ANNO OCTAVO

VICTORIÆ REGINÆ.

****

C A P. X.

An Act to make certain Provisions for Proceedings in Bastardy. [8th *May* 1845.]

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

7 & 8 Vict. c. 101.

Proceedings in Bastardy according to the Forms in the Schedule hereto valid.

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 Recognizance to be given by the putative Father.

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.

Provision as to the Mode of Proceeding in Cases of Applications by Women who are pregnant.

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

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 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 give 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

VII. And be it enacted, That it shall be lawful for any Woman who shall apply to the Justices at any Petty Session for any such Order as

Session by Counsel or Attorney. 6 & 7 W. 4. c. 114.

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.

Default of sufficient Distress within the Jurisdiction of the Justices to warrant the Commitment to Prison.

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.

5 G. 4. c. 18.

Magistrates of Police Courts may act alone in Cases of Bastardy.

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.

"Petty Sessional Division," what to include.

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, intituled *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

9 G. 4. c. 43.

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 Session to be held in any such Division, as he shall deem fit.

Interpretation of the Word "Recorder."

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.

} APPLICATION and Deposition of a single Woman,
to wit. } residing at in the *County* (a) of
taken upon Oath before me, the undersigned One of Her Majesty's Justices of the Peace acting 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 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 of the Parish of in the
to wit. } 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 , 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

(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.*

Com-

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.

(a) *or* City, Borough, *or other Place*

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 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 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," 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.

(a) *or* City, Borough, *or other Place, as the Case may be.*

No. 4.

Summons where the Application is made by Woman after Birth.

to wit. } To of the Parish of
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 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

(a) *or* County, City, *or* Borough, *or other Place, as the Case may be.*
(b) *or* City, Borough, *or other Place*

Division

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.

(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. 5.

Application for a Summons by a Woman after Birth, where the 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 (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 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* (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. }

(a) *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 wit. } To of the Parish of 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

(a) *or* County, City, Borough, *or* other Place, *as the Case may be.*

(b) *or* City, Borough, *or other Place*

for

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.

(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.

} At a Petty Session of Her Majesty's Justices of the Peace for the
to wit. } *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* (d) ; 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*

(a) *or* City, Borough, *or other Place, as the Case may be.* (b) or *affirmed*

(d) *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.*

the Presence and Hearing of the said (e) 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* (e) heard the Evidence of such Woman and such other Evidence as she hath produced, *and having also heard all the Evidence tendered by* (f) *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* (g) *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 (h) 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. (i)

Given under our Hands and Seals, at the Session aforesaid.

(e) *Should the Defendant not appear, erase the Words in Italics.*

(f) *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.*

(g) *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.*

(h) *Not to exceed Two Shillings and Sixpence.*

(i) *If the Justices should decide upon allowing such Expences, insert here,* "and the Sum of Ten Shillings for the Midwife."

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* (a) of holden in and for the (a) *Division* of in the said (a) *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 (a) *County*.

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

(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;"

Day

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 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* ([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 such Woman and such other Evidence as she hath produced, *and having also heard all the Evidence tendered by* ([g]) *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 Bastard Child under the Provisions of the said Statute, the Sum of ([h]) *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. ([i])

Given under our Hands and Seals, at the Session aforesaid.

([a]) *or* City, Borough, *or other Place, as the Case may be.*

([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

([g]) *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.*

([h]) *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,"

([i]) *If the Justices should decide upon allowing such Expences, insert here,* "and the Sum of Ten Shillings for the Midwife."

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 ([a]) *County* of holden in and for the ([a]) *Division*

([a]) *or* City, Borough, *or other Place*

of

of *in the said County*, at on the Day of in the Year of our Lord One thousand eight hundred and forty the said was adjudged to be the putative Father of a Bastard Child, of which one had been then lately delivered, and was ordered to pay to her certain Sums of Money therein set forth: And whereas the said hath given to the said Notice of his Intention to appeal against the said Order to the General Quarter Session of the Peace to be holden (b) on the Day of next, for the County of

Now the Condition of this Recognizance is such, that if the above-named do appear at the General Quarter Session of the Peace to be held at in and for the (a) *County* of on the Day of in the Year of our Lord One thousand eight hundred and forty and then and there try such Appeal, and pay such Costs as shall be by the said Court awarded, then this Recognizance to be void.

Taken and acknowledged this Day of in the Year of our Lord One thousand eight hundred and forty at in the *County of* (a) before me, the undersigned, One of Her Majesty's Justices of the Peace for the said *County*. (a)

(a) *or* City, Borough, *or other Place*

(b) *If the Notice of Appeal do not set out the Day on which the Quarter Session is to be holden, this Recital and the Condition must be altered accordingly.*

No. 10.

Information of the Mother on Disobedience to the Order.

to wit. } The Information and Complaint of of the Parish of in the *County* (a) of single Woman, taken upon *Oath* (b) before me One of Her Majesty's Justices of the Peace for the said *County* (a), the (c) Day of in the Year of our Lord One thousand eight hundred and forty who saith, 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 of* (a) *in the County of* (a) 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* (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* (d) 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*

(a) *or* City, Borough, *or other Place* (b) *or* Affirmation

(c) *This must not be before the Expiration of One Calendar Month from the Order.*

(d) *If the Sum for the first Six Weeks should not have been ordered, erase the Words in Italics.*

Sum

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)

(a) *or* City, Borough, *or other Place*

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 *Oath* (b) before me, One of Her Majesty's Justices of the Peace for the *County* (a) of the Day of in the Year of our Lord One thousand eight hundred and forty 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* (a) 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* (a) acting in and 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 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

(a) *or* City, Borough, *or other Place* (b) *or* Affirmation

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* (a), to answer the Premises, and be dealt with according to Law.

Given under my Hand and Seal, at in the *County* (a) of this Day of in the Year of our Lord One thousand eight hundred and forty .

(a) *or* City, Borough, *or other Place*

No. 12.

Warrant of Distress against the putative Father.

} To the Constable of in the
to wit. } 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* (b) before One of Her Majesty's Justices of the Peace in and for the said *County*, (a) by of the Parish of in the *County* (a) of single Woman, that by an Order made at the Petty Session holden in and for the *Division* (a) *of in the County of* (a) 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* (a) acting in and for the said *Division* (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 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 the said 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 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, 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

(a) *or* City, Borough, *or other Place* (b) *or* Affirmation

why

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* (d) 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 Distress 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 Distress can be found, that then you certify the same unto us, or unto (e) Two of Her Majesty's Justices 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 (f) *the said not having given sufficient Security, by way of Recognizance or otherwise, to our Satisfaction, for his Appearance on the Return of this Warrant, we do hereby 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 .

(a) *or* City, Borough, *or other Place*
(d) *or* refuses
(e) *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"
(f) *Should the Party find Security for his Appearance on the Return of the Warrant, erase this Paragraph.*

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 putative 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, together with the Costs attending such

(a) *or* City, Borough, *or other Place*
(b) *or* refused

Warrant,

Warrant, Apprehension, and bringing of him up before such Justices, they have, by Warrant under their Hands and Seals, addressed to the Constable 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 Justices unto whom the said Warrant is made returnable on the Day so appointed for the Return thereof, to abide the further 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 hundred 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 .

(a) *or* City, Borough, *or other Place*

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 *Division* (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 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

(a) *or* City, Borough, *or other Place* (b) *or* House of Correction (c) *or* Affirmation

Payments,

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* (c) 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* (e) 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* (f) at and these are also to command you the said Keeper of the said *Common Gaol* (f) to receive the said into the said *Common Gaol* (f), there to remain without Bail or Mainprize for the Term of (g) unless such Sum and Costs, together with (h) the Costs and Charges attending the Commitment and conveying of the said to the said *Common Gaol* (f), 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 .

(a) *or* City, Borough, *or other Place* (c) *or* Affirmation (e) *or* refuses
(f) *or* House of Correction (g) *Not to exceed Three Calendar Months.*
(h) *Where Warrants are issued after the passing of this Act the Justices should insert the Amount of these Costs and Charges.*

No. 15.

Warrant of Commitment in default of Distress.

to wit. } To the Constable of in the *County* (a) 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* (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 *Division* (a) then and

(a) *or* City, Borough, *or other Place* (b) *or* House of Correction (c) *or* Affirmation

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 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;* 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* (c) 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 incurred by the said Constable in attempting to make such Distress are Shillings

And the said is now before us (f)

These are therefore to command you the said Constable of to convey the said to the said *Common Gaol* (g), and these are also to command you the said Keeper of the said *Common Gaol* (g) to receive the said into the said *Common Gaol* (g), there to remain without Bail or Mainprize for the Term of (h) unless such Sums and

(a) *or* City, Borough, *or other Place*
(c) *or* refusing
(f) *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."
(g) *or* House of Correction
(h) *Not to exceed Three Calendar Months.*

Costs,

Costs, and the aforesaid Charges attending the Attempt to make the said Distress, together with the Costs and Charges (l) attending the Commitment and conveying of the said to the said *Common Gaol* (g), 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 .

(g) *or* House of Correction

(l) *Where Warrants are issued after the passing of this Act the Justices should insert the Amount of these Costs and Charges.*

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* (a) of holden in and for the *Division of* (a) *in the County of* (a) at 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* (a), 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* (a), 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 said *Division* (a) in which he usually acted, to answer her Complaint touching the Premises:*

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* (b) 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

(a) *or* City, Borough, *or other Place* (b) *or* within Six Calendar Months before

* This Form must be completed, in regard to the Recitals, by reference to the Order of the Justices.

Child

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 their Order:

And whereas the said hath not married since the making of the said Order, but *hath lately* (c) 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 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.

(a) *or insert* City, Borough, *or other Place*

(c) 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,

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