

on the order of the Common Council; and the said Chamberlain shall annually, and oftener if required, render a true account of all moneys received and paid under this Act, separate from other accounts.

5. The said Mayor, Aldermen and Commonalty are hereby authorized in each and every year, to make and levy an assessment on the inhabitants of the said City, on the western side of the harbour, of a sum not exceeding eight hundred dollars in any one year, to be applied in the payment of the present Police Force, and to provide a sinking fund of one hundred dollars per annum, to pay off the said Debentures so to be issued under this Act; such one hundred dollars to be annually invested by the Chamberlain in the name of the City.

CAP. XXI.

An Act to alter and consolidate the Laws relating to Bastardy and the trial of charges of Bastardy in the City and County of Saint John.

Sec.	Sec.
1 Acts repealed.	12 When defendant may be discharged from recognizance.
2 Warrant under information, where executed.	13 When person committed before trial may be discharged.
3 Person arrested to pay \$100, or enter into recognizance.	14 Judge may order person committed to be brought before him.
4 Information, &c., to be transmitted to Clerk Peace.	15 Recognizance, amount of.
5 When person may be discharged.	16 Bond, how recovered.
6 Time within which woman must give evidence; proviso.	17 Upon return of writ, what proceedings to be taken.
7 When Clerk Peace must file Docket; woman not appearing may be brought up by order of Judge.	18 Sheriffs' Fees, how paid.
8 Cause may be tried without a Jury.	19 Proceeds of execution, to whom paid and how appropriated.
9 When Court may make order of affiliation.	20 Judge may make orders for relief on judgment.
10 If child has become a Parish charge, provision for, how made.	21 What fees allowed.
11 Defendant to give Bonds for support of child.	22 Certified copy of proceedings to be evidence.
	23 Recognizances taken before passing of this Act, valid.
	Forms.

Passed 21st April, 1869.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. Chapter 57, of Title viii, of the Revised Statutes, and all Acts and parts of Acts relating to Bastardy, are hereby repealed, so far as they are repugnant to or inconsistent with this Act, which is enacted in lieu thereof, for the City and County of Saint John only.

2. Whenever any single woman shall make information (A) on oath before any Justice of the said City and County, that she has been or is likely to be delivered of a bastard child, which will be chargeable to any Parish in the said City and County, and shall charge any person with being the father of such child, such Justice shall issue his warrant (B) for the apprehension of the person so charged, and such warrant may be executed and the defendant apprehended by the officer to whom it is directed, in any County in the Province.

3. Upon such person being brought up, he shall, if he admit the charge, either pay the sum of one hundred dollars to the Commissioners of the Alms House and Work House for the said City and County, (which sum shall be received by them in full discharge of all further claim for the support of such child), with the costs of apprehension, or enter into recognizance (C) with two sufficient sureties, to be approved by the Chairman, or any two of the said Commissioners, to indemnify such Parish; or if he deny the charge, he shall enter into recognizance (D) with sufficient sureties, to appear at the next term of the County Court for the said City and

County, and abide the order of such Court, and failing to enter into such recognizance, he shall be committed to gaol.

4. If the person charged give such recognizance, or be committed, the information and recognizance (if any) shall be forthwith transmitted to the Clerk of the Peace, together with the name and place of residence of the woman making the charge.

5. Should the woman marry or die before being delivered, or miscarry, or prove to have been not pregnant at the time of making the information, or should the child die after order made and complied with, the person charged shall forthwith be discharged by order (E) of the Judge or the Police Magistrate of Saint John or Portland.

6. The woman shall not be required to appear and give evidence, until at least one month after her delivery, and further time may be granted, or if there be any other sufficient reason therefor, a continuance of the cause from term to term may be ordered, and the hearing of the charge or judgment thereon postponed at the discretion of the Court; and in all such cases the defendant's recognizance shall remain in force until the charge is finally disposed of; provided that if the sureties at any term of the Court shall pray to be released from their obligation, or if the Court for any cause shall deem it expedient, the defendant shall either renew his recognizance or be committed until he do so.

7. At the first day of each term of the said County Court, the Clerk of the Peace shall file with the Clerk of the said Court, a docket of all informations in his hands for trial thereat; the defendant in each case shall then be called, and on his appearing, the information shall be read over to him; if he deny the charge, a day for hearing the same shall be fixed by the Judge; should he not appear, his recognizance shall be forthwith forfeited; should the woman not appear to give evidence at the time appointed for the trial, she may be brought up by order of the Judge. (F)

8. Upon the day fixed for hearing any charge, or such other day as the Court may, on due cause, order, the Judge shall hear the evidence and determine the cause without the intervention of a Jury, unless a Jury be demanded by the defendant, in which case the trial shall be had before the same pannel and in the same manner as in civil cases before the Court; the determination of the Judge or a Jury shall be final, and in no case shall either party be entitled to a *certiorari*.

9. If the defendant shall not deny or traverse the charge, or having done so, shall be found guilty, the Court shall forthwith make the order of affiliation, (G) unless the defendant then and there pay into Court the sum of one hundred dollars, with all costs and expenses to be taxed and allowed by the Judge; if the defendant be acquitted, he shall be forthwith discharged by the Judge.

10. No order of affiliation shall be made unless it be proved that the child has become a charge on the said City and County, or some Parish thereof, nor for any amount beyond the lying-in expenses of the woman, the costs and expenses of apprehending and convicting the defendant, and a sum not exceeding seventy cents per week for the support of the child from its birth until it attain the age of seven years; the defendant shall be entitled to a copy of the order of affiliation on payment of the usual fees to the Clerk.

11. If the defendant pay into Court the sums mentioned in said order of affiliation, he shall then enter into recog-