

C A P. III.

An ACT to provide for the MAINTENANCE OF BASTARD CHILDREN.

WHEREAS the Laws now in being are not sufficient to provide for the security and indemnification of the several parishes in this province from the great charges frequently arising from children begotten and born out of lawful matrimony, for remedy thereof;

Preamble.

I. BE IT ENACTED, by the Lieutenant Governor, Council and Assembly, That if any single woman shall be delivered of a Bastard Child, which shall be chargeable or likely to become chargeable to any parish, or shall declare herself to be with child, and that such child is likely to be born a bastard and to be chargeable to any parish; and shall in such case in an examination to be taken in writing, upon oath before any one or more Justice or Justices of the Peace of any county or of the city and county of Saint John, wherein such parish shall lie, charge any person with having gotten her with child, it shall and may be lawful to and for such Justice or Justices, upon application made to him or them by the overseers of the poor of such parish or by any one of them, to issue out his or their warrant or warrants for the immediate apprehending such person so charged as aforesaid and for bringing him before such Justice or Justices or before any other of His MAJESTY'S Justices of the Peace of such county or of the city and county of Saint John as the case may be, and the Justice or Justices, before whom such person shall be brought, is and are hereby authorized and required to commit the person so charged as aforesaid to the common gaol, or house of correction of such county or city and county, unless he shall give security to indemnify such parish, or shall enter into a recognizance with sufficient surety upon condition to appear at the next General Sessions of the Peace to be holden in and for such county or city and county, and to abide and perform such order or orders as shall be made in pursuance of an act of Parliament, passed in the eighteenth year of the reign of Her MAJESTY Queen Elizabeth concerning bastards begotten and born out of lawful matrimony.

Any woman being delivered of a bastard child, or declaring herself to be with child likely to be born a bastard and chargeable to a parish— and on examination before a Justice of Peace shall charge any person with having gotten her with child—

Such Justice on application of the overseers of the poor, to issue a warrant for apprehending the person so charged—

and to commit him to gaol—

unless he give security— or enter into recognizance.

II. PROVIDED NEVERTHELESS and be it enacted, That if the woman so charging any person as aforesaid shall happen to die, or be married before she shall be delivered,

If the woman die, or be married or miscarry

OR

or appear not to have been with child—

the person to be discharged from his recognizance or released out of custody.

or if she shall miscarry of such child, or shall appear not to have been with child at the time of her examination, then and in any of the said cases, such person shall be discharged from his recognizance at the next General Sessions of the Peace to be holden for such county or city and county, or immediately released out of custody by warrant under the hand and seal or hands and seals of any one or more Justice or Justices of the Peace residing in or near the limits where such parish shall lie.

Justice of the Peace, upon application of any person committed, to summon the overseers of the poor to shew cause why he should not be discharged—

III. PROVIDED ALSO, *and be it enacted*, That upon application made by any person who shall be committed to any gaol or house of correction by virtue of this act, or by any person in his behalf to any Justice or Justices residing in or near the limits where such parish shall lie, such Justice or Justices is and are hereby authorized and required to summon the overseer or overseers of the poor of such parish to appear before him or them at a time and place to be mentioned in such summons to shew cause why such person should not be discharged:

and if no order appears to have been made within six weeks after the delivery of such woman—the Justice to discharge him from imprisonment.

And if no order shall appear to have been made in pursuance of the said act of the eighteenth year of the reign of Her MAJESTY Queen *Elizabeth* within six weeks after such woman shall have been delivered, such Justice or Justices shall and may discharge him from his imprisonment in such gaol or house of correction to which he shall have been committed.

Justice of the Peace nor to send for any woman before her delivery nor in one month after—nor to compel any woman before her delivery to answer questions concerning her pregnancy.

IV. PROVIDED ALWAYS, *and be it further enacted*, That it shall not be lawful for any Justice or Justices of the Peace to send for any woman whatsoever before she shall be delivered, and in one month after, in order to her being examined concerning her pregnancy or supposed pregnancy, or to compel any woman before she shall be delivered, to answer to any questions relating to her pregnancy; any law, usage or custom to the contrary notwithstanding.

An ACT