall, except where the licence has been forfeited by his misconduct, be deemed to be part of the time of his detention in the school, and, at the expiration of the time allowed by the licence, he shall be taken back to the school.
- (5) Any boy who escapes from the person with whom he is placed under a licence, or refuses to return to the school on the revocation of his licence or at the expiration of the time allowed thereby, shall be deemed to have escaped from the school, and shall be liable to the same punishment.

Power to apprentice boy in the school.

26. The headmaster, subject to the regulations from time to time approved by the Governor in Council, may, with the consent of the boy concerned, bind any boy ordered to be detained in the school apprentice to any trade, calling, or service until he shall complete the age of eighteen years, notwithstanding that his period of detention has not expired; and the binding shall be valid and effectual to all intents and purposes.

27. The headmaster, at any time after the expiration of Apprentice-eighteen months of the period of detention allotted to a boy, out of the with the approval of the Governor and with the consent of the Colony. boy and with or without the consent of his parent, by indenture under hand and seal, may bind the boy to perform the work, labour, or service for the person, either in the sea merchant service on a British ship, or in a British colony or possession, on the terms and subject to the conditions respectively named and specified in the indenture, for any period not exceeding three years determinable as hereinafter in this Ordinance mentioned.

28. Every indenture entered into under this Ordinance Provisions shall, after approval of its terms by the Governor, be executed indenture by the headmaster, by the boy to whom it relates, and by the shall owner of the ship or his agent or the person whom the boy agrees to serve, as the case may be; and shall contain provisions to the following effect, namely,-

- (a) a provision binding the boy to do and render the work, labour and services of the nature and extent therein described:
- (b) a provision binding his employer to pay him the rate of remuneration or wages therein specified, and also to supply him, free of charge, with food, lodging and clothing, and with medical aid and medicine whenever necessary;
- (c) an agreement (except in the case of an indenture of apprenticeship to the sea service) that (so far as the object can be effected by agreement between the parties) the indenture shall be enforceable and proceedings may be taken in respect of any breach thereof in the magisterial or petty debt courts of the district of the Colony to which the boy is going:

Provided that the court to which any complaint is made by either party to the indenture may, in lieu of enforcing it, terminate the contract on any terms it thinks best;

(d) a provision binding the employer to furnish the headmaster with any information as to the condition of the boy which may be asked for by the headmaster in person or by letter, and to permit the headmaster and also, in the case of a ship, the Harbour Master of Georgetown, or any person authorised in writing by them, to visit the boy at any time during the day on giving the employer twenty-four hours previous notice of the intended visit, or, in the case of a ship, at any time without previous notice;

(e) a statement of the duration of the contract,

Period passed under indenture cleemed part of term of detention at school. 29. The time during which a boy is absent from the school under an indenture made under this Ordinance, shall (except where that indenture has been terminated owing to his misconduct) be deemed to be part of the time of his detention in the school, and at the expiration of the time for which the indenture is made he shall, if his term of detention has not expired, be taken back to the school:

Provided that no boy shall be detained beyond the age of eighteen years.

Punishment of boys under indenture found in the Colony before the end of term. 30. If any boy indentured under section 27 hereof is found in this Colony without lawful excuse before the expiration of the term of his indenture he shall be deemed to have escaped from the school and be liable to the same penalty as if he had so escaped.

Expenses of outfit under this Ordinance.

31. All sums needed for the outfit of any boys emigrating under this Ordinance shall be furnished out of the sums voted on the annual estimates for the upkeep of the school.

Evidence as to reception in the school. 32. A certificate, purporting to be signed by the headmaster, to the effect that the boy therein named was duly received into and is, at the signing thereof, detained in the school, or has been duly discharged or removed therefrom, or otherwise dealt with according to law, shall be evidence of the matters therein stated.

MAINTENANCE OF BOYS IN THE SCHOOL.

Liability to contribute to maintenance of boys at the school.

33. When a boy is detained in the school, the father of the boy (and whether the boy is a legitimate or illegitimate son) shall, if able to do so, contribute to the maintenance and training of the boy in the school a sum not exceeding one dollar a week; and where the father of the boy is not able to do so, or where the father is able to pay a part only of that sum, then the mother, the guardian, every person bound by law to contribute to the support of the boy, and every male person cohabiting with the mother of the boy, shall, if able to do so, be bound singuli in solidum to contribute that sum to the maintenance of the boy in the school, or the part thereof which the father cannot pay.

Mode of enforcing liability. Schedule, form 2; form 3; form 4, 34. (1) On the complaint of a superintendent of police, or of the headmaster, or of a police officer or constable authorised thereto by the headmaster, at any time during the detention of a boy in the school, a magistrate, on summons to anyone liable under the last preceding section to contribute to the

maintenance of the boy in the school, may examine into that person's ability to maintain the boy, and may if he thinks fit to make an order on the person for the payment to the headmaster or his agent of such weekly sum, not exceeding one dollar a week, as to him seems reasonable, during the whole or any part of the time for which the boy is liable to be detained in the school.

- (2) Where complaint is made against anyone other than the father of the boy, the burden of proving that the father is able to contribute to the maintenance of the boy shall be on that person.
- (3) Where two or more persons are liable to contribute to the maintenance of the boy, the magistrate may summon all or any of them before him, and either at the same time or at different times, and may order that each shall be liable for the payment of the whole sum ordered to be paid or for any portion thereof the magistrate directs.
- (4) Where the order directs more than one person to pay any amount, the order shall be deemed to be a separate order against each, but where the magistrate orders that each person shall be liable to pay the whole amount named, the one paying shall be entitled to contribution from the others named in the
- (5) In every proceeding under this section, the magistrate shall have full power, for the purposes of this Ordinance, to inquire into and determine whether the person proceeded against is liable to contribute to the maintenance in the school of the boy to whom the proceeding has relation.
- (6) The order shall specify the time during which the payment Terms and is to be made, or may direct the payment to be made until entorcement further order; and the order may be enforced by any magistrate maintenance. in a summary manner by distress, and, in default of sufficient Schedule, distress, by imprisonment, with or without hard labour, for form 6. any term not exceeding three months.

(7) The payment shall go in relief of the charges on the Appropria-Colonial Treasury in respect of the school, and shall be accounted payment. for by the headmaster and paid over to the Financial Secretary within seven days after the expiration of every month.

- (8) The Governor may in his discretion remit, either wholly Power to or partially, any payment so ordered.
- (9) A magistrate may from time to time vary an order of Variation payment, on the application either of the person on whom the payment.

payment.

order was made or of the headmaster of the school, as the case may be, or his agent, on fourteen days' notice being given to the headmaster or that person respectively.

DISCHARGE OF BOYS.

Discharge of boy. 16 of 1952, s. 4.

- 35. (1) No boy ordered to be sent to the school after attaining the age of thirteen years, who has, to the knowledge of the headmaster, attained the age of eighteen years, shall be detained in the school.
- (2) No boy ordered to be sent to the school before the age of thirteen years who has, to the knowledge of the headmaster, attained the age of sixteen years, shall be detained in the school.

Rower of the Governor to order discharge of boy. 36. The Governor may at any time order any boy to be discharged from the school, either absolutely or on any conditions the Governor approves, and the boy shall be discharged accordingly.

MISCELLANEOUS PROVISIONS.

Use of forms.

37. No summons, notice, or order made for the purpose of carrying into effect the provisions of this Ordinance shall be invalidated for want of form only; and the forms contained in the schedule hereto, or forms to the like effect, may be used in the matters to which they refer, with such variations as circumstances require, and, when used, shall be deemed sufficient.

Service of notice.

Schedule.

38. Service of notice may be made on the headmaster by delivery of the notice to him personally or by being sent by post in a letter addressed to him.

Evidence as to boy being detained in the school. 39. The production of the warrant or other document in pursuance of which a boy is directed to be sent to the school, with a statement endorsed thereon or annexed thereto, purporting to be signed by the headmaster, that the boy mentioned therein is, at the date of the signing thereof detained in the school, or has been otherwise dealt with according to law, shall be, in all proceedings relating to that boy, evidence of the identity of, and of the due making of the order and subsequent detention of, the person named in the warrant or other document.

Whipping.

40. Whenever whipping is awarded under this Ordinance by a magistrate, he shall specify in the conviction the number of strokes, not exceeding twelve.

41. The Ordinances for the time being in force regulating Procedure procedure before magistrates in the exercise of their summary jurisdiction and appeals from the decisions of magistrates shall apply to all offences, payments, and orders in respect of which jurisdiction is given to a magistrate by this Ordinance, or which are by this Ordinance directed to be prosecuted, enforced, or made in a summary manner:

Provided that no order of detention made under section 15 of this Ordinance shall be subject to appeal.

SCHEDULE.

FORMS.

.1.

s. 15.

Order sending Child to the Essequibo Boys' School.

BRITISH GUIANA.

DISTRICT.

Be it remembered that on the day of in pursuance of the Essequibo Boys' School Ordinance, I, the undersigned magistrate of the district, do order that A.B., being a boy apparently of the age of years, and subject to the provisions of the said Ordinance, be sent to the Essequibo Boys' school, and that he be detained there until the day of

Magistrate.

2.

Complaint for enforcing Contributions for Maintenance from Parent, etc. BRITISH GUIANA.

s. 34.

DISTRICT.

The complaint of the headmaster of the Essequibo Boys' school [or, as the case may be], made to me, the undersigned magistrate for the district, this day of who says that one A.B., of the age of years or thereabouts, is now detained in the said school under the Essequibo Boys' School Ordinance, and has been duly ordered and directed to be detained therein until the 19 , and that one C.D., dwelling at day of in the county of is a person liable to contribute to the maintenance of the said A.B., and is of sufficient ability to contribute to the support and maintenance of the said A.B.; and the said complainant therefore prays that the said C.D. may be summoned to show cause why an order should not be made on him so to contribute.

Exhibited before me.

Magistrate.

s. 34.

3.

Summons to Parent, etc.

BRITISH GUIANA.

DISTRICT.

To C.D., of

Whereas complaint has this day been made before me, the undersigned magistrate for the district, for that you [here state shortly the matter of complaint]:—This is, therefore, to command you to be and appear on day, the day of 19, at o'clock in the noon at before the magistrate who may then be there, to answer the said complaint, and to be further dealt with according to law.

Dated this

day of

Be it remembered that on this

19

Magistrate.

19

s. 34.

4.

Order on Parent, etc., to contribute a Weekly Sum for Maintenance.
British Guiana.

DISTRICT.

day of

a certain complaint of the headmaster of the Essequibo Boys' school [or as the case may be] for that one A.B., of the age years or thereabouts, is now detained in the said school under the Essequibo Boys' School Ordinance, and has been duly ordered and directed to be detained therein until the day of , and that one C.D., dwelling at is a person liable to contribute to the county of maintenance of the said A.B., and is of sufficient ability to contribute to the support and maintenance of the said A.B., was duly heard by and before me, the undersigned magistrate for the district, in the presence and hearing of the said C.D.; [or the said C.D. not appearing to the summons duly issued and served in this behalf] and I, having duly examined into the ability of the said C.D., and on consideration of all the circumstances of the case, do order the said C.D., to pay to the said headmaster [or to an per week from the agent of the said headmaster], the sum of date of this order, until the day of the same to be paid at the expiration of each fourteen days [or as the case may be].

Dated this

day of

19

Magistrate.

Note.—Where an order is made on several persons, this form must be varied to suit the circumstances.

5.

s. 34.

Warrant of Distress for Amount of Contribution for Maintenance in arrear. British Guiana.

DISTRICT.

To all Members of the Police Force and Constables.

Whereas on the hearing of a complaint made by the headmaster of the Essequibo Boys' school [or as the case may be] that A.B., of the age of years or thereabouts, is now detained in the said school under the Essequibo Boys' School Ordinance, and has been duly ordered and directed to be detained therein until the day of and that one C.D., dwelling in the parish of is a person liable to contribute to the the county of maintenance of the said A.B., and is of sufficient ability to contribute to the support and maintenance of the said A.B., an order was made on the day of magistrate for 19 district, against the said C.D., to pay to the said headmaster [or as the case may be] the sum of per week from the date of the said order, until the day of the same to be paid at the expiration of each fourteen days [or as the case may be]; And whereas there is due upon the said order the sum of being for [three] periods of [fourteen] days each, and default has been made therein for the space of fourteen days: -This is, therefore, to command you and every of you forthwith to make distress of the goods and chattels of the said C.D., and if, within the space of [five] days next after the making of that distress, the said last-mentioned sum, together with the reasonable charges of taking and keeping the said distress, is not paid, then that you do sell the goods and chattels so by you distrained, and do pay the money arising from the sale to my clerk that he may pay and apply the same as by law directed, and may render the overplus, if any, on demand to the said C.D.; and if no such distress can be found, then that you certify the same to me, to the end that such proceedings may be had therein as the law requires.

Dated this

day of

19

Magistrate.

6.

s. 34.

Commitment in Default of Distress.

BRITISH GUIANA.

DISTRICT.

To all Members of the Police Force and Constables and to the Keeper of the Prison at in the County of .

Whereas on the hearing of a complaint made by the headmaster of the Essequibo Boys' school [or as the case may be] that A.B., of the age of years or thereabouts, is now detained in the said school under the Essequibo Boys' School Ordinance, and has been duly ordered and directed to be detained therein until the day of

19, and that one C.D., dwelling in the parish of

in the county of is a person liable to contribute to the maintenance of the said A.B., and is of sufficient ability to contribute to the support and maintenance of the said A.B., an order was made on the

day of 19, by magistrate for the district, against the said C.D., to pay to the

per week said headmaster [or as the case may be] the sum of from the date of the said order until the day of 19 the same to be paid at the expiration of each fourteen days [or as the case may be]; And whereas afterwards, on the day of , a warrant was issued to all members of the police force and constables commanding them and every of them to levy the sum of due upon the said recited order, being for [three] periods of [fourteen] days each, by distress and sale of the goods and chattels of the said C.D.; And whereas a return has this day been made to me, the undersigned magistrate for the district, that no sufficient goods of the said C.D. can be found:—This is, therefore, to command you, the said members of the police force and constables, and every of you, to take the said C.D., and him safely convey to the prison at and there to deliver him to the keeper thereof, together with this precept; And I hereby command you, the said keeper to receive the said C.D. into your custody in the said prison, and there to imprison him [and keep him to hard labour] for the term unless the said sum, and all costs and charges of the said distress and of the commitment and conveying of the said C.D., to the said prison, amounting to the further sum of shall be sooner paid unto you, the said keeper; And for your so doing, this shall be your sufficient warrant.

Dated this

day of

19

Magistrate.