

ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

CAP. LVIII.

An Act for the further Prevention of malicious ſhooting, and attempting to diſcharge loaded Fire Arms, ſtabbing, cutting, wounding, poiſoning, and the malicious uſing of Means to procure the Miſcarriage of Women; and alſo the malicious ſetting Fire to Buildings; and alſo for repealing a certain Act, made in *England* in the Twenty-firſt Year of the late King *James* the Firſt, intituled, *An Act to prevent the deſtroying and murthering of Baſtard Children*; and alſo an Act made in *Ireland* in the Sixth Year of the Reign of the late Queen *Anne*, alſo intituled, *An Act to prevent the deſtroying and murthering of Baſtard Children*; and for making other Proviſions in lieu thereof.

[24th *June* 1803.]

WHEREAS divers cruel and barbarous Outrages have been of late wickedly and wantonly committed in divers Parts of *England* and *Ireland*, upon the Perſons of divers of His Majeſty's Subjects, either with an Intent to murder, or to rob, or to maim, diſfigure, or diſable, or to do other grievous bodily Harm to ſuch Subjects: And whereas the Proviſions now by Law made for the Prevention of ſuch

Offences, have been found ineffectual for that Purpoſe: And whereas certain other heinous Offences, committed with Intent to deſtroy the Lives of His Majeſty's Subjects by Poiſon, or with Intent to procure the Miſcarriage of Women, or with Intent by burning to deſtroy or injure the Buildings, and other Property of His Majeſty's Subjects, or to prejudice Perſons who have become Inſurers of or upon the ſame, have been of late alſo frequently committed; but no adequate Means have been hitherto provided for the Prevention and Puniſhment of ſuch Offences; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons, from and after the Firſt Day of *July* in the Year of our Lord One thouſand eight hundred and three, ſhall, either in *England* or *Ireland*, wilfully, maliciouſly, and unlawfully ſhoot at any of His Majeſty's Subjects, or ſhall wilfully, maliciouſly, and unlawfully preſent, point, or level any Kind of loaded Fire Arms at any of His Majeſty's Subjects, and attempt, by drawing a Trigger or in any other Manner, to diſcharge the ſame at or againſt his or their Perſon or Perſons, or ſhall wilfully, maliciouſly, and unlawfully ſtab or cut any of His Majeſty's Subjects, with Intent in ſo doing, or by Means thereof, to murder, or rob, or to maim, diſfigure, or diſable ſuch His Majeſty's Subject or Subjects, or with Intent to do ſome other grievous bodily Harm to ſuch His Majeſty's Subject or Subjects, or with Intent to obſtruct, reſiſt, or prevent the lawful Apprehenſion and Detainer of the Perſon or Perſons ſo ſtabbing or cutting, or the lawful Apprehenſion and Detainer of any of his, her, or their Accomplices for any Offences for which he, ſhe, or they may reſpectively be liable by Law to be apprehended, impriſoned, or detained; or ſhall wilfully, maliciouſly, and unlawfully adminiſter to, or cauſe to be adminiſtered to or taken by any of His Majeſty's Subjects, any deadly Poiſon, or other noxious and deſtructive Subſtance or Thing, with Intent ſuch His Majeſty's Subject or Subjects thereby to murder, or thereby to cauſe and procure the Miſcarriage of any Woman, then being quick with Child; or ſhall wilfully, maliciouſly, and unlawfully ſet Fire to any Houſe, Barn, Granary, Hop Oaſt, Malthouſe, Stable, Coach Houſe, Outhouſe, Mill, Warehouſe, or Shop, whether ſuch Houſe, Barn, Granary, Hop Oaſt, Malthouſe, Stable, Coach Houſe, Outhouſe, Mill, Warehouſe, or Shop ſhall then be in the Poſſeſſion of the Perſon or Perſons ſo ſetting Fire to the ſame, or in the Poſſeſſion of any other Perſon or Perſons, or of any Body Corporate, with Intent thereby to injure or defraud His Majeſty or any of His Majeſty's Subjects, or any Body Corporate, that then and in every ſuch Caſe, the Perſon or Perſons ſo offending, 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: Provided always, that in caſe it ſhall appear on the Trial of any Perſon or Perſons indicted for the wilfully, maliciouſly, and unlawfully ſhooting at any of His Majeſty's Subjects, or for wilfully, maliciouſly, and unlawfully preſenting, pointing, or levelling any Kind of loaded Fire Arms at any of His Majeſty's Subjects, and attempting, by drawing a Trigger, or in any other Manner, to diſcharge the ſame at or againſt his or their Perſon or Perſons, or for the wilfully, maliciouſly, and unlawfully ſtabbing or cutting any of His Majeſty's Subjects with ſuch Intent as aforeſaid, that ſuch Acts of ſtabbing or cutting were committed under ſuch Circumſtances as that if Death had enſued therefrom the ſame would

From July 1, 1803, Perſons in England or Ireland who ſhall wilfully ſhoot at, ſtab, or cut, with Intent to murder, rob, or maim, &c. any of His Majeſty's Subjects; or wilfully adminiſter Poiſon to procure Miſcarriage of any Woman quick with Child; or maliciouſly ſet Fire to any Houſe, &c. ſhall ſuffer Death.

would not in Law have amounted to the Crime of Murder, that then and in every such Case the Person or Persons so indicted shall be deemed and taken to be not guilty of the Felonies whereof they shall be so indicted, but be thereof acquitted.

Persons administering Medicines to Women not quick with Child, with Intent to procure Miscarriage, deemed guilty of Felony, *etc.*

II. 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, from and after the said First Day of *July* in the said Year of our Lord One thousand eight hundred and three, shall wilfully and maliciously administer to, or cause to be administered to, or taken by any Woman, any Medicines, 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, 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, publickly or privately whipped, or to suffer One or more of the said Punishments, or to be transported beyond the Seas for any Term not exceeding Fourteen Years, at the Discretion of the Court before which such Offender shall be tried and convicted.

21 *Jac.* 1. c. 27. and *Irish* Act 6 *Annæ*, repealed;

III. And whereas Doubts have been entertained respecting the true Sense and Meaning of a certain Act of Parliament, made in *England* in the Twenty-first Year of the Reign of His late Majesty King *James* the First, intituled, *An Act to prevent the destroying and murthering of Bastard Children*; and also of a certain other Act of Parliament, made in *Ireland* in the Sixth Year of the Reign of Her late Majesty Queen *Anne*, also intituled, *An Act to prevent the destroying and murthering of Bastard Children*; and the same have been found in sundry Cases difficult and inconvenient, to be put in Practice; for Remedy whereof, be it enacted by the Authority aforesaid, That, from and after the First Day of *July* in the Year of our Lord One thousand eight hundred and three, the said Two several Acts, and every Thing therein contained, shall be, and the same are hereby repealed; and that, from and after the said First Day of *July* in the said Year of our Lord One thousand eight hundred and three, the Trials in *England* and *Ireland* respectively 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, and as if the said Two several Acts had never been made.

and Trials of Women charged with Murder of their Bastards, to be proceeded against as in Cases of other Trials for Murder;

but if acquitted of the Charge of Murder, may,

IV. 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

in Cases of Concealment of Bastards, be imprisoned.

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, endeavour 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1803.