

Husband or wife absent seven years, &c., or divorced.

a subject of Her Majesty resident in Canada and leaving the same with intent to commit the offence, or to any person marrying a second time whose husband or wife has been continually absent from such person for the space of seven years then last past, and was not known by such person to be living within that time, or shall extend to any person who, at the time of such second marriage, was divorced from the bond of the first marriage, or to any person whose former marriage has been declared void by the sentence of any court of competent jurisdiction.

Attempts to procure abortion.

Administering drugs or using instruments to procure abortion.

59. Every woman, being with child, who, with the intent to procure her own miscarriage, unlawfully administers to herself any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent, and who-soever, with intent to procure the miscarriage of any woman, whether she be or be not with child, unlawfully administers to her or causes to be taken by her any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term 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, and with or without solitary confinement.

Procuring drugs, &c., to cause abortion.

60. Whosoever unlawfully supplies or procures any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she be or be not with child, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for the term of 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.

Concealing the birth of a Child.

Concealing the birth of a child.

61. If any woman is delivered of a child, every person who by any secret disposition of the dead body of the said child, whether such child died before, at or after its birth, endeavours to conceal the birth thereof, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement other than the Penitentiary, for any term less than two years, with or without hard labour; Provided that if any person tried for the murder of any child, be acquitted thereof, it shall be lawful for the jury: by whose verdict such person is acquitted, to find in case it so appears in evidence, that the child had recently been born, and that such person did, by some secret disposition of such child or of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if such person had been convicted upon an indictment for the concealment of birth.

Proviso: if the indictment be for murder.