

ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

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CAP. LXXXV.

An Act to enable Justices of the Peace in Petty Sessions to make Orders for the Support of Bastard Children. [26th *August* 1839.]

WHEREAS it is expedient to give more speedy and effectual Means for obtaining Orders upon the putative Fathers of Bastard Children for their Support and Maintenance: Be it enacted by the Queen'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 after the passing of this Act, when any Child which has been born a Bastard since the passing of an Act passed in the Fifth Year of the Reign of His late Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in* England *and* Wales, and with respect to which no Application shall have been made to any Court of General Quarter Sessions under the Provisions of the said Act, shall, by reason of the Inability of the Mother of such Child to provide for its Maintenance, become chargeable to any Parish, the Guardians of any Parish, or of the Union in which any Parish may be situate, or if there shall be no such Guardians then the Overseers of such Parish, may, if they think proper, at any Time within Three Calendar Months after such Child shall

Powers of Quarter Session to make Orders on putative Fathers of Bastard Children transferred to Special or Petty Session. 4 & 5 W. 4. c. 76.

shall have become chargeable, apply to the Justices of the Peace holding any Special or Petty Session in and for the Division or Borough within which such Union or Parish, or any Part thereof, shall be situated, for an Order upon the Person whom they shall charge with being the putative Father of such Child, to reimburse such Union or Parish for its Maintenance and Support; and the Justices then and there assembled, not being less than Two, shall proceed with respect to the Application, and shall have all the Powers and Duties in regard thereunto which are given to the Court of General Quarter Sessions by an Act passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in* England *and* Wales; and all Enactments in the said Act relating to the Court of General Quarter Sessions shall be taken to apply to the said Justices in Special or Petty Session, except that the Notice to the Person intended to be charged with being the Father of the Child need not be given more than Seven Days, instead of Fourteen Days, before the Session at which the Application shall be heard; and after the passing of this Act it shall not be lawful to make any such Application to any Court of General Quarter Sessions, nor shall any Court of General Quarter Sessions have any Authority to make any Order upon any such Application.

4 & 5 W. 4. c. 76.

Justices may enforce Attendance of Witnesses.

II. And be it enacted, That any Justice of the Peace, upon the Request of either Party, may summon any Witness to appear and give Evidence upon the Matter of any such Charge, and by Warrant under his Hand and Seal may require any Person to be brought before him who shall neglect or refuse to appear to give Evidence at the Time and Place appointed in such Summons, Proof upon Oath being first given of personal Service of the Summons upon the Person against whom such Warrant shall be granted, and that the reasonable Expences of Attendance were paid or tendered to such Person; and the Justices before whom any such Charge shall be heard may commit any Person coming or brought before them who shall refuse to give Evidence to any House of Correction within their Jurisdiction, there to remain without Bail or Mainprize for any Time not exceeding Fourteen Days, or until such Person shall sooner submit himself to be examined; and in case of such Submission the Order of any such Justice shall be a sufficient Warrant for the Discharge of such Person.

Parties charged may enter into Recognizance to try the Charge at Quarter Sessions.

III. Provided always, and be it enacted, That if the Person whom the Guardians or Overseers shall charge with being the putative Father of such Child shall declare to the Justices in such Special or Petty Session that he is desirous that the Charge shall be heard and determined at the Quarter Sessions of the Peace, and shall then and there enter into a Recognizance, with Two sufficient Sureties, conditioned personally to appear at the Quarter Sessions of the Peace then next or next but One ensuing, as the Justices shall think fit, to answer to the said Charge, and to abide the Judgment of the Court at such Sessions, and to pay all the Costs incurred by the said Guardians and Overseers in bringing such Charge before the said Court in case the Court shall adjudge him to be the putative Father of such Child, then the Justices in Special or Petty Session shall not proceed further to

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hear the Charge, but shall take such Recognizance and transmit it to the Clerk of the Peace; and in such Case all further Proceedings in the Matter of such Charge shall be had before the said Court of Quarter Sessions as if this Act had not been made.

IV. And be it enacted, That the Words "Parish," "Guardian," "Overseer," and "Justice" in this Act shall be deemed to have the same Meaning as in the said Act passed in the Fifth Year of the Reign of His said late Majesty. Meaning of certain Terms.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended or repealed.

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