ANNO DECIMO TERTIO

Georgii III. Regis.

CAP. LXXXII.

An Act for the better Regulation of Lying-in Hoſpitals, and other Places, appropriated for the charitable Reception of pregnant Women; and alſo to provide for the Settlement of Baſtard Children, born in ſuch Hoſpitals and Places.

WHEREAS, through the humane and benevolent aſſiſtance of well-diſpoſed Perſons, many Hoſpitals and Places have been eſtabliſhed for the charitable Reception of pregnant Women, which have afforded great Relief in Times of the utmoſt Diſtreſs, and therefore merit every due Support and Encouragement; but ſome Inconveniencies having been found to ariſe from the Number of Baſtard Children born in ſuch Hoſpitals and Places, which have become heavy Burdens, and have occaſioned unreaſonable Charges upon thoſe Pariſhes wherein ſuch Hoſpitals and Places Preamble.

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have been instituted, to their great and unjust Oppression? And whereas it would tend, as well to promote the Interest of such Hospitals and Places as to give a seasonable Relief to such Parishes, if a Law was made to regulate the Settlement of such Bastard Children; may it please Your Majesty that it may be enacted; and be it enacted by the King'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 First Day of November, One thousand seven hundred and seventy-three, no Hospital or Place shall be established, used, or appropriated, or continue to be used or appropriated, for the publick Reception of pregnant Women, under publick or private Support, Regulation, and Management, in any Parish within that Part of Great Britain called England, unless a Licence shall be first had and obtained, in Manner hereafter mentioned, from the Justices of the Peace, at some One of their General Quarter Sessions to be held for the County, Riding, Division, City, or Corporation, wherein such Hospital or Place shall be situated; and such Justices are hereby authorised and required to grant such Licence to any Person or Persons who shall apply for the same, such Person or Persons paying the Sum of Forty Shillings for every such Licence to the Clerk of the Peace of such County, Riding, or Division, or to the Town Clerk of such City or Corporation, as a Perquisite for his Trouble, and as a Fund to defray the Expence of the Stamp and Parchment that shall be used for the Grant of such Licence.

After *Nov.* 1, 1773, No Hospital to be established for the Reception of pregnant Women, unless a Licence be obtained;

which Licence the Justices, at their Quarter Sessions, are impowered to grant.

And be it further enacted, That every such Licence shall be written on Parchment, and stampt with a Five Shilling Stamp; and a Copy thereof shall be entered in a Book to be kept for that Purpose by such Clerk of the Peace, or Town Clerk, and preserved as a publick Register amongst the Records of the County, Riding, Division, or of such City or Corporation, as the Case may be, to be inspected by any Person or Persons on Payment of One Shilling; and every such Licence shall

Every Licence to be stamped with a 5*s.* Stamp, and signed by the Justices.

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be signed by Two or more such Justices of the Peace at their General Quarter Sessions, and shall intitle the Person or Persons to whom such Licence shall be granted to keep One Hospital, House, or Place, and no more, for the publick or charitable Reception of pregnant Women.

Hospitals now or hereafter to be established for the Reception of pregnant Women deemed within the Intent of this Act.

And be it further enacted, That as well all Hospitals, Houses, and Places, already established, used, or appropriated, for the publick Reception of pregnant Women, and supported by charitable Contributions, or otherwise, for the Purposes of the Delivery or Lying-in of such pregnant Women, as all other Hospitals, Houses, or Places that may hereafter be established, used, and appropriated in like Manner for the like Purposes, shall be deemed and taken to be Hospitals and Places within the true Intent and Meaning of this Act.

Inscription to be affixed over the Door of all Hospitals.

And that it may be the more easily known what Hospitals, Houses, or Places, shall have been licensed pursuant to this Act, be it enacted, That there shall be fixed and kept up over the Door, or publick Entrance, of every such Hospital, House, or Place, an Inscription in large Letters, in the following Words; videlicet, LICENSED PURSUANT TO AN ACT FOR THE FURTHER RECEPTION OF PREGNANT WOMEN, PURSUANT TO AN ACT OF PARLIAMENT, PASSED IN THE THIRTEENTH YEAR OF THE REIGN OF KING GEORGE THE THIRD, and the affixing and keeping such Inscription shall be a Condition in every such Licence; and in case such Inscription shall not be fixed and kept over the Door or publick Entrance of such Hospital, House, or Place, such Licence shall become null and void.

Bastard Children born in such Hospitals not to be entitled to Relief as a Parishioner.

And be it further enacted by the Authority aforesaid, That no Bastard Child or Children, born in any such Hospital, House, or Place, as aforesaid, shall be legally settled in, or shall be intitled to, any Relief as a Parishioner, from the Parish wherein such Hospital, House, or Place, shall be situated; but every such Child or Children shall follow the Mother's Settlement, and shall immediately gain a Settlement in the Parish or Parishes respectively where his, her, or their Mother or Mothers

thers were last legally settled; any Law, Statute, Usage, or Custom, to the Contrary thereof, in any-wise notwithstanding.

On the Removal of the Mother or Child, the Churchwardens of the Parish are to pay all Expences.

And be it further enacted by the Authority aforesaid, That in case it shall become necessary to remove the Mother of the Child so born a Bastard, and the Child so born a Bastard, or either of them, from the Parish or Place in which such Hospital, House, or Place, shall be situated, to the Parish or Place to which such Woman shall belong, or where she shall have obtained her last legal Settlement, such Parish or Place, being within Twenty Miles of such Hospital, House, or Place, to which she shall be so removed, shall be chargeable with, and liable to the Payment of all Charges and Expences incident to or attending such Removals; such Charges and Expences to be allowed and settled by any Justice or Justices of the Peace, (who is and are hereby required to allow and settle the same), in and for the County, Riding, Division, City, Corporation, or Place, in which the Parish or Place shall be situated, to which such Mother and Child, or either of them, shall be removed as aforesaid: And if such Charges and Expences, after being allowed and settled as aforesaid, and Demand thereof made in Writing, directed to the Churchwardens or Overseers of the Poor of the Parish to which such Mother and Child, or either of them, shall be removed, as aforesaid, shall not be paid within Two Days after such Demand; then, and in every such Case, it shall and may be lawful to and for any One or more of His Majesty's Justices of the Peace, in and for the County, Riding, Division, City, Corporation, or Place, in which the Parish shall be situated, to which such Mother and Child, or either of them, shall be removed, and he or they is and are hereby required, by Warrant under his or their Hand and Seal, or Hands and Seals, to levy the same by Distress and Sale of the Goods and Chattels of the Churchwardens or Overseers of the Poor making such Refusal, as aforesaid or on the Goods and Chattels of any or either of them.

Provided

Appeal may be made to Quarter Sessions by Persons aggrieved,

Provided always, and be it further enacted, That if any Person or Persons shall think himself or themselves agrieved by such Removal or Distress had or made in pursuance of this Act, every such Person may appeal to the Quarter Session of the Peace to be holden for the County, Riding, Division, City, Corporation, or Place, wherein he shall have suffered such Grievance, within Four Months after the Fact done, by which he shall think himself so aggrieved, such Appellant first giving, or causing to be given, Fourteen Days Notice at the least, in Writing, of the Intention to bring such Appeal, and of the Matter thereof, to the Party or Parties against whom such Appeal is intended to be brought, and within Two Days next after such Notice given entering into Recognizance, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices shall then hear and determine the Causes and Matters of Appeal in a summary Way, and award such Costs to the Parties appealing or appealed against, as they the said Justices shall think proper, and the Determination of such Justices so made shall be final, binding, and conclusive, to all Intents and Purposes whatsoever.

giving 14 Days Notice.

Parish Officers impowered to apprehend the Fathers of any Bastard.

And be it further enacted, That all Officers belonging to the Parish wherein the Mother of such Child so born a Bastard shall have been last legally settled, and all Magistrates of the County, Riding, Division, City, Corporation, or Place, wherein such Parish shall be situated, shall have Power and Authority to apprehend the reputed Father of any such Bastard Child, to take Security for the Indemnity of the Parish, and to punish the Parents, and to do every other Matter or Thing relative to such Case of Bastardy, in the same Manner, and with the same Powers, as such Magistrates or Officers might or would have had in case such Child had been born in such Parish or Place; any Law or Statute to the Contrary thereof in any-wise notwithstanding.

Proviso.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to alter the Law as it now stands relative to the Settlement of any Bastard

ſtard Child ſo born as aforeſaid, in Caſes where the Mother's Settlement cannot be aſcertained and determined.

Owners or Maſters of Hoſpitals to take the Woman, before admitted to be examined before a Juſtice.

And be it further enacted by the Authority aforeſaid, That the Owner, Keeper, Governor, Maſter, Secretary, Clerk, or other Perſon, who ſhall have, or to whom ſhall be intruſted the Care, Conduct, or Management, of ſuch Hoſpital, Houſe, or Place, ſhall, and he, ſhe, or they, is and are hereby directed and required, before the Admiſſion of any pregnant Woman into ſuch Hoſpital, Houſe, or Place, forthwith, (unleſs prevented by Sickneſs), to take, or cauſe to be taken, ſuch Woman before ſome Juſtice of the Peace in and for the County, Riding, Diviſion, City, Corporation, or Place, where ſuch Hoſpital, Houſe, or Place, is ſituated, which Juſtice is hereby directed and required to examine her upon Oath, whether ſhe is married or ſingle: And in caſe ſuch pregnant Woman ſhall not be able, at the Time of of ſuch Admiſſion, to go before ſuch Juſtice, and be examined as aforeſaid; that then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Owner, Keeper, Governor, Maſter, Secretary, Clerk, or other Perſon, as aforeſaid, and he, ſhe, or they, is and are hereby directed and required when and ſo ſoon as ſuch Woman ſhall be ſufficiently recovered, to take, or cauſe to be taken, ſuch Woman before ſuch Juſtice, to be by him examined as aforeſaid, any Law, Statute, Uſage, or Cuſtom, to the Contrary thereof in any-wiſe notwithſtanding: And all and every the Particulars of ſuch Examination, taken upon Oath as aforeſaid, ſhall be entered in a Book, to be provided and kept for that Purpoſe by the Owner, Keeper, Governor, Maſter, Secretary, Clerk, or other Perſon, as aforeſaid, and ſigned by the Juſtice of the Peace before whom ſuch Examination is taken, who is hereby directed and required to ſign the ſame.

If the Woman produce an Affidavit that ſhe is married, or ſingle,

Provided always, and be it enacted, That if any Woman, on Admiſſion into ſuch Hoſpital, Houſe, or Place, ſhall produce an Affidavit, ſworn by her before ſuch Juſtice of the Peace for the City of London, or for the County,

County, Riding, Division, City, Corporation, or Place, wherein such Hospital, House, or Place, shall be situated, that she is a married or single Woman, as the Case may be, which Affidavit shall be kept and filed at every such Hospital, House, or Place; then, and in every such Case, such Woman shall not be liable or compellable by this Act to go before any Justice of the Peace, or to be further examined on Oath as to her Marriage.

she is not liable to go before the Justice.

And be it further enacted, That if any Woman shall be delivered of a Bastard Child in such Hospital, House, or Place, such Owner, Keeper, Governor, Master, Secretary, Clerk, or other Person as aforesaid, shall, Four Days at the least before any such Woman shall be discharged, give, or cause to be given, a personal Notice, or Notice in Writing, of such Delivery, to be left at the usual Place of Abode of the Overseer or Overseers, Churchwarden or Churchwardens, of such Parish or Place, wherein such Hospital, House, or Place, shall be situated; and such Overseer or Overseers, Churchwarden or Churchwardens, or some or One of them, is and are hereby authorised and required, after such Notice given, to attend at such Hospital or Place, within the Time so notified as aforesaid, and shall convey every such Woman before some Justice of the Peace of the County, Riding, Division, City, Corporation, or Place, where such Birth or Births shall happen, who shall examine every such Woman upon Oath relative to her last legal Settlement, and shall certify, in Writing, to such Overseer or Churchwarden the whole of such Examination, who shall cause the same to be deposited and kept amongst the Books and Papers belonging to such Parish or Place.

When any Woman shall be delivered of a Bastard, the Owner of the Hospital is to give Four Days Notice before she is discharged to the Overseers.

And be it further enacted, That if at any Time such Overseer or Churchwarden shall, upon such Attendance, be informed by such Owner, Keeper, Governor, Master, Secretary, Clerk, or other Person, that any such Woman is not sufficiently recovered to be taken out and carried before such Justice, such Overseer or Churchwarden shall wait till a further Notice shall, in like Manner, be given; and such Notices, from Time to Time, shall be repeated as Occasion may require; and every such

Overseer attending, and being informed that such Woman is not sufficiently recovered, shall wait till a further Notice be given.

Overseer and Churchwarden, who shall receive the same, is hereby required to pay due Attention thereto.

Every Woman may be kept in the Hospital till she be in a fit Condition to be discharged, &c.

Provided always, and be it further enacted, That it shall and may be lawful for every such Owner, Keeper, Governor, Master, Secretary, Clerk, or other Person, to keep and detain in such Hospital, House, or Place, every such Woman so delivered of a Bastard Child, till she shall be adjudged in a fit Condition to be discharged, and until she shall have been examined before some Justice of the Peace, as aforesaid, with respect to the Place of her last legal Settlement.

but not to extend to keep any Woman longer than Six Weeks, without her Consent.

Provided always, and be it further enacted, That nothing in this Act shall extend, or be construed to extend, to authorise or impower any Person whatsoever to keep or detain in such Hospital, House, or Place, any Woman so delivered of a Bastard Child for a longer Time than Six Weeks after the Birth of such Child, unless it shall be done by her own free Consent.

Owners, Governors, &c. not complying with the Directions of this Act to forfeit 50 l.

and Overseers, &c. neglecting or refusing to forfeit 10 l.

And be it further enacted, That every such Owner, Keeper, Governor, Master, Secretary, Clerk, or other Person, as aforesaid, who shall wilfully neglect or refuse to comply with the Directions of this Act, shall forfeit and pay, for every such Neglect or Refusal, the Sum of Fifty Pounds; and every such Overseer or Churchwarden who shall in like Manner neglect or refuse to comply with the Directions of this Act, shall, for every such Neglect or Refusal, forfeit and pay the Sum of Ten Pounds; which Penalties or Forfeitures shall be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, by any Person or Persons who shall sue for the same; and such Forfeitures and Penalties, when recovered, shall be applied, One Moiety to the Use of the Poor of the Parish where such Offence shall have been committed, and the other Moiety to the Person or Persons who shall sue for and recover the same.

How Penalties may be recovered and applied.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing by him or them done or executed in pursuance of this Act, the Defendant or Defendants, in such Action or Suit, shall and may

plead the General Iſſue, and give this Act, and the Special Matter, in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if afterwards a Verdict ſhall paſs for the Defendant or Defendants, or the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action or Proſecution, or Judgement ſhall be given againſt him, her, or them, upon Demurrer, or otherwiſe; then ſuch Defendant or Defendants ſhall have Treble Coſts awarded to him or them againſt ſuch Plaintiff or Plaintiffs. General Iſſue. Treble Coſts.

Provided always, That no ſuch Action or Suit ſhall be brought by virtue and in purſuance of this Act, unleſs the ſame be commenced within Six Calendar Months after the Offence committed. Actions when to be commenced.

And be it further enacted, That this Act ſhall be deemed a Publick Act; and as ſuch taken Notice of by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame. Publick Act.

FINIS.