

Inebriates Act 1912 No 24

[1912-24]



New South Wales

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
[Justices Legislation Repeal and Amendment Act 2001 No 121](#) (not commenced — to commence on 7.7.2003)

Authorisation

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New South Wales

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Inebriates Act 1912 No 24



New South Wales

An Act to consolidate the Acts providing for the care, control, and treatment of inebriates, and for purposes incidental to the abovementioned objects.

Part 1 Preliminary

1 Name of Act, repeals and savings

- (1) This Act may be cited as the *Inebriates Act 1912*.
- (2) The Acts mentioned in Schedule 1 are hereby repealed; but such repeal shall not prejudice or affect the validity or duration of any certificate, licence, permit, or authority lawfully granted, or order lawfully made under any such Act. All licences granted under any such repealed Act shall be held in all respects, and all renewals thereof shall be applied for, under and subject to the provisions of this Act, unless hereinafter otherwise specially provided for.

All boards and persons appointed under the Acts hereby repealed and holding office at the time of the passing of this Act shall remain in office as if this Act had been in force at the time they were appointed and they had been appointed hereunder, and this Act shall apply to them accordingly.

All institutions licensed or established under the provisions of any Act hereby repealed, and being so licensed or established at the time of the passing of this Act, shall be deemed to have been licensed or established under this Act.

All rules and regulations made under the authority of any Act hereby repealed and being in force at the passing of this Act shall be and continue in force hereunder, and shall be deemed to have been made under the authority of this Act.

2 Definitions

For the purposes of this Act:

Inebriate means a person who habitually uses intoxicating liquor or intoxicating or narcotic drugs to excess.

Institution means a place licensed under this Act or established by the Government for

the reception, control, and treatment of inebriates.

Justice means justice of the peace.

Narcotic drug does not include tobacco, cigars, or cigarettes.

Spouse means:

- (a) a husband or wife, or
- (b) the other party to a de facto relationship within the meaning of the *Property (Relationships) Act 1984*,

but where more than one person would so qualify as a spouse, means only the last person so to qualify.

State institution means institution established by the Government as aforesaid.

Part 2 Applications to commit inebriates

3 Order for control of inebriates

- (1) It shall be lawful for the Supreme Court or a District Court Judge or a Magistrate, on the application of:
 - (a) an inebriate or any person authorised in writing in that behalf by an inebriate while sober,
 - (b) the spouse, or a parent, or a brother, sister, son, or daughter of full age, or a partner in business of an inebriate, or
 - (c) a member of the police force of or above the rank of sergeant acting on the request of a duly qualified medical practitioner in professional attendance on the inebriate, or on the request of a relative of the inebriate, or at the instance of a justice,

and on proof to the satisfaction of the Court, Judge or Magistrate that the person in respect of whom the application is made is an inebriate, to order:

- (d) that the inebriate enter into a recognizance (or, in the case of an order by the Supreme Court, other security), with or without sureties, that he will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period therein mentioned, not being less than twelve months, or
- (e) that the inebriate be placed for any period mentioned in the order not exceeding twenty-eight days under the care and control of some person or persons to be named in the order, in the house of the inebriate, or in the house of a friend of the inebriate, or in a public or private hospital, or in an institution, or in an admission centre, or

- (f) that the inebriate be placed in a licensed institution or a State institution established under section 9 for such period not exceeding twelve months as may be mentioned in the order, or
- (g) that the inebriate be placed for any period not exceeding twelve months, to be mentioned in the order, under the care and charge of an attendant or attendants to be named in the order, and who shall be under the control of the Court or Judge or Magistrate making the order, or of a guardian who is willing to act in that capacity:

Provided that no such order shall be made except:

- (i) on production of the certificate of a legally qualified medical practitioner that the person in respect of whom the application is made is an inebriate together with corroborative evidence by some other person or persons, and
- (ii) on personal inspection of the inebriate by the Court or Judge or Magistrate, or by some person appointed by him in that behalf.

- (1A) The Court, Judge or Magistrate to which or to whom an application is made under subsection (1) may, before determining the application, remand the person in respect of whom the application is made into such custody as the Court, Judge or Magistrate may order for a period not exceeding 7 days to enable that person to be examined by a legally qualified medical practitioner for the purpose of assisting in determining whether or not that person is an inebriate.
- (1B) A person who escapes from the custody of a person into whose custody he has been remanded under subsection (1A) may be arrested and returned to that custody.
- (2) Every medical practitioner who signs any certificate under or for the purposes of this Act shall specify therein the facts upon which he has formed his opinion that the person to whom such certificate relates is an inebriate, and shall distinguish in such certificate facts observed by himself from facts communicated to him by others, and no such order shall be made upon any certificate which purports to be founded only upon facts communicated by others.
- (3) The inebriate shall be afforded an opportunity of being heard in objection. The Court, Judge or Magistrate may direct that the inebriate shall be brought before him in open court or in private.
- (4) On the order of the Supreme Court or of a District Court Judge, any period mentioned in an order made under paragraph (f) or paragraph (g) of subsection (1) may from time to time be extended for further periods not exceeding twelve months each. The inebriate shall be afforded an opportunity of being heard in objection to any such order.

4 Powers and duties of guardian

- (1) Where an inebriate is placed as aforesaid under the charge and care of a guardian, the guardian:
 - (a) shall prescribe for the inebriate a place of residence in New South Wales, either in the house of the inebriate or in that of the guardian,
 - (b) shall provide for the inebriate such medical attendance as may be necessary,
 - (c) may deprive the inebriate of intoxicating liquor and intoxicating or narcotic drugs, and prevent him from obtaining them,
 - (d) may prevent the inebriate from leaving the prescribed residence, unless attended by a responsible person,
 - (e) may require the inebriate to submit to the attendance of such nurses or attendants as the guardian thinks necessary,
 - (f) may warn persons against supplying the inebriate with intoxicating liquor or intoxicating or narcotic drugs.

Any person warned in writing under paragraph (f) who supplies the inebriate with any intoxicating liquor or intoxicating or narcotic drug shall be liable to a penalty not exceeding 0.5 penalty unit.

- (2) On application, by or on behalf of the Minister, to the Supreme Court or a District Court Judge or any Magistrate, a guardian may be removed, and on like application by the guardian he may be relieved of and discharged from his guardianship. In either case, the Court, Judge, or Magistrate may appoint another guardian, or may make an order under section 3.

5 Voluntary recognizances

- (1) Any person may enter into a recognizance, with or without sureties, before a Magistrate that he will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period therein mentioned, not being less than twelve months.

An application to enter into a recognizance under this section shall be in the form of Schedule 2.

- (2) A Magistrate, before a recognizance is taken before him under this section or under section 3, shall satisfy himself that the person before him understands the nature and effect of the recognizance, and the consequences of its breach, and shall sign a certificate to that effect in the form of Schedule 3.

6 Private hearing

The hearing of any application under either of the three last preceding sections may, at

the request of the alleged inebriate, or where the application is made by him, be in private.

7 Forfeiture of recognizances

Subject to section 17A, if, during the period specified in a recognizance taken under any of the preceding provisions of this Act, it is proved to any justice that the person bound thereby has failed to observe any of the conditions of the recognizance, the justice before whom such proof is given may forfeit the recognizance.

8 Medical practitioner who is also applicant not to sign certificate—order not to be made upon certain certificates

A medical practitioner who is an applicant under this Act for an order in respect of an inebriate shall not sign a certificate under or for the purposes of this Act in respect of such inebriate.

If on the production of the certificate of a medical practitioner in respect of an inebriate it appears to the Court, Judge, or Magistrate that the said medical practitioner, or his father, brother, son, partner, or assistant:

- (a) is the superintendent or medical officer of any institution, or a regular professional attendant therein, or
- (b) is wholly or in part the proprietor, licensee, mortgagee, or lessee of any institution, or
- (c) is interested in the payments to be made by or on account of any inebriate received into any institution,

an order that the inebriate be placed in such institution shall not be made upon such certificate.

9 Institutions for inebriates committed under sec 3

- (1) The Governor may establish institutions for the reception, control, and treatment of inebriates who have, under section 3, been ordered to be placed in an institution established under this section, and of inebriates who, in pursuance of this Act or any Act hereby repealed, have been transferred to any such institution, and shall appoint for every such institution a superintendent and such officers as he may deem necessary.

Such officers shall be appointed in the same manner as officers in hospitals for the insane.

The establishing of any such institution, and a description of the land included within the limits thereof shall be notified in the Gazette.

- (2) Such institutions shall, subject to this Act, be under the care, direction, and control of the Minister for Health.

- (3) The enactments of the *Lunacy Act 1898*, mentioned in Schedule 4, shall, mutatis mutandis, apply to such institutions, and to inebriates detained therein.

In so applying such enactment:

hospital or **hospital for the insane** shall be read as and mean an institution established under this section.

insane patient, or **patient**, shall be read as and mean an inebriate in any such institution.

this Act shall be taken to refer to the *Inebriates Act 1912*.

9A Fees and charges not payable in respect of certain persons

During the period within which the Agreement executed and approved under the provisions of the *Mental Institution Benefits Agreement Act 1949* is in force:

- (a) no means test shall be imposed on and no fees shall be charged to or in respect of qualified persons in mental institutions established for the reception, control and treatment of inebriates,
- (b) except with the concurrence of the Commonwealth of Australia, no charge shall be made to or in respect of qualified persons for services or comforts for which it was not customary to make a charge as at the first day of November, one thousand nine hundred and forty-eight.

In this section the terms **qualified person** and **mental institution** shall have the meanings respectively ascribed thereto in the aforesaid Agreement.

10 Penalty for interfering with such institutions

Whosoever without lawful authority:

- (a) is found within the boundaries of an institution established under the last preceding section, or
- (b) in any manner communicates or attempts to communicate with any inebriate therein,
- shall be liable to a penalty not exceeding 0.5 penalty unit, or to imprisonment for any term not exceeding three months, or to both penalty and imprisonment.

Part 3 Convicted inebriates

11 Inebriates convicted of certain offences

- (1) Where a person is convicted before a Magistrate, or on indictment:
- (i) of an offence of which drunkenness is an ingredient, or

(ii) of assaulting women, cruelty to children, attempted suicide, or wilful damage to property, and it appears that drunkenness was a contributing cause of such offence,

and on inquiry it appears that the offender is an inebriate, the court may either:

- (a) sentence the offender according to law, or
- (b) discharge the said offender conditionally on his entering into a recognizance, with or without sureties, that during the period named by the court, not being less than twelve months:
 - (i) he will be of good behaviour,
 - (ii) he will not take or use any intoxicating liquor or intoxicating or narcotic drugs,
 - (iii) he will, once at least in every three months, report his address and occupation to the principal officer of police at the place where such conviction was had, or at such other place as the Commissioner of Police may appoint, such report being made either personally or by letter, unless the Minister directs that the report be made personally, in which case it must be made in that mode only,
 - (iv) he will not do or omit to do any act whereby the recognizance would become forfeited, or
- (c) order the said offender to be placed for a period of twelve months in a State institution established under section 13:

Provided that such order shall only be made on the production of such certificate and on such evidence and inspection as in the case of an order made under section 3.

- (2) On the order of the Supreme Court or of a District Court Judge, such period may from time to time be extended for further periods not exceeding twelve months each.
- (3) Where the inebriate is physically unfit to travel to the institution named in such order, the court making the order may direct that he be placed for immediate medical treatment for such time as it thinks fit in a gaol, or lock-up, or in a hospital, or private house, under the supervision of the police.

12 Forfeiture of recognizances

Subject to section 17A, if, during the period specified in any such recognizance, the offender so discharged:

- (a) is proved to any justice to have contravened any of the conditions of the recognizance, or
- (b) is charged by a member of the police force with getting his livelihood by dishonest

means, and being brought before any justice, it appears to such justice that there are reasonable grounds for believing that he is getting his livelihood by dishonest means, or

- (c) on being charged with an offence punishable on indictment or summary conviction, and on being required by the justice before whom he is charged to give his name and address, refuses to do so, or gives a false name or a false address, or
- (d) is convicted of any offence against the [Vagrancy Act 1902](#),

the justice before whom such proof is given, or before whom the said offender is so charged or convicted, may forfeit the recognizance and order the offender to be placed in a State institution established under section 13 for the remainder of the period mentioned in the recognizance.

13 Institutions for inebriates committed under sec 11

- (1) The Governor may establish institutions for the reception, control and treatment of inebriates who have, under section 11, been ordered to be placed in a State institution, or who, in pursuance of this Act or any Act hereby repealed, have been transferred to any such institution.
- (2) The Governor may appoint a visiting justice, who shall exercise in respect of a State institution the same powers and jurisdiction as are conferred on a visiting justice in respect of a correctional centre under the [Crimes \(Administration of Sentences\) Act 1999](#).
- (3) The Commissioner of Corrective Services shall, subject to the control of the Governor, have the care, direction, and control of such institution and the custody of all persons placed therein.
- (4) All the keepers and under-keepers of such institutions and the assistants of such keepers and under-keepers and all other persons required and employed for the safety and care of such institutions and of the inebriates detained therein shall be nominated and appointed by the Commissioner of Corrective Services, subject to the approbation of the Governor.

Part 4 General and supplemental

14 Release on licence

The Governor may release on licence any person detained in a State institution, and may revoke such licence.

The conditions of the licence shall be that the licensee shall, for a period therein specified, not exceeding twelve months, be of good behaviour and abstain from taking or using any intoxicating liquor or intoxicating or narcotic drugs.

Any such licence shall be revoked by a justice on proof in a summary way before him that the licensee has been guilty of a breach of any condition of the licence; or the licence may be revoked by the Governor at his discretion.

Where a licence is revoked as aforesaid, the person released on licence may be taken by any member of the police force and returned to the State institution, and may be detained there during the remainder of the period for which he was placed in the institution.

15 Release

The Supreme Court or a District Court Judge may order that any person detained in an institution be released on such conditions (if any) as he may impose.

16 Committal on second offence

Where a person has, after the ninth day of September, one thousand nine hundred and nine, been discharged from a State institution, or released on licence, or discharged under section 11 on recognizances, and within twelve months thereafter has been convicted for an offence of which drunkenness is an ingredient, and has subsequently and during the said twelve months been charged with any offence mentioned in section 11, the court before which he is so charged may, in dealing with him under that section, order him to be placed in a State institution for a period not exceeding three years.

17 Form of recognizance

A recognizance taken under this Act shall be in the form of Schedule 5.

17A Forfeiture of securities under recognizances

The provisions of Part 7A of the [Bail Act 1978](#) and Part 7 of the [Fines Act 1996](#) apply to the forfeiture of any security under a recognizance under this Act and to the recovery of any security so forfeited in the same way as they apply to the forfeiture of bail money and to the recovery of any bail money so forfeited.

18 Order as to property and treatment of inebriate

The Supreme Court, District Court Judge, Magistrate or court making an order in respect of an inebriate, may in the same or any subsequent order direct that the expense of the care, charge, and maintenance of the inebriate be paid out of any property of the inebriate, and may fix the amounts to be so paid, and the amounts so fixed may be recovered from the inebriate in any court of competent jurisdiction at the suit of the person under whose care, charge, or control the inebriate has been placed, or the owner of the licensed institution in which the inebriate is or has been detained, or when the inebriate is detained in a State institution, at the suit of the Minister.

19 Court may make orders as to property of inebriate who is incapable

(1) Where it is proved to the satisfaction of the Supreme Court that any inebriate the

subject of an order under this Act is incapable of managing his affairs, the Court may make all proper orders for rendering the property and income of the inebriate available for the payment of his debts and for the maintenance and benefit of himself and his family; and may make orders for the care and management of his property in all respects as if he were an insane person within the meaning of the *Lunacy Act 1898*; and may, if necessary, appoint any person, either with or without security, to undertake the care and management of his property under the order and direction of the Court.

- (2) The person so appointed shall, subject to the said orders and directions and to the rules of Court, have the same powers and be subject to the same obligations and control as a committee of the estate of an insane person, and the powers and provisions contained in the *Lunacy Act 1898* relating to the management and administration of the estates of insane persons shall apply to the estates of such inebriates.

20 Directions; variation, renewal and rescission of orders

- (1) Where the Supreme Court, by any Judge or master or by any registrar or other officer, makes an order or gives a direction with respect to an inebriate, the Supreme Court, by the same Judge, master, registrar or officer, may, at the same time or afterwards:
 - (a) give such directions as the Court thinks fit as to the control of the inebriate, and
 - (b) vary, renew or rescind the order or direction.
- (2) A District Court Judge or Magistrate making an order with respect to an inebriate may at the same time or afterwards:
 - (a) give such directions as he thinks fit as to the control of the inebriate, and
 - (b) vary, renew or rescind the order or direction.
- (3) The Supreme Court may:
 - (a) give such directions as the Court thinks fit as to the control of any inebriate the subject of an order under this Act, and
 - (b) vary, renew or rescind any order or direction made under this Act.

20A Appeal

- (1) An appeal shall not lie to the Court of Appeal from a decision or order of the Supreme Court under this Act, except by leave of the Court of Appeal.
- (2) Subsection (1) does not apply to a decision or order of the Supreme Court under section 19 or subsection (3) of section 20.

21 Order shall authorise attendant to prevent supply of intoxicant to inebriate

The order of the Supreme Court or a District Court Judge or a Magistrate made under this Act shall be sufficient authority for the carrying out by any persons of any directions therein contained; and where the order is that the inebriate be placed under the care and charge of an attendant it shall authorise and direct the attendant to prevent any person from supplying the inebriate while under his charge with any intoxicating liquor or with any drug or instrument which may be used for the purpose of producing a state of inebriation. And any such attendant who neglects to comply with any such direction shall be liable to a penalty not exceeding 0.1 penalty unit.

22 Inebriate not to leave State

When by the order of the Supreme Court, a District Court Judge or a Magistrate an inebriate has been placed under the charge of an attendant, the inebriate shall not be allowed to leave the State of New South Wales during the continuance of such order, unless permitted to do so by some variation or amendment of the order.

23 Inebriate escaping from custody may be arrested

Any inebriate who escapes from the institution in which, or from the attendant under whom, he has been placed may be arrested and returned to his former custody under the order made.

24 Inspection of places where inebriates are under control

It shall be lawful for the Secretary of the Department of Health or an officer of the Department of Health authorised by that Secretary in that behalf to inspect any inebriate the subject of an order under section 3 and any place where an inebriate is under control, and he shall have power to enter at all reasonable times any such place for the fulfilment of this duty. It shall also be the duty of all police officers or constables to assist the person under whose care an inebriate has been placed by an order under section 3, to compel the inebriate to comply with the directions of such order.

25 Persons supplying inebriate with intoxicant liable to penalty

Any person who supplies an inebriate, being the subject of an order under this Act, with intoxicating liquor, or any drug or instrument which may be used for the purpose of producing a state of inebriation shall be liable to a penalty not exceeding 0.5 penalty unit.

26 Penalty for publishing report

Any person who publishes a report of any proceedings under this Act, except by permission of the Judge, Master or Magistrate adjudicating, shall be liable to a penalty not exceeding 1 penalty unit.

27 Rules of Court

- (1) Rules of court may be made under the *Supreme Court Act 1970* for carrying out the provisions of this Act so far as they relate to the powers or duties of the Supreme Court.
- (2) Rules of court may be made under section 152 of the *District Courts Act 1912*:
 - (a) for regulating the form and mode of proceeding under this Act before a District Court Judge, and
 - (b) for carrying out the provisions of this Act so far as they relate to the powers or duties of a District Court Judge.
- (3) Subsections (1) and (2) do not limit the rule-making powers conferred by the *Supreme Court Act 1970* or by the *District Courts Act 1912*.

28 Governor may license institutions for inebriates and may make regulations

The Governor may license institutions for the reception, control, and treatment of inebriates, and may make regulations:

- (a) for the issue and revocation of such licences,
- (b) for the regulation, management, and inspection of licensed institutions, and of institutions established by the Government, and providing for the proper and suitable employment of persons detained in such institutions,
- (c) for determining the fees payable by inebriates placed in any institution,
- (d) for the control and discipline of inebriates and the discipline of officers and attendants under this Act, whether in institutions or otherwise,
- (e) providing for the release of inebriates from State institutions on licence, and for the retaking of inebriates who break the conditions of any such licence, and for returning them to such institutions,
- (ea) for regulating the form and mode of proceeding under this Act before a Magistrate, and
- (f) for carrying out the provisions of this Act generally and in particular so far as they relate to the powers or duties of a Magistrate,

and may in these regulations impose any penalty not exceeding 1 penalty unit for any breach of the same.

29 Supervising board

- (1) There shall be a supervising board for inebriates (in this Act referred to as the

supervising board) consisting of two persons, each of whom is an officer of the Department of Health from time to time nominated by the Minister for Health, and the Commissioner of Corrective Services.

- (2) The supervising board:
- (a) may, subject to this Act, recommend the removal of inebriates from one State institution to another State institution,
 - (b) may, at the request of the Minister, inquire into the administration of any institution, examine the inebriates therein detained, and shall report to the Minister as to any matter arising from such inquiry or examination.

30 Removal of inebriates from State institutions

- (1) The Minister may, on the recommendation of the supervising board, direct the removal of any inebriate from any one State institution to another State institution.
- (2) Every such order shall be in duplicate, and one copy shall be delivered to the superintendent of the institution from which the inebriate is ordered to be removed, and the other shall be delivered to the superintendent of the institution into which the inebriate is ordered to be removed; and such order for removal shall be a sufficient authority for the removal of such inebriate, and also for his reception into the institution into which he is ordered to be removed and for his detention therein.
- (3) A copy of the order or other proper authority with which such inebriate was received into the institution from which he is removed, together with an abstract of his treatment and progress certified by the superintendent of such institution, shall be delivered with one copy of the said order of removal to the superintendent of the institution to which such inebriate is removed.

31 Proceedings for acts done in carrying out provisions of Act

- (1) No proceedings shall lie against any person for or on account of any act, matter, or thing done or commanded to be done by him, and purporting to be done for the purpose of carrying out the provisions of this Act, if that person has acted in good faith and with reasonable care.
- (2) (Repealed)
- (3) Proceedings as aforesaid may, on application to the Supreme Court, be stayed upon such terms as to costs or otherwise as the Court may think fit, unless the Court is satisfied that there is reasonable ground for alleging want of good faith or reasonable care.

32 Recovery of penalties

All penalties imposed by this Act or by any regulations made thereunder or by any Act

hereby repealed may be recovered before a Local Court.

Schedule 1

(Section 1 (2))

Reference to Act	Short title
Act No 32, 1900	<i>Inebriates Act 1900</i>
Act No 2, 1909	<i>Inebriates (Amendment) Act 1909</i>

Schedule 2

(Section 5)

I, _____, of _____ hereby apply to enter into a recognizance that I will abstain from intoxicating liquor and intoxicating or narcotic drugs for the period of _____ months.

(Signature of applicant.)

Witness—

The _____ day of _____ 19 .

Schedule 3

(Sections 3, 5)

This is to certify that _____ came before me and entered into a recognizance to abstain from intoxicating liquor and intoxicating or narcotic drugs for a period of _____ months, and that before his entering into such recognizance I explained to him the nature of the same and the consequences of the breach thereof.

Magistrate.

The _____ day of _____ 19 .

Schedule 4

(Section 9)

Enactments of the Lunacy Act 1898 applied to certain institutions

- Section 15—Amendment of orders and certificates.
- Section 27—Register of patients.
- Section 28—Medical journal.
- Section 29—Entries of deaths, discharges etc.
- Section 30—Notice of deaths.
- Section 78—Visits of Inspector-General.
- Section 79—Inquiries by Inspector-General.
- Section 81—Annual Report by Inspector-General.
- Section 139—Relative may agree for maintenance of patient.
- Section 142—Order upon relations of patient for his support.
- Section 143—Application for maintenance supported by affidavit.
- Section 144—Proceedings on complaint under section 142.

Section 145—Arrears of maintenance.

Section 146—Procedure if amount unpaid.

Section 147—The foregoing of arrears.

Section 171—Superintendent may plead general issue etc.

Section 173—Illtreatment of insane.

Section 174—Penalty on escape.

Section 176—Visit by Inspector-General and official visitors.

Section 177—Letters of patients.

Schedule 5

(Section 17)

New South Wales,
to wit.

Be it remembered that on the day of 19 , of (and of)
personally came before me, one of His Majesty's justices of the peace, and acknowledged themselves (or himself)
to owe to our Sovereign Lord the King the sum of to be made and levied of their several (or his) goods and
chattels, lands, and tenements respectively to the use of our said Lord the King, His Heirs, and Successors if the
said shall, during a period of months from the date of the presents, fail to [here set out conditions
of recognizance].

Taken and acknowledged the day and year first abovementioned at in the said State, before me—

Magistrate.