

35.

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

It is 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 a Burthen on the Humanity of Individuals; And the Mother & Reputed Father suffered to escape the punishment which the Laws of England have wisely applied to restrain such Immoral and Vicious practices -

It is 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 -

That it is hereby Ordained & Ordered, that from and after the publication hereof, if any Woman 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

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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 Dependenciers; 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
or near to where the Woman resides. To issue out 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, 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 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

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Be it also Ordained and Ordered by the Authority
 aforesaid that any two Justices of the Peace upon Complaint
 made by the Church Wardens, Overseers of the Poor, or any
 one of them, or of any Substantial Householder as aforesaid
 upon due Examination of the Cause and Circumstances
 shall and may of their Discretion make an Order that
 the Mother or reputed Father of any Bastard Child or
 Children, shall find sufficient Security, that such 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 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

Man with having gotten her with Child, or that the Child be not
really his, but appears to be only a Contivance to defame the
Person or Cheat him of his Money, that in such case the said
Woman shall be sent to Goal 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 Sessions
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 }