

only one month from the time she swears to his having got her with child.] All the physicians agree that that symptom of pregnancy does not take place in less than three months, and that it is more commonly four. She has also positively contradicted upon one examination upon oath, what she positively swore upon another. At the police office she said she had no connection with the white man—before this Court she has acknowledged that she had.

There is at least as much reason to charge the white man to be the father, with whom she states on her oath that she had a connection within a few days after the first connection with the black. So short an interval must leave it impossible to determine, from the reckoning of time merely, which was the father. If so, and the matter was otherwise in balance, surely the child being white, is a circumstance strong enough to put it past all doubt. Another fact equally conclusive is what the mother told the witness, Ray, when she took back the child, "That the defendant at first would not own it, that it was not his, and that now he should not have it." Now, if this was a serious crime and a criminal prosecution, such evidence would not weigh a feather. I cannot see why there should be any more hesitation in the present case.

*Mr. Vanhook* said the arguments did not convince him in any degree that the black man was not the father of the child. And if by fair reasoning, the party who sued was entitled to an order, the Court would, in spite of subtle objections and raillery, grant it in furtherance of the statute. The Commissioners of the Almshouse had instituted this suit as their duty obliged them, and the law directed. The woman's testimony in one view was meritorious—it went to discharge the community from the burden of supporting a bastard child, and to oblige the true father to maintain it, and therefore should not be disfavored.

Much stress was laid upon the time of her feeling her pregnancy, but that was not sufficient to destroy the force of her positive testimony on oath; a difference or mistake of a month or two, which may be the fault of her memory, is not