

Laws of His Majesty's Province of Newfoundland, passed in the year 1834.

4 William IV – Chapter 7 (Session 1)

An Act to provide for the Maintenance of Bastard Children. (12th June, 1834.)

Be it enacted, by the Governor, Council and Assembly of Newfoundland, in Parliament assembled, that from and after the passing of this Act, if any Woman shall be delivered of a Bastard Child, which shall be chargeable, or likely to be chargeable, to the Colony, or to any District or Place thereof, she having declared to the Midwife, or other Person assisting her at the time of delivery, who the Father of such Child was; or having, at some time before, declared herself to be with Child, and that such Child was likely to be born a Bastard, and to be chargeable to the Colony, or to any District or Place within the same; and shall, in either of such cases, upon examination to be taken in writing, upon Oath, before a Justice of Peace near where such place shall be, charge any Person with having gotten her with Child, it shall and may be lawful for such Justice to issue out his Warrant to apprehend such Person so charged as aforesaid, and to bring him before some one of His Majesty's Justices of the Peace, who may commit such Person to Gaol unless he give security for the supporting or maintaining such Child or Children, shall enter into Recognisance with sufficient Security for his appearance at the next Quarter Sessions, where he shall be continued on Recognisance 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 of his Recognisance, or immediately released from custody, if committed.

II. And be it further enacted, that any Two Justices of Peace near the Place where any Bastard Child shall be born, upon due examination of the case and circumstances, shall and may, in their discretion, make an Order for the relief and keeping of such Bastard Child; and that the Mother or reputed Father of such Child or Children shall find sufficient security that the same shall not become chargeable to the Colony, or to any District or Place therein, or pay the sum of Twenty Pounds Sterling, which shall be paid into the hands of the Magistrates of the respective District for the support of such Child or Children: And if, after the said Order made by the said Justices and by them subscribed, any of the said Persons, namely, either the Father or Mother, upon notice thereof, shall not for his or her part observe and perform such Order, then such party making default shall be committed to Gaol or the House of Correction for the space of Six Months, except he or they shall give sufficient Security to perform such Order, or else personally to 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.

III. And be it 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 Gaol or to the House of Correction, for a period not exceeding Six Months.

IV. And it is hereby further enacted, 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

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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, tried and determined by such Court, on the verdict of a Jury.