

By the Stat. 7 Jac. it appeareth that the Justice of Peace shall now commit such leud Woman to the House of Correction, there to be punished, &c. And therefore *quære* if the Justices of Peace may not punish (by corporal punishment) the Mother by force of this Statute of 18 Eliz. 3. and then send them to the House of Correction: For the Rule of Law is, *Nemo debet bis puniri pro uno delicto*; and the Divine faith, *Deus non agit bis in idipsum*. Co. 4. 43, & 8 118.

But such corporal punishment or Commitment to the House of Correction, is not to be until after that the Woman is delivered of her Child, neither are the Justices of Peace to meddle with the Woman until that the Child be born, (and she strong again) lest the Woman being weak, the Child wherewith she is, happen to miscarry: For you shall find that about 31 Eliz. a Woman great with Child, and suspected for Incontinency, was commanded (by the Masters of Bridewell in London) to be whipped there, by reason whereof she travelled, and was delivered of her Child before her time, &c. And for this the said Masters of Bridewell were in the Star-Chamber fined to the Queen at a great Sum, and were farther ordered to pay a sum of Mony to the said Woman.

And as for the reputed Father, the two Justices shall do well, (as I conceive) if he be of ability, to charge him more deeply; which if he refuse, then with punishment according to the Statute of 18 Eliz. See for this purpose an Order in such case here, Chap. 121. And if the reputed Father be of small ability, and shall not find friends to yield some reasonable allowance, then to undergo the more punishment.

18 Eliz. 3.
P. 1.

After such Order by two such Justices subscribed under their hands, if the said Mother or reputed Father, upon notice thereof, shall not perform the said Order, then such person so making default shall be committed to the Gaol, there to remain without Bail or Mainprise; except such parties shall put in sufficient Sureties to perform the same Order, or else personally to appear at the next General Sessions of the Peace in that County, and to abide such Order as the Justices of Peace, or the more part of them, then and there shall take in that behalf, (if they shall take any) or in default thereof, then to abide and perform the Order before made.

S. 5.

Nota que Enfant nee per 11. dies post ultimum tempus legitimum mulieribus constitutum, (sc. post 40 Semains apres mort son Pere,) ne serra adjudge legitimum puerum, &c. Co. L. 123. 2 Esd. 4. 40, 41. Et issint semble de Enfant nee apres 40. Semains del temps que Feme charge Home daver carnal Conusance de luy, tiel Enfant ne serra adjudge ne repete destre le issue de tiel Home.

7 Jac. 4.

Every leud Woman which shall have a Bastard which may be chargeable to the Parish, the Justices of Peace shall commit such Woman unto the House of Correction, there to be punished daily, for therefore she is sent thither, (as I conceive) and set on work for one year, and to live of her own labour; and if she shall estsoons offend again, then to be committed to the House of Correction, as aforesaid, and there to remain until she can put in good Sureties for her good Behaviour not to offend so again. See c. 118.

Now it seemeth that such Commitment to the House of Correction ought to be by two Justices at the least, (by the words of this Statute;) and then by the conference of these two Statutes (of 18 Eliz. and 7 Jac.) it seemeth fittest for the two next Justices authorized by 18 Eliz.

It seemeth also (by the words of this St. 7 Jac.) that such a Woman shall not be sent to the house of Correction until after the child be born, and that it be living; for it must be such a child as may be chargeable to the Parish.

Also it seemeth that such a Bastard child is not to be sent with the Mo-