

THE duty of parents to provide for the *maintenance* of their children is a principle of natural law ; an obligation, says Pufendorf^b, laid on them not only by nature herself, but by their own proper act, in bringing them into the world : for they would be in the highest manner injurious to their issue, if they only gave the children life, that they might afterwards see them perish. By begetting them therefore, they have entered into a voluntary obligation, to endeavour, as far as in them lies, that the life which they have bestowed shall be supported and preserved. And thus the children will have a perfect *right* of receiving maintenance from their parents. And the president Montesquieu^c has a very just observation upon this head : that the establishment of marriage in all civilized states is built on this natural obligation of the father to provide for his children ; for that ascertains and makes known the person who is bound to fulfil this obligation ; whereas, in promiscuous and illicit conjunctions, the father is unknown ; and the mother finds a thousand obstacles in her way ; ---shame, remorse, the constraint of her sex, and the rigor of laws ; --- that stifle her inclinations to perform this duty : and besides, she generally wants ability.

THE municipal laws of all well-regulated states have taken care to enforce this duty : though providence has done it more effectually than any laws, by implanting in the breast of every parent that natural *σφοδρῆ*, or insuperable degree of affection, which not even the deformity of person or mind, not even the wickedness, ingratitude, and rebellion of children, can totally suppress or extinguish.

THE civil law^d obliges the parent to provide maintenance for his child ; and, if he refuses, "*judex de ea re cognoscet.*" Nay, it carries this matter so far, that it will not suffer a parent at his death totally to disinherit his child, without expressly giving his

^b L. of N. l. 4. c. 11.

^d *ff.* 25. 3. 5.

^c Sp. L. b. 23. c. 2.