

to apprehend the reputed Father, shall willingly or negligently suffer him to escape; or fine them. So such as by practice, &c. shall cause the Mother of the Child to be conveyed or sent away, or to run away, whereby she leaveth her Child to the charge of the Town, &c.

S. 3.
Two Ju-
stices.

Order.

Two Justices of Peace (one being of the *Quorum*) in or next to the limits where the Parish-Church is, in which Parish any Bastard-child (begotten and born out of lawful Matrimony) shall be born, upon Examination of the cause and circumstances, shall and may take order by their discretion as well for the relief of the Parish (in part, or in all) and keeping of the Child, (by charging the Mother or reputed Father with the payment of Money weekly, or other relief,) as also for the punishment of the Mother and reputed Father. 21 Jac. c. 28. & 3 Caroli 5.

19 El. c. 3.
P. 2.

But such a Bastard-child must be one that is left to be kept at the charge of the Parish, or one likely to be (or which may be) chargeable to the Parish. See the Stat. of 18 Eliz. and the Stat. 7 Jac. cap. 4.

Where Ses-
sions may
make an
Order.

The Justices of the Peace in Sessions could not before the Statute of 3 Car. I. c. 4. meddle with the settlement of, or provision for a Bastard-Child; according to 18 Eliz. c. 3. until the two next Justices had made some order therein, and after such order made by the two next Justices, the Sessions might proceed therein to make a new order; but now by 3 Car. I. cap. 4. the Justices in Sessions have power originally to make an Order there-
in.

Cr. 13.
Ca. p. 337.
Slaters
Case.
18 E. 3.

3 Car. 4.

And if the two next Justices of Peace make an Order according to 18 Eliz. c. 3. and the party appeals from that Order to the next Sessions, and they alter, or discharge, or confirm that Order, any other Sessions cannot order any thing contrary thereto; for the Order upon the Appeal is small, as in Appeal upon the Statute of Charitable Uses, and the Statute of 3 Car. 4. That giving authority to Justices of Peace in Sessions, is to be understood where the next Justices have made no Order there-
in.

H. 9. c.
Cr. p. 248.
& 225.
Prigions
Case.

3 Car. 4.

Appeal.

A Man is charged to be the reputed Father of a Bastard, by Order of two Justices, he appeals to the Sessions, and prays a day to another Sessions to bring in his Proofs, besides giving day, nothing is done; and if the Court might hear him, and give relief at another Sessions, was the doubt; and it was referred to the Justices of Assize. And Walter, Chief Baron, upon consideration of the Statute of 18 Eliz. Resolved, That the next Sessions after, the two Justices Order must relieve him, or none else could. Gittens and Edwards Case. Summer Assize in Sar. 5 Car. And so it was resolved B R. Mich. 6 Car. 1. In Smiths Case against the Parish of Blackthornic, in Com. Oxon.

The reputed Father, by the Law of God, was to give unto the Maids Father Fifty shekels of Silver, and he also was to take her to Wife. Exod. 22. 16. and Deut. 22. 28, 29. wherewith agreeth the Canon 67. Apostol. Quam quis violaverit virginem, ducat in uxorem.

If the two Justices cannot agree upon their Order, what is then to be done; see *Hic antea*, c. 6. But by some opinions the words of this Statute being (disjunctive) two Justices of Peace in or next to the limits, &c. if the two Justices of the Peace in that division or limits cannot agree, then the two Justices of Peace, next to that division or limits, (being in the same County, and one of them of the *Quorum*) have power to take order therein.

7 Jac. 5.

Also it seemeth the Mother may be examined upon Oath concerning the reputed Father and of the time, and other circumstances; for that in this case, the matter and trial thereof dependeth chiefly upon the Examination and Testimony of the Mother. *Vide hic* cap. 66. & Lamb. 5 12.

By