

1914

c 154 Illegitimate Children's Act

Ontario

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CHAPTER 154.

An Act respecting the Support of Illegitimate Children.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Illegitimate Children's Act*. 1 Geo. V. c. 36, s. 1.

Liability of father for necessities supplied to illegitimate child.

2.—(1) Any person who furnishes food, clothing, lodging or other necessities to any child born out of lawful wedlock may maintain an action for the value thereof against the father of the child, if the child was a minor at the time the necessities were furnished, and was not then residing with and maintained by his reputed father as a member of his family.

When corroborative evidence requisite.

(2) Where the person suing for the value of the necessities is the mother of the child, or a person to whom the mother has become accountable for the necessities, the plaintiff shall not be entitled to recover unless the fact of the defendant being the father is proved by other testimony than that of the mother, or her testimony is corroborated by some other material evidence of that fact. 1 Geo. V. c. 36, s. 2.

On what conditions action maintainable.

3. No action shall be sustained under the next preceding section unless it is shown upon the trial thereof that while the mother of the child was pregnant with, or within six months after the birth of the child, she had voluntarily made an affidavit before a justice of the peace for the county, district or city in which she then resided declaring that the person afterwards charged in the action is really the father of the child, nor unless such affidavit was deposited, within that time, in the office of the clerk of the peace of the county or district, or of the clerk of the council of the city. 1 Geo. V. c. 36, s. 3.

Effect of affidavit.

4. The affidavit shall not be evidence of the fact of the defendant being the father of the child. 1 Geo. V. c. 36, s. 4.

Reservation of other remedies.

5. This Act shall not take away or abridge any right of action or remedy which, without this Act, might have been maintained against the father of an illegitimate child. 1 Geo. V. c. 36, s. 5.