

**62.** No part of the Act passed in the twenty-first year of the reign of King James the First, intituled: *An Act to prevent the destroying and murdering of bastard children*, shall extend to, or be in force in Canada, and the trial of any woman charged with the 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 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.

Act of 21 James I, not to be in force in Canada, &c.

### *Unnatural Offences.*

**63.** Whosoever is convicted of the abominable crime of buggery committed either with mankind or with any animal, shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years.

Sodomy and bestiality.

**64.** Whosoever attempts to commit the said abominable crime, or is guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding ten years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Attempt to commit an infamous crime.

### *Proof in certain cases.*

**65.** Whenever, upon the trial of any offence punishable under this Act, it is necessary to prove carnal knowledge, it shall not be necessary to prove the actual emission of seed in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete on proof of any degree of penetration only.

Carnal knowledge defined.

### *Making Gunpowder to commit offences and searching for the same.*

**66.** Whosoever knowingly has in his possession, or makes or manufactures any gunpowder, or explosive substance or any dangerous or noxious thing, or any machine, engine, instrument or thing, with intent by means thereof to commit, or for the purpose of enabling any other person to commit any of the felonies in this Act, or in any other Act mentioned, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than two years, with or without hard labor, and with or without solitary confinement.

Making or having gunpowder, &c.; with intent to commit any felony against this Act.

**67.** Any Justice of the Peace for any District, County or place in which any such gunpowder, or other explosive, dangerous or noxious substance or thing, or any such machine, engine, instrument or thing is suspected to be made, kept or carried for the purpose of being used in committing any of the felonies in this

Justices may issue warrants for searching houses, &c., in which explosive substances are sus-

Act