

# STATUTES,

OF

## Upper Canada,

PASSED IN THE SECOND SESSION OF THE ELEVENTH PROVINCIAL  
PARLIAMENT.

MET AT YORK ON THE SEVENTEENTH DAY OF NOVEMBER 1831, AND PROROGUED ON THE  
TWENTY-EIGHTH DAY OF JANUARY 1832, IN THE SECOND YEAR OF THE REIGN  
OF WILLIAM IV.

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SIR JOHN COLBORNE, K. C. B.

LIEUTENANT GOVERNOR.

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ANNO DOMINI, 1831—2.

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### CHAP. I.

*An Act to prevent the operation within this Province of an Act of Parliament made in England, in the Twenty-first year of the Reign of King James the First, entitled "An Act to prevent the destroying and murdering of Bastard Children," and to make other provisions for the prevention and punishment of Infanticide.*

[Passed 23rd December, 1831.]

**W**HEREAS doubts have been entertained respecting the true 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, entitled "An Act to prevent the destroying and murdering of Bastard Children," and the same has been found difficult and inconvenient to be put in practice, for remedy thereof—*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 Preamble.

21st James 1st not to be in force in this Province.

Parliament of Great Britain, entitled “An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty’s Reign, entitled “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, and be in force in this Province.

Trials for the murder of Bastard Children to proceed like other Trials for murder.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the trial of any woman charged with murder of any issue of her body, 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, and as if the said Act passed in the Reign of King James the First had never been made.

Concealing birth of a Bastard Child a misdemeanor.

Punishable by fine and imprisonment.

III. *And be it further enacted by the authority aforesaid,* That if any woman shall be delivered of a child, and shall, by secret burying, or otherwise disposing of the dead body of the said Child, endeavour to conceal the birth thereof, every such offender shall be guilty of a misdemeanor, and being convicted thereof, shall be liable to be imprisoned, with or without hard labour, in the common Gaol or House of Correction, for any term not exceeding two years, and it shall not be necessary to prove whether the Child died before, at, or after its birth:—*Provided always,* that if any woman tried for the murder of her Child shall be acquitted thereof, it shall be lawful for the Jury by whose Verdict she shall be acquitted, to find, in case it shall so appear in evidence that she was delivered of a Child, and that she did, by secret burying or otherwise disposing of the dead body of such Child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if she had been convicted upon an Indictment for the concealment of the birth.

Upon an acquittal for murder, Jury may find concealment.

## CHAP. II.

*AN ACT to remove doubts respecting the Jurisdiction over Offences committed upon the Lakes and Rivers in this Province.*

[Passed 23rd December, 1831.]

Preamble.

**W**HEREAS in the several Statutes passed for the division of this Province into Counties and Districts, express provision has not been