

*Ordinances of the Lieutenant Governor and Council of His Majesty's Province of Cape Breton passed in the year 1803.* National Archives of the United Kingdom CO 219/2.

43 George III – Chapter 4

**An Ordinance to provide the Support & Maintenance of Bastard Children, and for punishing the Mother and Reported Father**

Whereas in all well regulated Governments, Vice and Immorality ought to be discountenanced and restrained, as far as the legal and Constituted Authorities of the Country will admit.

And Whereas no provision has hitherto been made for the Maintenance & Support of Bastard Children, but have been left Burthen on the Humanity of Individuals, And the Mother & Reported Father suffered to escape the Punishment which the Laws of England have wisely applied to restrain such Immoral and Vicious Practices

Be it therefore Ordained & Ordered by His Honor Major General John Despard, President of His Majesty's Council & Commanding His Majesty's Forces in the Island of Cape Breton, by and with the Advice and Consent of His Majesty's Council –

And it is hereby Ordained & Ordered that from and after the Publication hereof if any Women shall be delivered of a Bastard Child which shall be Chargeable to this Government, or any place therein, She having declared to the Midwife, or any person Assisting her at the Time of Delivery, Who is the Father of such Child, and shall have at some time previous thereto declared herself to be with Child, and that such Child is likely to be born a Bastard and become Chargeable to the public or any place within the Government in either of such Cases upon Examination to be taken in Writing upon Oath before any of His Majesty's Justices of the Peace in and for the said Island or its Dependencies; 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 Church Wardens, Overseers of the Poor, or any one of them or any Substantial and respectable House Holder in the place where the Woman resides, To issue his Warrant to apprehend such Person so charged as aforesaid, and cause the said Person to be brought before him or some other of His Majesty's Justices of the Peace and to Commit such Person to Goal [Jail], unless he gives security to Indemnify the Public or Place from Maintaining or Supporting such Child or Children, and shall enter into Recognizance with Sufficient Sureties for his Appearance at the next General Sessions where his Recognizance shall be Continued, until the Woman is delivered of such Child or Children – Provided that if such Woman shall die or be married previous to her Delivery or Miscarry of such Child or Children, or should 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 of Custody if Committed

Be it also Ordained and Ordered by the Authority aforesaid that any two Justices of the Peace upon Complaint & made by the Church Warden, Overseers of the Poor, or any one of them, or of any Substantial Householder as aforesaid upon due Examination of the Cause and

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Circumstances shall and may at their Discretion make an Order that the Mother or Reputed Father of any Bastard Child or Children shall not become burthensome or chargeable to the Public, or pay the Sum of Twenty Pounds which shall be paid into the Hands of the Church Wardens or Overseers of the Poor for the support of such Child or Children, or other Public Uses – And if after the said Order made as – aforesaid and directed to the Church Wardens or Overseers of the Poor, either the Father or Mother upon notice thereof shall not for his or her part observe and perform the said Order such party making default to be Committed to the Common Goal [Jail] for the space of six Months. There to be employed and kept to hard Labour, in any way found to be practicable and necessary towards his support and maintenance while He shall remain in Custody, except He, She, or they shall give sufficient Security to perform said Order, or else personally to appear at the next Sessions of the Peace and abide by such Order as shall then and there be made in that behalf. And if no Order shall be made at said Sessions then to abide by the first Order

And be it also Ordained & Ordered by the Authority aforesaid that in case any Woman shall Accuse or Charge any Man with having gotten Her with Child, or that the Child be not really his, but appears to be only a Contrivance to defraud the said Person or Cheat him of his Money, that in such case the said Woman shall be sent to Goal [Jail] 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 Woman charged him be of ill fame, or A Common Whore, upon such Cases upon giving Security to abide the Judgement of the Court, He may Appeal from the Order of the Justices to the next General Session when the whole Cause may be heard and tried by such Court on the Verdict of a Jury

Approved, Ordained & Ordered  
Accordingly in Council the 17th  
of February in the 43rd Year of  
His Majesty's Reign –

Passed in Council  
17th February 1803