

*Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1810.* Saint John, NB: Jacob Mott, Printer to the King's Most Excellent Majesty, 1810.

50 George III – Chapter 2

**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 by Law 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.

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.

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 there-upon it shall be lawful for the Court, before which such prisoner shall have been tried, to adjudge that such prisoner shall be to the common Gaol or House of Correction for any time not exceeding two years.

III. And be it further enacted, That if any person or persons shall willfully, maliciously, and unlawfully administer to, or cause to be administered to, or taken by, any Woman, then being quick Child, any deadly poison, or other noxious and destructive substance or thing, with intent such Woman thereby to murder, 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.

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 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.