

ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

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CAP. LXVIII.

An Act to explain and amend the Law of Baſtardy, ſo far as relates to indemnifying Pariſhes in reſpect thereof. [3d *June* 1809.]

WHEREAS the Proviſions of an Act made in the Eighteenth Year of the Reign of Queen *Elizabeth*, concerning Baſtards begotten and born out of lawful Matrimony, are found to be inadequate to the Purpoſes of indemnifying Pariſhes againſt the Charges and Expences incurred by the apprehending and ſecuring the reputed Father, and alſo by the obtaining the Order of Filiation: And whereas it is expedient that ſuch Charges and Expences ſhould be borne and diſcharged by the adjudged reputed Father of ſuch Baſtard Child or Children, at the Diſcretion of the Juſtices by whom ſuch Adjudication ſhall be made, either in the Court of Quarter Seſſions or otherwiſe, not exceding the Amount herein-after mentioned; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That every Perſon who ſhall hereafter be adjudged to be the reputed Father of any Baſtard Child or Children, ſhall be chargeable with and liable to the Payment of all reaſonable Charges and Expences incident to the Birth of ſuch Baſtard Child or Children, and alſo to the Payment of the reaſonable Coſts of apprehending and ſecuring ſuch reputed Father, and alſo to the Payment of the Coſts of the Order of Filiation, ſuch Coſts of apprehending and ſecuring the reputed Father, and of the Order of Filiation, not to exceed the Sum of Ten Pounds; and all ſuch Charges, Expences, and Coſts, ſhall be duly and reſpectively aſcertained on Oath before the Juſtices

Reputed Fathers of Baſtard Children ſhall be chargeable with the Expences incident to the Birth, with the Coſts of apprehending and of the Order of Filiation.

Justices of the Peace or the Court of Quarter Sessions making such Order of Filiation, which Oath such Justices or Court are hereby respectively empowered to administer.

Apprehending Persons sworn to by Women likely to be delivered of Bastards.

II. And be it further enacted, That if any Single Woman 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, Township, or Extra-parochial Place, and shall, in an Examination to be taken in Writing upon Oath before any Justice of the Peace of any County, Riding, Division, City, Liberty or Town Corporate wherein such Parish, Township, or Place shall lie, charge any Person with having gotten her with Child, it shall be lawful to and for such Justice, upon Application made to him by the Overseer of the Poor of such Parish or Township, or by any substantial Householder of such Extra-parochial Place, to issue out his Warrant for the immediate apprehending of such Person so charged as aforesaid, and for bringing him before such Justice, or before any other Justice of the Peace of such County, Riding, Division, Liberty, or Town Corporate; and the Justice before whom such Person shall be brought, having Authority in this Behalf, is hereby authorized and required to commit the Person so charged as aforesaid to the Common Gaol or House of Correction of such County, Riding, Division, Liberty, or Town Corporate, unless he shall give Security to indemnify such Parish or Place, or shall enter into a Recognizance with sufficient Surety or Sureties upon Condition to appear at the next General Quarter Sessions or General Sessions of the Peace to be holden for such County, Riding, Division, City, Liberty, or Town Corporate, to abide and perform such Order or Orders as shall then be made in pursuance of the said Act of the Eighteenth Year of the Reign of Queen *Elizabeth*, unless One such Justice as aforesaid, shall have certified in Writing under his Hand to such General Quarter Sessions or General Sessions of the Peace, that it had been proved before him upon the Oath of One credible Witness, that such Single Woman had not been then delivered, or had been delivered within One Month only previous to the Day on which such General Quarter Sessions or General Sessions of the Peace shall be holden, or unless Two Justices of the Peace of such County, Riding, Division, City, Liberty, or Town Corporate, shall have certified in Writing under their Hands to the next, or where such Woman shall not have been delivered as aforesaid, then to the immediately subsequent General Quarter Sessions or General Sessions of the Peace, that an Order of Filiation had been already made on the Person so charged, or that such Order was not then requisite to be made, on account of the Death of the Child born a Bastard, or for other like sufficient Reason; in each of which Cases firstly before mentioned, it shall be lawful for the Justices assembled at such General Quarter Sessions or General Sessions of the Peace, to respite such Recognizance to the then next General Quarter Sessions or General Sessions of the Peace to be holden for such County, Riding, Division, City, or Town Corporate, without requiring the Personal Attendance of the Putative Father so bound, or of that of his Surety or Sureties, and in either of the said Two last mentioned Cases it shall be lawful for the Justices assembled as aforesaid wholly to discharge such Recognizance.

For Maintenance of Bastard Children.

III. And whereas Parishes are often put to great Expence in enforcing the Performance of Orders of Maintenance made on the Filiation of Bastard Children; be it therefore further enacted, That if any reputed Father or any

any Mother of ſuch Baſtard Child or Children on whom any Order of Filiation or Maintenance of ſuch Child or Children ſhall have been made by the Court of Quarter Seſſions, or which ſhall have been made by Two Juſtices of the Peace and confirmed by the Court of Quarter Seſſions, or againſt which no Appeal ſhall have been made to the Court of Quarter Seſſions, ſhall neglect or refuſe to pay any Sum or Sums of Money which he or ſhe ſhall have been ordered to pay towards the Maintenance or other Suſtentation for the Relief of any ſuch Baſtard Child or Children by any ſuch Order, it ſhall be lawful for any Juſtice of the Peace of the County, Riding, Diviſion, City, Liberty or Town Corporate in which ſuch reputed Father or ſuch Mother ſhall happen to be, and the ſaid Juſtice is hereby required upon Complaint made to him by any One of the Overſeers of the Poor of any Pariſh, Townſhip, or Place liable to the Maintenance or Support of ſuch Baſtard Child or Children, or where ſuch Baſtard Child or Children ſhall then be, and upon Proof on Oath of ſuch Order for the Payment of ſuch Sum or Sums of Money, and of ſuch Sum or Sums of Money being unpaid, and of a Demand of ſuch Payment having been made, and a Refuſal to pay the ſame, or that ſuch reputed Father or ſuch Mother hath left his or her uſual Place of Abode, and hath avoided a Demand thereof being made by ſuch Overſeer, to iſſue his Warrant to apprehend ſuch reputed Father or ſuch Mother, and to bring him or her before ſuch Juſtice or any other Juſtice of the Peace of the ſame County, Riding, Diviſion, City, Liberty, or Town Corporate, to anſwer ſuch Complaint; and if ſuch reputed Father or ſuch Mother ſhall not pay ſuch Sum or Sums of Money as ſhall appear to the ſaid Juſtice before whom ſuch reputed Father or ſuch Mother ſhall be brought to be due and unpaid, or ſhall not ſhew to ſuch Juſtice ſome reaſonable and ſufficient Cauſe for not ſo doing, it ſhall be lawful for ſuch Juſtice, and the ſaid Juſtice is hereby required to commit ſuch reputed Father or ſuch Mother to the Public Houſe of Correction or Common Gaol of the ſaid County, to be there kept to hard Labour for the Space of Three Months, unleſs ſuch reputed Father or ſuch Mother ſhall, before the Expiration of the ſaid Three Months, pay or cauſe to be paid to One of the Overſeers of the Poor of the Pariſh, Townſhip, or Place on whoſe Behalf ſuch Complaint as aforeſaid was made, the ſaid Sum or Sums of Money ſo due and unpaid as aforeſaid, and ſo from Time to Time and as often as ſuch reputed Father or ſuch Mother ſhall in Manner aforeſaid neglect or refuſe to pay any other Sum or Sums of Money that ſhall afterwards become due by virtue of and under ſuch Order after the Expiration of or Diſcharge from any ſuch former Impriſonment as aforeſaid.

Expences and Coſts ſubject to the Diſcretion and Allowance of Magiſtrates or Court of Quarter Seſſions, as the Caſe may be.

IV. Provided always, and be it further enacted, That all ſuch Charges, Expences, and Coſts ſhall be wholly ſubject to the Diſcretion of the Juſtices or Court of Quarter Seſſions who ſhall make ſuch Order of Filiation; and the Juſtices or Court of Quarter Seſſions are hereby authorized, if they ſhall ſee fit, to allow and order Payment of the Whole or any Part thereof: Provided always, that the Coſts of apprehending and ſecuring the reputed Father, and of the Order of Filiation, ſhall not in any Caſe exceed the Sum of Ten Pounds; and for ſecuring the due Payment of the ſame, after ſuch Allowance and Order as aforeſaid, all and every the Powers, Authorities, Proviſions, Clauſes, Matters, and Things contained in the ſaid Act paſſed in the Eighteenth Year of the Reign of Queen *Elizabeth*, concerning Baſtards begotten and born out of lawful Matrimony, ſhall be reſpectively obſerved, uſed, and practiſed in the Execution of this Act,

Act, and shall be construed, deemed, and taken to apply as fully and effectually, to all Intents and Purposes, as if the said Powers, Authorities, Provisions, Clauses, Matters, and Things were specially recited and re-enacted in this Act.

Allowing an Appeal to the Quarter Sessions, on giving Notice and entering into Recognizance.

V. Provided also, and be it further enacted, That any Person or Persons who shall think himself, herself, or themselves aggrieved by any Order made by such Justices as aforesaid under the Provisions of this Act, and not originating in the Quarter Sessions, may appeal to the next General Quarter Sessions of the Peace to be holden for the County where such Order shall be made, on giving Notice to such Justices or to One of them, and also to the Churchwardens and Overseers of the Poor of the Parish on whose Behalf such Order shall have been made, or to One of them, Ten clear Days before such General Quarter Sessions of the Peace at which such Appeal shall be made, of his, her, or their Intention of bringing such Appeal, and of the Cause and Matter thereof, and entering into a Recognizance within Three Days after such Notice before some Justice of the Peace for such County, with sufficient Surety conditioned to try such Appeal, and abide the Judgement and Order of, and pay such Costs as shall be awarded by the Justices at such Quarter Sessions, which said Justices at their said Sessions, upon Proof of such Notice being given, and of entering into such Recognizance as aforesaid, shall and they are hereby required to proceed in, hear, and determine the Causes and Matters of all such Appeals, and shall give such Relief and Costs to the Parties appealing or appealed against as they in their Discretion shall judge proper; and such Judgements and Orders therein made shall be final, binding, and conclusive to all Parties concerned, and to all Intents and Purposes whatsoever.

So much of recited Act as authorizes Justices, in Cases where Women have not been delivered, to commit reputed Fathers to Gaol, repealed.

VI. And be it further enacted, That so much of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for the Relief of Parishes and other Places from such Charges as may arise from Bastard Children born within the same*, as authorizes the Justice or Justices before whom the reputed Father of a Bastard Child shall be brought, in Cases where the Woman has not been delivered, to commit such reputed Father to the Common Gaol or House of Correction, unless he shall give Security to indemnify the Parish or Place, or shall enter into a Recognizance with sufficient Surety upon Condition to appear at the next General Quarter Sessions or General Sessions of the Peace, shall be and the same is hereby repealed.

No future Appeal in Cases of Bastardy without Notice, and entering into Recognizance.

VII. And be it further enacted, That from and after the passing of this Act, no Appeal in any Case relating to Bastardy shall be brought, received, or heard at the said Quarter Sessions, unless such Notice shall have been given, and such Recognizance shall have been entered into in Manner aforesaid, according to the Provisions of this Act.

Commencement of Act.

VIII. And be it further enacted, That this Act shall commence and take effect on the Twentieth Day of *July* in the Year One thousand eight hundred and nine, and not before.

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