

*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.

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

*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.

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.

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

*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 murder, or to procure the miscarriage of a woman quick with child, 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 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.

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

How punished.