

Passed 10th April, 1875.

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

1. The second Section of an Act made and passed in the thirty third year of the Reign of Queen Victoria, intituled *An Act to alter and consolidate the Laws relating to Bastardy, and the trial of charges of Bastardy*, is hereby repealed; and in lieu thereof it is hereby enacted—Whenever any single woman shall make the information (A) mentioned in the said second Section, on oath before any Justice of the Peace, that she has been or is likely to be delivered of a bastard child which shall 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) as in the said second Section of the said Act specified, or to the like effect, for the apprehension of the person so charged, and the said Warrant may be directed to any constable in any County in this Province, and the person charged may be taken before any Justice of the Peace of the County in which he is arrested, and such Justice is hereby authorized to take the recognizance (C) or the recognizance (D) mentioned in the third Section of the said Act, and when taken shall forthwith transmit the same to the Clerk of the Peace of the County where the complaint was laid; and if no recognizance is given, the said constable is hereby authorized to convey the person so arrested to the gaol of the County in which the said Warrant is issued, and he shall be imprisoned therein until discharged under the provisions of this Act.

2. That so much of Section ten of the said recited Act as says that "no order of affiliation shall be made," is hereby repealed; and in lieu thereof the following be substituted, viz:—"No order for the payment of money, except the costs to be taxed and allowed by the Judge, shall be made."

3. If it shall not be found that the child has actually become chargeable upon any City or Parish within the County, the Court shall make the order of affiliation (A) at the end of this Act, and unless the defendant shall forthwith comply with the said order, and pay all costs and expenses to be taxed and allowed by the Judge, he shall be committed to gaol until the order is complied with or he is otherwise discharged. Should the child not become chargeable or die before the expiration of seven years, the Court or Judge shall order the money, or such part as may remain unappropriated, to be repaid to the defendant.

4. All moneys mentioned in the third, ninth, thirteenth, and twenty first Sections of the above recited Act, shall be forthwith paid by the parties receiving the same to the County Treasurer or Secretary-Treasurer, and when the complaint is made on behalf of any City or Town, to the Treasurer of such Town or City, to be placed by him to the credit of the Overseers of the Poor for the Parish, City or Town on whose behalf the money is to be paid, and to be paid out from time to time to the party entitled thereto, as the same may be required, under the order of the Court or Judge for that purpose.

5. If the Overseers of the Poor for any Parish, City, or Town, or any one of them, or any Clerk of the Peace of any County, shall neglect or refuse to pay over to the County, City or Town Treasurer entitled under this Act to receive the same, the moneys mentioned in the said third, ninth, thirteenth, fifteenth and twenty first Sections of the said Act,

he or they may be compelled to do so, upon the application of the Treasurer, by writ of attachment to be issued out of the County Court.

6. Whenever any defendant pays the sum of one hundred dollars authorized to be paid by the said Act, the Overseers of the Poor, or any officer or officers having the care of any City, Town, or Parish, may pay the same (less any actual expenses incurred by them) to the mother of the child upon her entering into the recognizance (B) in the Schedule to this Act annexed, with two sufficient sureties in the penal sum of two hundred and fifty dollars, for the future support of the said child, which recognizance shall be transmitted by the Justice before whom the same is taken to the Clerk of the Peace, and in case of forfeiture, shall be dealt with and enforced in the same manner as is provided in the case of recognizance for a like purpose entered into by and on behalf of any person charged.

7. In all actions authorized to be brought before a Justice of the Peace under Section eighteen of the said Act, the Justice shall have jurisdiction to prosecute, although the parties, or either of them, reside out of the County in which the Parish, City or Town is situate, on behalf of which the proceedings are instituted, or in which the Justice resides, and the summons in such case shall be directed to a constable in the County where the party to be served resides, who shall serve the same, and make oath thereto if necessary, as in other cases; and if judgment be rendered against the defendants, or either of them, execution may issue in like manner to a constable in like manner to be executed: The constable shall be entitled to charge for actual travel going from his residence to the place of service and returning to serve such summons or execution.

8. That nothing contained in an Act made and passed in the thirty seventh year of the Reign of Her present Majesty, intituled *An Act to provide for Process of Attachment in certain Civil Suits, and to abolish Imprisonment for Debt*, or any amendments thereto, shall be construed to affect in any way the said Act relating to Bastardy, or any amendments thereto.

(A)

*Order of Affiliation.*

County Court, County of \_\_\_\_\_, to-wit:

The QUEEN, at the instance of the Overseers of the Poor for the Parish of \_\_\_\_\_, vs. C. D. In the matter of the charge of Bastardy preferred by A. B. against C. D.

The said C. D. having appeared and denied the charge, and the same having been heard, and the said C. D. having been found guilty (or, having confessed the charge), it is hereby ordered that the said C. D. forthwith pay the sum of \_\_\_\_\_ dollars costs of prosecution, and do also pay into Court the sum of one hundred dollars to stand as security for the maintenance of the said bastard child, if he shall become chargeable to the said (Parish, City, or Town), or enter into bonds with two sufficient sureties, in the sum of two hundred and fifty dollars each, upon condition that the said C. D. shall at all times for the space of seven years from the date hereof, indemnify, and save from all charges whatever, the (Parish, Town, or City), for or on account of the support of the said bastard child.

(B)

*Recognizance to indemnify, &c.*

County of \_\_\_\_\_, to-wit:

On the \_\_\_\_\_

day of \_\_\_\_\_, 18\_\_\_\_, personally came and ap-