

L A W S

OF THE

PROVINCE OF NEW-BRUNSWICK.

CAP. I.

An ACT to authorise the Sheriff or other Executive Officer serving process at the Parish of Saint Martin's, to convey any Prisoner there arrested to the Gaol in the City of Saint John by way of the public Road leading through a part of King's County. Passed the 14th March, 1810.

WHEREAS the only communication by land between the City of Saint John, where the Gaol of the City and County of Saint John is, and the Parish of Saint Martin's in the same County, is by the public Road from the said City to the said Parish, which passes through a part of King's County, by means whereof no prisoner arrested at the said Parish, can legally be conveyed to the said Gaol in any other way than by water, which may be at times more dangerous and inconvenient, as well as more expensive than by the said public Road; for remedy whereof;

Preamble.

I. Be it enacted by the President, Council and Assembly, That any person or persons who may be legally arrested at the said Parish of St. Martin's upon any process, civil or criminal, be conveyed from thence to the City of St. John, to be committed to the said Gaol there, or for other legal purposes by the way of the said public Road, which passes as aforesaid, through a part of King's County, from the said Parish to the said City, as such prisoner or prisoners might have been conveyed in case the said public Road passed through the County of St. John only. Provided, that in the conveying of any such prisoner or prisoners no other deviation shall take place than resorting to such house or houses upon or near to the said Road as may be requisite for rest or refreshment.

Prisoners arrested at Saint Martin's may be conveyed to St. John by the Road leading through a part of King's County.

CAP. II.

An ACT for making further provisions to prevent the destroying and murdering of Bastard Children, and for the further prevention of the malicious using of means to procure the miscarriage of women. Passed the 14th March, 1810.

WHEREAS it is expedient to make further provisions for the prevention and punishment of the offences of destroying and murdering Bastard Children, and of the malicious using of means to procure the miscarriage of Women.

Preamble.

I. Be

Trials of women charged with murder of bastard issue of their bodies to be similar to other trials for murder.

I. *Be it enacted by the President, Council and Assembly, That* 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 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, any Law, usage or custom to the contrary thereof in any wise notwithstanding.

Jury may find, if it shall so appear in evidence that the prisoner was delivered of issue which if born alive would have been bastard, and endeavored to conceal the birth.

II. *Provided always, and be it enacted,* That it shall and may be lawful for the Jury by whose 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, endeavor 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 for any time not exceeding two years.

Prisoner in such case shall be committed to gaol not exceeding two years.

Using means to murder, or to procure the miscarriage of a woman quick with child, Felony without benefit of clergy.

III. *And be it further enacted,* That if any person or persons shall wilfully, maliciously, and unlawfully administer to, or cause to be administered to, or taken by, any Woman, then being quick with Child, any deadly poison, or other noxious and destructive substance or thing, with intent such Woman thereby to murder, or thereby to cause and procure the miscarriage of such Woman then being quick with Child, that then, and in every such case, the person or persons so offending, his, her or their counsellors, aiders and abettors, knowing of and privy to such offence, shall be, and are hereby declared to be Felons and shall suffer death as in cases of Felony, without benefit of Clergy.

Using means to procure miscarriage of a woman not quick with child, made Felony.

IV. *And whereas,* it may sometimes happen that poison or some other noxious and destructive substance or thing may be given, or other means used with intent to procure miscarriage or abortion where the Woman may not be quick with Child at the time, or it may not be proved that she was quick with Child—*Be it therefore further enacted,* that if any person or persons shall wilfully and maliciously administer to, or cause to be administered to, or taken by, any Woman any Medicine, Drug, or other substance or thing whatsoever, or shall use or employ or cause or procure to be used or employed any instrument or other means whatsoever with intent thereby to cause or procure the miscarriage of any Woman not being, or not being proved to be quick with Child at the time of administering such things or using such means, that then, and in every such case, the person or persons so offending, his, her or their counsellors, aiders and abettors, knowing of and privy to such offence, shall be and are hereby declared to be guilty of Felony, and shall be liable to be fined, imprisoned, set in and upon the Pillory, publicly or privately whipped, or to suffer one or more of the said punishments at the discretion of the Court before which such offender or offenders shall be tried and convicted.

How punished.