

Passed 7th April 1870.

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

That in addition to the persons who by the first section of the said Act made and passed in the twenty first year of the Reign of Her Majesty, intituled *An Act to disqualify persons holding certain offices under Government from being elected or capable to hold Seats in the Assembly*, are made ineligible to be candidates and incapable of being elected or returned as Members to serve in the Assembly of this Province, and incapable to sit and vote therein, no person shall be eligible to be a candidate or capable of being elected or returned as a Member to serve in the Assembly of this Province, or capable to sit therein, who holds the office of Clerk of any County Court, or Clerk of the Circuits in any County.

## CAP. XXXII.

An Act to alter and consolidate the Laws relating to Bastardy and the trial of charges of Bastardy.

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| Sec. 1 Acts repealed.  | Sec. 14 If defendant prove inability to support, Judge may discharge.           |
| 2 On information given, Justice may issue warrant.   | 15 When defendant has been committed before trial, when and by whom discharged. |
| 3 Person charged, to pay or enter into recognizance.                                       | 16 Sheriff to obey order of discharge.  |
| 4 When and with whom information shall be filed.   | 17 Recognizance, to whom transmitted; maximum penal sum.                        |
| 5 When person accused may be discharged.   | 18 Recognizance, how recovered.   |
| 6 When cause may be postponed; proviso.  | 19 Upon return of writ, proceedings how taken.                                  |
| 7 When Clerk of the Peace shall file docket of informations.                               | 20 Writ, how and by whom executed.  |
| 8 How cause may be tried.  | 21 Moneys received by Clerk Peace, to whom paid.                                |
| 9 When order of affiliation may be made.   | 22 Judge may make orders for relief.  |
| 10 When order of affiliation shall not be made.  | 23 Judge may make rules, &c.; fees.   |
| 11 When defendant shall enter into recognizance for support; penalty if he fails to do so. | 24 Copy of proceedings certified by Clerk Peace to be evidence.                 |
| 12 When defendant shall be discharged from custody.  | 25 Recognizances heretofore made to be valid.                                   |
| 13 Payment of \$100 to be a full release.  | 26 Commissioners of Alms House to be deemed Overseers.                          |
|  | 27 When Judge shall not try case. Forms.  |

Passed 7th April 1870.

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

1. Chapter 57, of Title viii, of the Revised Statutes, 'Of Bastardy,' and all Acts and parts of Acts relating to Bastardy, except Chapter twenty one of an Act passed in the thirty second year of Her present Majesty's Reign, intituled *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*, are hereby repealed.

2. Whenever any single woman shall make information (A) on oath before any Justice of the Peace, that she has been or is likely to be delivered of a bastard child, which will be chargeable to any Parish or City in the County where such information is made, 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 Overseers of the Poor for the said Parish or City, (which sum shall be received by them in full discharge of all further claim for the support of such child,) with costs of apprehension, or enter into Recognizance (C) with two suffi-

cient sureties; 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 of the County where such information is laid, 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 a Justice of the Peace for said County.

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 with or without the intervention of a Jury, at his discretion, unless a Jury be demanded by the defendant, in which case the cause shall be tried by a Jury, and if tried by a Jury, before the same panel and in the same manner as in civil cases before the Court; the determination of the Judge or Jury shall be final, and in no case shall either party be entitled 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 County within which the information hereinbefore named was made, or on some Parish or City 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