

ther to the House of Correction, but rather that the Child should remain in the Town where it was born, (or settled with the Mother) and there to be relieved by the work of the Mother, or by relief from the reputed Father. See to this purpose the Resolution of the Judges, *Resol. 6.* in the Title *Rogues*. And yet the common opinion and practice is otherwise; sc. to send the Child with the Mother, to the House of Correction; and this may also seem reasonable where the Child sucketh on the Mother. *Vide plus cap. 6. fine, & cap. 40. Resol. 7. & Quere.*

A Maid-servant gotten with Child, where she shall be settled. See *Chap. 40. & Resol. 12, & 21.*

Putative Fathers and lewd Mothers of Bastard-children leaving their Children upon the Parish, the Church-wardens and Overseers for the Poor of the Parish where the Child was born; may seize and take so much of the Goods and Chattels, and of the Rents and profits of the Lands of such reputed Fathers or Mothers, as shall be ordered by two Justices of the Peace, for and towards discharge of the Parish; for providing for such Bastard; and by order of the Sessions may sell the said Goods, or so much thereof as the Court shall think fit, and to receive so much also of the Rents and Profits of the Lands, for the said purposes, as shall be ordered by the Sessions. The punishment of such as shall kill their Bastard-children, see postea tit. Felony by Statute.

C H A P. XII.

Bailment.

§. 1. **B**Y the Common Law, the Sheriff and every Constable (being Conservators of the Peace) might have bailed a suspect of Felony: but this Authority seemeth to be taken from them, and given to the Justices of Peace, by the Statutes following.

First, by the Statute *1 R. 3. cap. 3.* every Justice of Peace had Authority (by discretion) to let to Bail persons imprisoned for suspicion of Felony, &c.

But forasmuch as after the making of that Statute, divers not beingailable were notwithstanding let to Bail, and so, many notable Felons escaped; therefore this Statute was repealed by the Statute of *3 H. 7.* and thereby any two Justices of Peace (the one being of the *Quorum*) were enabled to let any prisoners (mainpernable by the Law) to Bail, to the next General Sessions of Peace or Gaol-delivery, as the case should require. After, for that one Justice of Peace, in the name of himself and of one other of his fellow-Justices, (not making the other Justice privy unto the cause, whereof the Prisoner should be bailed) did oftentimes by sinister means set at large great and notable Offenders, such as were notailable, and yet, to hide their affection therein, did signifie the cause of their apprehension to be but only for suspicion of Felony, whereby the said Offenders have escaped unpunished; for reformation thereof, by the Statute *1 & 2 P. & M.* it was enacted; That if it be for Man slaughter, or Felony, or suspicion of Man-slaughter or Felony, (*beingailable by Law,*) then the same Justices must be present together at the time of the said Bailment; and that they must certifie (in Writing subscribed with their own hands) the said Bailment at the next General Gaol-delivery, to be holden within the County where the person shall be arrested or suspected, upon pain to be fined by the Justices of Gaol-delivery.

Now by the Preamble of both the last recited Statutes, the mischief seemeth to be the escape of Felons; and therefore if it be not in case of Felony,