

Laws of His Majesty's Province of Upper Canada, passed in the year 1826. York: Robert Stanton, 1826.

6 George IV – Chapter 2

An Act to prevent the operation in this Province of An Act of Parliament made in England, in the twenty-first year of the Reign of His late Majesty, King James the First, intituled, "An Act to prevent the Destroying and Murthering of Bastard Children, and to make other provisions in lieu thereof. (Passed 30th January, 1826.)

Whereas doubts have been entertained respecting the true sense and meaning of a certain Act of Parliament made in England in the twenty-first year of the reign of His late Majesty, King James the First, intituled, An Act to prevent the Destroying and Murthering [Murdering] of Bastard Children, and the same has been found in sundry cases difficult and inconvenient to be put in practice; For remedy whereof. Be it therefore Enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and Assembled by virtue of and under the authority of An Act passed in the Parliament of Great Britain, intituled, An Act to repeal certain parts of An Act passed in the fourteenth year of His Majesty's Reign, intituled, An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province, and by the authority of the same; That from and after the passing of this Act, no Clause, Matter or Thing in the said Act passed in the twenty-first year of the Reign of King James the First, shall extend to or be in force in this Province, any thing in the said recited Act of the Parliament of Great Britain, passed in the fourteenth year of His late Majesty's Reign or in a certain Act of the Parliament of this Province, passed in the fortieth of His late Majesty's Reign, intituled, "An Act for the further introduction of the Criminal Law of England in this Province, and for the more effectual punishment of certain offenders," to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, the trial of Women charged with murder of any issue of their bodies, male or female which being born alive, would by Law be Bastard, shall proceed and be governed by such and the like rules of evidence and presumption, as are by law used and allowed to take place in respect to other trials for Murder as if the said Act had never been made.

III. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful for the Jury, by whose verdict any Prisoner charged with Murder as aforesaid, shall be acquitted to find in case it shall so appear in evidence that the Prisoner was delivered of issue of her body, male or female; which if born alive, would have been Bastard, and that she did by secret burying or otherwise endeavour to conceal the birth thereof, and thereupon it shall be lawful for the Court, before which such Prisoner shall have been tried, to sentence such Prisoner to punishment in their discretion as in case of misdemeanor.