

An act to amend the laws relating to the removal of the poor / Jellinger C. Symons.

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9° & 10° VICTORIÆ, CAP. 66.

AN ACT
TO AMEND THE LAWS RELATING
TO
THE REMOVAL
OF THE
POOR,

With explanatory and practical Notes.

BY JELINGER C. SYMONS, ESQ.

BARRISTER AT LAW,

AND AUTHOR OF "PARISH SETTLEMENTS," &c.


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ADVERTISEMENT.



It is my object in publishing this Act to make the Second Edition of my book on "Parish Settlements" complete. It has had a large circulation, and I hope has proved useful to the Profession and to parish officers.

This new Act in no degree affects the Law of Settlement. It merely applies a partial check to Removals. It is not my purpose to criticise this unhappy specimen of piecemeal legislation, for Government have expressly declared that it is only a temporary change, made on the eve of a much greater one, and therefore avowedly barren of that permanent benefit which alone compensates the disturbance of an established system.

I have endeavoured to assist parish officers and others in construing and administering it.

The object of the Act has undoubtedly been kindly intentioned towards the poor. Seeing, however, that it may quite as often have an opposite effect, and tend to prevent a poor man from being removed to his own parish, who in case of sickness or distress may desire to be restored to his friends, I have not scrupled to point out how he may legally accomplish such a purpose, and escape the mercies of this Act.

JELINGER C. SYMONS.

1, HARCOURT BUILDINGS, TEMPLE,
August 31st, 1846.

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AN ACT
TO
AMEND THE LAWS
RELATING TO THE REMOVAL OF THE POOR,
9 & 10 VICT. c. 66.

I. WHEREAS it is expedient that the laws relating to the removal of the poor should be amended: 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 No person from and after the passing of this Act no person shall to be removed from any parish in which he or she shall have resided for five years. be removed, nor shall any warrant be granted for the removal of any person, from any parish in which such person shall have resided for five years next before the application for the warrant: (a) Provided always, Time du-

(a) "Residing" means sleeping in a parish. It may very well be therefore that a man should have resided in one parish and worked in another. See *Reg. v. Stonleigh*, 2

ring which
persons are
serving in
the army or
navy, &c.
not to be
computed as
time of re-
sidence.

That the time during which such person shall be a prisoner in a prison, or shall be serving her Majesty as a soldier, marine, or sailor, or reside as an in-pensioner in Greenwich or Chelsea Hospitals, or

Q. B. 532, per Coleridge, J. If he has changed his sleeping abode from one parish to another, even though he has retained the same employment during the whole five years, he will have ceased to be irremovable, and this statute will not take effect. Questions will doubtless arise as to what absences shall be deemed an interruption of residence so as to forfeit the protection of the act. It will be incumbent on parish officers to exercise a nice discrimination between such absences as do and do not amount to such interruptions. In cases of hiring and service settlements, any interruption of the "last forty days" residence would be material; but here the period is so much longer, that it may be taken for granted that mere temporary absences, not intended as a change of residence, will not defeat the act; and as its purport is to favour irremovability, the courts will not in all probability be disposed to countenance a very rigorous construction of this clause. It is submitted that wherever the pauper has quitted his usual residence during the five years, it ought always to be ascertained with what intention he did so? Whether it was in fact to change his residence or not? The length of time he was absent will always of course assist in applying this test, and afford strong presumptive evidence one way or the other; but it will not alone determine the question; for a man may have left a parish, and have gone to another with a full determination of remaining there, and yet return in a few days. In such case it could hardly be maintained that he had constantly resided in the same parish. "Warrant" is a new-fashioned term for an *order* of removal: and "application" must, we imagine, be taken

shall be confined in a lunatic asylum, or house duly licensed, or hospital registered for the reception of lunatics, or as a patient in a hospital, or during which any such person shall receive relief from any parish, or shall be wholly or in part maintained by any rate or subscription raised in a parish in which such person does not reside, not being a *bonâ fide* charitable gift, shall for all purposes be excluded in the computation of time hereinbefore mentioned, (b) and that the

to mean complaint of chargeability made to the justice or justices by the parish officers, according to the 13 & 14 of Charles, c. 12, this being the proceeding which the most nearly resembles an "application." This peculiar mode of wording the clause seems to have been originally introduced with reference to certain changes of phraseology begotten by preceding provisions of defunct bills, and to have been left standing in this remnant Act by parliamentary inadvertency. There is one obvious omission in this clause. It does not specify that the application it speaks of at the terminus of the five years, is a future application. As the clause stands, an application made ten years ago might comply with the terms of the act; but the whole clause is to be taken as though it had been thus worded:—*That from and after the passing of this act, when any application shall be made to any justice of the peace for the removal of any person from any parish, no such person shall be removed therefrom who has resided therein for five years next before the time of making such application.*

(b) Any sort of parish relief, whether it be received from the parish where the pauper has resided, or from any other parish, disentitles him to have the time during which he

removal of a pauper lunatic to a lunatic asylum, under the provisions of any Act relating to the maintenance and care of pauper lunatics, shall not be deemed a removal within the meaning of this act: Provided always, That whenever any person shall have a wife or children having no other settlement than his or her own, such wife and children shall be removable whenever he or she is removable, and shall not be removable when he or she is not removable. (c)

No widow
liable to be
removed for
twelve
months after
death of
husband.

II. And be it enacted, That no woman residing in any parish with her husband at the time of his death shall be removed, nor shall any warrant be granted for her removal, from such parish, for twelve calendar months next after his death, if she so long continue a widow. (d)

received it reckoned into the five years. “*Boná fide* charitable gifts” mean alms given by individuals, it is presumed, that is, *non-parochial* relief. The foregoing interruptions, such as residence in prisons, hospitals or asylums, are to be treated in like manner, and are not to be reckoned or included in the five years; but if, independently of them, the pauper has resided full five years, *such* interruptions and *such only* shall not defeat the operation of the act. The residence may, therefore, extend over a number of years.

(c) It has been so hitherto; “children” being understood to mean such as are unemancipated.

(d) This and the following clause must be carried into effect irrespectively of the wishes of the parties concerned.

III. And be it enacted, That no child under the age of sixteen years, whether legitimate or illegitimate, residing in any parish with his or her father or mother, stepfather or stepmother, or reputed father, shall be removed, nor shall any warrant be granted for the removal of such child, from such parish, in any case where such father, mother, stepfather, stepmother, or reputed father may not lawfully be removed from such parish. (*e*)

No child under sixteen years of age liable to be removed.

IV. And be it enacted, That no warrant shall be granted for the removal of any person becoming chargeable in respect of relief made necessary by sickness or accident, unless the justices granting the warrant shall state in such warrant that they are satisfied

Sick persons not liable to be removed except under certain circumstances.

However much a widow may desire to be removed to her own maternal or her husband's parish, if he happen to have died in another, she cannot be removed for a twelve-month.

(*e*) This section virtually extends the age of nurture from seven to sixteen years. According to its terms a child residing in the same parish with its reputed father, cannot be removed to its own mother if living in another parish, unless the reputed father can be removed likewise. And if living where its stepfather is, it cannot, in like manner, be removed to its own mother. This overrules *Reg. v. Birmingham*, 5 Q. B. 210. But there is nothing to prevent the child being removed to one parish, and the stepfather, &c., to another, either in this section or in section 1.

that the sickness or accident will produce permanent disability. (*f*)

(*f*) The question "What is permanent disability?" evidently promises a wide field of uncertainty and conflict of opinion. We are left by the Act to guess at what is meant by disability! probably disability to procure a livelihood: such disability as may be likely to cause chargeability: but very various will be the opinions of medical men on this point. If this be not the meaning of this vague phrase, it is difficult to devise any other, and it is still more so to conceive why, if this was the meaning of the legislature, they did not state it. The justices, or, on appeal the sessions, will alone judge *upon each case* what is or is not one of permanent disability; if they exercise their discretion, it will, in accordance with other cases, be final; but it will perhaps soon appear advisable that a case should be stated for the opinion of the Court of Queen's Bench, in order that the statute may be construed, and some intelligible rule laid down for the guidance of Justices. In the interim it seems to be requisite that surgical or medical evidence be taken on *each case* of illness accompanying chargeability, for this clause applies to *every* order for the removal of a sick pauper, and is of course a preliminary to making it on a par with evidence of chargeability. It seems designed to strengthen and augment the cases of casual relief, which do not warrant removal.

It will be observed that the justices who shall have satisfied themselves of permanent disability are to state so in the order of removal. It may be thus worded, and the following passage inserted, (see form in Parish Settlements, p. 40, 2nd edit.) after the words "is actually chargeable to the said parish of ——" *And the said pauper being now sick and infirm of body [or disabled by accident], we the said justices, having examined a medical [or surgical] witness on*

V. Provided always, and be it enacted, That no person hereby exempted from liability to be removed shall by reason of such exemption acquire any settlement in any parish. (*g*)

Settlement
not to be
gained by
not being
removed.

VI. And be it enacted, That if any officer of any parish or union do, contrary to law, with intent to cause any poor person to become chargeable to any parish to which such person was not then chargeable, convey any poor person out of the parish for which such officer acts, or cause or procure any poor person to be so conveyed, or give directly or indirectly any money, relief, or assistance, or afford or procure to be afforded any facility for such conveyance, or make

Penalty on
persons un-
lawfully
procuring
removals of
poor per-
sons.

oath thereupon, are satisfied that the said sickness [or accident] of the said pauper will produce permanent disability: Now we the said justices, upon due proof thereof, &c. do adjudge, &c.

The usual suspension of removal may be indorsed on the order thus worded as before.

(*g*) This is the substance of the Act. It creates no new settlement; but only a new exemption from removal; which it is the purview of the Act to check. It of course follows from this that no one can be removed to a parish on the score of a five years' residence there, though he may only have left such parish for an hour. The Act in fact has no operation, unless the pauper becomes chargeable where he has resided for five years. It simply prevents a particular parish from removing a particular pauper: it leaves the law as regards all other parishes just as it was before.

any offer or promise or use any threat to induce any poor person to depart from such parish, and if, in consequence of such conveyance or departure, any poor person become chargeable to any parish to which he was not then chargeable, such officer, on conviction thereof before any two justices, shall forfeit and pay for every such offence any sum not exceeding Five Pounds nor less than Forty Shillings. (*h*)

(*h*) Parish officers ought to be careful to obey this provision, and to resist the temptation of disburthening themselves of the maintenance of a costly family of paupers at the mere risk of a five pound penalty, for they are equally indictable for a misdemeanor.

The pauper who may desire to be removed to his own parish, is under no such disability, and has merely to walk out of his place of five year residence into the next parish, and become chargeable there, whence he must be removed to his place of settlement; for, as we have before noted, the parish where he has resided five years is the only one which cannot remove him.

Parishes will do well to get rid of any persons likely to be burthensome to them, and who are *not* legally resident in them before the five years are complete. In many cases such persons have built cottages, and established themselves on common lands. It may not be useless to mention here that it has been recently decided in the case of *Perry v. Fitzhowe*, 15 Law Jour. Q. B. 239, that any person having right of common in places thus encroached on may legally pull down any cottage or building thus erected as a nuisance and infringement on his right, provided he does so at a time when no person is in the house.

VII. And be it enacted, That the delivery of any pauper under any warrant of removal directed to the overseers of any parish at the workhouse of such parish, or of any union to which such parish belongs to any officer of such workhouse, shall be deemed the delivery of such pauper to the overseers of such parish. (*i*)

Delivery of paupers under orders of removal.

VIII. And be it enacted, That an Act passed in the fifth year of the reign of King William the Fourth, “For the Amendment and better Administration of the Laws relating to the Poor in England and Wales,” and all Acts to amend and extend the same, and the present Act, except so far as the provisions of any former Act are altered, amended, or repealed by any subsequent Act, shall be construed as one Act; and all penalties and forfeitures imposed under this Act shall be recoverable as penalties and forfeitures under the said Act for the amendment of the laws relating to the poor.

4 & 5 W. 4, c. 76, and this Act to be construed as one.

(*i*) This provision is not directory, and leaves it optional with overseers to deliver either at the workhouse or to the overseers of the parish of the settlement. There is, however, no compulsion on the officer of the workhouse to receive the pauper thus delivered, and it is competent to him to refuse to do so, unless he receive orders from those in authority over him to do so.

Act limited
to England.

IX. And be it enacted, That this Act shall extend
only to England.

Act may be
amended,
&c.

X. And be it enacted, That this Act may be amended
or repealed by any Act to be passed in this session of
parliament.

THE END.

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APPENDIX.

A.

8 & 9 VICT. CAP. CXVII.

An Act to amend the Laws relating to the Removal of poor Persons born in Scotland, Ireland, the Islands of Man, Scilly, Jersey, or Guernsey, and chargeable in England. [8th August, 1845.]

WHEREAS it is expedient that the laws relating to the removal of poor persons born in Scotland or Ireland, or in the islands of Man, Scilly, Jersey, or Guernsey, and not settled in England, but chargeable to parishes in England, should be amended: Be it therefore 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 from and after the passing of this act so much of the following acts of parliament, and of all acts to amend or continue the same, as relates to the removal of such poor persons from the parishes to which they are chargeable, except so far as any of the said acts may repeal the provisions of any former act, and except as to all orders made under the same or any of them, and not fully executed at the passing of this act, shall be and the same is hereby repealed; (namely) an act made in the eleventh year of the reign of king George the Fourth, "to repeal the provisions of certain acts relating to the removal of vagrants and poor persons born in the isles of Jersey and Guernsey, and chargeable to parishes in England, and to make other provisions in lieu thereof;" an act made in the fourth year of the reign of king William the Fourth, "to repeal certain acts relating to the removal of poor persons born in Scotland and Ireland, and chargeable to parishes in England, and to make other provisions in lieu thereof until the first day of May, one thousand eight hundred and thirty-six, and to the end of the then next session of parliament."

Repeal of
11 G. 4 &
1 W. 4, c. 5,
ss. 1, 2;
3 & 4 W. 4;
c. 40;
7 W. 4, &
1 Vict. c. 10;
3 & 4 Vict.
c. 27; and
7 & 8 Vict.
c. 42.

II. And be it enacted, That if any person born in Scotland or Ireland, or in the isle of Man, or Scilly, or Jersey, or Guernsey, not settled in England, become chargeable to

Provision for
removal of
natives of
Scotland,

Ireland, and
the isles of
Man, Scilly,
Jersey, and
Guernsey.

any parish in England by reason of relief given to himself or herself, or to his wife, or to any legitimate or bastard child, such person, his wife, and any child so chargeable, shall be liable to be removed respectively to Scotland, Ireland, the Isle of Man, Scilly, Jersey, or Guernsey; and if the guardians of such parish, or of any Union in which the same may be comprised, or, where there are no such guardians, if the overseers of such parish, complain thereof to any one justice of the peace, such justice may, if such person do not attend voluntarily, summon him to come before any two justices of the peace, at any time and place to be named in the summons; and at such time and place, or on the attendance of such person, any two justices may hear and examine into the matter of such complaint, and if it be made to appear to their satisfaction that such person is liable to be so removed as aforesaid, and if they see fit, they may make and issue a warrant under their hands and seals to remove such person forthwith at the expence of such union or parish.

Persons executing warrants of removal to have the authority of constables.

III. And be it enacted, That every person to whom any warrant made in pursuance of this act shall be delivered for the purpose of being carried into execution shall detain and hold in safe custody every poor person mentioned therein, until such poor person have arrived at the place to which he is ordered to be removed, and shall for that purpose, in every county and place through which he may pass in the due execution of such warrant, have and exercise the powers with which a constable is by law invested, notwithstanding such person may not otherwise be empowered to act as a constable for such county or place.

Justices of the peace to make new regulations for removal of Scottish and Irish poor, &c., to their respective places of birth or residence.

IV. And be it enacted, That the justices of the peace of every county shall at some general or quarter session of the peace or some adjournment thereof, and the justices of the peace in petty sessions of every borough shall within eight months after the passing of this act, make regulations for the more effectually carrying into effect the provisions of this act for the removal of such poor persons, their wives and children, whether by land or sea, or part of the way by land and part by sea; and such justices may from time to time thereafter, as they may see occasion, make other regulations for the same purpose; and such justices shall in such regulations provide, so far as may be, for the removing of persons born in Ireland, and their families, to the ports named in the schedule marked (A.) to this act annexed which are nearest to the respective places where such persons were born or have resided, unless where any such persons consent to be removed to any other port or place in Ireland, and as regards persons born in Scotland, and their families, to the ports named in the schedule marked (B.) to this act

annexed which are nearest the respective places where such persons were born or have resided, or to places not being ports, but being as near as such ports to the respective places where such persons were born or have resided, unless where any such persons consent to be removed to any other port or place in Scotland; and such regulations, when approved by one of her Majesty's principal secretaries of state, shall be observed and carried into effect by all justices of the peace, guardians, overseers, constables, and other persons charged with or concerned in such removal in such respective county or borough; and until such regulations for any county or borough have been so approved, all rules, orders, regulations, and directions heretofore made for the removal therefrom of persons born in Scotland, Ireland, or the isles of Man, Scilly, Jersey, or Guernsey, shall continue in force, but no longer.

V. And be it enacted, That in the case of any parish not in Union, and not containing a population exceeding thirty thousand persons according to the last census published by the authority of parliament, if the guardians or overseers on whose complaint such warrant of removal was made bring or send to the clerk of the peace of the county or to the town clerk of the borough in which such parish is situate such warrant of removal, accompanied with an affidavit, sworn before some justice of the peace of such county or borough, (who shall be authorized to administer the same,) of the amount of the expences bonâ fide incurred and paid by such guardians or overseers on account of such removal under such warrant as aforesaid, and also a statement of the several items comprised in such amount, such clerk of the peace shall lay the same before the justices of the peace assembled at the quarter session or adjournment thereof holden for such county next after he has received the same, and such town clerk shall lay the same before the council of such borough at their quarterly meeting held next after he has received the same; and the said justices and council of such borough respectively shall, if the regulations in force in regard to such removal have been duly complied with, order the amount of such expences to be paid out of the county rate raised in such county, or out of the borough fund of such borough, as the case may be.

Expences
of certain
parishes to
be repaid out
of county
rates.

VI. And be it enacted, That if any board of guardians of any union in Ireland, or the heritors and kirk session or borough magistrates in Scotland, think themselves aggrieved by any removal of any poor person under the provisions of this act, and if they forward to the poor law commissioners a statement of the case, and of any grounds for concluding that such poor person is settled in any parish in England, or was not in law liable to be removed to Ireland or Scot-

Appeals
against such
removals
may be
lodged at
the instance
of boards of
guardians
in Ireland,
and of kirk
session,

heritors, or
borough
magistrates
in Scotland.

land, as the case may be, and if they or any persons on their behalf give good security in England to the said commissioners for the payment of all costs which may be incurred in any appeal against the warrant for the removal of such poor person, such commissioners, if satisfied that it will be expedient so to do, may appeal, on behalf of the persons so aggrieved, to the court of quarter sessions holden for the county or borough from which such removal was made, held at any time within six months after such removal was completed; and such commissioners shall, at least twenty-one days before the holding of such session, send by post or otherwise, to the guardians or overseers on whose application such warrant was obtained, notice in writing, purporting to be signed by their secretary or one of their assistant secretaries, of their intention to appeal against such warrant, containing a statement in writing of the ground of such appeal; and such court of quarter sessions shall hear and determine such appeal; and if the warrant of removal is reversed by such court, the guardians or overseers on whose application the same was obtained shall pay the costs and the necessary expences and charges incurred by or on account of such board of guardians, or heritors and kirk session or borough magistrates respectively, in conveying the poor person removed under the same back to such parish; and if they refuse or neglect to pay the same within seven days after demand thereof, the persons on whose behalf such appeal was brought, or any person authorized by them, may recover the same as penalties and forfeitures: provided always, that the said guardians or overseers may at any time after such notice of appeal give or send by post notice in writing under the hands of any two or more of them to the said commissioners, that they abandon such warrant, and thereupon such warrant shall be of no effect; and such guardians and overseers shall pay to the persons on whose behalf such notice of appeal was given, or to some person authorized by them, the expences incurred by or on account of such persons by reason of such warrant, and in any proceedings consequent thereon, and the necessary expences and charges of conveying the person removed under the same back to such parish; and if they do not pay the same within seven days after demand the same may be recovered as penalties and forfeitures.

The Poor-law
Amendment
Act and this
act to be con-
strued as one
act.

VII. And be it enacted, That the said act of the fifth year of the reign of King William the Fourth, "for the amendment and better administration of the laws relating to the poor in England and Wales," and all acts to amend and extend the same, and the present act, except so far as the provisions of any former act are altered, amended, or re-

pealed by any subsequent act, shall be construed as one act; and that in this act, or any of the said acts, the word "county" shall mean and include any county, division of a county, riding, or liberty, having a separate commission of the peace; and that in this act the word "borough" shall mean any borough having a separate court of quarter sessions.

VIII. And be it enacted, That in all proceedings under this act it shall be sufficient in the law to use, with such changes only as the facts of each case may require, the forms contained in the schedule marked (C.) to this act annexed, for the purposes in the titles to such forms respectively specified. Forms in the schedule may be used in proceedings under this act.

IX. And be it enacted, That this act may be amended or repealed by any act to be passed in this session of parliament. Alteration of act.

SCHEDULE (A.)

Ports in Ireland.

Dublin.	Cork.	Belfast.
Wexford.	Limerick.	Dundalk.
Waterford.	Derry.	

SCHEDULE (B.)

Ports in Scotland.

Dumfries.	Glasgow.	Aberdeen.
Ayr.	Oban.	Dundee.
Greenock.	Inverness.	Edinburgh.

SCHEDULE (C.)—See p. 64.

B.

7 & 8 VICT. CAP. CI.

So much of an Act for the further Amendment of the Laws relating to the Poor in England, as relates to the Law of Settlement, Removal, and Bastardy. [9th August, 1844.]

WHEREAS it is expedient to amend an act passed in the session held in the fourth and fifth years 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 certain other acts relating to the relief of the poor in England: be 4 & 5 W. 4. c. 76.

Powers of making order on putative father to cease.

The putative father to be summoned to petty sessions, on application of mother of bastard.

Justices in petty session may make an order on the putative father for maintenance and costs, and enforce the same by distress and commitment.

it therefore 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 from and after the passing of this act all powers for obtaining or making an order upon any putative father for the maintenance of a bastard child shall cease and determine, except as herein-after provided.

II. And be it enacted, That any single woman who may be with child, or who may be delivered of a bastard child, after the passing of this act, or who has been delivered of a bastard child within the period of six calendar months before the passing of this act, may either before the birth, or at any time within twelve months from the birth of such child, or at any time thereafter, upon proof that the man alleged to be the father of such child has within the twelve months next after the birth of such child paid money for its maintenance, make application to any one justice of the peace acting for the petty sessional division of the county, or for the city, borough, or place in which she may reside, for a summons to be served on the man alleged by her to be the father of such child; and if such application be made before the birth of the child the woman shall make a deposition upon oath stating who is the father of such child, and such justice of the peace shall thereupon issue his summons to the person alleged to be the father of such child to appear at a petty session to be holden after the expiration of six days at least for the petty sessional division, city, borough, or other place in which such justice usually acts.

III. And be it enacted, That after the birth of such bastard child, on the appearance of the person so summoned, or on proof that the summons was duly served on such person, or left at his last place of abode six days at least before the petty session, the justices in such petty session shall hear the evidence of such woman, and such other evidence as she may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father; and if the evidence of the mother be corroborated in some material particular by other testimony, to the satisfaction of the said justices, they may adjudge the man to be the putative father of such bastard child; and they may also, if they see fit, having regard to all the circumstances of the case, proceed to make an order on the putative father for the payment to the mother of the bastard child, or to any person who may be appointed to have the custody of such child under the provisions of this act, of a sum of money weekly, and of such costs as may have been incurred in the obtaining of such order, including, if they think proper, ten shillings

for the midwife, and ten shillings towards the funeral expences of the child, provided it have died before the making of such order; and if the application be made before the birth of the child, or within two calendar months after the birth of the child, such weekly sum may, if the said justices think fit, be calculated from the birth of the child, at a rate not exceeding five shillings per week for the first six weeks after the birth of such child; and in other cases, such sum shall not exceed two shillings and sixpence per week from the time of the making of the application; and if at any time after the expiration of one calendar month from the making of such order as aforesaid it be made to appear to any one justice, upon oath or affirmation, that any sum to be paid in pursuance of such order has not been paid, such justice may, by warrant under his hand and seal, cause such putative father to be brought before any two justices; and in case such putative father neglect or refuse to make payment of the sums due from him under such order, or since any commitment for disobedience to such order as herein-after provided, together with the costs attending such warrant, apprehension, and bringing up of such putative father, such two justices may, by warrant under their hands and seals, direct the sum so appearing to be due, together with such costs, to be recovered by distress and sale of the goods and chattels of such putative father, and may order such putative father to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless he give sufficient security by way of recognizance or otherwise, to the satisfaction of such justices, for his appearance before two justices on the day which may be appointed for the return of such warrant of distress, such day not being more than seven days from the time of taking any such security; but if upon the return of such warrant, or if by the admission of such putative father, it appear that no sufficient distress can be had, then any such two justices may, if they see fit, by warrant under their hands and seals, cause such putative father to be committed to the common gaol or house of correction of the county, city, borough, or place where they have jurisdiction, there to remain without bail or mainprize for any term not exceeding three calendar months, unless such sum and costs, and all reasonable charges attending the said distress, together with the costs and charges attending the commitment and conveying to gaol or to the house of correction, and of the persons employed to convey him thither, be sooner paid and satisfied: provided always, that if the woman have allowed the weekly payment to be in arrear for more than thirteen successive weeks, without application to a justice, the man shall not be called upon to pay more than the amount due for thirteen weeks in discharge of the

Proviso.

whole debt, and no warrant of distress shall be issued for more than the amount of arrears for thirteen weeks payment in discharge of the whole arrears or debt.

Applications
to be made
within forty
days.

Appeal to
quarter ses-
sions for the
putative
father.

IV. And be it enacted, That the justices in petty session as aforesaid may adjourn the hearing of the case as often as to them may seem fit; but no such order shall be made unless applied for at such petty sessions within the space of forty days from the service of the summons after the birth of the bastard child on the person alleged to be the father of such bastard child; and if within twenty-four hours after the adjudication and making of any order on the putative father as aforesaid, such putative father give notice of appeal to the mother of the bastard child, and also within seven days give sufficient security, by recognizance or otherwise, for the payment of costs, to the satisfaction of some one justice of the peace, it shall be lawful for such putative father to appeal to the general quarter sessions of the peace to be holden after the period of fourteen days next after the making of the said order for the county, city, borough, or place for which such petty session may have been held; and the justices in such quarter sessions assembled, or the recorder, as the case may be, shall thereupon hear and determine such appeal, and shall order such costs to be paid by either party as to them or him may seem fit.

Money under
the order to
be paid to the
mother or to
a person ap-
pointed by
the justices.

V. And be it enacted, That all money payable under any order as aforesaid shall be due and payable to the mother of the bastard child in respect of such time and so long as she lives and is of sound mind, and is not in any gaol or prison, or under sentence of transportation; and after the death of the mother of such bastard child, or whilst such mother is of unsound mind, or confined in any gaol or prison, or under sentence of transportation, any two justices may, if they see fit, by order under their hands and seals, from time to time appoint some person who, with his own consent, shall have the custody of such bastard child, so long as such bastard child is not chargeable to any parish or union, and any two such justices may revoke the appointment of such person, and may appoint another person in his stead; and every person so appointed to have the custody of a bastard child shall, so long as such child is not chargeable to any parish or union, be empowered to make application for the recovering of all payments becoming due under the order of the court of petty session as aforesaid, in the same manner as the mother of such bastard child might have done; and the clerk to the justices making any order on the putative father of a bastard child, or appointing any person to have the custody of such child, as herein-before provided, shall as soon as may be send by post or otherwise a duplicate of such order or appointment, signed by such clerk, to the

clerk to the guardians of the union or parish in which the mother of such bastard child resided at the time of making such order or appointment; provided always, that no order for the maintenance or support of any such bastard child made in pursuance of this act shall, except for the purpose of recovering money previously due under such order, be of any force or validity after the child in respect of whom it was made has attained the age of thirteen years, or after the marriage of the mother of such child, or after the death of such child.

Time of cessation of order.

VI. And be it declared and enacted, That every woman neglecting to maintain her bastard child, being able wholly or in part so to do, whereby such child becomes chargeable to any parish or union, shall be punishable as an idle and disorderly person, under the provisions of an act made and passed in the fifth year of the reign of his late Majesty King George the Fourth, intituled "An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that part of the United Kingdom called England;" and every woman so neglecting to maintain her bastard child after having been once before convicted of such offence, and every woman deserting her bastard child, whereby such bastard child becomes chargeable to any parish or union, shall be punishable as a rogue and vagabond, under the provisions of the said last-recited act.

Mother punishable for neglect or desertion of her bastard child.

5 G. 4, c. 83.

VII. And be it enacted, That it shall not be lawful for any justice of the peace to appoint any officer of any parish or union to have the custody of any bastard child as hereinbefore provided, or for any officer of any parish or union, clerk of justices, or constable, to receive any money in respect of any bastard child under an order of petty session as aforesaid, or as such officer to conduct any application to make or enforce such order, or in any way to interfere as such officer in causing such application to be made, or in procuring evidence in support of such application, under a penalty of forty shillings, to be levied on conviction before any two justices as penalties and forfeitures under the said first-recited act: provided always, that after the death of such mother, or if such mother be incapacitated as aforesaid, so often as any bastard child for whose maintenance such order of petty sessions has been made, becomes chargeable to any parish or union by the neglect of the putative father to make the payments due under the orders of justices, then and in such case it shall be lawful for any board of guardians of an union or parish, or if there be no such board of guardians for the overseers of any parish or place, to make such application for the enforcement of the order as might have been made by the mother of such bastard child if alive; but all payments for the maintenance of such child made

Officers of parishes or unions not to receive money under the order, or to interfere in any respect.

Proceedings against putative father in case of death or incapacity of mother.

in pursuance of such application shall be made to some person to be from time to time appointed by the justices as herein-before provided, and on condition that such bastard child shall cease to be chargeable to such parish or union.

Penalties for promoting marriage of a mother of a bastard, improperly misapplying monies, or maltreating a bastard child.

VIII. And be it enacted, That if any officer of a union, parish or place endeavour to induce any person to contract a marriage by threat or promise respecting any application to be made or any order to be enforced with respect to the maintenance of any bastard child, such officer shall be guilty of a misdemeanor (a), and every person having the custody of any bastard child, under any order of justices, as herein-before provided, who may misapply monies paid by the putative father for the support of such child, or may withhold proper nourishment from such child, or otherwise abuse and maltreat such child, shall, on conviction before any two justices, forfeit and pay a sum not exceeding ten pounds.

Existing orders, &c. not to be affected. Orders made before 14th of August, 1834, to cease on 1st January, 1849.

IX. And be it enacted, That nothing in this act contained shall affect the validity of any orders for the maintenance of a bastard child made by justices in quarter or petty sessions before the passing of this act; but no such order made before the fourteenth day of August, one thousand eight hundred and thirty-four, shall be in force after the first day of January, one thousand eight hundred and forty-nine, and that all proceedings actually pending before justices in quarter sessions or petty sessions at the time of the passing of this act may be continued, and orders made therein in the same manner as if this act had not been passed.

Orders made by justices acting in two adjoining counties to be valid although not made in the county in which the parish is situate.

X. And whereas various unions established under the authority of the said recited act are situate partly in one county, riding, or division, and partly in an adjoining county, riding, or division: and whereas doubts have been entertained whether any justice of the peace acting under two commissions for different counties, ridings, or divisions, can legally make orders in bastardy when acting in petty sessions within the limits of one of such commissions, for such parts of such unions as are situate within the limits of the other of such commissions: and whereas it is expedient to remove all such doubts with regard to orders which have before the passing of this act been made under such circumstances; be it therefore enacted, That all orders in bastardy which have been made by any justices of the peace acting as such under two commissions for any two adjoining counties, ridings, or divisions, shall, although not made within the county, riding, or division in which the parish interested in the order, or any part thereof, is situate, be as valid, good, and effectual in the law, to all intents and purposes, as if they had been made within such county, riding, or division.

(a) Punishment, fine or imprisonment.

XI. And be it enacted, That every clerk to the justices shall once in each year, (that is to say,) as soon as may be after the first day of January, make up, in the form of the schedule (A.) annexed to this act, and forward to the clerk of the peace a complete list of summonses issued, applications heard, and orders made as aforesaid since the first day of January of the year preceding, by the justices to whom he acts as clerk; and every clerk of the peace shall receive such lists, and shall, on demand of the clerk to the justices, acknowledge under his hand the receipt of any such list, and shall preserve the said lists, and shall, as soon as may be after the receipt of such lists, transmit copies thereof, duly certified, to her Majesty's principal Secretary of State for the Home Department, and shall also transmit a list of all the cases in which appeals have been made to the court of quarter sessions during the same period, with the result of every such appeal; and it shall be lawful for the justices of the peace, at their respective general quarter sessions of the peace, to make and settle a fee or fees to be paid to every such clerk to the justices for every such list; and on production by any such clerk to the justices of the acknowledgment by the clerk of the peace of the receipt of such list, the treasurer of the county shall pay the fee so made and settled, and due in respect of any such list, out of the county stock in the hands of such treasurer.

Clerks to justices annually to make a return of summonses, orders, &c. to the clerks of the peace;

who shall transmit copies thereof to the Secretary of State with lists of appeals.

XII. And be it enacted, That the poor law commissioners may, by order under their hands and seal, prescribe the duties of the masters to whom poor children may be apprenticed, and the terms and conditions to be inserted in the indentures by which such children may be so bound as apprentices; and every master of such apprentice who wilfully refuses or neglects to perform any of such terms or conditions so inserted in any such indenture shall be liable, upon conviction thereof before any two justices, to forfeit any sum not exceeding twenty pounds; and that after the first day of October next no poor child shall be bound apprentice by the overseers of any parish included in any such union, or subject to a board of guardians, under the provisions of the first-recited act, but it shall be lawful for the guardians of such union or parish respectively to bind any such poor child to be an apprentice, and in such case the indentures of apprenticeship shall be executed by the said guardians, and shall not need to be allowed, assented to, or executed by any justice or justices of the peace, and the guardians shall have all the powers for binding or assigning any such apprentice which are now possessed by overseers, and shall cause all apprentices so bound or assigned by them to be registered by their clerk according to the form prescribed by the statute of the forty-second year of the reign

Poor law commissioners to prescribe the duties of poor apprentices, and masters neglecting to fulfil them liable to penalty.

Guardians to bind poor children apprentices instead of overseers.

of King George the Third relating to the registration of parish apprentices, so far as the same may be applicable to such binding or assignment: provided always, that nothing herein contained shall directly or indirectly interfere with the provisions of any act of parliament relating to apprentices to be bound to the sea service.

Compulsory
apprentice-
ship abolished.
Repeal of
43 Eliz. c. 2;
8 & 9 W. 3,
c. 3.

XIII. And be it enacted, That after the passing of this act, so much of an act passed in the forty-third year of the reign of Queen Elizabeth, intituled "An Act for the Relief of the Poor," and so much of an act passed in the session held in the eighth and ninth years of the reign of King William the Third, intituled "An Act for supplying some Defects in the Laws for the Relief of the Poor of this Kingdom" or of any other act of parliament, whether general or local, as compels any person to receive any poor child as an apprentice, shall be and is hereby repealed.

CERTIFICATES OF CHARGEABILITY.

Guardians,
&c. may
make a cer-
tain certi-
ficate, which
may be re-
ceived in
evidence,
&c.

LXIX. And be it enacted, That it shall be lawful for any board of guardians or district board, at any meeting thereof, to make a certificate in the form or to the effect contained in the schedule of this act marked (C.), and that every such certificate, and every copy of a minute of any order, complaint, claim, application, or authority of any such board of guardians or district board, purporting respectively to be signed by the presiding chairman of such guardians or district board, and to be sealed with their seal, and to be countersigned by their clerk, shall, unless the contrary be shown, be taken to be sufficient proof of the truth of all the statements contained in such certificate, and of the directions respecting such order, complaint, claim, or application having been given as alleged in the copy of such minute, and shall be received in evidence accordingly by and before all courts of justice and all justices, without any proof of the signatures or of the official characters of the persons signing the same, or of such seal, or of such meeting; and that for the purpose of making any order of removal or other order no further or other evidence of chargeability than such certificate shall be required, provided that every such order bear date within twenty-one days next after the day of the date of such certificate.

SUMMONING WITNESSES.—EVIDENCE.

Justices at
petty ses-
sions, or out
of sessions,
may summon
witnesses,
and compel
them to at-

LXX. And be it enacted, That in any proceedings to be had before justices in petty or special sessions, or out of sessions, under the provisions of this act or of any of the acts required to be construed as one act herewith, if any party to such proceedings request that any person be summoned to appear as a witness in such proceedings, it shall be lawful

for any justice to summon such person to appear and give evidence upon the matter of such proceedings; and if any person so summoned neglect or refuse to appear to give evidence at the time and place appointed in such summons, and if proof upon oath be given of personal service of the summons upon such person, and that the reasonable expences of attendance were paid or tendered to such person, it shall be lawful for such justice, by warrant under his hand and seal, to require such person to be brought before him, or any justices before whom such proceedings are to be had; and if any person coming or brought before any such justices in any such proceedings refuse to give evidence thereon, it shall be lawful for such justices to commit such person 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.

tend and give evidence.

LXXI. And whereas it is provided by the said first-recited act that all rules, orders, and regulations made by the said commissioners under the authority of the said act shall be as valid and binding, and shall be obeyed and observed, as if the same were specifically made by and embodied in the said act; but no sufficient provision is made for bringing such orders to the knowledge of courts of justice; be it therefore enacted, That any copy of any such rule, order, or regulation, printed by the printer duly authorized by her Majesty or any of her royal predecessors or successors, shall, after the lapse of fourteen days from the date thereof, be received in evidence, and judicially taken notice of, and shall, until the contrary be shown, be deemed sufficient proof that such order was duly made, and is in force.

Rules, &c., printed by the printer authorized by her Majesty to be received in evidence.

LXXII. And whereas it is provided by the said first-recited act that a written or printed copy of every rule, order, or regulation of the said commissioners shall, before the same shall come into operation in any parish or union, be sent by the said commissioners by the post, or in such manner as the commissioners shall think fit, sealed or stamped with their seal, addressed to the overseers of such parish, the guardians of such union, or their clerk, and to the clerk to the justices of the petty sessions held for the division in which such parish or union shall be situate: and whereas the proof of such sending is often attended with great expence and difficulty; be it enacted, That it shall not in any civil or criminal proceeding be necessary to prove such sending, except to the clerk to the guardians of the union or of the parish, or, where there shall be no guardians,

Evidence in legal proceedings of the transmission of the commissioners' rules, &c.

to the overseers of the parish within which such rule, order, or regulation is intended to have effect; and that it shall in no case be necessary to prove such sending, unless reasonable notice in writing be given, by the party requiring such proof, to the party upon whom such proof would lie, that such proof will be required; and whenever it is proved to the satisfaction of the court that the said rule, order, or regulation was sent, and that the party was cognizant thereof, such court shall order the reasonable expences of the witness or witnesses proving the same to be paid by the party who has given such notice, and such expences shall be recoverable as penalties and forfeitures under the first-recited act.

Construc-
tion of act.
5 & 6 Vict.
c. 57.

LXXIV. And be it enacted, That this act shall be construed in the same manner as the act passed in the sixth year of the reign of her present Majesty, intituled "An Act to continue until the Thirty-first Day of July One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament, the Poor Law Commission; and for the further Amendment of the Laws relating to the Poor in England," and as one act with the same, and with the acts and provisions thereby required to be construed as one act; and the word "month" shall be taken to mean calendar month; and the words "clerk of the peace" shall be taken to mean the clerk of the peace or other officer discharging any of the duties of clerk of the peace for any county, division of a county, riding, borough, liberty, division of a liberty, precinct, county of a city, city, county of a town, town, cinque port, or town corporate; and the words "licensed minister" in the said first-recited act, and "minister" in this act, shall be construed to mean and include every person in holy orders, and also every person teaching or preaching in any congregation for religious worship whose place of meeting is certified and recorded according to law; and, except where it is otherwise expressly provided, all provisions in any act now passed or hereafter to be passed, relating to the officers of boards of guardians constituted under the provisions of the said first-recited act, or to the workhouses under the management of such guardians, shall apply to all officers appointed by any district board, and to all workhouses under the management of any district board.

Act limited
to England
and Wales.

LXXV. And be it enacted, That this act shall extend only to England and Wales.

When act
to operate.

LXXVI. And be it enacted, That this act shall come into operation on the day next after that on which her majesty gives her assent thereto.

SCHEDULES REFERRED TO IN THE FOREGOING ACT.

SCHEDULE (A.)

County
Division

Name of Mother of Bastard applying.	Date of Issue of Summons.	Date of Petty Sessions.	Result of the Application.	Name of the putative Father in all Cases in which Orders are made.
			[Here state if the summons was never served, or if the alleged father absconded, or the complaint was abandoned or heard, and the order refused, or, if made, the amount of the order.]	

I certify the above list to be correct in all particulars.

(Signed) A.B., Clerk to the Justices

SCHEDULE (B.)

City, Towns, and Boroughs.

Liverpool.

Leeds.

Manchester.

Birmingham.

Bristol.

SCHEDULE (C.)

The Board of Guardians of the Poor of the Union [or parish of] do hereby certify, That on the day of A.B. and his wife C.B., and his child E.B., became chargeable to the parish of in the said union [or to the said union].

In testimony whereof the common seal of the said guardians is hereunto affixed at a meeting of their board this day of 18

(L.S.) (Signed)

W.J., Presiding Chairman of the said Board.

(Countersigned)

C.D., Clerk [or acting as Clerk] to the Board of Guardians of

C.

8 VICT. CAP. X.

An Act to make certain Provisions for Proceedings
in Bastardy. [8th May 1845.]7 & 8 Vict.
c. 101.Proceedings
in bastardy
according to
the forms in
the schedule
hereto valid.

WHEREAS divers questions have been raised as to the validity of certain orders in bastardy made by justices under the act of the last session of parliament, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," which questions are wholly beside the merits of the cases; and it is desirable to remove such questions, and to prevent the recurrence of the same or similar questions in future: be it therefore 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 where any proceedings have been had or taken before the passing of this act, or shall hereafter be had or taken in matters of bastardy under the provisions of the said recited act, and shall have been set forth according to the forms in the schedule hereunto annexed, or to the like tenor or effect, the same shall be taken respectively to have been and to be valid and sufficient in law; provided that nothing herein contained shall prevent any court of general quarter sessions from proceeding to hear and determine the merits of any case brought before them on appeal against any such order, or apply to any order heretofore made or professed to have been made under the said act, which shall have been quashed on appeal to any general quarter session of the peace, or in respect whereof any writ of certiorari shall have been sued out of the Court of Queen's Bench, and served before the twenty-sixth day of February last, or in place whereof any other order shall have been made.

Mother, when
order has
been quashed
for defect in
form, may
apply again
within six
calendar
months.

II. And be it enacted, That when any order made under the provision of the said act prior to the passing of this act shall have been or shall be quashed for any defect therein, and not upon the merits, it shall be lawful for the mother of the bastard child in whose favour such order shall have been made to take proceedings for the obtaining of another order, according to the provisions of the said act, at any time within the space of six calendar months after the passing of this act, although the period limited for her application to the justice under the said act shall have expired.

Form of re-
cognizance
to be given

III. And whereas power is given by the said act to the putative father to appeal against an order made upon him by the justices in petty session assembled, giving notice of

appeal as therein specified, and also sufficient security, by recognizance or otherwise, for the payment of costs, to the satisfaction of some one justice of the peace; be it enacted, That the condition of any such recognizance shall be for the appearance of the said putative father at such general quarter session of the peace as is required by the said act, and his trial of the appeal thereat, and the payment of such costs as he shall be then and there ordered to pay; and that in respect of any order to be made after the passing of this act the party entering into any such recognizance shall forthwith give or send a notice in writing of his having so entered into such recognizance to the woman in whose favour the said order shall have been made, and unless he shall enter into the recognizance before one of the justices who shall have made the order, to one at least of such justices; and in default of his giving or sending such notice or notices as aforesaid the appeal shall not be allowed; provided that the sending of such notice or notices by the post shall be taken to be sufficient.

IV. And whereas it is enacted by the said act, that any single woman who may be with child may apply to a justice of the peace as therein described for a summons to be served upon the man alleged by her to be the father of such child, and that such justice shall thereupon issue his summons to such man to appear at a petty session, as therein also set forth, and power is given to such woman after the birth of the child to apply to the justices at such petty session for an order upon the person so alleged by her to be the father of such child; but doubts are entertained as to the time which shall be fixed by such justice for the appearance of the said man so summoned at petty session, and it is desirable to remove the same: be it therefore enacted, That the said justice to whom any application shall be made by any such woman being pregnant shall summon the man to appear at some petty session at which he usually acts to be held on a day after the time when the said mother shall expect the child to be born, provided that if on such day the woman shall not have been delivered, or the justices shall be satisfied that she has been delivered at so short a period before such day that she cannot appear at the said session, it shall be lawful for the justices thereat to adjourn the hearing of the said case until some other day, and so from time to time until the child shall have been born, and the woman shall be able to attend at the said session; and it shall be lawful for the justices at their petty session to make an order in respect of any such application so made by such woman so pregnant to a justice as aforesaid, if she apply at such petty session within the space of two calendar months from the birth of the child, although more than forty days shall have

by the putative father.

Provision as to the mode of proceeding in cases of applications by women who are pregnant.

elapsed from the time when the summons was served upon the alleged father, or was left at his last place of abode.

Putative father may abandon his appeal, and his recognizance shall not be estreated.

V. And be it enacted, That if at any time before the hearing of the appeal the putative father who shall have entered into any such recognizance shall have notice in writing of his abandonment of the appeal, to the mother of the child in whose favour the order shall have been made, and to the justice or justices before whom the said recognizance shall have been taken, and shall pay or tender to the said mother all sums then due under the said order, and such costs and expences as she shall have incurred by reason of such notice of appeal, the said recognizance so entered into by the said putative father shall not be estreated, nor in any manner put in force or otherwise proceeded with.

The mother of the bastard child to be examined by the court of quarter sessions, on appeal against the order in bastardy; but no order to be confirmed unless her evidence is corroborated.

VI. And whereas by the said recited act it is enacted, that where any woman shall apply to the justices at a petty session for an order upon the person whom she shall allege to be the father of her bastard child, such justices shall hear the evidence of such woman, and such other evidence as she may produce, and shall also hear any evidence tendered by or on behalf of the person alleged to be the father, and if the evidence of the said mother be corroborated in some material particular by other testimony, to the satisfaction of the said justices, they may make such order as is therein set forth: and whereas power is thereby given to the putative father to appeal to the general quarter sessions of the peace against such order, but it is not therein set forth what evidence the said general quarter sessions shall or may hear on the trial of such appeal, and doubts have been raised as to whether the said mother can be heard by the said court of quarter sessions; be it therefore enacted, That on the trial of any such appeal before any court of quarter sessions the justices therein assembled, or the recorder, (as the case may be,) shall hear the evidence of the said mother, and such other evidence as she may produce, and any evidence tendered on behalf of the appellant, and proceed to hear and determine the said appeal in other respects according to law, but shall not confirm the order so appealed against unless the evidence of the said mother shall have been corroborated in some material particular by other testimony, to the satisfaction of the said justices in quarter session assembled, or the said recorder.

Parties may be heard at the petty session by counsel or attorney.
6 & 7 W. 4,
c. 114.

VII. And be it enacted, That it shall be lawful for any woman who shall apply to the justices at any petty sessions for any such order as aforesaid to be assisted in her application by counsel or attorney, and for any person summoned under the said act to appear at any such petty session as the alleged putative father to appear and make his answer thereto by counsel or attorney; and it shall be lawful for

either of such parties to have all witnesses examined and cross-examined by such counsel or attorney.

VIII. And whereas it is provided in the said first-recited act, that if default be made by the putative father in payment of the sums ordered to be paid to the mother of a bastard child, any justice may by warrant cause such putative father to be brought before any two justices; and it is further provided, that such two justices may by warrant direct the sum appearing to be due under any such order, and the costs, to be recovered by distress and sale of the goods and chattels of such putative father; and if upon the return of such warrant, or if, by the admission of such putative father, it appears that no sufficient distress can be had, then any such two justices may cause such putative father to be committed to prison: and whereas doubts have been entertained whether such power of committal exists where it is shown that the putative father has goods and chattels whereon a distress might be levied, but the same are not within the jurisdiction of such justices: be it therefore declared and enacted, That the said justices are and shall be empowered to commit any such putative father to prison, according to the provisions of the said act, if it appear on the return of such distress warrant, or on the admission of the putative father, that no sufficient distress can be had on any goods and chattels within the jurisdiction of the justices before whom he shall have been brought on such warrant of apprehension.

Default of sufficient distress within the jurisdiction of the justices to warrant the commitment to prison.

5 G. 4, c. 18.

IX. And be it declared and enacted, That any one magistrate of the police courts of the metropolis, sitting at a police court within the metropolitan police district, has and shall have full power to issue summonses for the appearance of parties and witnesses before such police court, and to do alone any other thing in any matter of bastardy arising under the said act, within those parts of the said district for which a police court has been or shall be established, which may be done by any justices at a petty session holden for their several petty sessional divisions in any such matter arising within their divisions respectively, and that the sitting of such magistrate at such police court shall be within all the provisions of the said act and of this act concerning a petty session of justices.

Magistrates of police courts may act alone in cases of bastardy.

X. And be it enacted, That the term "petty sessional division" in the said act and this act shall be taken to include any division of a county, riding, or division having a separate commission of the peace in which one or more petty sessions have been or shall be usually held, or any division for the holding of special sessions formed or to be formed under the provisions of the act of the ninth year of the reign of his late majesty King George the Fourth, inti-

"Petty sessional division," what to include.

9 G. 4. c. 43. tuled "An Act for the better Regulation of Divisions in the several Counties of England and Wales," or of the act of the sixth year of the reign of his late Majesty amending the same; and that where there are two or more petty sessions usually held in any such division, or where any justice acts for two or more of such divisions, he shall require the party whom he shall summon under the authority of the said first-recited act to appear at the petty sessions to be held in any such division, as he shall deem fit.

Interpreta-
tion of the
word "re-
corder."

XI. And be it enacted, That in the said first recited act and in this act the word "recorder" shall be taken to apply to any person who shall preside as the judge at any court of general or quarter session held for any city, borough, liberty, or other place of limited jurisdiction.

Act may be
amended
this session.

XII. And be it enacted, That this act may be amended or repealed by any act to be passed in this session of parliament.

SCHEDULE REFERRED TO BY THE FOREGOING ACT.

No. 1.

Form of Application by Woman with Child.

to wit. } Application and deposition of
 in the county (a) of } a single woman, residing at
 me, the undersigned } taken upon oath before
 justices of the peace, acting for the (a) petty sessional division
 of } one of her Majesty's jus-
 she resides, this } in the said county of } tices of the peace, acting for the (a) petty sessional division
 Lord one thousand eight hundred and forty } in which
 upon her oath (b) saith, that she is now with child, and that }
 of } in the county of }
 is the father of the child with which she is now }
 pregnant, and maketh application for a summons to be }
 served upon the said } so alleged by
 her to be the father of the said child, to appear at a petty }
 session to be holden after the birth of such child for the }
 petty sessional division (a) } of } in
 which I usually act, to answer such complaint as she shall }
 then and there make touching the premises.

Exhibited and sworn before me, the day }
 and year first above written. }

(a) or city, borough, or other place.
 (b) or affirmation.

No. 2.

Form of Summons on application by Woman with Child.

to wit. } To _____ of the parish of _____
 } in the county of _____

Whereas an application hath been made to me, the undersigned, one of her Majesty's justices of the peace for the (a) county of _____ by _____, a single woman, residing at _____ in the (a) petty sessional division of the said county for which I act, now with child, of which child she hath this day duly sworn on oath (b) before me the said justice that you are the father, for a summons to be served on you to appear at a petty session according to the form of the statute in such case made and provided.

These are therefore to require you to appear at the petty session of the justices holden at _____ being the petty session for the division (a) _____ in which I usually act, on (c) _____ the _____ day of _____ at _____ in the year of our Lord one thousand eight hundred and forty _____, to answer any complaint which she shall then and there make against you touching the premises.

Herein fail you not.

Given under my hand, at _____ in the county (a) _____
 this _____ day of _____ in the year of our
 Lord one thousand eight hundred and forty _____.

Note.—If you neglect to appear at the petty sessions as above stated, the justices, upon proof that this summons has been duly served upon you, or left at your last place of abode, may proceed, if they think fit, at the petty sessions therein named, to make an order upon you, as the putative father of the child above referred to, to pay a weekly sum to the said mother for its maintenance, and other sums for costs and expences.

No. 3.

Application for a Summons by a Woman after Birth.

to wit. } The information and application of _____
 } single woman, residing at _____
 in the county of _____ before me, the undersigned,
 one of her Majesty's justices of the peace, acting

(a) or city, borough, or other place.

(b) or affirmed.

(c) Insert some day when the petty session will be held after the birth of the child, and at such a distance of time that six days at least may elapse after the issuing of the summons and the service on the man, or at his place of abode, before the petty session.

for the (a) petty sessional division of _____ in the
 said county of _____ in which she resides, this
 day of _____ in the year of our Lord one thousand eight
 hundred and forty _____ who saith, that she hath been deli-
 vered of a bastard child since the passing of the act of the
 eighth year of the reign of her present Majesty, intituled
 "An Act for the farther Amendment of the Laws relating
 to the Poor in England," and within twelve calendar months
 before this day, to wit, on the _____ day of _____
 in the year of our Lord one thousand eight hundred and
 forty _____ and alleges that one _____ of _____
 in the county of _____ is the father of such child, and
 maketh application to me for a summons to be served upon
 the said _____ to appear at a petty session to be
 holden for the petty sessional division (a) _____ in
 which I usually act, to answer such complaint as she shall
 then and there make touching the premises.

Exhibited before me, the day and }
 year first above written. }

No. 4.

Summons where the Application is made by Woman after Birth.

_____ To _____ of the parish of
 to wit. } _____ in the county of _____
 Whereas application hath been this day made to me, the
 undersigned, one of her Majesty's justices of the peace for
 the (b) _____ of _____ by _____
 single woman, residing at _____ in the (c) petty
 sessional division of the said county for which I act, who
 hath been delivered of a bastard child since the passing of
 the act of the eighth year of the reign of her present Majesty,
 intituled "An Act for the further Amendment of the Laws
 relating to the Poor in England," within twelve calendar
 months from the date hereof, and of which bastard child she
 alleges you to be the father, for a summons to be served upon
 you to appear at a petty session of the peace, according to
 the form of the statute in such case made and provided.

These are therefore to require you to appear at the petty
 session of the justices holden at _____ being the
 petty session for the division (c) _____ in which I
 usually act, on (d) _____ the _____ day of _____ at

(a) or city, borough, or other place, as the case may be.

(b) or county, city, or borough, or other place, as the case may be.

(c) or city, borough, or other place.

(d) Insert some day, at least six days after the date of the sum-
 mons, and after the day when the same can be served upon the
 man, or at his place of abode.

of the clock in the noon in the year of our
 Lord one thousand eight hundred and forty to answer
 any complaint which she shall then and there make against
 you touching the premises.

Herein fail you not.

Given under my hand, at in the county (a)
 this day of
 in the year of our Lord one thousand eight
 hundred and forty .

Note.—If you neglect to appear at the petty sessions as
 above stated, the justices, upon proof that this summons
 has been duly served upon you, or left at your last
 place of abode, may proceed, if they think fit, to
 make an order upon you, as the putative father of
 the child above referred to, to pay a weekly sum to
 the said mother for its maintenance, and other sums
 for costs and expences.

No. 5.

*Application for a Summons by a Woman after Birth, where th^e
 alleged Father has paid Money within Twelve Months after
 the Birth.*

to wit. } The information and application of
 single woman, residing at
 in the county of before me, the
 undersigned one of her Majesty's justices of
 the peace acting for the (b) petty sessional division of
 in the said county of in which
 she resides, this day of in the
 year of our Lord one thousand eight hundred and forty
 who saith that she hath been delivered of a bastard
 child more than twelve calendar months before this day, to
 wit, on the day of in the year of our
 Lord one thousand eight hundred and forty and
 alleges that one of in the county
 of is the father of such child, and having given
 proof to me that the said did within the
 twelve calendar months next after the birth of such child
 pay money for its maintenance, maketh application to me
 for a summons to be served upon the said
 to appear at a petty session to be holden for the petty
 sessional division (b) in which I usually act,
 to answer such complaint as she shall then and there make
 touching the premises.

Exhibited before me, the day and }
 year first above written. }

(a) or city, borough, or other place.

(b) or city, borough, or other place, as the case may be.

No. 6.

Summons when the application is made by a Woman after Birth, where the alleged Father has paid Money within Twelve Months after the Birth.

To _____ of the parish of _____
 to wit. § in the county of _____
 Whereas application hath been this day made to me, the undersigned, one of her Majesty's justices of the peace for the (a) _____ of _____ by _____ single woman, residing at _____ in the (b) petty sessional division of the said county for which I act, who hath been delivered of a bastard child more than twelve calendar months before this day, of which bastard child she alleges you to be the father, and for the maintenance whereof she hath given me proof that you did within the twelve calendar months next after its birth pay money, for a summons to be served upon you to appear at a petty sessions of the peace, according to the form of the statute in such case made and provided.

These are therefore to require you to appear at the petty session of the justices holden at _____ being the petty session for the division (b) _____ in which I usually act, on (c) _____ the _____ day of _____ at _____ of the clock in the _____ noon in the year of our Lord one thousand eight hundred and forty _____ to answer any complaint which she shall then and there make against you touching the premises.

Herein fail you not.

Given under my hand, at _____ in the county (b) _____ this _____ day of _____ in the year of our Lord one thousand eight hundred and forty _____.

Note.—If you neglect to appear at the petty sessions, as above stated, the justices upon proof that this summons has been duly served upon you, or left at your last place of abode, may proceed, if they think fit, to make an order upon you as the putative father of the child above referred to, to pay a weekly sum to the said mother for its maintenance, and other sums for costs and expences.

(a) or county, city, borough, or other place, as the case may be.

(b) or city, borough, or other place.

(c) Insert some day, at least six days after the date of the summons, and after the day when the same can be served upon the man, or at his place of abode.

No. 7.

Form of Order when Application was made by a Woman with Child.

to wit. } At a petty session of her Majesty's justices of
 } the peace for the county (a) of
 holden in and for the (a) division of
 in the said county (a), at on the
 day of in the year of our Lord one thousand
 eight hundred and forty before us
 her Majesty's justices of the peace for the said (a) county.

Whereas one single woman, residing at
 within this (a) division, being with child, did on the
 day of in the year of our
 Lord one thousand eight hundred and forty make
 application to one of her Majesty's justices
 of the peace acting for this (a) division, for a summons to
 be served upon one of the parish of
 in the county (a) of whom she, being duly
 sworn before the said upon her oath stated (b)
 to be the father of the child with which she was then
 pregnant; and the said justice thereupon issued his summons
 to the said to appear at a petty session to be
 holden on this day for this division (a) in which the said
 justice usually acts, to answer her complaint touching the
 premises: and whereas the said hath been
 lately delivered of a bastard child: and whereas the said
 having been duly served with the said
 summons, and appearing in pursuance thereof (c);
 and the said having now applied to us, the
 justices in petty session assembled, for an order upon the
 said according to the form of the statute in
 such case made and provided; and it being now proved to
 us, *in the presence and hearing of the said (d)*
 that the said child was, since the passing of an act passed in
 the eighth year of the reign of her present Majesty, intituled
 "An Act for the further Amendment of the Laws relating
 to the Poor in England," that is to say, on the
 day of in the year of our Lord one thousand
 eight hundred and forty born a bastard of the body
 of the said; and we having, *in the presence*
and hearing of the said (d) heard the evidence

(a) or city, borough, or other place, as the case may be.

(b) or affirmed.

(c) Insert here, if the defendant do not appear, "six days at least before this day, as is now proved before us," or, "the same having been left at his last place of abode six days at least before this day, as is now proved before us," and erase the words in italics.

(d) Should the defendant not appear, erase the words in italics.

of such woman and such other evidence as she hath produced, *and having also heard all the evidence tendered by (a)* the said and the evidence of the said the mother of the said child, having been corroborated in some material particular by other testimony to our satisfaction, do hereby adjudge the said to be the putative father of the said bastard child; and, having regard to all the circumstances of this case, we do now hereby order, that the said do pay unto the said the mother of the said bastard child, so long as she shall live and shall be of sound mind, and shall not be in any gaol or prison, or under sentence of transportation, or to the person who may be appointed to have the custody of such child under the provisions of the said statute, *the sum of (b) per week for the first six weeks from the birth of the said child, and from the expiration of such six weeks* the sum of (c) per week until the said child shall attain the age of thirteen years, or shall die, or the said shall marry: and we do hereby further order the said to pay to the said the sum of being the costs incurred in obtaining this order. (d)

Given under our hands and seals at the session aforesaid.

No. 8.

Form of Order when Application was made by a Woman after Birth.

to wit. } At a petty session of her Majesty's justices of the peace for the county (e) of holden in and for the (e) division of in the said (e) county, at on the day of in the year of our Lord one thousand eight hundred and forty before us her Majesty's justices of the peace for the said (e) county.

(a) Should the defendant appear by attorney or counsel, it will be then only necessary to erase the word "by" and add "on behalf of"; but should he not appear himself, or by attorney or counsel, then erase the words in italics.

(b) Not to exceed five shillings. If the justices decline to allow the payment, from the birth, of any sum, erase the words in italics, and before the word "until" insert the time from which payment is to be made, according to their judgment.

(c) Not to exceed two shillings and sixpence.

(d) If the justices should decide upon allowing such expenses, insert here, "and the sum of ten shillings for the midwife."

(e) or city, borough, or other place, as the case may be.

Whereas one single woman, residing at
within this (a) division
did, on the day of in the year of
our Lord one thousand eight hundred and forty
having been delivered of a bastard child within twelve
calendar months prior thereto, make application to
one of her Majesty's justices of the peace acting
for this (a) division, for a summons to be served upon one
of whom she alleged to be the
father of the said child (b); and the said justice thereupon
issued his summons to the said to appear at a
petty session to be holden on this day for this (a) division
in which the said justice usually acts, to
answer her complaint touching the premises:

And whereas the said _____ having been duly served with the said summons within forty days from this day (c) _____ (d) *and now appearing in pursuance thereof* and the said _____ having now applied to us the justices in petty sessions assembled, for an order upon the said _____ according to the form of the statute in such case made and provided; and it being now proved to us, *in the presence and hearing of the said (e)* _____ that the said child was, since (f) the passing of an act passed in the eighth year of the reign of her present Majesty, intituled “An Act for the further Amendment of the Laws relating to the Poor in England,” (that is to say) on the _____ day of _____ in the year of our Lord one thousand eight hundred and forty _____, born a bastard of the body of the said _____; and we having, *in the presence and hearing of the said (e)* _____ heard the evidence of _____

(a) or city, borough, or other place, as the case may be.

(b) When the application is made after the expiration of twelve months from the birth, but the alleged father has paid money for the maintenance of the child, for the word "within" substitute the words "more than"; and after the word "child" insert "and who was proved before the said justice to have paid money for the maintenance of the said child within twelve calendar months after its birth ;"

(c) If the order be made at an adjourned session, insert the day of the commencement of the session, adding these words, "from which day the hearing of this case hath been adjourned," and erase the words "this day."

(d) If the defendant do not appear, insert here, "and six days at least before this day, as is now proved before us," or "the same having been left at his last place of abode six days at least before this day, as is now proved before us," and erase the words which follow in italics.

(e) Should the defendant not appear, erase the words in *italics*.

(f) or within six calendar months before.

such woman and such other evidence as she
 hath produced, *and having also heard all the evidence ten-*
dered by (a) *the said* and the
 evidence of the said the mother of the
 said child, having been corroborated in some material par-
 ticular by other testimony to our satisfaction, do hereby
 adjudge the said to be the putative father of
 the said bastard child; and, having regard to all the circum-
 stances of this case, we do now hereby order, that the said
 do pay unto the said
 the mother of the said bastard child, so long as she shall live
 and shall be of sound mind, and shall not be in any gaol or
 prison, or under sentence of transportation, or to the person
 who may be appointed to have the custody of such bastard
 child under the provisions of the said statute, the sum of
 (b) *per week for the first six weeks from the birth*
of the said child, and from the expiration of such six weeks
the sum of *per week* until the said child
 shall attain the age of thirteen years, or shall die, or the
 said shall marry: and we do hereby
 further order the said to pay to the said
 the sum of being the costs
 incurred in obtaining this order. (c)

Given under our hands and seals, at the session aforesaid.

No. 9.

Common Form of Recognizance, with the following Condition.

to wit. } Whereas by an order under the hands and
 } seals of
 assembled at a petty session of her Majesty's justices of the
 peace for the (d) county of holden in and for the
 (d) division of in the said

(a) Should the defendant appear by attorney or counsel, it will be then only necessary to erase the word "by" and add "on behalf of;" but should he not appear himself, or by attorney or counsel, then erase the words in italics.

(b) Not to exceed five shillings. This larger amount for the six weeks cannot be allowed, unless the application has been made within two calendar months after the birth. If the application has not been made within this time, or the justices do not think it right to allow that or any less sum from the birth, erase the words in italics, and proceed thus: "per week from the said day of last, being the day upon which such application was made to the said justice as aforesaid."

(c) If the justices should decide upon allowing such expenses, insert here, "and the sum of ten shillings for the midwife."

(d) or city, borough, or other place.

day of in the year of our Lord one thousand eight hundred and forty by her Majesty's justices of the peace in and for the said county (a) acting for the said division (a) then and there assembled of in the county of was adjudged to be the putative father of a bastard child, then lately born of her body, and that in and by the said order it was ordered that the said should pay to her the said so long as she should live or should be of sound mind, and should not be in any gaol or prison, or under sentence of transportation, or to the person who might be appointed to have the custody of such bastard child, under the provisions of the said statute, *the sum of per week for the first six weeks from the birth of the said child, and from the expiration of such six weeks (b)* the sum of per week until such child should attain the age of thirteen years, or should die, or she, the said mother, should marry, and the sum of ten shillings for the midwife, and the sum of for the costs incurred in the obtaining such order.

And this deponent further saith, that the said hath had due notice of the said order, and that the said bastard child is now living under the age of thirteen years, and that she the said deponent hath not been married since the said order was made, and that the payments directed to be made by the said order have not been made according thereto by the said and that there is now in arrear for the same the sum of being the amount of arrears for weeks payments, and ten shillings for the midwife, and the sum of for the costs incurred in the obtaining such order; and this informant therefore prays justice in the premises.

Exhibited and sworn before me, }
 the day and year first above }
 written, at }
 in the county (a) }

No. 11.

Warrant of Apprehension for Disobedience of Order.

to wit. } To the constable of in the county
 (a) of and all her Majesty's
 officers of the peace in and for the said county (a) whom
 these may concern.

Whereas information and complaint have been made upon

(a) or city, borough, or other place.

(b) If the sum for the first six weeks should not have been ordered, erase the words in italics.

oath (a) before me, one of her Majesty's justices of the peace for the county (b) of _____ the _____ day of _____ in the year of our Lord one thousand eight hundred and forty _____ by _____ of the parish of _____ in the county (b) of _____ single woman, that by an order made under the authority of the statute passed in the eighth year of the reign of her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," at the petty session holden in and for the division (b) of _____ in the county (b) of _____ on the _____ day of _____ in the year of our Lord one thousand eight hundred and forty _____ by her Majesty's justices of the peace in and for the said county (b) acting in and for the said division (b) then and there assembled _____ of _____ in the county of _____ was adjudged to be the putative father of a bastard child, then lately born of her body, and that in and by the said order it was ordered that the said _____ should pay to her the said _____ so long as she should live and should be of sound mind, and should not be in any gaol or prison, or under sentence of transportation, or to such person as might be appointed to have the custody of such bastard child, under the provisions of the said statute, the sum of _____ per week for the first six weeks from the birth of the said child, and from the expiration of such six weeks the sum of _____ per week until such child should attain the age of thirteen years, or should die, or she, the said mother, should marry, and the sum of ten shillings for the midwife, and the sum of _____ for the costs incurred in obtaining such order; and that the said _____ had had due notice of the said order, and that the said bastard child is now living under the age of thirteen years, and that she the said mother hath not been married since the said order was made, and that the payments directed to be made by the said order have not been made according thereto by the said _____ and that there is now in arrear for the same the sum of _____ being the amount of arrears for _____ weeks payments, and ten shillings for the midwife, and the sum of _____ for the costs incurred in the obtaining such order.

These are, therefore, in her Majesty's name, to command you, the said constable, or other officers of the peace, or some or one of you, forthwith to apprehend the said _____ and convey him before two of her Majesty's justices of the peace in and for the said county (b), to answer

(a) or affirmation.

(b) or city, borough, or other place.

and ten shillings for the midwife, and the sum of
for costs incurred in obtaining such order.

And whereas the said justice, by warrant under his hand
and seal directed to the constable of the said parish of
and all her Majesty's officers of the peace in
and for the said county (a), commanded him, or some or one
of them, forthwith to apprehend the said
and to convey him before two of her Majesty's justices of
the peace for the said county (a), to answer the premises,
and be dealt with according to law. Whereupon the said
being now brought before us, two of
her Majesty's justices of the peace for the said county (a),
to show cause why the same should not be paid, hath not
shown any cause why the same should not be paid; and the
same duly appearing to us upon oath to be due from the
said under the said order, together with
the further sum of for the costs attending
such warrant, apprehension, and bringing up of him the
said nevertheless neglects (b) to make
payment of the said sums due under the said order, and the
said sums so due for such costs.

These are therefore to require you forthwith to make dis-
tress of the goods and chattels of the said
and if within the space of days next after such
distress by you taken the said sums, together with the
reasonable charges of taking and keeping the said distress,
shall not be paid, that then you do sell the said goods and
chattels so by you distrained, and out of the money arising
by such sale thereof that you detain the said sums, and also
the reasonable charges of taking, keeping, and selling the
said distress, rendering the overplus (if any) on demand,
unto the said and if no sufficient dis-
tress can be found, that then you certify the same unto us,
or unto (c) two of her Majesty's jus-
tices of the peace acting for the said county (a), to the end
that such further proceedings may be had therein as to law
doth appertain: and we further order you to make return
to this warrant, on the day of
next, unto us or such justices as aforesaid.

And whereas (d) the said not having
given sufficient security, by way of recognizance or other-
wife, to our satisfaction, for his appearance on the return of

(a) or city, or borough, or other place.

(b) or refuses.

(c) If the party give security for his appearance, insert the names
of the justices before whom he is to appear; but should he not find
such security, insert the word "any."

(d) Should the party find security for his appearance on the re-
turn of the warrant, erase this paragraph.

this warrant, we do further order you to detain the said
and keep him in safe custody until
the said return can be conveniently made, and then bring
him before us or such justices as aforesaid.

Given under our hands and seals, at in the
county (a) of this day of
in the year of our Lord one thousand
eight hundred and forty

No. 13.

*Form of Recognizance for Appearance at the return of the
Distress Warrant.*

Recognizance in the common form, subject to the following
condition.

to wit. } Whereas the above-bounden having
 } been apprehended upon a warrant issued
under the hand and seal of one of her Majesty's
justices of the peace in and for the county (a) of
upon the information and complaint of
for disobedience to an order made in the petty session holden
in and for the division (a) of in the county of
 on the day of
in the year of our Lord one thousand eight hundred and
forty by her Majesty's justices of the peace then and
there assembled, whereby he was adjudged to be the puta-
tive father of a bastard child, lately born of the body of the
said single woman, and ordered to
pay certain sums of money as therein set forth; and having
been brought before two of her
Majesty's justices of the peace for the said county (a), by
virtue of the said warrant, and having neglected (b) to make
payment of the sums due from him under such order, to-
gether with the costs attending such warrant, apprehension,
and bringing of him up before such justices, they have, by
warrant under their hands and seals, addressed to the con-
stable of the parish of directed the sum so
due, together with such costs, to be recovered by distress
and sale of the goods and chattels of the said
and have made the said warrant returnable on the
day of to them, or unto
two justices of the peace acting for the said county (a).

Now the condition of this recognizance is such, that if the
above-bounden do appear before the jus-
tices unto whom the said warrant is made returnable on the
day so appointed for the return thereof, to abide the further

(a) or city, borough, or other place.

(b) or refused.

proceedings thereon, then the same shall be of no effect, otherwise to remain in full force.

Taken and acknowledged the day of
in the year of our Lord one thousand eight hun-
dred and forty at in the county
(a) of before me the undersigned, one of
her Majesty's justices of the peace in and for the
said county (a) of .

No. 14.

Warrant of Commitment.

to wit. } To the constable of in the
 } county (a) of and to the
keeper of the (b) common gaol at in the county
of .

Whereas information and complaint were, on the
day of in the year of our Lord one thousand
eight hundred and forty made upon oath (c) before
one of her Majesty's justices of the
peace for the said county (a), by of the parish
of in the county (a) of single
woman, that by an order made under the authority of the
statute passed in the eighth year of the reign of her present
Majesty, intituled "An Act for the further Amendment of
the Laws relating to the Poor in England," at the petty
session holden in and for the division (a) of
in the county of on the day of
 in the year of our Lord one thousand eight
hundred and forty by her Majesty's justices of the
peace for the said county (a) acting in and for the said di-
vision (a) then and there assembled, of
 in the county (a) of was adjudged to
be the putative father of a bastard child then lately born of
her body: and that in and by the said order it was ordered
that the said should pay to her the said
 so long as she should live and should be
of sound mind, and should not be in any gaol or prison, or
under sentence of transportation, or to such person as might
be appointed to have the custody of such bastard child,
under the provisions of the said statute, the sum of
per week for the first six weeks from the birth of the said
child, and from the expiration of such six weeks the sum
of per week until such child should
attain the age of thirteen years, or should die, or that

(a) or city, borough, or other place.

(b) or house of correction.

(c) or affirmation.

she the said mother should marry, and the sum of ten shillings for the midwife, and the sum of for the costs incurred in obtaining such order; and that the said had had due notice of the said order, and that the said bastard child was then living under the age of thirteen years, and that she the said mother had not been married since the said order was made, and that the payments directed to be made by the said order had not been made according thereto by the said and that there was then in arrear for the same the sum of being the amount of arrears for weeks payments, and ten shillings for the midwife, and the sum of for costs incurred in obtaining such order.

And whereas the said justice, by warrant under his hand and seal, directed to the constable of the said parish of and all her Majesty's officers of the peace in and for the said county (a), commanded him forthwith to apprehend the said and to convey him before two of her Majesty's justices of the peace in and for the said county (a) to answer the premises, and be dealt with according to law.

Whereupon the said being now brought before us, two of her Majesty's justices of the peace for the said county (a) to show cause why the same should not be paid, hath not shown any cause why the same should not be paid; and the same duly appearing upon oath (b) to be due from the said under the said order, together with the further sum of for the costs attending such warrant, apprehension, and bringing up of him, the said nevertheless neglects (c) to make payment of the said sums due under the said order, and the said sums so due for such costs:

And whereas it appears to us, upon the admission of the said that no sufficient distress can be had upon his goods and chattels for the recovery of the said several sums:

These are therefore to command you the said constable of to convey the said to the said common gaol (d) at and these are also to command you the said keeper of the said common gaol (d) to receive the said into the said common gaol (d), there to remain without bail or mainprize for the term of (e) unless such sum and costs, together

- (a) or city, borough, or other place. (b) or affirmation.
 (c) or refuses. (d) or house of correction.
 (e) Not to exceed three calendar months.

with (a) the costs and charges attending the commitment and conveying of the said to the said common gaol (b), and of the persons employed to convey him thither, be sooner paid and satisfied.

Given under our hands and seals, at in
the county of this day of
in the year of our Lord one thousand
eight hundred and forty .

No. 15.

Warrant of Commitment in default of Distress.

to wit. } To the constable of in the county (c)
 } of and to the keeper of the
common gaol (b) at in the county of .

Whereas information and complaint were, on the
day of in the year of
our Lord one thousand eight hundred and forty
made upon oath (d) before one of her
Majesty's justices of the peace for the said county (c) by
of the parish of in the
county (c) of single woman, that by an
order made under the authority of the statute passed in the
eighth year of the reign of her present Majesty, intituled
"An Act for the further Amendment of the Laws relating
to the Poor in England," at the petty session holden in and
for the division (c) of in the county of
on the day of
in the year of our Lord one thousand eight hundred and
forty by her Majesty's justices of the peace for
the said county (c) acting in and for the said division (c)
then and there assembled, of
in the county (c) of was adjudged to be
the putative father of a bastard child then lately born of her
body, and that in and by the said order it was ordered that
the said should pay to her the said
so long as she should live and should be of sound mind, and
should not be in any gaol or prison, or under sentence of
transportation, or to such person as might be appointed to
have the custody of such bastard child under the provisions
of the said statute, the sum of per week
for the first six weeks from the birth of the said child, and
from the expiration of such six weeks the sum of
per week until such child should attain the age of thirteen
years, or should die, or that she the said mother should

(a) Where warrants are issued after the passing of this act, the justices should insert the amount of these costs and charges.

(b) or house of correction.

(c) or city, borough, or other place.

(d) or affirmation.

marry, and the sum of ten shillings for the midwife, and the sum of for the costs incurred in obtaining such order; that the said had had due notice of the said order, and that the said bastard child was then living under the age of thirteen years, and that she the said mother hath not been married since the said order was made, and that the payments directed to be made by the said order had not been made according thereto by the said and there was then in arrear for the same the sum of being the amount of arrears for weeks payments, and ten shillings for the midwife, and the sum of for the costs incurred in obtaining such order.

And whereas the said justice, by warrant under his hand and seal, directed to the constable of the said parish of and all her Majesty's officers of the peace in and for the said county (a), commanded him forthwith to apprehend the said and to convey him before two of her Majesty's justices of the peace for the said county (a) to answer the premises, and to be dealt with according to law. Whereupon the said being brought before two of her Majesty's justices of the peace for the said county (a), to show cause why the same should not be paid did not show any cause why the same should not be paid; and the same duly appearing upon oath to be due from the said under the said order, together with the further sum of for the costs attending such warrant, apprehension, and bringing up of him, but the said neglecting (b) to make payment of the said sums due under the said order, and the said sums so due for such costs, the said justices required the constable of the parish of in the said warrant mentioned, forthwith to make distress of the goods and chattels of the said and if no such distress could be found then to certify the same unto them, or unto two of her Majesty's justices of the peace acting for the said county (a), to the end that such further proceedings might be had therein as to law appertained.

And whereas it appears to us two of her Majesty's justices of the peace acting for the said county (a), by return of the said constable of the said dated the day of that he hath made diligent search, but doth not know of nor can find any goods and chattels of the said by distress and sale whereof the said sums and costs can be recovered, pursuant to the said warrant; and that the costs

(a) or city, borough, or other place.

(b) or refusing.

incurred by the said constable in attempting to make such distress are shillings .

And the said is now before us (a)

These are therefore to command you the said constable of to convey the said to the said common gaol (b), and these are also to command you the said keeper of the said common gaol (b) to receive the said into the said common gaol (b), there to remain without bail or mainprize for the term of (c) unless such sums and costs, and the aforesaid charges attending the attempt to make the said distress, together with the costs and charges (d) attending the commitment and conveying of the said to the said common gaol (b), and of the persons employed to convey him thither, be sooner paid and satisfied.

Given under our hands and seals, at in the county of this day of in the year of our Lord one thousand eight hundred and forty .

No. 16.

Appointment of Guardian to the Bastard Child.

to wit. } Whereas the justices assembled at a petty session of her Majesty's justices of the peace for the county (e) of holden in and for the division of (e) in the county of (e) on the day of in the year of our Lord one thousand eight hundred and forty by an order under their hands and seals, reciting that one single woman, residing at within the said division (e), did, on the day of in the year of our Lord one thousand eight hundred and forty make application to one of her Majesty's justices of the peace acting for the said division (e), for a summons to be served upon one and the said justice thereupon issued his summons to the said to appear at a petty session to be holden on the day of in the year of our Lord one thousand eight hundred and forty for the

(a) Insert "in custody of the said constable;" or "according to the exigency of a recognizance duly entered into by him on the day of last."

(b) or house of correction.

(c) Not to exceed three calendar months.

(d) Where warrants are issued after the passing of this act, the justices should insert the amount of these costs and charges.

(e) or city, borough, or other place.

said division (a) in which he usually acted, to answer her complaint touching the premises: (b)

And that the said having been duly served with the said summons, within forty days from the said day of and that the said

having then applied to the said justices in petty sessions assembled for an order upon the said

according to the form of the statute in such case made and provided: And that it having been then proved to the said justices

that the said child was since (c) the passing of an act passed in the eighth year of the reign of her present Majesty, intituled "An Act for the further Amendment of the Laws relating to the Poor in England," (that is to say,) on the day of in the year

of our Lord one thousand eight hundred and forty born a bastard of the body of the said : And

that the said justices, having heard the evidence of such woman, and such other evidence as she had produced, and the evidence of the said the mother of the said

child, having been corroborated in some material particular by other testimony, to their satisfaction, did adjudge the said

to be the putative father of the said child, and, having regard to all the circumstances of that case, did

order that the said should pay unto the mother of the said bastard child, so long as she should live

and be of sound mind, and be not in any gaol or prison, or under sentence of transportation, or to the person who

might be appointed to have the custody of such child, under the provisions of the said statute, the sum of

until the said child should attain the age of thirteen years, or should die, or the said should marry :

And they did further order the said to pay to the said the sum of

being the costs incurred in obtaining such order :

And whereas the said hath not married since the making of the said order, but hath lately (d)

and the said child is still alive, and under the age of thirteen :

Now we two of her Majesty's justices of the peace acting in and for the county (a) of

do hereby order and appoint one of

(a) or city, borough, or other place.

(b) This form must be completed, in regard to the recitals, by reference to the order of the justices.

(c) or within six calendar months before.

(d) died, or become of unsound mind, or is now in the gaol or prison of in the county of , or is under sentence of transportation.

in the county of (a) not being an officer of any parish or union, and having consented thereto, to have the custody of such bastard child, so long as such bastard child shall not be chargeable to any parish or union.

Given under our hands and seals, at
in the county of (a) this day of
in the year of our Lord one thousand
eight hundred and forty .

N.B.—A duplicate of this appointment is to be sent through the post or otherwise, by the clerk of the justices, to the clerk of the guardians of the union or parish wherein the mother of the said child resided at the time when she died, or ceased to be entitled to receive the payments under the order.

D.

FORM OF PROCEEDINGS AT A QUARTER SESSIONS.

APPEALS.

1. All appeals for trial shall be entered with the clerk of the peace before twelve o'clock of the first day of the sessions, and no appeal shall be entered and respited save on special motion by counsel, the costs of which motion shall not be allowed on taxation, except by express order of the court.

2. On entering any appeal, the order, conviction, or other act appealed against, or if the same be not in the possession of the appellant, a brief statement in writing of the date, nature, and particulars thereof; and in appeals against orders of removal, the original order or a copy of the order served on the appellants, or such description thereof as they may be able to give, shall be filed with the clerk of the peace.

Upon the hearing of every appeal against an order of removal, the appellants, when the removal has taken place, and the respondents when the removal has not taken place, shall produce the pauper or paupers, or if a family of paupers, then the father or mother or senior member of the family removed, or intended to be removed, named in such order, and upon whose examination such order was made, or shall show cause why such pauper or paupers, or father, mother, or senior member of the family should not be produced by

(a) or insert city, borough, or other place.

them, except in cases where the production of such pauper or paupers shall not be necessary for the trial of the appeal.

3. Lists of the appeals, when so entered, shall be made by the clerk of the peace, and fixed up in some conspicuous place near the outward door of the court, and also placed on the counsels' table.

4. All appeals will be called on and tried in the order in which they are entered, with the exception of foreign appeals which shall be tried first after respited or adjourned appeals, if required by the appellant in reasonable time.

5. All appeals which have been entered and respited or adjourned from a preceding quarter sessions shall without any new entry be continued in the ledger of the clerk of the peace, and stand at the head of the appeal paper in the order of their original entry.

6. Whenever any order of removal shall be quashed otherwise than on the merits, a minute shall be entered that the order is quashed, "but not on the merits."

7. In all appeals wherein costs are by law allowed, the successful party shall have his full costs, unless some reason to the contrary be shown to the satisfaction of the court, when they may either allow five pounds as common costs, or disallow costs altogether.

NOTICES.

1. Every notice in writing must be signed by the party giving the same, or by his attorney, and must be served personally, or be left with some inmate at the dwelling-house, or last known place of abode of the party to whom it is addressed; or in assaults, or proceedings respecting bridges or highways, be served in like manner upon his attorney.

2. The service of every notice must be proved by affidavit, stating the service fully and explicitly, or by a witness examined in Court.

3. Notice of trials of appeals, original or respited, shall be given in writing fourteen clear days before the first day of the sessions, unless otherwise directed by statute.

4. When, after due notice of trial, the hearing shall be adjourned by the decision of the court, or by consent of the parties, to the next sessions, it shall not be necessary to give fresh notice of trial for such next sessions.

5. When any party shall not proceed to trial, pursuant to notice or according to such adjournment as aforesaid, and shall not in due time countermand or give notice of his intention not to proceed to trial, he shall pay such costs as the court shall deem reasonable, provided it is a case in which the court is authorised to allow costs.

6. All notices of countermand of trials of all parish and other appeals, and all abandonment of orders, convictions, and other proceedings, and all notices of intentions to permit orders, rates, convictions, or other proceedings, to be quashed, shall be given in writing to the person or persons to whom the same ought to be given—his, her, or their attorney, or left at his, her, or their place of abode, on or before the Wednesday in the week next before the holding of the sessions, otherwise such notices and abandonments shall be deemed insufficient.

7. When a party shall intend to apply to the court to postpone a trial, he shall on or before Wednesday in the week preceding the sessions, (or at the earliest time in his power afterwards, in case the cause of postponement arises too late to give such notice on the Wednesday,) give notice in writing of such intended application, and of the grounds thereof to the opposite party, in order that the latter may be prepared to resist or consent to such application.

ORDER OF PROCEEDING ON APPEALS.

1. That in appeals against orders of removal, the order of removal, examination whereon the same was founded, and notice of chargeability, and in other appeals the order, conviction, rate, or other proceedings appealed against, shall be put in ; and the same, or so much thereof as shall be deemed necessary, read to the court.

2. That the appellant shall then prove the execution and service of the notice, grounds of appeal, and, in cases where the same is required, the entering into recognizances, or any other preliminary matter required by any statute under which the appeal may be made, unless the same shall be admitted by the respondents.

3. That any objection to the time or manner of serving the notice or grounds of appeal, or entering into recognizances, or to any other preliminary matter, shall then be taken.

4. That the notice, grounds of appeal, recognizances, &c. shall then be read.

5. That any objection to the notice, grounds of appeal, recognizances, &c. which shall be apparent upon the face thereof, shall then be taken.

6. That any facts which show the notice, grounds of appeal, or recognizance, &c. to be insufficient, shall then be proved.

7. That all objections apparent upon the face of the order of removal, examination, or notice of chargeability, or other order, conviction, rate, or other proceeding, appealed against, shall then be taken.

8. That the respondents shall then prove such facts as are

necessary to support the order, rate, conviction, &c. but do not touch upon the merits of the case ; as the chargeability, inhabitancy, &c. of the paupers ; the allowance and publication of the rate, the laying the information, &c. Provided that where the statute under which the appeal is made requires notice of the grounds of appeal to be given, no such last mentioned matters shall be required to be proved, unless the grounds of appeal put the same in issue.

9. That the appellants shall then prove any such facts as may cause the order, rate, or conviction, or other proceeding appealed against to be quashed otherwise than upon the merits.

10. That in all cases where the statute under which the appeal is made does not require the grounds of appeal to be stated, the respondents shall then proceed to support by evidence the order, conviction, or proceeding appealed against ; that the appellants shall then proceed to call their witnesses, and then the respondents any witnesses they may have in reply.

11. That in all cases where the grounds of appeal are required to be stated, and such grounds put in issue, all or any part of the respondent's case, the respondent shall begin by calling witnesses to prove their case ; that the appellants shall then call their witnesses ; and then the respondents any witnesses they may have in reply.

12. That where under the grounds of appeal the issue lies upon the appellants, (as where the settlement on which a removal is made is admitted, and a subsequent settlement is set up), the appellants shall call their witnesses to prove such issue ; then the respondents shall call theirs ; and then the appellants any witnesses they may have in reply.

13. That the counsel who calls witnesses last, or in case witnesses are called only on one side, then the counsel on that side shall address the court first ; the opposite counsel shall then be heard, and there shall be no reply, unless a case or cases be newly cited, and then the reply shall be confined to observations as to the bearing of such case or cases upon the case then trying.

14. That where the counsel who has to address the court first, is in support of the order, conviction, settlement, rate, or other proceeding, he shall be entitled to call upon the opposite counsel briefly to state the objections to such order, conviction, settlement, rate, or other proceeding, on which he means to rely.

15. That where any objection shall be taken in the course of a trial to the admissibility of evidence, the validity of instruments, &c. &c. the counsel taking such objection shall be heard first ; then the opposite counsel ; and then the counsel taking the objection in reply.

16. That all the proceedings in each case shall be governed by these rules, and if any step be taken which is subsequent in order to others, it shall not be permitted to such party to resort to any previous step, unless the court shall have permitted such step to be taken upon application made for that purpose, and reserved liberty to such party afterwards to resort to such previous steps.

17. That if it shall happen that any case shall arise not provided for by these rules, the court before whom it shall arise shall direct the manner in which the case shall be conducted, according to their discretion.

18. In rate appeals, if the appeal be upon the ground that the appellant has no rateable property in the parish, then the respondents shall begin; but if the appeal be upon the ground that he is overrated, or that others are underrated, the appellant shall begin. If the appeal be upon both the above grounds—namely, that the property is not in the appellant's occupation, and that he is overrated, the court shall direct which party it thinks fit to begin.

19. When a point of law is reserved for the opinion of the Court of Queen's Bench, the case shall, subject to the approval and revision of the court, be settled and signed by the counsel, and if they disagree, by the chairman.

20. No special case shall be granted unless application for the same be made immediately after the decision has been pronounced.

21. The counsel shall address themselves exclusively to the chairman, from whom alone, as its proper organ, the opinions of the court can be received.

E.

THE BASTARDY SECTIONS OF THE POOR-LAW AMENDMENT ACT.

LXIX. And be it further enacted, That from and after the passing of this act so much of any act or acts of parliament as enables any single woman to charge any person with having gotten her with any child of which she shall then be pregnant, or as renders any person so charged liable to be apprehended or committed, or required to give security, on any such charge, or as enables the mother of any bastard child or children to charge or affiliate any such child or children on any person as the reputed or putative father thereof, or as enables any overseer or guardian to charge or make complaint against any person as such reputed or putative father, and to require him to be charged with or contribute to the expenses attending the birth, sustentation, or

Repeal of acts relating to liability and punishment of putative father and punishment of mother of illegitimate children.

maintenance of any such child or children, or to be imprisoned or otherwise punished for not contributing thereto, or as in any way renders such reputed or putative father liable to punishment or contribution as such, or as enables churchwardens and overseers, by the order of any two justices of the peace, confirmed by the sessions, to take, seize, and dispose of the goods and chattels, or to receive the annual rents or profits of the lands of any putative father of bastard children, and so much of any such act or acts as renders an unmarried woman with child liable as such to be summoned, examined, or removed, or as renders the mother of any bastard liable as such to be imprisoned or otherwise punished, shall, so far as respects any child which shall be likely to be born or shall be born a bastard after the passing of this act, or the mother or the putative father of such child, be and the same is hereby repealed.

Securities
and recog-
nizances for
indemnity of
parishes
against chil-
dren likely to
be born bas-
tards to be
null and void.

Persons in
custody for
not giving in-
demnity to be
discharged.

Mother of il-
legitimate
children
bound to
maintain the
same.

Court of quar.

LXX. And be it further enacted, That every security given or recognizance entered into by any person or persons, or his or their surety, before the passing of this act, to indemnify any parish or place as to any child or children likely to be born a bastard or bastards, whereof any single woman shall be pregnant at the time of the passing of this act, or to abide and perform such order or orders as might have been made touching such child or children, pursuant to an act made and passed in the eighteenth year of the reign of her said late majesty Queen Elizabeth, concerning bastards begotten and born out of lawful matrimony, shall be and the same are hereby declared null and void; and every person who shall at the time of the passing this act be in custody upon the commitment of any justice or justices for not having given such security or entered into such recognizance shall be discharged (upon the application of such person) by any one of the visiting justices of the gaol in which such person shall be in custody under any such commitment.

LXXI. And be it further enacted, That every child which shall be born a bastard after the passing of this act shall have and follow the settlement of the mother of such child until such child shall attain the age of sixteen, or shall acquire a settlement in its own right, and such mother, so long as she shall be unmarried or a widow, shall be bound to maintain such child as part of her family until such child shall attain the age of sixteen; and all relief granted to such child while under the age of sixteen shall be considered as granted to such mother: provided always, that such liability of such mother as aforesaid shall cease on the marriage of such child, if a female.

LXXII. And be it enacted, That when any child shall

hereafter be born a bastard, and shall by reason of the inability of the mother of such child to provide for its maintenance become chargeable to any parish, the overseers or guardians of such parish, or the guardians of any union in which such parish may be situate, may, if they think proper, after diligent inquiry as to the father of such child, apply to the next general quarter sessions of the peace within the jurisdiction of which such parish or union shall be situate, after such child shall have become chargeable, for an order upon the person whom they shall charge with being the putative father of such child to reimburse such parish or union for its maintenance and support; and the court to which such application shall be made shall proceed to hear evidence thereon, and if it shall be satisfied, after hearing both parties, that the person so charged is really and in truth the father of such child, it shall make such order upon such person in that respect as to such court shall appear to be just and reasonable under all the circumstances of the case: provided always, that no such order shall be made unless the evidence of the mother of such bastard child shall be corroborated in some material particular by other testimony to the satisfaction of such court: provided also, that such order shall in no case exceed the actual expense incurred or to be incurred for the maintenance and support of such bastard child while so chargeable, and shall continue in force only until such child shall attain the age of seven years, if he shall so long live: provided also, that no part of the monies paid by such putative father in pursuance of such order shall at any time be paid to the mother of such bastard child, nor in any way be applied to the maintenance and support of such mother.

ter sessions on application of overseers, &c. may make an order on putative father of child for its support.

Monies paid not applicable to support of mother.

LXXIII. And be it enacted, That no such application shall be heard at such sessions unless fourteen days notice shall have been given under the hands of such overseers or guardians to the person intended to be charged with being the father of such child of such intended application; and in case there shall not, previously to such sessions, have been sufficient time to give such notice, the hearing of such application shall be deferred to the next ensuing general quarter sessions; provided always, that whenever such application shall be heard, the costs of the maintenance of such bastard child shall, in case the court shall think fit to make an order thereon, be calculated from the birth of such bastard child, if such birth shall have taken place within six calendar months previous to such application being heard; but if such birth shall have taken place more than six calendar months previously to such application being heard, then from the day of the commencement of six

No application to be heard without fourteen days previous notice.

If application be heard, costs may be calculated from birth of bastard child, if within six months.

calendar months next preceding the hearing of such application: provided also that if upon the hearing of such application the court shall not think fit to make any order thereon, it shall order and direct that the full costs and charges incurred by the person so intended to be charged in resisting such application shall be paid by such overseers or guardians.

In the event of party charged not appearing, court may nevertheless enter into the case.

LXXIV. And be it enacted, That if such person so intended to be charged shall not appear by himself or his attorney at the time when such application shall come on to be heard before such court according to such notice, such court shall nevertheless proceed to hear the same, unless such overseers or guardians shall produce an agreement under the hand of such person to abide by such order as such court shall make thereon without the hearing of evidence by such court: provided always, that such court may, notwithstanding such agreement, require that evidence shall be given in support of such application, if it thinks fit, before such order is made.

Party summoned, if suspected of intending to abscond, may be required to enter into a recognizance for his appearance.

LXXV. And be it enacted, That whenever such overseers or guardians shall have determined to make such application as aforesaid it shall be lawful for one justice of the peace, at the request of such overseers or guardians, to summon the person so intended to be charged with being the father of such bastard child to appear before him; and if such justice shall be satisfied that such person has any intention to abscond or keep out of the way, in order to avoid the consequences of such application, such justice may require such person to enter into a recognizance to appear and answer thereto, and in case such person shall refuse or neglect to enter into such recognizance, may commit such person to the gaol or house of correction of the county, riding, or division within which such parish shall be situate, until he shall enter into such recognizance, or until such application shall be heard.

When payments get into arrear putative father may be proceeded against by distress or attachment of wages.

LXXVI. And be it enacted, That if at any time after the expiration of one calendar month after an order shall have been made in pursuance of such application it shall appear to one justice, upon the oath of any one of such overseers or guardians, that the payments directed to be made by such order have not been made according thereto and are in arrear, it shall be lawful for such justice or any other justice by warrant under his hand and seal to cause such putative father of such bastard child to be brought before two justices of the peace; and in case such putative father shall refuse or neglect to make payment of such sum of money as shall appear to such justices to be due from him under such order, together with the costs of apprehension, it shall be lawful for such or any two justices to proceed to recover such sum

and costs by distress and sale of the goods and chattels of such putative father, or by attaching the wages of such putative father, for the recovery of such sum and costs, in the same manner as wages may be attached under the provisions of this act.

F.

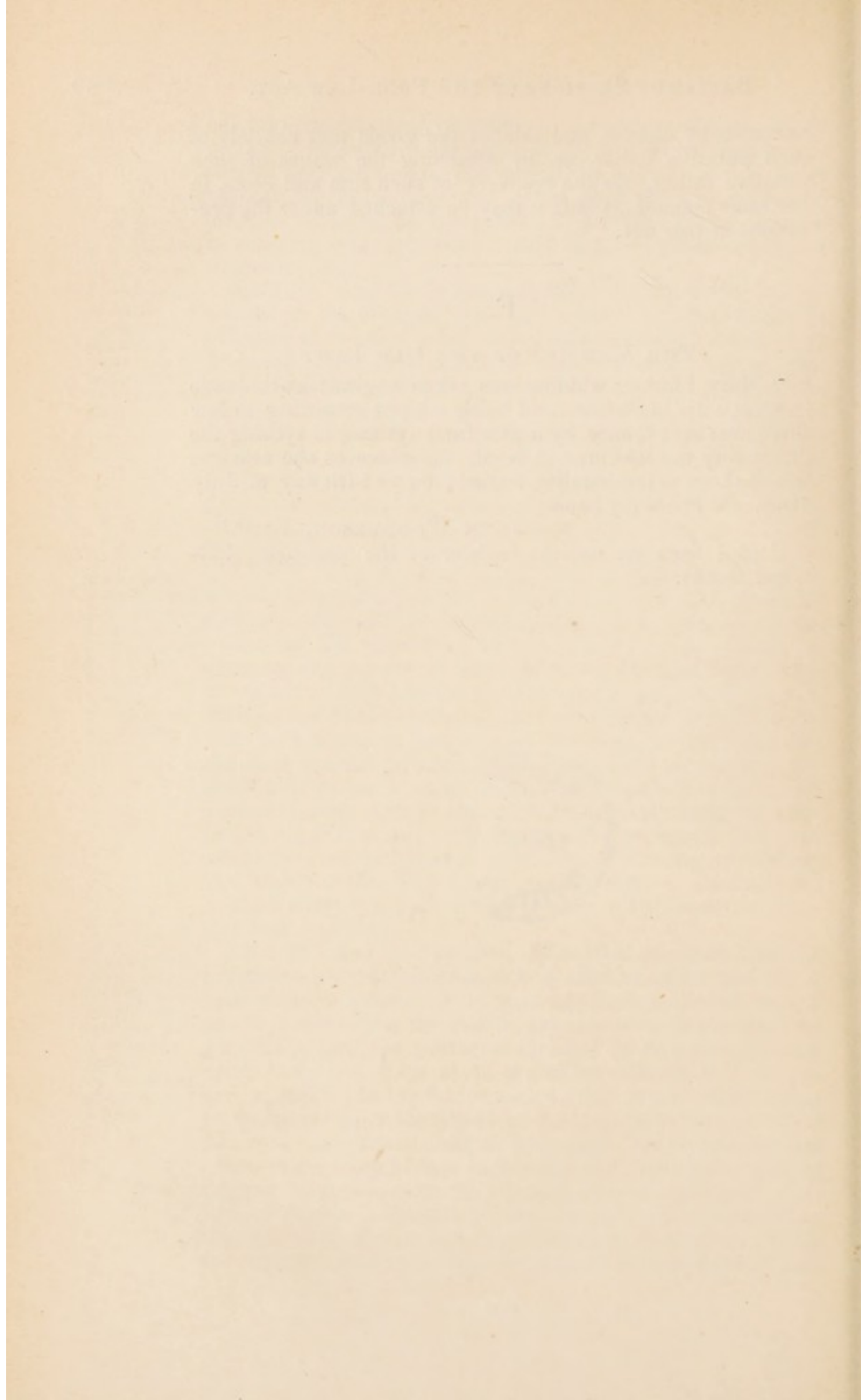
THE MERCIES OF THE OLD LAW.

“ Mary Ffarmer widdow was taken vagrant at Radnage in ye countie of Bucks, and being whippt according to law there was sent thence by a pass from tything to tything the direct way to Goldhurst in Kent, the place as she alledges where she was last legalley settled ; on ye 14th day of July 1685. Witness my hand

JOHN WOODDESON, Rect^r. ”

Copied from an ancient register of the parish of Radnage, Bucks.





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