Athenian laws [f] carried this principle into practice with a scru-
pulous kind of nicety : obliging all children to provide for their
father, when fallen into poverty ; with an exception to spurious
children, to those whose chastity had been prostituted by con-
sent of the father, and to those whom he had not put in any way
of gaining a livelihood. The legislature, says baron Montesquieu [g],
considered, that in the first case the father, being uncertain, had
rendered the natural obligation precarious ; that, in the second
case, he had sullied the life he had given, and done his children
the greatest of injuries, in depriving them of their reputation ;
and that, in the third case, he had rendered their life (so far as
in him lay) an insupportable burthen, by furnishing them with no
means of subsistence.

OUR laws agree with those of Athens with regard to the first
only of these particulars, the case of spurious issue. In the other
cases the law does not hold the tie of nature to be dissolved by
any misbehaviour of the parent ; and therefore a child is equally
justifiable in defending the person, or maintaining the cause or
suit, of a bad parent, as a good one ; and is equally compellable [h],
if of sufficient ability, to maintain and provide for a wicked and
unnatural progenitor, as for one who has shewn the greatest ten-
derness and parental piety.

II. WE are next to consider the case of illegitimate children, or
bastards ; with regard to whom let us inquire, 1. Who are bastards.
2. The legal duties of the parents towards a bastard child. 3. The
rights and incapacities attending such bastard children.

1. WHO are bastards. A bastard, by our English laws, is one
that is not only begotten, but born, out of lawful matrimony. The
civil and canon laws do not allow a child to remain a bastard, if
the parents afterwards intermarry [i] : and herein they differ most
materially from our law ; which, though not so strict as to re-

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[f] Potter's Antiqu. b. 4. c. 15.   [h] Stat. 43 Eliz. c. 2.
[g] Sp. L. b. 26. c. 5.   [i] *Inst.* 1. 10. 13. *Decretal. l.* 4. *t.* 17. *c.* 1.

quire