

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday the Sixth day of February, 1812, and continued by several Prorogations to Thursday the Thirteenth day of February, 1813, in the Fifty-third year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith &c. &c. being the Third Session of the Tenth General Assembly, convened in the said Province. From Henry H. Cogswell, The Statutes at Large passed in the General Assembly held in His Majesty's Province of Nova Scotia: from the Sixth Session of the Eighth General Assembly, to the Fifty-Sixth year of his Majesty's Reign. John Howe and Son, 1816.

53 George III – Chapter 11

An Act for repealing so much of an Act, made in the thirty-second year of the late King, George the Second, entitled, “An Act relating to Treasons and Felonies,” as respects the privately murdering, or concealment of the death, of Bastard Children, and for making other provisions in lieu thereof.

Whereas doubts have been entertained respecting the true sense and meaning of the fifth section of an act of the general assembly in the thirty-second year of the reign of his late Majesty, King George the Second, entitled, “An Act relating to Treasons and Felonies,” which section provides for the punishment of the mothers of bastard children, privately destroying, or concealing the death of such children; and whereas the provisions, therein made have been found in sundry cases difficult and inconvenient to be put in practice:

I. Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, that from and after the publication hereof, the said fifth section of the said entitled act, shall be and the same is hereby repealed; and the trials of women charged with the murder of any issue of their bodies, male or female, which, being born alive, would by law be bastard, shall thereafter proceed and be governed by such and the like rules of evidence, and of presumption, as are by law used and allowed to take place in other trials of murder, and as if the said section of the said entitled act had never been made.

II. Provided always, and be it further enacted, 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 adjudge that the said prisoner shall be committed to the common gaol or house of correction, for any time not exceeding two years.