

No. 2 An Act directing the Manner of punishing Fornication and Adultery Liber B. L. C.
p. 557
before a single Justice of the Peace, out of Court.

Whereas it is found by Experience, that much Time is taken up in carrying on Prosecutions against Persons committing Fornication and Adultery, to the great Delay of the other Criminal, as well as the Civil, Business, which is much increased of late. [Preamble.]

Be it therefore Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's President, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the first Day of October next, it shall and may be lawful for any Justice of the Peace, in the County where any white Bastard Child shall be born, and such Justice is hereby required, upon Information had thereof, to issue his Warrant, directed to some Constable of the said County, against the Mother of such Bastard Child, and also against the Father of such Child, upon Oath made by the Mother of the said Child, to cause the Mother and reputed Father of the said Bastard, or either of them, to be brought before him, or some other Justice of the Peace for the said County, to answer the same and upon Confession thereof made by the Mother and reputed Father of such Bastard Child, or either of them, to proceed to fine such Mother and reputed Father, or either of them, if for Adultery, the Sum of Five Pounds, Current Money, or Eight Hundred Pounds of Tobacco; and if for Fornication only, the Sum of Thirty Shillings Current Money, or Two hundred and forty Pounds of Tobacco; as the Case may happen: But if such Mother and reputed Father, or either of them, shall deny the Charge, that then and in such Case the Justice shall not proceed to Judgment thereon, but shall bind over by Recognizance such Mother and reputed Father, or either of them, to the County Court to be held next for the said County, to answer the Charge aforesaid, to be there tried according to the due Course and Order of Law; any Thing in this Act to the contrary in any wise notwithstanding. [Justices to issue Warrants to bring before them the Parents of Bastard Children.]

[Fines on Adultery and Fornication.]

And be it further Enacted, That in case any Mother of a Bastard Child shall refuse to discover the Father as aforesaid, then she shall, over and above the Fine aforesaid for her own Offence, be fined by the Justice aforesaid, or County Court, as the Case may happen, in a summary Way, the further Sum of Thirty Shillings Current Money, or two hundred and Forty Pounds of Tobacco, and be ordered and adjudged by the Justice aforesaid, or by the County Court, as the Case may happen, to give good Security to keep such Bastard Child from becoming a Charge to the County; and for Want of such Security, she shall by the said Justice, or by the County Court, as the Case may happen, be committed to the public Goal of the said County, until she shall willingly do the same: And in case such Discovery shall be made in Manner aforesaid, then and [Mothers of Bastards, refusing to discover the Father, to pay a double Fine, Etc.]