

*The Provincial Statutes of Lower-Canada, Being the second session of the seventh Provincial Parliament of Lower-Canada.* Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1812.

52 George III – Chapter 3 (Session 1)

**An Act to repeal an Act made in England, in the twenty first Year of the Reign of his late Majesty King James the First, Chapter twenty seventh, intituled, "An Act to prevent the destroying and murdering of Bastard Children, as to this Province of Lower Canada," and for making provisions for 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: (19th May, 1812.)**

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 murdering of Bastard Children," and the same hath been found, as well in England as in this Province, in sundry cases difficult and inconvenient to be put in practice; Be it further 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 Lower 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 it is hereby enacted, by the authority of the same, that from and after the passing of this Act, the said Act of Parliament, made in England in the twenty- fifth Year of the Reign of his late Majesty King James the First, intituled, "An Act to prevent the destroying and murdering [murdering] of Bastard Children," and everything therein contained shall be and the same, as to this Province of Lower Canada, is and are hereby repealed.

II. And be it further enacted by the authority aforesaid, that from and after the passing of this Act the Trials in this Province 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 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 respect to other Trials for Murder, and as if the said Act of Parliament last herein mentioned, and hereby so as aforesaid repealed, had never been made.

III. Provided always and be it enacted by the authority aforesaid, that it shall and may be lawful for the Jury, by whole Verdict, any Prisoner charged with such 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 such Prisoner shall be committed to the Common Gaol or House of Correction, there to be kept to hard labour, for any time, not exceeding two Years.