1914

c 154 Illegitimate Children's Act

Ontario
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:—

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

2.—(1) Any person who furnishes food, clothing, lodging or other necessaries 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 necessaries were furnished, and was not then residing with and maintained by his reputed father as a member of his family.

(2) Where the person suing for the value of the necessaries is the mother of the child, or a person to whom the mother has become accountable for the necessaries, 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.

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.

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.

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.