

nizance, (H) with sufficient sureties, for the future support of the child; failing so to do, he shall be committed to gaol until he comply with the order of the Court, or be otherwise discharged; and the Clerk of the Court shall make out and deliver to the Sheriff, or his Deputy, or in case of the absence of both, to any Constable of the Court, the commitment (I) which shall charge the Sheriff with the custody of the defendant.

12. If at any time afterwards the defendant shall enter into such recognizance before the said Judge, or the Police Magistrate of Saint John or Portland, or shall produce to either of them a certificate from the Chairman, or any two of the said Commissioners, that he has paid in the whole the full sum of one hundred dollars, with the costs and expenses of making such order of affiliation and commitment, or having entered into the recognizance, (H) shall subsequently produce as aforesaid such certificate of payment, or if the defendant being committed shall at any term of the said Court, due notice having been first given to the Clerk of the Peace, satisfy the Judge, that from poverty, or other good cause, he is wholly unable to comply with such order, he may be forthwith discharged.

13. Any person committed on a charge of bastardy for want of sureties or otherwise, before trial, may, on giving the recognizance C or D, or paying the said sum of one hundred dollars and costs, be discharged by order of said Judge or Police Magistrate of Saint John or Portland.

14. For the purposes of the twelfth and thirteenth Sections of this Act, the said Judge or Police Magistrate may order the person committed to be brought before him, and the Sheriff shall obey any order so given.

15. No recognizance taken under this Act shall exceed the penal sum of two hundred and fifty dollars.

16. When any bond or recognizance taken under this Act shall become forfeited, and the damages actually due thereon do not exceed twenty dollars, the same may be recovered with costs before any Justice, in the same manner as in ordinary cases of debt; when such damages exceed twenty dollars, the Clerk of the Peace, at the instance of the said Commissioners, shall issue a *scire facias* (K) for the recovery of the same, to be returnable at the next term of the said County Court, and served at least fourteen days prior to the return thereof.

17. Upon the return of the *scire facias* it shall be entered with the Clerk of the Court for trial, and the Judge may proceed, whether the defendant appear or not, in a summary manner to determine the amount (if any) due and payable: Judgment against the defendant shall be entered up in the form L, and execution (M) may forthwith issue: Judgment once entered shall stand as security against the defendants for any further damages (not to exceed two hundred and fifty dollars in all) accruing on the same recognizance, and the Court, on proof of due notice having been given to the defendants, or any two of them, may proceed, unless a trial be demanded by the defendant, to assess the amount due on affidavit of the said Commissioners or others, with costs, and order execution (M) as above authorized.

18. The Sheriff shall execute such *scire facias* or execution, according to the exigencies thereof, and be entitled to the same fees as in like cases, including poundage in case of a levy under execution, and if any of the fees allowed by this Act cannot be recovered from the defendant, they shall be paid by the said Commissioners.

19. The proceeds of any judgment or execution, under Section 17, shall be paid by the Clerk of the Peace to the said Commissioners, for the support of the Poor of said City and County, first deducting his own and the Sheriff's and other fees and costs.

20. The Judge may, in his discretion, make such orders and give such relief on any such judgment, and on such conditions, as he may think proper.

21. The fees allowed under this Act shall be as in Schedule N, and the Judge may, from time to time, make such orders and rules for the mode of proceeding, and such alterations in the forms, and allow such amendments, as he may find necessary.

22. A copy of any proceedings under this Act, certified by the Clerk of the Peace or the Clerk of the County Court, as occasion may require, shall be evidence of such proceedings in all Courts.

23. All recognizances heretofore taken for the appearance of any person charged as aforesaid, at any Court of General Quarter Sessions of the Peace in and for the City and County, shall be and remain valid and in force unless the person or persons so bound thereby shall appear at the time therein mentioned and enter into new recognizance, which the said Sessions are hereby authorized to take, with satisfactory sureties, to appear at the next sittings of the County Court in and for the said City and County, and not depart the same without leave thereof; and all orders, bonds, recognizances, and other acts made, taken or due at any time heretofore by the said Sessions, or any Justice of the said City and County, under any of the Laws hereby repealed, shall be valid and in force to all intents and purposes as if this Act had not been passed, and shall and may be put in force, proceeded on and prosecuted by and in the said County Court, as if made, taken or done under and by virtue of this Act.

## FORMS.

### A.—Information.

City and County of Saint John, to-wit: The complaint of A. B., of , who saith that she is likely to be delivered (or has been delivered) of a bastard child, which will be chargeable to the Parish of , in the said City and County, and that C. D., of , is the father of such child.

Taken and sworn to at the City or Parish, &c., this                      day of

A. D. 18   , before me,

G. H., J. P.

### B.—Warrant.

To any Constable, Marshal, or Policeman of the City or Parish of, &c. in the City and County of Saint John.

A. B. having on oath declared that she is likely to be (or has been) delivered of a bastard child, which will be chargeable to the Parish of                      and having charged C. D. therewith, I require you to apprehend the said C. D. and bring him forthwith before me or some other Justice, to be dealt with according to Law.

Dated this                      day of                      A. D. 18

G. H., J. P.

### C.—Recognizance to indemnify, &c.

City and County of Saint John to-wit:

On the                      day of                      A. D.                      personally appeared before me the undersigned, C. D. of                      and