

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Monday, the Second Day of October, 1758, and in the 32nd year of His Majesty's Reign.

32 George II – Chapter 19

An Act to provide for the Support of Bastard Children, and the Punishment of the Mother and reputed Father.

Be it enacted by His Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, that from and after the twenty fifth day of March instant, if any woman shall be delivered of a bastard child, which shall be chargeable or likely to be chargeable to the Province, she having declared to the midwife, or other persons assisting her at the time of delivery, who the father of such child was, and shall have at some time before, declared herself to be with child, and that such child is likely to be born a bastard, and to be chargeable to any place within the Province, and shall in either of such cases, upon examination to be taken in writing upon oath, before one Justice of the Peace near where such place shall lie, charge any person with having gotten her with child; it shall and may be lawful for such Justice, upon application made to him by the overseers of the poor of such place, or any one of them, or some substantial householder of such place, to issue out his warrant to apprehend such person so charged as aforesaid, and to bring him before him or some other of His Majesty's Justices, and to commit such person to goal or the house of correction, unless he give security to indemnify such place from the supporting or maintaining such child or children, and shall enter into recognizance with sufficient security for his appearance at next Quarter Session where he shall be continued on recognizance till the woman is delivered of such child or children. Provided that if such woman shall die or be married before she be delivered or miscarry of such child or children, or shall appear not to have been with child at the time of her examination, such person shall be discharged from his recognizance at the next sessions, or immediately released out of custody, if committed.

And be it further enacted, that any two Justices of the Peace near the place where any bastard child shall be born, upon complaint made by the overseers of the poor or any one of them, or of some substantial householder, upon due examination of the cause and circumstances, shall and may, by their discretion make and order for the relief of such place, or children, and for keeping such bastard child, and that said mother or reputed father of such child or children, shall find sufficient security that such child shall not become burthensome or chargeable to any place, in said Province, or pay the sum of twenty pounds, which shall be paid into the hands of the overseers of the poor for the support of such child or children, or other town uses. And if, after the said order made by said Justices, and by them subscribed and directed to the overseers of the poor, any of said persons, viz, either the father or mother, upon notice thereof, shall not for his or her part observe and perform said order, then such party, making default, to be committed to goal or house of correction for the space of six months, except he or they shall give sufficient security to perform said order, or else personally appear at the next Quarter Sessions and abide by such order as

shall be made at said Sessions in that behalf, and if no order shall be made at said Sessions, then to abide by the first order.

And it is hereby further enacted, that in case any woman shall accuse or charge any man with having gotten her with child, though the woman be not with child, or that the child be not really his, but appears to be only a contrivance to defame the person, or cheat him of his money, that in such case the said woman shall be sent to the house of correction, there to be whipped and remain for the space of six months.

Provided nevertheless, that if any person shall think himself wrongfully charged, or if the person charging him be a woman of ill fame or a common whore, in such cases, upon giving security to abide the judgment of the court, he may appeal from the order of the Justices, to the next Sessions, when the whole cause may be heard and tried by such court, on the verdict of a jury.