

So much of the 26th and 27th sections as relates to the issue of the inordinate copulations mentioned in them, and in the 25th section, was repealed by 1790, ch. 9, (which is since repealed,) and also by 1796, ch. 67, in both which acts the rights of any persons to such issue before acquired was saved. So much of the 2d and 3d sections of the act of 1728, ch. 4, as relates to the issue therein mentioned, were repealed by the same acts, and with the same saving.

Servants
having bas-
tards to
satisfy
damages.

SEC. 28. *And be it further enacted, by the authority aforesaid,* That any servant woman having a bastard child, and not able sufficiently to prove the party charged to be the begetter of such child, in every such case the mother of such child shall be liable to satisfy the damage so sustained, by servitude or otherwise, as the court before whom such matter is brought shall see convenient.

Proviso.

SEC. 29. *Provided,* That where the mother of any such child as aforesaid do prove her charge, by sufficient testimony of witness, confession of the party charged, or pregnant circumstances, agreeing with her declaration in her extremity of her pains or throes of travail, and her oath taken by some magistrate before the time of her delivery of every such bastard child, or after her delivery, then the party charged, if a servant, shall satisfy half the said damage, if a free man, shall satisfy the whole damage by servitude or otherwise, as the court before whom such matter is brought as aforesaid, shall think fit; but if the said free man cannot be brought to justice, then, and in every such case she shall make the same satisfaction as if she could not prove the begetter as aforesaid; and if any such mother as aforesaid be able to prove, by such testimony, or confession of the party charged, that he, being a single person and a free man, did, before the begetting of such child, promise her marriage, that then he shall be at his choice, either to perform his promise to her, or recompense her abuse according as the court before whom such matter is brought shall adjudge.

See 1781, ch. 13, and the supplements thereto.

Court may
determine
complaints,
&c.

SEC. 30. *And be it further enacted, by the authority, advice and consent aforesaid,* That after the end of this session of assembly, it shall and may be lawful for the provincial and county courts of this province to hear and determine any complaints between masters and servants, by way of petition, to give judgment and award execution upon the same; and that, upon appeal or writ of error brought upon the same from any county court of this province to the provincial court, or from the provincial court to the governor and council, no such judgment shall be reversed for want of judicial process, or that the same was not tried by a jury, or any matter of form either in the entry or giving judgment; provided that it appears by the record that the defendant was legally summoned, and not condemned unheard.